

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
April 28, 2015**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Done</b>	Appointments
10:40	<b>Adopted</b>	Board Adoption of FY 2016 Budget Plan
10:40	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Authorization for the Fairfax County General District Court to Apply for and Accept Grant Funding from the U.S. Department of Justice, Bureau of Justice Assistance: Adult Drug Court Discretionary Grant Program for the Veterans Treatment Docket
2	<b>Approved with Amendment</b>	Authorization to Advertise a Public Hearing on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding Sidewalk Modifications and Waivers
3	<b>Approved</b>	Streets into the Secondary System (Mount Vernon, Providence, and Sully Districts)
4	<b>Approved</b>	Designation of Plans Examiner Status under the Expedited Land Development Review Program
5	<b>Approved</b>	Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Virginia Department of Behavioral Health and Developmental Services for a Crisis Intervention Team Assessment Site Grant

**ACTION ITEMS**

1	<b>Approved</b>	Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of Revenue Bonds for the Benefit of Neighborhood Health (Formerly Alexandria Neighborhood Health Services, Inc.)
2	<b>Approved</b>	Authorization to Execute Agreement with the Virginia Department of Transportation for Expedited Review of Locally Funded Transportation Projects
3	<b>Approved</b>	Approval of Additional Funding for Route 29 Widening from Legato Road to Shirley Gate Road (Braddock District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
April 28, 2015**

**ACTION ITEMS  
(Continued)  
Approved**

- |   |                 |  |
|---|-----------------|--|
| 4 | <b>Approved</b> | Approval of the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016  |
| 5 | <b>Approved</b> | Authorization to Execute the Islanding Agreement Between Virginia Electric and Power Company d/b/a Dominion Virginia Power and Fairfax County to Facilitate the Use of Standby Generators at the Noman M. Cole, Jr., Pollution Control Plant |
| 6 | <b>Approved</b> | Endorsement of Comments on HB 2 (2014) Implementation Policy Guide   |

**INFORMATION  
ITEMS  
Noted**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Planning Commission Action on Application 2232A-L09-13-2, T Mobile, 6500 Byron Avenue (Lee District) |
| 2     | <b>Noted</b> | Contract Award – Environmental Consulting and Services   |
| 3     | <b>Noted</b> | International Building Safety Month  |
| 10:50 | <b>Done</b>  | Matters Presented by Board Members   |
| 11:40 | <b>Done</b>  | Closed Session   |

**PUBLIC HEARINGS**

- |      |  |  |
|------|--|--|
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2014-LE-035 (Haimanot Dengitu / Haimi's Home Child Care) (Lee District)                       |
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2014-LE-064 (Eyorusalem Hailu / Best Child Care) (Lee District)                               |
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2014-MA-069 (Seven Corners Shopping Center Falls Church Limited Partnership) (Mason District) |
| 3:30 | <b>Public hearing held; decision only deferred to 5/12/15 at 3:30 p.m.</b> | Public Hearing on RZ 2013-MV-015 (Vulcan Construction Materials, LP) (Mount Vernon District)                       |
| 3:30 | <b>Public hearing held; decision only deferred to 5/12/15 at 3:30 p.m.</b> | Public Hearing on PCA 1998-MV-032 (Fairfax County Water Authority) (Mount Vernon District)                         |
| 3:30 | <b>Public hearing held; decision only deferred to 5/12/15 at 3:30 p.m.</b> | Public Hearing on PCA 1998-MV-033 (Fairfax County Water Authority) (Mount Vernon District)                         |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
April 28, 2015**

**PUBLIC HEARINGS  
(Continued)**

3:30	<b>Public hearing held; decision only deferred 5/12/15 at 3:30 p.m.</b>	<a href="#">Public Hearing on SEA 81-V-017-02 (Fairfax County Water Authority) (Mount Vernon District)</a>
3:30	<b>Approved</b>	<a href="#">Public Hearing on SEA 01-M-038-02 (Cellco Partnership D/B/A Verizon Wireless Broyhill Crest Recreation Club, Inc ) (Mason District)</a>
3:30	<b>Approved</b>	<a href="#">Public Hearing on RZ 2014-PR-020 (Adnan Ashkar) (Providence District)</a>
5:00	<b>Held</b>	<a href="#">Public Comment</a>

# **REVISED**



## ***Fairfax County, Virginia*** ***BOARD OF SUPERVISORS*** ***AGENDA***

**Tuesday**  
**April 28, 2015**

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9:30 a.m.

### **PRESENTATIONS**

- PRESENTATION by the Governing Board of the Fairfax-Falls Church Community Partnership to Prevent and End Homelessness on the campaign to end homelessness, including the Mayors Challenge and the launch of the Mannequin Project.

### **DESIGNATIONS**

- PROCLAMATION – To designate May 4-8, 2015, as Teacher Appreciation Week in Fairfax County. Requested by Supervisor Herrity.
- PROCLAMATION – To designate May 3-9, 2015, as Child Care Professionals Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 2015 as Foster Care and Foster Family Recognition Month in Fairfax County. Requested by Chairman Bulova.

— more —

Board Agenda Item  
April 28, 2015

- PROCLAMATION – To designate May 2015 as Parents Who Host Lose the Most Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 2015 as Asian/Pacific American Heritage Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 4-8, 2015, as Small Business Week in Fairfax County. Requested by Supervisor Herry.
- PROCLAMATION – To designate May 2015 as Lyme Disease Awareness Month in Fairfax County. Requested by Supervisor Herry.
- PROCLAMATION – To designate May 2015 as Building Safety Month in Fairfax County. Requested by Supervisor Frey.
- PROCLAMATION – To designate May 6-12, 2015, as Nurses Week in Fairfax County. Requested by Chairman Bulova.

RECOGNITIONS

- RESOLUTION – To recognize Audrey Clark for her years of service to Fairfax County. Requested by Supervisors Hudgins and Frey.

STAFF:

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

Board Agenda Item  
April 28, 2015

10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard April 28, 2015  
(An updated list will be distributed at the Board meeting.)

STAFF:

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

**FINAL COPY**

**APPOINTMENTS TO BE HEARD APRIL 28, 2015**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH APRIL 30, 2015)**  
 (Unless otherwise noted, members are eligible for reappointment)

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Charles T. Coyle; appointed 2/13-6/14 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Sydney Stakley; appointed 6/07-9/13 by Smyth) Term exp. 9/17 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 <i>Resigned</i>	Builder (Single Family) Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ANIMAL SERVICES ADVISORY COMMISSION (2 years)**

[Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

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



**ATHLETIC COUNCIL (2 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Gregory Beckwith (Appointed 7/13 by Foust) Term exp. 3/15	Dranesville District Principal Representative	<b>Gregory Beckwith</b>	Foust	Dranesville
Morgan B. Danner (Appointed 7/13 by Foust) Term exp. 3/15	Dranesville District Alternate Representative		Foust	Dranesville
Lisa MicKey (Appointed 11/14 by McKay) Term exp. 4/15	Lee District Principal Representative	<b>Lisa MicKey</b>	McKay	Lee
Jonathan Willmott (Appointed 5/07-3/13 by Hyland) Term exp. 3/15	Mount Vernon District Principal Representative	<b>Jonathan Willmott</b>	Hyland	Mount Vernon
Mark R. Heilbrun (Appointed 12/10-4/13 by Herrity) Term exp. 4/15	Springfield District Alternate Representative		Herrity	Springfield

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE  
(1 year)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Glenda DeVinney (Appointed 5/12-6/13 by McKay) Term exp. 6/14	Lee District Representative	<b>Glenda DeVinney</b>	McKay	Lee

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

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 <i>Resigned</i>	Alternate #2 Representative		By Any Supervisor	At-Large
John B. Scott (Appointed 2/08-2/11 by Frey) Term exp. 2/15	Alternate #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 <i>Resigned</i>	Alternate #4 Representative		By Any Supervisor	At-Large
Matthew Arnold (Appointed 1/05-2/07 by DuBois; 2/11 by Foust) Term exp. 2/15	Design Professional #2 Representative		By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Kanthan Siva; appointed 1/13 by Frey) Term exp. 9/15 <i>Resigned</i>	Sully District Representative		Frey	Sully

<b>CHILD CARE ADVISORY COUNCIL (2 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

<b>CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Al Bornmann; appointed 10/06-6/14 by Hyland) Term exp. 5/16 <i>Deceased</i>	Mount Vernon District Representative	<b>Jonathan Kiell</b>	Hyland	Mount Vernon

<b>COMMISSION ON AGING (2 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Tena Bluhm; appointed 5/09-5/13 by Bulova) Term exp. 5/15 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's

<p align="center"><b>COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION</b> <b>(4 years)</b></p>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Carmen A. Cintron; appointed 2/13 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07- 1/11 by Herrity) Term exp. 1/15 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**  
(3 years)

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Philip Rosenthal (Appointed 1/01-2/16 by McConnell; 2/09- 2/12 by Herrity) Term exp. 2/15	Springfield District Representative		Herrity	Springfield

**ECONOMIC ADVISORY COMMISSION (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Suzette Kern; appointed 1/09-12/11 by McKay) Term exp. 12/14 <i>Resigned</i>	Lee District Representative		McKay	Lee

**ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Robert L. Norwood (Appointed 9/97-3/03 by Hanley; 3/06-3/09; 5/12 by Bulova) Term exp. 3/15	Citizen #1 Representative	<b>Robert L. Norwood</b> (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by James M. Dougherty; appointed 9/10-3/12 by Smyth) Term exp. 3/15 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large

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**ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)**  
**continued**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Paul Noursi (Appointed 11/05-3/12 by Hudgins) Term exp. 3/15	Citizen #3 Representative	<b>Paul Noursi</b> (Hudgins)	By Any Supervisor	At-Large

**CONFIRMATION NEEDED:**

- Mr. Chad Crawford as the DPWES Representative

**FAIRFAX AREA DISABILITY SERVICES BOARD**

**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Richard Nilsen; appointed 6/13 by McKay) Term exp. 11/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
Jacqueline Browne (Appointed 9/08- 12/11 by Gross) Term exp. 11/14 <b><i>Not eligible for reappointment</i></b>	Mason District Representative		Gross	Mason
VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 <i>Resigned</i>	Sully District Representative		Frey	Sully

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION  
BOARD OF DIRECTORS (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
David Eisenman (Appointed 8/04-6/11 by Hudgins) Term exp. 6/14 <i>Not eligible for reappointment</i> (need 1 year lapse)	Hunter Mill District Representative		Hudgins	Hunter Mill

**HEALTH CARE ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Judith Beattie; appointed 6/96-9/12 by Frey) Term exp. 6/16 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 <i>Resigned</i>	Consumer #4 Representative		By Any Supervisor	At-Large

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**HEALTH SYSTEMS AGENCY BOARD**

**(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)**  
**continued**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large

**HISTORY COMMISSION (3 years)**

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Esther McCullough (Appointed 3/00- 11/02 by Hanley; 12/08-12/11 by Connolly) Term exp. 12/14 ( <i>Sully District Resident</i> )	Citizen #10 Representative		By Any Supervisor	At-Large



<b>HUMAN RIGHTS COMMISSION (3 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Heather Lawson; appointed 1/03-10/14 by Hudgins) Term exp. 9/17 <i>Resigned</i>	At-Large #12 Representative		By Any Supervisor	At-Large

<b>HUMAN SERVICES COUNCIL (4 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Richard Gonzalez; appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13 <i>Resigned</i>	Lee District #1 Representative		McKay	Lee

<b>INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC) (3 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Walter Williams (Appointed 5/09- 12/11 by Herrity) Term exp. 12/14	Springfield District Representative		Herrity	Springfield

**LIBRARY BOARD**  
(4 years)

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Elizabeth Gale Clements; appointed 6/97-7/13 by Gross) Term exp. 7/17 <i>Resigned</i>	Mason District Representative	<b>Frances E. Millhouser</b>	Gross	Mason
VACANT (Formerly held by Margaret Koplitz; appointed 11/05-7/13 by Smyth) Term exp. 7/17 <i>Resigned</i>	Providence District Representative	<b>Miriam Smolen</b>	Smyth	Providence

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

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**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)**  
**continued**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
Tina Montgomery (Appointed 9/10-6/11 by Smyth) Term exp. 6/14	Providence District Representative		Smyth	Providence

**REDEVELOPMENT AND HOUSING AUTHORITY**  
**(4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Christopher T. Craig (Appointed 5/11 by Cook) Term exp. 4/15	Braddock District Representative	<b>Christopher T. Craig</b>	Cook	Braddock
C. Melissa Jonas (Appointed 9/13 by Foust) Term exp. 4/15	Dranesville District Representative	<b>C. Melissa Jonas</b>	Foust	Dranesville

<b>ROAD VIEWERS BOARD (1 year)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

<b>SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Suchada Langley; appointed 11/11-12/11 by Hudgins) Term exp. 12/14 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

<b>SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Gerald Padmore (Appointed 4/13 by Hudgins) Term exp. 4/15	Fairfax County #4 Representative	<b>Gerald Padmore</b> (Hudgins)	By Any Supervisor	At-Large
VACANT (Formerly held by Robert Dim; appointed 3/05-3/12 by Hudgins) Term exp. 3/14 <i>Resigned</i>	Fairfax County #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Cleveland Williams; appointed 12/11-3/13 by Hudgins) Term exp. 3/15 <i>Resigned</i>	Fairfax County #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Diamond; appointed 3/07-4/13 by Hudgins) Term exp. 3/15 <i>Resigned</i>	Fairfax County #8 Representative		By Any Supervisor	At-Large

<b>TENANT LANDLORD COMMISSION (3 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Michael Schwarz; appointed 1/14 by Herrity) Term exp. 12/15 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Evelyn McRae; appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly; 4/11 by Bulova) Term exp. 1/14 <i>Resigned</i>	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

<b>TRAILS AND SIDEWALKS COMMITTEE (2 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Jan Reitman (Appointed 3/08-1/12 by Gross) Term exp. 1/14	Mason District Representative		Gross	Mason

<b>TREE COMMISSION (3 years)</b>
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**CONFIRMATION NEEDED:**

- Mr. Richard Healy as the Environmental Quality Advisory Council Representative

<b>TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)</b>
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<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Michael Bogasky (Appointed 2/13 by Smyth) Term exp. 2/15	Residential Owners and HOA/Civic Association Representative #1		Smyth	Providence
VACANT (Formerly held by Ron Parson; appointed 2/13 by Smyth) Term exp. 2/17 <i>Resigned</i>	Residential Owners and HOA/Civic Association Representative #2		Smyth	Providence

<b>WETLANDS BOARD (5 years)</b>
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<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Elizabeth Martin (Appointed 11/09 by Gross) Term exp. 12/13	At-Large #1 Representative		By Any Supervisor	At-Large

Board Agenda Item  
April 28, 2015

10:40 a.m.

Board Adoption of the FY 2016 Budget Plan

ENCLOSED DOCUMENTS:

Attachment 1 - FY 2016 Budget package – available online on Monday, April 27, 2015  
at: <http://www.fairfaxcounty.gov/dmb/>.

STAFF:

Edward L. Long, Jr. County Executive  
Susan Datta, Chief Financial Officer and Director, Department of Management and  
Budget



Board Agenda Item  
April 28, 2015

10:40 a.m.

Items Presented by the County Executive

ADMINISTRATIVE – 1

Authorization for the Fairfax County General District Court to Apply for and Accept Grant Funding from the U.S. Department of Justice, Bureau of Justice Assistance: Adult Drug Court Discretionary Grant Program for the Veterans Treatment Docket

ISSUE:

Board of Supervisors authorization is requested for the General District Court (GDC) to apply for and accept funding, if received, from the Federal Bureau of Justice Assistance, Adult Drug Court Discretionary Grant Program for the Veterans Treatment Docket in the amount of \$466,667, including \$116,667 in Local Cash Match. Funding will be used to establish a Veterans Treatment Docket with the mission to serve the community and increase public safety by integrating and incorporating a coordinated treatment response for justice-involved Veterans with substance abuse and/or mental health issues. The goal is to return productive, law-abiding citizens to the community thereby reducing recidivism and criminal justice costs. This funding will support 1/1.0 FTE new grant position. The grant period is October 1, 2015 to September 30, 2018. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorizes the GDC to apply for and accept funding, if received, from the Federal Bureau of Justice Assistance, Adult Drug Court Discretionary Grant Program for the Veterans Treatment Docket. Funding in the amount of \$466,667, including \$116,667 in Local Cash Match, will support establishment of a Veterans Treatment Docket to serve the community and increase public safety by integrating and incorporating a coordinated treatment response for justice-involved Veterans with substance abuse and/or mental health issues. There is 1/1.0 FTE new grant position associated with this award.

TIMING:

Board action is requested on April 28, 2015. Due to the grant application deadline of April 16, 2015, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting scheduled. If the Board does not approve the request, the application will be immediately withdrawn.

BACKGROUND:

The purpose of this grant is to establish a Veterans Treatment Docket (VTD) that is a court-supervised, comprehensive intensive treatment program for justice-involved Veterans with substance abuse and/or mental health issues. The program is voluntary and is ordered as a condition of probation. Participation includes supervision through regular court appearances before the VTD Judge and treatment which includes drug testing, individual counseling, group counseling provided by the Department of Veterans Affairs or Fairfax County facilities, and numerous other treatment resources. The Veteran meets with a Veteran Mentor, obtains and maintains employment or involvement in vocational or educational programs, and actively participates in 12-step meeting programs such as Narcotics Anonymous, Alcoholics Anonymous or other approved programs. The actual length of the VTD program is determined by each participant's progress, but will be approximately one year, and consist of three phases (Orientation, Stabilization, and Re-integration).

Key components include integrating alcohol/drug treatment and mental health services with the justice system and ensuring continued access; using a non-adversarial approach; identifying eligible Veterans early and promptly; monitoring abstinence from alcohol/drugs; measuring compliance; conducting ongoing judicial interactions; monitoring and evaluating the program's goals and effectiveness; continuing interdisciplinary education; and forging partnerships among the Veterans Treatment Docket, Veterans Administration, public agencies, and community based organizations. In order to ensure adequate service delivery to Veterans, 1/1.0 FTE new grant position is required to serve as the Veterans Treatment Docket Coordinator. Extensive work is also conducted by volunteers including the Mentor Coordinator and mentors, who are typically veterans themselves.

FISCAL IMPACT:

Grant funding in the amount of \$466,667, including \$116,667 in Local Cash Match is being requested to support establishment of a Veterans Treatment Docket to serve the community and increase public safety by integrating and incorporating a coordinated treatment response for justice-involved Veterans with substance abuse and/or mental health issues. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards and the Local Cash Match of \$116,667 is available from existing balances. This grant does allow for the recovery of indirect costs; however, because of the highly competitive nature of the award, the GDC did not include indirect costs as part of the application.

Board Agenda Item  
April 28, 2015

CREATION OF POSITIONS:

There is 1/1.0 FTE new grant position associated with this award. The County is under no obligation to continue funding this position once grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 - Summary of Grant Proposal

STAFF:

The Honorable Penny S. Azcarate, General District Court Judge  
Christopher Eric Barr, Director, General District Court  
Colin McDonald, Director, Court Services  
Emelin Beach, Management Analyst, General District Court

**VETERANS TREATMENT DOCKET  
ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM  
SUMMARY OF GRANT PROPOSAL**

<b>Grant Title:</b>	Adult Drug Court Discretionary Grant Program
<b>Funding Agency:</b>	U.S. Department of Justice, Bureau of Justice Assistance
<b>Applicant:</b>	General District Court (GDC)
<b>Purpose of Grant:</b>	Funding will be used to establish a Veterans Treatment Docket (VTD) with the mission to serve the community and increase public safety by integrating and incorporating a coordinated treatment response for justice-involved Veterans with substance abuse and/or mental health issues. The goal is to return productive, law-abiding citizens to the community thereby reducing recidivism and criminal justice costs. The program is voluntary and is ordered as a condition of probation. Participation includes supervision through regular court appearances before the VTD Judge and treatment which includes drug testing, individual counseling, group counseling provided by the Department of Veterans Affairs or Fairfax County facilities, and numerous other treatment resources. The Veteran is also expected to meet with a Veteran Mentor, obtain and maintain employment or involvement in vocational or educational programs, and actively participate in 12-step meetings such as Narcotics Anonymous or Alcoholics Anonymous or other approved programs. The length of the VTD program is determined by each participant's progress, will be approximately one year in duration, and consist of three phases (Orientation, Stabilization, and Re-integration).
<b>Funding Amount:</b>	\$466,667, including \$116,667 in Local Cash Match
<b>Positions:</b>	1/1.0 FTE new grant position is associated with this award.
<b>Proposed Use of Funds:</b>	Coordination and compensation costs for the establishment of a Veterans Treatment Docket. Extensive work is conducted by volunteers including the Mentor Coordinator and mentors, who are typically veterans themselves.
<b>Target Population:</b>	Justice-involved Veterans diagnosed with post-traumatic stress disorder (PTSD) or other trauma, mental health, substance abuse and/or related co-occurring disorders; discharged individuals other than dishonorably from any branch of the U.S. military, the Reserves or the National Guard; misdemeanor or felony level offenders with prosecutorial consent and no history of serious or repetitive violence.
<b>Performance Measures:</b>	Evidence Based Practices with markers based on SMART, or Specific, Measurable, Attainable, Realistic, and Time bound goals. Measures can include adherence to the treatment plan by measuring attendance at support groups and individual or group therapy, whether or not the participant remains drug-free, whether or not the participant has achieved and maintained a sober lifestyle, and whether or not the participant has engaged in assaultive behavior during a given period.
<b>Grant Period:</b>	October 1, 2015 – September 30, 2018

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April 28, 2015

## ADMINISTRATIVE - 2

### Authorization to Advertise a Public Hearing on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding Sidewalk Modifications and Waivers

#### ISSUE:

Board authorization to advertise public hearings on a proposed amendment to the PFM related to sidewalk modifications and waivers. The amendment clarifies when the requirement to install a sidewalk may be modified or waived, and when an escrow is required for future construction.

#### RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of the proposed amendment as set forth in the Staff Report dated April 28, 2015.

The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney. The proposed PFM amendment has also been recommended for approval by the Engineering Standards Review Committee.

#### TIMING:

The Board is requested to authorize a public hearing on April 28, 2015, to provide sufficient time to advertise the Planning Commission public hearing on May 20, 2015, and the Board public hearing on June 23, 2015 at 4:00 p.m. The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

#### BACKGROUND:

The County requires installation of sidewalks within new development as part of its review of subdivision and site plans. The requirements for installation of sidewalks are provided in Section 17-201 of the Zoning Ordinance, Section 101 Article 2-2 of the Subdivision Ordinance and Section 8-0101 of the PFM. The PFM provisions were last modified in 2005, with follow-up editorial amendments in 2007, to incorporate the recommendations outlined in the Infill and Residential Development Study related to providing more sidewalks in and abutting subdivisions to connect pedestrians to community facilities, such as libraries, parks, and neighborhood retail shops.

Under the current PFM, a modification or waiver of the requirement to construct a sidewalk may be permitted by the Director when full compliance would result in undue hardship pursuant to PFM § 8-0101.6. There are times, however, when construction of

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a new sidewalk segment may be unreasonable or it may be out of character with the existing neighborhood and for that reason the community may not want the sidewalk. In these cases, the current standard for obtaining a modification or waiver of sidewalk construction does not allow sufficient flexibility to eliminate the sidewalk requirement.

At the meeting of the Board of Supervisors on April 30, 2013, the Board directed staff to review the PFM to determine whether the sidewalk waiver provisions are too restrictive, and if so, for staff to bring the issue to the Development Process Review Committee for discussion.

At the October 22, 2013, Development Process Review Committee meeting, staff presented background information on the PFM's sidewalk and waiver provisions. In addition, key issues resulting from application of the current sidewalk waiver provision, as set forth in PFM § 8-0101.6, were identified for the Board's consideration:

- Sidewalk construction may be unreasonable due to technical reasons, such as physical and topographic constraints.
- Sidewalks that don't connect to anything.
- New sidewalk segment may be out of character with the community, and for that reason the existing community may not want the sidewalk.
- Sidewalk installation in older developments that were originally developed without sidewalks.
- Future build-out of sidewalk segments may take a long time.
- Funding not available to support future construction.
- Developer's escrows for future completion of the sidewalk are never used.

Application of the PFM can place a burden on developers to install sidewalks that are unwarranted by the community. The proposed amendment adds flexibility to the PFM by clarifying when sidewalk installation may be modified or waived by the DPWES Director and when the developer must escrow funds for future completion of required sidewalks.

PROPOSED AMENDMENTS:

The proposed amendment revises the PFM's sidewalk waiver provisions as follows:

- Revises PFM § 8-0101.5 to codify instances when the developer will be relieved of the requirement to construct a sidewalk. Under the proposed amendment, a developer is exempt when a sidewalk meeting the PFM provisions exists, when a trail is constructed in lieu of a sidewalk, and when the sidewalk is planned and funded with the Capital Improvement Plan.
- Revises PFM § 8-0101.6 to replace the reference to "undue hardship" with a list of criteria that may be considered by the DPWES Director when evaluating a modification or waiver request.

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- Adds PFM §8-0101.6A and B related to waiver conditions, including clarifying that an escrow is only required when construction of the sidewalk will be deferred or otherwise provided in the future. No escrow will be required in instances when construction of the sidewalk is fully waived by the Director.

REGULATORY IMPACT:

If adopted by the Board, the proposed amendment would streamline the land development process by:

- Codifying instances when the developer will be relieved or exempted from the requirement to construct a sidewalk, which will streamline the land development process by eliminating the need for developers to submit a formal waiver request and associated fee in accordance with PFM § 8-0101.5.
- Replacing the reference to “undue hardship” with a list of criteria that may be considered by the Director when evaluating a proposed modification or waiver will add clarity and thus predictability to the land development process. In addition, the proposed text incorporates flexibility into the process by allowing the DPWES Director to grant modifications and waivers in accordance with the criteria listed in PFM § 8-0101.6.
- Clarifying the escrow requirement refines the County’s process for collecting escrows. Under the proposed amendment, a developer’s responsibility to escrow funds is limited to instances when the sidewalk will be provided in the future in accordance to PFM § 8-0101.6B.

FISCAL IMPACT:

The proposed amendment has no anticipated significant fiscal impact on industry or on County staff or budget.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

William D. Hicks, Director, Land Development Services, DPWES

Paul Shirey, Director, Code Development and Compliance, DPWES



DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

# STAFF REPORT

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- ☐ PROPOSED COUNTY CODE AMENDMENT
- ☒ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendment to the Public Facilities Manual (PFM) Regarding Sidewalk Modifications and Waivers

Authorization to Advertise	<u>April 28, 2015</u>
Planning Commission Hearing	<u>May 20, 2015</u>
Board of Supervisors Hearing	<u>June 23, 2015, 4:00 p.m.</u>
Prepared by:	<u>Jan Leavitt, John Matusik</u> SCRD, LDS, DPWES (703) 324-1733/8449 April 28, 2015

## STAFF REPORT

A. ISSUE:

Board authorization to advertise public hearings on a proposed amendment to the PFM related to sidewalk modifications and waivers. The amendment clarifies when the requirement to install a sidewalk may be modified or waived, and when an escrow is required for future construction.

B. RECOMMENDED ACTION:

Staff recommends that the Board authorize the advertisement of the proposed amendment as set forth in the Staff Report dated April 28, 2015.

C. TIMING:

Board of Supervisors authorization to advertise – April 28, 2015  
Planning Commission Public Hearing – May 20, 2015  
Board of Supervisors Public Hearing – June 23, 2015 at 4:00 p.m.  
The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

D. SOURCE:

The Department of Public Works and Environmental Services.

E. COORDINATION:

The proposed amendments have been prepared by DPWES and coordinated with the Office of the County Attorney. The proposed amendment has been recommended for approval by the Engineering Standards Review Committee.

F. BACKGROUND:

The County requires installation of sidewalks within new development as part of its review of subdivision and site plans. The requirements for installation of sidewalks are provided in Section 17-201 of the Zoning Ordinance, Section 101 Article 2-2 of the Subdivision Ordinance and Section 8-0101 of the PFM. The PFM provisions were last modified in 2005, with follow-up editorial amendments in 2007, to incorporate the recommendations outlined in the Infill and Residential Development Study related to providing more sidewalks in and abutting subdivisions to connect pedestrians to community facilities, such as libraries, parks, and neighborhood retail shops.

## Attachment 1

Under the current PFM, a modification or waiver of the requirement to construct a sidewalk may be permitted by the Director when full compliance would result in undue hardship pursuant to PFM § 8-0101.6. There are times, however, when construction of a new sidewalk segment may be out of character with the existing neighborhood and for that reason the community may not want the sidewalk. In these cases, the current standard for obtaining a modification or waiver of sidewalk construction does not allow sufficient flexibility to eliminate the sidewalk requirement.

At the meeting of the Board of Supervisors on April 30, 2013, the Board directed staff to review the PFM to determine whether the sidewalk waiver provisions are too restrictive, and if so, for staff to bring the issue to the Development Process Review Committee for discussion.

At the October 22, 2013, Development Process Review Committee meeting, staff presented background information on the PFM's sidewalk and waiver provisions. In addition, key issues resulting application of the current sidewalk waiver provision, as set forth in PFM § 8-0101.6, were identified for the Board's consideration:

- Sidewalk construction may be unreasonable due to technical reasons, such as physical and topographic constraints
- Sidewalks that don't connect to anything.
- New sidewalk segment may be out of character with the community, and for that reason the existing community may not want the sidewalk.
- Sidewalk installation in older developments that were originally developed without sidewalks.
- Future build-out of sidewalk segments may take a long time.
- Funding not available to support future construction.
- Developer's escrow for future completion of the sidewalk are never used.

Application of the PFM can place a burden on developers to install sidewalks that are unwarranted by the community. The proposed amendment adds flexibility to the PFM by clarifying when sidewalk installation may be modified or waived by the DPWES Director and when the developer must escrow funds for future completion of required sidewalks.

### G. PROPOSED AMENDMENTS:

The proposed amendment revises the PFM's sidewalk waiver provisions as follows:

- Revises PFM § 8-0101.5 to codify instances when the developer will be relieved of the requirement to construct a sidewalk. Under the proposed amendment, a developer is exempt when a sidewalk meeting the PFM provisions exists, when a trail is constructed in lieu of a sidewalk, and when the sidewalk is planned and funded with the Capital Improvement Plan.

## Attachment 1

- Revises PFM § 8-0101.6 to replace the reference to “undue hardship” with a list of criteria that may be considered by the DPWES Director when evaluating a modification or waiver request.
- Adds PFM §8-0101.6A and B related to waiver conditions, including clarifying that an escrow is only required when construction of the sidewalk will be deferred or otherwise provided in the future. No escrow will be required in instances when construction of the sidewalk is fully waived by the Director.

### H. REGULATORY IMPACT:

If adopted by the Board, the proposed amendment would streamline the land development process by:

- Codifying instances when the developer will be relieved or exempted from the requirement to construct a sidewalk, which will streamline the land development process by eliminating the need for developers to submit a formal waiver request and associated fee in accordance with PFM § 8-0101.5.
- Replacing the reference to “undue hardship” with a list of criteria that may be considered by the Director when evaluating a proposed modification or waiver will add clarity and thus predictability to the land development process. In addition, the proposed text incorporates flexibility into the process by allowing the DPWES Director to grant modifications and waivers in accordance with the criteria listed in PFM § 8-0101.6.
- Clarifying the escrow requirement refines the County’s process for collecting escrows. Under the proposed amendment, a developer’s responsibility to escrow funds is limited to instances when the sidewalk will be provided in the future in accordance to PFM § 8-0101.6B.

### I. FISCAL IMPACT:

The proposed amendment has no anticipated significant fiscal impact on industry or on County staff or budget.

### J. ATTACHMENTS:

Attachment A -Proposed PFM Amendment

**Proposed Amendment to the  
Public Facilities Manual**

**Amend the Public Facilities Manual, by revising Sections 8-0101.5 and 8-0101.6, to read as follows:**

~~8-0101.5 Sidewalks may be omitted on one side of the street where that side clearly cannot be developed and where there are no existing or anticipated uses that would generate pedestrian trips on that side of the street.~~

§ 8-0101.5 Upon proper justification provided on the plan, a developer will be relieved of the requirement to construct a sidewalk pursuant to § 8-0101.1 under the following conditions unless the construction of such sidewalk is otherwise necessary based on county or federal requirements:

- a. A sidewalk meeting current PFM standards and specifications exists at the time of plan submission, or
- b. When it can be demonstrated on the plan that construction of a trail in lieu of the sidewalk shall meet the requirements of PFM § 8-0200, or
- c. The sidewalk construction is planned and funded with the current Capital Improvement Plan, as adopted by the County.

In such cases of relief, the developer is relinquished from providing an escrow but not the easement or right-of-way necessary for any future construction of same sidewalk pursuant to § 7-0105.

~~8-0101.6 Subject to approval by the Director, a modification or waiver of the required sidewalk construction may be permitted when full compliance would result in undue hardship. A deposit for future completion of the sidewalk shall be provided by the developer based on the current unit price schedule.~~

§ 8-0101.6 The Director may approve a modification or waiver of sidewalk construction required under § 8-0101.1 where strict application of the requirement would be unreasonable or would otherwise cause a technical hardship. "Technical hardship" as applied in this section shall relate to technical implementation issues rather than financial hardship as may be experienced by the developer. In considering a modification or waiver request, the Director may consider factors such as, but not limited to the following:

- a. Existing conditions, such as right-of-way constraints, significant topographic challenges, environmental designations such as RPA, and impacts upon registered historical properties, for example;
- b. Interim conditions and phasing of project construction;

- c. Street conditions such as the availability of parking, traffic volume and speed limit;
- d. Compatibility of pedestrian connections to adjacent and neighboring uses;
- e. Connectivity and distance to a school, community facility (e.g. library, recreation center, park), neighborhood retail, and transit stops and stations; and
- f. Other situations where the Director determines that the developer has justified good cause to support a modification or waiver.

§ 8-0101.6A The Director may impose conditions to any modification or waiver in order to assure that the results will be in accordance with the purpose and intent of § 8-0100.

§ 8-0101.6B Any developer seeking a modification or waiver to delay sidewalk construction shall provide an escrow for future construction based on the current unit price schedule.

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ADMINISTRATIVE – 3

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

ISSUE:

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

RECOMMENDATION:

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
The Village at Lorton Valley Section 1	Mt. Vernon	Fifth Place
		Whitehaven Court
		Sloway Coast Drive
		Middle Ruddings Drive
		Wasdale Head Drive
		Linnett Hill Drive
Fairfield Manor	Providence	Alerdale Court
		Hargrove Court
Pennell Street Condominium (Arlington Boulevard Bldgs. D & E)	Providence	Hunter Road (Route 700) (Additional Right-of-Way (ROW) Only)
		Williams Drive
		Pennell Street

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<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Vienna Estates at Suncrest	Providence	Falcone Pointe Way
		Woodford Road (Route 697) (Additional ROW Only)
Vestavia Woods	Sully	Fawn Wood Lane

**TIMING:**  
Routine.

**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 1 – Street Acceptance Forms

**STAFF:**  
Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
William D. Hicks, P.E., Director, Land Development Services, DPWES



## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> <b>FAIRFAX, VA</b> 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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
		PLAN NUMBER: 9101-SD-01	
		SUBDIVISION PLAT NAME: The Village at Lorton Valley Section 1	
		COUNTY MAGISTERIAL DISTRICT: Mount Vernon	
ENGINEERING MANAGER: Imad A. Salous, P.E. BY: <u>Nadia Alphonse</u>		<b>FOR OFFICIAL USE ONLY</b> DATE OF VDOT INSPECTION APPROVAL: <u>11/12/2014</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Fifth Place	CL Dixon Street (Route 1109) - 488' W CL Fourth Place (Route 1105)	1,054' S to CL Whitehaven Court	0.20
Whitehaven Court	CL Fifth Place - 1,054' S CL Dixon Street (Route 1109)	107' W to Beginning of Temporary Turnaround and 987' E to End of Cul-de-Sac Total = 1,094'	0.21
Sloway Coast Drive	CL Dixon Street (Route 1109) - 222' NE CL Fourth Place (Route 1105)	1,133' S to CL Whitehaven Court	0.21
Middle Ruddings Drive	CL Sloway Coast Drive - 363' S CL Dixon Street	297' E to End of Cul-de-Sac	0.06
Wasdale Head Drive	CL Sloway Coast Drive - 252' S CL Middle Ruddings Drive	252' W to CL Linnett Hill Drive	0.05
Linnett Hill Drive	CL Wasdale Head Drive - 252' W CL Sloway Coast Drive	518' S to CL Whitehaven Court	0.10
<b>NOTES:</b> Fifth Place: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County. Whitehaven Court: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County. Sloway Coast Drive: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County. Middle Ruddings Drive: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County. Wasdale Head Drive: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County. Linnett Hill Drive: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County.			<b>TOTALS:</b> 0.83



## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b>  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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b>  REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.  <b>PLAN NUMBER:</b> 1548-SD-001 <b>SUBDIVISION PLAT NAME:</b> Fairfield Manor <b>COUNTY MAGISTERIAL DISTRICT:</b> Providence	
<b>ENGINEERING MANAGER:</b> Imad A. Salous, P.E.  <b>BY:</b> <u>Nadia Alphonse</u>		<b>FOR OFFICIAL USE ONLY</b>  <b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>11/20/2014</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Hargrove Court	CL Hunter Road (Route 700) - 357' NE CL Delfield Lane (Route 2512)	453' W to End of Cul-de-Sac	0.09
Hunter Road (Route 700) (Additional Right-of-Way Only)	374' SW CL Maple Lane (Route 752)	415' SW to End of Dedication	0.0
<b>TOTALS:</b>			0.09
<b>NOTES:</b>			
Hargrove Court: 5' Concrete Sidewalk on South Side to be maintained by VDOT.			

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> <b>FAIRFAX, VA</b> 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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
<b>ENGINEERING MANAGER:</b> Imad A. Salous, P.E. <b>BY:</b> <u>Nadia Alphonse</u>		<b>PLAN NUMBER:</b> 2513-SP-003 <b>SUBDIVISION PLAT NAME:</b> Pennell Street Condominium (Arlington Boulevard Bldgs D&E) <b>COUNTY MAGISTERIAL DISTRICT:</b> Providence	
		<b>FOR OFFICIAL USE ONLY</b> <b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>11/20/2014</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Williams Drive	Existing William Drive (Route 5162) - 590' SW CL Arlington Boulevard (Route 50)	263' SW to CL Pennell Street	0.05
Pennell Street	CL Williams Drive - 853' SW CL Arlington Boulevard (Route 50)	528' NW to End of Cul-de-Sac	0.10
<b>NOTES:</b>			<b>TOTALS:</b> 0.15
Williams Drive: 4' Concrete Sidewalk on West Side to be maintained by VDOT.			
Pennell Street: Concrete Sidewalk; 4' on North and 6' on South Side to be maintained by VDOT.			

## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> <b>FAIRFAX, VA</b> 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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. <b>PLAN NUMBER:</b> 8352-SD-02 <b>SUBDIVISION PLAT NAME:</b> Vienna Estates at Suncrest <b>COUNTY MAGISTERIAL DISTRICT:</b> Providence	
<b>ENGINEERING MANAGER:</b> Imad Salous, P.E. <b>BY:</b> <u>Adria Alphonse</u>		<b>FOR OFFICIAL USE ONLY</b> <b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>11/20/2014</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Falcone Pointe Way	CL Woodford Road (Route 697) - 216' N CL Connirae Lane (Route 5073)	1,174' SE to End of Cul-de-Sac	0.22
Woodford Road (Route 697) (Additional Right-of-Way Only)	65' N CL Connirae Lane (Route 5073)	207' N to End of Dedciation	0.0
<b>NOTES:</b> Falcone Pointe Way: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT. Woodford Road: 4' Concrete Sidewalk on East Side of to be maintained by VDOT.			<b>TOTALS:</b> 0.22

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> <b>FAIRFAX, VA</b> 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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
<b>ENGINEERING MANAGER:</b> Imad Salous, P.E. <b>BY:</b> <u>Nadia Alphonse</u>		<b>PLAN NUMBER:</b> 7550-SD-02 <b>SUBDIVISION PLAT NAME:</b> Vestavia Woods <b>COUNTY MAGISTERIAL DISTRICT:</b> Sully	
		<b>FOR OFFICIAL USE ONLY</b> <b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>10/23/2014</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Fawn Wood Lane	Existing Fawn Wood Lane (Route 10650) - 307' NE CL Rose Crest Lane (Route 10648)	707' NE to End of Cul-de-Sac	0.13
<b>NOTES:</b> 4' Concrete Sidewalk on the North Side to be maintained by VDOT.			<b>TOTALS:</b> 0.13

ADMINISTRATIVE - 4

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to place nine individuals who have elected not to pursue their continuing education requirements into inactive status; and, to designate one individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Designates the following eight individuals, identified with their registration numbers, as inactive Plans Examiners:

Assadullah Ayoubi	#113 (retired)
Keith H. Chilton	#219
Denis Hannan	#235 (retired)
Daniel Heil	#305 (moved out of state)
Jeremiah Kamerer	#257
Scott Shelton	#294
Aleksandra Tuliszk	#105
Edward Venditti	#25 (retired)

- Designate the following two individuals, identified with their registration numbers, as Plans Examiners:

Constantine Mavromatakis	#309
Max Burkhalter	#310

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of The Code of the County of Fairfax, Virginia, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by

Board Agenda Item  
April 28, 2015

certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

In a letter dated March 23, 2015, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Sharon Bulova, eight individuals were identified that have elected not to pursue the continuing education requirements. The APEB recommends that their status become inactive until and if they wish to reactivate their status as a DPE by completing their continuing education requirements.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of the applications and credentials, the APEB has found that the two candidates listed above satisfy these requirements. These findings were also documented in a letter dated March 23, 2015, from the Chairman of the APEB.

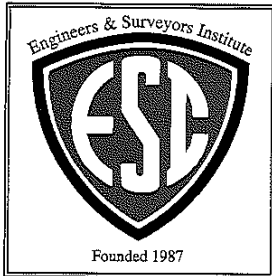
Staff concurs with these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment I – Two letters dated March 23, 2015, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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





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J. Keith Sinclair, Jr., P.E.  
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March 23, 2015

Hon. Sharon Bulova, Chairman  
Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Chairman Bulova:

The following named individuals, were approved by the Advisory Plans Examiner Board for recommendation as Designated Plans Examiners:

Name	Reg. No.
Constantine Mavromatakis	#309
Max Burkhalter	#310

They have been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E., L.S.

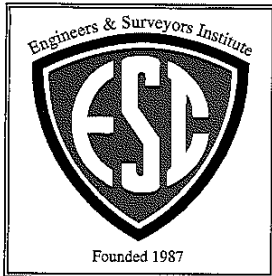
Chairman

Fairfax County Advisory Plans Examiner Board

**Received**

MAR 31 2015

Land Development Services  
Directors Office



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March 23, 2015

Hon. Sharon Bulova, Chairman  
Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Chairman Bulova:

The Board of Supervisors approved the following individuals as Designated Plans Examiners:

<u>Name</u>	<u>Reg. Number</u>
Assadullah Ayoubi	#113 (retired)
Keith H. Chilton	#219
Denis Hannan	#235 (retired)
Daniel Heil	#305 (moved out of state)
Jeremiah Kamerer	#257
Scott Shelton	#294
Aleksandra Tuliszk	#105
Edward Venditti	#25 (retired)

However, they have elected not to pursue the continuing education requirements at this time. It is recommended that their status become inactive until and if they wish to reactivate their status by completing their continuing education requirements. As such, they would no longer be eligible to participate in the expedited plan process procedure.

Following the Board of Supervisors' approval of this recommendation, each will be notified of his/her status change, as well as the procedure to be followed for reinstatement.

Sincerely,

James H. Scanlon, PE. LS  
Chairman

Fairfax County Advisory Plans Examiner Board

**Received**

MAR 31 2015

**Land Development Services  
Directors Office**

ADMINISTRATIVE - 5

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Virginia Department of Behavioral Health and Developmental Services for a Crisis Intervention Team Assessment Site Grant

ISSUE:

Board authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept grant funding, if received, from the Virginia Department of Behavioral Health and Developmental Services (DBHDS) for Crisis Intervention Team (CIT) Assessment Site funds. If awarded, grant funding of \$1,402,058 per year for two years for a total of \$2,804,116 will support a secure assessment site at Merrifield Center open 24 hours a day, 7 days a week, 365 days a year for individuals experiencing a mental health crisis. As a therapeutic alternative to arrest, authorized law enforcement officers will be able to transfer custody of individuals experiencing an acute or sub-acute mental health crisis to qualified emergency mental health professionals for clinical assessment, civil commitment, referrals and linkage to appropriate services in a secure environment. The period of performance is July 1, 2015 to June 30, 2017 with three one-year renewals, subject to availability of funding. A total of 10/10.0 FTE new grant positions and 5/5.0 FTE new Police Officer II merit positions for a total of 15/15.0 FTE new positions are associated with this funding. A required local match of 20 percent in the first year and 30 percent in the second year will be met with in-kind resources. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from DBHDS for CIT Assessment Site funds. Funding in the amount of \$1,402,058 per year for two years for a total of \$2,804,116 will support a secure assessment site at Merrifield Center open 24 hours a day, 7 days a week, 365 days a year for individuals experiencing a mental health crisis. A total of 10/10.0 FTE new grant positions and 5/5.0 FTE new Police Officer II merit positions for a total of 15/15.0 FTE new positions are associated with this funding. A required local match of 20 percent in the first year and 30 percent in the second year will be met with in-kind resources.

TIMING:

Board action is requested on April 28, 2015 due to an application deadline of May 5, 2015. The CSB Board approved the application on April 22, 2015.

BACKGROUND:

DBHDS released a Request for Applications (RFA) on March 25, 2015 to support initiatives to develop and expand CIT Assessment Sites. The General Assembly and the Governor of Virginia have allocated funds for the development and expansion of CIT Assessment Sites in FY 2016. It is anticipated that the funds will be included in CSB's State Performance Contract with DBHDS.

This grant supports the CSB's larger service framework for individuals with mental illness who come in contact with the criminal justice system. It is intended to reduce inappropriate incarceration at the Adult Detention Center (ADC) by redirecting individuals with mental illness from the criminal justice system to the health care system. Funding will specifically support a CIT Assessment Site at Merrifield Center open 24 hours a day, 7 days a week, 365 days a year for individuals experiencing a mental health crisis. As a therapeutic alternative to arrest, authorized law enforcement officers will be able to transfer custody of individuals experiencing an acute or sub-acute mental health crisis to qualified emergency mental health professionals for clinical assessment, civil commitment, referrals and linkage to appropriate services in a secure environment. Funding will also be used for necessary training, evaluations, and enhanced performance management processes. A total of 10/10.0 FTE new grant positions and 5/5.0 FTE new Police Officer II merit positions for a total of 15/15.0 FTE new positions are associated with this funding. The breakdown of positions is as follows:

Grant Positions

- 1/1.0 FTE Emergency Services Supervisor
- 4/4.0 FTE Mental Health Supervisor Specialists
- 5/5.0 FTE Peer Support Specialists

Merit Positions

- 5/5.0 FTE Police Officer IIs

To meet grant requirements, one Mental Health Supervisor Specialist will also serve as CIT Coordinator, responsible for establishing policies and procedures governing operations, including transfer of custody, data collection, Crisis Intervention Training, and best practices. If funded, the CSB, the Police Department and the Office of the Sheriff will establish a Memoranda of Understanding governing operations, including transfer of custody, data collection, Crisis Intervention Training, and best practices.

It should be noted that this program is different from the current Jail Diversion program as this new funding will allow individuals to be transferred to a CIT Assessment Site instead of being arrested while the Jail Diversion program can be an alternative to being incarcerated at the time of sentencing.

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FISCAL IMPACT:

Grant funding in the amount of \$1,402,058 per year for two years for a total of \$2,804,116 is being requested from DBHDS for a CIT Assessment Site. Funding will support a secure assessment site at Merrifield Center open 24 hours a day, 7 days a week, 365 days a year for individuals experiencing a mental health crisis. A required local match of 20 percent in the first year and 30 percent in the second year will be met with in-kind resources. This grant does allow for the recovery of indirect costs; however, because of the highly competitive nature of the award, the CSB did not include indirect costs as part of the application. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

CREATION OF NEW POSITIONS:

A total of 10/10.0 FTE new grant positions and 5/5.0 FTE new Police Officer II merit positions for a total of 15/15.0 FTE new positions are associated with this funding. The County is under no obligation to continue funding the 10/10.0 FTE grant positions once grant funding expires; however, since it is anticipated that the funds will be included in CSB's State Performance Contract with DBHDS, funding is expected to be ongoing. The County is required to continue funding the 5/5.0 FTE Police Officer II positions if grant funding is eliminated. The cost of continuing these positions is \$589,054.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Application

STAFF:

Patricia Harrison, Deputy County Executive  
Dave Rohrer, Deputy County Executive  
Tisha Deeghan, Executive Director, Fairfax-Falls Church CSB  
Leonard P. Wales, Acting Director of Administrative Services, Fairfax-Falls Church CSB  
Daryl A. Washington, Deputy Director of Clinical Operation, Fairfax-Falls Church CSB  
Laura Yager, Director, CSB Partnership and Resource Development

**Crisis Intervention Team Assessment Site  
Summary of Grant Proposal**

<b>Grant Title:</b>	Crisis Intervention Team (CIT) Assessment Site
<b>Funding Agency:</b>	Virginia Department of Behavioral Health and Developmental Services (DBHDS)
<b>Funding Amount:</b>	Funding of \$2,804,116 (\$1,402,058 per year) over two years is requested. It is anticipated that these funds will be ongoing and included in the CSB's State Performance Contract with DBHDS. A required local match of 20 percent in the first year and 30 percent in the second year will be met with in-kind resources.
<b>Proposed Use of Funds:</b>	<p>Funds will support a CIT Assessment Site at Merrifield Center open 24 hours a day, year-round, for individuals experiencing a mental health crisis. As a therapeutic alternative to arrest, authorized law enforcement officers will be able to transfer custody of individuals experiencing an acute or sub-acute mental health crisis to qualified emergency mental health professionals for clinical assessment, civil commitment, referrals and linkage to appropriate services in a secure environment. If funded, CSB, the Fairfax County Police Department and the Office of the Sheriff will establish Memoranda of Understanding governing operations, including transfer of custody, data collection, Crisis Intervention Training, and best practices, as well as funding, including in-kind support to fulfill local match requirements.</p> <p>Funding will complement the existing continuum of services including emergency, detoxification, and jail based and forensic services.</p>
<b>Positions:</b>	<p>Because program space exists at the Merrifield Center, the funds requested for this proposal are to support the required personnel costs to staff the program. This proposal will fund 15/15.0 FTE positions, including 10/10.0 FTE grant positions and 5/5.0 FTE merit positions. The breakdown of positions is as follows:</p> <p><u>Grant Positions</u></p> <ul style="list-style-type: none"> <li>• 1/1.0 FTE Emergency Services Supervisor</li> <li>• 4/4.0 FTE Mental Health Supervisor Specialists</li> <li>• 5/5.0 FTE Peer Support Specialists</li> </ul> <p><u>Merit Positions</u></p> <ul style="list-style-type: none"> <li>• 5/5.0 FTE Police Officer IIs</li> </ul>

**Performance Measures:** The project goal is to reduce incarceration of individuals experiencing a mental health crisis by providing a therapeutic alternative to custodial arrest. Authorized law enforcement officers will be able to transfer custody of individuals experiencing an acute or sub-acute mental health crisis to qualified emergency mental health professionals for clinical assessment, civil commitment, referrals and linkage to appropriate services in a secure environment open all day, every day, all year. In addition, the project will coordinate CIT training and standardized policies and procedures among Fairfax County stakeholders to meet Commonwealth of Virginia requirements required for successful implementation.

Performance Measures

- 1- Development and ongoing active involvement of a CIT Assessment Site stakeholder group to provide oversight and leadership to the project implementation.
- 2- Development and execution of MOUs, policies and protocols with all law enforcement groups and the CSB to establish a solid program based on agreed upon partnerships and shared responsibility.
- 3- Assure tracking system developed and utilized to obtain relevant data related to CIT Assessment site use and dispositions. Data will include call types, time in service for call, on-scene activities, primary field disposition and location.
- 4- Develop CIT Coordinator position to assure standard, ongoing approach to the required 40 consecutive hour CIT training, with a maximum class of 30, to include didactic, experiential, and practical components. Develop standard policies and procedures related to CIT training.
- 5- Implement CIT Assessment site to support people in mental health crisis as a therapeutic alternative to custodial arrest. Complete monthly process and outcome measures.
- 6- Develop communication strategy for community awareness around CIT Assessment site.

**Grant Period:** July 1, 2015 - June 30, 2017 with annual subsequent baseline funding.

ACTION – 1

Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of Revenue Bonds for the Benefit of Neighborhood Health (Formerly Alexandria Neighborhood Health Services, Inc.)

ISSUE:

Board adoption of a resolution for the Fairfax County Economic Development Authority to issue revenue bonds up to \$8,000,000 for the benefit of Neighborhood Health.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on April 28, 2015.

BACKGROUND:

The Fairfax County Economic Development Authority (“Authority”) has received a request from Neighborhood Health (“Borrower”) to issue up to \$8,000,000 of its revenue bonds for the purpose of assisting the Borrower in planning and occupation of a four-story office building consisting of 25,626 sq. ft. and located on approximately 33,289 sq. ft. of C-8 zoned land and located at 6677 Richmond Highway, Alexandria (Fairfax County), Virginia and including improvements and renovation to the building as well as cost of issuance. The mission of Borrower is to provide accessible, coordinated community based primary health care, including behavioral and oral health care, to people in Alexandria and its surrounding communities. Borrower provides a number of programs and services to qualifying individuals including: 1) newborn, infant and well child exams; 2) chronic disease management; 3) dental care; and 4) mental health counseling to name a few. In 2013, Borrower served 13,635 patients, 77% of these patients were adults and 23% were children, 54% of these patients were from the City of Alexandria, 32% from Fairfax County, 12% from Arlington County and 2% from other areas in Northern Virginia.

FISCAL IMPACT:

None.



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April 28, 2015

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of the Board of Supervisors

Attachment 2 – Certificate of Public Hearing with supporting documents

Attachment 3 – Fiscal Impact Statement

STAFF:

Gerald L. Gordon, Director Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on April 28, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF FAIRFAX, VIRGINIA**

**WHEREAS**, the Fairfax County Economic Development Authority (“Authority”), has approved the application of Neighborhood Health (“Applicant”) (formerly Alexandria Neighborhood Health Services, Inc.), a Virginia Corporation, requesting that the Authority issue its revenue bonds to assist the Borrower in planning and occupation of a four-story office building consisting of 25,626 square feet. and located on approximately 33,289 square feet of C-8 zoned land and located at 6677 Richmond Highway, Alexandria (Fairfax County), Virginia, and including improvement and renovation to the building as well as cost of issuance;

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

**WHEREAS**, the Authority issues its bonds on behalf of the County of Fairfax, Virginia (“County”); the New Money Project is located in the County and the Board of Supervisors of Fairfax County, Virginia (the “Board”), constitutes the highest elected governmental unit of the County;

**WHEREAS**, the Authority has recommended that the Board approve the Plan of Finance and the issuance of the Bonds; and

**WHEREAS**, a copy of the Authority’s resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA:**

1. The Board approves the Plan of Financing and the issuance of the Bonds by the Authority for the benefit of Neighborhood Health, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950 as amended (“Virginia Code”).

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Company.

3. This resolution shall take effect immediately upon its adoption.

**ADOPTED** by the Board of Supervisors of the County of Fairfax, Virginia, this 28th day of April 2015.

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

[SEAL]

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies as follows:

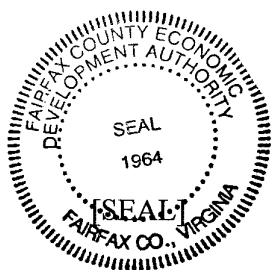
1. A meeting of the Authority was duly called and held on March 17, 2015, at 6:00 p.m. at 8300 Boone Boulevard, Suite 450 in Vienna, Virginia, pursuant to proper notice given to each Commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of Neighborhood Health and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the original hearing date. A certified copy of the Notice has been filed with the minutes of the Authority and is attached.

3. A summary of the statements made at the public hearing is attached.

4. Attached is a true, correct and complete copy of a resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 17<sup>th</sup> day of March 2015.



  
Secretary Fairfax County Economic Development Authority

Exhibits:

- A - Proof of Publication
- B - Summary of Statements
- C - Resolution

## AFFIDAVIT OF PUBLICATION

AD # 14815721

TO WIT:

I hereby certify that on the 11th day of March, 2015, before me, the subscriber, CHATHAN HARVIN, a notary public, that the matters of facts set forth are true.

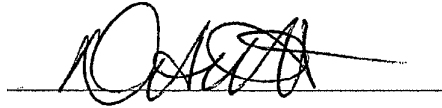
DASCHELLE ADDISON, who being duly sworn according to law, and oath says that he is an AUTHORIZED AGENT of THE WASHINGTON TIMES, L.L.C., publisher of

### The Washington Times

Circulated daily, in the Counties of Virginia, and that the advertisement, of which the annexed is a true copy, was published in said newspaper 2 times(s) on the following dates:

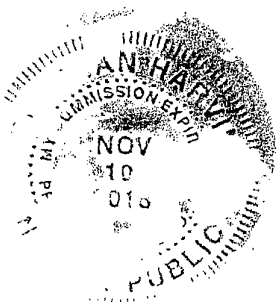
Wednesday, March 4, 2015  
Wednesday, March 11, 2015

Total cost \$531.44 Dollars



As witness, my hand and notarial seal.

Notary Public



#### NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND PLAN OF FINANCING BY FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Notice is hereby given that the Fairfax County Economic Development Authority ("Authority") will hold a public hearing on the application of Neighborhood Health, formerly known as Alexandria Neighborhood Health Services, Inc. ("Borrower"), a Section 501(c)(3) tax exempt Virginia corporation, whose current address is 2445 Army Navy Drive, Suite 104, Arlington, Virginia 22206. The Borrower requests the Authority to issue up to \$8,000,000 of its revenue bonds with \$6,900,000 to be tax exempt and \$1,100,000 to be taxable, at one time or from time to time to assist the Borrower in financing all or part of the following plan of financing (collectively, "Plan of Financing") for the benefit of the Borrower: (i) the acquisition, construction, renovations, furnishing, equipping of a headquarters and to provide health and dental care services to fulfill its mission at 6677 Richmond Highway, Alexandria, Virginia 22306 located in Fairfax County; and (ii) certain other costs associated with the foregoing Plan of Financing, which may include, but may not be limited to, costs of issuance and credit enhancement costs and other eligible expenditures.

The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, nor the County of Fairfax, Virginia, and neither the full faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds.

The public hearing, which may be continued or adjourned, will be held at 6:00 o'clock p.m. on March 17, 2015, before the Authority at its offices at 8300 Boone Boulevard, Suite 450, Vienna, Virginia 22182-2633. Any person interested in the issuance of the bonds or the location or nature of the proposed projects may appear at the hearing and present his or her views. A copy of the Borrower's application is on file and is open for inspection at the office of the Authority's counsel, Thomas O. Lawson, Esquire at 10805 Main Street, Suite 200, Fairfax, Virginia 22030 during normal business hours.

Fairfax County Economic Development Authority

Run Date: March 4th, and 11th, 2015  
AD#14815721

EXHIBIT B

Summary of Statements

Representatives of Neighborhood Health appeared before the Authority to explain the proposed revenue bond issue. No one appeared in opposition to the revenue bond issue.

RESOLUTION OF THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY  
AUTHORIZING THE ISSUANCE OF UP TO \$8,000,000  
REVENUE BONDS FOR THE BENEFIT OF NEIGHBORHOOD HEALTH  
(formerly Alexandria Neighborhood Health Services, Inc.)  
March 17, 2015

WHEREAS, the Fairfax Economic Development Authority, a political subdivision of the Commonwealth of Virginia ("Authority"), is empowered by the Acts of Assembly, 1964, Ch. 643, p. 975, as amended ("Act"), to issue its revenue bonds for, among other purposes, the financing of facilities for nonprofit institutions to address the health and human services needs of families who are low-income and uninsured and underserved in Alexandria and surrounding communities, the financing of facilities for use by organizations (other than organizations organized and operated exclusively for religious purposes) that are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), and are exempt from federal income taxation pursuant to Section 501(a) of such Code, and to protect and promote the health and welfare of the inhabitants of Virginia and small amount of space for profit organizations to be issued in taxable bonds.

WHEREAS, the Authority has received a request from Neighborhood Health ("NH"), an organization which is not organized exclusively for religious purposes and is described in Section 501(c)(3) of the Code requesting that the Authority issue its revenue bonds for up to \$6,900,000 tax exempt bonds and \$1,100,000 taxable bonds to extend its Inducement Resolution that it approved on February 18, 2014 because all of the conditions and requirements for closing have not been met within the one year after the Fairfax Board of Supervisors had previously approved pursuant to Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia, as amended ("Virginia Code"), which is to assist NH in providing health and dental care to fulfill its mission in (a) acquiring, constructing, furnishing, renovating and equipping the facility located at 6677 Richmond Highway, Alexandria, Virginia 22306, in Fairfax County, and (b) certain other costs associated with the foregoing plan of financing ("Plan of Financing") which may include, but not limited to, costs of issuance and credit enhancement costs and other eligible expenditures (collectively, the "Project").

WHEREAS, such assistance will benefit the inhabitants of the County of Fairfax, Virginia and the Commonwealth of Virginia by protecting and promoting their health and welfare.

WHEREAS, the Project has been described to the Authority and a public hearing has been held as required by Section 147(f) of Code and Section 15.2-4906 of the Act; and

WHEREAS, NH has represented that the estimated cost of the Project and all expenses of issue will require an issue of revenue bonds in the aggregate principal amount not to exceed \$8,000,000 of which up to \$6,900,000 will be tax exempt bonds and up to \$1,100,000 will be taxable bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY:

1. It is hereby found and determined that the financing of the Project will be in the public interest and will protect and promote the health and welfare of the Commonwealth of Virginia, the County of Fairfax, Virginia and their citizens.

2. The Authority hereby agrees to assist NH by undertaking the issuance of its revenue bonds in an amount not to exceed \$8,000,000 of which up to \$6,900,000 will be tax exempt bonds and up to \$1,100,000 will be taxable bonds upon terms and conditions mutually agreeable to the Authority and NH. The bonds will be issued pursuant to documents satisfactory to the Authority. The bonds may be issued in one or more series at one time or from time to time.

3. The Authority believes it is in the best interest of the Project to extend its Inducement Resolution of February 18, 2014 for another year to allow NH to have enough time to complete all of its conditions and requirements to close on the issuance of the tax exempt and taxable bonds.

4. It having been represented to the Authority that it is necessary to proceed immediately with the Project, the Authority agrees that NH may proceed with plans for the Project and its Plan of Financing, enter into contracts for acquisition, construction, materials, furnishings, renovations, and equipment for the Project, and take such other steps as it may deem appropriate in connection therewith, provided, however, that nothing in this resolution shall be deemed to authorize NH to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection therewith. The Authority agrees that NH may be reimbursed from the proceeds of the bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

5. At the request of NH, the Authority approves Reed Smith LLP, Falls Church, Virginia, as Bond Counsel in connection with the issuance of the bonds.

6. All costs and expenses in connection with the financing of the Project, including the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by NH, or, to the extent permitted by applicable law, from the proceeds of the bonds. If for any reason such bonds are not issued, it is understood that all such expenses shall be paid by NH and that the Authority shall have no responsibility therefor.

7. In adopting this resolution the Authority intends to take "official action" toward the issuance of the bonds and to evidence its "official intent" to reimburse from the proceeds of the bonds any expenditures paid by NH to finance the Project and to refinance existing indebtedness before the issuance of the bonds, all within the meaning of regulations issued by the Internal Revenue Service pursuant to Section 103 and 141 through 150 and related sections of the Code.

8. The Authority recommends that the Board of Supervisors of the County of Fairfax, Virginia, approve the extension of their March 25, 2014 resolution for the issuance of the bonds.

9. No bonds may be issued pursuant to this resolution until such time as the issuance of the bonds has been approved by the Board of Supervisors of the County of Fairfax, Virginia.

10. The resolution shall take effect immediately upon its adoption.



## CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority ("Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on March 17, 2015, in accordance with the law, and that such resolution has not been repealed, revoked, rescinded, or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, the 17th day of March, 2015.

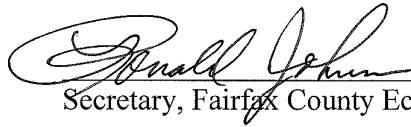


A handwritten signature in cursive script, appearing to read "Gerald Johnson", is written over a horizontal line.

Secretary, Fairfax County  
Economic Development Authority

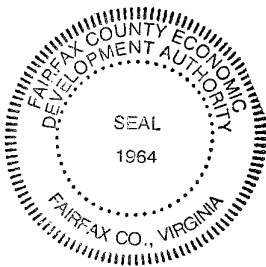
## CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the members of the Authority present and voting at a meeting duly adopted by a majority of the member of the Authority present and voting at a meeting duly called and held on March 17, 2015, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.



Secretary, Fairfax County Economic Development Authority

[SEAL]



# FAIRFAX COUNTY

## ECONOMIC DEVELOPMENT AUTHORITY

### Industrial Revenue Bonds

### Fiscal Impact Statement

Applicant: Neighborhood Health

Facility: Medical clinic and office building

Date: March, 2015

1. Maximum amount of financing sought: \$ 8,000,000
2. Estimated taxable value of the facility's real property to be constructed in the municipality: \$ 8,000,000
3. Estimated real property tax per year using present tax rates: \$ tax exempt
4. Estimated personal property tax per year using present tax rates: \$ N/A
5. Estimated merchants' capital tax per year using present tax rates: \$ N/A
6. Estimated dollar value per year of:
  - a. goods and services that will be purchased locally within the locality \$ TBD
  - b. goods that will be purchased from non-Virginia companies within the locality \$ TBD
  - c. services that will be purchased from Virginia companies within the locality \$ TBD
  - d. services that will be purchased from non-Virginia companies within the locality \$ TBD
7. Estimated number of regular employees on year-round basis: 84.70 FTE
8. Average annual salary per employee: \$ \$57,995.00

Authority Chairman Steven L. Davis

Name of Authority Steven L. Davis

8300 Boone Boulevard | Suite 450 | Vienna, Virginia 22182-2633 USA

t: 703.790.0600 | f: 703.893.1269 | e: info@fceda.org

[www.FairfaxCountyEDA.org](http://www.FairfaxCountyEDA.org)

Offices worldwide: San Francisco | Bangalore | Frankfurt | London | Seoul | Tel Aviv

ACTION - 2

Authorization to Execute Agreement with the Virginia Department of Transportation for Expedited Review of Locally Funded Transportation Projects

ISSUE:

Recent increases in the number of transportation improvements being implemented by the County have resulted in an increased workload for the Virginia Department of Transportation's (VDOT) staff. County staff and VDOT have negotiated an agreement in which the County will provide supplemental funding for VDOT staff and/or consultants that review construction plans for County implemented projects in return for a structured review process, including an expedited timeframe for reviews.

RECOMMENDATION:

The County Executive recommends that the Board approve the resolution authorizing the Director of the Department of Transportation to execute the agreement with VDOT to provide funding for structured and expedited reviews in substantially the form of Attachment 2.

TIMING:

Board approval is requested on April 28, 2015, to allow for improved VDOT review times for County projects immediately.

DISCUSSION:

Over the last several years, the County has funded, designed and constructed an increased number of transportation projects. As part of this process, VDOT must review and approve projects that are administered by the County to ensure the designs meet VDOT standards. The increase in projects being submitted to VDOT for review has affected VDOT's ability to review projects within a time frame needed by the County. This agreement between the County and VDOT provides a formal timeframe in which projects are reviewed and returned to the County. In return, the County will be providing supplemental funding for the timely review by VDOT of the projects listed in Appendix C of this agreement.

The funding will cover the remainder of FY 2015 and all of FY 2016. If this agreement is effective in providing a consistent, expedited reviews of County administered projects by VDOT, FCDOT staff will consider recommending continued funding this agreement in the future. The effectiveness of this agreement will be evaluated quarterly by FCDOT,

Board Agenda Item  
April 28, 2015

upon the submission of expense reports from VDOT. County staff will review the accuracy of charges to the projects that were submitted to VDOT within the quarter in review. Staff will also review the submission and return dates of all projects to assess VDOT's compliance with the schedules set forth in the agreement. If at any time FCDOT staff finds the agreement ineffective, the Director of the Department of Transportation will recommend that the agreement be terminated and request VDOT to return any unspent funds.

FISCAL IMPACT:

Funding in the amount \$250,000 is available to be reallocated to a new project from project 2G40-001-000, Construction Reserve, in Fund 40010, County and Regional Transportation Projects, for FY 2015 and FY 2016. There is no impact to other projects or the General Fund. Should the agreement continue beyond FY2016, staff will include funds for the continuation of this agreement in the regular budget cycle.

CREATION OF POSITIONS:

No positions will be created through this agreement.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution to Authorize Staff to Execute Agreement  
Attachment 2 – Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, FCDOT  
W. Todd Minnix, Chief, Transportation Design Division, FCDOT  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Ken Kanownik, Transportation Planner II, Coordination and Funding Division, FCDOT  
Patricia McCay, Assistant County Attorney, Office of the County Attorney

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, April 28, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of the Department of Transportation to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation that standardizes plan review for locally administered projects.

Adopted this 28th day of April, 2015, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

**VDOT PROJECT ADMINISTRATION AGREEMENT  
FAIRFAX COUNTY**

Project: Fairfax County Plan Review and Pre-Scoping  
UPC 106621

**THIS AGREEMENT**, made and executed in triplicate on this the \_\_\_\_ day of \_\_\_\_\_, 2015, between the COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT" and the COUNTY OF FAIRFAX, hereinafter referred to as the "COUNTY."

**WITNESSETH**

WHEREAS, the COUNTY has expressed its desire to have the DEPARTMENT administer the work as described in Appendix B, and such work for each improvement shown is hereinafter referred to as collectively the "Projects"; and

WHEREAS, the funds as shown in Appendix A have all been allocated by the COUNTY to supplement the funds available to the DEPARTMENT for the Projects; and

WHEREAS, the COUNTY has requested that the DEPARTMENT assist in implementing the Projects in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's activities as identified in this Agreement and its associated Appendices A, B and C in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the County's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338.C of the Code of Virginia authorizes both the DEPARTMENT and the COUNTY to enter into this Agreement;

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

**A. The DEPARTMENT shall:**

1. Complete said work as identified in Appendix B, for Projects listed in Appendix C, which may be supplemented by the COUNTY from time to time during the term of this agreement as provided in paragraph G.2.; advancing such work diligently, and all work shall be completed in accordance with the schedule established by both parties.
2. Perform project plan reviews, provide comments to the COUNTY on such plans, and perform other activities as may be requested by the COUNTY as required to advance such plans to construction.

3. Provide a summary of project expenditures to the COUNTY for charges of actual DEPARTMENT cost in accordance with the procedures established in Appendix B.
4. Notify the COUNTY in accordance with the procedures established in Appendix B if funds established pursuant to Appendix A are anticipated to be insufficient to perform the duties required in this Agreement. Said notification shall occur no later than 90 days from the anticipated date in which the funds are expected to become insufficient.
5. During period covered by Appendix B, the DEPARTMENT shall continue to perform plan review and other preliminary engineering and design related activities as described in Appendix B as its funding allows regardless of the availability of supplemental funding pursuant to this Agreement.
6. Exercise best efforts to eliminate inconsistent, contradictory, and/or redundant comments (guidance) to the COUNTY in the provision of its comments on plans submitted by the COUNTY for review.

**B. The COUNTY shall:**

1. Provide supplemental funding to the DEPARTMENT for performing expedited plan review and other preliminary engineering and design related activities as described in Appendix B, on the Projects listed in Appendix C, in accordance with the payment schedule outlined in Appendix A.
2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the COUNTY and modification of this Agreement.
3. Inform the DEPARTMENT upon submission for review that the project is subject to this agreement and confirm the project is listed in Appendix C prior to submission.

**C. Appropriations** - Funding by the COUNTY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.

**D. Cancellation** – Subject to Paragraph C, should the project be cancelled as a result of the lack of funding by the COUNTY, the COUNTY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.

**E. Term and Termination** –

1. The term of this agreement shall be outlined in Appendix B upon execution by both parties. Subsequent terms shall be valid with the execution of an updated Appendix A.



2. This Agreement may also be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement. Any unexpended funds held by the DEPARTMENT shall be returned to the COUNTY within 90 days of termination. Upon termination of this agreement, the DEPARTMENT's plan review of the COUNTY's Projects shall return to the procedures in place prior to the execution of this agreement.

**F. Liability and Immunity** - Nothing in this agreement shall be deemed a waiver of the COUNTY's or the Commonwealth's sovereign immunity.

**G. Modifications and Amendments**

1. THIS AGREEMENT, when properly executed, shall be binding upon parties, their successors and assigns.
2. The Projects listed in Appendix C may be modified with the mutual concurrence of the Director of the Fairfax County Department of Transportation and the DEPARTMENT's Northern Virginia District Local Assistance Program Manager or either party's designee. Updates to Appendix C are to occur no more frequently than quarterly and shall be in writing in an updated and signed Appendix C.
3. THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

**H. Governing Law** - This agreement is governed by all respects by the laws of the Commonwealth of Virginia.

**I. Notices** - All notices, outside regular correspondence to provide the services covered by this agreement, shall be given to the parties as follows:

1. The County, Director of Transportation, via electronic mail, confirmed by USPS.
2. The DEPARTMENT, Northern Virginia District Local Assistance Program Manager, via electronic mail, confirmed by USPS

**J. Disputes** - In the event of a dispute arising between the parties hereunder, the parties shall attempt in good faith to resolve any dispute within twenty (20) days of the receipt by either party of written notice from the other party that a dispute exists, which notice shall be delivered in accordance with Section I. above ("Notices"). Informal dispute resolution proceedings under this Agreement shall be conducted on behalf of the County by its Director of Transportation and on behalf of VDOT by its Northern Virginia District Local Assistance Program Manager. If the parties are unable to resolve the dispute

within thirty (30) days of the date of the Dispute Notice, the following terms and conditions shall apply:

1. Either party may terminate this Agreement, in which event neither party shall have any further obligations hereunder, except as set forth in Section E.2.; and
2. Either party may initiate litigation in the Circuit Court for Fairfax County, Virginia, which, the parties agree shall have exclusive venue over litigation arising under this Agreement; provided however, litigation to resolve a dispute arising under this Agreement may not be initiated unless a good faith effort to resolve the dispute has been made and has not achieved a resolution of the dispute within the time limits set forth therein;

THE COUNTY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors and assigns.

THIS AGREEMENT shall not be construed as a waiver of Fairfax County's or the Commonwealth of Virginia's sovereign immunity.

THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

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THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_

\_\_\_\_\_  
Typed or Printed Name of Signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_  
Chief of Policy  
Commonwealth of Virginia  
Department of Transportation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**Attachments:**

- Appendix A (UPC 106621)
- Appendix B (UPC 106621)
- Appendix C (UPC 106621)

**APPENDIX A**

Project: Plan Review and Scoping (UPC 106621)

Locality: Fairfax County

Project Identification and Funding	
Scope:	Fairfax County Plan Review and Preliminary Engineering
Locality Project Manager Contact Info: Todd Minnix, 703-877-5749, <a href="mailto:wesley.minnix@fairfaxcounty.gov">wesley.minnix@fairfaxcounty.gov</a>	
Department Project Coordinator Contact Info: Bud Siegel, 703-259-2118, <a href="mailto:bud.siegel@vdot.virginia.gov">bud.siegel@vdot.virginia.gov</a>	

Project Costs			
Phase	Estimated Project Costs	Funding Advanced to VDOT	Funds Retained by Locality
Preliminary Engineering	\$250,000	\$250,000	\$0
Right-of-Way & Utilities	0	0	\$0
Construction	0	0	\$0
Total Estimated Cost	\$250,000	\$250,000	

Project Financing				
FY 2015	FY 2016	FY 2017	FY 2018	Total
Local Funds	-	-	-	Aggregate Allocations
\$250,000	-	-	-	\$250,000

Payment Schedule		
FY2015	-	Total
\$250,000		\$250,000

This attachment is certified and made an official attachment to this document by the parties of this agreement

\_\_\_\_\_  
Authorized Locality Official and date\_\_\_\_\_  
Authorized VDOT Official and date\_\_\_\_\_  
Typed or printed name of person signing\_\_\_\_\_  
Typed or printed name of person signing

## APPENDIX B

### Project: Plan Review and Scoping (UPC 106621) Locality: Fairfax County

Project Scope	
<b>Work Description:</b>	<b>Fairfax County Plans Reviews</b>
This agreement is to serve as guidelines for the expedited process of the Department reviewing transportation improvement plans for transportation Projects that require a VDOT Land Use Permit or County Administered Projects that do not have an executed Project Administration Agreement.	
Locality Project Manager Contact Info: Todd Minnix, 703-877-5749 Department Project Coordinator Contact Info: Bud Siegel, 703-259-2118	

Detailed Scope of Services	
<ol style="list-style-type: none"><li>1. The DEPARTMENT will perform plan reviews and/or conduct pre-scoping activities as may be requested by the COUNTY for the following types of Fairfax County administered Projects:<ol style="list-style-type: none"><li>A. County funded, County administered Projects that require issuance of a VDOT Land Use Permit.</li><li>B. County administered Projects that require review by VDOT, but do not have an executed Project Administration Agreement with the DEPARTMENT.</li></ol></li><li>2. The DEPARTMENT will complete plan reviews pursuant to this Agreement and return comments to the COUNTY within 30 days from receipt by the DEPARTMENT.</li><li>3. Fairfax County will provide \$250,000 to supplement funding for VDOT staff time for expedited reviews of these two types of Projects. Additional funding in future fiscal years is dependent on the DEPARTMENT's performance in meeting the parameters in Appendix B.</li><li>4. The DEPARTMENT shall:<ol style="list-style-type: none"><li>A. No later than 30 days following the end of each quarter, submit a statement to the County, documenting the activities performed, number of hours spent, and costs incurred on activities conducted pursuant to this Agreement during the reporting period.</li><li>B. Provide explanation and / or documentation for any costs in response to requests of the COUNTY pursuant to paragraph (A) upon request by the COUNTY or representatives of the COUNTY.</li><li>C. Provide the COUNTY a request for funding, for the next fiscal year, in advance of the COUNTY's budget cycle. The DEPARTMENT will provide the COUNTY documentation requested for ALL charges to the funding provided to the COUNTY in Appendix A.</li><li>D. Provide in writing requests for additional funding outside the DEPARTMENT's budget cycle if the funds provided above are anticipated to be insufficient to complete the project(s) in Appendix C. Such additional funding shall be subject to approval of the Board of Supervisors or their designee in accordance with the Transportation Funding Allocation Policy passed March 29, 2011 .</li></ol></li><li>5. The COUNTY shall:<ol style="list-style-type: none"><li>A. Review the quarterly report submitted by the DEPARTMENT, and<ol style="list-style-type: none"><li>1. Advise the DEPARTMENT no later than 15 working days following its receipt whether the costs incurred are acceptable, and</li><li>2. Within the 15-day review period, request the DEPARTMENT to provide supplemental justification for any costs deemed questionable as a result of its review.</li></ol></li></ol></li><li>6. The term of this agreement shall be the remainder of the fiscal year in which this agreement is executed plus two additional fiscal years. All funds are to be expended or returned by July 1, 2017.</li></ol>	

This attachment is certified and made an official attachment to this document by the parties of this agreement

\_\_\_\_\_  
Authorized Locality Official and date

\_\_\_\_\_  
Authorized VDOT Official and date

\_\_\_\_\_  
Typed or printed name of person signing

\_\_\_\_\_  
Typed or printed name of person signing

FCDOT Locally Funded Projects			
	FOCUS Proj #	FOCUS Sub-Proj #	Name
1	2G25-097	000	Jefferson Manor Transportation Improvements (Phase IIIA)
2	5G25-047	000	Route 7/Towlston Rd - NB LTL
3	5G25-059	002	Braddock Rd/Roberts Road NB RT Lane
4	5G25-059	003	North Chambliss St./Beauregard St
5	5G25-059	004	Lorton Rd/Lorton Market Rd WB LTL
6	5G25-059	005	Silverbrook Rd/Southrun Rd EB LTL
7	5G25-059	006	Fort Hunt Rd/Collingwood Rd LT Lanes
8	5G25-059	007	Old Courthouse Rd/Besley Rd Realignment & Drainage Improvement
9	5G25-059	008	Route 123/Great Falls St/Lewinsville Rd Intersection Improvements
10	5G25-059	009	Shields Ave Alignment Improvements
11	5G25-060	003	Burke Lake Rd/Coffer Woods Rd
12	5G25-060	004	Lakepointe Dr/Guinea Rd
13	5G25-060	005	Highland St/Backlick Rd/Amherst Ave
14	5G25-060	006	Annadale Rd/Graham Rd Ped Intersection
15	5G25-060	008	Columbia Pike/John Marr Dr Intersection
16	5G25-060	009	Columbia Pike/Gallows Rd Intersection
17	5G25-060	010	Pohick Rd/Southrun Rd Intersection
18	5G25-060	011	Hooes Rd/Newington Forest Ave Intersection
19	5G25-060	014	Old Keene Mill Rd Walkway - from Carrleigh Dr to the west
20	5G25-060	015	DolleyMad SW - Chain Br Rd
21	5G25-060	016	DolleyMad SW - OldDom-Beverly Ave
22	5G25-060	017	SunriseValley SW - RiverBirch-Legacy Ct
23	5G25-060	018	SouthVanDorn-Franconia Rd Walkway
24	5G25-060	019	Backlick Road Walkway- South of Barta
25	5G25-060	020	BacklickRd SW - Kandel-Cindy Lane
26	5G25-060	021	BacklickRd SW - Industrial-Hechinger
27	5G25-060	022	Braddock Walkway - Calbern-Curbside Ln
28	5G25-060	023	ChainBridgeRd Walkway-Courthouse-Sutton
29	5G25-060	024	Edsall Rd Walkway - Timber Forest to Edsall Garden Apts
30	5G25-060	025	Edsall Rd Walkway - Cherokee to Edsall Garden Apts
31	5G25-060	026	Fair Lakes Blvd Walkway - Stringfellow Rd to Retail
32	5G25-060	027	Fleet Dr Walkway - Yadkin to Franconia
33	5G25-060	028	Glen Forest Dr Walkway - from Route 7 to Glen Forest ES
34	5G25-060	029	Gunston Cove Walkway - from Cranford to Amsterdam
35	5G25-060	030	Lee Chapel Rd Walkway - from Britford to Burke Lake Rd
36	5G25-060	031	Medford Dr Walkway - from Annandale HS to Davian
37	5G25-060	032	Post Forest Dr Walkway - from Legato Rd to the west
38	5G25-060	033	Post Forest Dr Walkway - from Legato Rd to Government Center Pkwy

### FCDOT Locally Funded Projects

	FOCUS Proj #	FOCUS Sub-Proj #	Name
39	5G25-060	034	Quander Ave Walkway - from West Potomac HS to Quander ES
40	5G25-060	035	Riverside Rd Walkway - Elkin-Pennsylvania
41	5G25-060	036	Rolling Rd Walkway - Roxbury-Tuttle
42	5G25-060	037	Rugby Rd Walkway - from Misty Creek Lane to Alder Woods
43	5G25-060	038	Seminary Rd Walkway - Magnolia-Colfax
44	5G25-060	039	South Lakes Dr Walkway - segments from Greenkeepers Ct to Sunrise Valley Dr
45	5G25-060	040	Sunrise Valley Dr Walkway -Hitchcock-ColtsBrook
46	5G25-060	041	Telegraph Rd - Broadmoor-Hayfield HS
47	5G25-060	042	Great Falls St Walkway - I66-NorthWestSt
48	5G25-060	043	Little River Tnpk Walkway - RobertsAve
49	5G25-060	044	Little River Tnpk Walkway - from Hillbrook to Little River Run
50	5G25-060	045	Little River Tnpk Walkway -ColumbiaRd-Mayhunt
51	5G25-060	046	Wakefield Chapel Walkway-Braddock-Stahlway
52	5G25-060	047	Backlick Rd SW @ Lynnbrook ES
53	5G25-061	000	Richmond Highway PTI
54	5G25-062	000	RMAG Phase II
55	5G25-063	002	Wakefield Chapel Rd Bike Lanes from Pulley Ct to NVCC
56	5G25-063	003	Lake Braddock Rd Bike Lanes - from Burke Rd to Rolling Rd
57	5G25-063	004	Burke Road Bike Lanes from Mill Cove to Rolling VRE
58	5G25-063	005	West Ox Rd Trail - Penderbrook-Rt50
59	5G25-063	006	Elm St/Dolley Madison Intersection Bike/Ped Improvements
60	5G25-063	007	Govt Center Bicycle Demonstration
61	5G25-063	008	Westmoreland St Bike Lanes - Kirby-Arlington
62	5G25-063	009	Westmoreland Bike Lanes - N of Rosemont Dr
63	ST-000021	017	Sunset Hills Rd Walkway - W&OD to Michael Faraday
64	ST-000021	023	Telegraph Rd Walkway - South Kings to Lee District Park
65	ST-000021	025	Backlick Rd Walkway - Opposite Wilburdale
66	ST-000021	009B	Beulah Rd Walkway - Abbotsford to Clarks Crossing - Phase II
67	ST-000036	002	Kirby Rd Walkway - from Chesterbrook ES to Chesterbrook Rd
68	ST-000036	003	North West St Walkway - GreatFalls-Brilyn
69	ST-000036	004	Franconia Rd Walkway - Norton-Governors Pond
70	ST-000036	005	Silverbrook Rd Walkway - Hooes-South County HS
71	ST-000036	006	Center Rd Walkway from West Springfield HS to Garden Rd
72	ST-000036	007	Chichester Ln Walkway -Cherry-DayLilly
73	ST-000036	008	Fort Hunt Rd Walkway - BelleView-Belle View ES
74	ST-000036	009	Fox Mill Rd Walkway from Fairfax County Pkwy to Reston Pkwy
75	ST-000036	010	Kirby Rd Walkway from Chesterbrook ES to Halsey
76	ST-000036	011	Kirby Rd Walkway - Halsey-Franklin
77	ST-000036	012	Lee Highway Walkway - Circle Towers to Vaden
78	ST-000036	013	Pleasant Valley Rd Walkway from N of Ellick Run to DVP power lines
79	ST-000036	014	Telegraph Rd Walkway - Rose Hill-Huntington
80	ST-000036	015	Westmoreland St Walkway -Kirby-Lemon
81	ST-000036	016	Old Mt Vernon Rd Walkway - Mt Vernon Hwy-Westgate
82	ST-000037	002	GMU-City-Vienna Metro Bike Route
83	ST-000037	003	Burke VRE Connector Ph IV
84	ST-000037	004	Cross County Trail Upgrades

### FCDOT Locally Funded Projects

	FOCUS Proj #	FOCUS Sub-Proj #	Name
85	ST-000037	005	Route 50 Trail segments
86	ST-000037	006	Franconia-Springfield Metrorail VRE Bicycle Parking
87	ST-000037	007	NVCC Medical Education Campus Bikeway
88	ST-000037	008	Vienna Metro Bicycle Connectivity
89	ST-000022	004	Sunset Hills Rd @ Target EB Bus Stop
90	ST-000027	002	Old Columbia Pike - Elmdale Rd
91			Woodford Rd @ Wolftrap Rd Walkway
92	CR-000001	004	Commerce St @ BBT Bank Bus Stop
93	2G40-015	000	Rte 123/Braddock - Interim At Grade Improvement
94	2G40-028	006	Hunter Mill Rd/Mystic Meadow Rd Roundabout
95	2G40-028	008	Old Dominion Dr/Spring Hill Rd - Phase II
96	2G40-028	012	Route 123/Jermantown Rd
97	2G40-053	001	Braddock/Danbury/Wakefield Chapel
	2G40-053	002	Burke Lake Road/Coffer Woods Road
	2G40-053	003	Franconia Road Sidewalk - N Side Norton to Governor's Pond
	2G40-053	004	Highland Street/Backlick Rd/Amherst Ave
	2G40-053	005	Kirby Road Sidewalk - Chesterbrook to ES
98	2G40-067	000	Giles Run Park Road
99	2G40-086	000	Herndon Metrorail Station Access Management (HMSAMS)
100	2G40-087	002	Balls Hill Road & Old Dominion Drive
101	2G40-087	003	Burke Rd form Aplomado Dr to Parakeet Dr
102	2G40-087	004	Electric Ave & Cedar Lane NB
103	2G40-087	005	Fairfax County Pkwy -I95 to Telegraph Rd
104	2G40-087	006	Route 50 & Waples Mill Road
105	2G40-087	007	I-395 SB Off Ramp to Rt 236
106	2G40-087	008	Rt 236 at Beauregard St Channelize
107	2G40-087	009	Cherokee Ave at Rte 236
108	2G40-088	005	Chesterbrook Walkway - Chesterbrook Vale Ct
109	2G40-088	006	Glade Dr Walkway from Middle Creek to Glade Bank Wy
110	2G40-088	007	Glade Dr Walkway - Colts Neck Rd-Reston Pkwy
111	2G40-088	008	Shipplett Blvd On Road Bike Lanes
112	2G40-088	009	Sunset Hills Road Walkway
113	2G40-088	010	McWhorter Place SUP
114	2G40-088	011	Creek Crossing Pedestrian Enhancements
115	2G40-088	012	Old Courthouse Rd Pedestrian Enhancements
116	2G40-088	014	Chain Bridge Rd Walkway
117	2G40-088	015	Baron Rd Walkway
118	2G40-088	016	Chestrbrook Rd S-Chesterford Way-Chesterbrook Vale Ct
119	2G40-088	017	Kirby Rd Walkway N-Chesterfield Ave to Ivy Hill Dr
120	2G40-088	018	Kirby Rd Walkway N - Ivy Hill Dr to Corliss Ct
121	ST-000003	048	Birch St. Sidewalk - Grove Ave to Falls Church
122	ST-000003	062	Old Dominion/Linway/Birch
123	ST-000003	063	Idyllwood Road Sidewalk
124	2G40-076	000	Seven Corners Interchange
125	2G40-078	000	Dulles Toll Rd - Soapstone Rd Overpass
126	2G40-079	000	Shirley Gate Rd Extension - Braddock-Ffx Pkwy
127	2G40-081	000	Braddock Rd Widening - Burke Lake to Guinea
			Stoncroft Blvd Widening
128	2G40-082	000	Arlington Blvd Widening - Cedar Hill to 7 Corners



FCDOT Locally Funded Projects			
	FOCUS Proj #	FOCUS Sub-Proj #	Name
129	ST-000003	031	Hunter Mill Rd/ Sunrise Valley Dr
130	ST-000003	032	Hunter Village Drive

\_\_\_\_\_  
Authorized Locality Official and Date

\_\_\_\_\_  
Authorized VDOT Official - Recommendation and Date

\_\_\_\_\_  
Printed name of person signing

\_\_\_\_\_  
Printed name of person signing

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ACTION - 3

Approval of Additional Funding for Route 29 Widening from Legato Road to Shirley Gate Road (Braddock District)

ISSUE:

Additional funding in the amount of \$3 million is required for the construction of the Route 29 Widening project from Legato Road to Shirley Gate Road.

RECOMMENDATION:

The County Executive recommends that the Board approve the use of \$3 million in 2007 transportation bond referendum revenues for the construction of the Route 29 Widening project from Legato Road to Shirley Gate Road.

TIMING:

Board action is requested on this item on April 28, 2015, to provide funding for construction as the project is scheduled to be advertised for construction in April 2015, with contract award scheduled for June 2015.

BACKGROUND:

The Route 29 Widening project includes the widening of northbound Route 29 from two to three lanes from Legato Road to Shirley Gate Road (1.5 miles). Construction also includes extensive storm drainage and stormwater management facilities, sidewalks, guardrail, water main installation, and relocation of numerous utilities.

The complexity and time constraints associated with this type of construction have a considerable effect on the total estimated construction cost of the project. For example, a significant portion of the existing right lane of northbound Route 29 must be demolished and reconstructed. Reconstruction of the existing right lane will require extensive and complicated maintenance of traffic operations and significant nighttime and/or weekend work, requiring closure of the existing right lane for extended time periods. In addition, staff is trying to minimize the impact of the construction on traffic in

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the corridor. These constraints and complications have led to increased construction costs. The project is currently in the utility relocation phase. The project is currently scheduled to be advertised for construction in April 2015, with contract award scheduled for June 2015.

The Board has previously approved a total of \$17.2 million in funding for the Route 29 Widening project: \$4.7 million in 2007 transportation bond referendum revenues, \$6.5 million in FY 2015 Virginia Department of Transportation (VDOT) Revenue Sharing funds, and \$6.0 million in commercial and industrial tax revenues. The VDOT FY 2015 Revenue Sharing funds, associated project agreement, and use of commercial and industrial tax revenues as local cash match for the Revenue Sharing funds were all approved by the Board on July 29, 2014.

Approved funding in the amount of \$17.2 million for this project is not sufficient to complete construction of the project. Staff is requesting Board approval of an additional \$3 million in funding to complete construction.

FISCAL IMPACT:

VDOT completed the installation of bike lanes on Gallows Road from Cottage Street to Old Courthouse Road in 2012 and all work necessary for the Gallows Road On-Road Bike Lanes is complete. As such, the 2007 Bond funds approved for the Gallows Road On-Road Bike Lanes are no longer needed for the project and are available for use on other projects. Staff recommends applying the \$3 million in 2007 transportation bond referendum funds previously approved for the Gallows Road On-Road Bike Lanes in Fund 30050 (Transportation Improvements) to the Route 29 Widening project. There is no impact to the General Fund, or any other projects.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
W. Todd Minnix, Chief, Transportation Design Division, FCDOT  
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT  
Seema Ajrawat, Department of Public Works and Environmental Services  
Janet Nguyen, Coordination and Funding Division, FCDOT

ACTION – 4

Approval of the Proposed Five-Year Consolidated Plan for FY 2016-2020 and  
Proposed Consolidated Plan One-Year Action Plan for FY 2016

ISSUE:

Final action by the Fairfax County Board of Supervisors on the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016 as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (1) adopt the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016 as issued by the CCFAC with funding allocations outlined below; and (2) authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the U.S. Department of Housing and Urban Development (HUD) by May 15, 2015.

TIMING:

Board action is requested on April 28, 2015, in order to maintain the schedule for the Consolidated Plan process, which is included in the Grantee Unique Appendices section of the document, and to ensure timely submission of the plans to HUD.

BACKGROUND:

**About the Consolidated Plan:** A Proposed Five-Year Consolidated Plan for FY 2016-2020 (Proposed Five-Year Plan for FY 2016-2020) and Proposed Consolidated Plan One-Year Action Plan for FY 2016 (Proposed One-Year Plan for FY 2016) were issued by the CCFAC for public review and comment. The Five-Year Consolidated Plan for FY 2016-2020 replaces the County's Five-Year Consolidated Plan for FY 2011-2015 which is in the fifth and final year that ends on June 30, 2015. The Five-Year Consolidated Plan for FY 2016-2020 is required for funding three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG).

- The revised **Proposed Five-Year Plan for FY 2016-2020** identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing,

community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.

- The revised **Proposed One-Year Plan for FY 2016** contains the proposed uses of funding for programs to be implemented in the first year of the Five-Year Plan for FY 2016-2020. An annual action plan is also required by HUD for the three federal programs: CDBG, HOME, and ESG. In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and incorporates funding from the Consolidated Community Funding Pool (CCFP). The Proposed One-Year Plan for FY 2016 includes the second year of the two-year funding cycle for the CCFP. The CCFP was established by the Board and provides funding for community-based programs by non-profit organizations through a competitive solicitation process. The FY 2016 CCFP funding awards will be made by the Board in April, subject to annual appropriations.

The Proposed Five-Year Plan for FY 2016–2020 and Proposed One-Year Plan for FY 2016 also include the public and private resources available for housing and community development activities. In accordance with federal requirements, the Proposed Five-Year Plan for FY 2016–2020 and Proposed One-Year Plan for FY 2016 contain several certifications, including affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements, which will be signed by the County Executive following Board approval of the Plans.

*The Consolidated Plan and Fair Housing:* Federal regulations issued by HUD governing the Consolidated Plan require jurisdictions to complete an analysis of impediments to fair housing choice. The Board designated the Fairfax County Office of Human Rights and Equity Programs (OHREP) as the agency responsible for implementation and oversight of fair housing activities initiated by Fairfax County.

In 2010-2011 Fairfax County updated the Fair Housing Analysis of Impediments Five-Year Fair Housing Planning Document (2011-2015) and conducted a new Analysis of Impediments (AI) to identify impediments to fair housing and projects to undertake to address the impediments listed. The document was submitted to the Fairfax County Board of Supervisors for review in July 2011. The Board directed staff to utilize the revised Local Plan to continue to insure that impediments to fair housing in Fairfax County are fully addressed. A new AI, overseen by OHREP, will be conducted and brought before the Board at a later date.

*Consolidated Plan Funding Levels:* Funding levels incorporated in the Proposed One-Year Plan for FY 2016 by the CCFAC and released for public comment were based on the funding levels of FY 2015, as formal notification from HUD of actual grant levels had not been received by the County at the time of the CCFAC's action to release the documents. Since the CCFAC's action, the County has received notification of actual grant levels. The funding levels incorporated in the revised Proposed One-Year Plan for FY 2016 are based on actual funding levels received from HUD on February 11, 2015. Total entitlement funding for the three (3) programs of \$6,736,970 has been recommended in this item: for CDBG (\$4,873,926), HOME (\$1,431,830), and ESG (\$431,214). It is estimated that there will be approximately \$290,942 in CDBG program income and \$45,407 in HOME program income.

With approval of the Proposed One-Year Plan for FY 2016, an estimated total of \$4,330,960 in prior year funds will be carried over. This estimated carryover amount is projected to be available due to a number of factors including the recent receipt of a significant amount of unanticipated program income from the sale of former Robert Pierre Johnson Housing Development Corporation (RPJ Housing) properties with Fairfax County Redevelopment and Housing Authority (FCRHA) financing. The estimated carryover amount is programmed for a variety of purposes by the CCFAC recommendations as contained in the Proposed One-Year Plan for FY 2016. It should be noted that Fairfax County is on track to meet its federal CDBG expenditure and HOME commitment requirements.

*Public Participation in the Consolidated Plan Process:* During the development of the Proposed Five-Year Plan for FY 2016-2020 and Proposed One-Year Plan for FY 2016, three public input forum meetings were held on three separate dates (October 8, 14, and 20, 2014), at three different locations (Reston Community Center, Fairfax County Government Center, and South County Government Center). In addition to covering the area of housing and other human services needs, the October 8 forum targeted the topic: Helping the Homeless and Persons with Special Needs (Including Persons with Mental, Physical, Sensory Disabilities, and Senior Citizens).

Citizen input on housing and other human services was also received at a public hearing held by the CCFAC on October 14, 2014. The priority needs set by the CCFAC and approved by the Board of Supervisors take into consideration comments from the public along with suggestions from housing advocacy groups, the Affordable Housing Advisory Committee, the FCRHA, and other stakeholders.

In accordance with the Board-adopted Citizen Participation Plan for the Consolidated Plan process, the Plans were made available and were circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended with a public hearing at the Board of Supervisors

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on March 24, 2015. Following the public hearing and the public comment period, the CCFAC considered all comments received on the Proposed Five-Year Plan for FY 2016-2020 and Proposed One-Year Plan for FY 2016 and hereby forwards the revised documents and its recommendation to the Board in this item for final action on April 28, 2015.

FISCAL IMPACT:

Funds identified in the Proposed One-Year Plan for FY 2016 include CDBG (\$4,873,926 entitlement and \$290,942 estimated program income), HOME (\$1,431,830 entitlement and \$45,407 estimated program income), and ESG (\$431,214) funds. In addition, allocations of prior year funding, in an estimated amount of \$4,330,960, have also been recommended.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Five-Year Consolidated Plan for FY 2016-2020* (that includes *Proposed Consolidated Plan One-Year Action Plan for FY 2016*) is available on line at <http://www.fairfaxcounty.gov/rha>.

STAFF:

Patricia D. Harrison, Deputy County Executive  
Kurt Creager, Director, Department of Housing and Community Development (HCD)  
Hossein Malayeri, Deputy Director, Real Estate, Finance, and Development, HCD  
Thomas Fleetwood, Director, FCRHA Policy, Reporting and Communications Division, HCD  
Aseem K. Nigam, Director, Real Estate Finance and Grants Management (REFGM) Division, HCD  
Robert C. Fields, Interim Associate Director, REFGM Division, HCD  
David P. Jones, Senior Program Manager, REFGM Division, HCD  
Stephen Knippler, Senior Program Manager, FCRHA Policy, Reporting and Communications Division, HCD

ACTION - 5

Authorization to Execute the Islanding Agreement Between Virginia Electric and Power Company d/b/a Dominion Virginia Power and Fairfax County to Facilitate the Use of Standby Generators at the Noman M. Cole, Jr., Pollution Control Plant

ISSUE:

Authorization from the Board is needed for the County Executive to execute the Islanding Agreement between the County and Virginia Electric and Power Company d/b/a Dominion Virginia Power to facilitate the operation of standby generators at the Noman M. Cole, Jr., Pollution Control Plant. This will allow the plant staff to disconnect the plant from the DVP grid and operate the standby generators in an islanding mode in anticipation of severe weather events providing uninterrupted operation of the plant.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to execute the Islanding Agreement between the County and Dominion Virginia Power substantially in the form of the draft agreement.

TIMING:

Board action is requested on April 28, 2015, in order to conduct the final testing of generators.

BACKGROUND:

The construction of the Upgrade to the Standby Generators project at the Noman M. Cole, Jr. Pollution Control Plant is approaching completion. The startup and commissioning phase of the project has begun. The new generators will enable the plant to run more critical treatment processes during power outages, curtail energy consumption during peak power demands, and disconnect from the Dominion Virginia Power grid in anticipation of severe weather events.

To facilitate the use of the new generators in an islanding mode, a strict protocol must be followed to allow the plant to disconnect from the Dominion Virginia Power grid. Therefore, the Islanding Agreement should be executed before the final testing of the generators can be completed under real operational conditions.

FISCAL IMPACT:

None.



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ENCLOSED DOCUMENTS:

Attachment A - The "Islanding Agreement" between Dominion Virginia Power and Fairfax County

STAFF:

Robert A. Stalzer, Deputy, County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES

*Supplement Dated April 28, 2015, to the Letter Supplement  
Dated May 15, 2012 For the Provision of Electric Service From  
Virginia Electric and Power Company – Exhibit B*

**“ISLANDING AGREEMENT” FOR THE OPERATION OF CUSTOMER-  
OWNED, ON-SITE, STANDBY GENERATION FACILITIES AT FAIRFAX  
COUNTY’S NOMAN M. COLE, JR. POLLUTION CONTROL PLANT**

This “Islanding Agreement” for the Operation of Customer-Owned, On-Site, Standby Generation Facilities at Fairfax County’s Noman M. Cole, Jr. Pollution Control Plant (the “Islanding Agreement” or the “Agreement”) is made and entered into this \_\_\_\_ day of April, 2015 between Virginia Electric and Power Company, d/b/a Dominion Virginia Power, a Virginia public service company with its principal office located at 120 Tredegar Street, Richmond, Virginia 23219 (“Dominion Virginia Power” or the “Company”), and the Fairfax County Board of Supervisors, the governing body of a political subdivision of the Commonwealth of Virginia, with its principal office located at 12000 Government Center Parkway, Fairfax, Virginia 22035 (“Fairfax County,” the “County,” or the “Board”). For purposes of the Agreement, Dominion Virginia Power and the County may be herein referred to individually as a “Party,” and collectively as the “Parties.”

**SECTION I – RECITALS, BACKGROUND, AND  
PURPOSE/INTENT OF THE AGREEMENT**

1.1 This Agreement between the Parties will govern the terms and conditions under which County-owned, on-site, standby generators built and installed at the Noman M. Cole, Jr. Pollution Control Plant (“Noman Cole” or the “Plant”), a Fairfax County wastewater treatment plant located at 9399 Richmond Highway, Lorton, Virginia 22079, will operate when the Plant is in “islanding operations” (as that term is defined in Section 2.1 of the Agreement).

1.2 The Parties acknowledge and agree that when the Plant is in islanding operations, the County will provide electric service to the Plant using the on-site, standby generators that it has installed at its own expense at the Plant, and that for the County to supply electricity from these generators during islanding operations to all of the delivery points located throughout the Plant, the County will need to utilize Company-owned distribution facilities located behind the Company-owned primary meter at the Plant (the “Dominion Distribution Facilities”). The Parties further agree that while islanding operations are intended primarily to occur in those instances when both normal electric service through the Occoquan circuit (Circuit No. 313), and alternate electric service through the Hayfield circuit (Circuit No. 343), from Dominion Virginia Power to the Plant are unavailable due, for example, a *force majeure* event (e.g., a severe or catastrophic weather event such as a hurricane), or some other event that disrupts the provision of retail electric service to the Plant, there will be instances when the Plant may preemptively or otherwise be put into islanding operations.

1.3 As discussed more fully herein, each Party confirms its intent to operate its own facilities in a safe and effective manner consistent with applicable prevailing industry standards and applicable legal and/or regulatory requirements, with each Party maintaining and being responsible for equipment and facilities that it respectively owns, unless otherwise stated in this Agreement. Dominion Virginia Power agrees that the County can use those Dominion Distribution Facilities for the sole and limited purpose of distributing electricity to the Plant's load centers when the Plant is in islanding operations, subject to the terms of this Agreement. Notwithstanding the foregoing or anything else in this Agreement to the contrary, the County shall have no rights to perform any maintenance, repair, replacements, or any other type of activity that would require physical contact with the Dominion Distribution Facilities.

1.4 Further, the Parties hereby recognize that they have previously executed a Small Generator Interconnect Agreement ("SGIA") effective July 31, 2012, and that under the SGIA, Dominion Virginia Power is authorized to proceed with attachment facilities and distribution upgrades needed for interconnection, and the County is able to operate interconnection facilities at the Plant – including the step-up transformer for its on-site, standby generation discussed herein – in parallel with Dominion Virginia Power's providing electric service under the Amended and Restated Agreement for the Provision of Electric Service to Municipalities and Counties of the Commonwealth of Virginia from Virginia Electric and Power Company effective August 1, 2014, as amended from time to time (an agreement between Dominion Virginia Power and the Virginia Energy Purchasing Governmental Association ("VEPGA") for the provision of electric service to VEPGA's members, including the County). The Parties acknowledge and agree that when the County is operating its generation in parallel with Dominion Virginia Power's supply, the SGIA will be in effect. The Parties acknowledge and agree that when the Plant is operating its generation with the Dominion Isolation Device (recloser 313R157) open, the County will be in islanding operations and this Agreement will be in effect.

1.5 The Parties also hereby acknowledge and agree that this Agreement does not supersede or otherwise invalidate the terms of the SGIA or any other agreement between them related to the provision of electric service at the Plant, and that all such agreements are being incorporated herein by reference as though they are stated in full. To the extent that there is a conflict between this Agreement and any agreements setting forth the terms and conditions whereby Dominion Virginia Power supplies retail electric service to the Plant, the retail electric service agreements shall govern the Parties' relationship.

1.6 The Parties acknowledge that the Plant's wastewater treatment operations provide an important service to Fairfax County and its residents by removing nutrients and materials from approximately 54 million gallons of wastewater each day, and that the Plant, which is the largest advanced wastewater treatment plant in the Commonwealth of Virginia, treats approximately one-half of the wastewater generated daily in the County. At times through no fault of the Company (e.g., during Hurricane Isabel, a very large and destructive storm which caused widespread system damage and outages in 2003), retail

electric service (both normal and alternate electric service) to the Plant has been disrupted. The Parties acknowledge that an intended purpose of this Agreement is to have mutually agreed-upon arrangements in place to allow Plant operations to continue uninterrupted in the event of an outage or fault event disrupting the Company's provision of electric service to the Plant.

1.7 The Parties further acknowledge that while Dominion Virginia Power will continue to provide safe and reliable electric service to the Plant, Dominion Virginia Power cannot guarantee electric service at all times through its normal and alternate feeds to the Plant. Because the Company has distribution facilities located at the Plant behind the Company's on-site primary meter, so that the Company can feed various load centers at the Plant, there is the opportunity or the ability for the County to construct its own on-site, standby generators at the Plant down-line from the Company's primary meter, so that the County can self-generate when in islanding operations, subject to the terms of this Agreement, and thereby provide electric service to the Plant, using the Dominion Distribution Facilities when in islanding operations.

1.8 To the extent that normal and/or alternate electric service is/are available to the Plant, the County can operate its on-site, standby generation at the Plant, when needed, consistent with the terms of the SGIA. Except as stated in Section 4.3 regarding other County agencies or third-parties hired by the County to perform services related to this Agreement, no equipment owned by anyone other than the Company or the County will be allowed to provide normal or alternate electric service to the Plant during normal operating times when such service is available to the Plant, and no third-party equipment or facilities will be allowed to operate whenever the Plant is in islanding operations.

## **SECTION II – DEFINITIONS**

For purposes of this Agreement, in addition to those set forth above, the following definitions shall apply:

2.1 The term "islanding operations" means the provision of electric service to the Plant's distribution centers ("DCs") from the County-owned, on-site, standby generators using the Dominion Distribution Facilities. During islanding operations, the Company will not provide electric service to the Plant; rather, the County will provide its own electric service to the Plant to meet the load requirements of the DCs. Also, during islanding operations, the Company's isolation device (Circuit No. 313; recloser 313R157) will be open and recloser 313R289 will be closed. This will ensure that the Plant will not have any connection to supply from the Company, and that the Plant will be directly and exclusively served by the County-owned standby generation during such times. Islanding operations cannot occur if the Company's equipment inside the Plant has faulted or is unavailable for use. Islanding operations are listed in Appendix A, titled Sequence of Operation – Transfer Sequences, to this Agreement as STATE 6 (see Appendix A, § 2.2(G)).

2.2 The term “normal operations” means the provision of retail electric service from the Company to the Plant through Company Circuit No. 313, and Company-owned distribution facilities connected to Circuit No. 313 and located behind the Company’s primary meter at the Plant.

Normal operations are a baseline, or reference point, for the Parties as they communicate while performing various operations or transition events. Other operating states are available; however, normal operations will be the starting point in considering unusual conditions. During normal operations, the Company’s Circuit No. 313 will be in the normal configuration and recloser 313R157 will be closed. During normal operations, County secondary lowside breakers from Circuit No. 313 feeds will be closed, secondary lowside breakers from Circuit No. 343 feeds will be open, and the secondary bus-tie breaker will be closed. Also, during normal operations, the Company’s recloser 313R289 will be closed; this will allow for the County to generate under the SGIA.

Normal operations are further discussed in Appendix A. They are listed as either STATE 1 or STATE 2 in Appendix A, depending on whether the County’s generators are running (see Appendix A, § 2.2(B) & (C)).

2.3 The term “alternate operations” means the provision of retail electric service from the Company to the Plant through an alternate circuit that contractually has reserve capacity to handle the load. For the Plant, the Company provides Circuit No. 343, and the Company-owned distribution facilities connected to Circuit No. 343 and located behind the Company’s second primary meter at the Plant, as this reserve. During alternate operations, all County-owned delivery points at the Plant will be fed through these facilities. Because the County has requested islanding operations on its normal service (Circuit 313), secondary lowside breakers at the County’s DCs will be operated with an interlock to prevent parallel operations. This will prevent the County’s generation from being exported onto the Company’s Circuit No. 343. Transition sequences and operational facilities to Circuit No. 343 have been developed with the islanding requests in mind. However, because the generation is only available to Circuit No. 313, the material regarding Circuit No. 343 is only informational – with the performance of the islanding to support the Plant. Alternate operations are further discussed in Appendix A as STATE 4 (see Appendix A, § 2.2(E)).

2.4 The term “abnormal operations” means that the Plant is not in normal operations or alternate operations in regards to the provision of retail electric service. Daily operational conditions may have one or more County secondary lowside breakers from Circuit No. 313 open and/or the secondary bus tie breaker open at a County-owned delivery point. While this condition is an acceptable operating condition, it is understood that the individual delivery point in abnormal position being fed from Circuit No. 343 will not be connected to the County’s generation, and will not benefit from the islanding configuration.

2.5 The terms “Contractor” or “Subcontractor” as used in this agreement shall mean a third-party retained by or on behalf of the County in performing the County’s duties under this Agreement. For purposes of Sections 3.3 of this Agreement, a Contractor or Subcontractor shall not include: (a) third-parties retained by or on behalf of the County to perform general work at the Plant unrelated to islanding operations and this Agreement, or (b) third-parties whose engagement by the County predates the effective date of this Agreement.

### **SECTION III – ISLANDING OPERATIONS**

For proper electrical protection, the Parties agree that the County will run a minimum of three generators when the Plant is in islanding operations. In addition to the definition and the discussion of islanding operations provided in Section 2.1 above, the following parameters, conditions, and requirements will apply when the Facility is in islanding operations:

#### **A. ISLANDING FACILITIES**

3.1 Dominion Virginia Power is responsible for making sure that when the Facility is in islanding operations, the distribution facilities owned and maintained by Dominion Virginia Power (the “Islanding Facilities”) labeled in Appendix B will function so that the Plant stays in islanding operations at all times, and does not transmit any electric energy from the County’s on-site, standby generation back onto the grid. The categories of Dominion Virginia Power’s Islanding Facilities include, but are not limited to, the following:

- a. Isolation Device – Recloser 313R157
- b. Generator Step-Up Protection – Recloser 313R289
- c. Remote Terminal Unit (“RTU”)/Controller Equipment
- d. Underground Conductors
- e. Padmount Switches/Vacuum Fault Interrupters
- f. Transformers and Protection
- g. Potential Devices for Generator Sensing and Control
- h. Miscellaneous Equipment

3.2 The County is responsible for making sure that when the Facility is in islanding operations, the County’s on-site, standby generating facilities and secondary facilities labeled in Appendix B will function so that the Plant stays in such islanding operations mode at all times, and does not transmit any electric energy in such mode back onto the grid, until normal operations and/or alternate operations are restored. The categories of the County’s facilities include, but are not limited, to the following:

- a. Generator Step-Up Transformer
- b. Switch Gear Breakers and Connections
- c. Generators and Associated Equipment
- d. Secondary Breakers and Control on Circuit No. 313 Delivery Points

- e. Secondary Cables and Equipment Fed from Circuit No. 313
- f. Fiber Communications Equipment
- g. Generator Synchronizing Equipment

## **B. INSURANCE AND LIMITATION OF LIABILITY**

3.3 Within 120 days of the Effective Date of this Agreement, the County will purchase a general liability insurance policy as set forth in Section 3.3(a)(iii) below for the benefit of Dominion Virginia Power that will cover Dominion Virginia Power when the Facility is in islanding operations, and when the County is utilizing the Dominion Distribution Facilities to deliver electric energy from its on-site, standby generators to its DCs throughout the Facility. This requirement is a condition precedent to the Facility's going into islanding operations under the terms of this Agreement. Notwithstanding, Dominion Virginia Power agrees that the County can test its on-site, standby generators consistent with Section 3.7 in advance of, and in preparation for, the Facility's receipt of service from such generators in islanding operations.

The insurance required under this Agreement shall meet the following requirements:

(a) Coverage. The County shall obtain and maintain commercial general liability insurance as specified in subpart (iii) below, and require its Contractors and Subcontractors to obtain and maintain, with responsible insurance carriers with a Best's Insurance Reports rate of "B+" or better and a financial size category of "IX" or higher, the following policies of insurance: (i) workers compensation as required by the statutory benefit laws of the Commonwealth of Virginia; (ii) employer's liability insurance with a total limit of at least two million dollars (\$2,000,000) per accident for bodily injury by accident and two million dollars (\$2,000,000) per employee for bodily injury by disease; (iii) commercial general liability insurance with a total limit of at least five million dollars (\$5,000,000) per occurrence (occurrence form policy) for bodily injury, property damage and personal injury which shall include, but not be limited to, specific coverage for (1) contractual liability encompassing the obligations of this Agreement, and (2) premises/operations liability; and (iv) automobile liability insurance covering bodily injury and property damage with a total limit of at least two million dollars (\$2,000,000) per accident, which will cover liability arising out of any auto (including owned, hired and non-owned autos).

(b) Umbrella Policy. The amount of coverage required may be satisfied, at the County's and its Contractors' and Subcontractors' option, through a separate excess umbrella liability policy together with lower limit primary underlying insurance.

(c) Waiver. The County waives and shall cause its insurers to waive all rights against the Company and its affiliates, and their directors, officers, and employees, whether in contract or in tort (including negligence and strict liability) for recovery of damages to the extent these damages are covered by the insurance required in this Agreement. The insurance in this Agreement will be amended to waive any rights by the

insurer to subrogate against the Company and its affiliates, and their directors, officers, and employees.

(d) Additional Insureds. The County shall cause its insurers providing the coverage required in this Agreement, and shall require each of its Contractors and Subcontractors to cause each of its insurers providing the coverage required by this Agreement, except for the insurers providing the workers compensation and employer's liability insurance, to name the Company, the Company's affiliates and each of their officers, directors, employees, contractors, and agents, as additional insureds to the coverages required above as their interests attach with respect to liability arising out of the islanding operations or the County's performance of its obligations pursuant to this Agreement. The commercial general liability, automobile liability, and if applicable, umbrella liability coverage required above will provide for claims by one insured against another such that, except for the limits of insurance, the insurance will apply separately to each insured against whom or which a claim is made or suit is brought.

(e) Primary Coverage. The County and each of its Contractors and Subcontractors shall ensure that the coverage required by this Agreement is primary with respect to any other similar insurance or self-insurance maintained by Company.

(f) Cancellation of Coverage. The County's coverage required by this Agreement may not be canceled, nonrenewed, or materially changed without the County giving thirty (30) days prior written notice to Company.

(g) Certificates of Insurance. Prior to performing any islanding operations, except those related to on-site testing as detailed in Section 3.3, the County shall provide certificates of insurance to the Company from the County and any of its Contractors and Subcontractors supporting the islanding operations, certifying that their respective insurance coverage is in the form and amount required by this Agreement. Failure of the Company to demand certificates of insurance or other evidence of full compliance with these insurance requirements or failure of the Company to identify a delinquency from evidence that is provided will not be construed as a waiver of County's obligation to maintain such insurance, and will in no way relieve or limit the County's obligations and liabilities under this or any other provisions of this Agreement.

(h) Insurance No Limit to Liability. Unless otherwise expressly stated, the Parties agree that any requirement for insurance imposed by this Agreement is not intended nor shall it be construed as any limit of liability of the County, its Contractors or Subcontractors under this Agreement.

3.4 The County further agrees to be responsible to Dominion Virginia Power for any actual damage to Company-owned facilities caused by the County, which occurs while the Plant is in islanding operations. The Company agrees to be responsible to the County for any actual damage to the Facility caused by the Company, which occurs while the Plant is in islanding operations.



3.5 The provisions set forth above in Section 3.4 for the County will not apply in instances where liability, injury, or harm while the Plant is in islanding operations is deemed to have been proximately caused by Dominion Virginia Power's intentional, negligent (ordinary or gross), or willful misconduct.

#### **C. REASONABLE USE AND TESTING**

3.6 Written (email) and verbal (telephone or face-to-face) communication will be used during islanding operations depending on the urgency of the matter.

3.7 The Parties confirm that islanding operations will typically occur at the Plant as a matter of last resort when normal operations and alternate operations are unavailable, unless the Plant goes into islanding operations before a known event. Notwithstanding, the Parties mutually agree that islanding operations may be tested periodically at times mutually agreeable to both Parties. Such islanding operations and testing will occur in full accordance with prudent engineering and operating practices – including full adherence to all applicable personnel safety, equipment safety, and hazard prevention policies and procedures. The Parties will schedule such testing at times that have minimum adverse impact to the Parties and to the Plant's operations. Testing of the Plant's function and the Company's function for islanding operations will occur periodically to help to ensure that the equipment, Company personnel, and County personnel operate as intended under the Agreement.

3.8 Dominion Virginia Power understands and agrees that weather conditions and other events beyond Dominion Virginia Power's reasonable control can cause sudden electric service interruptions to the Plant – potentially with little or no advance warning. To the extent practicable, and so long as such a request does not jeopardize the reliability of Dominion Virginia Power's electric service to other customers, the County shall have the right to request that the Plant be preemptively switched over to islanding operations in an effort to reasonably prevent or avoid any interruption or disruption of the Plant's operations. The County's reasonable requests for Dominion Virginia Power's consent to preemptively switch the Plant in islanding operations shall not be unreasonably withheld.

#### **D. ISLANDING SEQUENCES AND TRANSITIONS**

3.9 Islanding operations will result from one of two different sequences of events. One sequence, a *force majeure* event, causes an outage (interruption) to the retail electric service to the Plant. The second sequence – a planned switching transition from either a preemptive request from the County or a planned test of the system – allows the County's DCs to remain in-service. For the first sequence, the transition from normal operations to islanding operations results from an open transition (or non-parallel transition) from the Company's supply to the County's generator supply of service. For the second sequence, the transition from normal operations to islanding operations results from a closed transition (or parallel transition). The transition from islanding operations back to normal operations can occur with either an open transition or closed transition, with the type of transition dependent on the conditions and status of the Company's

Circuit No. 313. A Circuit No. 313 Available and Normal status would allow for a closed transition, while a Circuit No. 313 Available and Abnormal status would require an open transition. In every such instance, the Parties will take all necessary actions so that transitions to and from islanding operations are performed in a safe and efficient manner. The islanding sequences and transitions shall follow TRANSFER SEQUENCE 2, TRANSFER SEQUENCE 3, TRANSFER SEQUENCE 4, TRANSFER SEQUENCE 5, or TRANSFER SEQUENCE 8 listed in Appendix A (see Appendix A, § 2.7(C)-(F) & (I)). Appendix A also includes other types of transfers and additional information, and the instructions that the County will use in operating its generation equipment and its electrical facilities at the Plant.

3.10 Proper information and communication are vital to ensure safe operating performance. Telemetry equipment provided by both Parties will disseminate critical information for personnel to respond to events. However, verbal communications are still required for some of the transfer sequences listed in Appendix A. If telemetry information or communication is unavailable, islanding operations may be restricted. Each Party will act in such instances to repair/replace its equipment or facilities restricting proper operations. Normal control of the islanding equipment occurs electronically by the Company or the County. This electronic control is through the Company's RTU and the interface between the RTU and other control systems. Communications between Plant personnel and the Company's Northern Virginia Regional Operations Center ("ROC") will be via telephone or face-to-face communications. Islanding sequences and transitions will follow the requirements stated in Appendix A.

3.11 As discussed below, routine or necessary maintenance on Dominion Virginia Power's Islanding Facilities or the County's on-site, standby generating facilities and secondary facilities may necessitate or require Dominion Virginia Power's isolation device to be in the open position. In such instances, normal islanding operations will not be permitted due to proper safety clearance and tagging requirements. Extreme or abnormal conditions may allow for partial islanding operations if the Parties mutually agree.

## **E. ISLANDING MAINTENANCE AND UPDATES**

3.12 Unless otherwise stated in this Agreement, each Party will be responsible for maintaining and updating, according to prudent engineering and operating standards and pursuant to proper and reasonable maintenance cycles, all of its respective equipment and facilities needed for islanding operations to occur at the Plant. Each Party will be solely responsible for the actions of its own personnel during the periodic testing, maintaining, and updating of islanding operations equipment at the Plant, and each Party will provide reasonable advance notice of routine and/or planned equipment revisions and updates that may require system settings to be changed. Such facilities testing, revising, and updating may create outages at the Plant, such that islanding operations are not available.

3.13 To the extent that unplanned maintenance events arise, the Parties agree to provide such notice as is reasonably practicable under the circumstances to one another pursuant to Section 6.1 of this Agreement. Depending upon the significance and urgency of the event, the Parties will initiate a call-out process and coordinate with one another to restore normal operations and/or alternate operations, as applicable, at the Plant. This is consistent with the normal restoration schedules and processes to which the Plant is otherwise subject, and without regard to the County's ability to island at the Plant.

#### **SECTION IV – REPRESENTATIONS AND WARRANTIES**

##### **A. THE COUNTY'S REPRESENTATIONS**

4.1 The County hereby represents and warrants to Dominion Virginia Power that:

(1) The County is able to fully execute, deliver, and perform under this Agreement; that its execution of this Agreement is within its powers; and that it is duly authorized by all necessary corporate and/or other organizational action on its part;

(2) The County is not subject to any bankruptcy proceedings;

(3) To its knowledge, the County is not subject to, or a party to, any legal proceedings that could materially adversely affect its ability to perform under this Agreement; and

(4) The County is acting for or on its own account; has freely made its own independent decision to enter into this Agreement; and is capable of assessing and understanding the terms, conditions, and risks of this Agreement.

4.2 The County acknowledges and agrees that the Agreement is a legally valid and binding obligation enforceable against the County in accordance with its terms.

4.3 The County acknowledges and agrees that it is responsible, for purposes of this Agreement, for all County equipment and personnel necessary to ensure of its obligations under this Agreement in accordance with its terms. In performing its duties under this Agreement, the County may elect or be required to use personnel from other County agencies – including, but not limited to, the Fairfax County Department of Public Works and other County departments, as well as hire third-party Contractors and/or consultants.

## **B. DOMINION VIRGINIA POWER'S REPRESENTATIONS**

4.4 Dominion Virginia Power hereby represents and warrants to the County that:

(1) Dominion Virginia Power is able to fully execute, deliver, and perform under this Agreement; that its execution of this Agreement is within its powers; and that it is duly authorized by all necessary corporate and/or other organizational action on its part;

(2) Dominion Virginia Power is not subject to any bankruptcy proceedings;

(3) To its knowledge, Dominion Virginia Power is not subject to, or a party to, any legal proceedings that could materially adversely affect its ability to perform under this Agreement;

(4) Dominion Virginia Power is acting for or on its own account; has freely made its own independent decision to enter into this Agreement; and is capable of assessing and understanding the terms, conditions, and risks of this Agreement; and

(5) Dominion Virginia Power is duly organized, validly existing, and in good standing under the laws of the jurisdiction of its formation.

4.5 Dominion Virginia Power acknowledges and agrees that the Agreement is a legally valid and binding obligation enforceable against Dominion Virginia Power in accordance with its terms.

4.6 Dominion Virginia Power acknowledges and agrees that it is responsible, for purposes of this Agreement, for all Dominion Virginia Power equipment and personnel necessary to ensure the Company's obligations under this Agreement in accordance with its terms. In performing its duties under this Agreement, Dominion Virginia Power may elect or be required to use personnel from various departments within Dominion Virginia Power – including, but not limited to, the following: Electric Distribution Department and Substation Department technical support personnel; Electric Operations first responder personnel; and ROC employees and systems such as the Data Managing System ("DMS") and Supervisory Control and Data Acquisition ("SCADA") systems in place at the Northern Virginia ROC, as well as hired third-party contractors and/or consultants. Dominion Virginia Power agrees that it is solely responsible for the costs and conduct of such persons and systems under this Agreement, so long as these persons or entities are acting within the scope of their employment or contractual relationship with Dominion Virginia Power and provided the foregoing shall not limit the County's obligations under Sections 3.3 and 3.4 with respect to the use of the Dominion Distribution Facilities during islanding operations.

## **SECTION V – PARALLEL OPERATIONS**

5.1 The Parties recognize that their previous approved SGIA study allowed for interconnected facilities to have parallel operations with Dominion Virginia Power facilities on Circuit No. 313 at the Plant. However, the SGIA implements a transfer-trip feature which does not accommodate operation of County-owned generators during islanding operations at the Plant due to the anti-islanding conditions. The SGIA transfer-trip feature prohibits the County-owned generators from serving other Dominion Virginia Power customers in the area. As a result of the transfer-trip feature being added with the SGIA, the County would be unable to use Dominion Virginia Power's Islanding Facilities at will to deliver power from the County's on-site, standby generation to serve the Plant's load centers because the transfer-trip signal opens the generator breakers.

5.2 To allow islanding operations to occur under this Agreement, the Company's equipment disables the SGIA transfer-trip signal whenever Dominion Virginia Power's isolation device (recloser 313R157) is open.

## **SECTION VI – MISCELLANEOUS**

6.1 Notices. All notices required hereunder, and all other correspondence and exchanges of information concerning this Agreement, shall be addressed to the Parties' representatives, who are listed for reference in Appendix C, which may be revised in writing from time to time as needed by either Party. All notices shall be in writing and shall be sent by any of the following methods: hand delivery, overnight courier, certified mail return receipt requested, facsimile transmission, or mutually acceptable electronic means, unless noted otherwise. A notice shall be effective on the Business Day when received if received between 8:00 a.m. and 5:00 p.m. on a Business Day; otherwise, notice will be deemed to have been received on the following Business Day. A "Business Day" for purposes of this Section 6.1 will mean Monday through Friday, excluding holidays recognized by the Parties.

6.2 Assignment. This Agreement shall inure to the benefit of, and be binding upon, the respective heirs, successors, or assigns of each of the Parties. This Agreement is not assignable without the prior written consent of either Party, which consent shall not be unreasonably withheld, delayed, or conditioned.

6.3 Limitation of Damages. IN THE EVENT OF A BREACH OF THIS AGREEMENT, THE BREACHING PARTY'S LIABILITY SHALL BE LIMITED TO ACTUAL DAMAGES.

6.4 Limitation on Warranty. Except as stated in Section 4, the Parties hereby make no warranty, express or implied, including, but not limited to, any warranty concerning the accuracy (or completeness) of any information provided by one Party to the other, or the fitness of any such information for any particular purpose. Without limiting the generality of the foregoing, any information provided pursuant to the terms of this Agreement is subject to change without notice, and is made available hereunder

“AS IS,” with all defects, errors, and deficiencies, and without representation or warranty as to completeness, accuracy, or merchantability.

6.5 Confidentiality. This Agreement and the terms contained herein shall remain confidential and shall not be disclosed to any third-party without the written permission of the non-disclosing party, except to attorneys, accountants, and other agents or representatives of a Party with a need to know, and except in such instances where disclosure is required pursuant to law, regulation, or order by a court, governmental agency, or regulatory body having jurisdiction over a Party or this Agreement. In the event that a Party is requested or required by legal or regulatory authority to disclose any information under this Agreement, that Party shall make reasonable efforts under the circumstances to notify the other Party of such request or requirement prior to disclosure, if permitted by law, so that the other Party may seek an appropriate protective order and/or waive compliance with the terms of this Agreement.

Nothing in this section shall be construed to limit the County’s ability to respond to requests that it receives under the Virginia Freedom of Information Act (“FOIA”), Va. Code §§ 2.2-3700, et seq. While FOIA requests related to this Agreement will be considered and discussed by the Parties on a case-by-case basis, Dominion Virginia Power believes that any detailed engineering and other operational information that it will provide to the County under the Agreement will be Critical Energy Infrastructure Information (“CEII”). CEII is defined at 18 U.S.C. § 388.113(c)(1) as:

[S]pecific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

- (i) Relates details about the production, generation, transportation, transmission, or distribution of energy;
- (ii) Could be useful to a person in planning an attack on critical infrastructure [defined at 18 U.S.C. § 388.113(c)(2) as “existing and proposed systems and assets whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters”]
- (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- (iv) Does not simply give the general location of the critical infrastructure.

As such, while FOIA requests directed to the production of information provided by

Dominion Virginia Power to the County under this Agreement will be considered on a case-by-case basis, Dominion Virginia Power believes that the information it provides should be subject to an exclusion from production under FOIA.

To the extent that the Parties terminate this Agreement pursuant to Section 6.14, or the Agreement otherwise ceases to be in effect, the Parties agree that their duty to securely store, handle, and maintain any confidential information provided under this Agreement will extend for five (5) years from the date of termination. In any event, the Parties agree to confer and arrange for such confidential information to be returned or destroyed, as mutually agreed, prior to the expiration of this five-year period, so that confidential information does not enter the public domain by the passage of time.

6.6 Governing Law. This Agreement and the rights and duties of the Parties hereunder shall be governed by, and shall be construed, enforced and performed in accordance with, the laws of the Commonwealth of Virginia, without regard to conflicts of law principles.

6.7 Entire Agreement. This Agreement, including the other agreements referenced and incorporated herein, constitutes the entire agreement between the County and Dominion Virginia Power with respect to the subject matter of this Agreement, and shall not be subject to change or amendment except by subsequent written agreement signed by the duly authorized representatives of both Parties. The Parties acknowledge that each Party has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafter shall not be used in interpretation of this Agreement.

6.8 Forum Selection and Venue. The Parties shall submit to the non-exclusive jurisdiction of the courts of the Commonwealth of Virginia and the courts of the United States in the Commonwealth of Virginia in the Eastern District of Virginia for all purposes of this Agreement, including any action or proceeding instituted for the enforcement of any right, remedy, obligation, or liability arising hereunder.

6.9 Waiver of Right to Jury Trial. EACH OF THE PARTIES HERETO HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES THE RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED HEREON, OR ARISING OUT OF, UNDER, OR IN CONNECTION WITH THIS AGREEMENT. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE PARTIES' ENTERING INTO THIS AGREEMENT.

6.10 Waiver and Severability. No waiver of any provision of this Agreement will be deemed to be, nor will constitute, a waiver of any other provision whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver will be binding unless executed in writing by the Party making the waiver. In the event that any provision of this Agreement will be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions will not in any way be affected or impaired thereby so long as the remaining provisions do not fundamentally alter the

relations among the Parties hereto.

6.11 Counterparts. For the Parties' mutual convenience, any number of counterparts of this Agreement may be executed by one or more Parties hereto and each such executed counterpart will be deemed to be an original, but all of which taken together will constitute one and the same agreement.

6.12 Effective Date. This Agreement is effective as of \_\_\_\_\_ (the "Effective Date").

6.13 Term. This Agreement shall commence on the Effective Date and shall remain in effect unless terminated pursuant to Section 6.14 below.

6.14 Termination. Dominion Virginia Power or the County may terminate this Agreement with ninety (90) days' advance written notice. All performance obligations required pursuant to the Agreement will be satisfied in full prior to termination of the Agreement. To the extent that performance obligations are still due and outstanding at the date of termination, the termination will not excuse such performance obligations, which will be performed in full.

6.15. Appropriations. Nothing in this Agreement shall obligate the County to expend or provide any funds beyond those appropriated pursuant to an annual or other lawful appropriation.

6.16 Sovereign Immunity. Nothing in this Agreement shall be construed as a waiver of the County's sovereign immunity.

6.17 Headings. The section headings of this Agreement are for reference purposes only, and are to be given no effect in the construction or interpretation of this Agreement.

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IN WITNESS WHEREOF, the Parties, by their duly authorized representatives,  
have executed this Agreement as of the Effective Date set forth above.

VIRGINIA ELECTRIC AND POWER  
COMPANY, d/b/a DOMINION VIRGINIA POWER

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

FAIRFAX COUNTY BOARD OF SUPERVISORS

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

DVP ISLANDING AGREEMENT  
APPENDIX A

SECTION 13415-B  
SEQUENCE OF OPERATION – TRANSFER SEQUENCES

PART 1 -- GENERAL

- A. Document Intent:
1. This document provides a description of the status, transfer sequences, and interlocks required for the generators and DVP based on the interface with the DVP RTU.

PART 2 -- PRODUCTS (SEQUENCE OF OPERATION)

2.1 ACRONYMS, DEFINITIONS, AND WORDS IN ITALICS

- A. Words that appear in *CAPITALIZED ITALICS* text have a specific meaning as defined in this document.
- B. The following are used throughout this document:
1. SPS: Standby Power System.
  2. DVP: Dominion Virginia Power.
  3. RTU: Remote Terminal Unit.
  4. SPSB: Standby Power System Bus.

2.2 SPS CONTROL SYSTEM – STATUS OF PLANT OPERATING ON UTILITY AND/OR GENERATOR POWER

- A. The following define the various states of operation for the Plant as a whole. The SPS Control System shall display Plant status.
- B. *STATE 1* - Normal Plant Operation on DVP(313):
1. *DVP(313) AVAILABLE NORMAL*.
  2. All DC's and MTS's connected to the SPSB (SPSB main breakers closed).
  3. Tie breakers in all DC's closed.
  4. Recloser 313R289 (formerly 313RGSU) closed (RGSU-ZX-313).
- C. *STATE 2* - Normal Plant Operation on DVP(313) with Generator Exercising Routine or Load Management System Active:
1. *DVP(313) AVAILABLE NORMAL*.
  2. All DC's and MTS's connected to the SPSB (SPSB main breakers closed).
  3. Tie breakers in all DC's closed.
  4. Recloser 313R289 (formerly 313RGSU) closed (RGSU-ZX-313).
  5. At least one generator running (MX-0915-#) and connected to the bus (IX-0915-#).
  6. Determine exact state based on Generator Exerciser System configuration and Load Management System Configuration.
- D. *STATE 3* - Abnormal Plant Operation on DVP(313):
1. *STATE 1* with *DVP(313) AVAILABLE ABNORMAL*.

OR

2. *STATE 1* with at least one main SPSB breaker in a DC or MTS not closed.  
OR
  3. *STATE 1* with Recloser 313R289 (formerly 313RGSU) open (RGSU-ZX-313).
  4. Identify exact state based on conditions.
- E. *STATE 4* - Normal Plant Operation on Alternate DVP(343):
1. *DVP(343) AVAILABLE*.
  2. All DC's and MTS's connected to DVP(343) (343 main breakers closed).
  3. Tie breakers in all DC's closed.
- F. *STATE 5* - Abnormal Plant Operation on Alternate DVP(343):
1. *DVP(343) AVAILABLE*.
  2. At least one DVP(343) main breaker in a DC or MTS not closed.
- G. *STATE 6* - Plant Operation on Standby Power System (Generator Power in Island Mode):
1. Recloser 313R157 open (R157-ZX-313).
  2. Recloser 313R289 (formerly 313RGSU) closed (RGSU-ZX-313).
  3. Switchgear breaker for GSU-1 closed (ZX-GSU-52).
  4. At least one generator running (MX-0915-#) and connected to the bus (IX-0915-#).
  5. At least one SPSB main breaker in a DC or MTS closed.
- H. *STATE 7* - Plant Not Connected to a Power Source:
1. DVP(313) unavailable (R157-IX-313) or recloser 313R157 open (R157-ZX-313).
  2. DVP(343) unavailable (R58-IX-343) or recloser 343R58 open (R58-ZX-343).
  3. No generators connected to the bus (IX-0915-#) or GSU-1 breaker open in SG-1 or Recloser 313R289 (formerly 313RGSU) open (RGSU-ZX-SPSB).
- I. Other:
1. Annunciate an alarm to indicate that no utility power is available for SG-1 and ancillary loads.
  2. The alarm shall be generated using bus 27 function of SEL 751A relay in SG-1 (discrete point obtained from Generator Control System via ControlNET network).

## 2.3 DVP DISTRIBUTION SYSTEM INFORMATION

- A. The following describes the meaning behind pertinent DVP RTU I/O points:
1. DVP(313) available (R157-IX-313):
    - a. Indicates when 3-phase potential exists on the line side of the recloser.
    - b. The I/O point status indicates whether potential is available or unavailable.
    - c. The status of the point changes instantaneously with the availability of potential.
    - d. Likely to change status several times after an initial outage as upstream reclosers attempt to clear faults.
  2. DVP(343) available (R58-IX-343):
    - a. Indicates when 3-phase potential exists on the line side of the recloser.
    - b. The I/O point status indicates whether potential is available or unavailable.
    - c. The status of the point changes instantaneously with the availability of potential.
    - d. Likely to change status several times after an initial outage as upstream reclosers attempt to clear faults.

B. The following describes the relationships between related DVP I/O points and the operation of the reclosers at the head of the Plant. This information is provided for clarity.

1. Reclosers 313R157 and 343R58 will automatically open based on the following:
  - a. Approximately 75-seconds after the unavailable signal (R157-IX-313 and R58-IX-343, respectively) is initiated.
  - b. When power quality falls outside the limits in the following table:

Setting:	Setpoint:	Time Delay:	Notes:
Undervoltage (27)	90%	75 seconds	Delay allows DVP time to clear upstream faults
Overvoltage (59)	105%	2 seconds	-
Underfrequency (81U)	99%	2 seconds	-
Overfrequency (81U)	101%	2 seconds	-
Negative Sequence Overvoltage (47)	5%	2 seconds	Phase loss

- c. Once a recloser opens the block close interlock is enabled and manual intervention by DVP ROC is required before it can be closed.
2. 313R157 and 343R58 will be closed as follows:
  - a. 343R58 will be manually closed by DVP (via DVP SCADA) once R58-IX-343 becomes available and power quality is within the parameters of the above table. DVP will close 343R58 after a phone call to the Plant.
  - b. If the generators are NOT operating, 313R157 will be manually closed by DVP (via DVP SCADA) once R157-IX-313 becomes available and power quality is within the parameters of the above table. DVP will close 313R157 after a phone call to the Plant.
  - c. If the generators ARE operating, 313R157 will be closed after coordination between the Plant and the ROC as described in the transfer sequences below.

C. When DVP(313) outside the Plant is configured abnormally (DVP-MX-313), this means it is being fed by DVP(343) through a tie recloser outside the Plant. DVP(343) does not have the necessary protection in place to allow parallel operation of the generators.

D. If DVP(313) becomes unavailable, it would likely become available again within 75-seconds but in an abnormal configuration. DVP provides a closed transition from DVP(313) abnormal to DVP(313) normal.

## 2.4 SPS CONTROL SYSTEM – DETECTION OF POWER LOSS/RESTORATION AND FEEDER STATUS

A. The determination of power loss/restoration, and the status of the normal and alternate feeders, shall be performed by the SPS Control System based on I/O points provided by the DVP RTU.

- B. The logical status points identified below shall be developed based on the DVP RTU I/O points and associated PLC logic. These points shall be used to initiate the various transfer sequences.
- C. The SPS Control System shall display the status of all points.
- D. *DVP(313) AVAILABLE NORMAL:*
  - 1. DVP(313) available (R157-IX-313).
  - 2. Recloser 313R157 closed (R157-ZX-313).
  - 3. Circuit 313 outside the Plant is configured normally (DVP-MX-313).
- E. *DVP(313) AVAILABLE ABNORMAL:*
  - 1. DVP(313) available (R157-IX-313).
  - 2. Recloser 313R157 closed (R157-ZX-313).
  - 3. Circuit 313 outside the Plant is configured abnormally (DVP-MX-313).
- F. *DVP(313) UNAVAILABLE:*
  - 1. DVP(313) unavailable (R157-IX-313).
  - 2. Recloser 313R157 open (R157-ZX-313).
  - 3. The above conditions shall initiate an adjustable timer (initially set at 75-seconds). When the timer expires, *DVP(313) UNAVAILABLE* shall be set.
- G. *DVP(313) RESTORED NORMAL:*
  - 1. DVP(313) available (R157-IX-313).
  - 2. Circuit 313 outside the Plant is configured normally (DVP-MX-313).
  - 3. The above conditions shall initiate an adjustable timer (initially set at 10-minutes). When the timer expires, *DVP(313) RESTORED NORMAL* shall be set.
- H. *DVP(313) RESTORED ABNORMAL:*
  - 1. DVP(313) available (R157-IX-313).
  - 2. Circuit 313 outside the Plant is configured abnormally (DVP-MX-313).
  - 3. The above conditions shall initiate an adjustable timer (initially set at 10-minutes). When the timer expires, *DVP(313) RESTORED ABNORMAL* shall be set.
- I. *DVP(343) AVAILABLE:*
  - 1. DVP(343) available (R58-IX-343).
  - 2. Recloser 343R58 closed (R58-ZX-343).
  - 3. The above conditions shall initiate an adjustable timer (initially set at 10-minutes). When the timer expires, *DVP(343) AVAILABLE* shall be set.
- J. *DVP(343) UNAVAILABLE:*
  - 1. DVP(343) unavailable (R58-IX-343).
  - 2. Recloser 343R58 open (R58-ZX-343).
  - 3. The above conditions shall initiate an adjustable timer (initially set at 75-seconds). When the timer expires, *DVP(343) UNAVAILABLE* shall be set.
- K. *SPSB MAIN LINE CABLE FAULT* (within Plant):
  - 1. A SPSB MAIN LINE CABLE FAULT shall be determined as follows:
    - a. DVP(313) available (R157-IX-313).

- b. Recloser 313R157 open (R157-ZX-313).
- c. Recloser 313R157 over-current trip (R157-OA-SPSB).

OR

- d. Recloser 313R289 (formerly 313RGSU) open (RGSU-ZX-313).
- e. Recloser 313R289 (formerly 313RGSU) over-current trip (R289-OA-SPSB).
- 2. The *SPSB MAIN LINE CABLE FAULT* condition shall be latched in until manually RESET by an operator at the SCADA System.
- 3. Note that should a *SPSB MAIN LINE CABLE FAULT* condition occur:
  - a. The SPSB will be unusable which means the generators cannot be used.
  - b. If *DVP(343) UNAVAILABLE* occurs, the Plant will be without a source of power.

L. *DVP(343) MAIN LINE CABLE FAULT* (within Plant):

- 1. DVP(343) available (R58-IX-343).
- 2. Recloser 343R58 open (R58-ZX-343).
- 3. Recloser 343R58 over-current trip (R58-OA-343).

## 2.5 SPS CONTROL SYSTEM – AUTOMATIC TRANSFER SEQUENCES - GENERAL

- A. The SPS Control System shall control the sequential transfer of the Plant to and from the normal, alternate, and standby source of power. These sequences, which are intended to transfer the Plant to the alternate (DVP(343)) and standby source (generators) of power, are considered the Standby Mode of operation.
- B. The entire transfer strategy is based on the Plant's electrical distribution system being normally configured as follows:
  - 1. The Plant being fed from DVP(313) with the following initial/normal configuration (essentially *STATE 1* or *STATE 2*):
    - a. For DC's without MTS's:
      - 1) The SPSB main breaker in each DC shall be closed (as controlled by SPS Control System).
      - 2) The DVP(343) breaker in each DC shall be open (as controlled by SPS Control System).
      - 3) The tie breaker in each DC/MCC shall be closed (manually).
    - b. For DC's and MCC's with MTS's:
      - 1) The SPSB main breaker in each DC/MCC shall be closed (manually).
      - 2) The DVP(343) breaker in each DC/MCC shall be open (manually).
      - 3) The tie breaker in each DC/MCC shall be closed (manually).
      - 4) The MTS's shall be in the SPSB position (as controlled by the SPS Control System).
  - 2. The Generator Control System properly configured for automatic operation, including:
    - a. The selector switch at each Generator Control Panel shall be in the AUTOMATIC position.
    - b. The Paralleling Control Panel and other aspects of the Generator Control System shall be configured for REMOTE operation (allowing the generators to be started and connected to the SPSB when initiated by the SPS Control System).
  - 3. The Room 201 Generator and the associated transfer switch shall be properly configured and ready for automatic operation.

4. The LOCAL-REMOTE selector switch for each automated DC breaker shall be in the REMOTE position allowing the breakers to be controlled by the SPS Control System.
  5. The LOCAL-OFF-REMOTE selector switches for each of the MTS's shall be in the REMOTE position allowing the MTS's to be controlled by the SPS Control System.
- C. Control logic shall confirm each step in the sequence before moving to the next step as follows:
1. A position limit switch shall confirm that the equipment responded to the command (e.g. the breaker opened).
  2. An alarm for each failure condition shall be annunciated through the SPS Control System.
  3. Disagreement alarms will not be annunciated for breakers (or MTS's) unless the associated hardware and software selector switches are in the AUTOMATIC and PCAUTO positions, respectively.
- D. Status alarms shall be provided to indicate the following:
1. Selector switches not in the AUTOMATIC or REMOTE positions (MTS's, DC breakers, generators, etc.).
  2. Main DVP(343) breaker closed in any of the DC's or MTS's (when the associated selector switch is not in REMOTE).
  3. Tie breaker open in any of the DC's.
- E. Operational Coordination with DVP:
1. Certain transfer sequences require intervention by DVP. This intervention requires coordination between the Plant Operations Staff and DVP's Regional Operations Center (ROC).
  2. DVP ROC needs to obtain internal switching document approvals ahead of most of these actions. This requires the Plant to make an initial call to the ROC to advise them of the schedule and give them time to obtain the necessary approvals. A second call will then be required during the actual transfer to coordinate the required DVP actions. DVP suggests that anywhere from 2 to 4 hours could be required to obtain the approvals.
  3. In general, a telephone call is required from the Plant to the ROC to coordinate the following:
    - a. Prior to an open transition back to DVP(313) in the abnormal configuration.
    - b. To have the Recloser 313R157 block close interlock disabled. This is required for the Generator Control System to close Recloser 313R157 as part of the closed-transition transfer sequences.
    - c. To have the recloser 313R157 closed (by DVP). This is required as part of the open-transition transfer sequences.
    - d. Prior to removing the Plant load from DVP(313) as part of the Storm Anticipation Mode (TRANSFER SEQUENCE 3).
    - e. Prior to operating the generators in parallel with DVP(313) for generator exercising (this is a courtesy call requested by DVP).
    - f. Prior to operating the generators in parallel with DVP(313) for Load Management activities (this is a courtesy call requested by DVP).
  4. DVP ROC contact information:
    - a. ROC Shift Supervisor, telephone: 571.203.5124.
  5. Plant Contact Information:

- a. DVP indicates they will only accept calls from personnel who are on an approved call list.
- b. Currently this call list includes:
  - 1) Plant Operations Superintendent - Trevor Austin.
  - 2) Plant Operations Supervisors - Ron Davis, Clint Davis, Gulshan Gupta, Mark Makuta, Mike Rynders, and Roger Bailey.
  - 3) Plant Operator III - Justin Deavers, Kenny Perkins, Lyndsay Feaster, James Davies, and John Martin.
  - 4) Plant Operations Process Engineer - Roger Silverio.
  - 5) Plant Operations Chief – Chuck Longerbeam.
- c. The list is subject to revision.

## 2.6 SPS CONTROL SYSTEM – SOURCE TRANSFER CONTROL MODES

### A. Source Transfer Controls:

1. The source transfer controls select the sequences used to transfer the Plant from the normal to the alternate or standby source, and back.
2. These paragraphs describe the control modes and conditions that initiate the various Transfer Sequences. The actual Transfer Sequences are defined below.
3. A software based SEMI AUTOMATIC-AUTOMATIC selector switch shall be used to determine how the Transfer Sequences are initiated.
4. When in the AUTOMATIC position, the transfer from the normal source to the alternate and standby sources during a normal power outage condition will occur automatically as follows:
  - a. Transfer Sequences 1 or 2 shall be automatically initiated as appropriate.
  - b. Note that the transfer from the alternate or standby source back to the normal source shall be operator initiated using the appropriate pushbuttons in the SEMI AUTOMATIC mode.
5. When in the SEMI AUTOMATIC position, the transfer from the normal source to the alternate and standby sources, and back, shall be operator initiated using the following software based pushbuttons. The pushbuttons shall not become active until the associated prerequisites (listed with the associated Transfer Sequences) are satisfied:
  - a. DVP(313) NORMAL: transfers the Plant to DVP(313) in the normal configuration using Transfer Sequences 4 or 7 as appropriate.
  - b. DVP(313) ABNORMAL: transfers the Plant to DVP(313) in the abnormal configuration using Transfer Sequences 5 or 7 as appropriate.
  - c. GENERATORS: Transfers the Plant to the generators using Transfer Sequence 2.
  - d. DVP(343): Transfers the Plant to DVP(343) using Transfer Sequences 1 or 6 as appropriate.
  - e. STORM ANTICIPATION: Transfers the Plant to the generators using Transfer Sequence 3.
6. An ABORT pushbutton will allow a given sequence to be terminated should a condition occur that does not allow the transfer sequence to complete.

### B. Source Transfer Considerations:

1. Since significant time and effort are required to restart the Plant following a power outage, SEMI AUTOMATIC is the preferred mode of operation.



2. The Plant has some flexibility in the duration it can be without power. SEMI AUTOMATIC operation allows the Plant Operations staff an opportunity to coordinate with DVP and determine the extent and duration of the power outage. This information will then allow the Operations staff to determine the best option for alternate or standby power sources, and the best choice when restoring power. Considerations include:
  - a. Riding through a short outage and restarting the Plant back on the normal source - DVP(313). This approach results in a single Plant restart on the normal source.
  - b. Riding through a short outage while DVP configures DVP(313) abnormally and then restarting the Plant on same. Since DVP will provide a closed transition from an abnormal circuit configuration to a normal circuit configuration a second Plant restart will be unnecessary.
  - c. Restarting the Plant on the generators instead of DVP(343). Since the transition from the generators back to DVP(313) is a closed transition a second Plant restart will be unnecessary.
  - d. Restarting the Plant on DVP(343) for outages anticipated to be of longer durations. A transition from DVP(343) back to DVP(313) is via open transition which requires a second Plant restart.
3. For these same reasons, the return to the normal source should occur using the SEMI AUTOMATIC pushbuttons even when the Plant is transferred to the alternate or standby sources in the AUTOMATIC mode.
4. In the end, the intent is for the Plant to return to the Utility from the generators as soon as possible. The following is the preferred order:
  - a. DVP(313) configured normally.
  - b. DVP(313) configured abnormally (DVP will provide a closed transition from an abnormal circuit configuration to a normal circuit configuration).
  - c. DVP(343).

## 2.7 SPS CONTROL SYSTEM – STANDBY MODE – AUTOMATIC TRANSFER SEQUENCES

### A. Transfer Sequence Time Delays:

1. Time delays are required to allow electrical equipment and motors to de-energize between steps. The following describes the delays which are used in the sequences. Each delay shall be operator adjustable and preset at 2-seconds:
  - a. DC Delay: A timer shall be initiated anytime the SPS Control System commands either of the DC main breakers to close. Once the timer expires, the breaker shall close.
  - b. MTS Delay: A timer shall be initiated anytime the SPS Control System commands the MTS's to change position. The MTS shall be first commanded to the OFF position for the duration of the timer before the other source breaker is closed.

### B. TRANSFER SEQUENCE 1 – From any Plant configuration (except operation on the generators) to DVP(343):

1. Initiating conditions:
  - a. Source Transfer Selector Switch in the AUTOMATIC position: The Plant is not operating in STATE 6 (Islanded), *DVP(343) AVAILABLE* and *DVP(313) UNAVAILABLE* occurs.

- b. Source Transfer Selector Switch in the SEMI AUTOMATIC position: The Plant is not operating in *STATE 6* (Islanded) and the DVP(343) pushbutton is pressed. The DVP(343) pushbutton shall only be active if:
      - 1) *DVP(343) AVAILABLE* is active.
      - 2) *DVP(343) MAIN LINE CABLE FAULT* is not active.
  2. The SPS Control System confirms *DVP(343) AVAILABLE*.
  3. The SPS Control System confirms *DVP(343) MAIN LINE CABLE FAULT* is not active.
  4. The SPS Control System immediately transfers the DC's to DVP(343) as follows:
    - a. Open the SPSB breaker.
    - b. Once confirmed opened, close the DVP(343) breaker.
    - c. Perform simultaneously for all DC's.
  5. The SPS Control System immediately transfers all MTS's to the DVP(343) position.
  6. The Room 201 Generator will start and stop through the existing transfer switch and generator controls as necessary.
  7. The Operations Staff then starts the Plant back up as they normally would following a power outage.
- C. TRANSFER SEQUENCE 2 – From DVP(313) or DVP(343) to Generators:
  1. Initiating conditions:
    - a. Source Transfer Selector Switch in the AUTOMATIC position: *DVP(313) UNAVAILABLE* occurs and *DVP(343) UNAVAILABLE* occurs.
    - b. Source Transfer Selector Switch in the SEMI AUTOMATIC position: The GENERATOR pushbutton is pressed. The GENERATOR pushbutton shall only be active if:
      - 1) Recloser 313R157 is open (R157-ZX-313).
      - 2) Recloser 313R289 (formerly 313RGSU) is closed (RGSU-ZX-SPSB).
      - 3) Switchgear breaker for GSU-1 closed (ZX-GSU-52).
      - 4) Trip/Transfer System is defeated (*TTS-INHIBIT*).
      - 5) *GENERATORS-START-READY* is active.
  2. SPS Control System confirms:
    - a. Recloser 313R157 is open (R157-ZX-313).
    - b. Recloser 313R157 block close enabled (R157-ZXB-313).
    - c. Recloser 313R289 (formerly 313RGSU) is closed (RGSU-ZX-SPSB).
    - d. Switchgear breaker for GSU-1 closed (ZX-GSU-52).
    - e. Trip/Transfer System is defeated (*TTS-INHIBIT*).
    - f. *GENERATORS-START-READY* is active.
  3. The SPS Control System isolates the SPSB prior to starting the generators as follows:
    - a. Opens the main SPSB breakers in all the DC's (in accordance with the following table). Note that distribution breakers are opened after generator power becomes available as no control power is available for these breakers until then.
    - b. Commands all the MTS's to the OFF position (in accordance with the following table).

ITEM OF GEAR	BREAKER	POSITION
DC-1 (Building C)	Main DVP(343)	Open
	Main SPSB	
DC-2 (Near K1)	Main DVP(343)	Open
	Main SPSB	
	Distribution Breakers (all)	
DC-3 (Building E1)	Main DVP(343)	Open
	Main SPSB	
DC-4 (Building E1)	Main DVP(343)	Open
	Main SPSB	
DC-6 (Building BB)	Main DVP(343)	Open
	Main SPSB	
DC-7 (Near PP)	Main DVP(343)	Open
	Main SPSB	
	Distribution Breakers (all)	
DC-8 (Near FF)	Main DVP(343)	Open
	Main SPSB	
DC-10 (Warehouse)	Main DVP(343)	Open
	Main SPSB	
DC-11 (Building E2)	MTS-11	Off
DC-12 (Near R2)	Main DVP(343)	Open
	Main SPSB	
DC-13 (Building B2)	Main DVP(343)	Open
	Main SPSB	
DC-14 (Building E3)	MTS-14	Off
DC-15 (Building E3)	Main DVP(343)	Open
	Main SPSB	
DC-16 (Building CC)	Main DVP(343)	Open
	Main SPSB	
DC-17 (Building HH1)	Main DVP(343)	Open
	Main SPSB	
DC-18 (Building B3)	MTS-18	Off
DC-20 (MBBR Facility)	Main DVP(343)	Open

4. The Room 201 Generator will start and stop through the existing transfer switch and generator controls.
5. The SPS Control System shall issue a *START DEAD-BUS* command to the Generator Control System.
6. The Generator Control System shall automatically start, parallel, and connect all available generators (G1, G2, G3, G4, and G5) to the SPSB.
7. Once the generators are confirmed operational and connected to the SPSB, the Generator Control System shall provide a *GENERATORS-READY* signal to the SPS Control System.
8. After the *GENERATORS-READY* signal is received:

- a. Open the SPSB distribution breakers in DC-2 and DC-7 (completing CONFIGURATION 1). Note: this is required because:
    - 1) Once the generators are providing power to the Plant, DC-2 and DC-7 get connected to the SPSB.
    - 2) Once connected to the SPSB however, not all distribution breakers are closed as part of the normal re-energization sequence.
    - 3) This step is required to open all the distribution breakers so when the DC is connected to generator power the distribution breakers are not closed.
    - 4) Control power was not available to the distribution breaker control circuits before this time.
  - b. Begin to sequentially connect the Plant to the SPSB in accordance with the sequence defined in CONFIGURATION 2 (see 13415-D).
9. Should the *GENERATORS-READY* signal not be received within 2-minutes (adjustable) of the *START DEAD-BUS* command, a transfer sequence failure alarm shall be annunciated. The sequence shall be disabled and the Source Transfer Selector Switch shall be placed in the SEMI AUTOMATIC position. The operators will then be required to trouble shoot the generator system and reinitiate the appropriate transfer sequence using the pushbuttons. Specific alarms will be provided by the Generator Control System.
- D. TRANSFER SEQUENCE 3 – From DVP(313) to Generators (Storm Anticipation Mode):
1. Initiating conditions:
    - a. This sequence is only available when the Source Transfer Selector Switch is in the SEMI AUTOMATIC position: The STORM-ANTICIPATION pushbutton shall only be active if:
      - 1) *DVP(313) AVAILABLE NORMAL* is active.
      - 2) Recloser 313R157 is closed (R157-ZX-313).
      - 3) Recloser 313R289 (formerly 313RGSU) is closed (RGSU-ZX-SPSB).
      - 4) Switchgear breaker for GSU-1 closed (ZX-GSU-52).
      - 5) Trip/Transfer System is defeated (*TTS-INHIBIT*).
      - 6) *SPSB MAIN LINE CABLE FAULT* is not active.
      - 7) *GENERATORS-START-READY* is active.
  2. This sequence allows the Plant (in a normal operating condition) to be transferred through a closed transition from *DVP(313) AVAILABLE NORMAL* to the generators.
  3. Coordination with DVP ROC:
    - a. Plant Operations Staff will need to call DVP ROC to coordinate the opening of Recloser 313R157 as part of this transfer sequence.
    - b. The Plant will need to make an initial call to the ROC to advise them of the schedule and give them time to obtain the necessary internal switching document approvals.
    - c. Once the approvals are obtained, the Plant will need to call the ROC when they are ready for the planned closed transition off DVP(313). During this call the Plant will request that DVP open Recloser 313R157 upon a zero power transfer condition.
  4. Plant Operations Staff initiates the transfer using the Storm Anticipation pushbutton.
  5. The SPS Control System shall issue a *START STORM-ANTICIPATION* command to the Generator Control System.
  6. The Generator Control System shall:

- a. Automatically start, parallel, and connect sufficient generators to the SPSB. Sufficient generators shall be started to match Plant load and allow for Minimum Generator Capacity Reserve set point (operator entered).
  - b. The Generator Control System shall include a field adjustable Minimum Generator Capacity Reserve set point in kW. The Generator Control System shall announce an alarm if the available generators have insufficient capacity to support the entire plant load while maintaining the minimum reserve capacity. The Operations Staff to reduce load until a zero power transfer condition can be obtained. If the Operations Staff does not reduce load within a prescribed amount of time, the Generator Control System will time out and shut the generators off (and wait for another command from the SPS Control System).
  - c. Once sufficient generators are confirmed operational and connected to the SPSB, the Generator Control System shall control the output to a zero power transfer level, i.e. identically supply the power required by the connected load of the Plant with no power imported or exported across 313R157 (as measured at the DVP Metering Interface Panel).
7. DVP ROC personnel shall monitor for a zero power transfer condition, when achieved they will open Recloser 313R157. It is anticipated that the Plant Operations Staff will remain on the phone with DVP ROC personnel through this step in the sequence.
  8. The generators shall continue to operate in this mode and carry the Plant load.
  9. Note that the generators should be able to pick up the entire Plant load as part of the Storm Anticipation Mode transfer. Starting large motors, operating unnecessary process equipment, or otherwise overloading the generators will result in the generators tripping off line and the Plant being without a source of power. Recovery will require the operators to select the appropriate source (i.e. reinitiate the appropriate transfer sequence using the pushbuttons).
- E. TRANSFER SEQUENCE 4 – From Generators to DVP(313) Normal Configuration (Closed Transition):
1. Initiating conditions:
    - a. This sequence is only available when the Source Transfer Selector Switch is in the SEMI AUTOMATIC position, the Plant is operating in *STATE 6* (Islanded), *DVP(313) RESTORED NORMAL* occurs; and, the DVP(313) NORMAL pushbutton is pressed.
    - b. The DVP(313) NORMAL pushbutton shall only be active if:
      - 1) *DVP(313) RESTORED NORMAL* is active.
      - 2) *SPSB MAIN LINE CABLE FAULT* is not active.
  2. Coordination with DVP ROC:
    - a. Plant Operations Staff will need to call DVP ROC to coordinate the disabling the block close interlock for Recloser 313R157 as part of this transfer sequence.
    - b. The Plant will need to make an initial call to the ROC to advise them of the schedule and give them time to obtain the necessary internal switching document approvals.
    - c. Once the approvals are obtained, the Plant will need to call the ROC when they are ready to initiate the transfer sequence.
  3. During the transfer sequence, the SPS Control System prompts the Plant Operations Staff to call DVP's ROC and request disabling the block close interlock for Recloser 313R157.

4. The SPS Control System confirms Recloser 313R157 block close has been disabled (R157-ZXB-313) and then issues a *CLOSED-TRANSITION/STOP* command to the Generator Control System.
5. The Generator Control System shall synchronize the generators to DVP(313) across Recloser 313R157.
6. The Generator Control System shall confirm Recloser 313R157 sync permissive in sync (R157-IY-313) and then closes Recloser 313R157 (R157-ZS-313).
7. When Recloser 313R157 closes (R157-ZX-313), the generators shall ramp the load back to DVP and shall be disconnected from the SPSB by the Generator Control System using the paralleling switchgear (SG-1). The Generator Control System shall then initiate the cool down/shutdown sequence for the generators.
8. Once the generators are confirmed isolated from the SPSB, the Generator Control System shall provide a *SPSB READY* signal to the SPS Control System.
9. After the *SPSB READY* signal is received, the SPS Control System shall simultaneously connect the balance of the Plant to the SPSB as follows:
  - a. DC's:
    - 1) All remaining DC main SPSB breakers shall simultaneously close.
    - 2) All remaining DC distribution breakers (for the SPSB) shall simultaneously close.
    - 3) The DC main DVP(343) breakers shall remain in the open position.
  - b. MTS's: All remaining MTS's shall be commanded to the SPSB position.
10. The Operations Staff then starts the balance of the Plant back up.

F. TRANSFER SEQUENCE 5 – From Generators to DVP(313) Abnormal Configuration (Open Transition):

1. Initiating conditions:
  - a. This sequence is only available when the Source Transfer Selector Switch is in the SEMI AUTOMATIC position, the Plant is operating on the generators and *DVP(313) RESTORED ABNORMAL* occurs; and, the DVP(313) ABNORMAL pushbutton is pressed.
  - b. The DVP(313) ABNORMAL pushbutton shall only be active if:
    - 1) *DVP(313) RESTORED ABNORMAL* is active.
    - 2) *SPSB MAIN LINE CABLE FAULT* is not active.
2. Coordination with DVP ROC:
  - a. Plant Operations Staff will need to call DVP ROC to coordinate the closing of Recloser 313R157 as part of this transfer sequence.
  - b. The Plant will need to make an initial call to the ROC to advise them of the schedule and give them time to obtain the necessary internal switching document approvals.
  - c. Once the approvals are obtained, the Plant will need to call the ROC when they are ready to initiate the transfer sequence.
3. During the transfer sequence, the Plant Operations Staff calls DVP's ROC and advises DVP they need to have Recloser 313R157 closed. The Plant Operations Staff then presses the DVP(313) ABNORMAL pushbutton which starts the transfer sequence.
4. The SPS Control System shall issue an OPEN-TRANSITION/STOP command to the Generator Control System.

5. The generators shall be disconnected from the SPSB by the Generator Control System using the paralleling switchgear (SG-1). The Generator Control System shall then initiate the cool down/shutdown sequence for the generators.
  6. Once the generators are confirmed isolated from the SPSB, the Generator Control System shall provide a SPSB READY signal to the SPS Control System.
  7. The SPS Control System shall prompt the Plant Operations Staff to have DVP ROC close Recloser 313R157.
  8. Once Recloser 313R157 is closed (R157-ZX-313), the SPS Control System shall simultaneously connect the balance of the Plant to the SPSB as follows:
    - a. Connect DC's (that were not energized by the generators) to the SPSB:
      - 1) All remaining DC main SPSB breakers shall simultaneously close.
      - 2) All remaining DC distribution breakers (for the SPSB) shall simultaneously close.
      - 3) The DC main DVP(343) breakers shall remain in the open position.
    - b. Connect MTS's (that were not energized by the generators) to the SPSB: All remaining MTS's shall be commanded to the SPSB position.
  9. The Operations Staff then starts the Plant back up as they normally would following a power outage.
- G. TRANSFER SEQUENCE 6 – From Generators to DVP(343) (Open Transition):
1. Initiating conditions:
    - a. This sequence is only available when the Source Transfer Selector Switch is in the SEMI AUTOMATIC position, the Plant is operating in *STATE 6* (Islanded), *DVP(343) AVAILABLE* occurs; and, the DVP(343) pushbutton is pressed.
    - b. The DVP(343) pushbutton shall only be active if:
      - 1) *DVP(343) AVAILABLE* is active.
      - 2) *DVP(343) MAIN LINE CABLE FAULT* is not active.
  2. The SPS Control System shall issue an *OPEN-TRANSITION/STOP* command to the Generator Control System.
  3. The generators shall be disconnected from the SPSB by the Generator Control System using the paralleling switchgear (SG-1). The Generator Control System shall then initiate the cool down/shutdown sequence for the generators.
  4. The SPS Control System shall simultaneously connect the entire Plant to DVP(343) as follows:
    - a. The SPS Control System immediately transfers the DC's to DVP(343) as follows:
      - 1) Open the SPSB breaker.
      - 2) Close the DVP(343) breaker.
      - 3) Perform simultaneously for all DC's.
    - b. The SPS Control System immediately transfers all MTS's to DVP(343).
  5. The Operations Staff then starts the Plant back up as they normally would following a power outage.
  6. Once the generators are confirmed isolated from the SPSB, the Generator Control System shall provide a *SPSB READY* signal to the SPS Control System.
- H. TRANSFER SEQUENCE 7 – From DVP(343), or from a condition where the generators have been isolated, to DVP(313) Normal or Abnormal (both via Open Transition):
1. Initiating conditions:

- a. This sequence is only available when the Source Transfer Selector Switch is in the SEMI AUTOMATIC position, and:
    - 1) *DVP(313) RESTORED NORMAL* occurs; and, the DVP(313) NORMAL pushbutton is pressed, or
    - 2) *DVP(313) RESTORED ABNORMAL* occurs; and, the DVP(313) ABNORMAL pushbutton is pressed.
  - b. The appropriate pushbutton shall only be active when:
    - 1) Switchgear breaker for GSU-1 open (ZX-GSU-52), or
    - 2) Recloser 313R289 (formerly 313RGSU) is open (RGSU-ZX-SPSB), or
    - 3) *SPSB READY* is active and *SPSB MAIN LINE CABLE FAULT* is not active, and
    - 4) The associated RESTORED point is active.
  2. Coordination with DVP ROC:
    - a. Plant Operations Staff will need to call DVP ROC to coordinate the closing of Recloser 313R157 as part of this transfer sequence.
    - b. The Plant will need to make an initial call to the ROC to advise them of the schedule and give them time to obtain the necessary internal switching document approvals.
    - c. Once the approvals are obtained, the Plant will need to call the ROC when they are ready for to initiate the transfer sequence. During this call the Plant will request that DVP close Recloser 313R157.
  3. Once the appropriate pushbutton is pressed, and if Recloser 313R157 is open, the SPS Control System prompts the Plant Operations Staff to call DVP's ROC and have Recloser 313R157 closed.
  4. The SPS Control System confirms Recloser 313R157 is closed (R157-ZX-313).
  5. The SPS Control System immediately transfers the DC's to DVP(313) as follows:
    - a. Open the DVP(343) breaker.
    - b. Once confirmed opened, close the SPSB breaker.
    - c. Perform simultaneously for all DC's.
  6. The SPS Control System immediately transfers all MTS's to DVP(313).
  7. The Operations Staff then starts the Plant back up as they normally would following a power outage.
- I. TRANSFER SEQUENCE 8 – From Storm Anticipation Mode (generators) to Utility:
1. The Plant Operations Staff will transfer the Plant from the generators to the desired source using the appropriate pushbutton.
  2. The Source Transfer Selector Switch will need to be in the SEMI AUTOMATIC position.

## 2.8 GSU-1 TRANSFORMER PROTECTION

- A. General:
1. GSU-1 shall be provided with protective relays.
  2. The protective relays shall be configured to detect fault and alarm conditions associated with the transformer.
  3. A sudden pressure trip condition (GSU-TRIP-PAH) shall initiate trip interlocks with SG-1 and the DVP recloser as described below.



4. Alarm inputs shall be connected to the Generator Control System. Alarm and fault conditions shall be made available to the SPS Control System on the ControlNET network, including:
  - a. Sudden pressure trip (with alarm): GSU-TRIP-PAH.
  - b. Oil high temperature warning: GSU-OIL-TAH.
  - c. Oil high-high temperature alarm: GSU-OIL-TAHH.
  - d. Oil low level alarm: GSU-OIL-LAL.
  - e. Winding high temperature warning: GSU-WIND-TAH.
  - f. Winding high-high temperature alarm: GSU-WIND-TAHH.
  - g. Tank pressure relief activation alarm: GSU-PCV-OA.
  - h. Tank inert gas low pressure alarm: GSU-GAS-PAL.
  
- B. A sudden pressure trip condition shall be detected by the protective relay in SG-1. If a trip is initiated the following shall occur:
  1. GSU-1 shall be disconnected from SG-1 using the breaker in SG-1.
  2. GSU-1 shall be disconnected from the distribution system using Recloser 313R289 (formerly 313RGSU) (through a trip interlock between SG-1 and the recloser).
  3. If generator(s) were operating, they shall be disconnected from the SPSB by the Generator Control System using the paralleling switchgear (SG-1). The Generator Control System shall then initiate the cool down/shutdown sequence.
  4. Transfer and operating sequences requiring generator operation shall be disabled by the SPS Control System and Generator Control System until manually RESET by an operator (RESET will occur at the GSU-1 breaker protective relay). The interlocks with the SPS Control System shall occur using the *GENERATOR-START-READY* signal.
  5. The Source Transfer Selector Switch shall be automatically put in the SEMI AUTOMATIC position.
  6. Note that should a GSU-1 fault condition occur, the generators cannot be used to power the Plant. The intent, however, is to allow a generator to be started and operated if needed to provide power to the Generator Facility and ancillary loads.
  
- C. Recloser 313R289 (formerly 313RGSU) Interlocks:
  1. The recloser will be configured by DVP to accept an input for the purposes of tripping the recloser upon a GSU-1 trip (OA-GSU1) condition.
  2. The interlock shall cause the recloser to trip and block open.
  3. Once the cause of the fault is identified and corrected by the Plant, the recloser will have to be reset and closed by DVP. This will be accomplished by Plant Operations Staff calling DVP's ROC and requesting same.
  
- D. Power Restoration:
  1. Depending on the operating conditions at the time of GSU-1 trip, power to the Plant may or may not be lost.
  2. If power is lost, the Plant Operations Staff will transfer the Plant to the desired source using the appropriate pushbutton.

## 2.9 DVP INTERLOCKS FOR PARALLEL GENERATOR OPERATION

- A. DVP requires interlocks to protect the utility and the SPS during periods when the Plant generators are operating in parallel with the utility (during generator exercising, Load

Management operations, or during a closed-transition transfer back to DVP(313)). The interlocks include:

1. Trip/Transfer System (TTS):
    - a. Required to prevent:
      - 1) Generation/back-feed onto a faulted DVP circuit (with fault outside the Plant).
      - 2) Possible unsynchronized operation of generators with DVP(313).
    - b. Initiated by the DVP RTU (*TTS-INHIBIT*).
    - c. *TTS-INHIBIT* shall consist of a hardwired DVP interlock to open the generator breakers disconnecting generators from the SPSB.
    - d. Logic within the DVP RTU shall ensure the *TTS-INHIBIT* interlock signal is defeated anytime Recloser 313R157 is in the open position (Plant in an islanded configuration).
    - e. The Trip/Transfer circuits monitor the following locations in the DVP distribution system:
      - 1) Recloser 313R209.
      - 2) Recloser 313R129.
      - 3) Breaker status at the Occoquan Substation.
  2. Abnormal configuration of the DVP(313) circuit (DVP-MX-313):
    - a. Initiated by the DVP RTU (DVP-MX-313).
    - b. DVP can feed the 313 circuit (outside the Plant) from multiple sources. Only the normal source includes the protection required to allow parallel generator operation.
    - c. An abnormal configuration of the DVP(313) circuit would typically only occur following an outage of DVP(313). Therefore, DVP-MX-313 shall be used as a permissive to prevent initiating parallel generator operation onto DVP(313). See transfer sequences above.
    - d. By monitoring generator status points (IX-0915-#) and recloser positions, DVP knows when parallel operation is occurring (generator exercising or Load Management activities for example). DVP ROC will contact the Plant if there is a reason to abnormally configure DVP(313) during ongoing parallel generator operation.
    - e. *TTS-INHIBIT* will be activated during an abnormal configuration (when Recloser 313R157 is closed).
    - f. Note: when the DVP(313) circuit is configured abnormally, it is being fed by DVP from the DVP(343) circuit.
- B. Trip/Transfer System:
1. The TTS shall operate using transmitting equipment (located within the DVP distribution system), receiving equipment (located in the DVP RTU), and Verizon leased phone lines for communications.
  2. The TTS shall provide maintained dry contacts to initiate the opening of the generator breakers as follows:
    - a. The Generator Control System shall interface with the TTS dry contacts in the DVP RTU.
    - b. The TTS contacts shall be hardwired through a multiplier circuit (relays) within the Generator Control System so a TTS interlock can be hardwired to each generator breaker.

- c. Additional relay contacts shall be provided so the TTS signal can be input to the Generator Control System PLC (*TTS-INHIBIT*) for use by the sequencing logic and for making it available to the SPS Control System (on the ControlNET network).
- C. The *TTS-INHIBIT* signal shall cause the SPS Control System and the Generator Control System to terminate any operating sequences, and prevent the initiation of any transfer sequences or other operating modes that require the operation of the generators in parallel with DVP.
- D. Trip/Transfer System Maintenance:
  - 1. The TTS will be subject to periods of maintenance and repair by both DVP and Verizon.
  - 2. During these periods, the TTS will be disabled (by DVP) and the Plant will be unable to operate the generators in parallel with DVP.
  - 3. It is anticipated that maintenance activities will include the DVP ROC notifying the Plant with a phone call and then the Plant will disable any parallel operation of the generators at the switchgear:
  - 4. Any positive isolation will require physically locking the generator breakers in the open position at the switchgear.
- E. The SPS Control System shall annunciate a status alarm indicating the status of the *TTS-INHIBIT* and DVP-MX-313 signals from DVP.
- F. *TTS-INHIBIT* indicates when configuration or other upstream conditions outside the Plant preclude generator operation. The conditions could include substation related trouble, abnormal configuration of DVP(313); a recloser malfunction, Verizon phone line trouble, etc. Regardless of the cause, the *TTS-INHIBIT* signal will be defeated by the DVP RTU when 313R157 is in the open position allowing generator operation.
- G. Verizon Phone Lines:
  - 1. The Trip/Transfer system operates on leased Verizon data circuits (phone lines) between the various locations within the DVP distribution system and the DVP RTU. The phone lines terminate in the main Plant phone room and are extended through duct bank to the DVP RTU.
  - 2. Noise on the phone lines can cause the Trip/Transfer system to activate needlessly, which will preclude operation of the generators for exercising or load management functions.
  - 3. Status contacts from each trip transfer module shall be input to the SPS Control System (R129-OA-TTS, R209-OA-TTS, and OCCQ-OA-TTS). The status points will indicate when noise is present on the associated phone line. The SCADA System shall include a historical trend for these points, which will allow the Plant to monitor the noise activity and potentially troubleshoot a Verizon phone line problem before it occurs.
  - 4. The Trip/Transfer system includes the following:

Origin	Alarm	Verizon Phone Circuit
Recloser 313R129	R129-OA-TTS	FDDA.100401
Recloser 313R209	R209-OA-TTS	FDDA.100400
Occoquan Substation	OCCQ-OA-TTS	FDDA.100399

5. Excessive noise on the phone line will cause the associated Trip/Transfer circuit to activate. The SPS Control System shall annunciate an alarm (TTS-INHIBIT-OA) if activation is due to noise rather than a valid upstream DVP condition. TTS-INHIBIT-OA shall be annunciated if the following conditions are all true:
  - a. DVP(313) available (R157-IX-313).
  - b. Circuit 313 outside the Plant is configured normally (DVP-MX-313).
  - c. The Trip/Transfer system is activated (*TTS-INHIBIT*).

H. DVP SCADA System:

1. In addition to phone lines for the Trip/Transfer circuits, there is a phone line for the DVP RTU SCADA circuit.
2. Like the other phone lines, this circuit terminate in the main Plant phone room and is extended through duct bank to the DVP RTU.
3. The SCADA circuit includes the following:

Origin	Verizon Phone Circuit
DVP's Springfield Office	FDDA.100405

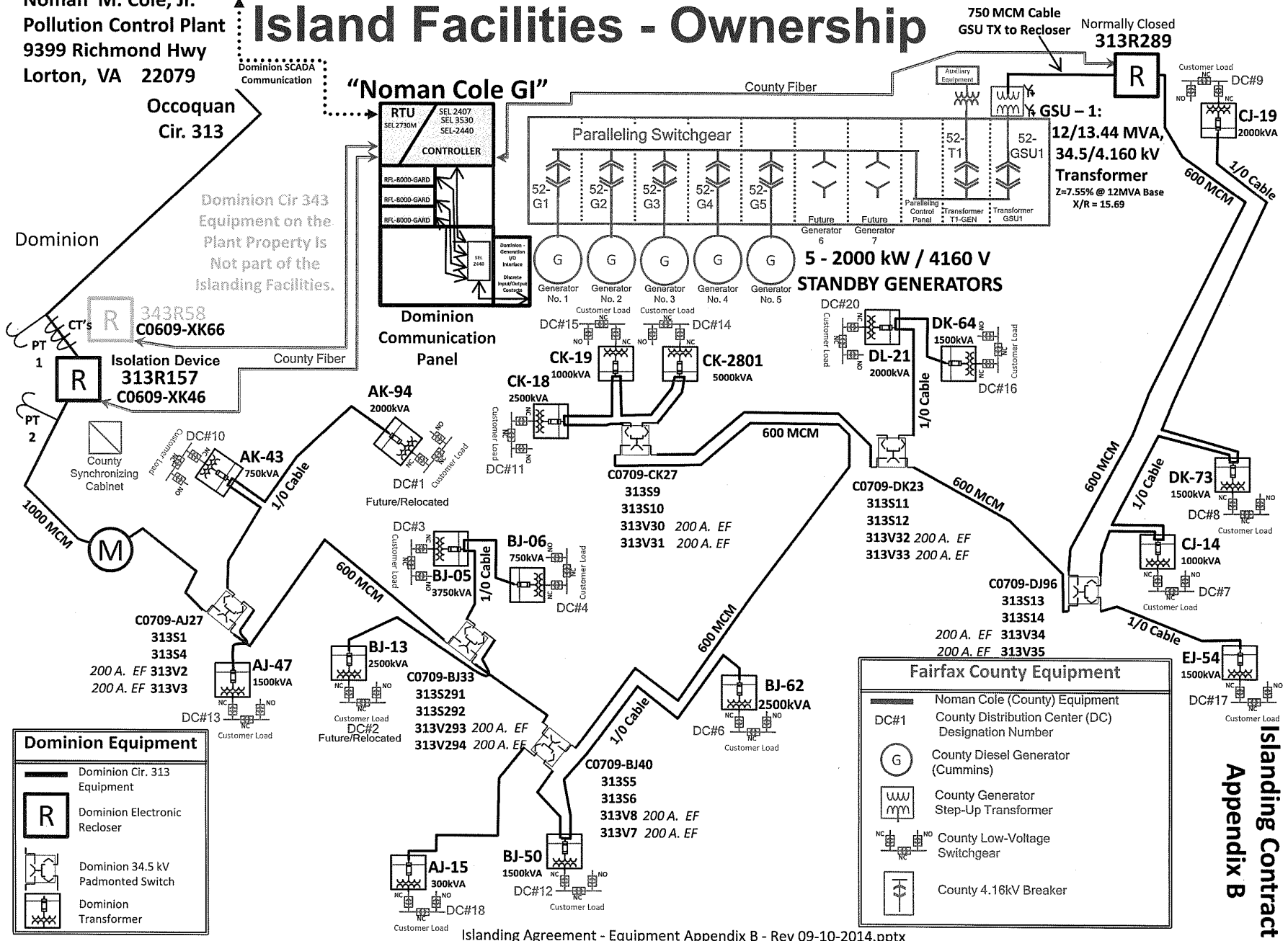
PART 3 -- EXECUTION

Not Used.

END OF SECTION 13415-B

Noman M. Cole, Jr.  
Pollution Control Plant  
9399 Richmond Hwy  
Lorton, VA 22079

# Island Facilities - Ownership



Islanding Contract  
Appendix B

### **APPENDIX C – NOTICE**

Per Section 6.1 of the Islanding Agreement, Dominion Virginia Power hereby identifies the following individuals for purposes of notices, correspondence, and exchanges of information under the Islanding Agreement:

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Per Section 6.1 of the Islanding Agreement, Fairfax County hereby identifies the following individuals for purposes of notices, correspondence, and exchanges of information under the Islanding Agreement:

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ACTION - 6

Endorsement of Comments on HB 2 (2014) Implementation Policy Guide

ISSUE:

Board of Supervisors' endorsement of comments to the Commonwealth Transportation Board on the HB 2 (2014) Implementation Policy Guide

RECOMMENDATION:

The County Executive recommends that the Board endorse the attached letter to the Commonwealth Transportation Board (CTB) regarding the HB 2 (2014) Implementation Policy Guide related to funding distribution of state transportation funding.

The letter comments on various issues within the policy guide pertaining to submission eligibility; project screening; evaluation measures; weighting schemes; project cost for analysis; and changes in project costs and scopes. Specifically, the letter:

- Expresses support for allowing localities to apply for funding for all project types;
- Notes concerns that reducing congestion is not a screening criteria for regional network projects;
- Notes questions and concerns with certain evaluation measures pertaining to safety, environmental quality; and economic development;
- Notes concerns that Northern Virginia, Hampton Roads, and Richmond will all have the same weighting scheme (how factors such as congestion mitigation and economic development will be weighted within the process), due to the differences in their regions. However, it recognizes that the weighting scheme proposed for Northern Virginia is reasonable given the legislative parameters;
- Expresses support that the cost/benefit analysis will only include HB 2 funded costs, as the region should not be penalized for leveraging other sources (such as Northern Virginia Transportation Authority funds or local commercial and industrial tax revenues) to complete a project.
- Expresses concerns related to processes for addressing project cost changes.

TIMING:

The Board of Supervisors should act on this item on April 28, 2015, so that the County can provide comments to the CTB during the Public Comment Period which takes place in March and April. The CTB is expected to receive a revised draft at its May meeting and act on the HB 2 Implementation Policy at its meeting in June.

**BACKGROUND:**

In 2014, the General Assembly passed HB 2 which provides for the development of a prioritization process for projects funded by the CTB. Specifically, HB 2:

- Directs the CTB to develop and implement a prioritization process for projects funded by the CTB. This process will be used for the development of the Commonwealth's Six-Year Improvement Program (SYIP) and will consider roadway, transit, rail, technology operational improvements, and transportation demand management strategies.
  - The development of this process will be done in cooperation with metropolitan planning organizations (MPOs) and the Northern Virginia Transportation Authority (NVTA). The CTB will also solicit input from local governments, transit authorities, other transportation authorities, and other stakeholders.
  - The process will consider, at a minimum: congestion mitigation, economic development, accessibility, safety, and environmental quality. The CTB will weight these factors for each of the Commonwealth's transportation districts, and the CTB could assign different weights to the factors based on location and other factors.
  - For the Northern Virginia and Hampton Roads construction districts, the CTB must ensure that congestion mitigation is weighted highest among the factors.
- Allows the CTB to exempt projects in the current SYIP that have completed the state environmental review or National Environmental Policy Act (NEPA) processes exempt from this prioritization process.
- Provides that the CTB will select projects using this process starting July 1, 2016.
- Excludes certain funds and programs from this prioritization process, including maintenance, federal Congestion Mitigation and Air Quality (CMAQ), federal Highway Safety Improvement Program funds, urban and secondary road program funds, Transportation Alternatives, revenue sharing, and federal Regional Surface Transportation Program funds. The CTB can, at its discretion, develop a prioritization process for these funds. However, the bill ensures that the CTB will defer to individual localities for allocating secondary and urban road funds and requires that the process ensures federal funding and planning requirements are followed for federal funds.

The Secretary of Transportation's office has been working on an effort to develop and implement the HB 2 process since the enactment of the legislation. Work sessions have been held throughout the Commonwealth, and County staff has participated and offered comments throughout the process.

In 2015, the General Assembly approved HB 1887 which the Governor signed on March, 27, 2015. This legislation changes the highway funding formulas. HB 1887 replaced the old 40-30-30 (primary – secondary – urban) roadway funding system with a new formula. Under the old system, secondary and urban funds were allocated to projects by the localities. HB 1887 changes the old formula to the following:

- 45 percent of the funding to state of good repair, for the rehabilitation of structurally deficient bridges and deteriorating pavement (allocated by CTB);

- 27.5 percent of the funding to the statewide high-priority projects program, for projects of statewide importance to be competed under HB 2 (2014) (allocated by CTB); and
- 27.5 percent of the funding to highway construction district grant programs - localities would be able to compete for funds under a regional version of HB 2 (allocations would be recommended by the transportation district offices, but the CTB would formally allocate the funding).

HB 1887 also provided that any un-programmed funds in FY 2016-2020 in the Six-Year Improvement Program (SYIP) would be split 50-50 between the high-priority projects program and the highway construction district grant programs.

On March 18, 2015, a draft HB 2 Implementation Policy Guide was released for Public Comment and was posted at [http://virginiahb2.org/docs/HB2PolicyGuide\\_3\\_18\\_2015-draft.pdf](http://virginiahb2.org/docs/HB2PolicyGuide_3_18_2015-draft.pdf). Comments will be accepted in March and April and the CTB is expected to receive a revised draft in May. The CTB is schedule to adopt the Implementation Policy in June. Major provisions of the Policy Guide are summarized below:

*Eligibility to Submit Projects and Project Types For Statewide Funding Allocated Through HB 2*

- The Policy Guide notes that projects that meet a need identified in VTrans 2040 for a Corridor of Statewide Significant (COSS), Regional Network or Urban Development Area (UDA) will be considered in HB 2. The policy notes that regional entities and localities are eligible to submit projects, but may be limited in project type. For example, the Policy Guide notes that localities will be eligible to apply for projects within a COSS, Regional Network, or UDA, but will be required to submit a resolution of support from a relevant regional agency for COSS projects. Further, only localities will be able to submit UDA projects.
- The Policy Guide includes screening criteria for each type of project noted above.
  - The COSS Project Screening notes that projects must meet a need identified by the State Transportation Plan (currently VTrans 2040) that reflect the guiding principles of COSS investments, including: (a) increasing safety and operations; (b) improving reliability; (c) complementing transportation mode choice; and (d) reducing severe congestion and bottlenecks.
  - Regional Network investments should follow these guiding principles: (a) focus on economic competitiveness and accessibility; (b) opportunity to link Region's economic vision with future transportation needs; and (c) extensive outreach to determine desired economic future of each region.
  - UDA Projects must serve at least one eligible UDA or "UDA-like" area and should follow the following guiding principles: (a) context sensitive multi-modal transportation solution; (b) last-mile access to jobs and non-work attractions; (c) safe bicycle and pedestrian circulation; and (d) improve connections to local multi-modal networks and regional transportation options

*Factors and Evaluation Measures*

HB 2 requires certain factors to be included in the evaluation process, specifically safety; congestion mitigation; accessibility, environmental quality; economic development; and land

use coordination (for areas over 200,000 population). The Policy Guide provides evaluation measures for each factor.

- Safety Measures are: (i) Expected Reduction in Total Fatalities and Severe Injuries; and (ii) Expected Reduction in the Rate of Fatalities and Several Injuries per 100 Million Vehicle Miles Traveled.
- Congestion Mitigation Measures are: (i) Person Throughput; and (ii) Person Hours of Delay.
- Accessibility Measures are: (i) Access to Work Destinations; (ii) Access to Non-Work Destinations; and (iii) Access to Multimodal Choices
- Environmental Quality Measures are: (i) Air Quality and Energy Environmental Effect; (ii) Access to Jobs for Disadvantaged Populations; and (iii) Access to Essential Destinations for Disadvantaged Populations
- Economic Development Measures are: (i) Project Support of Planned Economic Development in Project Area; and (ii) Intermodal Access and Reliability
- Land Use Coordination Measures are: (i) Future Land Use Consistency; and (ii) Change in VMT Per Capita

#### *Factor Weighting*

HB 2 states that the CTB must weight the factors for each of the Commonwealth's highway construction districts and that the CTB may assign different weights to the factors (above) within each highway construction district, based on the unique needs and qualities of each district. HB 2 also requires that congestion mitigation be weighed highest for the Northern Virginia and Hampton Roads construction districts. The Policy Guide includes a preliminary draft weighting scheme. The scheme includes four categories to reflect difference in the Commonwealth.

- Category A includes urban regions (Northern Virginia, Hampton Roads, and Richmond).
- Category B has a combination of high anticipated growth and above average travel demand with high density in some areas and low density in others.
- Category C includes regions with median population growth, and diverse outcomes on travel demand and existing density. Some of these regions are on edge of the Category A and Category B MPOs.
- Category D includes regions that show below average population growth, travel demand and existing density.

The Guide then provides preliminary draft weighting schemes for each Category, which is noted below:

	<b>Congestion Mitigation</b>	<b>Economic Development</b>	<b>Accessibility</b>	<b>Safety</b>	<b>Environmental Quality</b>	<b>Land Use</b>
Category A	35%	10%	25%	10%	10%	10%
Category B	15%	20%	25%	15%	10%	15%
Category C	10%	20%	30%	30%	10%	
Category D	10%	30%	20%	30%	10%	

*Project Cost*

HB 2 requires that the prioritization process be based on the above factors relative to the cost of the project. The Policy Guide provides that the project benefits will be calculated relative to HB 2- funded costs only, but that the calculation of scores based on total costs will be provided to the CTB for comparison purposes. Regional stakeholders, included the Northern Virginia Transportation Authority, have commented that the funds that the Authority and its member jurisdictions allocate should not be considered in any statewide cost-benefit analysis. It is important to leverage various sources to complete the region's transportation needs, and penalizing these entities for providing funding could inhibit these efforts. Further, HB 2313 (2013) that states Northern Virginia's regional funds cannot be used to calculate or reduce the share of local, federal, or state revenues otherwise available to jurisdictions in Northern Virginia.

*Changes in Project Scope/Schedule/Costs Following Project Selection*

The Policy Guide notes that projects that have been selected for funding must be rescored if either of the following apply:

- There is a change in the scope of the project that is significant enough to impact the anticipated benefits associated with the project or to require the location decision, NEPA, or public hearing to be revisited; OR
- There is an estimate increase prior to contract award that forces the total cost of the project over the thresholds for the original score/latest rescore, unless local or other exempt funding is identified to support the increase. The threshold for re-scoring a project should be based on the total cost of the project:
  - Total Cost <\$5 million: 20% increase prior to award of the construction contract requires re-scoring
  - Total Cost >\$5 million: 10% increase prior to the award of the construction contract requires re-scoring
  - \$5 million maximum increase prior to the award of the construction contract regardless of total cost
  - CTB action is required to confirm the commitment to funding the project based on the new score prior to the transfer of previous and/or program funds.

To cover cost increases, the Policy Guide notes that funds will be reprogrammed from projects with surplus allocation or the lowest priority project with eligible funds and backfilled in a later cycle as necessary to advance projects to the next phase or award. The Guide notes that those projects that require de-funding must be resubmitted and treated as a new project for purposes of prioritization.

Staff has prepared a comment letter to the Secretary on many of the items noted above. Specifically, the letter expresses support for allowing localities to apply for funding for all project types, as previous discussions had limited the ability of localities to apply for COSS projects. It voices concern that reducing congestion is not a screening criteria for regional network projects as congestion mitigation is not limited to COSS projects, especially for Northern Virginia and other urban areas.

The letter also expresses concerns that Northern Virginia, Hampton Roads, and Richmond will all have the same weighting scheme (how factors such as congestion mitigation and economic development will be weighted within the process), due to the differences in the three regions. However, it recognizes that the weighting scheme proposed for Northern Virginia is reasonable given the legislative parameters.

The letter notes questions and concerns with certain evaluation measures pertaining to safety, environmental quality; and economic development. The letter also expresses support that the cost/benefit analysis will only include HB 2 funded costs, as the region should not be penalized for leveraging other sources (such as Northern Virginia Transportation Authority funds or local commercial and industrial tax revenues) to complete a project. The letter expresses concerns that requiring a project to be rescored for any cost increase of more than \$5 million would be extremely problematic for large-scale projects, and could significantly delay a project timeline and reduce the stability of funding of those projects. Lastly, the letter voices concern that to address cost increases, lower scoring projects could be de-allocated and would have to go through the HB 2 process again. This also severely reduces the stability of funding for many projects.

FISCAL IMPACT:

There is no fiscal impact to the County as a result of these comments. However, the final policy that is put in place will directly impact how the CTB will allocate transportation funding throughout the Commonwealth, thereby affecting how much state transportation funding is allocated to highway projects in Fairfax County.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Letter to the Commonwealth Transportation Board with Comments on the HB 2 Implementation Policy Guide

Attachment II: HB 2 (2014)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT

Noelle Dominguez, Coordination and Funding Division, FCDOT



SHARON BULOVA  
CHAIRMAN

COMMONWEALTH OF VIRGINIA  
**County of Fairfax**  
BOARD OF SUPERVISORS

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SUITE 530  
FAIRFAX, VIRGINIA 22035-0071

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

chairman@fairfaxcounty.gov

April 29, 2015

The Honorable Aubrey L. Layne, Jr.  
Secretary of Transportation  
Patrick Henry Building  
1111 East Broad Street, Third Floor  
Richmond, Virginia 23218

RE: Comments on House Bill 2 Implementation Policy Guide

Dear Secretary Layne:

On behalf of the Fairfax County Board of Supervisors, I am transmitting comments on the HB 2 Implementation Policy Guide. We appreciate the opportunity to provide input on this new prioritization process. We also appreciate the outreach the Commonwealth has provided for this effort. Stakeholder sessions were held throughout the Commonwealth, many in Northern Virginia, and County staff was able to participate and provide input during this process. In addition to the comments staff has provided throughout the process, the Board has the following comments on the Policy Guide:

- Eligibility to Submit Projects
  - The Policy Guide notes that localities will be able to submit projects within Corridors of Statewide Significance (COSS), Regional Networks, and Urban Development Areas (UDAs). Early discussions had restricted the ability of localities to submit projects within a COSS, instead requiring all submissions for COSS projects to come from regional bodies. The Policy Guide allows localities to apply for COSS projects, but requires a resolution of support from a regional entity. In many cases, local projects that are on a COSS may not be considered as regional projects. These projects should still be considered for funding. While we appreciate the ability to submit projects for COSS funding, we do not believe that a resolution should be necessary, because some local priorities might not rise to a designation as a “regional” project.
- Project Screening
  - The Policy Guide includes screening criteria for each type of project. The guiding principles for Regional Network Investments note a focus on economic competitiveness and accessibility. The Board agrees that economic competitiveness and accessibility are vitally important and should be a focus of Regional Networks. However, we are concerned that reducing congestion and bottlenecks should also be important factors and are not included within these criteria, as they are for COSS projects. We have many congested roadways that may not be located within a COSS, but are located in Regional Networks, and we believe that projects that help address these issues must be eligible for funding.
  - Since this HB 2 allocation approach will also replace the secondary road program, we are concerned that some secondary roads that are priorities for the localities may not be considered regional.

- Evaluation Measures
  - HB 2 requires certain factors to be included in the evaluation process, specifically safety; congestion mitigation; accessibility, environmental quality; economic development; and land use coordination (for areas over 200,000 population). The Board has comments on the following evaluation measures related to those factors.
    - Safety Measures include: (i) Expected Reduction in Total Fatalities and Severe Injuries; and (ii) Expected Reduction in the Rate of Fatalities and Several Injuries per 100 Million Vehicle Miles Traveled. The Board agrees that fatalities and severe injuries should be a factor in calculating impacts on safety, but we believe that measurements should not be limited to those criteria. The reduction of all accidents should be included, and should not be limited only the most severe.
    - Environmental Quality Measures include: (i) Air Quality and Energy Environmental Effect; (ii) Access to Jobs for Disadvantaged Populations; and (iii) Access to Essential Destinations for Disadvantaged Populations. The Board believes that the second two criteria are important but related more towards accessibility than to environmental quality.
    - Economic Development Measures include: Project Support of Planned Economic Development in Project Area; and (ii) Intermodal Access and Reliability. The Policy Guide notes that this is related to new economic development (new and expansion of existing). The Board would like clarity on whether this would include redevelopment efforts, as we have important redevelopment efforts underway in several areas within the County.
- Weighting Schemes
  - The Board agrees that too many weighting schemes will subvert the entire process. However, at the same time, the frameworks should address the diverse needs and situations across the Commonwealth. The County is concerned that one weighting scheme (Category A) will be used for Northern Virginia, Hampton Roads, and the Richmond area. We understand that HB 2 requires congestion to be rated highest for Northern Virginia and Hampton Roads. However, we believe that there are significant differences between our regions and that there should be at least two frameworks weighing congestion the highest, as our three regions should also be allowed the opportunity to have frameworks that address their differing needs.
  - Category A gives a weight of 35% to Congestion Mitigation; 10% to Economic Development; 25% to Accessibility; 10% to Safety; 10% to Environmental Quality; and 10% to Land Use. The Board believes that given the parameters put in place by the General Assembly and the Administration, Category A is a reasonable framework. However, we believe it will be important to evaluate the schemes following the first round of project allocations to see how they work during the process, and determine whether changes should be made for future allocations.
- Project Costs
  - The Board strongly supports the provision in the Policy Guide stating that, for the purposes of the cost benefit analysis, the project benefits will be calculated relative to HB 2 (state)-funded costs only. The Board believes that any local funds the County allocates to a project, or those funds awarded by the Northern Virginia Transportation Authority through its own project-selection process, should not be considered in any statewide cost-benefit analysis. It is important to leverage various sources to address transportation needs, and penalizing entities for providing funding could inhibit these efforts. Further, language in HB 2313 (2013) that states Northern Virginia's regional funds cannot be used to calculate or reduce the share of local, federal, or state revenues otherwise available to participating jurisdictions. Further, it should be noted that projects in Northern Virginia and other urban areas



throughout the Commonwealth may be more costly, due to differences in complexity, adjacent right-of-way, utilities, wage rates, and other factors. If total project costs are used for prioritization, this could put Northern Virginia at an inherent disadvantage.

- Changes in Project Scope/ Schedule/ Costs and Re-Rating Projects
  - The Policy Guide notes that projects have been selected for funding must be rescored, if there is an estimated increase prior to the contract award that forces the total cost of the project over the thresholds for the original score/latest rescore, unless local or other exempt funding is identified to support the increase. The threshold for re-scoring a project is based on the total cost of the project. For projects with a total project cost over \$5 million, that threshold is a ten percent increase prior to the award of the construction contract, with a \$5 million maximum increase before a re-score is required. Many projects in our region are expected to exceed \$100 million. The Board is concerned that for those projects, \$5 million is far less than ten percent of the project and any cost increases could force a re-scoring, thereby delaying the project implementation and reducing the stability of funding.
  - To cover cost increases, the Policy Guide notes that funds will be reprogrammed from projects with surplus allocation or the lowest priority project with eligible funds and backfilled in a later cycle as necessary to advance projects to the next phase or award. The Guide notes that those projects that require de-funding must be resubmitted and treated as a new project for purposes of prioritization. It is our understanding that the purpose of HB 2 was to provide certainty in project funding – that once a project is included in the Six-Year Improvement Program, it should not be removed. We are concerned that this provision could severely reduce stability of that funding for many projects, particularly if there are significant cost increases on the highest priority projects. Instead, if funding is no longer available, this project should receive funding off-the-top of the next year's allocation.

Thank you for your time and consideration. If you have any questions or need additional information, please contact Noelle Dominguez of the Department of Transportation at [Noelle.Dominguez@faifaxcounty.gov](mailto:Noelle.Dominguez@faifaxcounty.gov) or 703-877-5665.

Sincerely,

Sharon Bulova  
Chairman

Cc: Members, Fairfax County Board of Supervisors  
Mr. Gary Garczynski, Northern Virginia District Member, Commonwealth Transportation Board (CTB)  
Mr. E. Scott Kasprovicz, At-Large Urban Member, CTB  
Mr. James W. Dyke, Jr., At-Large Urban Member, CTB  
Edward L. Long Jr, County Executive  
Robert A. Stalzer, Deputy County Executive  
Catherine Chianese, Assistant County Executive  
Tom Biesiadny, Director, Department of Transportation  
Claudia Arko, Legislative Director  
Noelle Dominguez, Legislative Liaison, Department of Transportation

## VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

## CHAPTER 726

*An Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5, relating to prioritization of projects funded by the Commonwealth Transportation Board.*

[H 2]

Approved April 6, 2014

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5 as follows:**

**§ 33.1-23.5:5. Statewide prioritization process for project selection.**

*A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.*

*B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to § 33.1-23.1 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.1-12 and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.*

*1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.*

*2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.1-23.03.*

*3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.*

*4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.*

*C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.1-23.02; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1; projects funded by the revenue-sharing program pursuant to § 33.1-23.05; and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law. However, the Board shall defer to individual local governments for projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1.*

*D. The Commonwealth Transportation Board shall make public, in an accessible format, the results of the screening and analysis of candidate projects and strategies under subsection B, including the weighting of factors, in a timely fashion.*

2. That the Commonwealth Transportation Board shall select projects for funding pursuant to the provisions of this act beginning July 1, 2016.
3. That, at the discretion of the Board, a project fully funded in the Six-Year Improvement Program that has completed the state environmental review process or the review process required by the National Environmental Policy Act may be exempt from the provisions of this act.
4. That the prioritization process developed pursuant to § 33.1-23.5:5 of the Code of Virginia, as created by this act, shall not apply to funds allocated to the Northern Virginia Transportation Authority Fund established pursuant to § 15.2-4838.01 of the Code of Virginia, the Hampton Roads Transportation Fund established pursuant to § 33.1-23.5:4 of the Code of Virginia, or federal funds subject to 23 U.S.C. 133(d)(1)(A)(i).
5. That the Commonwealth Transportation Board in implementing § 33.1-23.5:5 as created by this act shall comply with the allocation of funds pursuant to § 33.1-23.1.
6. That, for Northern Virginia and Hampton Roads highway construction districts, the Commonwealth Transportation Board, pursuant to subdivision B 3 of § 33.1-23.5:5 as created by this act, shall ensure that congestion mitigation, consistent with § 33.1-13.03:1 of the Code of Virginia, is weighted highest among the factors in the prioritization process. For metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor based on the quantifiable and achievable goals pursuant to subsection B of § 33.1-23.03 of the Code of Virginia.
7. That notwithstanding § 33.1-23.5:5 as created by this act, the Commonwealth Transportation Board shall ensure that no project shall be undertaken primarily for economic development purposes.
8. That if any portion of this act shall be adjudged unconstitutional in any court of competent jurisdiction, the remaining portions of this act shall remain in effect.

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INFORMATION – 1

Planning Commission Action on Application 2232A-L09-13-2, T Mobile, 6500 Byron Avenue (Lee District)

On Wednesday, March 11, 2015, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to approve 2232A-L09-13-2.

The Commission noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232A-L09-13-2 sought approval to install three (3) additional panel antennas on the existing stealth monopine tower.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Chris Caperton, Public Facilities Branch Chief, Planning Division, DPZ

Jill Cooper, Executive Director, Planning Commission Office

2232A-L09-13-2 – T-MOBILE, 6500 Byron Avenue  
FSA-Y01-50-1 – T-MOBILE, 14900 Conference Center Drive

During Commission Matters

Chairman Murphy: WITHOUT OBJECTION, I MOVE THE CONSENT AGENDA.

//

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

JLC

# PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232A-L09-13-2

Acreage: N/A

District: Lee

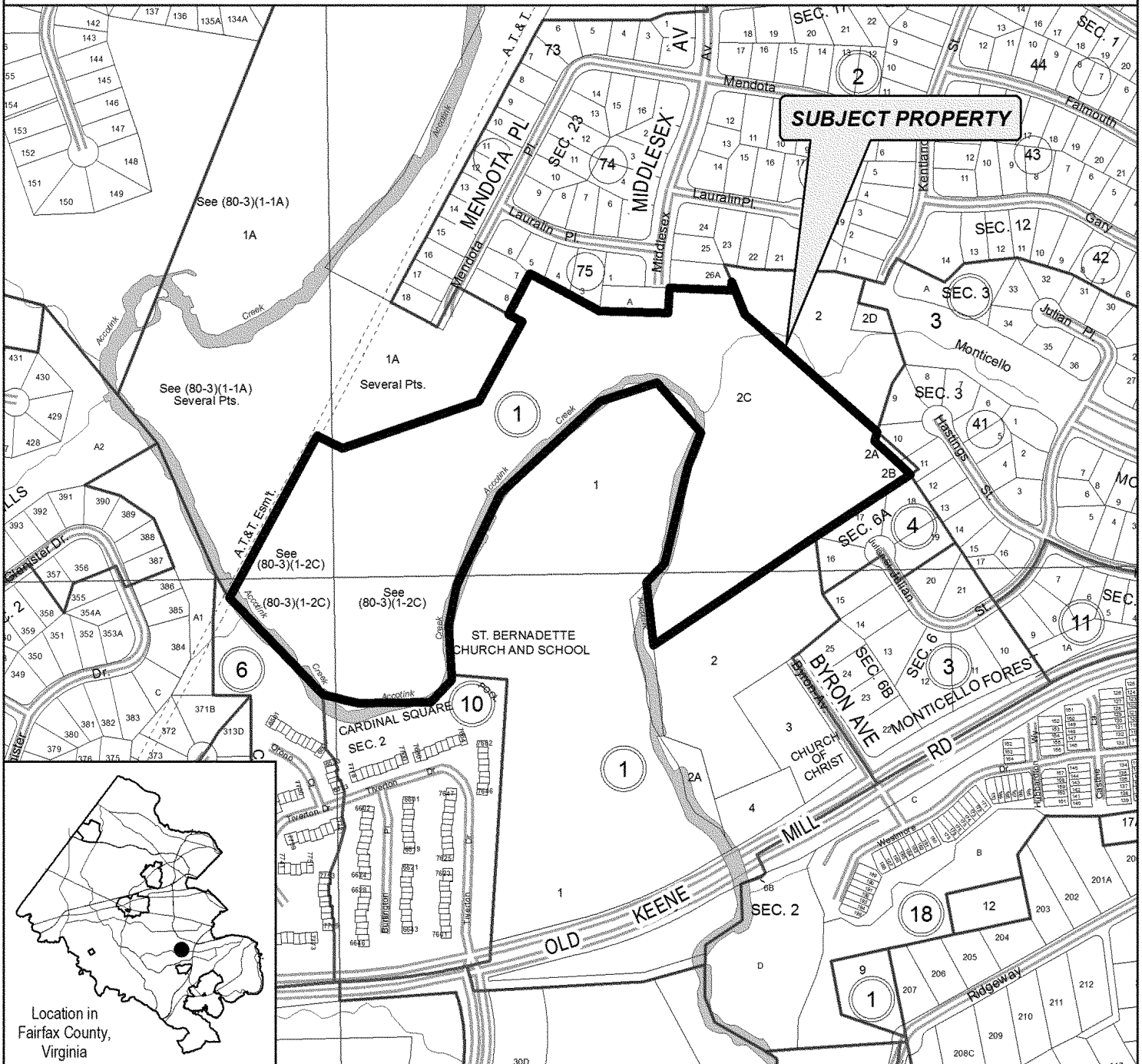
Tax Map I.D. Number: 80-3 ((1)) 2C

Address: Byron Avenue Park  
6500 Byron Avenue  
Springfield, VA 22150

Planned Use: Public Parks

Applicant: Verizon Wireless

Proposed Use: Telecommunications Modification



500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING  
USING FAIRFAX COUNTY GIS



INFORMATION - 2

Contract Award – Environmental Consulting and Services

The Department of Purchasing and Supply Management issued a Request for Proposal (RFP) soliciting consultants for Environmental Consulting and Services. The Department of Public Works and Environmental Services, Solid Waste Management Program requires consultant support for its recycling facility operations and environmental compliance work. The resultant contracts will be indefinite delivery, indefinite quantity (IDIQ) contracts.

A request for proposal (RFP) was publicly advertised in accordance with the requirements of the Fairfax County Purchasing Resolution. Six offerors submitted responsive proposals before the due date. The County Purchasing Agent approved the Selection Advisory Committee (SAC), who evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC interviewed three offerors and decided to negotiate with all three because of exceptional competence and breadth of experience of the offerors. After negotiations the SAC recommended award of three contracts to HDR Engineering, ARCADIS US Inc. and CDM Smith Inc. The SAC recommended contract awards to firms in each of the three task categories (recycling, facility operations, and environmental compliance) based on their demonstrated ability to meet the County requirements as defined in the RFP. All three awardees are classified as large businesses.

HDR Engineering, Inc. has a long history of support to solid waste programs in Fairfax County originally helping develop the Covanta waste-to-energy facility project. The local office is in Vienna, Virginia.

ARCADIS U.S., Inc. has a local office in Rosslyn, Virginia and is one of the current contractors providing this service to the County. ARCADIS is a national leader known for planning and implementing innovative solid waste projects within the timeline and budget.

CDM Smith has a local office in Fairfax, Virginia and is also one of the current contractors providing general engineering services to the Solid Waste Management Program.

The Department of Tax Administration has verified that the selected firms meet Fairfax County Business, Professional, and Occupational License (BPOL) requirements.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts to HDR Engineering, ARCADIS US Inc. and CDM Smith Inc. The contract term is five years from the award date.

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FISCAL IMPACT:

Services rendered through these contracts will total approximately \$3,000,000 over the five-year term. Funding will be available during this period from various DPWES Solid Waste Funds.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors

STAFF:

Cathy Muse, Director, Department of Purchasing and Supply Management  
John Kellas, Acting Deputy Director, Public Works and Environmental Services



ATTACHMENT 1

RFP 2000001310 – List of Offerors

Name	SWAM Status
AMEC	Large Business
ARCADIS US	Large Business
CDM Smith Inc.	Large Business
SCS Engineers	Large Business
HDR	Large Business
Geosyntec	Large Business

INFORMATION – 3

International Building Safety Month

In observance of International Building Safety Month, May 2015, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in Fairfax County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances in order to ensure the construction of safe buildings in the County.

As has been the practice in previous years, staff is working in collaboration with several local hardware stores including Home Depot stores at Seven Corners Center, Price Club Plaza, Hybla Valley, and Reston, to set up building safety information booths at store entrances during Building Safety Month. As a result, on May 2 and 3, the booths will be staffed by engineers and inspectors from Fairfax County DPWES. Customers and visitors will have the opportunity to ask building code-related questions. Building equipment and safety appliances-such as carbon monoxide alarms, smoke detectors, fire extinguishers, and radon test kits-will be displayed. Information brochures on building and elevator safety, as well as permit process information, will be available to all customers and visitors.

This outreach program is designed to educate Fairfax County residents on the provisions of the building codes, increase the level of awareness on building safety, and save lives. Since initiating the community outreach visits over twenty years ago, citizen response has continued to be very positive, and staff reports an increasing level of interest from customers shopping at these stores.

As part of today's ceremony recognizing Building Safety Month, DPWES will present its Building Safety Community Partnership Award. This award recognizes private or corporate citizens for their contributions toward the advancement of DPWES' mission of ensuring building and construction safety in Fairfax County. This is the seventeenth year for this award, and the recipient for 2015 is Emory Rodgers, Deputy Director of Building and Fire Regulations, at the Virginia Department of Housing and Community Development.

Mr. Rodgers has worked tirelessly over his 45-year career to make the Virginia code change process transparent and open to all interested constituents. Emory's legacy however, will be diversified work groups, a concept that he developed to bring stakeholders together to discuss and compromise on various code changes. The work group for House Joint Resolution 648, is an example of his dedication and collaboration among stakeholders. HJR 648 charged state agencies to review and incorporate

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universal design features, and additional accessibility upgrades into the statewide building code. Over 25 members assembled with a goal of improving accessibility in the Commonwealth. The committee included, such organizations as: Retail Merchants Association, Home Builders Association, Blue Ridge Independent Living, Reston Accessibility Committee, Apartment and Office Building Association, Department of the Blind and Visually Impaired, American Institute of Architects, Valley Associates for Independent Living and Virginia Board for People with Disabilities. While the committee remained a diverse group with various goals, under Emory's leadership and guidance, seven code changes were proposed for the 2012 Virginia building code.

Mr. Rodgers is a past President of BOCA International, one of the organizations that merged to form the current International Code Council (ICC); and has dedicated his life to promoting the building code and allowing stakeholders fair and reasonable access to the codes that we enforce. He has been readily accessible to Fairfax County staff and citizens for code information over many years, and is richly deserving as the 2015 recipient of the Building Safety Community Partnership Award.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

William D. Hicks, Director, Land Development Services, DPWES

Audrey C. Clark, Director, BRID, Land Development Services, DPWES

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10:50 a.m.

Matters Presented by Board Members

11:40 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
  - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
  - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
- 
- 1. *Eric S. Clark v. The County of Fairfax, Virginia, John H. Kim, T. B. Smith, and John Spata*, Case No. 14-1210 (U.S. Sup. Ct.)
  - 2. *George H. Samartino v. Fairfax County Fire and Rescue*, Record No. 1406-14-4 (Va. Ct. App.)
  - 3. *David T. Clenney v. Officer V.R. Swartz*, Case No. 1:14cv1702 (E.D. Va.)
  - 4. *Craig J. Blakeley and Kathleen M. McDermott v. County of Fairfax and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2014-0000059 (Fx. Co. Cir. Ct.) (Mason District)
  - 5. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)
  - 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joyce P. Borden*, Case No. CL-2014-0008508 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  - 7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  - 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry A. Demoney and Vicki L. Demoney*, Case No. CL-2014-0014975 (Fx. Co. Cir. Ct.) (Springfield District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer*, Case No. CL-2014-0014976 (Fx. Co. Cir. Ct.) (Braddock District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Souren Hakopian*, Case No. CL-2011-0005857 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Esther Schwartz, Morris Goldberg, Rose Goldberg, Alvin Peck, Stella Peck, Melvin Zweig, Kathryn Zweig, M. A. M. Enterprises, and the Heirs of Alvin Peck*, Case No. CL-2012-0004129 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nina Selvaggi*, Case No. CL-2013-0003608 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Domingos C. Costa and Maria Graciete Costa*, Case No. CL-2015-0001165 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cecilio Vasquez*, Case No. CL-2014-0015904 (Fx. Co. Cir. Ct.) (Lee District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Zina Theresa Bleck*, Case No. CL-2015-0000047 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *Kaveh Sari v. Jack Weyant, Bijan Sistani, and Cynthia McNeal*, Case No. CL-2015-0002378 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Malbrook Homeowners Partnership v. Gene Woo, Mai N. Woo, EVG-RR Ventures, LLC, Cardinal Bank, F. Kevin Reynolds, Trustee, Dennis Griffith, Trustee, and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2015-0002624 (Fx. Co. Cir. Ct.) (Mason District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Angelo Alfaro, Sr., and Anna Maria Alfaro*, Case No. CL-2015-0003502 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller*, Case No. CL-2015-0003878 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Michael Moravitz v. Officer Richard Anderson*, Case No. GV15-005734 (Fx. Co. Gen. Dist. Ct.)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria S. Royall, Trustee of the Gloria S. Royall Trust*, Case No. GV15-003961 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Fang Yu Zheng and Dun C. Lin*, Case No. GV15-003832 (Fx. Co. Gen. Dist. Ct.) (Providence District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Malte M. Nikcevich and Andrea Acker*, Case No. GV15-004524 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adilio Folgar Lopez and Delmi Ortiz Lopez*, Case No. GV15-004523 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case Nos. GV15-005693 and GV15-005694 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura M. MacQueen*, Case No. GV15-005739 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator, v. Daniel Minchew*, Case Nos. GV15-005741, GV15-006057, and GV15-006072 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel Minchew*, Case Nos. GV15-006056, GV15-006058, and GV15-006073 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. A. Brian Bartlett*, Case No. GV15-005834 (Fx. Co. Gen. Dist. Ct.) (Providence District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. GV15-005833 (Fx. Co. Gen. Dist. Ct.) (Providence District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashley Yuan*, Case No. GV15-005835 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lynn Solliday Todorov*, Case No. GV15-006699 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sang G. Lim and Mirim Lim*, Case No. GV15-007101 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Flor Barreda*, Case No. GV15-007102 (Fx. Co. Gen. Dist. Ct.) (Mason District)

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Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on SE 2014-LE-035 (Haimanot Dengitu / Haimi's Home Child Care) to Permit a Home Child Care Facility, Located on Approximately 1,540 Square Feet of Land Zoned PDH-4 and NR (Lee District)

This property is Located at 6060 Joust Lane, Alexandria 22315. Tax Map 91-4 ((9)) (24) 48.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 19, 2015, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-LE-035, subject to the Development Conditions dated March 4, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4479794.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Bob Katai, Planner, DPZ

SE 2014-LE-035 – HAIMANOT YIDENGITU, HAMI'S HOME CHILD CARE

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Ma'am, can you just state on the record that you agree and understand the development conditions dated March 4<sup>th</sup>, 2015?

Haimandot Yidengitu, Applicant/Title Owner: Yes.

Commissioner Migliaccio: Thank you very much. Grab a seat. Thank you.

Ms. Yidengitu: Thank you.

Commissioner Migliaccio: Thank you, Mr. Chairman. This case is a fairly easy home daycare in the Kingstowne area. It has the support of the Lee District Land Use Committee. It has our – professional planning staff's support. Therefore, I have one quick motion to make this evening. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-LE-035, SUBJECT TO CONDITIONS DATED MARCH 4<sup>TH</sup>, 2015.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-LE-035, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Migliaccio: Thank you.

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

JLC

Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on SE 2014-LE-064 (Eyorusalem Hailu / Best Child Care) to Permit a Home Child Care Facility Located on Approximately 1,870 Square Feet of Land Zoned PDH-4 and NR (Lee District)

This property is located at 7422 Heatherfield Lane, Alexandria 22315. Tax Map 91-3 ((15)) 125.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 15, 2015, The Planning Commission voted 8-0 (Commissioners Flanagan, Hedetniemi, Lawrence, and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-LE-064, subject to the Development Conditions dated April 1, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4482483.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Bob Katai, Planner, DPZ

SE 2014-LE-064 – EYORUSALEM HAILU/BEST CHILD CARE

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you. One question for the applicant, please. Can you just reaffirm on the record that you're in agreement with the development conditions dated April 1<sup>st</sup>, 2015.

Eyorusalem Hailu, Owner, Best Child Care: Yes, I do understand everything.

Commissioner Migliaccio: Okay, thank you very much.

Chairman Murphy: Thank you very much.

Commissioner Migliaccio: Mr. Chairman, this is a very simple home daycare case in the Lee District. It has the support of our professional planning staff. It has the support of our Lee District Land Use Committee. It has my support. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL SE 2014-LE-064, SUBJECT TO CONDITIONS DATED APRIL 1<sup>ST</sup>, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-LE-064, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 8-0. Commissioners Flanagan, Hedetniemi, Lawrence, and Sargeant were absent from the meeting.)

JN

Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on SE 2014-MA-069 (Seven Corners Shopping Center Falls Church Limited Partnership) to Permit Waiver of Certain Sign Regulations. Located on Approximately 6.46 Acres of Land Zoned C-7 SC, CRD and HC (Mason District)

This property is located at 6270, 6290 and 6288 Arlington Boulevard, Falls Church. 22044 Tax Map 51-3 ((1)) 35A and 35B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 25, 2015, the Planning Commission voted 8-0-2 (Commissioners Migliaccio and Murphy abstained from the vote and Commissioners de la Fe and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MA-069, subject to the Development Conditions dated March 18, 2015, with a change in Development Condition 4 to read:

“The proposed sign on Arlington Boulevard shall be reduced to an overall height of 23 feet, width 14 feet, and depth of 18 inches. Architectural treatment of the sign shall be consistent with the sign elevation detail shown on the Special Exception Plat. The sign shall be internally lit. The colors shall match the updated façade treatment within the shopping center.”

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4479047.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Sharon Williams, Planner, DPZ

SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS CHURCH, VA  
LIMITED PARTNERSHIP

Decision Only During Commission Matters  
(Public Hearing held on March 12, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the Planning Commission will make a decision regarding SE 2014-MA-069, the Seven Corners Shopping Center's request for a special exception to exceed the Sign Ordinance. The Planning Commission held a public hearing on this matter on March 12<sup>th</sup>, 2015. I moved to defer the decision twice until tonight to clarify the Mason District Land Use Committee's and the community's position on the height of the proposed sign. Everyone agrees that proposed sign design is a huge improvement and welcome improvement; however, there was concern about the height, as it being too tall. Just a little background, back in January, the Seven Corner Shopping Center sign special exception was on the Mason District Land Use Committee's agenda as an information item. For those unfamiliar with the committee process, that means the applicant would make a presentation and would come back for a decision, generally the next month, and the staff - - after the staff report was issued. The applicant made a presentation and the Committee was so enthusiastic about the appearance of the proposed sign, the Committee voted to approve the application on the spot, including the design and a 10-feet, 11-inch increase in frame height. However, when the staff report came right before the Planning Commission's March 12<sup>th</sup>, 2015 hearing, the staff recommended the sign be limited to no more than 24 feet. At that time I became starkly aware of just how big this proposed sign, at 30 feet, really was. Before the Planning Commission hearing the applicant, after working with staff, did agree to reduce the sign to 25 feet. No one did - - from the community came forward at the Planning Commission in opposition and no one submitted letters in opposition; however, I was not comfortable moving a decision because I was concerned and the staff was concerned that 20 - - the 25 feet as requested, and even 24 feet, was too tall. Further, I attended the January 2015 Land Use Committee meeting and I questioned whether the Committee specifically considered the actual increase in height from 19 feet, 1 inch to 30 - to 30 feet - at about three times the square footage. Therefore, I wanted to provide an opportunity for the land use committee to clarify, or verify, its position regarding the height of the proposed sign. In the interim the Vice President of the Bailey's Crossroads Revitalization Corporation, on her own behalf since the VCRC had not - had been unable to take a vote - and the Mason District Council, by their land use Chair, Carol Turner, submitted last minute letters of opposition. Last night, the Land Use Committee considered the application, again as an information item, since this was before the Planning Committee [sic]. The applicant attended and had a chance to re-brief the Committee and the public. Although the Committee did not take another vote, it was clear from the discussion that they did not support 30 feet and, furthermore, they did not support 24 feet. So where are we now? We have since received letters asking the Planning Commission to deny the application. Others have suggested 22 feet. The staff again supports 20 - the staff report again supported 24 feet. After considering this information, I will make a motion to approve the application at 23 feet, which I believe is a workable compromise. At 23 feet, the sign would be 7 feet shorter than the original requested 30; 2 feet shorter than the their reduced - reduced request of 25; and 1 foot less than the staff report. The sign would also be 2 feet shorter than the Home Depot sign across the sign across the street and 17 feet shorter than the Williston

sign to the east on Route 50. So approving this special exception at 23 feet would not create a precedent to approve even taller signs. Mr. Chairman, would you please call the applicant up and ask them if they agree to the 23-foot sign limitation and height for the Arlington boulevard sign?

Chairman Murphy: Ms. Mariska, please.

Sara Mariska, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. I'm Sara Mariska with the law firm of Walsh, Colucci, and unfortunately, we – we do not agree to the 23-foot sign. We're still requesting the 24 feet. We do think that the compromise from our original position is a reduction from the public hearing that was held, so that's our position as it stands. As Ms. Strandlie mentioned, the Land Use Committee had the opportunity to take a vote last night. They did not. They reaffirmed their original position that supported a 30-foot sign. I'm happy to answer any questions.

Chairman Murphy: Okay, thank you very much. So noted. Ms. Strandlie.

Commissioner Strandlie: Thank you for your statement. I feel – still feel strongly that this much – about this height limitation and would therefore like to make a motion. I MOVE THAT THE PLANNING COMMISSION APPROVE SE 2014-MA-069, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 18<sup>TH</sup>, 2015, WITH A CHANGE IN DEVELOPMENT CONDITION 4 TO READ, “THE PROPOSED SIGN ON ARLINGTON BOULEVARD SHALL BE REDUCED TO AN OVERALL HEIGHT OF 23 FEET, WIDTH THE 14 FEET, AND DEPTH OF 18 INCHES. ARCHITECTURAL TREATMENT OF THE SIGN SHALL BE CONSISTENT WITH THE SIGN ELEVATION DETAIL SHOWN ON THE SPECIAL EXCEPTION PLAT. THE SIGN SHALL BE INTERNALLY LIT. THE COLORS SHALL MATCH THE UPDATED FAÇADE TREATMENT WITHIN THE SHOPPING CENTER.”

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Migliaccio: Unfortunately, I won't be able to be supporting Commissioner Strandlie's motion. I'll be abstaining this. I feel that the applicant and staff were pretty much on the same page. They went - - the applicant went from 30 down to 25; staff is supporting 24; it's in a CRD - a CRD. Staff supports the 24 and I think that it might put a chilling effect on future applicants that they go through this process in a CRD and come up with this result. So I'll be abstaining rather than voting no. Thank you.

Chairman Murphy: Further discussion? The Chair also is going to abstain. I had a special exception where I approved a 29-foot sign in a very similar situation and in a more bucolic area

than Bailey's Crossroads, and I feel – I feel that this sign is not out of order at that particular height the applicant requested.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I'm going to support the motion because it's an improvement over what's there; although, I would also have gone a couple feet higher, given the context; given whatever - everything else that's going on in Seven Corners and the desire to improve things. I don't think necessarily 24 or 25 would have been unreasonable, given everything we've seen. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MA-069, with the change of the height in the sign to 23 feet, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Mr. Migliaccio and the Chair abstain.

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(The motion carried by a vote of 8-0-2. Commissioners Migliaccio and Murphy abstained; Commissioners de la Fe and Sargeant was absent from the meeting.)

JN



Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on RZ 2013-MV-015 (Vulcan Construction Materials, LP) to Rezone from R-1, R-C and I-6 to R-1, R-C, I-6 and NR to Permit a Proposed Expansion to the Previously Approved Natural Resource Overlay District, Located on Approximately 148.27 Acres of Land (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located on properties on the West Side of Ox Road located approximately  $\frac{3}{4}$  mile North of the Prince William County line, Tax Map 106-4 ((1)) 20B pt. and 56A pt.; 112-2 ((1)) 8 pt., 14, and Peniwill Drive Public Right-of-Way to be Vacated and/or Abandoned.

(Concurrent with PCA 1998-MV-032, PCA 1998-MV-033 and SEA 81-V-017-02)

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 25, 2015, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2013-MV-015; and
- Approval of Resource Protection Area exception 7589-WRPA-01-1, subject to the Development Conditions dated October 23, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4469462.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Nicholas Rogers, Planner, DPZ

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP  
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER  
AUTHORITY

Decision Only During Commission Matters  
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, thank you, Mr. Chairman.

Chairman Murphy: Before you make your presentation – Mr. Flanagan is going to move on a couple items. I was not present for the public hearing. But for the record, I watched every word of it at home on television so I intend to vote. I wouldn't have missed it for the world.

Commissioner Flanagan: Very good. On February 12, we held a public hearing on applications RZ 2013-MV-015 and SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033. They would – they asked to permit the Vulcan Quarry to be enlarged in order to provide the Fairfax County Water Authority with a water reservoir in two stages. Testimony was given, primarily about two Special Exception issues – the quarry blasting limitations and the Occoquan Overlook trail. Tonight I am ready to recommend approval of the rezoning application 2013-MV-015, which will expand the National Resource Overlay District to include the proposed quarry. There was no opposition testimony from the public or from the Commissioners to the rezoning. Our recommendation is needed before the BZA can renew Vulcan's Special Permit, 82-V-091-06, to operate a quarry for the next five years following their public hearing on March 4. Tonight I am also moving the deferral of – the Special Exception 81-V-017-02 to March 18 for two reasons. First, the Occoquan Trail – Overlook Trail issue is still being negotiated and not ready for decision. As of now, it appears a proposed alternate trail will neither be an Occoquan Overlook trail that overlooks the Occoquan River, nor be more than a trail to nowhere based on land owners' upstream testimony that they are not willing to provide the easements needed unless the trail is built as in the Comprehensive Plan. Second, the Comprehensive Plan includes explicit guidance about mitigation of blasting in order to protect nearby residential buildings from noise and vibration. During the public hearing, testimony from two seismic blasting expert firms recommended changes to blasting limitations and studies of blasting techniques and monitoring that could better address land use conditions that have occurred over the past 40 years. The testimony asserted that the current power measure of a blast isn't the only criterion for effects and in certain circumstances should be accompanied by criteria related to wave energy impacts on structures, as well as the power and pulse. The expert seemed to say that although increasing distance diminishes effects, there are factors that can result in effects being transmitted over long distances. The BZA online minutes indicate there were no prescriptive blasting limitations for the Vulcan Quarry between 1941 and 1959. But in 1959, conditions based upon testimony of blasting experts were added to the Special Permit by the BZA for the first time – that limited any blast to 10,000 pounds of explosives with an average of 6,000 pounds. In 1977, again based on expert testimony, the prescriptive limit on Vulcan blasts was changed by BZA – by the BZA from a limitation of pounds of explosive to seismic monitor readings of 0.4 of peak particle velocity and 130 decibels of air pressure. The expert noted that the limitation was ideal as there were no residential buildings within 1900 feet of the Vulcan quarry – located in 1977. It's been almost 40

years since 1977 and the 0.4 performance prescriptive blast limitation, even though many more – and the imposition of the 0.4 performance prescriptive blast limitation – even though many more existing and planned homes are now less than 1900 feet from the quarry and some are as little as 700 feet. We are told that the BZA will deal with the question of blasting on March 4 and any conditions about mitigation. I'm completely confident they'll do so. That – they have done so in the past when they extended a prior Special Permit while studies recommended by the experts were confirmed and implemented. Since the Comprehensive Plan text allows for blasting, but requires that such blasting protect nearby residential buildings from noise and vibration, I believe the Commission can't proceed until the BZA has completed its review. Then we will know that the application is in harmony with the plan, but not before. Therefore Mr. Chairman, I first move – do I need to have the rezoning – the reaffirm – the conditions reaffirmed?

Chairman Murphy: No. Just on the –

Commissioner Flanagan: Therefore, well okay. Then –

Chairman Murphy: But you're not going to go with the SE.

Commissioner Flanagan: Very good. Then, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-MV-015 FOR VULCAN CONSTRUCTION MATERIALS, LP TO PERMIT AN EXPANSION OF THE NATURAL RESOURCE OVERLAY DISTRICT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SEA 81-V-017-02 AND PCA 1998-MV-032 AND PCA 1998-MV-033 FOR THE FAIRFAX COUNTY WATER AUTHORITY TO A DATE CERTAIN OF MARCH 19, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. And that's the 19<sup>th</sup> of March?

Commissioner Flanagan: 19<sup>th</sup>, yes.

Chairman Murphy: Okay. All those in favor –

Commissioner Flanagan: My understanding is that there's no meeting on the 18<sup>th</sup>.

Chairman Murphy: Okay, I just want to make sure. All those in favor of the –

Commissioner Lawrence: Discussion?

Chairman Murphy: You have a discussion? I'm sorry, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I share Commissioner Flanagan's confidence that the BZA will, in fact, review the criterion for noise and effects. I'm also assured by information that each time in the future this thing is extended, another review will take place. So if the state-of-the-art of judging the effects of blasting changes, as the years go by, it will get caught. It may take a couple of years for it to get caught, but it will get caught – which means that, since this hole is going to be a public facility for us – for all of us – then Fairfax County has a dog in the fight. And I think our dog is well-looked after under the present circumstances. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Further discussion of the motion?

Commissioner de la Fe: No – nope.

Chairman Murphy: Okay. All those in favor of the motion to defer decision only on SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to a date certain of March 19<sup>th</sup>, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: Mr. Flanagan, there is a Resource Protection Area Exception related to the RZ. Did you mean to approve that – recommend approval of that, as well as the rezoning? Or – how do you want to handle that?

Commissioner Flanagan: Staff didn't – didn't ask me to do that.

Commissioner de la Fe: According to what we have here, it says, "Staff recommends approval of Resource Protection Area Exception 7589-WRPA-01-1, subject to the proposed-"

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Yes, you're correct in that. We would – that's related to the Vulcan Construction Materials – related to the Special Permit application ultimately. So we would want it – a recommendation, ultimately – it would be the Board's decision. Typically, when we have a case with an RPA exception, we go to the Planning Commission for their recommendation. And then we would also – the Board –

have the final decision on that. That would be the time that the Board would do the – the natural resource rezoning so if you could make that recommendation, that'd be great.

Chairman Murphy: Mr. Flanagan.

Commissioner de la Fe: Mr. Flanagan-

Commissioner Flanagan: I would like to make a recommendation that he just quoted.

Commissioner de la Fe: Mr. Flanagan, DO YOU RECOMMEND APPROVAL OF RESOURCE PROTECTION AREA EXCEPTION 7589-WRPA-01-1, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 23, 2014 AND CONTAINED IN APPENDIX 8?

Commissioner Flanagan: YES.

Chairman Murphy: Say, "so moved."

Commissioner de la Fe: SO MOVED. Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries – carried.

Commissioner de la Fe: Thank you.

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(Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.)

JLC

Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on PCA 1998-MV-032 (Fairfax County Water Authority) to Amend the Proffers for RZ 1998-MV-032 Previously Approved for a Water Purification Facility to Permit Associated Modifications to Proffers and Site Design with an Overall Maximum Floor Area Ratio of 0.026 Based on the Total Land Area of Concurrent SEA 81-V-017-02, Located on Approximately 129.01 Acres of Land Zoned R-1 and NR (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located on the West side of Ox Road at the terminus of Lorton Road.  
Tax Map 106-4 ((1)) 56 A pt.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-033 and SEA 81-V-017-02).

and

Public Hearing on PCA 1998-MV-033 (Fairfax County Water Authority) to Amend the Proffers for RZ 1998-MV-033 Previously Approved for a Water Purification Facility to Permit Associated Modifications to Proffers and Site Design with an Overall Maximum Floor Area Ratio of 0.026 Based on the Total Land Area of Concurrent SEA 81-V-017-02, Located on Approximately 5.54 Acres of Land Zoned R-1 and NR (Mount Vernon District)

The Board of Supervisors will also consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located North of the Occoquan River immediately East of the high dam.  
Tax Map 106-4 ((1)) 56A pt.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-032 and SEA 81-V-017-02)

and

Board Agenda Item  
April 28, 2015

Public Hearing on SEA 81-V-017-02 (Fairfax County Water Authority) to Amend SEA 81-V-017 Previously Approved for a Water Purification Facility to also Permit Water Storage, Control and Pumping Facility, an Increase in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 526.86 Acres of Land Zoned R-C, I-6, R-1 and NR (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located at 9600 and 10000 Ox Road, Lorton, 22079. Tax Map 106-3 ((1)) 4B and 9; 106-4 ((1)) 20B pt. and 56A; 112-2 ((1)) 8, 9, 11, 12 and 14 and Peniwill Drive public right-of-way to be vacated and/or abandoned.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-032 and PCA 1998-MV-033).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 26, 2015, the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 81-V-017-02 subject to the Development Conditions dated March 10, 2015;
- Approval of PCA 1998-MV-032 subject to the execution of proffers dated November 4, 2014;
- Approval of PCA 1998-MV-033, subject to the execution of proffers dated November 4, 2014;
- Approval of a modification of Section 13-303 and Section 13-304 of the Zoning Ordinance in favor of the transitional screening and barriers, as shown on the SEA Plat; and
- Approval of a modification of Section 17-201, requiring trails along the Occoquan River and along Ox Road as depicted on the Countywide Trails Plan in favor of the trail shown on the SEA Plat and described in the development conditions.

Board Agenda Item  
April 28, 2015

In a related motion the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend that the Board of Supervisors consider that the Planning Commission motions regarding SEA 81-V-017-02 are based on testimony regarding blasting limitations provided to the Planning Commission on February 12, 2015 and to the Board of Zoning Appeals on March 4, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4469145.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Nicholas Rogers, Planner, DPZ



PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

Decision Only During Commission Matters  
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, Mr. Chairman. I request that the representative for the Fairfax County Water Authority confirm, on the record, their agreement to the proposed Special Exception Amendment development conditions dated March 10, 2015.

John McGranahan, Jr., Esquire, Applicant's Agent, Hunton & Williams, LLP: Thank you, Mr. Flanagan. For the record, my name is John McGranahan with the law firm of Hunton & Williams and I do confirm the applicant's agreement with the conditions dated March 10.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hurley: I was not here for the public hearing, but I did read all the letters that were sent to me and I did watch the video of the public hearing and I do intend to vote on this matter.

Chairman Murphy: Okay thank you.

Mr. McGranahan: Thank you.

Chairman Murphy: Thank you, Mr. McGranahan. Mr. Flanagan, please.

Commissioner Flanagan: Thank you, Mr. Chairman. On March 19, we deferred the decisions on applications SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to tonight in order to facilitate a closed session discussion of security issues. Public hearing testimony was previously given on February 12<sup>th</sup>, primarily about two issues:

- One, the quarry blasting limitations needed to, "Protect nearby residential buildings from noise and vibration," and required in the Comprehensive Plan – as required in the Comprehensive Plan; and
- Two, a proposed alternative to the Overlook – Occoquan Overlook Trail, a long standing recommendation in the Comprehensive Plan.

It is my intention tonight to recommend approval of the Water Authority Special Exception and Proffered Condition applications with a follow-on motion about blasting. As to the blasting issue,

the Comprehensive Plan text allows for blasting, but requires the Planning Commission to be satisfied that such blasting will “Protect nearby residential buildings from noise and vibration.” Blasting limits, however, are now set by the Board of Zoning Appeals. Last week, you received testimony I presented to the Board of Zoning Appeals on March 4<sup>th</sup>, which I believe adequately addresses February 12 testimony we heard about updating current blasting limits. The BZA, however, has deferred a decision on blasting limits until May 4. My follow-on motion responds to the BZA’s March – May 4 deferral decision since the General Requirement 3 for approving a Special Exception by the Board of Supervisors requires that the quarry use for creating the future Water Authority Reservoir, “Shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan.” As to the trail issue, no doubt you have been inundated (pardon the pun) with visits, phone calls, and emails that prefer the Occoquan Overlook Trail location in the Comprehensive Plan that would require a southern easement along the Occoquan River from the Water Authority. Staff in the staff report and Park and Transportation appendices also prefers the planned location. In addition, testimony by the public overwhelmingly not only prefers the Occoquan Overlook Trail location, but provides assurances that the entire missing link between the Sandy Run and Occoquan Regional Parks could be constructed immediately upon approval of the pending Special Exception. The Water Authority has instead voluntarily proposed an alternate to the planned southern easement with a Northern Trail easement across Water Authority property, but defers assurance of a connection to the Sandy Run Regional Park upstream to an indefinite future and thereby creates a trail to nowhere and possible trespass across private property by trail users at the dead end. The Water Authority has generally indicated that the southern alignment of the trail raises security concerns and they more specifically detailed those concerns in a closed session discussion that we had on March 19, as permitted by *Virginia Code* Section 2.2-3711(19). I would like to thank Mr. McGranahan, the applicant’s agent, for proposing an additional Condition 19 since March 19 to assure that the trail proposed by the Water Authority is not a trail to nowhere, but constructed when easements are available that will assure connection to Sandy Run Regional Park upstream. I would have supported such a condition, but staff prefers not to support for enforcement reasons. I THEREFORE MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 81-V-017-02 FOR THE FAIRFAX COUNTY WATER AUTHORITY, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MARCH 10, 2015 AND APPROVE PCA 1998-MV-032 AND PCA 1998-MV-033, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 4, 2014.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? I think we should each application individually. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 81-V-017-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Chairman Murphy: All those who – in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-MV-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I further move that the –

Chairman Murphy: Wait a minute – one more.

Commissioner Flanagan: Oh you got one more?

Chairman Murphy: Yes – move that the Planning Commission recommend to the Board of Supervisors to approve PCA 1988 – 1998-MV-033, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I FURTHER MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF SECTION 13-303 AND SECTION 13-304 OF THE ZONING ORDINANCE IN FAVOR OF THE TRANSITIONAL SCREENING AND BARRIERS, AS SHOWN ON THE SEA PLAT; AND
- A MODIFICATION OF SECT. 17-201, REQUIRING TRAILS ALONG THE OCCOQUAN RIVER AND ALONG OX ROAD ARE GENERALLY – AS GENERALLY DEPICTED ON THE COUNTYWIDE TRAILS PLAN IN FAVOR OF THE TRAIL SHOWN ON THE SEA PLAT AND DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER THAT THE PLANNING COMMISSION MOTIONS REGARDING SEA 81-V-017-02 ARE BASED ON TESTIMONY REGARDING BLASTING LIMITATIONS PROVIDED TO THE PLANNING COMMISSION ON FEBRUARY 12 AND THE BOARD OF ZONING APPEALS ON MARCH 4.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. That's all, Mr. Chairman. But I would like to say one thing about this.

Chairman Murphy: Please do.

Commissioner Flanagan: As you can imagine, this has been going on for two or three years. And I would like to compliment Nick Rogers, in particular, for the outstanding work that he's done.

Chairman Murphy: Yes. Here here.

Commissioner Flanagan: You know – giving me all the – hearing all – taking all my calls every – almost every day, I think – also, Bill Mayland, who has been most helpful in that regard. So I really do appreciate the – your guidance, you know, in coming to this conclusion tonight.

Chairman Murphy: Thank you. And thank Mr. Flanagan for doing a great job. He told me that after this application, all he wants to do is Agricultural and Forestal District so – I mean, that just shows you where we're going. And I don't blame him. I think he needs a little vacation. Great job, Earl. Yes, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I just wanted to add that at the public hearing I had raised concerns about being faced with making a decision with – based on the information that was available at that time in the public forum. And I very much appreciate the fact that we were able to have the – the security briefing and executive session in order to go over the concerns. And I just wanted to add that this approach is permitted as an exception to the open meetings law – I want people to understand that – under Code Section 2.2-3711(19). And it allows us as members of a public body to hear and consider in a confidential setting plans to protect public safety, as it relates to terrorist activities or a related threat to public safety – as well as detailed discussions or reports or plans, relating to the security of governmental facilities, buildings, or structures. And in enacting the exemption, the General Assembly implicitly found that individuals like us who are appointed to public bodies occupy a position of trust and should be permitted to factor what is heard in this confidential setting into their decisions. I think, in this case, the applicant meticulously described in the closed session the specific threats that are posed by a publicly accessible southern alignment of the trail, as recommend in the Comprehensive Plan. But I believe that, in accordance with that statute, that I have a duty – as do the other members of the Planning Commission – as part of the public trust invested in us to consider this information in casting our votes and that's what I did in this case.

Chairman Murphy: A good statement. Thank you very much. I think as we travel down this uncertain road, we're going to see a lot more applications that come in that we have to take security – security issues into consideration as we look at the infrastructure of facilities in our County. The phrase, "It'll never happen here," does not apply anymore anywhere.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: I'd just like to observe that a fundamental function of government is public safety. Public safety can take on many dimension in these days. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Thank you very much.

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(Each motion carried by a vote of 10-0. Commissioners Litzenberger and Sargeant were absent from the meeting.)

JLC

Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on SEA 01-M-038-02 (Cellco Partnership D/B/A Verizon Wireless Broyhill Crest Recreation Club, Inc ) to Amend SE 01-M-038 Previously Approved for a Telecommunications Facility to Permit Site Modifications and Associated Modifications to Site Design and Development Conditions, Located on Approximately 2.47 Acres of Land Zoned R-3 (Mason District)

This property is located at 7212 Early Street, Annandale, 22003. Tax Map 60-3 ((24)) 9B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 25, 2015, the Planning Commission voted 10-0 (Commissioners de la Fe and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of SEA 01-M-038-02, subject to the Development Conditions dated March 20, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4480505.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Brett Krasner, Planner, DPZ

SEA 01-M-038-02 – CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS; BROYHILL  
CREST RECREATION CLUB INC.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I MOVE THAT PLANNING COMMISSION APPROVE [*sic*] SEA 01-M-038-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 20<sup>TH</sup>, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of the motion? All those in favor of the motion to recommend that the Board of Supervisors that approve SEA 01-M-038-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.)

JN

Board Agenda Item  
April 28, 2015

3:30 p.m.

Public Hearing on RZ 2014-PR-020 (Adnan Ashkar) to Rezone from R-1 to R-3 to Permit Residential Development with a Total Density of 1.90, Located on Approximately 1.05 Acres of Land, Comprehensive Plan Recommended 2-3 du/acres (Providence District)

This property is located on the North Side of Electric Avenue approximately 400 feet East of Woodford Road. Tax Map 39-3 ((1)) 52.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 25, 2015, the Planning Commission voted 10-0 (Commissioners de la Fe and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2014-PR-020, subject to the execution of proffers consistent with those dated March 18, 2015;
- Direct the Director of the Department of Public Works and Environmental Services (DPWES) to permit a deviation from the tree preservation target, pursuant to the Public Facilities Manual (PFM); and
- Direct the Director of DPWES to permit detention and BMP facilities to be constructed on individual lots, pursuant to the PFM provided that a private maintenance agreement, in a form acceptable to the Office of The County Attorney, is completed for each lot.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4480339.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Carmen Bishop Planner, DPZ



RZ 2014-PR-020 – ADNAN ASHKAR

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-PR-020, SUBJECT TO THE EXECUTION OF PROFFERS CONSIDERED – CONSISTENT WITH THOSE NOW DATED MARCH 18<sup>TH</sup>, 2015. FURTHER I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS:

- 1) DIRECT THE DIRECTOR OF THE DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET, PURSUANT TO THE PUBLIC FACILITIES MANUAL; AND
- 2) DIRECT THE DIRECTOR OF THE DPWES TO PERMIT DETENTION AND BMP FACILITIES TO BE CONSTRUCTED ON INDIVIDUAL LOTS, PURSUANT TO THE PFM, PROVIDED THAT A PRIVATE MAINTENANCE AGREEMENT, IN A FORM ACCEPTABLE TO THE OFFICE OF THE COUNTY ATTORNEY IS COMPLETED FOR EACH LOT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there any discussion of the motions? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-PR-020 and the other motions as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.)

JN

Board Agenda Item  
April 28, 2015

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern