

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 6, 2018**

AGENDA

- 8:00 Reception in Recognition of Alternative Dispute Resolution Month, J. Lambert Conference Center, Reception Area
- 8:30 Reception in Recognition of Women’s History Month, J. Lambert Conference Center, Conference Room 8
- 9:30 Presentations
- 10:00 Report on General Assembly Activities
- 10:10 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Authorization to Advertise Public Hearings for Proposed Amendments to The Code of the County of Fairfax, Virginia (Code) and to the Public Facilities Manual (PFM) Related to Interpretation of the PFM, Hydraulic Grade Line, Debris Control Devices, New Fees for Modifications and Appeals, and Other Edits
- 2 Streets into the Secondary System (Sully District)
- 3 Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and to Relocate the Vienna No. 2 Polling Place (Hunter Mill District)
- 4 Authorization to Advertise Publication of the FY 2019 Budget and Required Tax Rates, the FY 2019 Effective Tax Rate Increase, and the Advertised Capital Improvement Program for Fiscal Years 2019-2023 (With Future Fiscal Years to 2028)
- 5 Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Service Charges, Base Charges, Availability Charges, and Fixture Unit Charges

ACTION ITEMS

- 1 Approval of an Amended Memorandum of Understanding Between the City of Falls Church, Fairfax County and the Fairfax-Falls Church Community Services Board Establishing Collaboration Between the City of Falls Church and Law Enforcement Agencies at the Merrifield Crisis Response Center for People Experiencing a Psychological Crisis

**FAIRFAX COUNTY
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**ACTION ITEMS
(Continued)**

- 2 Approval of the Calendar Year 2018 Forest Pest Management Program
- 3 Approval of the Disease Carrying Insects Program
- 4 Approval of Allocation of Tysons Grid Fund Revenues to a Street Project (Dranesville, Hunter Mill, and Providence Districts)
- 5 Approval of Minor Variation Request for PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02, Commonwealth Regency, LLC, to Add a Craft Beverage Production Establishment Use to the List of “Principal [or Secondary] Uses” as a Secondary Use Permitted in Proffer No. 4 (Sully District)
- 6 Approval of Minor Variation Request for PCA 86-C-029-10, GS Ashton, LLC, to Modify Materials Approved by Proffer 16 on Existing Residential Building (Dranesville District)

**CONSIDERATION
ITEMS**

- 1 Proffer Interpretation Appeal Associated with The Reserve at Tysons Corner Related to Proffers Accepted for RZ/FDP 2003-PR-008

**INFORMATION
ITEMS**

- 1 Contract Award – Historic Preservation Consultant Services RFP 2000002343

10:20 Matters Presented by Board Members

11:10 Closed Session

**PUBLIC
HEARINGS**

3:30 Public Hearing on RZ 2017-MA-013 (Vulcan Materials Company, LLC) (Mason District)

3:30 Public Hearing on SE 2017-MA-009 (Vulcan Materials Company, LLC) (Mason District)

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**PUBLIC
HEARINGS
(Continued)**

- 3:30 Public Hearing on PCA 2009-BR-015 (College Town Associates Limited Partnership) (Braddock District)
- 3:30 Public Hearing on PCA-C-083-03 (College Town Associates Limited Partnership) (Braddock District)
- 3:30 Public Hearing on RZ 2017-SU-025 (JSF Management LLC) (Sully District)
- 3:30 Public Hearing on SE 2017-SU-022 (JSF Management LLC) (Sully District)
- 4:00 Public Hearing on Proposed Plan Amendment 2017-III-T1, Sunset Hills Road Realignment
- 4:00 Public Hearing on Proposed Plan Amendment 2013-I-L1 (B) to Designate the Area Generally Surrounding the Intersection of Little River Turnpike and Beauregard Street a Community Business Center (Mason District)
- 4:00 Public Hearing on Proposed Amendments to Chapters 107 (Problem Soils), Chapter 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code) and the Public Facilities Manual (PFM) Related to the County Soils Map and Uses Exempt from Site Plan Requirements



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
March 6, 2018

9:30 a.m.

RECERTIFICATION

Presentation of the recertification of Fairfax County as a Certified Crime Prevention Community by the Virginia Department of Criminal Justice Services.

ANNOUNCEMENT OF GRANT AWARDEES

Cox Communications Virginia will announce local nonprofits in the community to which it has awarded grants to further the academic achievement and development of young people in the areas of science, technology, engineering, and mentoring education and literacy.

PRESENTATIONS

DESIGNATIONS

- PROCLAMATION – To designate March 19-26, 2018, as Northern Virginia Restaurant Week in Fairfax County. Requested by Supervisor Herrity.
- PROCLAMATION – To designate March 2018 as Alternative Dispute Resolution Month in Fairfax County. Requested by Supervisor Cook.
- PROCLAMATION – To designate March 2018 as Women’s History Month in Fairfax County. Requested by Chairman Bulova.

— more —

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- PROCLAMATION – To designate March 2018 as Arab-American Heritage Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item
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10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on March 6, 2018, and printed copy available for review in the Office of the Clerk to the Board.

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee
Bryan J. Hill, County Executive

Board Agenda Item
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10:10 a.m.

Items Presented by the County Executive

Board Agenda Item
March 6, 2018

ADMINISTRATIVE - 1

Authorization to Advertise Public Hearings for Proposed Amendments to The Code of the County of Fairfax, Virginia (Code) and to the Public Facilities Manual (PFM) Related to Interpretation of the PFM, Hydraulic Grade Line, Debris Control Devices, New Fees for Modifications and Appeals, and Other Edits

ISSUE:

Board of Supervisors authorization to advertise public hearings on proposed County Code and PFM amendments to make updates, clarifications, editorial changes, and align the County Code and the PFM with the Virginia Code.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of the proposed amendments set forth in the Staff Report dated March 6, 2018.

TIMING:

The County Executive requests Board action on March 6, 2018, to provide sufficient time to advertise public hearings on March 22, 2018, before the Planning Commission and on May 1, 2018, at 4:00 p.m. before the Board.

BACKGROUND:

The proposed amendments are necessary to make updates, clarifications, editorial changes, and to align the County Code and the PFM with the Virginia Code. The proposed amendment to re-establish the PFM as guidelines is being expedited as directed by the Board, at their Development Process Committee meeting held on January 30, 2018.

PROPOSED AMENDMENTS:

The specific changes to the County Code and the PFM include:

1. Clarification of Introductory Language and Director Authority (PFM as Guidelines)

The Introduction to the PFM §§1-0100 states that it “sets forth the guidelines for the design of all public facilities” and provides that the Director of Land Development Services (LDS) can waive these guidelines subject to specific conditions. However,

throughout the PFM there are several other paragraphs that specify which provisions can be waived and which are mandatory, and these provisions conflict with each other. The proposed amendments clarify the conditions for waiver and remove conflicting language regarding the Director's authority. Additional background information is provided in the attached Staff Report.

2. Hydraulic Grade Line (HGL)

Storm sewer systems consist of a network of pipes connected by inlets and manholes. The HGL is an engineering analysis used to determine the flow energy of water. However, the County has inconsistently required HGL analysis. In cases where HGL analysis has not been required, the designer has used Manning's Equation alone, which measures the initial capacity of a storm sewer pipe. Mandating the use of both HGL analysis and Manning's Equation in the design of storm sewer systems will help decrease flooding and manhole cover displacement during storm surges. This requirement aligns with the current design requirements of the Virginia Department of Transportation (VDOT).

3. Debris Control Devices (Trash Racks)

County inspectors have noted the wide variety of debris control devices installed for low-level and low-flow intakes in storm water detention ponds as well as the associated varying degree of functionality: many require constant maintenance and replacement due to product failure. The current PFM does not specify a uniform design requirement. Thus, the proposed amendment to PFM Chapter 6 (Storm Drainage) creates a uniform standard and revised design guidelines resulting in stronger, more reliable and more maintenance-free debris control devices.

4. Land Development Services Fee Schedule

The proposed amendment to Appendix Q (LDS Fee Schedule) of the County Code will clarify various inspection and study fees and aligns current inspection fees with LDS' annual Comprehensive Unit Price Schedule. The proposed amendment sets new fees for modifications and appeals.

5. Update to the Subdivision Provisions

The proposed amendment to Fairfax Code Chapter 101 (Subdivision Provisions) mirrors the 2014 amendment to Virginia Code § 15.2-2260, which made it optional for owners creating 50 or fewer lots to submit preliminary subdivision plats to localities.

6. Update to the PFM

The proposed amendment updates the PFM to require submitting engineers to incorporate a copy of the standard maintenance specifications for stormwater management facilities on construction plans.

LDS has collaborated with the County Attorney, and the Department of Public Works and Environmental Services, Maintenance and Stormwater Management Division on the proposed amendments. The Engineering Standards Review Committee recommends approval of the PFM amendments.

REGULATORY IMPACT:

If adopted, the proposed amendment to re-establish the PFM as guidelines will provide the flexibility necessary to design site plans and aligns the PFM with Goal 3 of the County's Economic Success Strategic Plan.

If adopted, the proposed HGL amendment will make it mandatory for all storm sewer system designs to include the HGL unless waived by the Director.

If adopted, the proposed debris control devices amendment will create one consistent and easy-to-use standard for debris control devices. This will improve the predictability of the LDS review process and, in some instances, can make it easier for developers to reach project closure with the County.

If adopted, the proposed fee amendment will clarify the LDS Fee Schedule. The amendment also will add a fee for Building Code and Fire Prevention Code modification requests and for applications to appeal a Building Official, Fire Official, or Property Maintenance Code Official's decision.

If adopted, the proposed Subdivision Provisions will update County Code Chapter 101 to mirror Virginia Code § 15.2-2260.

If adopted, the proposed PFM amendment will require submitting engineers to incorporate a copy of the construction specifications for stormwater facilities on the construction plan.

FISCAL IMPACT:

The HGL amendment will not increase the developer's cost in instances where a waiver is approved by the Director; where the proposed storm pipe extends into the VDOT

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right-of-way and an analysis is also required by VDOT; and where the proposed storm pipe connects into an existing pipe system designed under pressure.

The debris control devices amendment will decrease costs for both the County and developers by reducing stormwater operation and maintenance costs associated with repairing or replacing failed devices.

The new modifications and appeals fees will not impose a significant cost on developers since the Building Code and Fire Prevention Code set forth minimum requirements that must be met. Building Code and Fire Prevention Code modifications and appeals will be generally limited to instances when the practical difficulties involved in meeting code requirements outweigh the costs associated with a design alternative requiring a code modification. The County Executive does not anticipate significant revenue to the County from these changes.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated March 6, 2018

STAFF:

Robert A. Stalzer, Deputy County Executive

William D. Hicks, P.E., Director, LDS

Chad Crawford, P.E., Director, Maintenance & Stormwater Management Division,
Department of Public Works and Environmental Services (DPWES)

Michael Peter, Branch Chief, Financial Management Branch, LDS

ASSIGNED COUNSEL:

Sarah Hensley, Assistant County Attorney, Office of County Attorney

LAND DEVELOPMENT SERVICES
March 6, 2018

STAFF REPORT

PREPARED BY CODE DEVELOPMENT AND COMPLIANCE

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

Proposed Amendments to *The Code of the County of Fairfax, Virginia* (Code) and to the Public Facilities Manual (PFM) related to Interpretation of the PFM, Hydraulic Grade Line, Debris Control Devices, New Fees for Modifications and Appeals, and Other Edits

PUBLIC HEARING DATES

Authorization to Advertise:	March 6, 2018
Planning Commission Hearing:	March 22, 2018 at 7:30 p.m.
Board of Supervisors Hearing:	May 1, 2018 at 4:00 p.m.

Prepared By:	Thakur Dhakal, P.E. (703) 324-2992 Site Code Research & Development Branch, LDS
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STAFF REPORT

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors adopt the proposed amendments.

DISCUSSION

1. Clarification of Introductory Language and Director Authority (PFM as Guidelines)

The Introduction to the PFM states that it “sets forth the guidelines for the design of all public facilities” and provides that the Director of Land Development Services (LDS) can waive these guidelines subject to specific conditions. However, PFM Section 13 states that provisions with the terms “shall” or “must” are mandatory. Also, PFM Section 1-0100.6 states that variations from mandatory policies and requirements cannot be waived. In the Development Process Committee meeting on January 30, 2018, the Board of Supervisors directed staff to clarify the PFM language to make clear that the PFM serves as a guideline. The Board of Supervisors directed staff to clarify that the LDS Director administers the PFM and has authority to waive all provisions subject to certain conditions.

The proposed amendment clarifies the conditions for waiver and removes conflicting language regarding the LDS Director’s authority. The amendment clarifies that the LDS Director can waive provisions so long as the following conditions are met:

- A strict application of the PFM standard cannot be met for a particular site; and
- New or creative designs are proposed that meet the intent of the provisions; and
- The submitting engineer provides an adequate justification and supporting data

In addition, any waivers or alternative designs must comply with specific requirements of the Virginia Code, County Code, and other applicable regulations, such as specific standards of the Virginia Department of Transportation (VDOT) and other reviewing agencies, from which variances may not be granted at the local level. LDS will continue to apply current waiver criteria and to use the current waiver application form. The proposed amendments setting forth these clarifications are included in Attachment A.

2. Proposed Hydraulic Grade Line (HGL) Amendment

Storm sewer systems consist of a network of pipes connected by inlets and manholes. The HGL is an engineering analysis used to determine the flow energy of water. However, the County has inconsistently required HGL analysis. In cases where HGL analysis has not been required, the designer has used Manning’s Equation alone, which

measures the initial capacity of a storm sewer pipe. Manning's Equation determines the capacity for individual pipes but does not collectively analyze the entire pipe network.

Staff has determined that the Manning's Equation determination alone is inadequate because it omits calculations to analyze the effects of tailwater, which is the depth of water immediately downstream from a dam, bridge, culvert, or other hydraulic structure in the flow path. Including the HGL in the storm sewer design helps mitigate potential flooding, and reduces the likelihood that storm water will improperly exit the storm sewer system during a storm surge.

The proposed amendment to Chapter 6 (Storm Drainage) of the PFM adopts the Virginia Department of Transportation's computational methodology for calculating HGL, providing designers a single method of calculating HGL that is consistent and predictable. The amendment also allows flexibility for limiting or not providing the HGL in certain instances. The proposed amendment is included in Attachment A.

3. Proposed Debris Control Devices (Trash Racks) Amendment

Since low-level and low-flow intake devices in dry ponds or extended detention ponds are situated at the pond bottom, they are most affected by debris, and generally require a debris control device to keep them functioning properly. Based on their years of experience with pond inspection and maintenance, staff members believe the current design guidance for debris control devices on these low-level and low-flow intake devices can be improved. For example, the current debris control device sizing and shape has led to clogging and standing water in some stormwater facilities. Additionally, the current recommended material for these devices has failed, which has led to water ponding in some cases over time. These recurring issues required staff to replace these devices at the County's expense.

The proposed amendment updates design guidance for debris control devices to help improve functionality, facilitate easy cleanout, and increase longevity. The proposed PFM amendment is included in Attachment A.

4. Proposed Land Development Service (LDS) Fee Schedule Amendment

The proposed amendment to County Code Appendix Q (LDS Fee Schedule) would clarify some inspection and study fees while also aligning current inspection fees with the Bonds and Agreements Center's annual Comprehensive Unit Price Schedule. The amendment proposes new fees for modifications and appeals. The proposed amendment is included as Attachment B.

5. Proposed Updates to the Subdivision Provisions

The proposed amendment to Fairfax Code Chapter 101 (Subdivision Provisions) mirrors the 2014 amendment to Virginia Code § 15.2-2260, which made it optional for owners creating 50 or fewer lots to submit preliminary subdivision plats to localities. The proposed amendment is included as Attachment C.

6. Proposed Updates to the PFM

The proposed update to the PFM require designers to provide a copy of the standard maintenance specifications for stormwater management facilities on the construction plans. The proposed PFM amendment is included in Attachment A.

LDS has collaborated with the County Attorney, and the Department of Public Works and Environmental Services, Maintenance and Stormwater Management Division on the proposed amendments. The Engineering Standards Review Committee recommended the approval of PFM amendments.

ATTACHED DOCUMENTS

Attachment A –Amendments to the PFM

Attachment B - Amendments to Appendix Q (LDS Fee Schedule)

Attachment C- Amendments to the Subdivision Provisions (Chapter 101)

**Proposed Amendments
to
the Fairfax County Public Facilities Manual**

Interpretation of the PFM

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Amendment the Public Facilities Manual, §1-0100 (Introduction), the lead in paragraph and §1-0100.6 and §1-0100.7, to read as follows:

1-0100 INTRODUCTION

The Public Facilities Manual (PFM) sets forth the guidelines for the design of all public facilities constructed to serve development. In adopting its Subdivision Ordinance in 1975, the Board incorporated specific reference to the requirements described in the PFM. Similarly, in 1978, the Board adopted a Zoning Ordinance which made specific reference to the requirements in this PFM.

1-0100.76 The Director is the designated official to administer the standards and requirements contained in the PFM. ~~He shall~~ The Director will make the final decision on questions regarding the PFM after having reviewed recommendations from designated departments, authorities, boards, and committees. Wherever the term “Director” is used in this PFM without further organizational reference, the reference shall be interpreted as meaning the Director, Land Development Services Department of Public Works and Environmental Services. (See Definitions §13-0300.)

1-0100.67 The Director, in administering these standards, shall treat them as guidelines rather than mandates ~~unless the language clearly specifies otherwise.~~ Except as expressly provided otherwise in this document, the Director can approve a waiver where strict application of the standard cannot be met for a particular site or where new or creative designs are proposed that meet the intent of the provisions, provided a statement of justification for deviating from the PFM, including supporting data and information, accompanies any submission seeking waiver. The Director may allow for a variation of a given standard where the effect of such variation is in keeping with established engineering practice and procedure. ~~Variations from mandatory policies or requirements will not be permitted.~~

Amendment the Public Facilities Manual, §13-0200 (Interpretations), §13-0200.2, to read as follows:

13-0200.2 The words “shall” and “must” are mandatory minimum requirements; however, “shall” and “must” may be the Director may waive these mandatory minimum requirements (See Introduction § 1-0100.7.

Hydraulic Grade Line

37 Amend §6-0904, Energy and Hydraulic Grade Line, to read as follows:

38
39 ~~6-0904 Energy and Hydraulic Gradients Grade Line.~~—The hydraulic gradient for a storm
40 sewer system is a line connecting points to which water will rise in manholes and inlets throughout
41 the system during the design flow. The energy gradient is a line drawn a distance $V^2/2g$ above the
42 hydraulic gradient of the pipes.

43 The hydraulic grade line (HGL) is a measure of flow energy. In open channel flow the HGL
44 coincides with the water surface elevation, and in pressure flow it is a line that connects the
45 elevation to which the water would rise in piezometer tubes along the pipe. The HGL aids the
46 designer in determining the acceptability of the proposed storm sewer system by establishing the
47 elevations to which water will rise in the structures (inlets, manholes, etc.) along the system for
48 the recommended design frequency storm flow. Inlet surcharging and possible access hole lid
49 displacement can occur if the HGL rises above the ground surface. In addition, even though each
50 pipe is designed as non-pressure flow, cumulated energy losses and tailwater conditions at the
51 outlet may cause the system to flow under pressure, especially in low lying areas. Improper and
52 proper pipe design for pressure flow situations is provided in Plate 94-6.

53
54 6-0904.1 Unless waived by the Director, the HGL shall be calculated for all proposed storm sewer
55 systems using the method set forth in the latest edition of the VDOT drainage manual. The
56 hydraulic grade line computations begin at the system outfall with a known water surface
57 elevation. However, the Director may also require analysis further downstream of the outfall pipe
58 to demonstrate whether conditions exist provided a statement of justification for deviating from
59 the PFM is on the plan.

60
61 6-0904.42 Where a proposed drainage system connects to an existing drainage system
62 the HGL hydraulic gradient at the point of junction shall be obtained from the HGL hydraulic
63 gradient computation of the existing system on file with DPWES. LDS or the Director may
64 approve an alternative location to begin the HGL computations given adequate justification on the
65 plan.

66
67 ~~6-0904.44.3 Pressure Flow.~~ Storm sewer systems may be designed for pressure flow; however,
68 all proposed pressure flow systems should be coordinated with DPWES in the preliminary design
69 stage. The ~~HGL hydraulic gradient~~ for the design flows ~~shall~~ should be generally at least 1' ft.
70 below the established ground elevation and no more than 5' ft. above the crown of the pipe. For
71 curb opening inlets the gutter flow line is considered the established ground elevation.

72
73 ~~6-0904.1 At storm sewer junctions the total energy loss at the junction, H_L , is the difference in~~
74 ~~elevation between the energy grade lines of the upstream and downstream pipes. To establish~~
75 ~~these gradients for a system, it is necessary to start at a point where the hydraulic and energy~~
76 ~~gradients are known or can readily be determined.~~

77
78 ~~6-0904.2 Generally, when the energy and hydraulic gradients must be determined, the pipes are~~
79 ~~assumed to have uniform flow. For uniform gravity flow and for pressure flow, the friction loss~~
80 ~~in storm sewer pipes may be determined by the Manning Formula as follows:~~

81
82
$$h_f = SL = \left[\frac{(nV)^2}{2.208r^{1.33}} \right] L$$

83

84 ~~Where:~~85 ~~h_f = Friction loss in pipe (ft.)~~86 ~~S = Slope of the energy grade line~~87 ~~n = Roughness coefficient~~88 ~~V = Discharge velocity (fps)~~89 ~~r = Hydraulic radius (ft.)~~90 ~~L = Length of line (ft)~~

91

92 ~~6-0904.3 Few design situations will ever require determination of energy and hydraulic gradients~~
93 ~~for non-uniform flow conditions. Should non-uniform flow analysis be necessary, designers are~~
94 ~~referred to standard hydraulic texts for determining gradients for non-uniform flow.~~

95

96 ~~6-0904.4 Where a proposed drainage system is connected to an existing drainage system the~~
97 ~~hydraulic gradient at the point of junction shall be determined from the hydraulic gradient~~
98 ~~computation of the existing system on file with DPWES.~~

99

100 ~~6-0904.5 The total energy losses at a junction, H_L , is assumed to be made up of one or more of the~~
101 ~~following losses:~~

102

103 ~~6-0904.5A Expansion loss, h_i , when stormwater enters the junction.~~

104

105 ~~6-0904.5B Contraction loss, h_o , when stormwater leaves the junction.~~

106

107 ~~6-0904.5C Bend loss, h_A , due to the change in horizontal direction of stormwater velocity.~~

108

109 ~~These losses may be estimated as follows:~~

110

111
$$H_L = h_i + h_o + h_A = 0.1 \frac{V_i^2}{2g} + 0.5 \frac{V_o^2}{2g} + K_A \frac{V_i^2}{2g}$$

112

113

114 ~~Where:~~115 ~~H_L = Total Energy Loss~~116 ~~h_i = Expansion Loss (flow in to junction)~~117 ~~h_o = Contraction Loss (flow out of junction)~~118 ~~h_A = Bend Loss~~119 ~~V_i = Velocity in fps, Q/A , of upstream pipe~~120 ~~V_o = Velocity in fps, Q/A , of downstream pipe~~121 ~~Δ = Horizontal angle in degrees between the direction of flow of incoming and outgoing pipes~~122 ~~K_A = Bend loss coefficient (see Plates 13-6 and 14-6)~~

123

124 ~~6-0904.6 Considerable judgement must be used when applying the above energy loss equations.~~
125 ~~Some general rules to be used when applying these equations are as follows:~~

126

127 ~~6-0904.6A When two or more pipes discharge into a manhole or inlet type structure, the~~
128 ~~expansion loss for the junction shall be calculated for the pipe discharge that produces the~~
129 ~~maximum momentum.~~

130

131 ~~6-0904.6B When two or more pipes discharge into a manhole or inlet type structure at different~~
132 ~~angles of flow with the outgoing pipe, the junction bend loss shall be calculated for the pipe~~
133 ~~discharge that produces the maximum momentum.~~

134

135 ~~6-0904.6C Prefabricated "T", "Y", and bend sections are assumed to have bend losses only.~~

136

137 Momentum may be determined as follows: $M = Q(w/g)V$

138

139 Where:

140 M = Momentum

141 Q = Pipe discharge (cfs)

142 w/g = Density of water 62.4 lbs/ft³

143 V = Discharge velocity in fps

144

145 ~~6-0904.7 Since the density of water can be considered constant, the pipe discharge with the largest~~
146 ~~product, QV, will have the maximum momentum.~~

147

148 ~~6-0904.8 The energy loss for the initial inlet(s) of a storm sewer system may be assumed to be 0.3~~
149 ~~times the velocity head in the outlet pipe.~~

150

151 ~~6-0904.9 The above energy loss formulas can be readily solved with the use of Plate 14-6 and a~~
152 ~~transparency made to conform to Plate 13-6.~~

153

154 ~~6-0904.10 Non pressure Flow. Storm sewer systems generally shall be designed as non pressure~~
155 ~~systems. In general, if a drop in the structure between the inverts of the incoming and outgoing~~
156 ~~pipes is approximated by a value equal to or greater than the junction energy loss, the system can~~
157 ~~be assumed to be non pressure flow.~~

158

159 ~~6-0904.11 Pressure Flow. Storm sewer systems may be designed for pressure flow; however, all~~
160 ~~proposed pressure flow systems should be coordinated with DPWES in the preliminary design~~
161 ~~stage. The hydraulic gradient grade line for the design flows shall be at least 1 foot below the~~
162 ~~established ground elevation and no more than 5 feet above the crown of the pipe. For curb~~
163 ~~opening inlets the gutter flow line is considered the established ground elevation.~~

164

165 ~~6-0904.12 Drop. If possible the energy losses through a junction should be accounted for by a~~
166 ~~drop across the junction. The equations on Plate 15-6 show the method for computing the drop~~

167 **Amend §6-0905.3A and §6-0905.4, and delete §6-0905.3B, to read as follows:**

168

169 6-0905.3A For storm sewer systems; ~~or portions of systems designed for pressure flow;~~ submit a
170 storm sewer profile with energy and hydraulic gradients grade lines drawn on it, ~~shall be submitted~~
171 ~~for the portion of the system that experiences pressure flow.~~

172

173 ~~6-0905.3B Energy and hydraulic gradients do not need to be submitted for non-pressure systems.~~

174

175 6-0905.4 Energy loss calculations ~~at storm sewer junctions~~ shown on VDOT's form, Hydraulic
176 Grade Line Computations.

177

178

179 **Amend §6-1007, Energy and Hydraulic Gradients, and §6-1007.1 and §6-1007.2, to read as**
180 **follows:**

181

182 **6-1007 Energy and Hydraulic Gradients Grade Lines in Open Channel Systems** (Reference
183 Plates 24-6 through 26-6)

184

185 6-1007.1 The hydraulic ~~gradient~~ grade line for an open channel system is the water surface. The
186 energy ~~gradient~~ grade line is a line drawn a distance $V^2/2g$ above the hydraulic grade line ~~gradient~~.
187 At channel junctions, the total energy loss at the junction, HL, is the difference in elevation between
188 the energy grade lines of the upstream and downstream channels. To establish these gradients for a
189 system, it is necessary to start at a point where the energy and hydraulic gradients are known or can
190 readily be determined.

191

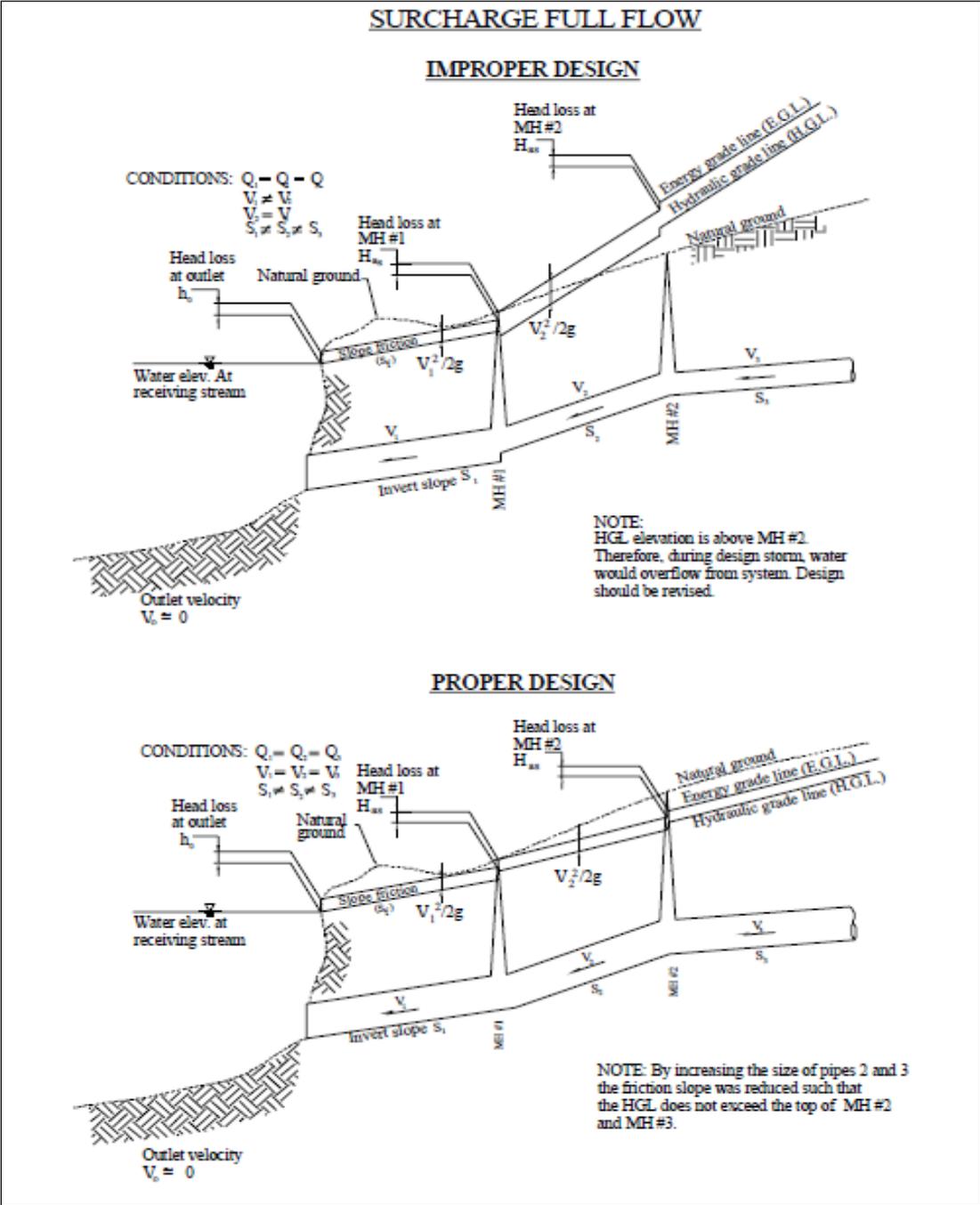
192 6-1007.2 Generally, when the energy and hydraulic ~~gradients~~ grade lines must be determined,
193 the channels are assumed to have uniform flow. For uniform flow the friction loss along the
194 channel may be determined by the Manning Equation~~Formula~~ as discussed ~~above and in §6-~~
195 ~~0902~~ in the latest edition of the VDOT Drainage Manual.

196

197

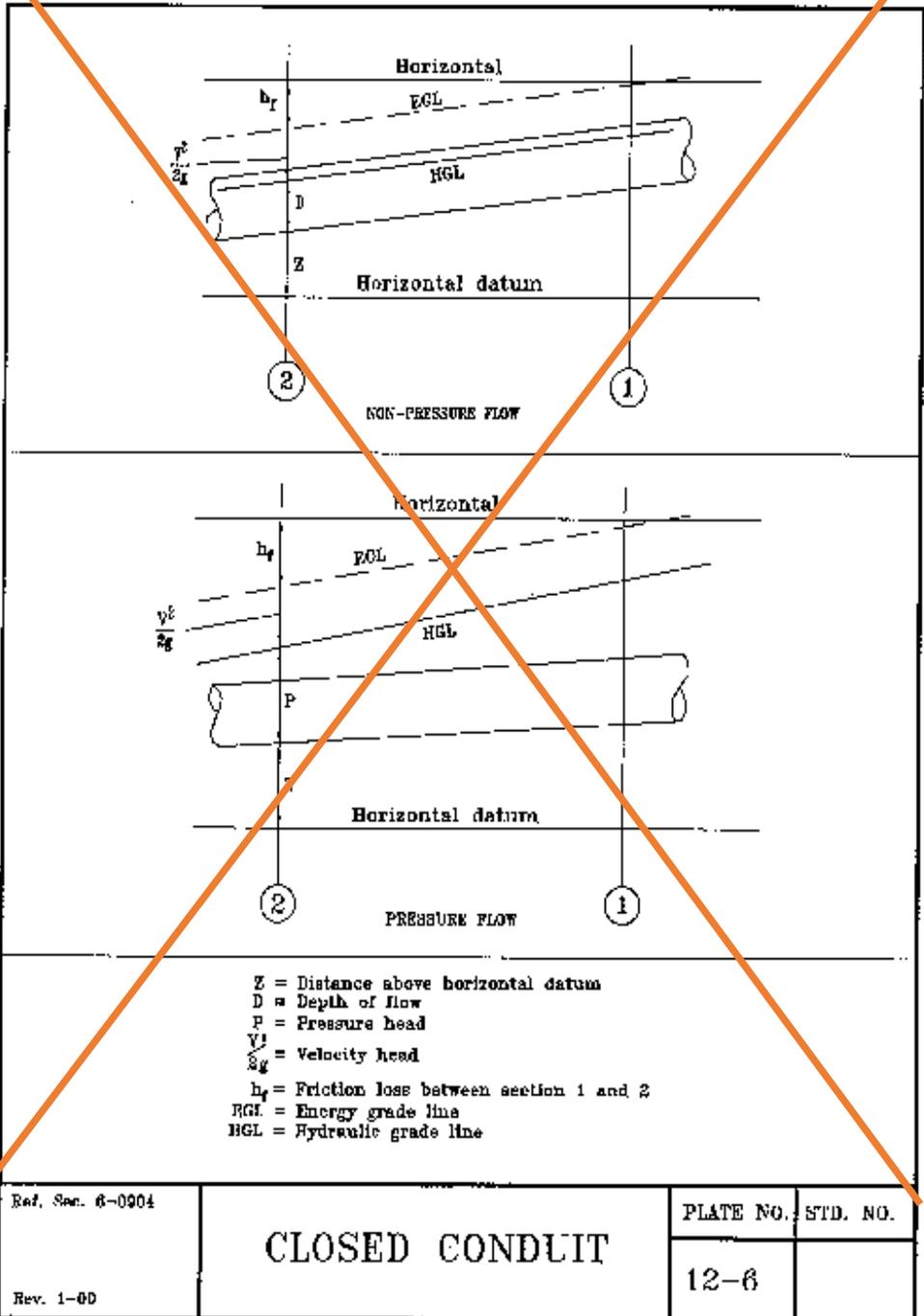
198 **Amend Chapter 6, Table of Contents and List of Plates in accordance with the amendment.**
199 **Amend Chapter 6, to add Plate 94-6 (Surcharge Full Flow – Improper and Proper Design),**
200 **and delete Plates 12-6, 13-6, 14-6 and 15-6, to read as follows:**

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

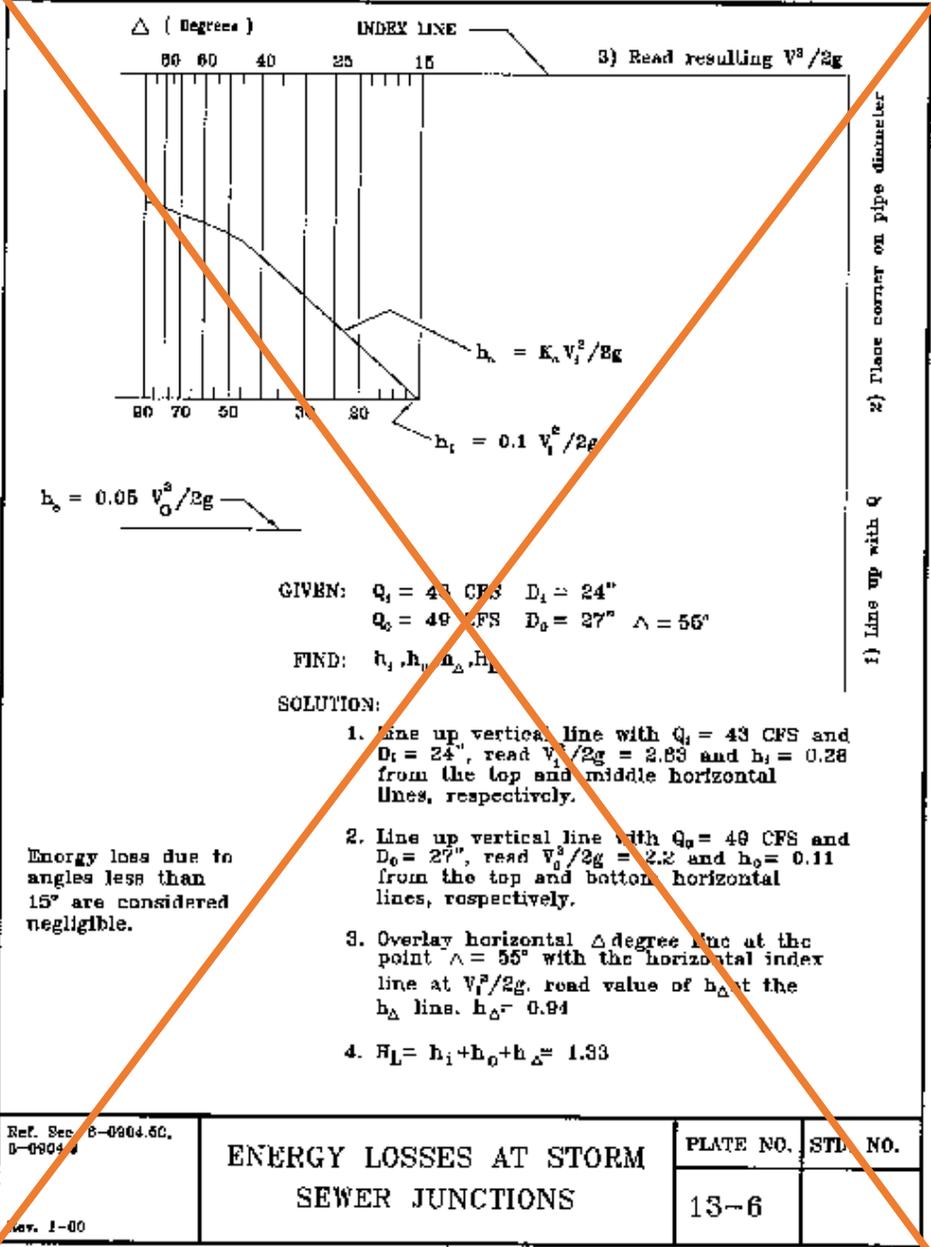


Ref. 6-0904	SURCHARGE FULL FLOW	Plate No.	Std. No.
	IMPROPER AND PROPER DESIGN	94-6	

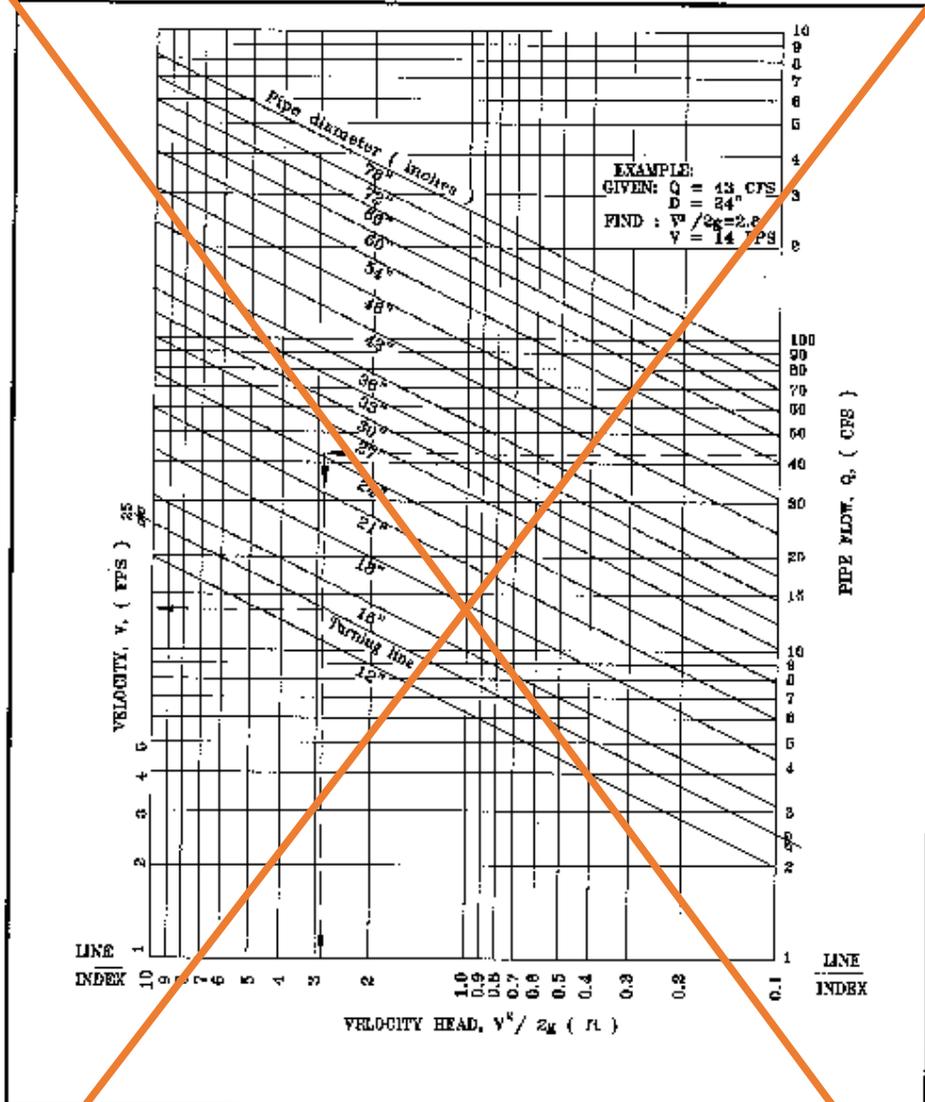
FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

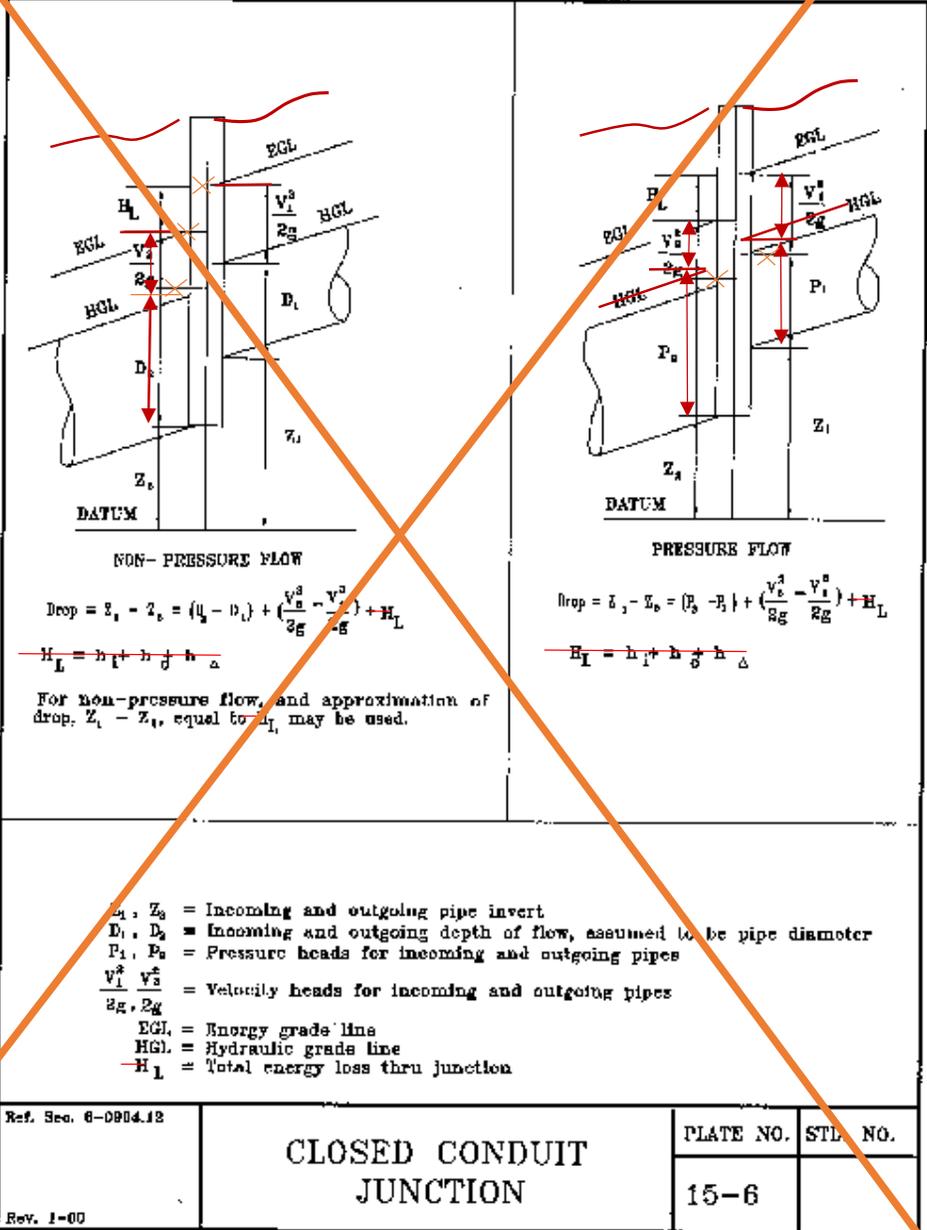


FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Ref. Sec. B-0004.6C, 6-004.9 Rev. 1-00	ENERGY LOSSES AT STORM SEWER JUNCTIONS	PLATE NO.	STD. NO.
		14-6	

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Debris Control Devices (Trash Racks)

201 **Amend Chapter 6-1604 (Design Guideline for Spillways), paragraph 8B and 8C, where**
202 **deletions are shown as strikeouts and insertions are underlined, to read as follows:**

203

204 6-1604.8B Debris control devices for dry stormwater management ponds are ~~may be~~ required for
205 low level intakes ~~at the pond bottom~~ that are less than 15 inches in diameter or equivalent size
206 opening, and may be required for other opening sizes in accordance with § 1604.8. The preferred
207 debris control structure is shown in Plates 61A-6 and 61B-6. ~~In these situations, debris control~~
208 ~~structures such as those discussed in the FHWA publication entitled “Debris Control Structures~~
209 ~~(HEC No. 9)” should be considered where appropriate.~~

210

211 6-1604.8C Debris control devices for extended dry stormwater management facilities are
212 required for the low flow orifice controlling the extended drawdown period. The preferred trash
213 rack detail for those facilities is shown in Plates ~~61-6~~ 61A and 61-B.

214

215

216 **Amend Chapter 6-1604 (Design Guidelines for Spillways), to add paragraph 12, to read as**
217 **follows:**

218

219 6-1604.12 Concrete Apron

220

221 6-1604.12A Unless otherwise approved by the Director, a concrete apron shall be provided in
222 front of low level intakes or low flow orifices to provide a stable working platform for
223 maintenance personnel and facilitate easy cleanout of debris in accordance with Plate 61B-6.

224

225

226 **Amend Chapter 6, Table of Contents and List of Plates in accordance with the amendment.**

227

228 **Amend Chapter 6, to delete existing Plate 61-6 (BMP Extended Drawdown Device**
229 **(Example Detail), and add Plates 61A-6 (Low Flow/BMP Drawdown Device) and 61B-6**
230 **(Low Flow/BMP Drawdown Device (Mounting Details), to read as follows:**

231

232

Stormwater Maintenance Specifications

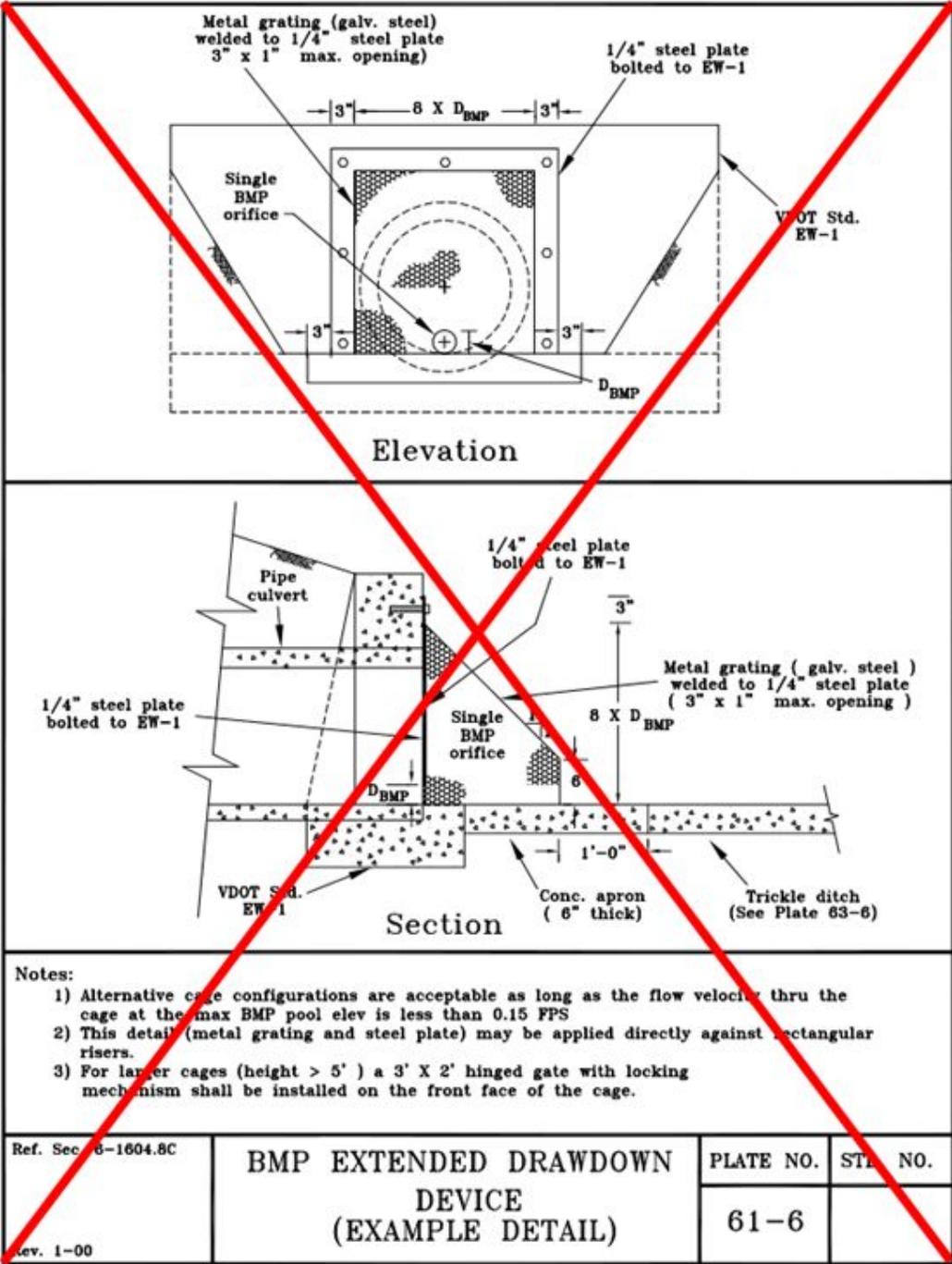
233

234 **Amend Public Facilities Manual Section 6-1306 (Maintenance Design Considerations), to**
235 **add paragraph 4, to read as follows:**

236

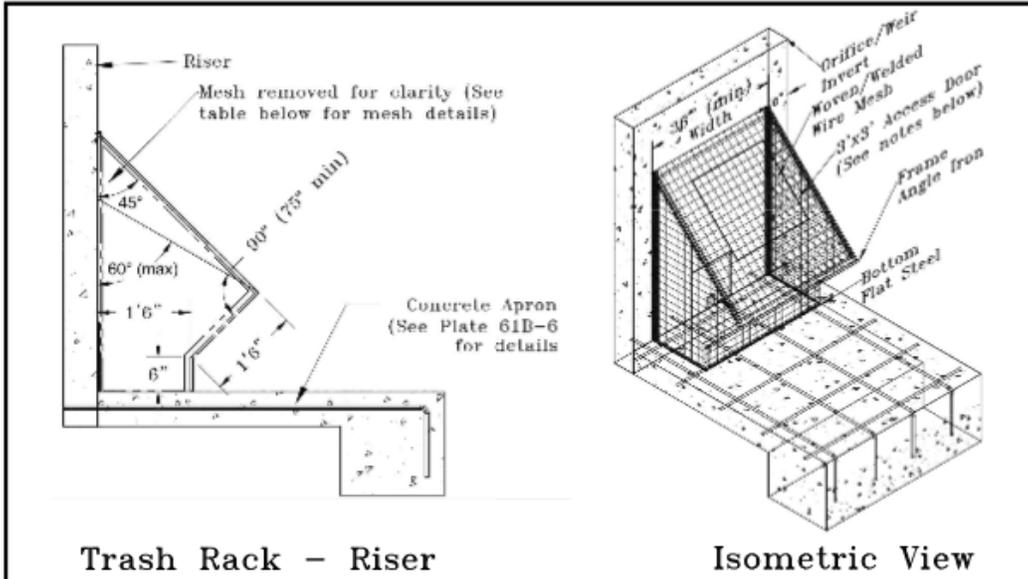
237 6-1306.4 The standard maintenance specifications for the proposed privately maintained
238 stormwater management/BMP facilities must be incorporated into the construction plan.

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Proposed PFM Plate 61A-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Trash Rack - Riser

Isometric View

Mesh Details

Component → Trash Rack Width †	Frame Angle Iron	Bottom Flat Steel	Woven/Welded Wire Mesh	Steel Rod for Grate	Min. Mesh Opening Size	
					Low Flow-See 6-1604B	BMP-See 6-1604.8C
up to 36"	1½"x1½"x¼"	1½"x¼"	¼"		4"	
between 36"-60"	2"x2"x¼"	2"x¼"	⅜"			1"
60" and larger	3"x3"x⅜"	3"x⅜"		⅝"		

Trash Rack General Notes:

- 3' minimum trash rack width is required where available.
- Trash rack/mounting components to be galvanized dipped.
- All mounting hardware shall be stainless steel and threads to be coated in anti-size. Minimum ½" x 3" mounting bolts to be used for trash rack.
- Trash racks to be mounted using top hinge or side pin connection as per details shown in 61B-6. All hinged/pinned trash racks to have locking mechanism. Mechanism to be installed on the upper half to minimize potential to become inaccessible due to submergence under water/sediment.
- Mesh opening size shall be ½ of the diameter/width of orifice being protected, but not smaller than minimum mesh opening size provided in table above.

Additional Notes

Trash Racks 60" and wider:

- Large trash racks may be painted with dark anti-corrosive paint, in lieu of galvanizing.
- Additional structural reinforcements shall be added to trash rack frame as deemed necessary to support all anticipated loads.
- A 3' x 3' (min) access door with locking mechanism shall be installed on front face.

Trash Racks mounted on Headwalls:

- In case of space restrictions at headwalls, use 2' min width of trash rack.
- Add wire mesh on the back of trash rack to the top of headwall as shown in 61B-6.

Ref. Sec. 6-1604.8B,8C

LOW FLOW/BMP DRAWDOWN
DEVICE

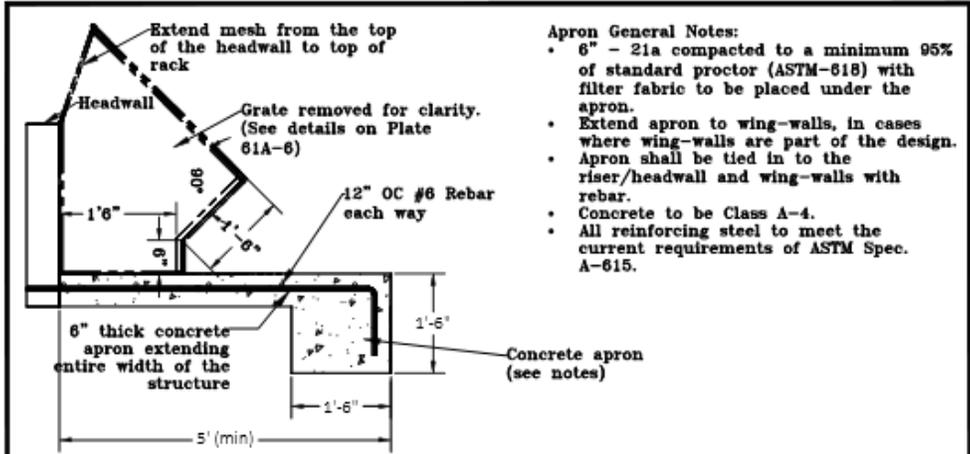
PLATE NO.

STD. NO.

61A-6

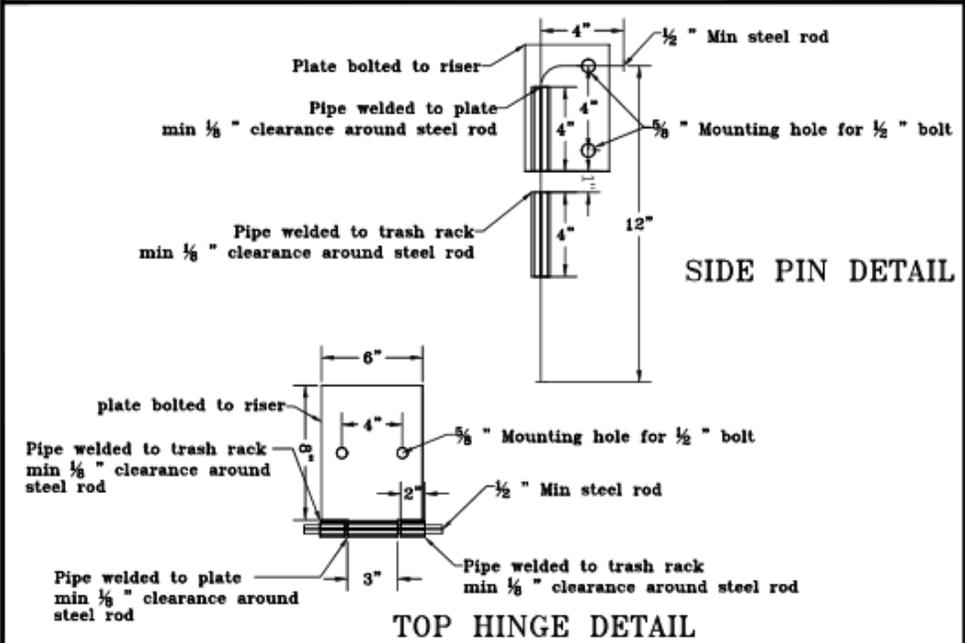
Proposed PFM Plate 61B-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



- Apron General Notes:**
- 6" - 21a compacted to a minimum 95% of standard proctor (ASTM-618) with filter fabric to be placed under the apron.
 - Extend apron to wing-walls, in cases where wing-walls are part of the design.
 - Apron shall be tied in to the riser/headwall and wing-walls with rebar.
 - Concrete to be Class A-4.
 - All reinforcing steel to meet the current requirements of ASTM Spec. A-615.

Trash Rack on Headwall



Ref. Sec. 6-1604.8B,8C	<p align="center">LOW FLOW/BMP DRAWDOWN DEVICE (MOUNTING DETAILS)</p>	PLATE NO.	STD. NO.
		61B-6	

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

Amend Appendix Q (Land Development Services Fee Schedule), Table of Contents, I. Building Development Fees, where deletions are shown as strikeouts and insertions are underlined, to read as follows:

TABLE OF CONTENTS

I. Building Development Fees	
A. Standard Fees	Appendix Q—2
B. Building Permit and Other Fees	Appendix Q—2
C. Mechanical Permit Fees	Appendix Q—5
D. Electrical Permit Fees	Appendix Q—7
E. Plumbing Permit Fees	Appendix Q—9
F. Household Appliance Permit Fees	Appendix Q—10
G. Vertical Transportation Permit Fees	Appendix Q—10
H. Fire Prevention Division (Fire Marshal) Fees	Appendix Q—11
I. Amusement Device Permit Fees	Appendix Q—12
<u>J. Building and Fire Prevention Code Modifications and Local Board of Building Code Appeals Fees.....</u>	<u>Appendix Q—12</u>

Amend Part I (Building Development Fees), Section A (Standard Fees), Paragraph 3, where deletions are shown as strikeouts and insertions are underlined, to read as follows:

3. After-hours, re-energization or time-specific inspection fee for each 30- minute period or fraction thereof ~~30-~~ \$241.20

Amend Part I (Building Development Fees), Section G (Vertical Transportation Permit Fees), where insertions are underlined and deletions are struck, to read as follows:

G. VERTICAL TRANSPORTATION PERMIT
FEES

<p>(A) <u>Commercial</u> Mechanical Equipment Installation Fees: The permit fee for installation, repair, <u>modernization</u>, or replacement of all mechanical equipment installed in buildings other than within individual residences. This fee is in addition to the equipment fees listed below in this section.</p>	<p>Percentage of the contract value less the value of the equipment listed below</p> <p style="text-align: right;">2.00%</p>
	<p><u>With a minimum fee of</u> <u>\$135.00</u></p>
<p>1. Commercial (new or replacement):</p>	
<ul style="list-style-type: none"> • Chair/platform lifts • Dumbwaiters/material lifts <ul style="list-style-type: none"> ◦ Hand-operated ◦ Power-driven • Elevators <ul style="list-style-type: none"> ◦ Construction ◦ Freight, plus floor charge (<u>see 'floor charge' below</u>) ◦ Passenger, plus floor charge (<u>see 'floor charge' below</u>) • Escalators, per floor/moving walks • Man lifts <ul style="list-style-type: none"> ◦ Hand-driven 	<p>\$142.00</p> <p>\$142.00</p> <p>\$142.00</p> <p>\$306.00</p> <p>\$289.00</p> <p>\$289.00</p> <p>\$497.00</p> <p>\$146.00</p> <p>\$113.00</p>
<p>Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost <u>fee for</u> of the first piece of equipment only that has the most stops</p>	<p>\$47.00</p>
<p>Alterations or repairs shall be charged at a percentage of the estimated cost of repairs</p>	<p>Percentage of the estimated cost of repairs</p> <p style="text-align: right;">1.50%</p> <p>With a minimum fee of <u>\$135.00</u></p>
<p>2-(B) Residential <u>Mechanical Equipment Installation Fees:</u> (new, repair, <u>modernization</u>, or replacement)</p>	
<ul style="list-style-type: none"> • Chair/platform lifts • Dumbwaiters <ul style="list-style-type: none"> ◦ Hand-operated ◦ Power-driven • Private residence elevators 	<p>\$142.00</p> <p>\$142.00</p> <p>\$142.00</p> <p>\$306.00</p>

(~~B~~C) Periodic Mechanical Inspection Fee: All vertical transportation equipment, other than that which is installed within individual residences, and other than conveyors, requires an annual certificate of compliance. For an annual certificate of compliance, the annual fee payable by the owner of the building to the County of Fairfax ~~on or~~ before the expiration of the certificate shall be as follows:

• Chair/platform lifts	\$146.00
• Dumbwaiters/material lifts	
◦ Hand-operated	\$122.00
◦ Power-driven	\$134.00
• Elevators	
◦ Construction	\$266.00
◦ Freight, plus floor charge (<u>see 'floor charge' below</u>)	\$266.00
◦ Passenger, plus floor charge (<u>see 'floor charge' below</u>)	\$266.00
• Escalators, per floor/moving walks	\$146.00
• Man lifts	\$146.00
• Sidewalk elevators	
◦ Hand-driven	\$113.00
◦ Power-driven	\$150.00

Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the ~~cost~~ fee for ~~of the first piece of equipment only~~ that has the most stops \$47.00

Freight and passenger elevator tests: The following fees apply to freight and passenger elevator tests which are not performed in conjunction with regularly scheduled periodic inspections:

• Temporary inspection	\$246.00
• Temporary inspection (extension)	\$115.00
• Governor test	\$296.00
• Load test	\$445.00
• Speed test	\$296.00
• Static pressure/hydraulic	\$296.00
• Fire and smoke test	\$213.00

Amend Part I (Building Development Fees), to Add Section J (Building and Fire Prevention Code Modifications and Local Board of Building Code Appeals Fees), to read as follows:

J: Building and Fire Prevention Code Modifications and
Local Board of Building Code Appeals Fees

Building and Fire Prevention Code Modification Fees: \$208.00

Applications for appeals to local Board of Building Code Appeals based on the
VUSBC, the VSFPC, the Virginia Amusement Device Regulations (VADR) \$208.00
and Chapters 61, 64, 65, and 66 of the Code of the County of Fairfax:

Amend Part II (Site Development Fees), Section A (Plan and Document Review Fees), Subsection B (Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only), paragraphs 1- 3, where insertions are underlined and deletions are struck, to read as follows:

(B) Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only: The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.

1. Base Fee:

- Subdivision Plan
 - 1st submission \$5,796.00
 - ~~◦ Plus, fee per disturbed acre or any fraction thereof~~ ~~\$1,060.80~~
- Site Plan
 - 1st submission \$8,755.20
 - ~~◦ Plus, fee per disturbed area or any fraction thereof~~ ~~\$1,060.80~~
- Site plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.
 - 1st submission \$4,222.80
 - ~~◦ Plus, per linear foot or fraction thereof, of each improvement~~ ~~\$1.45~~

2. Fees in addition to base fees:

<u>Site Plan and Subdivision Plan</u>	<u>Additional fee per disturbed area or any fraction thereof</u>	<u>\$1,060.80</u>
<u>Site plans for the following public improvements only sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.</u>	<u>Additional fee per linear foot or fraction thereof of each improvement</u>	<u>\$1.45</u>
• Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following	with a maximum cumulative fee of	\$4,158.00
◦ Sites subject to rezoning		\$2,442.00
◦ Sites subject to special exception		\$1,713.60
◦ Sites subject to special permit		\$1,713.60
◦ Sites subject to variance		\$1,269.60
• Review resulting from site conditions and proposed improvements		
◦ SWM/BMP facility, for each facility serving the site (on or off-site), except as noted,	with a maximum cumulative fee of	\$7,500.00
◇ Constructed Wetland or Ponds		\$3,200.00
◇ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice ¹ , Innovative BMP ² , or Detention-Only Facility ³		\$1,900.00
◇ Dry Swale, Wet Swale, or Grass Channel (per linear foot)		\$5.00
	with a minimum of	\$1,500.00
◇ Rainwater Harvesting System, per square foot of collection area,		\$0.12
	with a minimum of	\$1,900.00
◇ Permeable Pavement, Vegetated Roof, per square foot of surface		\$0.12
	with a minimum of	\$1,500.00
◇ Manufactured BMP ⁴ , Micro- or Urban Bioretention ⁵		\$1,200.00
◇ Rooftop Disconnection, for each building served		\$500.00
◇ Sheet Flow to Vegetated Filter Strip or Conserved Open Space, Soil Amendments, Reforestation, flat fee per plan		\$500.00

◦ Floodplain area (existing and proposed)	\$856.80
◦ Natural drainage way (non-floodplain watersheds)	\$856.80
◦ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director)	\$1,269.60

Footnotes;

1. Filtering practices include facilities such as sand filters.
2. BMPs not on the Virginia Stormwater BMP Clearinghouse approved list or listed with a Pilot Use Designation or Conditional Use Designation.
3. Vaults or other underground storage systems providing detention only. No ponds.
4. Includes proprietary devices.
5. Includes residential rain gardens, urban stormwater planters, expanded tree pits, and stormwater curb extensions.

3. Resubmissions:

• 2nd submission base fee: fee tabulated at a percentage of the first submission fee assessed in accordance with (B1) and (B2) above	Percentage of the Original Fee	50.00%
◦ Plus, additional fees charged in accordance (B1) and (B2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission.	Tabulated Fee	
• The maximum combined first and second submission base fees:		
◦ For subdivision plans		\$15,907.20
◦ For site plans		\$56,772.00
◦ Resubmission site and subdivision plan after 2nd submission, per submission (does not apply to site plans with public improvements only)		\$5,604.00
• 2nd submission fee for site plans with public improvements only, per submission		\$0.00
◦ Resubmissions after 2nd submission for site plans with public improvements only, per submission: fee tabulated at a percentage of the first submission fee in accordance with (B1) and (B2) above.	Percentage of the Original Fee	50.00%

- Resource Protection Area (RPA) Boundary Delineations and Resources Management Area (RMA) Boundary Delineations
 - ♦ Non-bonded lots; existing lots and acreage, rough grading and minor site plans, ~~and~~ filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County, per submission \$418.80
 - ♦ Bonded lots: lots in conjunction with multiple construction within a subdivision currently bonded with the County, per submission:
 - Projects with 150 linear feet or less of baseline \$418.80
 - Project with greater than 150 linear feet \$418.80
 - Plus, fee per linear foot of baseline or fraction thereof, in excess of 150 linear feet \$0.96
- Water Quality Impact Assessments (WQIA)
 - ♦ Non-bonded lots: existing lots and acreage, rough grading and minor site plans, ~~and~~ filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County, per submission \$432.00
 - ♦ Bonded lots: lots in conjunction with multiple construction within a subdivision or site plan currently bonded with the County, per submission \$1,652.40

* In the event that a RPA and RMA Boundary Delineation and a WQIA are submitted simultaneously, only one fee shall be required and such fee shall be the higher of the fees required for the individual studies.

Amend Part II (Site Development Fees), Section A (Plan and Document Review Fees), Subsection (D) (Processing of Studies, Soils Reports and Other Plans), Paragraph 2 (Soils Reports), where insertions are underlined and deletions are struck, to read as follows:

2. Soils Reports

- Commercial and multi-family development, bonded residential ~~Bonded~~ lots; lots in conjunction with multiple constructions in a newly bonded subdivision development, site plan or site plan for public improvements only
 - 1st submission, ~~per lot~~ \$3,422.40
 - Resubmission and revisions, per submission \$1,122.00

- Non-bonded residential lots: existing lots and acreage, rough grading and minor site plans, ~~and~~ filling parcels, and parcels with lots of 5 acres or ~~of~~ more, not within a subdivision or site plan development currently bonded with the County, per submission
 - 1st submission, ~~per lot~~

	\$2,200.80
Not to exceed	\$4,386.00
 - Resubmissions and revisions, per submission

	\$1,122.00
--	------------

Amend Part II (Site Development Fees), Section C (Site Inspection Fees), Subsection (B) (Fees in Addition to the Base Fee), Paragraph 1 (Public Utility Fees), where insertions are underlined and deletions are struck, to read as follows:

1. Public Utility Fees
 - Storm drainage
 - Base fee for the first 100 linear feet

	\$1,862.40
--	------------
 - ~~Plus, fee f~~For each additional linear foot or fraction thereof

	\$4.02
--	--------
 - Stormwater management ponds
 - Embankment less than or equal to 6 feet high

	\$1,856.40
--	------------
 - Embankment greater than 6 feet high

	\$3,699.60
--	------------
 - Dedicated streets
 - For the first ~~400 linear feet~~ 556 square yards

	\$2,601.60
--	------------
 - ~~Plus, fee f~~For each additional ~~linear foot~~ square yard or fraction thereof

	\$ 40.80
	<u>1.94</u>
 - Private streets
 - For the first ~~400 linear feet~~ 556 square yards

	\$2,110.80
--	------------
 - ~~Plus, fee f~~For each additional ~~linear foot~~ square yard or fraction thereof

	\$ 8.70
	<u>1.57</u>
 - Other paved area, per square yard or fraction thereof

	\$1.92
--	--------

 - Driveway entrances, for each entrance

	\$194.40
--	----------
 - Pedestrian walkways/trails
 - ◇ For the first ~~400 linear feet~~ 56 square yards

	\$446.40
--	----------
 - ◇ ~~Plus, fee f~~For each additional ~~linear foot~~ square yard or fraction thereof

	\$ 2.22
	<u>4.00</u>

- Sanitary sewer systems
 - Base fee the for first 100 linear feet of main \$2,594.40
 - ~~Plus, fee f~~Eor each additional linear foot or fraction thereof \$8.40

Amend Part II (Site Development Fees), Section F (Waiver, Exception, Modification and Exemption), Subsection Best Management Practices (BMP) and Stormwater Management (SWM) Applications, Item 5 (PFM 6-0303.6 SWM Modification), where insertions are underlined and deletions are struck, to read as follows:

5. PFM 6-0303.6 SWM Modification to construct ~~locate~~ an underground detention facility with non-standard materials on a residential development. ~~Must be approved by the Board in conjunction with a rezoning or special exception application.~~

Pursuant to Chapter 101	\$876
Pursuant to Chapter 104	
Pursuant to Chapter 112	\$876

Proposed Amendment
to
Chapter 101 (Subdivision Provisions)

**Amend Article 2 (Subdivision Application Procedure and Approval Process),
Section 101-2-1 (Procedure), Paragraph (1)(A), to read as follows:**

102-2-1(1)(A) The subdivider ~~must shall~~ submit a preliminary subdivision plat for all proposed subdivisions creating more than fifty (50) lots and may submit a preliminary subdivision plat for all proposed subdivisions creating fifty (50) or fewer lots. Preliminary subdivision plats must which conform to the requirements of this Article, ~~and with to~~ the regulations adopted under this Article, and to the rules and regulations of the State Health Department concerning the sewage plan, the water plan, and the solid waste plan. However, a preliminary subdivision plat will shall not be required for a property subject to a proffered generalized development plan, proffered or approved final development plan or approved special exception plat for a cluster subdivision or waiver of minimum lot size requirements which plan or plat is certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State.

Board Agenda Item
March 6, 2018

ADMINISTRATIVE – 2

Streets into the Secondary System (Sully District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Shadetree Estates Section 2	Sully	Old Pine Way
Shadetree Estates Section 2	Sully	Pine Oaks Way (Route 6955)
Shadetree Estates Section 3	Sully	Goldenchain Court

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

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 6439-SD-01</p> <p>SUBDIVISION PLAT NAME: Shadetree Estates Section two</p> <p>COUNTY MAGISTERIAL DISTRICT: Sully</p>		
<p>ENGINEERING MANAGER: BY: <u>Nadia Alphonse</u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>12/21/2017</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Old Pine Way	Existing Old Pine Way (Route 7137) - 501' SE CL Mary Etta Lane (Route 7037)	138' SE to End of Cul-de-Sac	0.03
Pine Oaks Way (Route 6955)	Existing Pine Oaks Way (Route 6955) - 669' S CL Leefield Drive (Route 5360)	50' S to End of Cul-de-Sac	0.01
NOTES: No Sidewalks			TOTALS: 0.04

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 8588-SD-01</p> <p>SUBDIVISION PLAT NAME: Shadetree Estates Section 3</p> <p>COUNTY MAGISTERIAL DISTRICT: Sully</p>
--	--

<p>ENGINEERING MANAGER: BY: <u>Nedra Alphonse</u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>12/11/2017</u></p>
--	---

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Goldenchain Court	Existing Goldenchain Court (Route 7059) - 204' E CL Mary Etta Lane (Route 7037)	313' E to End of Cul-de-Sac	0.06
TOTALS:			0.06

NOTES:

4' Concrete Sidewalk on North Side to be maintained by Fairfax County.

Board Agenda Item
March 6, 2018

ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and to Relocate the Vienna No. 2 Polling Place (Hunter Mill District)

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to relocate the Vienna No. 2 polling location from Vienna Elementary School to its prior location at the Vienna Community Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, March 20, 2018, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on March 6, 2018, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 20, 2018, at 4:00 p.m., and to provide sufficient time to notify voters in advance of the June 12, 2018, Primary Election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their precinct or polling location will be mailed a notice in advance of the June 12, 2018, Primary Election.

In Hunter Mill District, staff recommends moving the polling place for Vienna No. 2 precinct from its temporary location at the Vienna Elementary School, 128 Center Street South, Vienna, back to Vienna Community Center, 120 Cherry Street, Southeast, Vienna. The Vienna Community Center was closed in June 2015 for major renovations.

The Electoral Board voted unanimously to support these proposed changes at its February 6, 2018, meeting.

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March 6, 2018

FISCAL IMPACT:

Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2018 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 – Summary of Proposed Changes
Attachment 3 – Descriptions and Maps of Proposed Changes
Attachment 4 – Proposed Ordinance

STAFF:

Cameron Glenn Sasnett, Director of Elections

ASSIGNED ATTORNEY:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city if the city is wholly contained within the county election district served by the precinct. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative

polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except (i) as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place or (ii) upon the approval of the local electoral board, inside the structure where the election is conducted, provided that a reasonable person would not observe any campaigning activities while inside the polling place. The local electoral board may approve campaigning activities inside the building where the election is conducted pursuant to clause (ii) when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#).)

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Attachment 2: Summary of Proposed Changes

MARCH 20, 2018 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES

SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
HUNTER MILL	VIENNA #2	3,119	Vienna Elementary School	VIENNA #2	3,119	Vienna Community Center	Move the polling place back to renovated Vienna Community Center

* Registered voters as of January 31, 2018

Commonwealth of Virginia
COUNTY OF FAIRFAX
Hunter Mill District

PRECINCT 214: VIENNA NO. 2

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

DESCRIPTION:

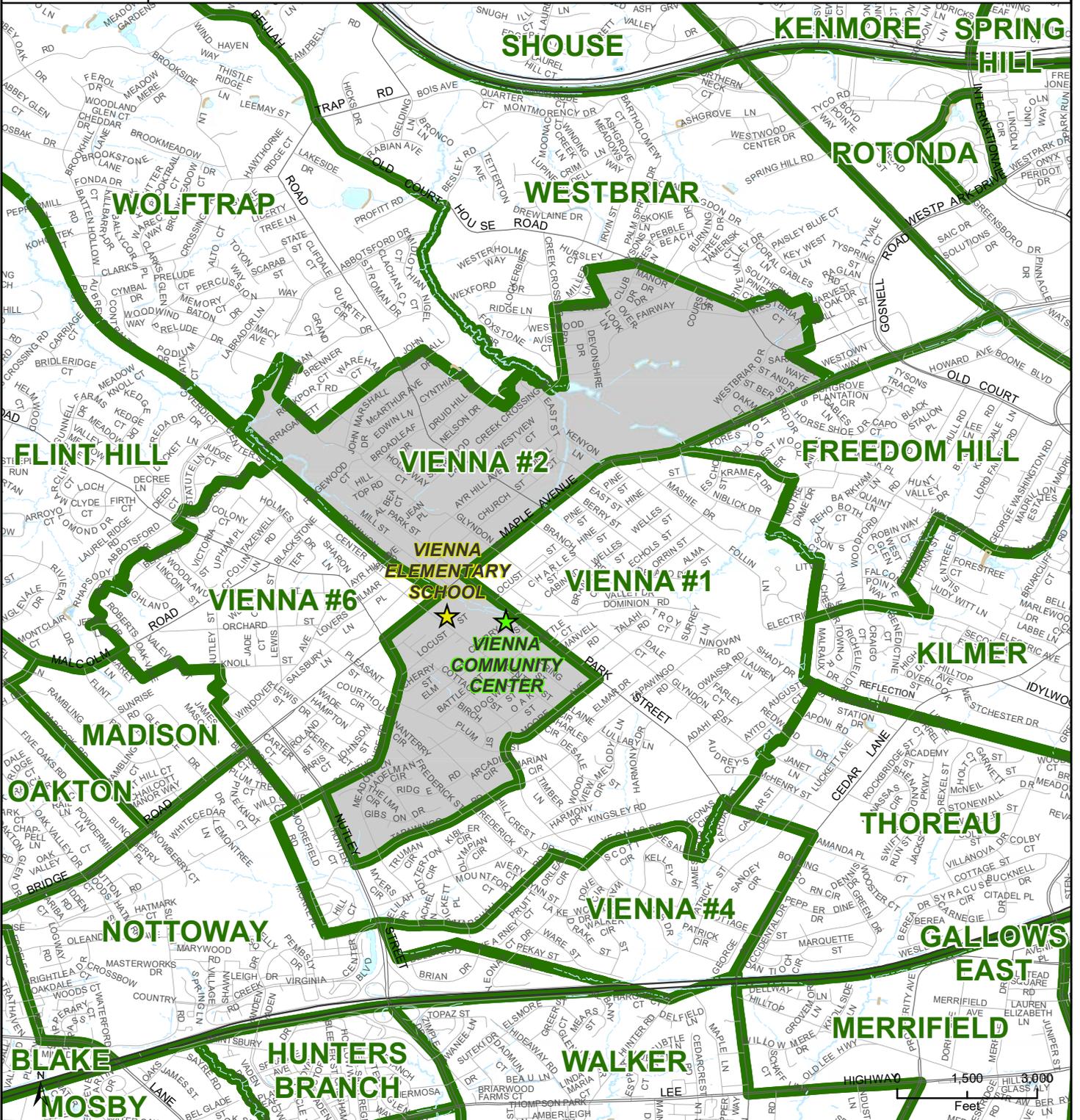
Beginning at the intersection of the Washington and Old Dominion Railroad Regional Park (trail) and the west corporate boundary of the Town of Vienna, thence with the corporate boundary of the Town of Vienna in a generally easterly direction to its intersection with Maple Avenue (Route 123), thence with Maple Avenue in a southwesterly direction to its intersection with Park Street, thence with Park Street in a southeasterly direction to its intersection with Moore Avenue, thence with Moore Avenue in a southwesterly direction to its intersection with Cottage Street, thence with Cottage Street in a southerly direction to its intersection with Tapawingo Road, thence with Tapawingo Road in a southwesterly direction to its intersection with Nutley Street, thence with Nutley Street in a northwesterly direction to its intersection with Courthouse Road, thence with Courthouse Road in a generally northeasterly direction to its intersection with Maple Avenue, thence with Maple Avenue in a northeasterly direction to its intersection with the Washington and Old Dominion Railroad Regional Park, thence with the Washington and Old Dominion Railroad Regional Park in a northwesterly direction to its intersection with the west corporate boundary of the Town of Vienna, point of beginning.

POLLING PLACE: ~~Vienna Elementary School~~ Vienna Community Center
~~128 Center Street, S,~~ 120 Cherry Street, SE, Vienna

MAP GRIDS: 28-4, 29-3, 38-1, 38-2, 38-4, 39-1, 48-2

NOTES: Established 1957
Combined with Vienna #3 - September 1992
The Washington and Old Dominion Railroad Regional Park (trail) is the abandoned Washington and Old Dominion Railroad right-of-way
Precinct description revised and readopted – March 2003
Polling place moved temporarily – June 2015
Polling place moved-March 2018

Commonwealth of Virginia
County of Fairfax
Hunter Mill District



Proposed Polling Place Change for: 214 Vienna #2

January 2018

★ **Current name and address:** Vienna Elementary School, 128 Center St. S

★ **Proposed name and address:** Vienna Community Center, 120 Cherry St. SE

1 **PROPOSED ORDINANCE TO AMEND AND READOPT SECTION 7-2-13 OF**
2 **THE FAIRFAX COUNTY CODE AND TO RELOCATE THE VIENNA NO. 2**
3 **POLLING PLACE.**

4
5 **Draft of February 5, 2018**

6
7 AN ORDINANCE to amend and readopt section 7-2-13 of the Fairfax County
8 Code and to relocate the Vienna No. 2 polling place.

9
10 Be it ordained that the Board of Supervisors of Fairfax County:

11
12 **1. That Section 7-2-13 of the Fairfax County Code is amended and**
13 **readopted:**

14
15 **Section 7-2-13. - General provisions.**

16
17 All references to election precincts shall refer to those precincts, together with the
18 descriptions and maps of the boundaries and polling places for each of those
19 precincts, which were adopted by the Board of Supervisors on March 24, 2003,
20 as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26,
21 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010,
22 July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012,
23 March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8,
24 2015, July 12, 2016, ~~and July 11, 2017, and March 20, 2018,~~ and kept on file
25 with the clerk to the Board of Supervisors. Whenever a road, a stream, or other
26 physical feature describes the boundary of a precinct, the center of such road,
27 stream, or physical feature shall be the dividing line between that precinct and
28 any adjoining precinct.

29
30 **2. That the election polling place for the following existing precinct is**
31 **established at:**

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Hunter Mill	Vienna No. 2 (polling place relocated)	From: Vienna Elementary School 128 Center Street South Vienna, VA 22180
		To: Vienna Community Center 120 Cherry Street Southeast Vienna, VA 22180

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45 **3. That this ordinance shall become effective upon adoption.**

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- 4. That the Clerk for the Board of Supervisors shall send a certified copy of this ordinance, with maps and boundary descriptions, to the Fairfax County Electoral Board, the State Board of Elections, and the Division of Legislative Services, as required under Va. Code § 24.2-306(C).**

GIVEN under my hand this _____ day of _____, 2018.

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
March 6, 2018

ADMINISTRATIVE - 4

Authorization to Advertise Publication of the FY 2019 Budget and Required Tax Rates, the FY 2019 Effective Tax Rate Increase, and the Advertised Capital Improvement Program for Fiscal Years 2019-2023 (With Future Fiscal Years to 2028)

ISSUE:

Board authorization to advertise the FY 2019 County budget, Capital Improvement Program, and the tax rates that are proposed to support the FY 2019 budget. Advertising these rates will not prevent the Board from lowering any advertised tax rate, but higher tax rates could not be imposed without advertising such rates.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a brief synopsis of the FY 2019 Budget and a real estate tax rate for FY 2019 of \$1.155 per \$100 of assessed value. The FY 2019 Advertised Budget Plan is balanced based on a Real Estate Tax rate of \$1.155 per \$100 of assessed value, which is an increase of \$0.025 over the current rate for FY 2018. However, advertising a real estate tax rate of \$1.155 per \$100 of assessed value gives the Board of Supervisors flexibility during their deliberations on the FY 2019 budget. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate.

Virginia Code Section 58.1-3321 requires that a separate public hearing be held on the effective tax rate if the reassessment of real property results in an increase of one percent or more in the total real property tax levied. The public hearing on the effective tax rate must be advertised at least thirty days before the date of the hearing. The total increase in assessed value of existing property is expected to be 2.58 percent. In FY 2019, the assessed value of residential real property is expected to increase by 2.17 percent and non-residential property is expected to increase by 3.79 percent.

In addition, the County Executive recommends that the Board authorize advertisement of a public hearing on the FY 2019 – FY 2023 Advertised Capital Improvement Program (With Future Fiscal Years to 2028).

Please note that the draft tax resolution to be advertised includes the following recommendations regarding rates for FY 2019.

The following rates are recommended to increase:

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- Stormwater Service District Levy from \$0.0300 per \$100 assessed value to \$0.0325 per \$100 assessed value.
- Refuse Collection Services assessment from \$345 per household unit to \$350 per household unit.
- I-95 Ash Disposal Fee from \$25.50 per ton to \$26.50 per ton.

The following rates are not recommended to change:

- Leaf Collection Districts at \$0.013 per \$100 assessed value.
- Reston Community Center at \$0.047 per \$100 assessed value.
- McLean Community Center at \$0.023 per \$100 assessed value.
- Burgundy Village Community Center at \$0.02 per \$100 assessed value.
- Commercial and Industrial Tax for Transportation at \$0.125 per \$100 assessed value.
- Special service district for pest infestations at \$0.0010 per \$100 assessed value.
- Rail to Dulles Phase I Transportation Improvement District Levy at \$0.15 per \$100 assessed value.
- Rail to Dulles Phase II Transportation Improvement District Levy at \$0.20 per \$100 assessed value.
- Reston Transportation Service District at \$0.021 per \$100 of assessed value.
- Route 28 Taxing District Levy at \$0.18 per \$100 assessed value.
- Tysons Transportation Service District at \$0.05 per \$100 assessed value.
- EMS Transport Fee: (1) a service fee of \$500 for Basic Life Support transport (BLS), (2) \$650 for Advanced Life Support, level 1 transport (ALS1), (3) \$800 for Advanced Life Support, level 2 transport (ALS2), and (4) \$12.00 per mile for ground transport mileage.

Also included in the brief synopsis of the FY 2019 budget advertisement is information as it relates to the Personal Property Tax Relief Act (PPTRA) and the percentage of

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

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436 percent, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2019 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding will provide a 100 percent subsidy of the tax year 2018 levy for qualifying vehicles valued at \$1,000 or less and a 100 percent subsidy of the tax year 2018 levy on the value up to \$20,000 for vehicles leased by a qualified military service member and/or spouse. Furthermore, the state "Car Tax" funding is estimated to provide a 60.0 percent subsidy of the tax year 2018 levy for all other qualifying vehicles on the value up to \$20,000.

A separate public hearing on the effective tax rate will be held on Tuesday, April 10, 2018, as required by Virginia Code Section 58.1-3321. In addition, public hearings on the FY 2019 budget, the advertised capital improvement plan (CIP) and proposed tax rates for tax year 2018 will be held on April 10-12, 2018.

Please note that a separate item recommending Board authorization to advertise public hearings for sewer rate revision notices is included in the March 6, 2018, Board package. The sewer rate revision notices authorize the increase in the Base Charge from \$27.62 per quarter, totaling \$110.48 per year, to \$30.38 per quarter, totaling \$121.52 per year. The Sewer Service Charge will increase from \$6.75 per 1,000 gallons of water consumption to \$7.00 per 1,000 gallons of water consumption. The Sewer Availability Fee will remain at \$8,100 per new home being constructed. A separate public hearing on sewer rate revisions will be held on Tuesday, April 10, 2018.

TIMING:

Action must be taken on March 6, 2018, in order to provide adequate time to include the effective tax rate advertisement, if required, in the newspaper no later than March 9, 2018, to meet advertising legal requirements and ensure as broad a circulation as possible.

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BACKGROUND:

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

Virginia Code Section 58.1-3321 also specifies advertisement requirements for an increase in the real estate tax levy for existing property based on an equalization increase greater than one percent. That section requires the publication of a notice in the paper at least thirty days prior to the date set for the public hearing and a separate public hearing is required to consider the effective tax increase. The assessed value of existing real estate is projected to increase 2.58 percent due to equalization, which exceeds the one-percent threshold for that statute. That section requires the publication of a notice in the paper at least thirty days prior to the date set for the public hearing and a separate public hearing is required to consider the effective tax increase.

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

- A brief synopsis of the FY 2019 Budget, including information as it relates to the impact of the Personal Property Tax Relief Act (PPTRA) on the percentage of state “Car Tax” subsidy on qualifying personal property tax levy
- Proposed Tax Rates for tax year 2018
- The effective tax rate notice required by Virginia Code Section 58.1-3321
- Notice of public hearings on the FY 2019 – FY 2023 Advertised Capital Improvement Program (With Future Fiscal Years to 2028)

In order to meet these legal requirements and hold to the scheduled public hearing dates, the advertisements must be approved no later than March 6, 2018. This will permit the County to adhere to the following budget schedule:

- Public Hearing on the FY 2019 Effective Tax Rate – April 10, 2018. Please note the Public Hearing on the Effective Tax Rate is separate from the Public Hearings on the Budget. However, citizens may speak on the Effective Tax Rate during the Public Hearings on the FY 2019 Budget.
- Public Hearings on the FY 2019 Budget, the FY 2019 – FY 2023 Advertised Capital Improvement Program (With Future Fiscal Years to 2028) and proposed FY 2019 Tax Rates – April 10-12, 2018.
- Public Hearings on the *FY 2018 Third Quarter Review* – April 10-12, 2018.

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- FY 2019 Budget Mark-up and Board Adoption of the *FY 2018 Third Quarter Review* – April 24, 2018.
- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution – May 1, 2018.
- School transfer set (required by May 15 or 30 days after the State approves aid to schools).

In addition, it should be noted that during FY 2019 the allowable asset limits and income limits associated with the Real Estate Tax Relief Program for the Elderly and Disabled are maintained at the FY 2018 level. In FY 2019, the income limits of the Tax Relief program provide 100 percent exemption for elderly and disabled taxpayers with incomes up to \$52,000; 50 percent exemption for eligible applicants with income between \$52,001 and \$62,000; and 25 percent exemption if income is between \$62,001 and \$72,000. The allowable asset limit in FY 2019 is \$340,000 for all ranges of tax relief and that limit does not include the value of the residence of the applicant and one acre of land on which the residence is located. In addition, veterans who have a 100 percent and total disability related to military service, or their surviving spouse, are eligible for full Real Estate Tax relief regardless of income and assets.

FISCAL IMPACT:

The FY 2019 Real Estate Tax rate of \$1.155 per \$100 of assessed value results in the revenue projections outlined in the FY 2019 Advertised Budget Plan. Each penny on the Real Estate Tax rate equates to \$24,640,931 in General Fund revenue.

ENCLOSED DOCUMENTS:

Attachment I - Brief Synopsis of the FY 2019 Budget
Attachment II - Draft Resolution Adopting Fairfax County Tax Rates for FY 2019
Attachment III - Notice of a Proposed Tax Increase for FY 2019

STAFF:

Bryan J. Hill, County Executive
Joe Mondoro, Chief Financial Officer
Jay Doshi, Director, Department of Tax Administration

ASSIGNED COUNSEL:

Patricia McCay, Assistant County Attorney

**COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX**

In accordance with Virginia law, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on April 10 at 4:00 P.M. and April 11 and April 12 at 1:00 P.M. The purpose of these meetings shall be to consider the adoption of an FY 2019 County Budget and to consider such tax rate changes as described therein. A brief synopsis of the FY 2019 Advertised Budget Plan is shown below. Citizens may appear and be heard for and against the following estimates of revenues, expenditures, transfers and surpluses as contained in the FY 2019 Advertised Budget Plan and proposed tax rate changes. Fiscal Year 2019 begins on July 1, 2018, and ends on June 30, 2019.

At the same time, the Board of Supervisors will hear public testimony regarding proposed adoption of the FY 2019 – FY 2023 Advertised Capital Improvement Program (With Future Fiscal Years to 2028).

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

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

Copies of the FY 2019 Advertised Budget Plan and the FY 2019 – FY 2023 Advertised Capital Improvement Program (With Future Fiscal Years to 2028) are available on the Internet at www.fairfaxcounty.gov/budget.

Fund	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED			OTHER RESOURCES				APPROPRIATED FROM/(ADDED TO) SURPLUS	
				AMOUNT	FY 2019 RATE	FY 2018 RATE	FY 2017 RATE	STATE AID	FEDERAL AID	OTHER RECEIPTS		TRANSFERS IN
GOVERNMENTAL FUNDS												
General Fund Group												
10001 General Fund ¹	\$1,580,310,385	\$2,707,791,029	\$4,288,101,414	\$3,214,658,128	1.155 a 4.57 b	1.130 a 4.57 b	1.130 a 4.57 b	\$308,565,119 c	\$35,682,621	\$734,158,686	\$10,173,319	(\$15,136,459) d
10010 Revenue Stabilization	0	0	0	0				0	0	3,400,000	6,886,872	(10,286,872)
10020 Consolidated Community Funding Pool	11,698,785	0	11,698,785	0				0	0	0	11,698,785	0
10030 Contributory Fund	13,675,489	0	13,675,489	0				0	0	0	13,674,778	711
10040 Information Technology	5,120,240	0	5,120,240	0				0	0	100,000	5,020,240	0
Total General Fund Group	\$1,610,804,899	\$2,707,791,029	\$4,318,595,928	\$3,214,658,128				\$308,565,119	\$35,682,621	\$737,658,686	\$47,453,994	(\$25,422,620)
Debt Service Funds												
20000 Consolidated Debt Service	\$349,973,431	\$0	\$349,973,431	\$0				\$0	\$2,600,000	\$580,000	\$346,793,431	\$0
Capital Project Funds												
30000 Metro Operations and Construction	\$47,978,553	\$2,915,530	\$50,894,083	\$0				\$0	\$0	\$30,000,000	\$20,894,083	\$0
30010 General Construction and Contributions	20,736,476	0	20,736,476	0				0	0	4,575,000	16,161,476	0
30020 Infrastructure Replacement and Upgrades	1,700,600	0	1,700,600	0				0	0	0	1,700,600	0
30030 Library Construction	0	0	0	0				0	0	0	0	0
30040 Contributed Roadway Improvement	0	198,985	198,985	0				0	0	198,985	0	0
30050 Transportation Improvements	0	0	0	0				0	0	0	0	0
30060 Pedestrian Walkway Improvements	600,000	0	600,000	0				0	0	0	600,000	0
30070 Public Safety Construction	0	0	0	0				0	0	0	0	0
30080 Commercial Revitalization Program	0	0	0	0				0	0	0	0	0
30090 Pro Rata Share Drainage Construction	0	0	0	0				0	0	0	0	0
30300 The Penny for Affordable Housing	18,000,000	0	18,000,000	12,200,000 e				0	0	5,800,000	0	0
30310 Housing Assistance Program	0	0	0	0				0	0	0	0	0
30400 Park Authority Bond Construction	0	0	0	0				0	0	0	0	0
S31000 Public School Construction	179,828,018	0	179,828,018	0				0	0	156,464,442	24,195,102	(831,526)
Total Capital Project Funds	\$268,843,647	\$3,114,515	\$271,958,162	\$12,200,000				\$0	\$0	\$197,038,427	\$63,551,261	(\$831,526)
Special Revenue Funds												
40000 County Transit Systems	\$101,186,760	\$0	\$101,186,760	\$0				\$19,215,033	\$0	\$7,840,000	\$74,131,727	\$0
40010 County and Regional Transportation Projects	62,167,198	35,065,066	97,232,264	54,614,297	0.125 f	0.125 f	0.125 f	42,487,967	0	130,000	0	0
40030 Cable Communications	15,068,001	13,068,740	28,136,741	0				0	0	26,015,876	0	2,120,865
40040 Fairfax-Falls Church Community Services Board	169,947,213	0	169,947,213	0				11,886,443	4,208,641	18,406,754	135,445,375	0
40050 Reston Community Center	8,304,386	0	8,304,386	7,551,975	0.047 g	0.047 g	0.047 g	0	0	1,067,097	0	(314,686)
40060 McLean Community Center	5,614,079	0	5,614,079	4,587,221	0.023 g	0.023 g	0.023 g	0	0	1,124,580	0	(97,722)
40070 Burgundy Village Community Center	46,163	0	46,163	31,816	0.020 h	0.020 h	0.020 h	0	0	35,550	0	(21,203)
40080 Integrated Pest Management Program	3,262,578	141,000	3,403,578	2,455,953	0.001 i	0.001 i	0.001 i	0	0	7,691	0	939,934
40090 E-911	50,049,843	0	50,049,843	0				3,396,251	0	44,610,304	0	2,043,288
40100 Stormwater Services	76,761,250	1,125,000	77,886,250	77,886,250	0.0325 j	0.0300 j	0.0275 j	0	0	0	0	0
40110 Dulles Rail Phase I Transportation Improvement District	15,575,650	0	15,575,650	23,592,790	0.15 k	0.15 k	0.17 k	0	0	0	0	(8,017,140)
40120 Dulles Rail Phase II Transportation Improvement District	500,000	0	500,000	17,872,062	0.20 l	0.20 l	0.20 l	0	0	0	0	(17,372,062)
40125 Metrorail Parking System Pledged Revenues	9,061,861	0	9,061,861	0				0	0	7,533,430	0	1,528,431
40130 Leaf Collection	1,883,766	0	1,883,766	0	0.013 m	0.013 m	0.015 m	0	0	2,189,716	0	(305,950)
40140 Refuse Collection and Recycling Operations	18,558,146	548,000	19,106,146	0	350 n	345 n	345 n	124,726	0	17,138,956	0	1,842,464
40150 Refuse Disposal	54,158,191	626,000	54,784,191	0	66 o	64 o	62 o	0	0	51,365,902 p	0	3,418,289
40170 I-95 Refuse Disposal	8,008,360	186,000	8,194,360	0	26.50 q	25.50 q	25.50 q	0	0	9,699,000	0	(1,504,640)
40180 Tysons Service District	0	0	0	7,967,957	0.05 r	0.05 r	0.05 r	0	0	0	0	(7,967,957)
40190 Reston Service District	0	0	0	1,984,998	0.021 s	0.021 s		0	0	0	0	(1,984,998)
40300 Housing Trust	689,954	0	689,954	0				0	0	689,954	0	0
40330 Elderly Housing Programs	3,268,166	0	3,268,166	0				0	0	1,406,788	1,862,722	(1,344)
40360 Homeowner and Business Loan Programs	2,554,631	0	2,554,631	0				0	0	2,500,000	0	54,631
50000 Federal/State Grants	120,067,889	0	120,067,889	0				36,921,832	72,060,425	5,598,654	5,486,978	0
50800 Community Development Block Grant	4,974,689	0	4,974,689	0				0	4,974,689	0	0	0
50810 HOME Investment Partnerships Program	1,530,449	0	1,530,449	0				0	1,530,449	0	0	0

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Fund	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED			OTHER RESOURCES				APPROPRIATED FROM/(ADDED TO) SURPLUS	
				AMOUNT	FY 2019 RATE	FY 2018 RATE	FY 2017 RATE	STATE AID	FEDERAL AID	OTHER RECEIPTS		TRANSFERS IN
Special Revenue Funds (Cont.)												
S10000 Public School Operating ²	2,831,236,113	30,510,463	2,861,746,576	0				662,049,669	43,820,479	69,986,578	2,056,144,600	29,745,250
S40000 Public School Food and Nutrition Services	101,967,724	0	101,967,724	0				1,252,382	39,757,378	44,341,268	0	16,616,696 t
S43000 Public School Adult and Community Education	9,552,708	0	9,552,708	0				892,142	1,666,438	6,759,128	235,000	0
S50000 Public School Grants & Self Supporting Programs	72,565,197	0	72,565,197	0				8,849,958	33,843,659	8,310,000	21,561,580	0
Total Special Revenue Funds	\$3,748,560,965	\$81,270,269	\$3,829,831,234	\$198,545,319				\$787,076,403	\$201,862,158	\$326,757,226	\$2,294,867,982	\$20,722,146
TOTAL GOVERNMENTAL FUNDS	\$5,978,182,942	\$2,792,175,813	\$8,770,358,755	\$3,425,403,447				\$1,095,641,522	\$240,144,779	\$1,262,034,339	\$2,752,666,668	(\$5,532,000)
PROPRIETARY FUNDS												
Internal Service Funds												
60000 County Insurance	\$26,646,940	\$0	\$26,646,940	\$0				\$0	\$0	\$1,270,859	\$24,236,650	\$1,139,431
60010 Department of Vehicle Services	82,955,709	0	82,955,709	0				0	0	79,744,012	0	3,211,697
60020 Document Services Division	9,876,129	0	9,876,129	0				0	0	5,557,762	3,941,831	376,536
60030 Technology Infrastructure Services	44,004,399	0	44,004,399	0				0	0	37,653,221	4,714,102	1,637,076
60040 Health Benefits	196,495,469	0	196,495,469	0				0	0	197,324,914	0	(829,445)
S60000 Public School Insurance	17,444,772	0	17,444,772	0				0	0	13,231,339	0	4,213,433 u
S62000 Public School Health and Flexible Benefits	482,539,513	0	482,539,513	0				0	0	430,822,581	0	51,716,932 v
Total Internal Service Funds	\$859,962,931	\$0	\$859,962,931	\$0				\$0	\$0	\$765,604,688	\$32,892,583	\$61,465,660
Enterprise Funds												
69000 Sewer Revenue	\$0	\$216,970,000	\$216,970,000	\$0	7.00 w 8,100 x 30.38 y	6.75 w 8,100 x 27.62 y	6.68 w 7,750 x 24.68 y	\$0	\$0	\$222,107,903	\$0	(\$5,137,903)
69010 Sewer Operation and Maintenance	101,737,799	2,850,000	104,587,799	0				0	0	0	100,470,000	4,117,799
69020 Sewer Bond Parity Debt Service	25,036,131	0	25,036,131	0				0	0	0	21,250,000	3,786,131
69030 Sewer Bond Debt Reserve	0	0	0	0				0	0	0	0	0
69040 Sewer Bond Subordinate Debt Service	25,781,875	0	25,781,875	0				0	0	0	25,250,000	531,875
69300 Sewer Construction Improvements	70,000,000	0	70,000,000	0				0	0	0	70,000,000	0
69310 Sewer Bond Construction	0	0	0	0				0	0	0	0	0
Total Enterprise Funds	\$222,555,805	\$219,820,000	\$442,375,805	\$0				\$0	\$0	\$222,107,903	\$216,970,000	\$3,297,902
TOTAL PROPRIETARY FUNDS	\$1,082,518,736	\$219,820,000	\$1,302,338,736	\$0				\$0	\$0	\$987,712,591	\$249,862,583	\$64,763,562
FIDUCIARY FUNDS												
Custodial Funds												
70000 Route 28 Taxing District	\$11,983,354	\$0	\$11,983,354	\$10,983,354	0.18 z	0.18 z	0.18 z	\$0	\$0	\$1,000,000	\$0	\$0
70040 Mosaic District Community Development Authority	5,406,400	0	5,406,400	5,406,400				0	0	0	0	0
Total Custodial Funds	\$17,389,754	\$0	\$17,389,754	\$16,389,754				\$0	\$0	\$1,000,000	\$0	\$0
Trust Funds												
73000 Employees' Retirement Trust	\$405,465,087	\$0	\$405,465,087	\$0				\$0	\$0	\$570,327,565	\$0	(\$164,862,478)
73010 Uniformed Employees Retirement Trust	138,195,542	0	138,195,542	0				0	0	224,258,718	0	(86,063,176)
73020 Police Retirement Trust	100,577,486	0	100,577,486	0				0	0	171,099,345	0	(70,521,859)
73030 OPEB Trust	12,503,529	0	12,503,529	0				0	1,000,000	2,324,500	10,490,000	(1,310,971)
S71000 Educational Employees' Retirement	214,154,663	0	214,154,663	0				0	0	393,514,220	0	(179,359,557)
S71100 Public School OPEB Trust	23,195,500	0	23,195,500	0				0	0	33,237,012	0	(10,041,512)
Total Trust Funds	\$894,091,807	\$0	\$894,091,807	\$0				\$0	\$1,000,000	\$1,394,761,360	\$10,490,000	(\$512,159,553)
TOTAL FIDUCIARY FUNDS	\$911,481,561	\$0	\$911,481,561	\$16,389,754				\$0	\$1,000,000	\$1,395,761,360	\$10,490,000	(\$512,159,553)
TOTAL ALL FUNDS	\$7,972,183,239	\$3,011,995,813	\$10,984,179,052	\$3,441,793,201				\$1,095,641,522	\$241,144,779	\$3,645,508,290	\$3,013,019,251	(\$452,927,991)

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

² The proposed County General Fund transfer for school operations in FY 2019 totals \$2,055,019,600, an increase of \$88,350,000, or 4.5 percent, over the FY 2018 Adopted Budget Plan level. It should be noted that the actual transfer request approved by the School Board on February 8, 2018, reflects a General Fund transfer of \$2,064,051,800, an increase of \$97,132,200, or 4.9 percent, over the FY 2018 Adopted Budget Plan. The advertisement expenditure total for School Operating reflects the level that is supportable by the proposed General Fund transfer.

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FOOTNOTES

	Revenue Amount	Tax Required		
		2019 Rate	2018 Rate	2017 Rate
OTHER REAL ESTATE & PERSONAL PROPERTY TAX RATES				
<u>PUBLIC SERVICE CORPORATIONS</u>				
Equalized a	\$46,097,256	1.155	1.130	1.130
Vehicles b	333,289	4.57	4.57	4.57
<u>OTHER</u>				
Mining and Manufacturing Machinery and Tools (General Fund Revenue) b	1,428,355	4.57	4.57	4.57
Research and Development (General Fund Revenue) b	36,968	4.57	4.57	4.57
Antique Automobiles b	-	0.01	0.01	0.01
Mobile Homes a	176,304	1.155	1.130	1.130
Van Pools-Privately Owned Vans b	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of a Volunteer Rescue Squad or Volunteer Fire Department b	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Police b	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Deputy Sheriff b	-	0.01	0.01	0.01
Homeowners Associations Furniture, office equipment and maintenance equipment b	-	0.01	0.01	0.01
Aircraft and Flight Simulators b	-	0.01	0.01	0.01
Motor Vehicles Specially Equipped to Provide Transportation to Physically Handicapped Individuals b	-	0.01	0.01	0.01
Boats b	-	0.01	0.01	0.01
Motor Vehicles Owned by Disabled Veterans b	-	0.01	0.01	0.01
Motor Vehicles Owned by Certain Qualifying Elderly and Disabled Individuals b	-	0.01	0.01	0.01
Special Service District for Pest Infestations i	2,455,953	0.001	0.001	0.001

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- a. Real Estate Tax Rate per \$100 of assessed value. **It should be noted that the FY 2019 Advertised Budget Plan proposes a tax rate of \$1.155 per \$100 of assessed value. The real estate tax bill for the typical residential homeowner would increase by \$268 in FY 2019 with a real estate tax rate of \$1.155 per \$100 of assessed value. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate.**
- b. Personal Property Tax Rate per \$100 of assessed value (excluding household furnishings). Tax collections, as a percentage of total taxes levied, are estimated as follows:
 - 10001 General Fund - Real Estate, 99.70 percent; Personal Property, 98.0 percent
 - Sanitary District - Refuse Assessments, 100 percent.
- c. Percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004-2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Virginia Code §§ 58.1-3524(C)(2) and 58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436%, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2019 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding will provide a 100% subsidy of the tax year 2018 levy for qualifying vehicles valued at \$1,000 or less and a 100% subsidy of the tax year 2018 levy on the value up to \$20,000 for vehicles leased by a qualified military service member and/or spouse. Furthermore, the state "Car Tax" funding is estimated to provide a 60.0% subsidy of the tax year 2018 levy for all other qualifying vehicles on the value up to \$20,000.

- d. Fund 10001, General Fund, does not reflect carryover of FY 2017 Audit Adjustment Reserve of (\$847,234), Reserve for Potential FY 2018 One-Time Requirements of (\$1,035,878), and FY 2018 Mid-Year Revenue Adjustment Reserve of (\$11,778,881) from FY 2018 to FY 2019.
- e. Real Estate revenue reflected in Fund 30300, The Penny for Affordable Housing Fund, reflects the Board of Supervisors policy to allocate the approximate value of one penny on the real estate tax rate to this program. It should be noted that the FY 2019 Advertised Budget Plan includes the allocation of one-half penny on the real estate tax rate to this fund.
- f. Additional tax assessment per \$100 of assessed value for commercial and industrial property in the County to support transportation.
- g. Operating costs and debt service - Community Center. Tax Rate per \$100 of assessed value.
- h. Utilities and other operating costs - Community Center. Tax Rate per \$100 of assessed value.
- i. Additional special tax levy of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District to control infestations of pests. Tax Rate per \$100 of assessed value.
- j. Additional special tax levy of real estate to support operating and construction requirements for the stormwater management program. Tax Rate per \$100 of assessed value.
- k. Additional tax assessment per \$100 of assessed value for commercial and industrial property for the Phase I Dulles Rail Transportation Improvement District.
- l. Additional tax assessment per \$100 of assessed value for commercial and industrial property for the Phase II Dulles Rail Transportation Improvement District.

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

Leaf Collection:

Small District 2 Braddock
 Local District 1A11 Dranesville
 Local District 1A21 Dranesville
 Local District 1A22 Dranesville
 Local District 1A61 Dranesville
 Local District 1B1 Dranesville
 Local District 1E Dranesville
 Small District 3 Dranesville
 Small District 7 Dranesville
 Small District 8 Dranesville
 Small District 10 Dranesville
 Small District 12 Dranesville
 Small District 15 Dranesville
 Local District 1B Lee
 Local District 1C Lee
 Local District 1D Lee
 Local District 1E Lee

Small District 1 Mason
 Local District 1A Mason
 Small District 2 Mason
 Small District 4 Mason
 Local District 7A Mason
 Small District 9 Mason
 Small District 10 Mason
 Local District 1A Mount Vernon
 Local District 1B Mount Vernon
 Local District 1C Mount Vernon
 Local District 1D Mount Vernon
 Local District 1E Mount Vernon
 Small District 1 Providence
 Small District 2 Providence
 Small District 4 Providence
 Small District 6 Providence
 Small District 7 Providence
 Small District 8 Providence

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

Refuse Service:

Small District 2 Braddock
 Small District 3 Braddock
 Small District 2 Hunter Mill
 Small District 3 Hunter Mill
 Local District 5A Hunter Mill
 Local District 1A1 Dranesville
 Local District 1A2 Dranesville
 Local District 1A3 Dranesville
 Local District 1A4 Dranesville
 Local District 1A5 Dranesville
 Local District 1A6 Dranesville
 Local District 1A8 Dranesville
 Local District 1A9 Dranesville
 Local District 1A11 Dranesville
 Local District 1A12 Dranesville
 Local District 1A21 Dranesville
 Local District 1A22 Dranesville
 Local District 1A61 Dranesville
 Local District 1B Dranesville
 Local District 1B1 Dranesville
 Local District 1B2 Dranesville
 Local District 1E Dranesville
 Small District 3 Dranesville
 Small District 4 Dranesville
 Small District 6 Dranesville
 Small District 7 Dranesville
 Small District 8 Dranesville
 Small District 9 Dranesville
 Small District 10 Dranesville
 Small District 11 Dranesville
 Small District 12 Dranesville
 Small District 13 Dranesville

Small District 14 Dranesville
 Small District 15 Dranesville
 Small District 1 Lee
 Local District 1A Lee
 Local District 1B Lee
 Local District 1C Lee
 Local District 1D Lee
 Local District 1E Lee
 Small District 2 Lee
 Small District 3 Lee
 Small District 4 Lee
 Small District 1 Mason
 Local District 1A Mason
 Local District 1B Mason
 Local District 1C Mason
 Local District 1D Mason
 Local District 1F Mason
 Small District 2 Mason
 Small District 3 Mason
 Small District 4 Mason
 Small District 5 Mason
 Small District 6 Mason
 Small District 7 Mason
 Local District 7A Mason
 Small District 8 Mason
 Small District 9 Mason
 Small District 10 Mason
 Small District 11 Mason
 Small District 1 Mount Vernon
 Local District 1A Mount Vernon
 Local District 1B Mount Vernon
 Local District 1C Mount Vernon
 Local District 1D Mount Vernon

Refuse Service (continued):

Local District 1E Mount Vernon	Small District 6 Providence
Small District 2 Mount Vernon	Small District 7 Providence
Local District 2A Mount Vernon	Small District 8 Providence
Local District 2B Mount Vernon	Small District 9 Providence
Small District 1 Providence	Small District 11 Providence
Local District 1A Providence	Small District 12 Providence
Local District 1B Providence	Small District 13 Providence
Small District 3 Providence	Small District 4 Springfield
Small District 4 Providence	Small District 6 Springfield

- o. Per ton refuse disposal fee charged to County refuse collectors, other jurisdictions, and private haulers.
- p. Includes revenues from user fees charged at the Recycling and Disposal Center. Information regarding the schedule of fees is available from the Department of Public Works and Environmental Services (DPWES) Solid Waste Management Program at 12000 Government Center Parkway, Suite 458, Fairfax, Virginia, 22035 or online at www.fairfaxcounty.gov/dpwes. Residents who use the Recycling and Disposal Center are charged for disposal of waste based on weight and category of waste. There are different fees for disposal of brush, yard waste, white goods, tires, and other materials.
- q. Per ton ash disposal fee charged to the County and participating jurisdictions.
- r. Additional tax assessment per \$100 of assessed value for the Tysons Service District.
- s. Additional tax assessment per \$100 of assessed value for the Reston Service District.
- t. Fund S40000, Public School Food and Nutrition Services, assumes carryover of General Reserve of \$16,616,696 from FY 2018 to FY 2019.
- u. Fund S60000, Public School Insurance, assumes carryover of Allocated Reserve of \$4,213,433 from FY 2018 to FY 2019.
- v. Fund S62000, Public School Health and Flexible Benefits, assumes carryover of premium stabilization reserve of \$51,716,932 from FY 2018 to FY 2019.
- w. Sewer service rate per 1,000 gallons of water.
- x. Sewer availability fee for single family homes.
- y. Sewer service per bill base charge.
- z. Additional tax assessment per \$100 of assessed value for road improvements to State Route 28.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 1, 2018, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION ADOPTING TAX RATES
FOR FAIRFAX COUNTY**

FISCAL YEAR 2019

BE IT RESOLVED that, pursuant to the provisions of Virginia Code § 58.1-3001, and after having first complied with the provisions of the Virginia Code §§ 15.2-2506 and 58.1-3321, the Board does hereby establish the tax levies for the fiscal budget year beginning July 1, 2018, and ending June 30, 2019, and calendar tax year beginning January 1, 2018 and ending December 31, 2018, as follows to wit:

COUNTY LEVIES

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

Real Estate*

On each \$100.00 of the assessed valuation of real estate and improvements on real estate in the County the tax rate shall be \$1.155

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

Commercial and Industrial Real Estate Tax for Transportation*

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

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

Personal Property

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

Except for the following:

Mobile Homes

On each \$100.00 of assessed valuation of mobile homes, as separately classified by Virginia Code § 58.1-3506(A)(10), the tax rate shall be \$1.155

Machinery and Tools

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

Research and Development

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

Certain Personal Property of Planned Residential Subdivisions

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

Van Pools - Privately Owned Vans

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

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

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

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

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

Motor Vehicles Specially Equipped to Provide
Transportation for Physically Handicapped Individuals

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

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

Motor Vehicles Owned
By Certain Qualifying Elderly and Disabled Individuals

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

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

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

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

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

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

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

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

Aircraft and Flight Simulators

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

Antique Motor Vehicles

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

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

Boats

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

Motor Vehicles Owned By Qualified Disabled Veterans

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

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

SANITARY DISTRICT LEVIES*

Local District 1A Lee

(Burgundy Village Community Center)

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

Small District 1 Dranesville

(McLean Community Center)

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

Small District 5 Hunter Mill

(Reston Community Center)

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

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

Leaf Collection:

Small District 2 Braddock
Local District 1A11 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B1 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 10 Dranesville
Small District 12 Dranesville
Small District 15 Dranesville
Local District 1B Lee

Local District 1C Lee
Local District 1D Lee
Local District 1E Lee
Small District 1 Mason
Local District 1A Mason
Small District 2 Mason
Small District 4 Mason
Local District 7A Mason
Small District 9 Mason
Small District 10 Mason
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon

**DRAFT
Resolution Adopting Tax Rates for Fairfax County
Fiscal Year 2019**

ATTACHMENT II

Leaf Collection (continued):
Local District 1E Mount Vernon
Small District 1 Providence
Small District 2 Providence

Small District 4 Providence
Small District 6 Providence
Small District 7 Providence
Small District 8 Providence

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

On any real estate which is deleted from a sanitary district effective July 1, 2018, as a result of
the contraction of such sanitary district, such real estate will be entitled to pro rata abatement from the
amount of the annual charge hereby established for leaf collection.

On any real estate, which is added to a sanitary district effective July 1, 2018, as a result of either
the creation or the enlargement of a sanitary district, such real estate will be charged a pro rata fee for the
annual charge hereby established for leaf collection.

Refuse Service:

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

Local District 1D Lee
Local District 1E Lee
Small District 2 Lee
Small District 3 Lee
Small District 4 Lee
Small District 1 Mason
Local District 1A Mason
Local District 1B Mason
Local District 1C Mason
Local District 1D Mason
Local District 1F Mason
Small District 2 Mason
Small District 3 Mason
Small District 4 Mason
Small District 5 Mason
Small District 6 Mason
Small District 7 Mason
Local District 7A Mason
Small District 8 Mason
Small District 9 Mason
Small District 10 Mason
Small District 11 Mason
Small District 1 Mount Vernon
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon
Local District 1E Mount Vernon
Small District 2 Mount Vernon
Local District 2A Mount Vernon
Local District 2B Mount Vernon
Small District 1 Providence
Local District 1A Providence
Local District 1B Providence
Small District 3 Providence
Small District 4 Providence
Small District 6 Providence
Small District 7 Providence

**DRAFT
Resolution Adopting Tax Rates for Fairfax County
Fiscal Year 2019**

ATTACHMENT II

Refuse Service (continued):
Small District 8 Providence
Small District 9 Providence
Small District 11 Providence

Small District 12 Providence
Small District 13 Providence
Small District 4 Springfield
Small District 6 Springfield

On each single-family dwelling and on each unit of two-family dwellings, excluding apartments (garden through high-rise), multi-family condominiums (garden through high-rise), and/or other multi-unit dwelling type buildings, existing or under construction January 1, 2018, within the boundaries of the above enumerated Districts, a base annual charge of \$350.00 for refuse collection service to be added to the regular real estate tax bill, and that annual charge shall be subject to penalty and interest charges and becoming a lien against the property if not paid, in the same manner as any other real estate tax.

On any dwelling that is neither completed nor occupied by June 30, 2018, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to December 5, 2018, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is neither completed nor occupied by December 31, 2018, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to March 31, 2019, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

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

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

Water Service:

Small District One within Springfield District

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

Small District Three within Springfield District

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

TRANSPORTATION IMPROVEMENT DISTRICT LEVIES*

State Route 28 Transportation Improvement District

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

Phase I Dulles Rail Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase I Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.2-2105, the tax rate shall be \$0.15

Phase II Dulles Rail Transportation Improvement District

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

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

SPECIAL SERVICE DISTRICT FOR THE CONTROL OF PEST INFESTATIONS*

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

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

SPECIAL SERVICE DISTRICT FOR STORMWATER MANAGEMENT*

On each \$100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be \$0.0325

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

TYSONS TRANSPORTATION SERVICE DISTRICT NO. 1*

On each \$100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be \$0.05

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

RESTON TRANSPORTATION SERVICE DISTRICT NO. 1*

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

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

SERVICE CHARGES FOR AMBULANCE TRANSPORT SERVICE

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

GIVEN under my hand this _____ day of May, 2018

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

FAIRFAX COUNTY NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

In accordance with Virginia Code Section 58.1-3321, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on April 10, 2018, at 3:00 P.M. At that meeting, the Board of Supervisors shall consider the matters described below.

The Fairfax County Board of Supervisors has proposed the advertisement of a real estate tax rate of \$1.155 per \$100 of assessed value. The tax rate being proposed represents an increase of \$0.025 over the FY 2018 rate of \$1.130 per \$100 assessed value. It should be noted that the total increase in assessed value of existing properties is expected to be 2.58 percent, including an increase of 2.17 percent for residential real property and an increase of 3.79 percent for non-residential real property. As a result, most property owners will experience an increase in their real estate tax bill. Because the average value of real property in Fairfax County has appreciated by at least one percent, Virginia Code Section 58.1-3321 requires Fairfax County to publish the following notice.

Fairfax County, Virginia proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.58 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.1016 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** Fairfax County, Virginia, proposes to adopt a tax rate of \$1.155 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0534 per \$100, or 4.85 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 4.32 percent¹.

A public hearing on this issue will be held at 3:00 P.M. on April 10, 2018, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway.

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

ATTACHMENT III

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

The Board will conduct a separate public hearing on the FY 2019 Advertised Budget Plan which will commence on April 10, 2018, at 4:00 PM and on April 11 and April 12 at 1:00 PM.

Copies of the FY 2019 Advertised Budget Plan and the Advertised Capital Improvement Program for Fiscal Years 2019-2023 (With Future Fiscal Years to 2028) are available on the Internet at www.fairfaxcounty.gov/budget.

A Copy - Teste:

Catherine A. Chianese, Clerk
Board of Supervisors

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2019 disbursements reflect an increase of 2.12 percent over the FY 2018 level.

ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Service Charges, Base Charges, Availability Charges, and Fixture Unit Charges

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 67.1-10-2, relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, and certain housekeeping revisions, by:

- 1) re-affirming the Sewer Service Charges for FY2018 through FY2022, and establishing the Sewer Service Charges for FY 2023;
- 2) re-affirming the Base Charges for FY2018 through FY 2022, and establishing the Base Charges for FY 2023;
- 3) re-affirming the Availability Charges (including the fixture unit rate for nonresidential uses) for FY2018 through FY2022, and establishing the Availability Charges for FY 2023; and
- 4) making certain revisions of a housekeeping nature, such as deleting duplicative language on refunding/updating of availability fees and effective dates, and correcting typographical errors.

Although the sewer charges in the sewer ordinance are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on April 10, 2018, at 3:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on March 6, 2018 to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on April 10, 2018, at 3:00 p.m.

BACKGROUND:

In February 2018, the Wastewater Management Program and its consultants, Public Resources Management Group (PRMG), completed the annual "Revenue Sufficiency

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and Rate Analysis” (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, no changes are proposed to the previously approved FY 2019 rates.

The following proposed 5-year rate schedule will meet the Program’s current and projected revenue requirements by increasing both the Base Charge and Sewer Service Charge, which is the industry practice. This allows for recovering a portion of the Program’s costs through the Base Charge and recovering the remaining required revenues through the Sewer Service charge, based on the volume of water consumed. New or revised rates that were not advertised as part of last year’s annual rate schedule review are shown in **bold**.

Proposed Base Charge of \$30.38 per quarterly bill will recover 20.2 percent of the costs in FY 2019. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. In order to strive towards such recovery rate, a phased-in approach is being proposed, as shown in the following table.

BASE CHARGE SCHEDULE						
Cost (\$) per Quarterly Bill						
Proposed New Rates in Bold						
Type of Connection	Current Rate	Previously Adopted				New Rate
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Residential (3/4" meter)	\$27.62	\$30.38	\$33.42	\$36.76	\$40.44	\$42.87
All customers based on meter size						
3/4" and smaller, or no meter	\$27.62	\$30.38	\$33.42	\$36.76	\$40.44	\$42.87
1"	\$69.05	\$75.95	\$83.55	\$91.90	\$101.10	\$107.18
1 1/2"	\$138.10	\$151.90	\$167.10	\$183.80	\$202.20	\$214.35
2"	\$220.96	\$243.04	\$267.36	\$294.08	\$323.52	\$342.96
3"	\$414.30	\$455.70	\$501.30	\$551.40	\$606.60	\$643.05
4"	\$690.50	\$759.50	\$835.50	\$919.00	\$1,011.00	\$1,071.75
6"	\$1,381.00	\$1,519.00	\$1,671.00	\$1,838.00	\$2,022.00	\$2,143.50
8"	\$2,209.60	\$2,430.40	\$2,673.60	\$2,940.80	\$3,235.20	\$3,429.60
10" and larger	\$3,176.30	\$3,493.70	\$3,843.30	\$4,227.40	\$4,650.60	\$4,930.05

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SEWER SERVICE CHARGE SCHEDULE						
Per 1,000 gallons of water consumption						
Proposed New Rates in Bold						
	Current Rate	Previously Adopted				New Rate
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Sewer Service Charge	\$6.75	\$7.00	\$7.34	\$7.70	\$8.08	\$8.56

AVAILABILITY CHARGE SCHEDULE						
Proposed New Rates in Bold						
Type of Connection	Current Rate	Previously Adopted				New Rate
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Single Family	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100
Lodging House, Hotel, Inn or Tourist Cabin	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100
Townhouse	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Apartment	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Mobile Home	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Any other residential dwelling unit	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Hotels, Motels, or Dormitory rental unit	\$2,025	\$2,025	\$2,025	\$2,025	\$2,025	\$2,025

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

The revised, five-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

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AVAILABILITY CHARGE SCHEDULE						
Cost (\$) per Quarterly Bill						
Proposed New Rates in Bold						
	Current Rate	Previously Adopted				New Rate
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Nonresidential per fixture unit	\$401	\$405	\$405	\$405	\$405	\$405

The County’s Sewer Service Charges, Base Charges and Availability Charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of January 2018 (FY 2018). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction’s equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water’s average water usage for SFREs.

Comparison of Average Service Charges and Availability Charges for SFREs as of January 2018 (FY 2018)

***Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	935	----
City of Alexandria	734	8,641
Arlington County	654	2,760
WSSC (improved)	554	14,500
Prince William County	587	10,800
Fairfax County	597	8,100
Loudoun Water	465	8,209

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The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$27.62 and the FY 2019 Base Charge of \$30.38 per quarter, as of January 2018 (FY 2018):

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

FISCAL IMPACT:

To adequately support the Program, approximately \$200 million in revenues will be needed in FY 2019. Assuming a water usage for a typical residential customer of 18,000 gallons/quarter (or 72,000 gallons/year), the annual sewer bill will be approximately \$626 per year, which is an increase of \$29.00 (or \$2.42 per month) over the FY 2018 sewer bill. In FY 2019, approximately \$6.4 million in additional revenues will be generated with the proposed Sewer Service Charge and the Base Charge over the FY 2018 Revised Budget Plan. Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randy W. Bartlett, Deputy Director, Stormwater and Wastewater Management Divisions, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

ASSIGNED COUNSEL:

Emily H Smith, Assistant County Attorney

1 **AN ORDINANCE AMENDING**
 2 **ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO**
 3 **CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE**
 4 **SEWERAGE FACILITIES OF THE COUNTY**

5
 6 **AN ORDINANCE to amend the Fairfax County Code by amending and**
 7 **readopting Section 67.1-10-2, relating to charges for the availability of,**
 8 **connection to, and/or use of the sewerage facilities of the County.**

9
 10 **Draft of February 19, 2018**

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

- 13 **1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as**
 14 **follows:**
 15

16 **ARTICLE 10. - Charges.**

17 **Section 67.1-10-2. – Availability, Connection, Lateral Spur, and Service Charges.**

18 (a) *Availability Charges.*

- 19 (1) *Residential uses:* The following schedule of availability charges for residential uses
 20 desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
(A)	Single-Family Detached	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,100	8,100	8,100	8,100	8,100	8,100
(C)	Townhouse	6,480	6,480	6,480	6,480	6,480	6,480
(D)	Apartment	6,480	6,480	6,480	6,480	6,480	6,480
(E)	Mobile Home	6,480	6,480	6,480	6,480	6,480	6,480
(F)	Any other residential dwelling unit	6,480	6,480	6,480	6,480	6,480	6,480

(G)	Hotel, Motel, or Dormitory rental unit	2,025	2,025	2,025	2,025	2,025	2,025
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(2) *Commercial and all other uses:* The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

	Fiscal Year (July 1-June 30)					
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Fixture unit rate	\$405	\$405	\$405	\$405	\$405	\$405

26

27 The availability charge will be computed as the number of fixture units (including roughed-in
28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code
29 (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International
30 Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum
31 charge equivalent to one single-family detached dwelling per premises. For Significant Industrial
32 Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System
33 and other industrial or commercial Users determined by the Director to have processes generating
34 significant wastewater flows, the availability fee will be calculated on the basis of equivalent units.
35 One equivalent unit is equal to 280 gallons per day and rated equal to one single-family detached
36 dwelling unit. Therefore, the availability charge for Significant Industrial Users and other
37 industrial or commercial Users determined by the Director to have processes generating significant
38 flow will be equal to the current rate for a single-family detached dwelling unit times the number
39 of equivalent units associated with the permitted flow. The number of equivalent units is equal to
40 the permitted or projected flow in gallons per day divided by 280 gallons per day. Fixture unit
41 counts, for Users having fixtures discharging continuously or semi-continuously to drainage
42 system leading to the County sanitary sewer facilities, shall be increased by two fixture units for
43 each gallon per minute of such continuous or semi-continuous discharge. The rate of such
44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other
45 equipment, or such other rates as the Director shall determine.

46 (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate
47 applicable to each fiscal year is subject to annual review by the Board of Supervisors.

48 (b) *Connection Charges.*

- 49 (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby
50 established and imposed a connection charge of \$152.50 per front foot of premises (with
51 a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family
52 detached and attached dwellings, churches, schools, fire stations, community centers, or
53 other such similar community uses, to the Facilities of the County.
- 54 (A) The above Connection Charges are effective beginning on July 1, 2011, for all
55 Facilities of the County constructed after July 1, 2011. During the period of July 1,
56 2011, through June 30, 2012, Connection Charges for connections to Facilities of the
57 County constructed prior to July 1, 2011, will be \$6.00 per front foot of premises
58 (with a minimum of \$300.00 and a maximum of \$600.00). Provided, however, the
59 Director may extend the deadline for connection to Facilities of the County from July
60 1, 2012, to December 31, 2012, if the Director determines that for reasons beyond
61 the control of the owner of the premises, at least one of the following conditions are
62 met:
- 63 (i) All applicable fees and charges have been paid to the County and other
64 appropriate governmental agencies prior to June 30, 2012;
- 65 (ii) All applicable permits have either been applied for or obtained prior to June
66 30, 2012;
- 67 (iii) The owner of the premises can show diligent and active efforts to connect to
68 the Facilities of the County prior to June 30, 2012;
- 69 (iv) The owner has been delayed by the actions of a third party, e.g., delays in the
70 issuance of permits or inspections by any government agency or other party; or
- 71 (v) The delays have been caused by an Act of God.
- 72 (B) Connection Charges for connection to the Facilities of the County in the County's
73 Extension and Improvement (E&I) Program that were under design for construction
74 on or before April 12, 2011, and that were not completed on or before that date, will
75 be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of
76 \$600.00) provided all of the following conditions are met:
- 77 (i) property owners in the E&I project area agree to grant all required easements
78 within four months from the completion of the design;
- 79 (ii) 50 percent of the property owners in the E&I project area pay the required
80 Availability Charges within four months from the completion of the design; and
- 81 (iii) connections to the Facilities of the County are made by no later than June 30,
82 2012, or within one year from the completion of the construction of the E&I
83 project, whichever comes last, provided, however, the Director shall have the
84 power to extend this deadline by up to six months for the hardship reasons set
85 forth in subsections (A)(i) through (A)(v), above, provided, however, that in lieu
86 of the date June 30, 2012, the operative date for such extensions shall be one
87 year from the date of completion of construction of the E&I project for which a
88 connection is requested.

- 89 (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50
 90 per front foot of premises (with a minimum charge of \$15,250) for the connection of all
 91 other uses to the Facilities of the County.
- 92 (3) The connection charges established and imposed above shall not apply to premises to
 93 be connected to the Facilities of the County if such Facilities of the County are
 94 constructed totally at private expense.
- 95 (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by
 96 measuring the frontage of the premises located on the street address side of the premises.
- 97 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of
 98 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been
 99 installed by the County at the expense of Fairfax County.
- 100 (d) *Service charges:* There are hereby established and imposed the following sanitary sewer
 101 service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Sewer Service Charge, \$/1,000 gallons	\$6.75	\$7.00	\$7.34	\$7.70	\$8.08	\$8.56

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- 103 (e) *Base charges:* There are hereby established and imposed the following quarterly base
 104 charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Residential Base Charge	\$27.62	\$30.38	\$33.42	\$36.76	\$40.44	\$42.87
Commercial: (meter size)						
³ / ₄ " and smaller, or no meter	\$27.62	\$30.38	\$33.42	\$36.76	\$40.44	\$42.87

1"	\$69.05	\$75.95	\$83.55	\$91.90	\$101.10	\$107.18
1½"	\$138.10	\$151.90	\$167.10	\$183.80	\$202.20	\$214.35
2"	\$220.96	\$243.04	\$267.36	\$294.08	\$323.52	\$342.96
3"	\$414.30	\$455.70	\$501.30	\$551.40	\$606.60	\$643.05
4"	\$690.50	\$759.50	\$835.50	\$919.00	\$1,011.00	\$1,071.75
6"	\$1,381.00	\$1,519.00	\$1,671.00	\$1,838.00	\$2,022.00	\$2,143.50
8"	\$2,209.60	\$2,430.40	\$2,673.60	\$2,940.80	\$3,235.20	\$3,429.60
10" and larger	\$3,176.30	\$3,493.70	\$3,843.30	\$4,227.40	\$4,650.60	\$4,930.05

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106 If requested, the Base Charge for non-residential customers who have sub-meters for irrigation
 107 and other water uses that do not enter the sewer system will be adjusted based on their sub-meter
 108 size per above table. In no case the Base Charge will be smaller than that for ¾" and smaller meter.

109 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each
 110 new fiscal year. For metered accounts, the change is effective with meter readings
 111 beginning October 1st of each year. For unmetered accounts, the change is effective with
 112 billings beginning October 1st of each year.

113 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).

(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).
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115 (D) The winter-quarter-maximum consumption is determined as follows:

116 (i) The quarterly-daily-average consumption of water is the consumption,
 117 measured by the water service line meter for the period between meter readings
 118 divided by the number of days elapsed between meter readings.

119 (ii) The quarterly consumption is 91.5 times the quarterly-daily-average
 120 consumption of water in leap years or 91.25 times the quarterly-daily-average
 121 consumption in non-leap years.

122 (iii) The winter-quarter-consumption is the quarterly consumption determined at
 123 the water service line meter reading scheduled between February 1 and April 30.
 124 The winter-quarter-consumption of each respective year shall be applicable to
 125 the four quarterly sewer billings rendered in conjunction with the regular meter
 126 reading scheduled after the next May.

127 (iv) All water delivered to the premises, as measured by the winter-quarter-
 128 consumption for single-family dwellings and townhouses or the meter of all
 129 other Users, shall be deemed to have been discharged to the Facilities of the
 130 County. However, any person may procure the installation of a second water
 131 service line meter. Such person may notify the Director of such installation, in
 132 which event the Director shall make such inspection or inspections as may be
 133 necessary to ascertain that no water delivered to the premises or only the water
 134 delivered through any such additional meter may enter the Facilities of the
 135 County. If the Director determines that water delivered through an additional
 136 meter may not enter the Facilities of the County, no charge hereunder shall be
 137 based upon such volume of water delivery. If the Director determines that only
 138 the water delivered through an additional meter may enter the Facilities of the
 139 County, only the water recorded on the additional meter shall be charged. In the
 140 alternative, any person may procure the installation of a sewage meter which
 141 shall be of a type and installed in a manner approved by the Director, who shall
 142 make periodic inspection to ensure accurate operation of said meter; in such
 143 event, the charge imposed hereunder shall be based upon the volume measured
 144 by such meter. The cost of all inspections required by the foregoing provisions
 145 for elective metering, as determined by normal cost accounting methods, shall
 146 be an additional charge for sanitary sewer service to the premises on which such
 147 meter or meters are installed.

148 (E) For single-family premises as in (e)(2)(A) not able to register valid meter readings
 149 for the measurement of winter-quarter-consumption the following billing method
 150 shall apply:

- 151 (i) Premises not existing, unoccupied or occupied by a different household during
 152 the applicable winter quarter, or which due to unfavorable weather, meter failure
 153 or for any other reason of meter inaccuracy cannot register valid meter readings,
 154 shall not be considered to have a valid meter reading for the purpose of winter-
 155 quarter-consumption measurement.
- 156 (ii) Such premises may be billed on the basis of the average winter-quarter-
 157 consumption for similar dwelling units or the current quarterly consumption, as
 158 registered by water service line meter, or based on historical water usage.
 159 Accounts for single-family premises established by a builder for sewerage
 160 service during construction shall be considered a nonresidential use.
- 161 (3) Premises not having metered water supply or having both well water and public metered
 162 water supply:
- 163 (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-
 164 quarter-consumption, during the applicable winter quarter, of similar dwelling units,
 165 times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-
 166 family residential customer may apply to the County, via the water supplier
 167 providing water service to the area in which the residential customer is located, for
 168 special billing rates, based on average per capita consumption of water in similar
 169 type units.
- 170 (B) All other uses: The charge shall be based upon the number of fixture units and load
 171 factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load
 172 Factors for All Other Premises. There shall be an additional charge equal to the
 173 effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures
 174 discharging continuously or semi-continuously. Volume of continuous or semi-
 175 continuous discharge shall be deemed to be that used in determining availability
 176 charge.

177 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value(d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6

ATTACHMENT I

Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6

Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
 Fiscal Year (July 1—June 30)

Fixture Units	Load Factor	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
20 or less	1.00	168.75	175.00	185.50	196.75	208.50	221.01

ATTACHMENT I

21 to 30	1.25	210.94	218.75	231.88	245.94	260.63	276.27
31 to 40	1.45	244.69	253.75	268.98	285.29	302.33	320.47
41 to 50	1.60	270.00	280.00	296.80	314.80	333.60	353.62
51 to 60	1.75	295.31	306.25	324.63	344.31	364.88	386.77
61 to 70	1.90	320.63	332.50	352.45	373.83	396.15	419.92
71 to 80	2.05	345.94	358.75	380.28	403.34	427.43	453.08
81 to 90	2.20	371.25	385.00	408.10	432.85	458.70	486.22
91 to 100	2.30	388.13	402.50	426.65	452.53	479.55	508.32
101 to 110	2.40	405.00	420.00	445.20	472.20	500.40	530.42
111 to 120	2.55	430.31	446.25	473.03	501.71	531.68	563.58
121 to 130	2.65	447.19	463.75	491.58	521.39	552.53	585.68
131 to 140	2.75	464.06	481.25	510.13	541.06	573.38	607.78
141 to 150	2.85	480.94	498.75	528.68	560.74	594.23	629.88
151 to 160	2.95	497.81	516.25	547.23	580.41	615.08	651.98
161 to 170	3.05	514.69	533.75	565.78	600.09	635.93	674.09
171 to 180	3.15	531.56	551.25	584.33	619.76	656.78	696.19
181 to 190	3.25	548.44	568.75	602.88	639.44	677.63	718.29
191 to 200	3.35	565.31	586.25	621.43	659.11	698.48	740.39
201 to 210	3.45	582.19	603.75	639.98	678.79	719.33	762.49
211 to 220	3.55	599.06	621.25	658.53	698.46	740.18	784.59

ATTACHMENT I

221 to 230	3.65	615.94	638.75	677.08	718.14	761.03	806.69
231 to 240	3.75	632.81	656.25	695.63	737.81	781.88	828.79
241 to 250	3.85	649.69	673.75	714.18	757.49	802.73	850.89
251 to 260	3.90	658.13	682.50	723.45	767.33	813.15	861.94
261 to 270	4.00	675.00	700.00	742.00	787.00	834.00	884.04
271 to 280	4.05	683.44	708.75	751.28	796.84	844.43	895.10
281 to 290	4.10	691.88	717.50	760.55	806.68	854.85	906.14
291 to 300	4.15	700.31	726.25	769.83	816.51	865.28	917.20
301 to 310	4.20	708.75	735.00	779.10	826.35	875.70	928.24
311 to 320	4.30	725.63	752.50	797.65	846.03	896.55	950.34
321 to 330	4.40	742.50	770.00	816.20	865.70	917.40	972.44
331 to 340	4.50	759.38	787.50	834.75	885.38	938.25	994.55
341 to 350	4.60	776.25	805.00	853.30	905.05	959.10	1,016.65
351 to 360	4.70	793.13	822.50	871.85	924.73	979.95	1,038.75
361 to 370	4.80	810.00	840.00	890.40	944.40	1,000.80	1,060.85
371 to 380	4.90	826.88	857.50	908.95	964.08	1,021.65	1,082.95
381 to 390	5.00	843.75	875.00	927.50	983.75	1,042.50	1,105.05
391 to 400	5.10	860.63	892.50	946.05	1,003.43	1,063.35	1,127.15
401 to 410	5.20	877.50	910.00	964.60	1,023.10	1,084.20	1,149.25
411 to 420	5.30	894.38	927.50	983.15	1,042.78	1,105.05	1,171.35

ATTACHMENT I

421 to 430	5.40	911.25	945.00	1,001.70	1,062.45	1,125.90	1,193.45
431 to 440	5.50	928.13	962.50	1,020.25	1,082.13	1,146.75	1,215.56
441 to 450	5.60	945.00	980.00	1,038.80	1,101.80	1,167.60	1,237.66
451 to 460	5.70	961.88	997.50	1,057.35	1,121.48	1,188.45	1,259.76
461 to 470	5.80	978.75	1,015.00	1,075.90	1,141.15	1,209.30	1,281.86
471 to 480	5.90	995.63	1,032.50	1,094.45	1,160.83	1,230.15	1,303.96
481 to 490	6.00	1,012.50	1,050.00	1,113.00	1,180.50	1,251.00	1,326.06
491 to 500	6.10	1,029.38	1,067.50	1,131.55	1,200.18	1,271.85	1,348.16
501 to 525	6.25	1,054.69	1,093.75	1,159.38	1,229.69	1,303.13	1,381.32
526 to 550	6.50	1,096.88	1,137.50	1,205.75	1,278.88	1,355.25	1,436.57
551 to 575	6.75	1,139.06	1,181.25	1,252.13	1,328.06	1,407.38	1,491.82
576 to 600	7.00	1,181.25	1,225.00	1,298.50	1,377.25	1,459.50	1,547.07
601 to 625	7.25	1,223.44	1,268.75	1,344.88	1,426.44	1,511.63	1,602.33
626 to 650	7.50	1,265.63	1,312.50	1,391.25	1,475.63	1,563.75	1,657.58
651 to 675	7.75	1,307.81	1,356.25	1,437.63	1,524.81	1,615.88	1,712.83
676 to 700	8.00	1,350.00	1,400.00	1,484.00	1,574.00	1,668.00	1,768.08
701 to 725	8.20	1,383.75	1,435.00	1,521.10	1,613.35	1,709.70	1,812.28
726 to 750	8.40	1,417.50	1,470.00	1,558.20	1,652.70	1,751.40	1,856.48
751 to 775	8.60	1,451.25	1,505.00	1,595.30	1,692.05	1,793.10	1,900.69
776 to 800	8.80	1,485.00	1,540.00	1,632.40	1,731.40	1,834.80	1,944.89

ATTACHMENT I

801 to 825	9.00	1,518.75	1,575.00	1,669.50	1,770.75	1,876.50	1,989.09
826 to 850	9.20	1,552.50	1,610.00	1,706.60	1,810.10	1,918.20	2,033.29
851 to 875	9.35	1,577.81	1,636.25	1,734.43	1,839.61	1,949.48	2,066.45
876 to 900	9.50	1,603.13	1,662.50	1,762.25	1,869.13	1,980.75	2,099.60
901 to 925	9.65	1,628.44	1,688.75	1,790.08	1,898.64	2,012.03	2,132.75
926 to 950	9.80	1,653.75	1,715.00	1,817.90	1,928.15	2,043.30	2,165.90
951 to 975	9.95	1,679.06	1,741.25	1,845.73	1,957.66	2,074.58	2,199.05
976 to 1,000	10.15	1,712.81	1,776.25	1,882.83	1,997.01	2,116.28	2,243.26
1,001 to 1,050	10.55	1,780.31	1,846.25	1,957.03	2,075.71	2,199.68	2,331.66
1,051 to 1,100	10.90	1,839.38	1,907.50	2,021.95	2,144.58	2,272.65	2,409.01
1,101 to 1,150	11.30	1,906.88	1,977.50	2,096.15	2,223.28	2,356.05	2,497.41
1,151 to 1,200	11.70	1,974.38	2,047.50	2,170.35	2,301.98	2,439.45	2,585.82
1,201 to 1,250	12.00	2,025.00	2,100.00	2,226.00	2,361.00	2,502.00	2,652.12
1,251 to 1,300	12.35	2,084.06	2,161.25	2,290.93	2,429.86	2,574.98	2,729.48
1,301 to 1,350	12.70	2,143.13	2,222.50	2,355.85	2,498.73	2,647.95	2,806.83
1,351 to 1,400	13.00	2,193.75	2,275.00	2,411.50	2,557.75	2,710.50	2,873.13
1,401 to 1,450	13.25	2,235.94	2,318.75	2,457.88	2,606.94	2,762.63	2,928.39
1,451 to 1,500	13.50	2,278.13	2,362.50	2,504.25	2,656.13	2,814.75	2,983.64
1,501 to 1,600	14.05	2,370.94	2,458.75	2,606.28	2,764.34	2,929.43	3,105.20
1,601 to 1,700	14.60	2,463.75	2,555.00	2,708.30	2,872.55	3,044.10	3,226.75

ATTACHMENT I

1,701 to 1,800	15.15	2,556.56	2,651.25	2,810.33	2,980.76	3,158.78	3,348.31
1,801 to 1,900	15.70	2,649.38	2,747.50	2,912.35	3,088.98	3,273.45	3,469.86
1,901 to 2,000	16.25	2,742.19	2,843.75	3,014.38	3,197.19	3,388.13	3,591.42
2,001 to 2,100	16.80	2,835.00	2,940.00	3,116.40	3,305.40	3,502.80	3,712.97
2,101 to 2,200	17.35	2,927.81	3,036.25	3,218.43	3,413.61	3,617.48	3,834.53
2,201 to 2,300	17.90	3,020.63	3,132.50	3,320.45	3,521.83	3,732.15	3,956.08
2,301 to 2,400	18.45	3,113.44	3,228.75	3,422.48	3,630.04	3,846.83	4,077.64
2,401 to 2,500	19.00	3,206.25	3,325.00	3,524.50	3,738.25	3,961.50	4,199.19
2,501 to 2,600	19.55	3,299.06	3,421.25	3,626.53	3,846.46	4,076.18	4,320.75
2,601 to 2,700	20.10	3,391.88	3,517.50	3,728.55	3,954.68	4,190.85	4,442.30
2,701 to 2,800	20.65	3,484.69	3,613.75	3,830.58	4,062.89	4,305.53	4,563.86
2,801 to 2,900	21.20	3,577.50	3,710.00	3,932.60	4,171.10	4,420.20	4,685.41
2,901 to 3,000	21.75	3,670.31	3,806.25	4,034.63	4,279.31	4,534.88	4,806.97
3,001 to 4,000	26.00	4,387.50	4,550.00	4,823.00	5,115.50	5,421.00	5,746.26
4,001 to 5,000	29.50	4,978.13	5,162.50	5,472.25	5,804.13	6,150.75	6,519.80
5,001 to 6,000	33.00	5,568.75	5,775.00	6,121.50	6,492.75	6,880.50	7,293.33
6,001 to 7,000	36.40	6,142.50	6,370.00	6,752.20	7,161.70	7,589.40	8,044.76
7,001 to 8,000	39.60	6,682.50	6,930.00	7,345.80	7,791.30	8,256.60	8,752.00
8,001 to 9,000	42.75	7,214.06	7,481.25	7,930.13	8,411.06	8,913.38	9,448.18

ATTACHMENT I

9,001 to 10,000	46.00	7,762.50	8,050.00	8,533.00	9,050.50	9,591.00	10,166.46
10,001 to 11,000	48.85	8,243.44	8,548.75	9,061.68	9,611.24	10,185.23	10,796.34
11,001 to 12,000	51.60	8,707.50	9,030.00	9,571.80	10,152.30	10,758.60	11,404.12
12,001 to 13,000	54.60	9,213.75	9,555.00	10,128.30	10,742.55	11,384.10	12,067.15
13,001 to 14,000	57.40	9,686.25	10,045.00	10,647.70	11,293.45	11,967.90	12,685.97
14,001 to 15,000	60.00	10,125.00	10,500.00	11,130.00	11,805.00	12,510.00	13,260.60

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185 NOTES:

186 (1) Base charge is not included in rates above.

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GIVEN under my hand this _____ day of _____, 2018

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Catherine A. Chianese
Clerk for the Board of Supervisors

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

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

**Tuesday
April 10, 2018
at 3 p.m.**

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

SEWER SERVICE CHARGE SCHEDULE						
Per 1,000 gallons of water consumption						
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Sewer Service Charge	\$6.75	\$7.00	\$7.34	\$7.70	\$8.08	\$8.56

BASE CHARGE SCHEDULE						
Cost (\$) per Quarterly Bill						
Type of Connection	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Residential (3/4" meter)	\$27.62	\$30.38	\$33.42	\$36.76	\$40.44	\$42.87
All customers based on meter size						
3/4" and smaller, or no meter	\$27.62	\$30.38	\$33.42	\$36.76	\$40.44	\$42.87
1"	\$69.05	\$75.95	\$83.55	\$91.90	\$101.10	\$107.18
1 1/2"	\$138.10	\$151.90	\$167.10	\$183.80	\$202.20	\$214.35
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6"	\$1,381.00	\$1,519.00	\$1,671.00	\$1,838.00	\$2,022.00	\$2,143.50
8"	\$2,209.60	\$2,430.40	\$2,673.60	\$2,940.80	\$3,235.20	\$3,429.60
10" and larger	\$3,176.30	\$3,493.70	\$3,843.30	\$4,227.40	\$4,650.60	\$4,930.05

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

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the ADA representative in the Clerk's Office, 703-324-3151, TTY: 711, as soon as possible but no later than 48 hours before the scheduled event.

GIVEN under my hand this 6th day of March 2018.

Catherine A. Chianese
Clerk to the Board of Supervisors

Ad Run Dates: March 9 and 16, 2018

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

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

**Tuesday
April 10, 2018
at 3 p.m.**

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

AVAILABILITY CHARGE SCHEDULE						
Type of Connection	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Single Family	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100
Lodging House, Hotel, Inn or Tourist Cabin	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100	\$8,100
Townhouse	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Apartment	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Mobile Home	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Any other residential dwelling unit	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480	\$6,480
Hotels, Motels, or Dormitory rental unit	\$2,025	\$2,025	\$2,025	\$2,025	\$2,025	\$2,025

The availability charge for all nonresidential uses will be computed as the number of fixture units in accordance with the current Virginia Uniform Statewide Building Code times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises. The revised, five-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

AVAILABILITY CHARGE SCHEDULE						
Cost (\$) per Quarterly Bill						
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Nonresidential per fixture unit	\$405	\$405	\$405	\$405	\$405	\$405

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

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GIVEN under my hand this 6th day of March 2018.

Catherine A. Chianese
Clerk to the Board of Supervisors

Ad Run Dates: March 9 and 16, 2018

ACTION – 1

Approval of an Amended Memorandum of Understanding Between the City of Falls Church, Fairfax County and the Fairfax-Falls Church Community Services Board Establishing Collaboration Between the City of Falls Church and Law Enforcement Agencies at the Merrifield Crisis Response Center for People Experiencing a Psychological Crisis

ISSUE:

The Fairfax-Falls Church Community Services Board (CSB) provides emergency screening for individuals detained through emergency custody (ECO), temporary detention (TDO), and for others in search of crisis intervention and support. This Amended Memorandum of Understanding (MOU) will allow law enforcement officers (LEO) from the City of Falls Church within the CSB service area to continue to have the opportunity to have the Crisis Intervention trained police officer or deputy sheriff on duty at the Merrifield Crisis Response Center (MCRC) take custody of an individual, in lieu of being charged with a minor crime, and instead of being held by that LEO through an ECO, allowing the LEO to return to patrol or other duties as assigned by their respective jurisdictions. The Amendment allows this Memorandum to continue in effect until one party wishes to terminate it, rather than having to renew it periodically.

RECOMMENDATION:

The County Executive recommends approval of this Amended Memorandum of Understanding.

TIMING:

Board action is requested on March 6, 2018, to allow for continued collaboration with the City of Falls Church within the CSB service area, and to serve individuals in crisis at the MCRC in the best way possible.

BACKGROUND:

Diversion First offers alternatives to incarceration for people with mental illness and/or a co-occurring substance use disorder, or for those with developmental disability, who may come into contact with law enforcement for minor crimes. Diversion First helps prevent unnecessary entry into the criminal justice system by sending people experiencing psychological crisis to assessment and treatment when jail is clearly not the appropriate place for them.

The MCRC opened on January 1, 2016, and is located within the Merrifield Emergency Services of the CSB. The MCRC is staffed with on-duty Crisis-Intervention-trained officers of both the Fairfax County Police Department and the Fairfax County Office of

Board Agenda Item
March 6, 2018

the Sheriff (the MCRC officers). Law enforcement officers on patrol are able to transport individuals experiencing psychological crisis to the Merrifield site for assessment, hospitalization if necessary, or other stabilization services. The MCRC officers on site are able to take custody of the individuals in crisis, allowing the LEO who originally detained the individual to return to patrol. The MCRC officer may also be able to transport the individual to the facility of temporary detention.

The Amended Memorandum of Understanding continues to provide the legal basis and procedures for the MCRC officers to take custody from LEOs from other jurisdictions instead of having them remain with the individual they detained at the site through the entire assessment and TDO process, which can last several hours.

FISCAL IMPACT:

None. The staffing at the MCRC has been achieved through realignment of existing resources.

ENCLOSED DOCUMENTS:

Attachment 1: Amended MOU between the City of Falls Church, Fairfax County and the Fairfax-Falls Church Community Services Board

STAFF:

Laura Yager, Diversion First Project Manager, Office of County Executive
Daryl Washington, Acting Executive Director, Fairfax-Falls Church CSB
David Rohrer, Deputy County Executive

ASSIGNED COUNSEL:

Cynthia Tianti, Deputy County Attorney, Office of the County Attorney

Attachment 1

AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY BOARD OF SUPERVISORS, THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD, AND THE CITY COUNCIL FOR THE CITY OF FALLS CHURCH

I. PARTIES:

This AMENDED Memorandum of Understanding (MOU) is entered into this 20 day of October ~~2016~~²⁰¹⁷, by and between the Board of Supervisors of Fairfax County, Virginia (County), the Fairfax-Falls Church Community Services Board (CSB), and the City Council for the City of Falls Church, Virginia (City of Falls Church), for the purpose of identifying responsibilities of each party to the Crisis Intervention Team Program (CIT), a collaborative mental health and criminal justice program serving the CSB's service area which includes the County of Fairfax (County), the City of Falls Church, the City of Fairfax, the Town of Vienna, the Town of Herndon, the Town of Clifton, George Mason University's campus, located in the City of Fairfax, and the Northern Virginia Community College campus, located in the County.

II. TERM:

The term of this MOU shall commence on **January 1, 2017**. This MOU shall **continue in effect until any party undertakes the steps necessary to terminate this AMENDED MOU pursuant to "Section XVI. TERMINATION WITHOUT CAUSE" herein.**

III. AUTHORITY:

- A. The CSB is an administrative policy community services board established by the County, the City of Fairfax and the City of Falls Church to provide appropriate services for persons with mental illness and substance abuse, or co-occurring disorders and/or those with intellectual disabilities.
- B. Pursuant to Va. Code Ann. §§ 37.2-808, -810 and 16.1-340, -340.2 because the CSB serves more than one jurisdiction, a magistrate shall specify the primary law-enforcement agency, or any other willing law enforcement agency, to provide transportation and execute the order of temporary detention within the CSB's service area where the person who is the subject of the emergency custody order is taken into custody. If the person has not yet been taken into custody, the primary law-enforcement agency specified by a magistrate to execute the order and provide transportation is the one from the jurisdiction where the person is then presently located.
- C. The CIT Merrifield Crisis Response Center (MCRC) is a licensed facility with, pursuant to this MOU, and in conjunction with the Fairfax County Police Department (FCPD) and the Fairfax County Sheriff's Office (Sheriff's Office), who will provide the MCRC with the

ability to provide the level of security necessary to protect persons and others from harm and, in conjunction with the FCPD and the Sheriff's Office, is capable of providing such security. The CSB agrees to provide the City of Falls Church, with a copy of its licensure. The MCRC is a facility located in Merrifield, Virginia, less than .5 miles of the INOVA Fairfax Hospital and the Northern Virginia Mental Health Institute. The MCRC will be staffed by CSB Emergency Services clinical staff who are Virginia Certified Prescreeners (CSB Prescreener). A function of the MCRC is to provide an assessment of persons in the custody of a law enforcement officer as a result of an emergency custody order (ECO) issued by a magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F) and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a law enforcement officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H), (paperless ECO).

- D. Va. Code Ann. §§ 37.2-808 (E) and 16.1-340(E) provides for a licensed facility, such as the CSB's MCRC within CSB Emergency Services, to enter into an MOU with the FCPD and with the Sheriff's Office to provide the requisite level of safety and security necessary to protect such person and others from harm while at the MCRC. Va. Code Ann. §§ 37.2-810 and 16.1-340.2 provides that the FCPD and the Sheriff's Office may each agree to be a willing law enforcement agency specified by a magistrate to provide transportation and execute the order of temporary detention within the CSB's service area.

IV. PURPOSE:

To establish the terms and conditions under which the MCRC will function and, in conjunction with the FCPD and the Sheriff's Office, provide the level of security necessary to protect persons and others from harm while detained at the MCRC. This MOU is only applicable to persons who are in the custody of an FCPD law enforcement officer (FCPD officer), Sheriff's deputy, or another law enforcement officer in Virginia, such as a City of Falls Church law enforcement officer with which the Fairfax County Board of Supervisors has entered into this agreement with the Falls Church City Council (Qualified Officer), to allow a CIT trained law enforcement officer assigned to the MCRC, as defined below in Part V(A)(2), to take custody of a person detained by such Qualified Officer, as a result of an ECO issued by a magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F), and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a Qualified Officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H).

V. RESPONSIBILITIES OF CSB:

The CSB will have sole responsibility for obtaining the appropriate licensing for the MCRC and for complying with all applicable regulations for the facility. The CSB will also have sole responsibility for maintaining the MCRC facility and staffing CSB Prescreeners and any other individual necessary to complete the evaluation process or preliminary medical screening.

VI. RESPONSIBILITIES DURING THE ECO PROCESS:

Pursuant to the stated purpose of this MOU, the County, the CSB and the City of Falls Church agree to the following responsibilities and procedures:

- A. When a Qualified Officer who has probable cause to believe that a person meets the criteria of Va. Code Ann. § 37.2-808(A) or, if a juvenile, Va. Code Ann. § 16.1-340(A), and requires an assessment pursuant to a magistrate issued ECO or takes a person into emergency custody through a paperless ECO, the County, the CSB and the City of Falls Church agree that the following shall occur:
 1. The Qualified Officer, as required by Va. Code Ann. § 37.2-808(J) or Va. Code Ann. § 16.1-340(J), as soon as practicable after execution of the ECO or after the person has been taken into custody pursuant to a paperless ECO, will call **703-573-5679** to notify the CSB Prescreener who is responsible for conducting the required evaluation under §§ 37.2-808 or 16.1-340 to inform the MCRC that a person has been taken into custody pursuant to §§ 37.2-808 or 16.1-340, provide the name, date of birth, and any other available information regarding the person in custody, and provide the estimated time of arrival at the MCRC of the Qualified Officer and the person in custody.
 2. The FCPD and the Sheriff's Office have separately agreed, pursuant to Va. Code Ann. §§ 37.2-810 and 16.1-340.2, to each be a willing law enforcement agency to provide transportation and execute the order of temporary detention, and the FCPD and the Sheriff's Office have each also agreed to assign to the MCRC, only an FCPD officer(s) and a deputy sheriff(s) who has successfully completed crisis intervention team training in accordance with the *Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT)*, the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014) (MCRC officer). Such MCRC officer will be available, as provided below between the hours of 11:30 a.m. one day to 8:00 a.m. the following day, seven days a week.
 3. A Qualified Officer who has a person in custody will enter the MCRC through the designated Emergency Services lower level entrance and inform the MCRC officer of his or her arrival with the person in custody.
 4. The Qualified Officer, the MCRC officer, and the CSB Prescreener will discuss the facts and circumstances leading the Qualified Officer to take the person into emergency custody, or the reason, if known, that an ECO was issued by a magistrate. The MCRC officer will decide, in his or her sole discretion, whether or not the MCRC officer is able at that time to take custody of that person and to provide the level of security necessary for the person in custody, based on the MCRC officer's evaluation of the needs of the person in custody, the staffing levels and needs of any other persons being served at the MCRC and/or the CSB's Emergency Services facility where the MCRC is located, including but not limited to, the safety

and provision of services by staff to all persons present at either facility, and any other factors the MCRC officer believes are relevant.

B. Determination based on this evaluation:

1. Upon determination by the MCRC officer that he or she is able to provide the necessary level of security during the period of time the person in the Qualified Officer's custody will need to remain at the MCRC, the MCRC officer will take custody of that person while at the MCRC, and the Qualified Officer may leave the MCRC only after the MCRC officer has taken custody and directed that the Qualified Officer may leave the MCRC.
2. If the MCRC officer decides for any reason that the level of security the MCRC officer is able to provide is not sufficient to protect the MCRC, its staff, the person being detained, any other person at the Merrifield Center, or a member of the public, the MCRC officer will so inform the Qualified Officer who then must maintain the custody of the person detained for the entire period of time that such person is required to remain at the MCRC, and the Qualified Officer will then transport such detained person to the facility designated in the Temporary Detention Order (TDO) by a magistrate, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to follow any other order contained in the TDO.
3. At any time, the MCRC officer, based on his or her sole determination, may require the Qualified Officer who originally had custody of the person being detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, to return to the MCRC to take custody of that person for whatever reason, including, but not limited to, a change in the level of security required at the MCRC to maintain the peace and good order at the MCRC, and/or to transport the person being detained at the MCRC to the facility of temporary detention as ordered in the TDO, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.
4. Once inside the MCRC, or other such treatment room as designated by the MCRC officer or the CSB Prescreener, the CSB Prescreener will conduct the evaluation required by the Code of Virginia and provide the necessary services, if any, pursuant to the policies of the CSB, and the CSB Prescreener will conduct a preliminary medical screening as part of the pre-admission screening process.
5. It is understood by the parties that a person detained at the MCRC may require further medical evaluation or treatment at INOVA Fairfax Hospital or another hospital emergency department as deemed necessary by the CSB Prescreener, or as required by the facility of temporary detention designated in the TDO. If any transportation of the person detained at the MCRC is required for any reason, the MCRC officer will determine whether or not the MCRC officer or Qualified Officer who originally had custody of the person then detained at the MCRC, or another

Qualified Officer from the same locality or entity as the original Qualified Officer, will take custody of the person detained and provide the transportation to a hospital emergency room.

VII. RESPONSIBILITIES IN THE EVENT THE RESPONDENT IS RELEASED FROM THE ECO:

The CSB Prescreener is responsible for determining whether a person does not meet, or no longer meets, the criteria set for in Va. Code Ann. §§ 37.2-808 or 16.1-340 for the person's continued detention. If the CSB Prescreener makes this determination, then the person will be immediately released from custody of any law enforcement officer at the MCRC. The person will also be released from custody at the MCRC after the eight (8) hour period during which any ECO is valid has expired.

- A. If the person who was previously in custody at the MCRC asks to be transported to the place from which he or she was originally detained, then a Peer Specialist, other CSB staff member, family member, or other individual that serves as a support mechanism may transport the previously detained person to return him or her to the place where he or she was originally detained or to another supportive environment within a reasonable distance from the place of original detention. If none of the above-listed people are available to transport the previously detained person, the CSB may provide the previously detained person with suitable public transportation.
- B. As required, the CSB Prescreener will transmit the completed ECO paperwork by facsimile to the court and/or facility of temporary detention designated by the issuing magistrate pursuant to Va. Code Ann. §§ 37.2-808(C) or 16.1-340(C).

VIII. RESPONSIBILITIES DURING TDO PROCESS:

- A. When a TDO is issued for an individual who is currently located at the MCRC, the following procedures will apply:
 - 1. The Prescreener who located the facility of temporary detention for the person who is the subject of the TDO will request a magistrate to transmit the TDO paperwork by facsimile to the MCRC at **703-876-1640** when the TDO is issued.
 - 2. The MCRC officer, or whichever Qualified Officer executes the TDO, will send a copy of the fully executed TDO to the County Attorney's Office, using only the secure facsimile number, at **703- 653-1366**. Whichever officer executes the TDO may have the CSB Prescreener include a copy of the executed TDO in the transmission to that secure facsimile number of the Petition and Prescreen, if a copy of the executed TDO is available at the time of that transmission.
- B. When a TDO is issued for an individual who is located in a facility other than the MCRC (e.g., a hospital emergency department or hospital of temporary detention), the Qualified Officer who originally detained the person, or another Qualified Officer from the same locality or entity as the original Qualified Officer will, upon receipt of the TDO

at the hospital or elsewhere by secure facsimile transmission from a magistrate or otherwise, execute the TDO and transport that person to the temporary detention facility designated on the TDO, including obtaining any medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.

IX. FEES OR COSTS ASSOCIATED WITH ECO/TDO AND CUSTODY PROCESS:

- A. Nothing herein shall be constructed to obligate the County, the CSB, the FCPD, the Sheriff's Office, or the locality or entity of the Qualified Officer for the payment of any fees, expenses, or damages incurred during the ECO/TDO processes.
- B. Any and all fees or costs associated with the medical screening and assessment services or any treatment provided during the ECO process or during a TDO period of detention shall be paid by the Commonwealth as provided in Va. Code Ann. §§ 37.2-804 or 16.1-347.

X. MCRC SECURITY:

- A. Any Qualified Officer who has a person in his or her custody is responsible for the safety and security of that person and the general public, until and unless that Qualified Officer has placed the person in his or her custody into the custody of another Qualified Officer, the MCRC officer, or another law enforcement officer.
- B. The primary duty of the MCRC officer will be to maintain the safety and control of the person in his or her custody at all times, and to assist, when possible, in maintaining the safety of all CSB staff and individuals receiving services at the MCRC and the Merrifield Center. All other facility related security will be provided by the private security personnel hired by the CSB to maintain the peace and good order of the Merrifield Center, where the MCRC is located. CSB will also be responsible for maintaining the Merrifield Center, including the security of the building and access to the building. At the discretion of the CIT Coordinator in conjunction with the CSB Director of Emergency Services, and in coordination with the FCPD and/or the Sheriff's Office, other law enforcement services may be provided by the FCPD and/or the Sheriff's Office or others.
- C. When the MCRC officer has a person in his or her custody, the MCRC officer will have the sole discretion to allow another law enforcement officer or CSB staff members into the area where the MCRC officer has a person in custody, to ensure the ability of the MCRC officer to maintain the safety and control of the person he has in custody and those in the immediate area. Any family, witness, or significant other who come to the Merrifield Center will enter through the Emergency Services entrance, and will only be allowed into the area where the MCRC officer has a person custody if allowed to do so by the MCRC officer, at his or her sole discretion, after the MCRC officer's evaluation of the need for such person to be in the area where the MCRC officer has a person in custody and, if such person is needed, then the totality of the circumstances and any safety concerns then present may still prohibit such person from being in the area where the MCRC officer has a person in custody.

XI. CSB EMERGENCY SERVICES:

The CSB agrees to provide the MCRC with a CSB Prescreener on a full-time basis during the hours of operation of the MCRC, from 11:30 a.m. one day to 8:00 a.m. the following day, and seven days a week. Law enforcement officers can contact CSB Emergency Services at **703-573-5679**, 24 hours a day, seven days a week.

XII. REQUIREMENTS FOR THE CUSTODY OF THE DETAINED PERSON TO BE PLACED WITH THE MCRC OFFICER:

- A. An MCRC officer **MUST** be on duty and present at the MCRC.
- B. The MCRC officer will make an initial risk assessment of potential aggression or violence of the person detained by a Qualified Officer to determine the current capability of the MCRC officer to take custody of the person detained by a Qualified Officer.
- C. The MCRC officer will list the client number and/or name of any detained person who remains in the custody of the Qualified Officer who originally detained and/or brought the person to the MCRC in the "Log of Referrals Declined from the MCRC" and mark one of the following:
 - a. MCRC officer at capacity
 - b. Other (Explain)
- D. When the MCRC officer declines to take custody of the detained person, then the Qualified Officer who originally detained the person and/or brought the person to the MCRC (original Qualified Officer), or another Qualified Officer from the same locality or entity as the original Qualified Officer, must remain at the Merrifield Center to have the evaluation required by the Code of Virginia performed by a CSB Prescreener.
- E. When the MCRC officer determines that it is not required that the Qualified Officer who originally detained the person and/or brought the person to the MCRC remain at the MCRC, that Qualified Officer may leave the MCRC; however, that Qualified Officer who originally detained the person and/or brought the person to the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, may need to report to the MCRC to assist with the security or safety of the MCRC or to transport the detained person to another facility as necessary.

XIII. MEDICAL ASSESSMENT:

- A. At the time of the initial call to the MCRC and upon arrival at the MCRC, the CSB Prescreener will initiate a clinical triage process that includes questions regarding medical issues. Non-emergency medical conditions will be deferred.

- B. Any sign or report of the following by or regarding the person detained will require immediate consultation with a licensed CSB psychiatrist on duty, and following any recommendations, including calling 911, as needed:
 - 1. Chest pains
 - 2. Significantly Elevated or Depressed Blood Pressure
 - 3. Difficulty Breathing
 - 4. Dizziness
 - 5. Pulse outside of normal range
 - 6. Reported/suspected overdose
 - 7. Temperature outside normal range
 - 8. Suspected/reported head injury
 - 9. Untreated medical condition with potential immediate harm
 - 10. Dehydration/malnutrition
 - 11. Other suspected health condition that may be serious in nature

- C. If further medical assessment is recommended, a MCRC officer will transport or have a Qualified Officer from the same locality or entity as the original Qualified Officer report to the MCRC to transport the detained person to INOVA Fairfax Emergency Department or another designated emergency department. As necessary, any available person or staff at the MCRC will call 911 to respond to treat the detained person with emergency medical needs who shall remain in the custody of the MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer and who, along with the detained person, will be transported by emergency medical equipment and staff to the closest available hospital capable of handling the person's medical needs. Such MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer must maintain such custody of the person until a TDO has been issued, executed, and the person is in the custody of the detention facility named in the TDO, or until the person is otherwise released from the custody of such officer.

- D. If the detained person must be transported to INOVA Fairfax ED or another emergency department prior to the completion of a Prescreening evaluation, the CSB Prescreener will provide the preadmission screening assessment as soon as possible thereafter.

XIV. MODIFICATION OF THIS MOU:

This MOU shall not be modified without the agreement of the parties as to such modification, which shall be in writing and signed by an authorized representative of each party. No modification shall take effect until thirty (30) days after both parties have signed such written agreed modification.

XV. SUSPENSION OF SERVICES:

The County and/or the CSB each retain the right to suspend services in the event any of the following occur:

- A. The City of Falls Church policies and procedures are found by the County or the CSB to conflict with the policies and procedures of the County and /or the CSB;
- B. The FCPD and/or the Sheriff's Office, for whatever reason, reduces or eliminates its commitment to provide MCRC officer(s) in accordance with their respective MOUs with the County and/or the CSB;

Services shall remain suspended until the event causing the suspension is cured, the parties agree in writing to a modification of the MOU, or this MOU is terminated.

XVI. TERMINATION WITHOUT CAUSE:

Any party may at any time, and for any reason, unilaterally terminate this MOU by giving written notice to the other parties specifying the termination date, which shall be no less than thirty (30) days from the date such notice is received. Such written notice to terminate shall be made to a party by delivery to the person for another party whose signature appears below, or their duly appointed successor, at their usual place of business.

XVII. INSURANCE:

- A. Each party to this MOU will, to the extent provided by law, be responsible for the acts and omissions of its respective employees while such employees are acting within the scope of their employment. Each party will also be responsible, to the extent provided by law, for any compensation or benefits owed to that party's employee under the Virginia Worker's Compensation Act.
- B. The County is self-insured as is the FCPD and the CSB. The County also self-insures all vehicles owned by the County, and provides protection against liability arising from the operation of County-owned vehicles. The acts and omissions of persons employed by the County are governed by the Fairfax County Board of Supervisors' Indemnification and Representation Resolution, as amended.

- C. The Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and/or the Sheriff's Office, are covered under the self-insurance and/or any other insurance provided by the Commonwealth of Virginia to the Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and the Sheriff's Office. Liability protection for the Fairfax Sheriff, her appointees and employees is provided by the Commonwealth of Virginia pursuant to the Code of Virginia, § 2.2-1839.
- D. The City of Falls Church's employees are insured through VML Insurance Programs for workers' compensation, general liability, law enforcement and professional liability coverage, while acting within the scope of their employment. There is also coverage for liability arising out of the operation of City-owned vehicles.

XIII. COMPLIANCE WITH APPLICABLE LAWS:

The parties agree to comply with all federal, state and local statutes, ordinances, regulations, and guidelines now in effect or hereafter adopted, in the performance of the description of services set forth herein. The County, the CSB and the City of Falls Church each represent that it has all necessary licenses and permits required to conduct its services, and will furnish copies to any other party upon request. Further, the County, the CSB and the City of Falls Church shall at all times observe all health and safety measures and precautions necessary for the safe performance of its obligations hereunder.

FAIRFAX-FALLS CHURCH
COMMUNITY SERVICES BOARD

CITY OF FALLS CHURCH

By: _____
Tisha Deeghan
Executive Director

By: Wyatt Shields
Wyatt Shields
City Manager

Date: _____

Date: 10-20-2017

FAIRFAX COUNTY

By: _____
Edward E. Long Jr.
County Executive

Date: _____

- C. The Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and/or the Sheriff's Office, are covered under the self-insurance and/or any other insurance provided by the Commonwealth of Virginia to the Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and the Sheriff's Office. Liability protection for the Fairfax Sheriff, her appointees and employees is provided by the Commonwealth of Virginia pursuant to the Code of Virginia, § 2.2-1839.
- D. The City of Falls Church's employees are insured through VML Insurance Programs for workers' compensation, general liability, law enforcement and professional liability coverage, while acting within the scope of their employment. There is also coverage for liability arising out of the operation of City-owned vehicles.

XIII. COMPLIANCE WITH APPLICABLE LAWS:

The parties agree to comply with all federal, state and local statutes, ordinances, regulations, and guidelines now in effect or hereafter adopted, in the performance of the description of services set forth herein. The County, the CSB and the City of Falls Church each represent that it has all necessary licenses and permits required to conduct its services, and will furnish copies to any other party upon request. Further, the County, the CSB and the City of Falls Church shall at all times observe all health and safety measures and precautions necessary for the safe performance of its obligations hereunder.

FAIRFAX-FALLS CHURCH
COMMUNITY SERVICES BOARD

CITY OF FALLS CHURCH

By: _____
Daryl Washington
Acting Executive Director

By: _____
Wyatt Shields
City Manager

Date: _____

Date: _____

FAIRFAX COUNTY

By: _____
Bryan Hill
County Executive

Date: _____

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ACTION – 2

Approval of the Calendar Year 2018 Forest Pest Management Program

ISSUE:

Board approval of the Calendar Year 2018 Forest Pest Management Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's Calendar Year 2018 Forest Pest Management Program:

Gypsy Moth

- a. Continue a monitoring program for life stages of the gypsy moth in all areas of the County.
- b. Continue to conduct an outreach program targeting the tree care industry and residents of the County in monitoring of gypsy moth populations.

Fall Cankerworm

- a. Continue a monitoring program for all life stages of the fall cankerworm in the County.
- b. Continue fall cankerworm spring defoliation surveys.
- c. Continue community outreach to enlist community participation to assist in monitoring cankerworm populations.

Emerald Ash Borer (EAB)

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

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- b. Continue a control program for this pest on high value ash trees on Fairfax County and Northern Virginia Regional Park Authority owned properties. Staff plans to use the trunk injected pesticide TRE-äge® (Attachment I).
- c. Monitor ash trees that were treated as part of the previous year's program to determine the effectiveness of the control.
- d. Monitor areas where EAB parasitoids were released in 2017 to determine if parasitoids can be recovered. Investigate additional areas that are suitable for parasitoid release.
- e. Continue to implement an extensive outreach program targeting the tree care industry and residents of the County on emerald ash borer control methods and removal of dead ash trees.

Thousand Canker Disease of Walnut

- a. Continue to explore the potential impact of this disease that is threatening black walnut (*Juglans nigra*).
- b. Continue to provide outreach opportunities for residents on methods for protecting black walnut trees on their property.
- c. Investigate new control methods for the walnut twig beetle, including the use of biological control.

Sudden Oak Death Disease (SOD)

- a. Continue to conduct a monitoring program in order to determine if SOD is present in the County.
- b. Continue to develop a management plan in the event SOD is discovered in the County.

Hemlock Woolly Adelgid (HWA)

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

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- b. Continue to monitor hemlock trees that were treated as part of the previous year's program to determine the effectiveness of control.
- c. Establish partnerships with other local and regional authorities to provide treatment for HWA.
- d. Investigate new control methods for HWA, including the use of biological control.

Asian Longhorned Beetle (ALB)

- a. Continue to update the long-term management plan for the ALB (*Anoplophora glabripennis*).
- b. Continue to conduct an outreach program in order to educate the public and private industry on the potential impacts of this pest.
- c. Continue the survey of ALB in areas that have been identified as being at high risk for ALB introduction.

Spotted Lanternfly

- a. Continue to monitor scientific research for this pest to determine its impact on trees in the County should it arrive (Attachment III).
- b. Initiate a survey on all life stages in all areas of the County.

Beech Bark Disease (BBD)

- a. Petition the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS) to add BBD to the list of insects and diseases that can be controlled by local service districts.
- b. Initiate a monitoring program for this pest in areas with known beech stands on County owned properties.

Forest Health Initiative

- a. Continue to evaluate forest health using data from the i-Tree™ survey conducted in 2017.

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- b. Initiate a survey to evaluate the soil microbiota and its effects on forest health.

TIMING:

Board action is requested on March 6, 2018. The timing of this item corresponds with the beginning of program monitoring activities.

BACKGROUND:

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

Gypsy Moth

Based on egg mass surveys conducted during the fall of 2017, staff has determined that gypsy moth populations have remained low. The Forest Pest Program found no infestations of gypsy moth that warrant treatment in calendar year 2018.

Gypsy moth populations, like all insect populations, are cyclical in nature. Periods of high pest levels are followed by periods of low pest levels. There are many factors which influence the timing and duration of pest outbreaks and declines. Staff believes that the current low gypsy moth pest levels are the result of effective treatment programs in the past and a fungal disease, *Entomophaga maimaiga*. Gypsy moth caterpillars are very susceptible to *Entomophaga maimaiga*, a moisture dependent fungal disease. This disease is naturally occurring in the environment and can potentially have a dramatic effect on gypsy moth populations if there is sufficient rainfall during the spring when caterpillars are small. It should be noted that most areas that have gypsy moth in the United States have experienced similar population decreases. There have been outbreaks observed in parts of the eastern United States in 2017. Attachment IV portrays the cumulative gypsy moth defoliation in Virginia from 1984 to 2009. This map shows that the County's gypsy moth suppression program continues to meet its program goals by keeping gypsy moth populations below defoliation levels. Note: The gypsy moth population crashes since the mid 1990's are due to *Entomophaga maimaiga*.

Fall Cankerworm

Fall cankerworm populations were monitored this winter in those areas of the County that have experienced outbreaks in the past, as well as those areas identified by staff as having significant cankerworm activity last spring. Results of monitoring indicate that fall cankerworm populations have declined in the Mount Vernon, Lee, and Mason magisterial districts. Staff has identified no areas that will require treatment in 2018.

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The method used for this monitoring for fall cankerworm is a United States Department of Agriculture, Forest Service recommended technique that involves trapping female moths as they emerge in the winter.

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

Parasite Study - Fall cankerworms have natural predators that can be influential in their population levels. One explanation for outbreak populations in these areas is a lack of predator controls like *Telenomus alsophilae*, an egg parasitoid. The purpose of this survey was to determine the population level of *T. alsophilae* in the County.

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

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

Defoliation Survey – In 2017 staff conducted an extensive defoliation survey to measure the damage caused by fall cankerworm. The purpose of this survey was to determine those areas of the County where fall cankerworm larvae have impacted the County's urban forest resources through foliar feeding and to quantify this feeding damage as a percentage of canopy defoliated. The data acquired from this survey should prove useful in obtaining a better understanding of overall cankerworm population dynamics in the County as well as locating areas of concern to be targeted in the ensuing year's fall cankerworm banding survey.

The defoliation survey for fall cankerworm consisted of two phases. The first phase of the survey consisted of a gridded ground survey (Attachment V). A 1,500 foot grid was established in the known area of fall cankerworm activity in the southeastern portion of the County. Defoliation was quantified at each grid point. Nearly 1,000 ground-based surveys were conducted. The second phase of the defoliation survey was an aerial survey. The aerial survey was conducted to identify large areas of defoliation, as well as target large wooded tracts, such as those found on Mason Neck and in Huntley

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Meadows where a ground survey is impractical. The results of this survey indicated that there was no heavy defoliation from fall cankerworm in 2017.

Fall Cankerworm Taskforce – Due to the growing concern over fall cankerworm and the need for additional scientific study regarding cankerworm population dynamics and population monitoring, a multi-state cankerworm task force was established in the spring of 2015. The group, consisting of local and state agencies, as well as representation from universities, hopes to establish standardized monitoring and treatment strategies for the future control and management of fall cankerworm. One of the outcomes of this taskforce has been a cooperative research project with Virginia Commonwealth University (VCU) and the County. VCU analyzed the County's cankerworm data to determine appropriate threshold counts as to when control of this insect may be needed in suburban/urban areas. To date, previous Forest Service research focused on large contiguous forested tracts. Researchers at VCU determined that a trap count of 200 female moths per band is more appropriate in declining populations than the previous threshold level of 90 female moths. Ongoing research will help determine appropriate female moth threshold levels for all outbreak phases of fall cankerworm.

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

Emerald Ash Borer (EAB)

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

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

All interstate movement of infested ash wood and wood products from Virginia is now regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips from ash trees. VDACS is responsible for enforcement of the state quarantine within the Commonwealth. Violations of the state quarantine constitute a Class 1 misdemeanor. Violations of the federal quarantine governing

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interstate movement of regulated articles will be enforced by USDA-APHIS and are subject to federal penalties.

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

Staff has begun, and will continue to inventory County owned ash trees. Staff have selected ash trees for control based on historic or aesthetic value. Staff have coordinated with the agency that is responsible for the maintenance of the tree and have advised them of ongoing control activity. To date, there are roughly 170 ash trees in this control program

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

EAB parasitoids have been researched and proven to be an effective control option by various universities and government agencies. Staff have begun to investigate areas that qualify for the release of EAB parasitoids. In 2017, EAB parasitoids were released in Fairfax County Park Authority (FCPA) properties. The parasitoids were produced and supplied from the USDA EAB Parasitoid Rearing Facility in Brighton, MI. Staff will monitor these release sites to determine if parasitoids can be recovered as well as identifying additional areas that qualify for parasitoid release.

Hemlock Woolly Adelgid (HWA)

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

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

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this control activity, therefore treatment will be cost effective, as well as biologically effective. Staff will investigate other insecticide options that may provide better control for HWA.

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

Thousand Cankers Disease (TCD) of Black Walnut

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

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

Sudden Oak Death

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

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

Asian Longhorned Beetle (ALB)

ALB (*Anoplophora glabripennis*) is currently one of the biggest threats facing the forest ecosystems of the County. This beetle is an invasive insect that is thought to have been brought to the United States via wood packing material used in shipping

(Attachment IX). Since the mid 1990's, ALB infestations in Chicago, New York City, New Jersey, Boston, and most recently Ohio have been discovered. ALB will infest many hardwood species. According to recent analysis conducted by the County Urban Forest Management Division, approximately 4.2 million trees in the County are susceptible to this pest. ALB larvae will infest and kill trees by boring into the heartwood of the tree and disrupting its nutrient flow causing eventual tree death.

Wood boring beetles such as EAB and ALB are difficult to detect. Most ALB infestations in the United States have been established for a number of years before being detected. This fact makes eradication particularly difficult since they have had time to spread well beyond the initial site of introduction. ALB has the potential to have drastic economic and social impacts should it be introduced in the County. It is critical that private and public tree care experts remain vigilant in monitoring for this pest. According to the USDA, Forest Service, most of the infestations found in the United States have been identified by tree care professionals and informed homeowners.

Spotted Lanternfly

Spotted lanternfly (*Lycorma delicatula*) is an insect that is native to Asia and was found in suburban Philadelphia in Pennsylvania in 2014. In January of 2018 this insect was found in Frederick County, Virginia. This insect feeds on a broad range of host trees including many found in the County. This insect is not known to be in the County but has the potential to cause a significant financial impact should it become established here. Staff proposes to initiate a modest monitoring program in at risk areas of the County in the summer of 2018. Areas that are considered at risk are light industrial sites and near fruit trees and vineyards.

Beech Bark Disease (BBD)

BBD affects American beech trees (*Fagus grandifolia*) through the effects of an insect and a fungal pathogen. The insect, a small, white, fuzzy scale known as *Cryptococcus fagisuga*, feeds on the bark. The multitude of wounds made by the feeding insects creates an entry point for a lethal fungus known as *Neonectria faginata*. The fungus arrives not long after the initial insect introduction and creates lesions under the bark. Without treatment the tree dies within a few years. BBD is in portions of western Virginia but it has not been found in the County (Attachment X). Staff proposes adding BBD to the list of insects that may be controlled by service district so that monitoring and outreach may be conducted. With Board approval, staff will petition the Commissioner of VDACS to add this insect to the list of ones that can be controlled by service districts.

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

effective and more readily accepted by the public as compared to the use of insecticides.

Forest Health Initiative

The Forest Pest Program relies heavily on public outreach. A suggestion made by the public in recent years is that the Forest Pest Program should direct resources to monitor the health of the County's urban forest. As a result, staff completed a study to address this concern called i-Tree ECO™ in 2017. i-Tree ECO™ is a free software application offered by the United States Forest Service (USFS). The study involved evaluating forest conditions in 240 random sites throughout the County. Staff is exploring the option of revisiting these sites in the future to determine changes in the forest. Revisiting sites could help County agencies understand what the condition of the trees and forests are over a long period of time.

Staff will analyze the data that was collected in 2017 to determine the role of County trees in our environment such as effects on stormwater runoff, carbon sequestration, and pollution removal among others (see Attachment XI). Other County agencies, including the Park Authority and Stormwater Planning, have expressed interest in the data collected from this project. The data from this project will assist staff in determining areas that may be at risk from future invasive insects and diseases.

In an effort to better understand the forest health in the County, staff is recommending the use of existing funds to support an evaluation of soil microbiota (bacteria and mycorrhizae) and its effects on forest health. The data collected will help us to answer questions such as to what degree soil microbes influence forest health, regeneration potential, and ecosystem recovery in degraded urban systems. The soil would be collected from the same sites where the i-Tree ECO™ study were conducted to provide a complete perspective of the ecosystem health. A pilot study was conducted in 2017 to test a method in both restored and unrestored riparian areas by the Stormwater Planning Division. The results of the pilot indicate that there are correlations between the soil microbiome composition and the success of stream restorations over time. Evaluating soil microbiota can help in developing an overall metric for soil condition as it relates to overall ecosystem health. Other County agencies including Stormwater Planning and the Park Authority would have applications to the results of this project. This is a collaborative partnership between Stormwater Planning Division, Urban Forest Management Division, and the Northern Virginia Soil and Water Conservation District.

Staff proposes to contract with the University of Maryland for 2018 – 2020. These funds would be used to support the work of a graduate student over two years at the University of Maryland to analyze soil samples. The cost to support the graduate student would be a one-time fee of \$150,000.

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FISCAL IMPACT:

Currently, the Forest Pest Program is funded through the Special Service District for the Control of Infestations that May Carry a Disease that is Dangerous to Humans, Gypsy Moth, Fall Cankerworm, and Certain Identified Pests. The total amount budgeted for FY 2018 is sufficient for this program.

ENCLOSED DOCUMENTS:

Attachment I: TREE-äge® Label

Attachment II: TreeAzin® Label

Attachment III: United States Forest Service Pest Alert, Spotted Lanternfly

Attachment IV: Gypsy Moth Cumulative Defoliation in Virginia (1984-2009)

Attachment V: 2017 Fall Cankerworm Defoliation Survey

Attachment VI: United States Forest Service Pest Alert, Hemlock Woolly Adelgid

Attachment VII: United States Forest Service Pest Alert, Thousand Cankers Disease

Attachment VIII: United States Forest Service Pest Alert, Sudden Oak Death

Attachment IX: United States Forest Service Pest Alert, Asian Longhorned Beetle

Attachment X: United States Forest Service Pest Alert, Beech Bark Disease in 2014

Attachment XI: i-Tree ECO Fact Sheet

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randolph W. Bartlett, Deputy Director, Stormwater and Wastewater Management Divisions, DPWES

RESTRICTED USE PESTICIDE

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

TREE-äge**GROUP 6 INSECTICIDE**

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

ACTIVE INGREDIENT:Emamectin Benzoate¹.....4.0%**OTHER INGREDIENTS**.....96.0%**TOTAL**.....100.0%CAS No. 55569-91-8 ¹Contains 0.36 lb emamectin per gallon.

EPA Reg. No. 100-1309-74578 Est. 74578-MA-001

**KEEP OUT OF REACH OF CHILDREN
WARNING/AVISO**

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

SCPL ABJ 1309A-L1D 0314, Material #4036736

Net Contents: 1 Quart, 2 Fluid Ounces (1 liter)

Product ID: 040-4100

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

PRECAUTIONARY STATEMENTS**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

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

FIRST AID

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

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

NOTE TO PHYSICIAN

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

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

HOT LINE NUMBER

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

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

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

ENVIRONMENTAL HAZARDS

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

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

**CONDITIONS OF SALE AND LIMITATION
OF WARRANTY AND LIABILITY**

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

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

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

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

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

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

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

DIRECTIONS FOR USE RESTRICTED USE PESTICIDE

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

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

APPLICATION TO TREES

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

USE DIRECTIONS

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

Dosages are based on the Diameter (in inches) of the tree at Breast Height (DBH¹). Tree DBH is the outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37m) above the ground on the uphill side of the tree. For the purposes of determining breast height, the ground includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

The diameter is determined by measuring the circumference of the tree at DBH¹, and dividing the circumference (in inches) by three (3). To determine DBH¹ for multi-stemmed woody ornamentals, measure the DBH¹ for each stem or branch and add together for the total DBH¹ per tree.

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

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

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

APPLICATION TO TREES (continued)

Resinous Conifers

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

WHEN TO TREAT

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

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

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

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

GROUP 6 INSECTICIDE

RESISTANCE MANAGEMENT

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

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

USE

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

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

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

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

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

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

COMPATIBILITY

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

RESTRICTIONS

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

STORAGE AND DISPOSAL

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

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

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

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

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

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

SCPPL ABJ 1309A-L1D 0314, Material #4036736





Pest Alert

Animal and Plant Health Inspection Service
Plant Protection and Quarantine

Spotted Lanternfly (*Lycorma delicatula*)

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

Distribution and Spread

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

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

Damage

Both nymphs and adults of spotted lanternfly cause damage when they feed, sucking sap from stems and leaves. This can reduce photosynthesis, weaken the plant, and eventually contribute to the plant's death. In addition, feeding can cause the plant to ooze or weep,



Adult spotted lanternfly

resulting in a fermented odor, and the insects themselves excrete large amounts of fluid (honeydew). These fluids promote mold growth and attract other insects.

Description

Adult spotted lanternflies are approximately 1 inch long and one-half inch wide, and they have large and visually striking wings. Their forewings are light brown with black spots at the front and a speckled band at the rear. Their hind wings are scarlet with black spots at the front and white and black bars at the rear. Their abdomen is yellow with black bars. Nymphs in their early stages of

development appear black with white spots and turn to a red phase before becoming adults. Egg masses are yellowish-brown in color, covered with a gray, waxy coating prior to hatching.

Life Cycle

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

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

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

Where To Look

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

Report Your Findings

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

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



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



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



Hatched and unhatched egg masses



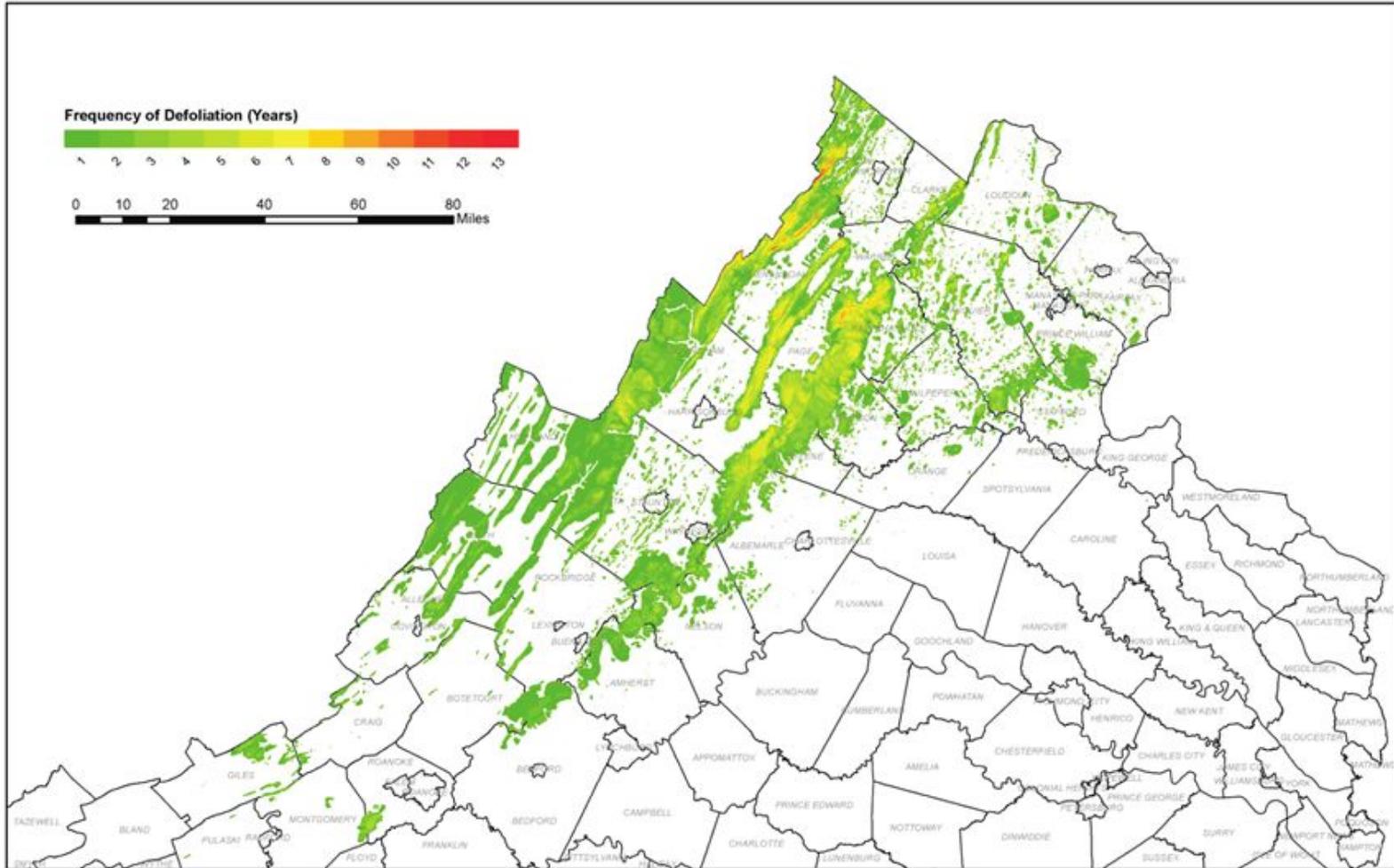
Cluster of adults on the trunk of a tree at night

APHIS 81-35-024
Issued November 2014

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Gypsy Moth Cummulative Defoliation (1984-2009)

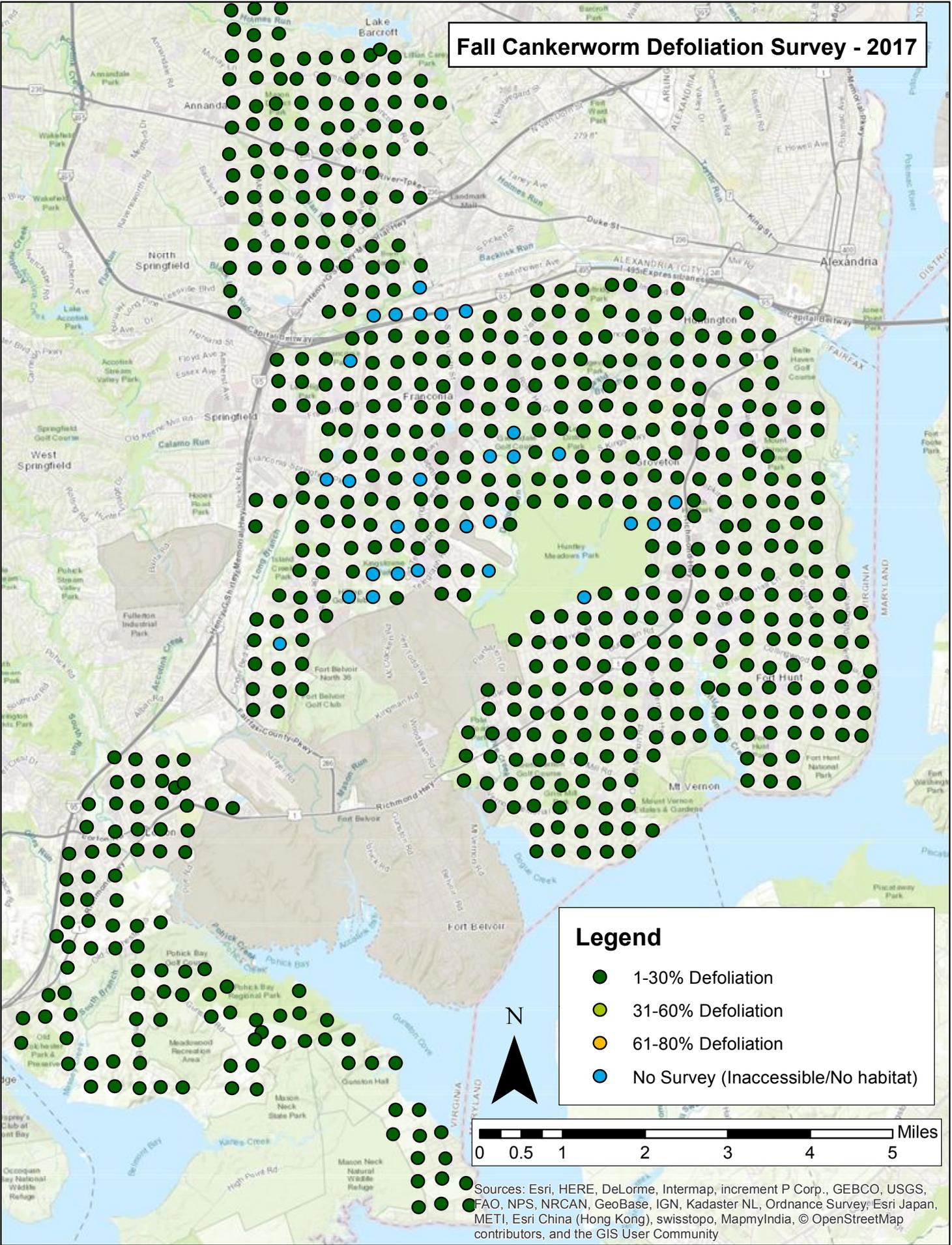


Attachment IV

Acres affected within Virginia
Total - 2,426,956

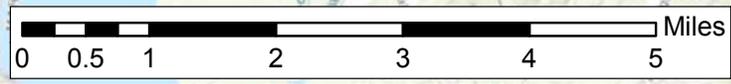
Mapped by Todd Edgerton 2/17/2010

Fall Cankerworm Defoliation Survey - 2017



Legend

- 1-30% Defoliation
- 31-60% Defoliation
- 61-80% Defoliation
- No Survey (Inaccessible/No habitat)



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Pest Alert

United States
Department of
Agriculture
Forest Service
Northeastern Area
State and Private Forestry
NA-PR-09-05
August 2005

Hemlock Woolly Adelgid

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

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

Hosts

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

Description

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



FIGURE 1.—Hemlock woolly adelgid ovisacs.

observed from late fall to early summer on the underside of the outermost branch tips of hemlock trees (figure 1).

Life History

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

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

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



FIGURE 2.—Hemlock woolly adelgid nymphs in dormancy.

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

Control

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

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

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



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



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

Pesticide Precautionary Statement

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

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



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



USDA Forest Service
Northeastern Area
State and Private Forestry
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Pest Alert

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

Thousand Cankers Disease

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

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

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

Disease Symptoms

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

Geosmithia sp.

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

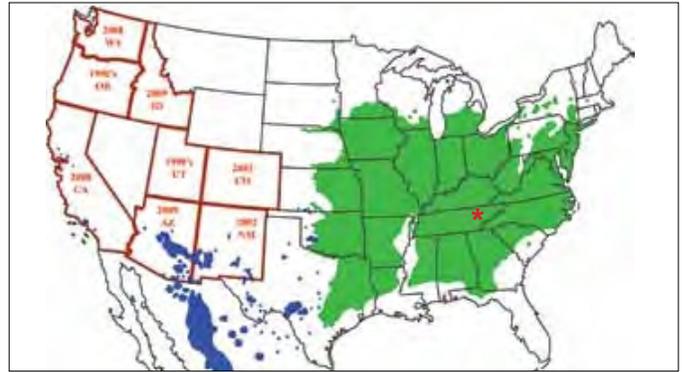


Figure 1. Thousand cankers disease occurs in eight western states (outlined in red) and in the east was first confirmed in Knoxville, TN in July 2010 (see *). In the west the year when symptoms were first noted is given. Native distributions of four species of western walnuts (blue) and eastern black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



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



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



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

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

Walnut Twig Beetle

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

Survey and Samples

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

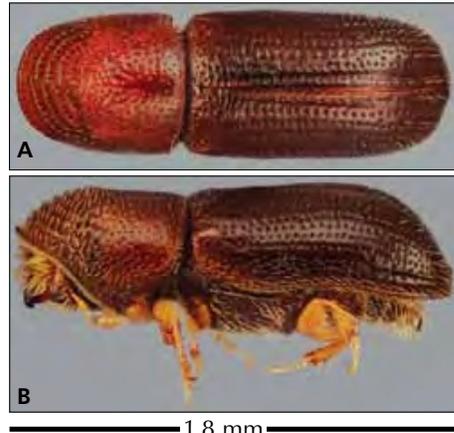


Figure 5. Walnut twig beetle: top view (A) and side view (B).



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

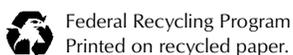
in diameter and 6 to 12 inches long that has visible symptoms. Please submit branch samples to your State's plant diagnostic clinic. Each State has a clinic that is part of the National Plant Diagnostic Network (NPDN). They can be found at the NPDN Web site (www.npdn.org). You may also contact your State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

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

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Northeastern Area

NA-PR-02-02
January 2002

Sudden Oak Death

Oak mortality is caused by a new pathogen, *Phytophthora ramorum*

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



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

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

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

Necrotic bark tissues surrounded by black zone lines are usually present under affected bark. Because these symptoms can also be caused by other *Phytophthora* species, laboratory tests

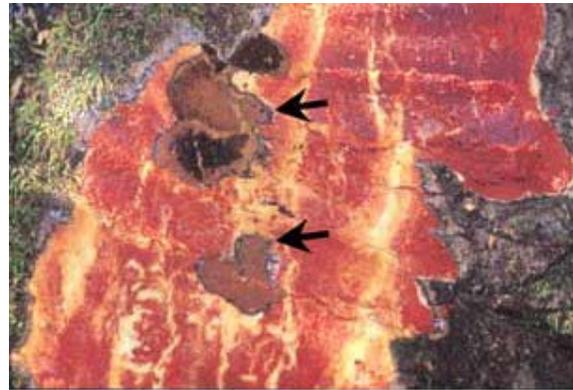
must be done to confirm pathogen identity.

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

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



Ooze bleeds from a canker on an infected oak.



Black zone lines are found under diseased bark in oak.

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

Eastern Oak Disorders That Resemble Sudden Oak Death

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

Oak Wilt

Oak wilt is an aggressive fungus disease caused by *Ceratocystis fagacearum*. It is one of the most serious diseases in the Eastern United States, killing thousands of oak trees in forests, woodlots, and home landscapes. Susceptible hosts include most oaks in the red oak group and Texas live oak. Symptoms

include wilting and discoloration of the foliage, premature leaf drop, and rapid death of the tree within days or weeks of the first symptoms. Trees become infected with oak wilt in two ways: through connections between root systems of adjacent trees, and through insects that carry the fungus to other trees that have been wounded.

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

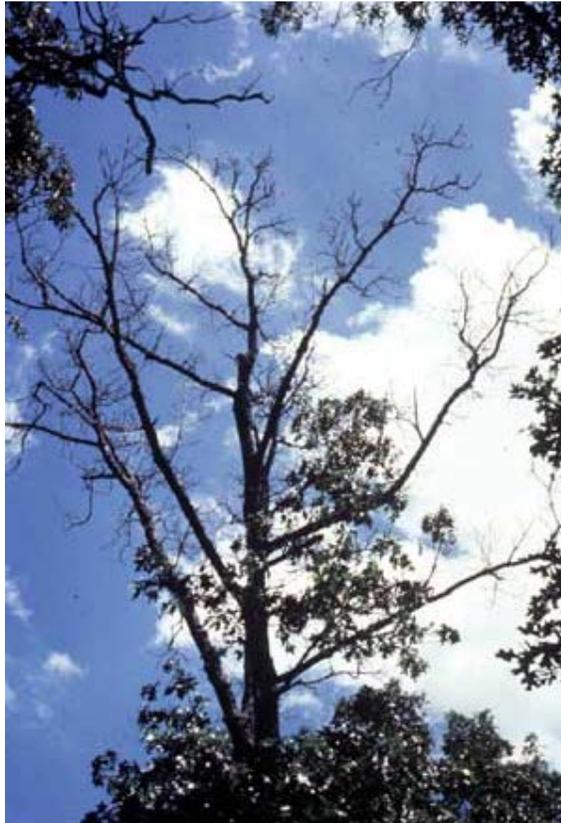


Oak wilt quickly kills most infected trees. Wilting leaves turn brown at the margins (inset) and fall as the tree dies.

Oak Decline

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

Similarities: Oak decline can cause death of



Oak decline can take years to kill an entire tree.

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

Red Oak Borer

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

frass-packed burrow and the larva, if it has not bored more deeply into the wood to complete development. Mature larvae are stout, round-headed grubs about 2 inches long before they pupate deep in the wood.

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



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

For further information on related disorders:

Oak Wilt: [src="/spfo/pubs/howtos/ht_oakwilt/toc.htm](#)

Oak Decline: [src="/spfo/pubs/fidls/oakdecline/oakdecline.htm](#)

Red Oak Borer: [src="/spfo/pubs/fidls/Red%20Oak%20Borer/redoak.htm](#)

Other Pest Publications: [src="/pubs](#)

Prepared by:

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Manfred E. Mielke, USDA Forest Service, Northeastern Area

Steve Oak, USDA Forest Service, Southern Region

Bruce Moltzan, Missouri Dept. of Conservation

Pest Alert



United States
Department of Agriculture
Forest Service
Animal and Plant
Health Inspection Service
NA-PR-01-99GEN
Revised August 2008

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

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

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

Currently, the only effective means to eliminate ALB is to remove infested trees and destroy them by chipping or burning. To prevent further spread of the insect, quarantines are established to avoid transporting infested

trees and branches from the area. Early detection of infestations and rapid treatment response are crucial to successful eradication of the beetle.

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

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

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

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

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

State Department of Agriculture:

- State Plant Regulatory Official
- State Entomologist

U.S. Department of Agriculture:

- Animal and Plant Health Inspection Service,
Plant Protection and Quarantine
- Forest Service

County Cooperative Extension Office

State Forester or Department of Natural Resources

Asian Longhorned Beetle

WHAT TO LOOK FOR:



1. Adult beetles. Individuals are $\frac{3}{4}$ to $1\frac{1}{4}$ inches long, with jet black body and mottled white spots on the back. The long antennae are $1\frac{1}{2}$ to $2\frac{1}{2}$ times the body length with distinctive black and white bands on each segment. The feet have a bluish tinge.



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



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



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



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

Photo Sources:

USDA Forest Service

USDA Animal and Plant Health Inspection Service

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March 2012

Beech Bark Disease

Beech bark disease (BBD) has been deforming and killing American beech (*Fagus grandifolia*) trees in the Eastern United States since the 1930s. A beech scale insect (*Cryptococcus fagisuga*) first attacks tree bark, creating a wound that provides an entryway for two different fungi (*Neonectria coccinea* var. *faginata* and *Neonectria galligena*) to invade the tree. The fungus grows and kills the living tissue under the outer bark, resulting in cankers that can eventually girdle and kill a tree. Trees that survive may become disfigured.

Beech scale was accidentally introduced into Nova Scotia in 1890 on ornamental beech trees imported from Europe. By the early 1930s, the scale and the *Neonectria* fungus were found throughout the Maritime Provinces in Eastern Canada and in localized areas of Maine. Since then, BBD has affected New England, New York, New Jersey, Pennsylvania, and West Virginia (figure 1). Localized infestations have been found in Virginia, North Carolina, Tennessee, Ohio, Michigan, and Ontario.

The Beech Scale

Beech scales are yellow, soft-bodied insects that are 0.5-1.0 mm long as adults (figure 2). They feed only on American and European (*Fagus sylvatica*) beech trees.

The beech scale has one generation per year. Adults lay eggs on the bark in midsummer and then die. Eggs hatch from late summer until early winter. The immature insects, called first-stage nymphs, have functional antennae and legs and can move to new locations. Nymphs are also spread by wind, birds, and humans that move firewood that harbors nymphs. When a nymph finds a suitable host tree, it starts feeding. First-stage nymphs develop into legless second-stage nymphs that don't move. They secrete the "white wax" that eventually covers their bodies through adulthood (figure 3). The second-stage nymphs overwinter and molt into adults the following spring.

Trees newly infested with scale have small spots or patches of white wax on the trunk, usually on rough bark surfaces. As the scale population builds, large branches and the entire trunk of the tree may become covered with white wax.

The Fungus

The fungi produce fruiting bodies that are tiny, bright red, and lemon shaped in clusters on the bark (figure 4). The mature spores are released in the fall if there's enough moisture. Tarry spots (dead tissue that oozes reddish brown fluid) is also an early symptom that trees are infected with *Neonectria* species (figure 5).

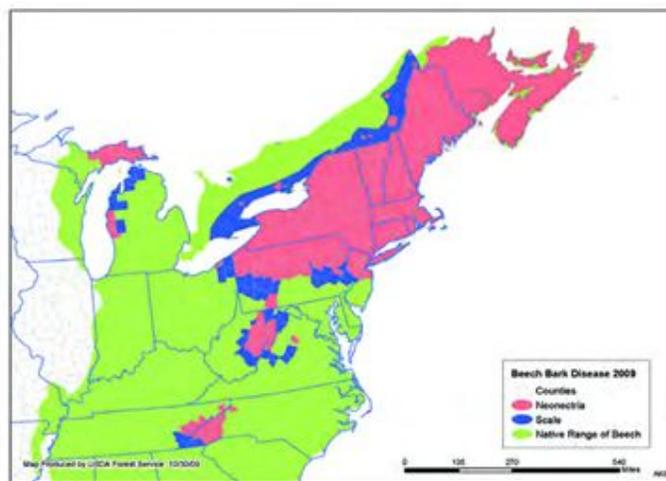


Figure 1.—Distribution map of beech bark disease as of 2009.



Figure 2.—The scale insect.



Figure 3.—White waxy covering.

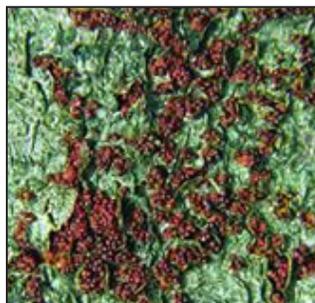


Figure 4.—Fungal fruiting bodies.

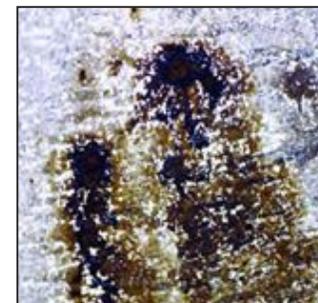


Figure 5.—Tarry spots on the bark.

Additional Symptoms

On some dying trees, the leaves do not fully form, which makes the tree crowns look thin. The leaves stay on the trees, but become yellowish as summer progresses. Another symptom of BBD is the distinct orange color when the outer bark is cut away where *Neonectria* is actively invading the bark. Other symptoms include noticeable cracking of the bark on the tree trunk; cankers; and deformed, defective wood. Other insects and fungi quickly invade the wood killed by beech bark disease. This weakens the tree and makes it more likely to break during wind events, which is called “beech snap” (figure 6).

Three Phases of BBD

- *Advancing Front:* Trees are infested with beech scale but not yet infected by *Neonectria*. Beech scale can be present for several years before *Neonectria* infection occurs.
- *Killing Front:* Beech scale populations are high, *Neonectria* infection is abundant, and tree mortality is heavy.
- *Aftermath Forest:* These areas have experienced the first wave of beech mortality. They typically have smaller beech scale populations. Residual beech trees are mostly defective and declining. Smaller beech trees usually sprout from the roots and can form dense thickets that are highly susceptible to the disease. Larger trees that remain and appear to have escaped BBD are thought to be resistant to BBD.

Control and Management

Some scale insects may die due to weather conditions, but it is generally not enough to reduce the impacts of this disease. There are few controls for beech bark disease. One important control method is preventing the movement of nursery stock or other materials that may harbor the beech scale insect. Insecticides, oils, and mechanical controls can be used on high-value ornamental trees, but they are labor intensive and not always successful.

Controlling BBD in a forest setting is costly. Using biological controls—the ladybird beetle (*Chilocorus stigma*) that preys on the beech scale insect and a fungus (*Nematogonum ferrugineum*) that parasitizes the *Neonectria* fungus—is not a realistic option because their impacts are limited and they have not been shown to effectively control BBD.



Figure 6.—Beech snap.

Using silvicultural methods to manage tree species composition, size, age, and vigor may reduce the development of BBD in a forest. It is important to use harvesting methods that minimize root injury of susceptible trees to reduce root sprouting. Retaining beech trees that are free of the scale and/or fungal infection in a forest provides a source of BBD-resistant seeds and sprouts, which helps increase the proportion of healthy, resistant beech trees.

Another developing approach to restoring and regenerating American beech is to identify, graft, and propagate BBD-resistant trees and develop seed orchards and enhanced seed production areas from these resistant trees. These seed and tree sources can potentially be used to increase the proportion of healthy, resistant beech in a forest.

Using a combination of silvicultural methods and resistant seed stock may allow healthy American beech to remain a valuable component of North American forests throughout its natural range.

Photographs:

Figure 2: Joseph O’Brien, USDA Forest Service, Bugwood.org

Figure 3: Karen Felton, USDA Forest Service

Figure 4: Andrej Kunca, National Forest Centre - Slovakia, Bugwood.org

Figure 5: Joseph O’Brien, USDA Forest Service, Bugwood.org

Figure 6: Joseph O’Brien, USDA Forest Service, Bugwood.org

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Attachment XI

i-Tree Eco

What Is i-Tree Eco?

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

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

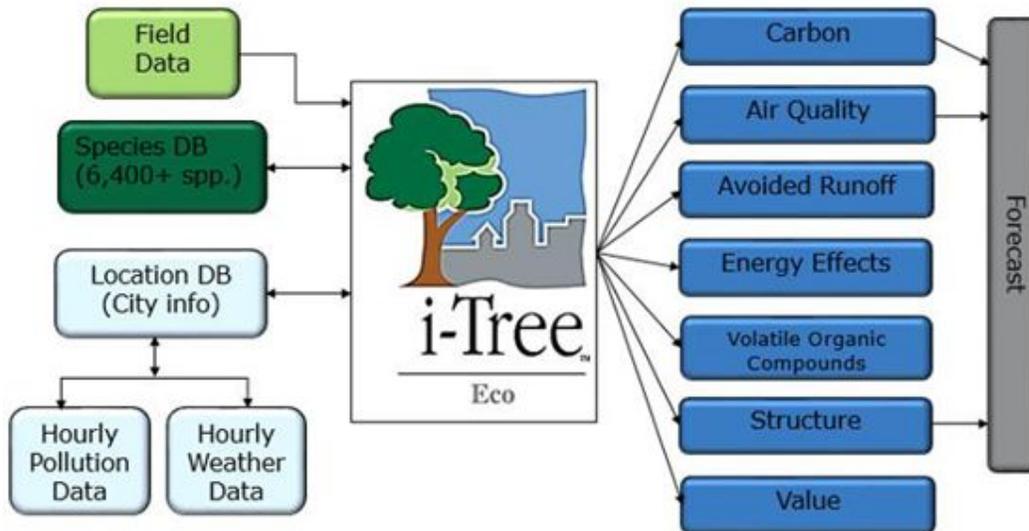
- **Sampling and data collection protocols** - For plot-based sample projects, total population estimates, and standard error of estimates are calculated based on sampling protocols. For complete inventories, eco calculates values for each tree.
- **Flexible data collection options** - Use the mobile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



Eco Model Basics

How Eco Works

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

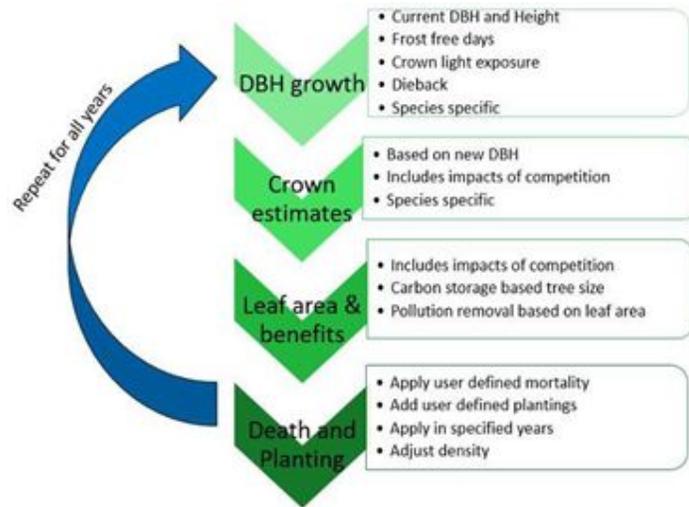


Arbor Day Foundation



Forecast Modeling

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



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

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

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

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

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



State University of New York
College of Environmental Science and Forestry

ACTION - 3

Approval of the Disease Carrying Insects Program

ISSUE:

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

RECOMMENDATION:

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

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

1. Continue to conduct a county-wide mosquito surveillance program.
2. Continue to test mosquitoes for West Nile virus (WNV), Zika virus, and other pathogens as necessary.
3. Continue inspections and larviciding of mosquito breeding areas in the County using appropriate and approved larvicides according to established criteria in as many rounds during the mosquito season as necessary.
4. Continue to conduct an aggressive community outreach and education program to increase County residents' awareness of mosquitoes, West Nile virus, Zika virus, and other mosquito-borne diseases, as well as personal protection and prevention methods.
5. If deemed necessary to protect public health, continue to use adult mosquito control methods as necessary.

Ticks, Lyme disease, and other Tick-borne Diseases

1. Continue to conduct tick surveillance activities.
2. Continue to test ticks for pathogens, including the bacteria that causes Lyme disease.
3. Continue to conduct an aggressive community outreach and education program to increase County residents' awareness of ticks, Lyme disease, and other tick-borne diseases, as well as personal protection and

prevention methods.

Other Disease-transmitting Insects of Public Health Importance

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

Board action on this item will cover all Disease Carrying Insects Program activities carried out through June 30, 2019.

TIMING:

Board approval is requested on March 6, 2018, in order to (1) continue mosquito suppression strategies (e.g., surveillance, larviciding mosquito breeding areas, and public outreach), (2) continue tick surveillance program and public outreach and (3) continue outreach and education efforts for other disease-transmitting insects.

BACKGROUND:

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

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

During 2017, West Nile virus (Attachment II) continued to inflict disease and death across the continental United States as anticipated by the Centers for Disease Control and Prevention (CDC). Fairfax County WNV surveillance indicated that the virus was present and widespread throughout most of the County. By the end of the 2017 WNV season (October 2017), the virus had been detected in mosquitoes collected in many of the surveillance stations in the County. Five human cases were reported in the County in 2017, none in 2016, and eight cases were reported in 2015 with one fatality. Four fatal cases in the County since 2002 underlie the potential severity of this disease. Many factors have been suggested as influencing the presence of human cases in the County:

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

6. Proactive larvicide treatments to help control *Culex* mosquitoes.

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

Based on past surveillance information, the DCIP will continue inspection and larviciding activities in targeted stormwater ponds that are identified as a result of the larval surveillance activities, as was done in the 2017 mosquito season. The DCIP will initiate inspection activities in the spring and continue at approximately one-month intervals for the duration of the season.

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

The Health Department Laboratory began testing mosquitoes using molecular diagnostics in 2012. The laboratory offers WNV and Zika virus testing for mosquito samples and Lyme disease testing for tick samples. In 2018, all mosquito testing and tick testing will be performed by the Health Department Laboratory.

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

The DCIP will continue to utilize an active and engaging outreach and education strategy. The program will also focus messaging to address at-risk groups, such as residents over 50 years of age who are at greater risk of developing a more severe form of the West

Board Agenda Item
March 6, 2018

Nile virus. Because the Zika virus has the potential to cause birth defects, specific messaging has also been developed for pregnant women and their partners to help minimize exposure. The program will again work with the Health Department's Community Outreach team to deliver its public health messages to the County's diverse population while continuing to seek out new ways to provide prevention messaging to the community. In 2017, the DCIP's outreach activities included providing 41 educational and safety presentations and attending 28 events as well as the preparation and production of another 18-month calendar full of educational information that was widely distributed to County residents.

The Disease Carrying Insects Program Annual Report highlights the 2017 season activities and presents wide-ranging plans for minimizing the impact and risk of mosquito-borne diseases through:

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

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

In 2017, the DCIP continued to work closely with other Health Department staff to prepare for the possibility of locally-transmitted ZIKAV following the large outbreak in the Americas that began in 2015 and continued through 2017. The Health Department engaged the Board of Supervisors, other County agencies, and the residents of the County in order to educate the community about mosquito and mosquito bite prevention methods. The DCIP and the Health Department will maintain their vigilance for locally-transmitted ZIKAV and will continue to engage their partners and the community to protect County residents.

Tick-Borne Disease

During 2017, Lyme disease (Attachment XV) continued to be a major concern for County residents and it was the most frequently-reported vector-borne disease in the County. Tick surveillance efforts in the County have indicated that the bacterium that causes Lyme disease was present and widespread throughout most of the County. The Health Department recorded and reported at least 152 cases of Lyme disease in Fairfax County in 2017. Some of the factors that influence human cases in the County include:

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

Based on this information, Health Department staff plan to perform tick surveillance, tick ID service, collections from veterinary clinics, collections from deer hunts, and human case surveillance in 2018.

The Disease Carrying Insects Program will continue to include tick prevention and personal protection from ticks in its outreach and education strategy. The Disease Carrying Insects Program Annual Report reviews the 2017 season activities and presents wide-ranging plans for minimizing the impact and risk of tick-borne diseases through:

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

Other Disease-transmitting Insects of Public Health Importance

The DCIP's 2017 Annual Report presents plans for minimizing the impact and risk of other diseases transmitted by insects through:

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

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FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I - Disease Carrying Insects Program Annual Report
Attachment II - CDC WNV Fact Sheet
Attachment III - Natular G Label
Attachment IV - Natular G30 Label
Attachment V – VectoBac G Label
Attachment VI - VectoLex WSP Label
Attachment VII - VectoLex FG Label
Attachment VIII – VectoMax FG Label
Attachment IX - Cocobear Label
Attachment X - Flit 10EC Label
Attachment XI – Aqua Zenivex E20 Label
Attachment XII - CDC Chikungunya Fact Sheet
Attachment XIII - CDC Zika Fact Sheet
Attachment XIV - Zika Fact Sheet
Attachment XV - CDC Lyme disease brochure

STAFF:

Tisha Deeghan, Deputy County Executive
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Pieter Sheehan, Director of Division of Environmental Health

Disease Carrying Insects Program Annual Report

Presented by

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

March 2018

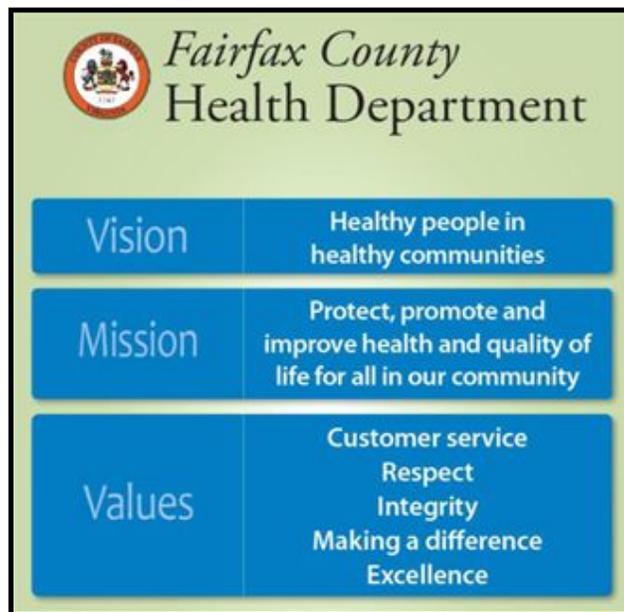


This information can be made available in an alternative format upon request. Please call 703-246-2300 / TTY 711. Allow seven working days for preparation of the material.

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

Vision, Mission and Values

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



West Nile Virus

The United States continued to experience the effects of West Nile virus (WNV) in 2017 with cases and deaths throughout the country. During 2017, at least 2,002 human cases with 121 deaths were reported to the Centers for Disease Control and Prevention (CDC).¹ From 1999 when the first locally-acquired cases of WNV were reported in New York through 2016, there have been 46,086 reported cases and 2,017 reported deaths in the United States.

In Fairfax County, WNV was first detected in 2000, when the virus was detected in a dead crow. In 2001, additional infected birds were detected and in 2002, the virus was found in birds, horses, mosquitoes and humans. There were 13 human cases and one death reported in Virginia in 2017. Five cases of WNV were reported in Fairfax County in 2017. From 2002 to present, there have been 176 human cases of WNV and 14 WNV-associated deaths in Virginia.

¹ 2017 provisional data obtained from CDC web site.

In that same time period, 50 human WNV cases, including four deaths, were reported in Fairfax County.

Other Mosquito-borne Diseases

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

In 2016, an outbreak of ZIKAV, a mosquito-borne disease, was ongoing throughout much of the western hemisphere. Zika is of particular public health importance because it can be passed from a pregnant woman to her fetus and infection during pregnancy can cause certain birth defects. There have been 407 cases reported in the US for 2017. In 2016, 4,830 travel-associated Zika cases in the US were reported to CDC.² In Virginia, 6 travel-associated cases were reported in 2017 and 112 in 2016. In 2017, 114 cases of CHIKV were reported in the U.S., with four of those cases being reported from Virginia.¹ Cases of dengue are reported in the continental U.S. annually. Most reported cases of dengue are travel-related. Malaria, a parasitic disease transmitted by mosquitoes, is reported from approximately 1,500-2,000 travelers each year.

Occasionally, local mosquitoes can acquire these pathogens from infected individuals and transmit these diseases in the continental U.S. The only evidence of local mosquito transmission of the Zika virus in the continental United States so far has been in Florida and Texas. There were 224 reported cases of presumed mosquito-transmitted Zika in those two states in 2016 and 4 reported in 2017. Cases in the US have also been reported where the virus was acquired through other routes, primarily sexual transmission, in both 2016 and 2017. To date, the only evidence of local mosquito-borne transmission of CHIKV has been in Florida and Texas. Over the last several years, sporadic DENV outbreaks have been identified in Florida. Local transmission of malaria has occurred in several locations in the U.S. In the last 20 years, it has occurred twice in Virginia with a total of 4 reported cases. If there are locally-acquired cases of CHIKV, DENV, ZIKAV or malaria in the County, the Health Department will utilize guidance from the CDC and Virginia Department of Health (VDH).

Tick-borne Disease

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

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

² Data obtained from CDC web site; 2017 data is provisional.

Other Disease Transmitting Insects of Public Health Importance

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

Human Case Surveillance

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

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

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

Condition	Number of Cases, Fairfax Health District	
	CY 2016	CY 2017*
Mosquito-borne Disease		
WNV (neuroinvasive and non-neuroinvasive)	0	5
Dengue**	9	3
Chikungunya**	3	2
Malaria**	27	24
Tick-borne Disease		
Lyme Disease	214	152
Ehrlichiosis/Anaplasmosis	5	9
Spotted Fever Rickettsiosis	10	19

*2017 data are provisional and subject to change.

**Travel-associated cases.

Integrated Mosquito Management

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

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

Adulticide products are chosen based upon their demonstrated efficacy against species targeted for control, resistance management concerns and minimization of potential environmental impact.

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

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

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

Surveillance

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

Mosquito Surveillance: The program is anchored by a strong surveillance component that will monitor mosquito populations during the 2018 mosquito season for possible increases in vector abundance and viral activity. During the 2017 season Fairfax County continued its comprehensive mosquito surveillance program at 73 fixed, weekly collection sites (Figure 1) for a total of 4,474 trapping periods. A trap period was defined as 24 hours since some traps collected mosquitoes that were active during the day and others collected mosquitoes that were active at night. Two new trap sites were also used as part of a project at the Police Training Facility in Chantilly in 2017. They are included on the maps, overall routine collection numbers, and testing results, but not included in the trap-specific breakout graphs.

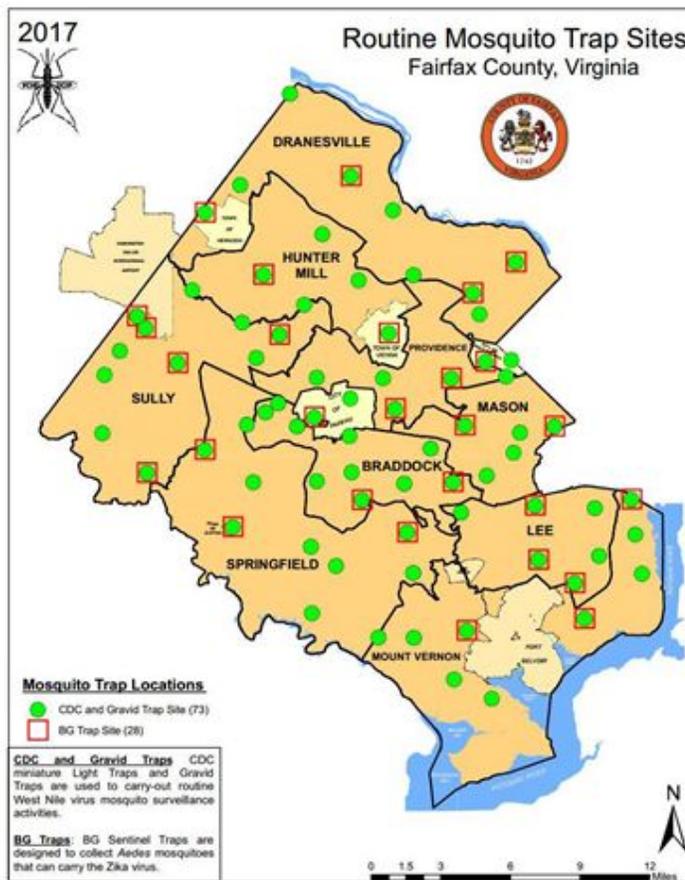


Figure 1. 2017 Routine Mosquito Trap Sites.

The program uses three types of mosquito traps to collect mosquitoes: CDC miniature light traps, gravid traps, and BG Sentinel traps. All sites had one CDC miniature light trap and one gravid trap. The number of BG Sentinel trap sites increased from 26 to 28 in 2017.

During the 2017 mosquito surveillance season, 179,557 mosquitoes identified from routine trapping activities (Figure 2). An additional 6,037 adult mosquitoes were collected through non-routine trapping.



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



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

The **CDC miniature light trap** (Figure 3) is a trap that collects mosquitoes that are searching for something to bite. This trap is baited with carbon dioxide (dry ice) and a small light. This trap typically collects the greatest variety of mosquitoes and 28 different species were picked up in 2017 (Figure 4). In 2017, the CDC traps were set for 1,685 trap periods and collected almost 26,000 mosquitoes.

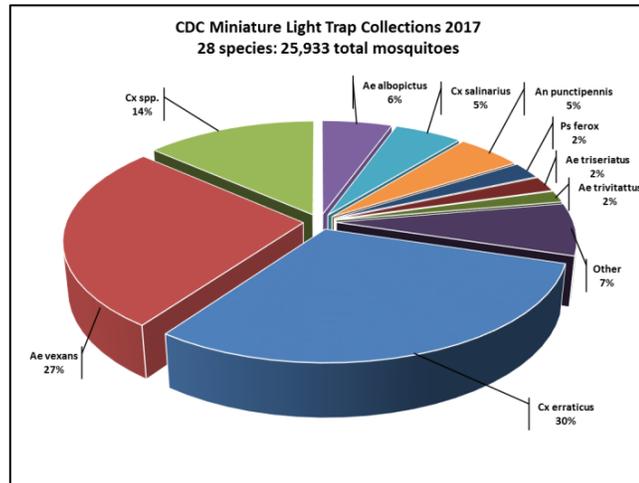


Figure 4: CDC Miniature Light Trap Collections, 2017.

The **gravid trap** (Figure 3) is a trap that collects mosquitoes that are looking for a place to lay their eggs. This trap is baited with an infusion (water, grass, straw, yeast) that is attractive

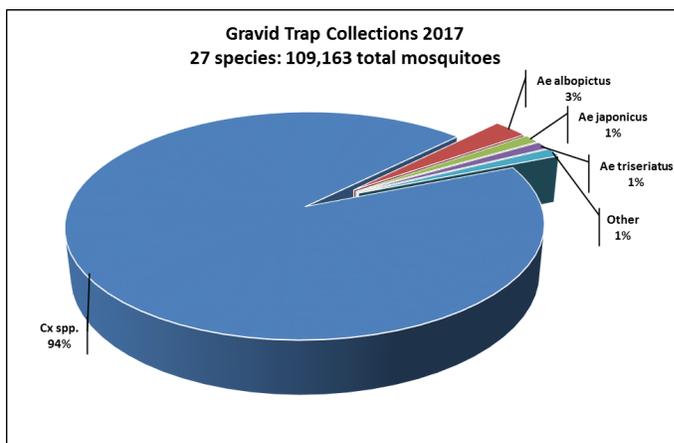


Figure 5: Gravid Trap Collections, 2017.

to the *Culex* mosquitoes that are the primary vectors of WNV. The majority of mosquitoes collected in this trap are *Culex* species (*Culex pipiens* and *Culex restuans*) (Figure 5). In 2016, this trap was set for 1,986 trap periods and collected over 109,000 mosquitoes. Twenty-seven different species of mosquitoes were collected in the trap in 2017, but 94 percent were *Culex* species. In 2017, the population of the *Culex* mosquitoes followed the same general trend as seen in the average of the previous five years (Figure 6).

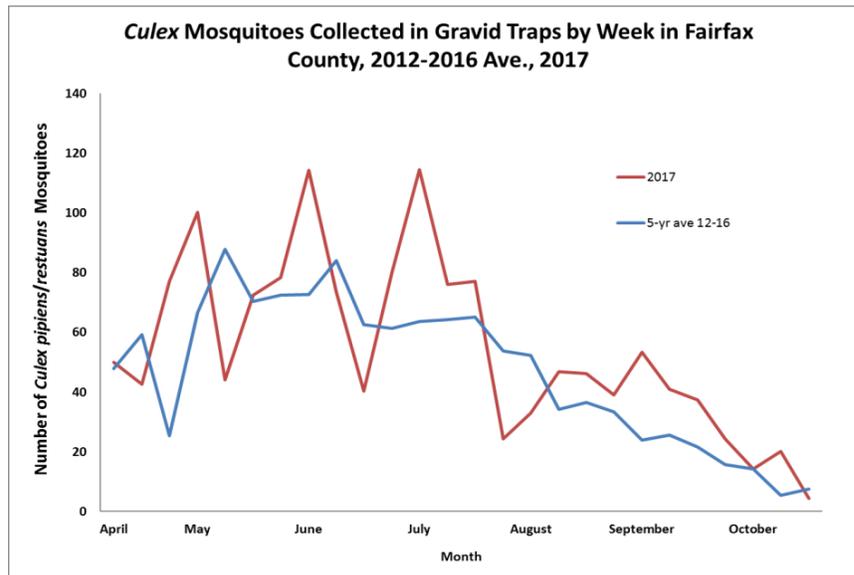


Figure 6: Average Number of *Culex pipiens/restuans* collected in Gravid Traps, 5 year average and 2017.

The **BG Sentinel trap** (Figure 7) is another trap that collects mosquitoes that are looking for something to feed on. This trap is baited with carbon dioxide (dry ice) as well as a special lure that is based on the scent of human sweat. This trap collected 25 mosquito species throughout the 2017 season, but it is most effective at collecting *Aedes albopictus* (Figure 8), a potential vector of a variety of pathogens including the Zika virus. In 2017, the trap was set for 665 trap periods at the fixed mosquito trap sites and collected over 26,500 mosquitoes. Although *Aedes albopictus* followed the same trends seen in the previous five years, the average number of mosquitoes per trap was generally lower than the average throughout the season (Figure 9).

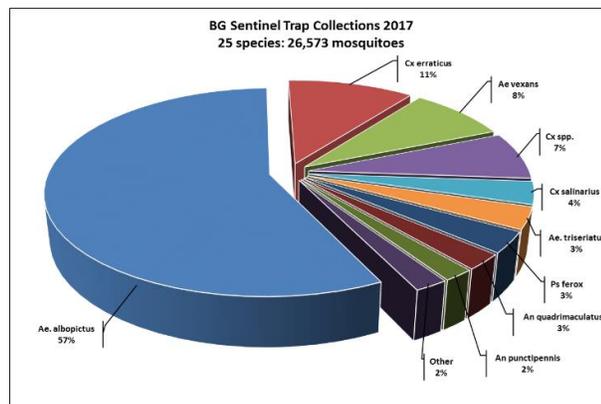


Figure 8: BG Sentinel Trap Collections, 2017.



Figure 7: BG Sentinel Trap.

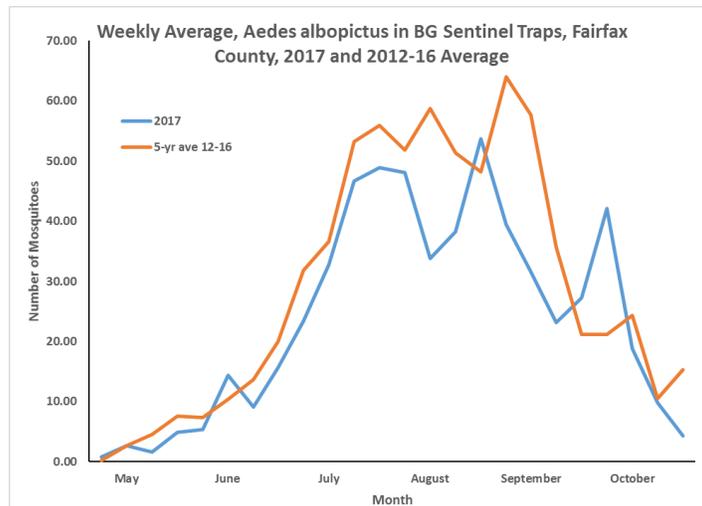


Figure 9: Average Number of *Aedes albopictus* Collected in BG Sentinel Traps, 2017 and 5-year average.

Mosquito Testing. In the 2017 mosquito season, 160,381 mosquitoes were tested in 5,085 pools. These pools included mosquitoes collected outside of normal routine surveillance activities. There were 307 positive WNV pools. Positive mosquitoes were found in many parts of the county (Figure 10). During 2016, 121,025 mosquitoes were tested in 4,074 routine pools, of which 46 were positive. In 2017, *Culex* species of mosquitoes (*Culex pipiens* and *Culex restuans*) tested positive for West Nile virus as well as *Aedes albopictus*, *Aedes vexans*, and

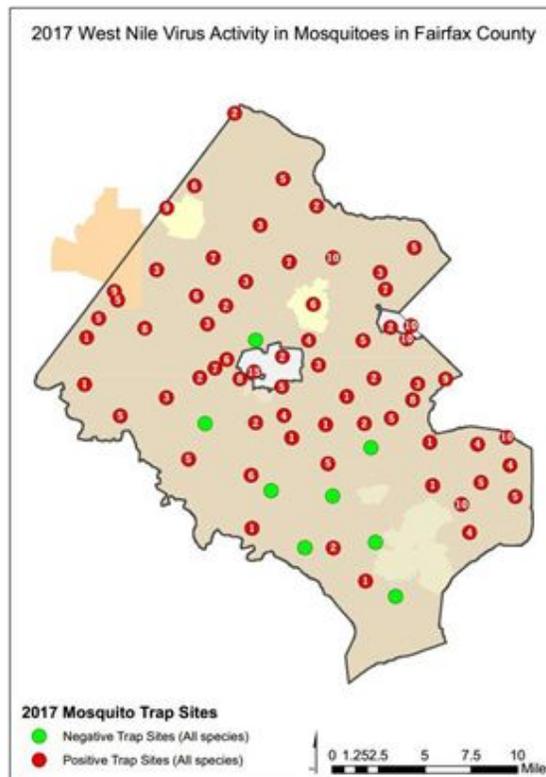


Figure 10: Map of WNV-positive Mosquito Trap Sites, 2017.

Culex salinarius. In previous years, two other species have also tested positive for WNV in the County.

Most of the mosquitoes tested were *Culex* species (*pipiens* or *restuans*) collected in gravid traps. Most of the positive mosquito pools were *Culex* species from the gravid trap. The first WNV-positive mosquitoes of 2017 were *Culex* species collected in a gravid trap early June. The infection rate of *Culex* species tested from gravid traps was calculated. The peak infection rate (maximum likelihood estimate: MLE) in 2017 came in mid-September when the MLE was calculated at 11.82 mosquitoes per 1,000. The last positive mosquitoes were collected in early October (Figure 11). The infection rate followed the general trend seen in previous years.

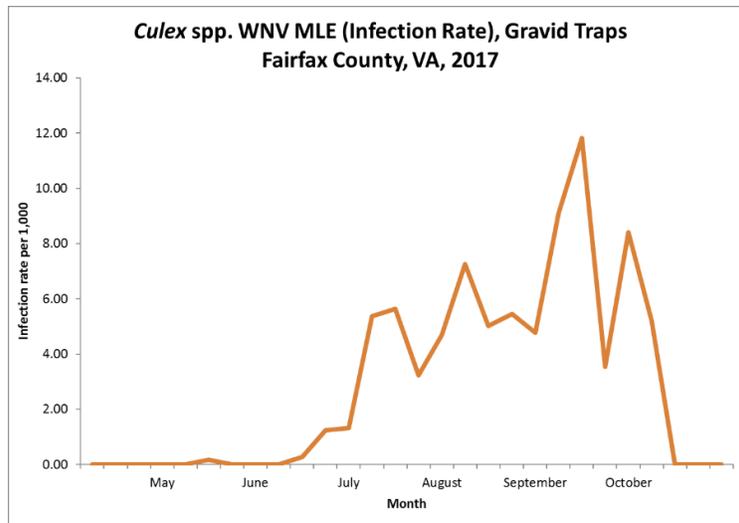


Figure 11: West Nile Virus Infection Rate (Maximum Likelihood Estimate) in *Culex* species collected in Gravid Traps, 2017.

A subset of the mosquito pools submitted (33,868 *Aedes albopictus* mosquitoes in 966 pools) was also tested for Zika virus. No mosquito pools were positive for Zika virus.

Tick Surveillance: In 2017, 8,350 ticks (including 441 blacklegged ticks) were collected throughout the year using various techniques including carbon dioxide-baited traps, tick drags, tick flags, collecting off harvested deer and collections from vet clinics. The majority of the ticks collected are from the tick drags (n=4,001) and the carbon dioxide-baited tick traps (n=3,630). The lone star tick *Amblyomma americanum* was the most abundant tick collected (Figure 12).

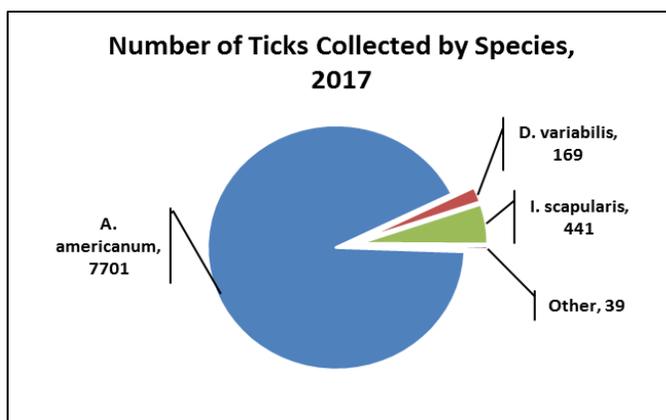


Figure 12: Number of Ticks Collected, 2017.

Tick testing for Lyme disease was made available at the Health Department Laboratory in 2016. Blacklegged ticks from 2017 (n=146) have been submitted for testing. Eight of the 77 blacklegged ticks tested (11%) from 2016 were positive for the Lyme disease bacteria. Ticks that have been feeding are not submitted for testing per protocol as the vertebrate blood in the ticks may interfere with the testing. As in previous years, tick surveillance and the tick identification service will be conducted by existing staff in the DCIP and will follow previously-established protocols.

Control

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

Larval Control: In 2016, the program embarked on a project to evaluate county-maintained stormwater dry ponds and their mosquito production. This activity continued in 2017. From April through October, six staff (three teams of two) checked 1,341 individual storm water sites throughout the county and performed 8,411

inspections (e.g, Figure 13). Of those inspections, over 2,500 had water that could be sampled for mosquitoes. There were over 930 inspections where mosquito larvae were collected; 588 had enough larvae to meet the treatment threshold (3 larvae per dip or sample with a minimum of 3 dips). A total of 667 treatments were made with either Natular G, Natular G30, or Cocobear. All applications were made by certified pesticide applicators or registered technicians and were made according to label guidelines.



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

Using GIS, staff made maps of each site and divided all the sites up within their respective magisterial district for the 2017 season. This helped improve field staff efficiency. Staff continue to work on streamlining and improving the efficiency of the inspection program by leveraging technical resources, such as GIS.

A contractor provided minimal stormwater inspection service during the month of May until the contract expired.

Adult Control: Adult mosquito control is not routinely performed by the Health Department. While source reduction and the application of larvicides are the principal and most effective interventions to reduce mosquito populations, situations may arise in which infected adult mosquitoes are present in significant numbers and pose a threat to human health. In these

situations, judicious application of adulticides to control mosquito populations will be added to all other mosquito control activities as an additional measure to reduce vector populations.

Guidelines from CDC state that adulticiding based on surveillance data is an extremely important part of any integrated mosquito management program and should be used when there is significant risk of human illness. Under exceptional circumstances, the Health Department may apply insecticides to control adult mosquitoes, and in these instances, the application will target those mosquitoes which potentially transmit disease to humans.

The Health Department has the ability to apply pesticides for adult mosquitoes should the public health need arise. The program has increased its capacity to respond to a mosquito-borne public health event by purchasing additional equipment to include backpack sprayers (Figure 14), a truck-mounted ultra-low volume (ULV) sprayer (Figure 15), and a backpack ULV sprayer. Synthetic pyrethroids or other insecticides may be used to control adult mosquitoes. All applications of pesticides will be performed by certified applicators according to the label. In 2016, utilizing guidance from the Virginia Department of Health, three targeted applications were made with a backpack sprayer. Previously, targeted barrier applications had also been made in 2005, 2006, and 2007. In 2017, nine pesticide applications were made to control adult mosquitoes. Treatments were made using a truck-mounted ULV, backpack blower, or backpack ULV. AquaZenivex E20 or Flit 10EC were used to control adult mosquitoes.



Figure 14: Application with a backpack sprayer.



Figure 15: Ultra-low volume sprayer mounted in the back of a pick-up truck.

Community Outreach and Education



Figure 16: Pictures from different outreach activities.

Fairfax County will continue to emphasize personal protection measures from mosquito bites, mosquito-borne disease, and mosquito prevention and control. This is done through distribution of informational materials, media interviews, advertising, Web pages, presentations, community events (Figure 16), and collaborations with community groups and homeowners associations. In 2018, the program will also

continue its tick outreach activities as originally requested by the BOS.

The 13th 18-month “Fight the Bite” calendar was produced in 2016. The calendar was once again distributed to fourth graders in all Fairfax County Public Schools prior to the end of the school year. Other materials were updated in 2017 including the Zika fact sheet in multiple languages. (See Figure 17 for examples of outreach material.) The calendar, storybooks, and other materials were distributed at various events and venues throughout the County, including libraries, recreation centers and other County offices.

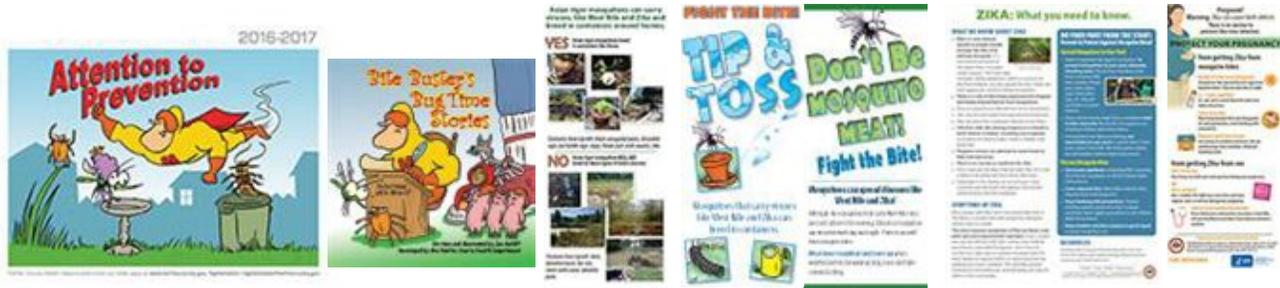


Figure 17: Some examples of outreach material.

The demand for educational material, especially information on mosquitoes and the Zika virus, was still high in 2017. In addition to the demand for materials, the Disease Carrying Insects Program worked with other Health Department staff to develop a presentation that was translated into Spanish and Chinese and presented many times by Health Department Outreach staff. DCIP staff attended multiple events giving approximately 41 educational and safety presentations and participating in 28 other community-based events such as health fairs, Celebrate Fairfax, Fall for Fairfax KidsFest, and SpringFest.

The program will continue to work with the Health Department’s Communications Office, Community Outreach Team and Epidemiology Division to develop messaging and provide messaging to all communities within the County.

Service Requests: The FCHD continued to promote source reduction (elimination of mosquito breeding sites) in 2017 through the outreach campaign. The Asian tiger mosquito (*Aedes albopictus*) was the source of the majority of mosquito-related complaints received in 2016. This mosquito, which generally lays its eggs in and develops in containers (Figure 18), is an



Figure 18: Some of the container breeding sites found on service requests.

aggressive, persistent biter that can be found in large numbers around residences. Several factors contributed to the presence of *Aedes albopictus* around these homes; however, the presence of black corrugated pipes at the end of the downspouts from the roof gutters, even when placed underground, seemed to be a frequent source of the problem. Most of these corrugated pipes do not drain adequately and they retain water throughout the season, thus providing great mosquito breeding habitat. This mosquito is also a potential vector of the Chikungunya and Zika viruses. During 109 site visits and inspections, the Disease Carrying Insects Program (DCIP) educated property owners and managers about the benefits of eliminating breeding sites and/or provided Mosquito Dunks®.

Tick Identification Service: The Health Department’s tick identification service encourages County residents to bring their ticks to the Health Department to help raise awareness of Lyme disease and provide information on ticks and tick-borne diseases. In 2017, 281 specimens were brought to the Health Department for identification. Of these, 257 were ticks: 182 Lone Star ticks (*Amblyomma americanum*), 42 blacklegged ticks (*Ixodes scapularis*), 32 American Dog ticks (*Dermacentor variabilis*) and 1 Gulf Coast tick (*Amblyomma maculatum*) were brought to the tick identification service.

Emergency Preparedness and Response Activities

In 2016, the World Health Organization declared Zika virus to be a “Public Health Emergency of International Concern” due to the ongoing epidemic and concern about Zika’s relationship to birth defects including microcephaly. The CDC and VDH continuously provided guidance before and throughout the 2016-17 mosquito seasons. The Fairfax County Health Department’s Incident Command System (ICS) was active from March through October both years as staff worked together to develop a response plan and educate and engage the community and stakeholders. The Disease Carrying Insects Program worked together with other Fairfax County Health Department staff to help prepare for any potential local, mosquito-borne ZIKAV transmission.

The Communicable Disease and Epidemiology section of the Health Department performed human case investigations and coordinated human testing. The Health Department Laboratory also helped with human testing coordination. Environmental investigations and mosquito-related activities were performed by DCIP staff. These activities included site visits, education and outreach, source reduction, vector surveillance and vector abatement activities. The Health Department Laboratory performed mosquito testing for ZIKAV.

The Division of Environmental Health has taken additional steps to increase preparedness within the agency by moving forward with a plan to have all Environmental Health staff become certified pesticide applicators. By the end of 2017, 26 Environmental Health staff were Certified Pesticide Applicators with the Virginia Department of Agriculture and Consumer Services. The remaining Environmental Health staff will be certified in 2018.

In 2018, the program will continue perform vector surveillance, community outreach and public education, and mosquito control, primarily through proactive larviciding. We encourage the community to do their part by tipping and tossing standing water to prevent mosquitoes and by preventing mosquito and tick bites. A healthier community begins with you!

West Nile Virus (WNV) Fact Sheet

What Is West Nile Virus?

West Nile virus infection can cause serious disease. WNV is established as a seasonal epidemic in North America that flares up in the summer and continues into the fall. This fact sheet contains important information that can help you recognize and prevent West Nile virus.

What Can I Do to Prevent WNV?

The easiest and best way to avoid WNV is to prevent mosquito bites.

- When outdoors, use repellents containing DEET, picaridin, IR3535, some oil of lemon eucalyptus or para-menthane-diol. Follow the directions on the package.
- Many mosquitoes are most active from dusk to dawn. Be sure to use insect repellent and wear long sleeves and pants at these times or consider staying indoors during these hours.
- Make sure you have good screens on your windows and doors to keep mosquitoes out.
- Get rid of mosquito breeding sites by emptying standing water from flower pots, buckets and barrels. Change the water in pet dishes and replace the water in bird baths weekly. Drill holes in tire swings so water drains out. Keep children's wading pools empty and on their sides when they aren't being used.

What Are the Symptoms of WNV?

- **Serious Symptoms in a Few People.** About 1 in 150 people infected with WNV will develop severe illness. The severe symptoms can include high fever, headache, neck stiffness, stupor, disorientation, coma, tremors, convulsions, muscle weakness, vision loss, numbness and paralysis. These symptoms may last several weeks, and neurological effects may be permanent.
- **Milder Symptoms in Some People.** Up to 20 percent of the people who become infected will have symptoms which can include fever, headache, body aches, nausea, vomiting, and sometimes swollen lymph glands or a skin rash on the chest, stomach and back. Symptoms can last for as short as a few days to as long as several weeks.
- **No Symptoms in Most People.** Approximately 80 percent of people who are infected with WNV will not show any symptoms at all, but there is no way to know in advance if you will develop an illness or not.

How Does West Nile Virus Spread?

- **Infected Mosquitoes.** WNV is spread by the bite of an infected mosquito. Mosquitoes become infected when they feed on infected birds. Infected mosquitoes can then spread WNV to humans and other animals when they bite.
- **Transfusions, Transplants, and Mother-to-Child.** In a very small number of cases, WNV also has been spread directly from an infected person through blood transfusions, organ transplants, breastfeeding and during pregnancy from mother to baby.
- **Not through touching.** WNV is not spread through casual contact such as touching or kissing a person with the virus.

How Soon Do Infected People Get Sick?

People typically develop symptoms between 3 and 14 days after they are bitten by the infected mosquito.

How Is WNV Infection Treated?

There is no specific treatment for WNV infection. In cases with milder symptoms, people experience symptoms such as fever and aches that pass on their own, although illness may last weeks to months. In more severe cases, people usually need to go to the hospital where they can receive supportive treatment including intravenous fluids, help with breathing, and nursing care.

What Should I Do if I Think I Have WNV?

Milder WNV illness improves on its own, and people do not need to seek medical attention for this infection though they may choose to do so. If you develop symptoms of severe WNV illness, such as unusually severe headaches or confusion, seek medical attention immediately. Severe WNV illness usually requires hospitalization. Pregnant women and nursing mothers are encouraged to talk to their doctor if they develop symptoms that could be WNV.



What Is the Risk of Getting Sick from WNV?

- **People over 50 at higher risk to get severe illness.** People over the age of 50 are more likely to develop serious symptoms of WNV if they do get sick and should take special care to avoid mosquito bites.
- **Being outside means you're at risk.** The more time you're outdoors, the more time you could be bitten by an infected mosquito. Pay attention to avoiding mosquito bites if you spend time outside, either working or playing.
- **Risk through medical procedures is very low.** All donated blood is checked for WNV before being used. The risk of getting WNV through blood transfusions and organ transplants is very small, and should not prevent people who need surgery from having it. If you have concerns, talk to your doctor.

What Is CDC Doing About WNV?

CDC is working with state and local health departments, the Food and Drug Administration and other government agencies, as well as private industry, to prepare for and prevent new cases of WNV.

Some things CDC is doing include:

- Coordinating a nation-wide electronic database where states share information about WNV
- Helping states develop and carry out improved mosquito prevention and control programs
- Developing better, faster tests to detect and diagnose WNV
- Creating new education tools and programs for the media, the public, and health professionals
- Working with partners to develop vaccines.



What Else Should I Know?

West Nile virus infects birds. In nature, West Nile virus cycles between mosquitoes and birds. Some infected birds can develop high levels of the virus in their bloodstream and mosquitoes can become infected by biting these infected birds. Some, but not all infected birds get sick and die of disease. One way health officials conduct surveillance for West Nile virus is by testing local birds. Finding dead birds may be a sign that West Nile virus is circulating between birds and the mosquitoes in an area. By reporting dead birds to state and local health departments, you can play an important role in monitoring West Nile virus. State and local agencies have different policies for collecting and testing birds, so check with your county or [state health department](#) to find information about reporting dead birds in your area.

If you find a dead bird: Don't handle the body with your bare hands. Contact your local health department for instructions on reporting and disposing of the body. They may tell you to dispose of the bird after they log your report.

For more information, visit www.cdc.gov/westnile, or call CDC at 800-CDC-INFO (English and Spanish) or 888-232-6348 (TTY).



NATULAR® G

Mosquito Larvicide Granule

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Controls larvae of mosquitoes which may transmit Dengue, Chikungunya, or Zika.

Active Ingredient:		
Spinosad (a mixture of Spinosyn A and Spinosyn D *)	0.5%	
Other Ingredients	99.5%	
Total	100.0%	
U.S. Patent No. 5,362,634 and 5,496,931		
Group	5	INSECTICIDE

KEEP OUT OF REACH OF CHILDREN

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

FIRST AID

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

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.

Environmental Hazards

This product is toxic to aquatic invertebrates. Non-target aquatic invertebrates may be killed in water where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Do not apply when weather conditions favor drift from treated areas. Drift from treated areas may be hazardous to aquatic organisms in neighboring areas. Apply this product only as specified on the label.

Directions For Use

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

Read all Directions for Use carefully before applying.

Product Information

NATULAR® G is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. NATULAR® G may be applied with suitable ground or aerial application equipment.

Use Precautions

Integrated Pest Management (IPM) Programs

NATULAR® G is intended to kill mosquito and midge larvae. Mosquitoes are best controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control

applications, and targeted adulticide applications.

Insecticide Resistance Management (IRM)

NATULAR® G contains a Group 5 insecticide. Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticide groups is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs.
- Routinely evaluate applications for loss of effectiveness.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 20 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

Spray Drift Management

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determines the potential for spray drift. The applicator is responsible for considering all these factors when making decisions. Where states have more stringent regulations, they should be observed.

Application

Proper application techniques help ensure adequate coverage and correct dosage necessary to obtain optimum kill of mosquito and midge larvae. Apply NATULAR® G prior to flooding as a pre-hatch application to areas that breed mosquitoes, or at any stage of larval development after flooding in listed sites. The following recommendations are provided for ground and aerial application of NATULAR® G.

Ground Application

Use conventional ground application equipment and apply NATULAR® G at the designated rate for the targeted site.

Spot Treatment

Apply NATULAR® G as a spot treatment to areas where mosquitoes are breeding at rates appropriate for the treatment site habitat and conditions.

Aerial Application

Equipment used in the application of NATULAR® G should be carefully calibrated before use and checked frequently during application to be sure it is working properly and delivering a uniform distribution pattern. Avoid overlaps that will increase NATULAR® G dosage above recommended limits.

Application Sites and Rates

The rates listed are typical for efficaciously killing mosquito and midge larvae in the listed habitat sites. Within this range, use lower rates when water is shallow, vegetation and/or pollution are minimal, and mosquito populations are low. Do not use less than labeled minimum rate. NATULAR® G may be applied at rates up to 20 lb per acre in waters high in organic content (such as polluted water, sewage lagoons, animal waste lagoons, and waters with high concentrations of leaf litter or other organic debris), deep-water mosquito habitats or those with dense surface cover, and where monitoring indicates a lack of kill at typical rates. Do not re-apply within 7 days of the initial application unless monitoring indicates that larval populations have reestablished or weather conditions have rendered initial treatments ineffective. Do not apply to water intended for irrigation.

For killing mosquito larvae species in the following non-crop sites:

Non-Crop Site	NATULAR® G lb/acre (lb ai/acre)
<p>Temporary Standing Water: Woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks and other natural or man-made depressions, rock holes, pot holes and similar areas subject to holding water</p> <p>Other Freshwater Sites: Natural and manmade aquatic sites, edges of lakes, ponds, canals, stream eddies, creek edges, detention ponds</p>	3.5 - 6.5 (0.018 - 0.033)
<p>Freshwater Swamps and Marshes: Mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation</p> <p>Marine/Coastal Areas: Intertidal areas above the mean high water mark, mangroves, brackish water swamps and marshes, coastal impoundments and similar areas</p>	9 (0.045)
<p>Stormwater/Drainage Systems: Storm sewers, catch basins, drainage ditches, and similar areas</p> <p>Wastewater: Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing, and similar areas</p>	6.5 - 9 (0.033 - 0.045)
<p>Dormant Rice Fields: Impounded water in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle)</p>	3.5 - 6.5 (0.018 - 0.033)
<p>Natural and Artificial Containers: Tree holes, bromeliads, leaf axils, and other similar natural water holding containers, cemetery urns, bird baths, flower pots, rain barrels, buckets, single tires, tires stockpiled in dumps, landfills, recycling plants and other similar areas, abandoned swimming pools, ornamental ponds, flooded roof tops and similar water holding sites.</p> <p>Landfill containers, salvage yards, abandoned vehicles</p> <p>Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.</p>	3.5 - 9 (0.018 - 0.045) For small to medium size containers, apply 1/8 teaspoon (about 0.37 g) of Natular G per 10-20 gallons of water. For very small containers, apply a pinch of Natular G (0.02 g) per 1/2 - 1 gallon of water. This is approximately 7-9 granules per 1/2 - 1 gallon of water.

Agricultural/Crop Sites Where Mosquito Breeding Occurs:

Apply NATULAR® G at the rate of 3.5 to 9 lb per acre in standing water within agricultural/crop sites where mosquito breeding occurs: pastures/hay fields, rangelands, orchards, vineyards, and citrus groves. Do not apply to waters intended for irrigation.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site according to label use directions or at an approved waste disposal facility.

Container Handling for Non-Refillable Bag: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures allowed by state and local authorities.

Container Handling for Rigid Refillable Tote: Refillable container. Refill this container with granular spinosad pesticide formulation only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment. Use a sprayer with water to quickly and completely rinse the interior of the container. Ensure the top, bottom, and all sides are rinsed. A high pressure sprayer with a rinsing nozzle could provide a thorough rinse of the interior. Drain and collect rinsate from the container into a collection system for later disposal. Drain the container dry so no water remains. Return to point of sale. Then offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures allowed by State and local authorities.

Warranty: To the extent consistent with applicable law CLARKE MOSQUITO CONTROL PRODUCTS, INC. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Manufactured For:

CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 North Garden Avenue
Roselle, IL 60172,
U.S.A.

EPA Reg. No.: 8329-80 NET WEIGHT: _____

EPA Est. No.: LOT: _____

Natular® is a Trademark of Clarke Mosquito Control Products, Inc.



NATULAR® G30

Mosquito Larvicide / Extended Release Granule

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Controls larvae of mosquitoes which may transmit Dengue, Chikungunya, or Zika.

Active Ingredient (dry weight basis):	
Spinosad (a mixture of Spinosyn A and Spinosyn D)	2.5%
Other Ingredients	97.5%
Total	100.00%
U.S. Patent No. 5,362,634 and 5,496,931	
Natular® G30 is a 2.5% extended release granule.	
Group	5 INSECTICIDE

KEEP OUT OF REACH OF CHILDREN

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful if swallowed. Causes moderate eye irritation. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with eyes or clothing. Wear protective eyewear (such as goggles, face shield, or safety glasses).

First Aid	
If swallowed:	<ul style="list-style-type: none"> Call a poison control center or doctor immediately for treatment advice. Have a person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything to an unconscious person.
If in eyes:	<ul style="list-style-type: none"> Hold eye open and rinse slowly and gently with warm water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.	

Environmental Hazards

This product is toxic to aquatic organisms. Non-target aquatic invertebrates may be killed in waters where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

Directions For Use

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

Read all Directions for Use carefully before applying.

Product Information

Natular® G30 is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. Natular® G30 releases effective levels of spinosad for up to 30 days under typical environmental conditions. Natular® G30 may be applied with ground or aerial equipment.

Use Precautions

Integrated Pest Management (IPM) Programs

Natular® G30 is intended to kill mosquito and midge larvae. Mosquitoes are best

controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control applications, and targeted adulticide applications.

Insecticide Resistance Management (IRM)

Natular® G30 contains a Group 5 insecticide. Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticides is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs.
- Routinely evaluate applications for loss of effectiveness.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 5 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

Application

Proper application techniques help ensure adequate coverage and correct dosage necessary to obtain optimum kill of mosquito and midge larvae. Apply Natular® G30 prior to flooding as a pre-hatch application to areas that breed mosquitoes, or at any stage of larval development after flooding in listed sites. Do not allow this product to drift onto neighboring crops or non-crops areas or use in a manner or at a time other than in accordance with label directions.

Ground Application

Use conventional ground application equipment that provides even coverage at labeled rates.

Aerial Application

Fixed wing aircraft or helicopters equipped with granular spreaders capable of applying rates from 5 to 20 lb per acre may be used to apply Natular® G30. Aerial application equipment should be carefully calibrated before use to be sure it is working properly and delivering a uniform distribution pattern. Avoid flight path overlaps while dispensing granules. Do not exceed labeled limits.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making application decisions.

Application Sites and Rates

Apply Natular® G30 at rates (see table) for the targeted treatment site. Within these rate ranges apply at a rate appropriate to site habitat and conditions at the time of application. Use lower labeled rate when water is shallow, vegetation and/or pollution are minimal, and mosquito populations are low. Do not use less than labeled minimum rate. Within the labeled rate range, use higher rates when water is deep, vegetation and/or pollution are high, and mosquito populations are high in number.

Natular® G30 may be applied at rates up to 20 lb per acre in waters high in organic content, deep-water mosquito habitats or those with dense surface cover, and where monitoring indicates a lack of kill at typical rates.

Reapply after 30 days, if needed for extended control in continuously flooded habitat. More frequent applications may be made if monitoring indicates that larval populations have reestablished or weather conditions have rendered initial treatments ineffective.

Treatment Area	Natular® G30
<p>Temporary Standing Water: Woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks and other natural or manmade depressions, rock holes, pot holes and similar areas subject to holding water.</p> <p>Other Freshwater Sites: Natural and manmade aquatic sites; edges of lakes, ponds, canals, stream eddies, creek edges, and detention ponds.</p> <p>Dormant Rice Fields: Impounded water in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle).</p> <p>Freshwater Swamps and Marshes: Mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation.</p> <p>Marine/Coastal Areas: Intertidal areas above the mean high water mark, mangroves, brackish water swamps and marshes, coastal impoundments and similar areas.</p>	<p>Apply 5 to 12 lbs per acre (5.6 to 13.5 kg per hectare).</p> <p>Rate is equivalent to 5 to 12 g per 100 sq. ft. of water.</p>
<p>Stormwater/Drainage Systems: Storm sewers, catch basins, drainage ditches, and similar areas.</p> <p>Wastewater: Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing, and similar areas.</p> <p>Natural and Artificial Containers: Tree holes, bromeliads, leaf axils, and other similar natural water holding containers; cemetery urns, bird baths, flower pots, rain barrels, buckets, single tires, tires stockpiled in dumps, landfills, recycling plants and other similar areas, abandoned swimming pools, ornamental ponds, flooded roof tops and similar water holding sites; landfill containers, salvage yards, abandoned vehicles.</p> <p>Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.</p>	<p>Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare).</p> <p>Rate is equivalent to 5 to 20 g per 100 sq. ft. of water.</p> <p>For small to medium size containers, apply 0.15 g of Natular G30 per 10-25 gallons of water.</p> <p>For very small containers, apply a pinch of Natular G30 (about 0.02 g) per 5 liters (1.3 gallons) of water. This is approximately 8-10 granules per 5 liters of water.</p>
<p>Agricultural/Crop Sites Where Mosquito Breeding Occurs</p> <p>Apply Natular® G30 to standing water within agricultural/crop sites where mosquito breeding occurs to kill mosquito larvae species, including: pastures/hay fields, rangeland, orchards, vineyards, and citrus groves. Do not apply to waters intended for irrigation.</p>	<p>Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare).</p> <p>Rate is equivalent to 5 to 20 g per 100 sq. ft. of water.</p>

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool dry place in original container only. Keep away from moisture.

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

Container Handling for Non-Refillable Bag: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Container Handling for Rigid Refillable Tote: Refillable container. Refill this container with granular spinosad pesticide formulation only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment. Use a sprayer with water to quickly and completely rinse the interior of the container. Ensure the top, bottom, and all sides are rinsed. A high pressure sprayer with a rinsing nozzle could provide a thorough rinse of the interior. Drain and collect rinsate from the container into a collection system for later disposal. Drain the container dry so no water remains. Return to point of sale. Then offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by State and local authorities.

Warranty: To the extent consistent with applicable law, CLARKE MOSQUITO CONTROL PRODUCTS, INC. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Manufactured For:

CLARKE MOSQUITO CONTROL PRODUCTS, INC.
 159 North Garden Avenue
 Roselle, IL 60172, U.S.A.
 1-800-323-5727

EPA Reg. No.: 8329-83

EPA Est. No.:

Net Contents: _____

Lot: _____

Natular® is a Trademark of Clarke Mosquito Control Products, Inc.

**ACTIVE INGREDIENT:**

Bacillus thuringiensis, subspecies *israelensis*, strain AM 65-52, fermentation solids, spores, and insecticidal toxins 2.80%
OTHER INGREDIENTS 97.20%
TOTAL 100.00%

Potency: 200 International Toxic Units (ITU) per mg
(Equivalent to 0.091 billion potency: ITU per pound)

The percent active ingredient does not indicate product performance and potency measurements are not Federally standardized.

EPA Reg. No. 73049-10
EPA Est. No. 33762-IA-001

List No. 05108

INDEX:

- 1.0 First Aid
- 2.0 Precautionary Statements
 - 2.1 Hazard to Humans (and Domestic Animals)
 - 2.2 Environmental Hazards
- 3.0 Directions for Use
- 4.0 Application Directions
- 5.0 Storage and Disposal
- 6.0 Notice to User

KEEP OUT OF REACH OF CHILDREN
CAUTION

1.0

FIRST AID	
If in Eyes	<ul style="list-style-type: none"> • Hold eyes open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.	

2.0 PRECAUTIONARY STATEMENTS**2.1 HAZARD TO HUMANS (AND DOMESTIC ANIMALS)****CAUTION**

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

Mixers/loaders and applicators not in enclosed cabs or aircraft must wear a dust/mist respirator meeting NIOSH standards of at least N-95, R-95 or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitization.

2.2 ENVIRONMENTAL HAZARDS

Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

3.0 DIRECTIONS FOR USE

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

4.0 APPLICATION DIRECTIONS

VectoBac G is an insecticide for use against mosquito larvae.

Mosquitoes
Habitat

Suggested Range Rate*

(Such as the following examples):

Irrigation ditches, roadside ditches, flood water, standing ponds, livestock watering ponds and troughs, woodland pools, snow melt pools, pastures, catch basins, storm water retention areas, tidal water, salt marshes and rice fields	2.5 - 10 lbs. / acre
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In addition, standing water containing mosquito larvae, in fields growing crops such as alfalfa, almonds, asparagus, corn, cotton, dates, grapes, peaches, sugar cane and walnuts may be treated at the recommended rates.

* Use 10-20 lbs. / acre when late 3rd and early 4th instar larvae predominate, mosquito populations are high, water is heavily polluted (sewage lagoons, animal waste lagoons), and/or algae are abundant.

Apply uniformly by aerial or ground conventional equipment. Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all of these factors when making decisions.

A 7 to 14 day interval between applications should be employed.

5.0 STORAGE AND DISPOSAL

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

Storage: Store in a cool [59-86°F (15-30°C)], dry place.

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

Container Disposal: Nonrefillable container. Do not reuse or refill this container. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact Ag Container Recycling Council at 202-861-3144 or www.acrecycle.org. If recycling is not available dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

6.0 NOTICE TO USER

Seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on the label. User assumes all risks of use, storage or handling not in strict accordance with accompanying directions.

VectoBac is a registered trademark of Valent BioSciences Corporation.

**ACTIVE INGREDIENT:**

<i>Bacillus sphaericus</i> 2362, Serotype H5a5b, strain ABTS	
1743 Technical Powder (670 BsITU/mg)	7.5%
OTHER INGREDIENTS	92.5%
TOTAL	100.0%

Potency: This product contains 50 BsITU/mg or 0.023 Billion BsITU/lb.

Expiration Date: (Two years from the date of manufacture).

The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

EPA Reg. No. 73049-20 List No. 05722
 EPA Est. No. 33762-IA-001 (Lot No. Suffix 'N8')
 EPA Est. No. 33967-NJ-1 (Lot No. Suffix 'Q5')

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- 1.0 First Aid
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- 5.0 Directions for Use - VectoLex Water Soluble Pouches (WSP)
 - 5.1 Application Directions
- 6.0 Notice to User

KEEP OUT OF REACH OF CHILDREN
CAUTION

1.0

FIRST AID	
If in eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center for treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.	

2.0**PRECAUTIONARY STATEMENTS****2.1****HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION**

Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

2.2**ENVIRONMENTAL HAZARDS**

Do not contaminate water when disposing of equipment washwaters or rinsate. Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

3.0**DIRECTIONS FOR USE**

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

4.0**STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage or disposal. Do not contaminate water when disposing of equipment washwaters.

Pesticide Storage: Store in a cool, dry place.

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

Container Disposal: Non refillable container. Do not reuse or refill this container. Offer for recycling if available. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke. For Water Soluble Pouches, dispose of empty outer foil bag in trash.

Continued

5.0 DIRECTIONS FOR USE - VECTOLEX WATER SOLUBLE POUCHES (WSP)

Once the foil bag containing Water Soluble Pouches is opened, use pouches within one day.

5.1 APPLICATION DIRECTIONS

MOSQUITO CONTROL

VectoLex WSP is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoLex WSP can be applied to areas that contain fish, other aquatic life, and plants. VectoLex WSP can be applied to areas used by or in contact with humans, pets, horses, livestock, birds or wildlife.

I. For control of mosquito larva species* in the following non-cropsites:

Habitat	Rate Range
Drainage/Drainage Systems:	
Storm drains, catch basins, retention, detention and seepage ponds.	1 pouch/50 sq.ft. ⁽¹⁾
Treatment Areas (For Use In)⁽¹⁾:	
Ponds	Standing water Unused swimming
Lagoons	Storm water pools or spas
Water gardens	retention areas Flooded basements
Hollow trees and tree holes	Catch basins Pool covers
Urns	Birdbaths Gutters and drains
Rain barrels	Fountains Wheelbarrows
Livestock watering troughs/ponds/tanks	Flowerpots Garbage cans and covers
Irrigation ditches	and planters Discarded tires
Roadside ditches	Snowmelt pools
Flood water	Abandoned swimming pools

Any location where water accumulates and remains standing for periods of time, except treated, finished drinking water for human consumption.

⁽¹⁾Treat on basis of surface area of potential mosquito breeding sites by placing one (1) VectoLex Soluble Pouch for up to 50 square feet of treatment area. Re-apply as needed after 1 to 4 weeks.

5.1 APPLICATION DIRECTIONS (cont'd)

Longer periods of mosquito population suppression may result where sufficient numbers of non-target aquatic invertebrate parasites and predators are present since these are not affected by the product and contribute to mosquito population reduction.

* Mosquito species effectively controlled by VectoLex WSP, including many of those known to carry/transmit West Nile Virus:

- Culex* spp.
- Aedes vexans*
- Ochlerotatus melanimon* (*Aedes melanimon*)
- Ochlerotatus stimulans* (*Aedes stimulans*)
- Ochlerotatus nigromaculis* (*Aedes nigromaculis*)
- Psorophora columbiae*
- Psorophora ferox*
- Ochlerotatus triseriatus* (*Aedes triseriatus*)
- Ochlerotatus sollicitans* (*Aedes sollicitans*)
- Anopheles quadrimaculatus*
- Coquillettidia perturbans*

6.0 NOTICE TO USER

To the fullest extent permitted by law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on the label. User assumes all risks of use, storage or handling not in strict accordance with accompanying directions.



**ACTIVE INGREDIENT:**

Bacillus sphaericus 2362, Serotype H5a5b, strain ABTS
1743 fermentation solids, spores, and insecticidal toxins . . . 7.5%
OTHER INGREDIENTS 92.5%
TOTAL 100.0%

Potency: This product contains 50 BsIU/mg or 0.023 Billion BsIU/lb.
Expiration Date: (Two years from the date of manufacture).

The percent active ingredient does not indicate product performance
and potency measurements are not federally standardized.

EPA Reg. No.73049-20
EPA Est. No. 33762-IA-001

List No. 05722

INDEX:

- 1.0 First Aid
- 2.0 Precautionary Statements
 - 2.1 Hazard to Humans (and Domestic Animals)
 - 2.2 Environmental Hazards
- 3.0 Directions for Use
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- 5.0 Directions for Use - VectoLex FG
 - 5.1 Application Directions
- 6.0 Notice to User

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

1.0

FIRST AID	
If in eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center for treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.</p>	

2.0 PRECAUTIONARY STATEMENTS**2.1 HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION**

Causes moderate eye irritation. Harmful if absorbed through the skin or inhaled. Avoid contact with skin, eyes or clothing. Wear protective eyewear. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Mixers/loaders and applicators not in enclosed cabs or aircraft, must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95, or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitizations.

2.2 Environmental Hazards

Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

3.0 DIRECTIONS FOR USE

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

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform mosquito control applications, or by persons under their direct supervision. IN CALIFORNIA: This product is to be applied by County Health Department, State Department of Health Services, Mosquito and Vector Control or Mosquito Abatement District personnel, or persons under contract to these entities only.

4.0 STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Do not contaminate water when disposing of equipment washwaters.

Pesticide Storage: Store in a cool, dry place.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment, then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

5.0 DIRECTIONS FOR USE - VECTOLEX FG**5.1 Application Directions****MOSQUITO CONTROL**

VectoLex[®] FG Biological Larvicide Fine Granule (hereafter referred to as VectoLex FG) is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoLex FG can be applied to areas that contain fish, other aquatic life, and plants. VectoLex FG can be applied to areas used by or in contact with humans, pets, horses, livestock, birds, or wildlife.

CONTINUED

I. For control of mosquito larvae species* in the following non-crop sites:

Habitat	Rate Range
Wastewater: Sewage effluent, sewage lagoons, oxidation ponds, septic ditches, animal waste lagoons, impounded wastewater associated with fruit and vegetable processing.	5-20 lbs/acre**
Stormwater/Drainage Systems: Storm sewers, catch basins, drainage ditches, retention ponds, detention ponds and seepage ponds.	5-20 lbs/acre**
Marine/Coastal Areas: Salt marshes, mangroves, estuaries.	5-20 lbs/acre**
Water Bodies: Natural and manmade aquatic sites such as lakes, ponds, rivers, canals, streams and livestock watering ponds and troughs.	5-20 lbs/acre**
Dormant Rice Fields: Impounded water in dormant rice fields. (For application only during the interval between harvest and preparation of the field for the next cropping cycle.)	5-20 lbs/acre**
Waste Tires: Tires stockpiled in dumps, landfills, recycling plants, and other similar sites.	0.5-2 lbs/ 1000 sq. ft.

II. For the control of mosquito larvae species* in the following agricultural/crop sites where mosquito breeding occurs:

Habitats:	Rate Range
Rice, pastures/hay fields, orchards, citrus groves, irrigated crops.	5-20 lbs/acre**

Apply VectoLex FG uniformly by aerial or conventional ground equipment. Reapply VectoLex FG as needed after 1 to 4 weeks.

* Mosquito species effectively controlled by VectoLex FG, including many of those known to carry/transmit West Nile virus:

- Culex spp.*
- Aedes vexans*
- Ochlerotatus melanimon* (*Aedes melanimon*)
- Ochlerotatus stimulans* (*Aedes stimulans*)
- Ochlerotatus nigromaculis* (*Aedes nigromaculis*)
- Psorophora columbiae*
- Psorophora ferox*
- Ochlerotatus triseriatus* (*Aedes triseriatus*)
- Ochlerotatus sollicitans* (*Aedes sollicitans*)
- Anopheles quadrimaculatus*
- Coquillettidia perturbans*

**Use higher rates (10 to 20 lbs/acre) in areas where extended residual control is necessary, or in habitats having deep water or dense surface cover.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making decisions.

6.0 NOTICE TO USER

To the extent consistent with applicable law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on this label. To the extent consistent with applicable law, user assumes all risks of use, storage or handling not in accordance with accompanying directions.

**ACTIVE INGREDIENTS:**

<i>Bacillus sphaericus</i> 2362, Serotype H5a5b, Strain ABTS 1743 Fermentation Solids, Spores, and Insecticidal Toxins	2.7%
<i>Bacillus thuringiensis</i> subsp. <i>israelensis</i> Serotype H-14, Strain AM65-52 Fermentation Solids, Spores, and Insecticidal Toxins	4.5%
OTHER INGREDIENTS	92.8%
TOTAL	100.0%

Potency: This product contains 50 BslTU/mg or 0.023 Billion BslTU/lb.
Expiration Date: (Two years from date of manufacture)

The percent active ingredient does not indicate product performance
and potency measurements are not Federally standardized.

EPA Reg. No. 73049-429

EPA Est. No. 33762-IA-001

List No. 05750

US Patent No. 7,989,180, US Patent No. 8,454,983

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**KEEP OUT OF REACH OF CHILDREN
CAUTION**

1.0**FIRST AID**

If in eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.

2.0**PRECAUTIONARY STATEMENTS****2.1****Hazards To Humans and Domestic Animals
CAUTION**

Causes moderate eye irritation. Harmful if absorbed through the skin or inhaled. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Mixers/loaders and applicators not in enclosed cabs or aircraft, must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95, or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitization.

2.2**Environmental Hazards**

Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

3.0**DIRECTIONS FOR USE**

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

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform mosquito control applications, or by persons under their direct supervision.

IN CALIFORNIA: This product is to be applied by County Health Department, State Department of Health Services, Mosquito and Vector Control or Mosquito Abatement District personnel, or persons under contract to these entities only.

CONTINUED

4.0

APPLICATION DIRECTIONS

MOSQUITO CONTROL

VectoMax® FG Biological Larvicide Fine Granule (hereafter referred to as VectoMax FG) is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoMax FG can be applied to areas that contain fish, other aquatic life, and plants. VectoMax FG can be applied to areas used by or in contact with humans, pets, horses, livestock, birds, or wildlife.

I. For control of mosquito larvae in the following non-crop sites:

Habitat	Application Rate Range
Wastewater: Sewage effluent, sewage lagoons, oxidation ponds, septic ditches, animal waste lagoons, and impound wastewater associated with fruit and vegetable processing.	5-20 lbs/acre*
Storm Water/Drainage Systems: Drainage ditches, roadside ditches, retention ponds, detention ponds, and seepage ponds.	5-20 lbs/acre*
Marine/Coastal Areas: Tidal water, saltmarshes, mangroves, and estuaries.	5-20 lbs/acre*
Water Bodies: Natural and manmade aquatic sites such as lakes, ponds, canals, rivers and streams (including river & stream edges), floodplains, swamps, marshes, irrigation ditches, flood water, woodland pools, snow melt pools and livestock watering ponds and troughs.	5-20 lbs/acre*
Waste Tires: Tires stockpiled in dumps, landfills, recycling plants, and other similar sites.	0.5-2 lbs/ 1000 sq. ft.

II. For control of mosquito larvae in agricultural/crop sites where mosquito breeding occurs.

Habitat	Application Rate Range
Rice fields, pastures/hay fields, orchards (including citrus groves, peaches, almonds, dates, and walnuts), asparagus fields, corn fields, cotton fields, alfalfa fields, and vineyards.	5-20 lbs/acre*

Apply VectoMax FG uniformly by aerial or conventional ground equipment. Reapply VectoMax FG as needed (after 1-4 weeks under typical environmental conditions).

*Use higher application rates (10-20 lbs/acre) in areas where 4th instar *Aedes* or *Ochlerotatus* spp. larvae predominate, or in areas where very high densities of late instar mosquito larvae are present, or under conditions where local experience indicates the need for higher application rates to achieve extended residual control.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making decisions.

5.0

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool, dry place.

Pesticide Disposal: To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration. Do not burn, unless allowed by State and local ordinances. If burned, stay out of smoke.

6.0

WARRANTY AND DISCLAIMER

To the extent consistent with applicable law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on this label. To the extent consistent with applicable law, user assumes all risks of use, storage, or handling not in accordance with the accompanying directions.

VectoMax is a registered trademark and BioFuse is a trademark of Valent BioSciences Corporation.





COCOBEAR™

Mosquito Larvicide Oil

Kills larvae and pupa stages of mosquitoes. Physical control of mosquito broods: kills by suffocation - mosquitoes do not develop resistance. Prevents mosquito emergence.

Standing water treatment. Use on: ponds, pools, ditches, standing water within irrigated croplands and pastures, flood waters, and other listed areas where mosquitoes develop.

ACTIVE INGREDIENT

Mineral Oil*	10.0%
OTHER INGREDIENTS	90.0%
TOTAL	100.0%

* Contains petroleum distillate

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.

IF SWALLOWED:	Call a poison control center or doctor immediately for treatment advice. DO NOT induce vomiting unless told to do so by a poison control center or doctor. Do not give ANY liquid to the person. Do not give anything by mouth to an unconscious person.
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NOTICE TO PHYSICIANS: This product contains petroleum distillate and may pose an aspiration pneumonia hazard.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Personal Protective Equipment (PPE): Mixers, loaders, applicators, and other handlers must wear long-sleeved shirt and long pants, and shoes plus socks.

User Safety Requirements: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

User Safety Recommendations: Users should wash hands before eating, drinking, chewing gum, tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, except as directed for use on this label. Aquatic organisms may be killed in waters where this pesticide is used. Consult with the State or tribal agency with primary authority for regulating pesticides before applying this product to public waters to determine if a permit is needed.

DIRECTIONS FOR USE

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

This product may cause injury to plants in the treatment area. Stressed plants may be more susceptible.

COCOBEAR may only be used to control mosquito larvae and pupae. COCOBEAR leaves a thin film on the surface of treated, non-flowing water and kills mosquito larvae and pupae by suffocation. COCOBEAR kills immature mosquitoes where they develop.

This product may be used for surface applications to standing water within irrigated croplands and pastures, drainage areas, ditches, stagnant pools, swamps, marshes, temporary rain pools, sloughs, log ponds, open sewage basins, settling ponds, catch basins, waste tires and intermittently flooded areas.

Apply at uniform rates of 3 gallons per surface acre (for smaller areas, treat at 10 ounces per 1,000 sq. ft. or 1 1/2 quart per 5,000 sq. ft.). Where there is extremely dense vegetation or if the water to be treated is high in organic content, up to 5 gallons per acre (15 ounces per 1,000 sq. ft. or 2 quarts per 5,000 sq. ft.) may be used.

When applying by aerial application, adjust spray volume up to 5 gallons per acre dependent on vegetation and surface conditions. 3 gallons per acre (36 gallons per 100 ft swath mile) is likely to be sufficient for most conditions.

Spray Drift Management

A variety of factors including weather conditions (e.g. wind direction, wind speed, temperature, and relative humidity) and method of application (e.g. ground, aerial) can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Wind Speed: Do not apply this product at wind speeds greater than 15 mph at the application site.

Droplet Size: Apply as a medium or coarser spray (ASABE Standard

572), and the minimum mean volume diameter (VMD) for spinning atomizer nozzles.

Temperature Inversions: Application is allowed under stable and/or temperature inversion conditions as long as application is done below the point in the atmosphere where the inversion begins and the droplet size meets the dimensions of very coarse or extremely coarse as defined in ASABE Standard 572 (VMD of 400-500 microns).

Release Height for Ground Applications: Apply using a nozzle height of no more than 4 feet above the surface.

Aerial Applications: Applications must conform to the requirements indicated above regarding wind speed, droplet size, and

temperature inversions and to the additional requirements listed below.

Release Height: Aircraft altitude should be maintained at the lowest altitude necessary for aircraft safety in order to reduce the exposure of droplets to evaporation and wind.

Boom Length: The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter. Nozzle placement may be extended to 100% of rotor blade diameter when very coarse droplets of VMD 400-500 microns (ASABE Standard 572) are used. Orient nozzles to spray backward and parallel to the air stream.

Swath Adjustment: When applications are made with a cross-wind, the swath will be displaced downwind. The applicator must compensate for this displacement at the upwind and downwind edges of the application area by adjusting the path of the aircraft upwind.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store upright at room temperature. In case of spill or leakage, soak up with absorbent material such as sand, sawdust, earth, fuller's earth, etc.

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

CONTAINER DISPOSAL:

(REFILLABLE DRUMS & TOTES): Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning the container before refilling is the responsibility of the refiller. To clean the container before disposal, drain the container until it is empty. Add a minimum amount of clean water to allow recirculation through the pump, meter and hoses. A commercial tank-cleaning detergent may be used, if desired. Thoroughly drench the interior sides, ceiling, and floor of the container. Using a steam-cleaning process or a high-pressure/low-water process, clean sides, ceiling, and floor of container. Recirculate wash water through the pump, meter and hoses. Drain the tank. Dispose of wash water or rinsate with pesticide waste. Offer cleaned container for recycling, if available, or puncture and dispose of it in a sanitary landfill, or by other procedures approved by State and local authorities.

(2.5 GALLON JUGS): Nonrefillable container. Do not reuse or refill this container. When container is empty, drain it completely, then puncture and dispose of it in a sanitary landfill or by other procedures approved by State and local authorities.

MANUFACTURED FOR:
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 N. GARDEN AVENUE
ROSELLE, ILLINOIS 60172
For more information call: 1-800-323-5727

EPA REG. NO. 8329-93

Available Packaging: 2.5 GAL, 30 GAL, 55 GAL, 275 GAL, BULK

EPA EST. NO. _____

LOT NO: Marked on Container Label

COCOBEAR™ is a trademark of Clarke Mosquito Control Products, Inc.

NOTICE: To the extent consistent with applicable law, Clarke Mosquito Control Products, Inc. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. To the extent consistent with applicable law, buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.



FLIT™ 10EC

Broad Spectrum Multi-Use Insecticide

QUICK KNOCKDOWN. FOR AGRICULTURAL/COMMERCIAL USE ONLY.

For Use Outdoors and in Homes, Kennels and the Non-Food/Feed Areas of Commercial Buildings, Institutions, Warehouses, Theaters, Office Buildings, Schools, Motels, Hotels, Restaurants and Food/Feed Handling Establishments.

Active Ingredient:

*Permethrin (3-phenoxyphenyl) methyl (=/-) cis/trans 3-(2,2-dichloroethyl) 2,2- dimethyl cyclopropanecarboxylate	10.0%
†OTHER INGREDIENTS:.....	90.0%
	100.0%

*Cis/trans ratio: Max. 65% (+-) trans and min. 35% (+-) cis.

†Contains Petroleum Distillates

KEEP OUT OF REACH OF CHILDREN WARNING

FIRST AID

Have the product container or label with you when calling a poison control center or doctor or going for treatment. For Medical Emergencies, call the International Poison Control Center at 1-800-214-7753.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth. Call a poison control center or doctor for further treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

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

NOTE TO PHYSICIAN: This product contains petroleum distillate. Vomiting may cause aspiration pneumonia.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

WARNING Causes skin irritation and moderate eye injury. Do not get on skin or on clothing. Harmful if inhaled. Avoid breathing vapor or spray mist and contact with eyes. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Wear full-faced gas mask with canister type recommended for general insecticide protection for applying indoors as a space spray or fog.

ENVIRONMENTAL HAZARDS

This product is highly toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply where runoff is likely to occur. Do not apply when wind speeds exceed 10 mph. Do not contaminate water when disposing of equipment washwaters. Shrimp and crab may be killed if application rates recommended on this label are exceeded. Use with caution where these are important resources. This pesticide is highly toxic to bees exposed to direct treatment or to residues remaining on the treated area. Do not apply this product or allow drift when bees are actively visiting the treatment area. Applications should be timed to provide the maximum possible interval between treatment and the next period of bee activity.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

DIRECTIONS FOR USE

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

To prepare dilutions, the concentrate should first be stirred or agitated well. Add the required amount of concentrate to water or oil and blend thoroughly. Do not hold dilutions for more than 24 hours. For maximum effectiveness, a combination of localized application and space treatment is recommended.

Do not use in federally inspected meat and poultry plants. Do not use in food/feed areas of food/feed handling establishments, restaurants or other areas where food/feed is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared food is served such as dining rooms but excluding areas where foods may be prepared or held. In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food/feed should be covered and removed.

NON FOOD/FEED AREAS include (but not limited to) garbage rooms, lavatories, floor drains (to sewers) entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning or bottling).

Do not apply to classrooms when in use. Do not apply this product in patient rooms or in any rooms when occupied by the elderly or infirm. Remove pets, birds and cover fish aquaria before spraying. Do not allow spray treatment to contaminate pasture land, cropland, poultry ranges or water supplies. Do not use on crops used for food, forage or pasture.

INDOOR USE AREAS (Non-Food/Feed Areas)

Bakeries, Beverage Plants, Canneries, Flour Mills, Grain Elevators, Granaries, Homes, Hospitals (non-patient rooms), Hotels, Industrial Installations, Kennels, Meat Packing Plants, Motels, Office Buildings, Railroad Cars, Restaurants, Schools, Ships' Holds, Supermarkets, Truck Trailers, Warehouses.

(Directions For Use Continued on Next Panel)

STORAGE AND DISPOSAL

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

Pesticide Storage and Spill Procedures: Store upright at room temperature.

Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

Pesticide Disposal: Pesticide, spray mixture or rinse water that cannot be used according to label instructions must be disposed of at or by an approved waste disposal facility.

Container Disposal: Triple rinse (or equivalent) then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other approved State and local procedures.

IN CASE OF MEDICAL EMERGENCY, CALL THE INTERNATIONAL POISON CONTROL CENTER 1-800-214-7753

IN CASE OF TRANSPORTATION EMERGENCY, CALL INFO-TRAC 1-800-553-5053

FOR MORE INFORMATION CALL 1-800-323-5727

Sold By
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 N. Garden Avenue
Roselle, IL 60172

Net Contents: _____

EPA Reg. No. 8329-67

Lot No.: Marked on Container Label

EPA Est. No. _____

AL0418

APPLICATION SITES	PESTS CONTROLLED	USE DIRECTIONS	DILU-ENT	DILUTION RATE	APPLICA-TION RATE	DOSE RATE
AS A SPACE SPRAY: Animal Houses, Corrals, Drive-in Restaurants, Drive-in Theaters, Feedlots, Gardens, Golf Courses, Parks, Playgrounds, Recreational Areas, Urban Areas, Zoos, etc.	Mosquitoes, Gnats, biting and non-biting Midges, Blackflies, and other biting Flies.	Apply using vehicle mounted ULV equipment to create an insecticidal swath. For best results apply when there is a light breeze (ie. about 5 mph) and apply in direction of breeze to obtain maximum swath and better distribution. Do not apply if winds exceed 10 mph. The target dose rate to be applied is up to 0.007 lb. a.i. per acre. This can be achieved under different conditions by altering the flow of insecticide from the equipment and/or the speed of the vehicle. Apply 3.5 to 7.0 fluid ounces per minute at vehicle speeds of 5-10 miles per hour using swath widths of 150-300 feet as appropriate to local conditions. At higher vehicle speeds flow rates should be increased proportionately to achieve the target dose rate. Not to be used within 100 feet (30 meters) of lakes and streams. In treatment of corrals, feed lots, swine lots and zoos, cover any exposed drinking water, drinking fountains and animal feed before application. Allow 24 hours before retreating. Do not apply more than once in a 24 hour period.	Oil or Water	1 part concentrate with 1 part suitable oil solvent, or at proportional oil dilutions calculated on the basis of applicator speed and swath width to achieve the target dose.	Dependent of swath width, flow rate and speed of vehicle.	Up to 0.007 lbs of active ingredient per acre.
AS A SPACE SPRAY: LIVESTOCK PREMISES: Bams, Milking Parlors, Milk Rooms, Dairies, Poultry Houses, Swine and Livestock Housing.	Flies, Mosquitoes and Gnats	Apply as a fog or fine mist, directing the spray toward the ceiling and upper corners until the area is filled with mist, using about 2 ounces per 1000 cubic feet of space. For best results, close doors and windows before spraying and keep them closed for ten to fifteen minutes. Vacate the treated area and ventilate before reoccupying.	Water	1 part concentrate in 20 parts water (6.5 Fl. ounces per gallon).		
Bakeries, Beverage Plants, Canneries, Flour Mills, Food Processing Plants, Granaries, Homes, Hospitals, Hotels, Industrial Installations, Kennels, Meat Packaging Plants, Motels, Office Buildings, Railroad Cars, Restaurants, Schools, Ships' Holds, Supermarkets, Truck Trailers, Warehouses.	House Flies, Fruit Flies, Gnats, Mosquitoes, Skipper Flies, Wasps, Hornets, Bees, Blackflies, Small Flying Moths.	Apply with mechanical or compressed air equipment (non-thermal) adjusted to deliver a fine mist. Close doors and windows and shut off ventilating systems. When using an oil dilution for space spraying, extinguish all flames and pilot lights when applying. For rapid control of Houseflies, Fruit Flies, Gnats, Mosquitoes, Skipper Flies, Wasps, Hornets, Bees, Blackflies, Small Flying Moths, direct spray at an upward angle distributing it uniformly through the entire area at a rate of 1 ounce per 1000 cubic feet of space. Keep area closed for at least 10 minutes. Vacate areas after treatment and ventilate and sweep up dead insects before reoccupying. For rapid kill of exposed or accessible stages of other insects named on this label, apply using conventional, mechanical or compressed air equipment (non-thermal) following directions for space spraying.	Oil or Water	1 part concentrate in 20 parts oil or water (6.5 fluid ounces per gallon).	1 ounces per 1000 cubic feet	
BARRIER SPRAY: Perimeter of residential yards, public facilities, paths and recreational areas.	As an aid in reducing mosquito annoyance. To kill and control biting and non-biting midges, deer flies and other biting flies.	Apply when walking at a speed of approximately 2 mph or a swath of 50 feet treating approximately 0.2 acre/minute.	Oil or Water	1 part concentrate to 1 part of a suitable diluent, or at proportional dilutions calculated on the basis of applicator speed and swath width to achieve the target dose.	Apply 17.5 fluid ounces of diluted material per acre.	Approx. 0.1 lb. per acre
AS A SURFACE SPRAY: Walls, ceilings, moldings, screens, door frames, beams, light cords, and similar resting places.	Mosquitoes, Wasps, Gnats, Skippers	Treat surface using coarse wet spray. Spray thoroughly but do not let runoff occur.	Water	1 part concentrate in 20 parts of water (6.5 fl. ounces per 1 gallon of water)		

READ BEFORE USE

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be adequate and should be followed carefully. However, because of manner of use and other factors beyond Clarke Mosquito Control Products control, it is impossible for Clarke Mosquito Control Products to eliminate all risks associated with the use of this product. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED OF MERCHANTABILITY OR OF FITNESS FOR PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Clarke Mosquito Control Products is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. Clarke Mosquito Control Products disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liabilities arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

LIMITATION OF LIABILITY: THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT CLARKE MOSQUITO CONTROL PRODUCT'S ELECTION, THE REPLACEMENT OF PRODUCT

AL0418

Aqua Zenivex™ E20

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

- **FOR EFFECTIVE ADULT MOSQUITOES, NON-BITING MIDGE CONTROL AND BLACK FLY CONTROL**
- **FOR USE AS A ULV, THERMAL OR SPACE SPRAY BY AIR AND GROUND APPLICATION TO CONTROL ADULT MOSQUITOES**
- **APPROVED FOR USE OVER AGRICULTURAL CROPS (INCLUDING THOSE INTENDED FOR HUMAN CONSUMPTION), PASTURE AND RANGELAND**
- **CAN BE USED UNDILUTED OR DILUTED**
- **FORMULATION ALLOWS DILUTION WITH WATER RATHER THAN OIL**
- **QUICK PERMANENT KNOCKDOWN OF ADULT MOSQUITOES AND OTHER TARGET INSECTS**
- **CONTROLS NON-BITING MIDGES AND NUISANCE FLIES**
- **CONTROLS ADULT MOSQUITOES THAT MAY CARRY WEST NILE, EASTERN EQUINE ENCEPHALITIS, ST. LOUIS ENCEPHALITIS, AND CHIKUNGUNYA VIRUSES**

SPECIMEN LABEL

ACTIVE INGREDIENT:

Etofenprox (CAS #80844-07-1)..... 20%

OTHER INGREDIENTS:..... 80%

TOTAL 100%

Contains 1.48 lbs Etofenprox per gallon

EPA Reg. No. 89459-81 EPA Est. No. 2724-TX-1

KEEP OUT OF REACH OF CHILDREN WARNING

See additional Precautionary Statements

PRECAUTIONARY STATEMENTS – HAZARDS TO HUMANS & DOMESTIC ANIMALS – WARNING

Causes substantial but temporary eye injury. Do not get in eyes. Avoid contact with skin or clothing. Applicators and other handlers must wear long-sleeved shirt, long pants, socks and shoes. Repeated exposure to etofenprox can cause skin irritation.

FIRST AID

If in eyes

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

(continued)

If on skin

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-248-7763 for emergency medical treatment information.

USER SAFETY REQUIREMENTS

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them. Wash thoroughly with soap and water after handling. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing/PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms, including fish and aquatic invertebrates. Runoff from treated areas or deposition into bodies of water may be hazardous to fish and other aquatic organisms. Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from water in order to minimize incidental deposition into the water body. Do not contaminate bodies of water when disposing of equipment rinsate or washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Time applications to provide the maximum possible interval between treatment and the next period of bee activity. Do not apply to blooming crops or weeds when bees are foraging the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal, or local health or vector control agency on the basis of documented evidence of disease-causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

DIRECTIONS FOR USE

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

READ AND FOLLOW ALL LABEL DIRECTIONS. Before making the first application of the season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

PRODUCT INFORMATION

Aqua Zenivex™ E20 is an effective insecticide used at low doses to control adult mosquitoes, non-biting midges, biting and non-biting flies. Use Aqua Zenivex™ E20, either undiluted as Ultra-Low Volume (ULV) or diluted with water, for the control of pest species in or near residential, industrial, commercial, urban, recreational areas, woodlands, golf courses, and other areas where these pests are a problem. Aqua Zenivex™ E20 may be applied over agricultural areas prior to or following harvest for the control of adult mosquitoes within or adjacent to these areas. Apply Aqua Zenivex™ E20 aerially (both fixed and rotary aircraft) for low volume applications or through mist-blowers, backpack, and handheld sprayers for ground applications. Aqua Zenivex™ E20 will control non-biting midges, black flies and mosquitoes and can be used as part of a total integrated pest management program for controlling disease vectors. Apply Aqua Zenivex™ E20 at rates from 0.00175 to 0.00700 pounds of etofenprox per acre. Dilute this product with water. Apply when wind is ≥ 1 mph. Do not apply when wind speeds exceed 10

mph. A temperature inversion is preferable to keep the fog close to the ground and apply when labeled insects are most active.

Do not spray more than 0.18 lbs etofenprox per acre per site per year. Do not make more than 25 applications per site per year. More frequent treatments may be made to prevent or control a threat to public and/or animal health determined by a state, tribal, or local health or vector control agency on the basis of documented evidence of disease-causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

GROUND APPLICATION

Use a vehicle-mounted cold aerosol ULV sprayer to apply the product. Direct the spray equipment nozzle to provide even distribution of the product. For best results, apply perpendicular to the wind direction using a swath width of 300 ft. Spray equipment must be adjusted so that the volume median diameter (VMD) is between 7-30 microns ($10\mu \leq D_{v0.5} \leq 30\mu$) and that 90% of the spray is contained in droplets smaller than 50 microns ($D_{v0.9} < 50\mu$). Directions from the equipment manufacturer or vendor, pesticide registrant, or test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that nozzle flow rate(s) are properly calibrated.

The appropriate application rate can be achieved by altering the dilution rate of Aqua Zenivex™ E20. Refer to the following chart for examples.

Application rate pound AI per acre	Vehicle Speed MPH	Flow rates			
		Undiluted	Diluted 1 to 1	Diluted 1 to 2	Diluted 1 to 4.5
		Oz/minute	Oz/minute	Oz/minute	Oz/minute
0.00175	10	0.9	1.8	2.7	5.0
	15	1.4	2.7	4.1	7.6
	20	1.8	3.6	5.5	10.1
0.00350	10	1.8	3.6	5.5	10.1
	15	2.7	5.4	8.3	15.1
	20	3.6	7.2	11.0	20.2
0.00700	10	3.6	7.2	11.0	20.2
	15	5.4	10.8	16.5	30.3
	20	7.2	14.4	22.0	40.4

Use the higher label rates when spraying areas where dense vegetation is present. Conduct applications when temperatures are between 50-95° F.

Backpack Sprayer ULV Application: Apply Aqua Zenivex™ E20 diluted or undiluted through non-thermal ULV backpack sprayer capable of applying the product in the 7 to 30 micron range. Apply product to the area as evenly as possible. Apply at the rate of 0.00175 to 0.00700 pounds etofenprox per acre.

Urban ULV Mosquito Control Applications: For control of

resting or flying adult mosquitoes, biting flies and non-biting midges in areas such as utility tunnels, sewers, storm drains and catch basins, pipe chases, underground basements, underground passages, parking decks, crawl spaces or uninhabited buildings, apply Aqua Zenivex™ E20 using mechanical foggers, handheld or truck-mounted ULV equipment, thermal foggers or other spray equipment suitable for this application. Apply Aqua Zenivex™ E20 at rates up to but not exceeding 0.00700 pounds of etofenprox per acre.

Thermal Fogging Application: Apply using a truck, dolly mounted, handheld, or other thermal fogging equipment. Following the equipment manufacturer's instructions, apply this product at a rate of 0.00175 to 0.00700 pounds etofenprox per acre. Direct fog to areas where mosquitoes and other pests are located. The volume median diameter (VMD) of droplets produced by thermal foggers is less than 60 microns ($D_{V_{0.5}} < 60\mu$) and 90% of the spray is contained in droplets smaller than 100 microns ($D_{V_{0.9}} < 100\mu$).

AERIAL APPLICATION

Apply Aqua Zenivex™ E20 aerially, either diluted or undiluted, by fixed wing or rotary aircraft. Apply at the rate of 0.00175 to 0.00700 pounds of etofenprox per acre. Apply using ULV equipped and capable aircraft. Spray equipment must be adjusted so that the volume median diameter (VMD) produced is less than 60 microns ($D_{V_{0.5}} < 60\mu$) and that 90% of the spray is contained in droplets smaller than 100 microns ($D_{V_{0.9}} < 100\mu$). Directions from the equipment manufacturer or vendor, pesticide registrant, or test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be calibrated annually to confirm that nozzle flow rate(s) are accurate. Do not apply Aqua Zenivex™ E20 at altitudes below 100 feet. Apply at altitudes from 100–300 feet. Apply when wind speed on the ground is ≥ 1 mph. Apply when labeled insects are most active. For best results, use Global Positioning System (GPS) equipped aircraft.

Applications over crops or to areas favoring drift over crops

Aqua Zenivex™ E20 may be applied over crops (including row, tree, fruit, citrus, pasture and other areas where agricultural enterprises take place) or to areas where drift over cropland could occur. Aqua Zenivex™ E20 can be applied to these areas by either ground or aerial application. Use label rates and follow Directions For Use as directed in this label. Applications over crops or where drift may occur over crops are limited to 4 applications per month to the same site but no more than two applications within a seven day interval. Do not apply more than 0.028 pounds of active ingredient per month to the same site within a month. Do not spray more than 0.18 lbs etofenprox per acre per site per year. Do not make more than 25 applications per

site per year.

IN FLORIDA: Aerial applications of this product require trained personnel to perform industry accepted assays to monitor resistance formation in targeted mosquitoes.

PESTICIDE STORAGE AND DISPOSAL

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

Storage and Spill Procedures: Store upright at room temperature, but do not store at temperatures below 50° F. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

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

Container Disposal: Refillable 275 Gallon Totes: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. If not refilled, offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration. To clean the container before final disposal, triple rinse (or equivalent) promptly after emptying. Triple rinse as follows. Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

In case of an emergency or for product use information, call 1-800-248-7763.

To the extent consistent with applicable law, seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risks of use and handling of this material when such use and handling are contrary to label instructions.

Manufactured for:

Central Garden & Pet Company
1501 East Woodfield Road 200W
Schaumburg, Illinois 60173



VEC 16-020

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May 2016
Schaumburg, IL

Chikungunya Virus: What you need to know



Chikungunya (pronunciation: \chik-en-gun-ye) is:

- ◆ A virus spread through *Aedes* species mosquito bites. *Aedes* mosquitoes also spread dengue and Zika viruses.
- ◆ A risk to anyone traveling to a region of the world where chikungunya virus is found.



Global risk

Outbreaks have occurred in parts of Africa, Europe, Southeast Asia, and islands in the Indian and Pacific Oceans.

In 2013, chikungunya was found for the first time in the Americas and has spread to the Caribbean, South and Central America, and North America.

For information on where chikungunya virus is found, see: <http://www.cdc.gov/chikungunya/geo/>.

Traveling? For country-specific travel information and recommendations, visit www.cdc.gov/travel.

Signs and symptoms of chikungunya virus disease (chikungunya)

- ◆ Common symptoms include fever and severe joint pain. Other symptoms may include headache, muscle pain, joint swelling, or rash.
- ◆ Symptoms usually begin 3—7 days after being bitten by an infected mosquito.
- ◆ Most patients will feel better within a week. In some people, the joint pain may persist for months. Death is rare.
- ◆ People at risk for more severe disease include newborns infected around the time of birth, older adults (≥ 65 years), and people with medical conditions such as high blood pressure, diabetes, or heart disease.



Sick? Could it be chikungunya?



- ◆ See your healthcare provider.
- ◆ Your healthcare provider may order tests to look for chikungunya or similar diseases, like dengue or Zika.



Chikungunya is preventable, but not treatable

- ◆ No vaccine to prevent or medicine to treat infection is available.
- ◆ Mosquitoes that spread chikungunya bite aggressively during the day. Avoid infection by preventing mosquito bites.
 - » Use insect repellents. Repellents containing DEET, picaridin, IR3535, and some oil of lemon eucalyptus or para-menthane-diol products provide long-lasting protection.
 - » Use air conditioning or window/door screens.
 - » Wear long-sleeved shirts and long pants or permethrin-treated clothing.
 - » Once a week, empty and scrub, turn over, cover, or throw out items that hold water, such as tires, buckets, planters, toys, or trash containers. Check inside and outside your home.



If you are sick with chikungunya:

- ◆ During the first week of infection, chikungunya virus can be found in your blood. If a mosquito bites you, it can become infected and spread the virus to other people through bites.
- ◆ To help prevent others from getting sick, protect yourself from mosquito bites during the first week of illness.



www.cdc.gov/chikungunya

ZIKA: THE BASICS OF THE VIRUS AND HOW TO PROTECT AGAINST IT



About Zika

Zika virus spreads to people primarily through the bite of an infected *Aedes* species mosquito (*Ae. aegypti* and *Ae. albopictus*). Zika can also be passed through sex from a person who has Zika to his or her sex partners and it can be spread from a pregnant woman to her fetus. People can protect themselves from mosquito bites and getting Zika through sex. This fact sheet explains who's most affected and why, symptoms and treatment, and how to protect against Zika.

How Zika Spreads

Protect yourself and your family from mosquito bites all day and night, whether you are inside or outside. A mosquito becomes infected when it bites a person already infected with Zika. That mosquito can then spread the virus by biting more people.



Zika virus can also spread:

- During sex with a person who has Zika to his or her sex partners.
- From a pregnant woman to her fetus during pregnancy or around the time of birth.
- Through blood transfusion (likely but not confirmed).



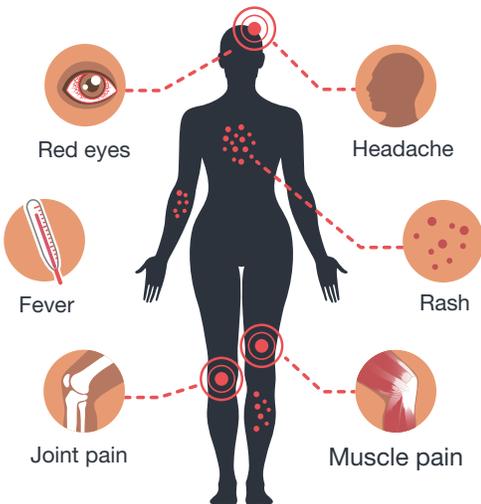
Current Zika Outbreak

Zika outbreaks are currently happening in many countries and territories. The mosquitoes that can become infected with and spread Zika live in many parts of the world, including parts of the United States.

Visit our [Areas with Risk of Zika](#) webpage to find out where Zika is spreading.

Zika Symptoms

Many people infected with Zika won't have symptoms or will only have mild symptoms. The most common symptoms are fever, rash, headache, joint pain, red eyes, and muscle pain. Symptoms can last for several days to a week. People usually don't get sick enough to go to the hospital, and they very rarely die of Zika. Once a person has been infected with Zika, they are likely to be protected from future infections.



www.cdc.gov/zika



Why Zika is Risky for Some People

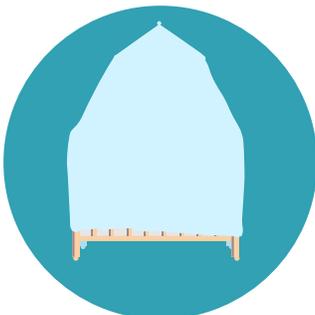
Zika infection during pregnancy can cause fetuses to have a birth defect of the brain called microcephaly. Other problems have been detected among fetuses and infants infected with Zika virus before birth, such as defects of the eye, hearing deficits, and impaired growth. There have also been increased reports of Guillain-Barré syndrome, an uncommon sickness of the nervous system, in areas affected by Zika.



Microcephaly

How to Prevent Zika

There is no vaccine to prevent Zika. The best way to prevent diseases spread by mosquitoes is to protect yourself and your family from mosquito bites. **Here's how:**



- Wear long-sleeved shirts and long pants.
- Stay in places with air conditioning and window and door screens to keep mosquitoes outside.
- Take steps to control mosquitoes [inside and outside your home](#).
- Treat your clothing and gear with permethrin or buy pre-treated items.
- Use [Environmental Protection Agency \(EPA\)-registered](#) insect repellents. Always follow the product label instructions.
- When used as directed, these insect repellents are proven safe and effective even for pregnant and breastfeeding women.
- Do not use insect repellents on babies younger than 2 months old.
- Do not use products containing oil of lemon eucalyptus or para-menthane-diol on children younger than 3 years old.
- Mosquito netting can be used to cover babies younger than 2 months old in carriers, strollers, or cribs to protect them from mosquito bites.
- Sleep under a mosquito bed net if air conditioned or screened rooms are not available or if sleeping outdoors.
- [Prevent sexual transmission of Zika by using condoms or not having sex.](#)

What to Do if You Have Zika

There is no specific medicine to treat Zika. Treat the symptoms:

- Get plenty of rest.
- Drink fluids to prevent dehydration.
- Take medicine such as acetaminophen to reduce fever and pain.
- Do not take aspirin or other non-steroidal anti-inflammatory drugs.
- If you are taking medicine for another medical condition, talk to your healthcare provider before taking additional medication.

To help prevent others from getting sick, strictly follow steps to prevent mosquito bites during the first week of illness.



www.cdc.gov/zika

ZIKA: What you need to know.

WHAT WE KNOW ABOUT ZIKA

- **Zika is a viral disease spread to people mostly through the bite of an infected mosquito.** It is transmitted primarily by the yellow fever mosquito (*Aedes aegypti*). The Asian tiger mosquito (*Aedes albopictus*), which is common in Northern Virginia, can also spread the virus. These are both aggressive, daytime-biting mosquitoes.
- **There is a risk of Zika being imported into Virginia and being transmitted by local mosquitoes.**
- Zika can be passed through sex from a person who has Zika to his or her partners even if the infected person does not have symptoms.
- Zika may be transmitted through blood transfusions.
- Zika can pass from a pregnant woman to her fetus.
- **Infection with Zika during pregnancy can cause birth defects in babies, including microcephaly** (a condition in which a baby's head is smaller than expected).
- **Pregnant women should not travel to areas with active Zika transmission.**
- **There is no vaccine or medicine for Zika.**
- Based on information about similar infections, once a person has been infected with Zika, he or she is likely to be protected from future Zika virus infections.
- Local mosquito-borne Zika virus transmission has been reported in the continental United States.



(*Aedes albopictus*, or Asian tiger mosquito, is common in Northern Virginia.)

SYMPTOMS OF ZIKA

Most people with Zika won't even know they have it. The illness is usually mild with symptoms lasting for several days to a week.

The most common symptoms of Zika are fever, rash, joint pain and conjunctivitis (red eyes). Other symptoms include muscle pain and headache. If you suspect you may be infected with Zika, contact your medical practitioner, especially if pregnant. Even if you do not feel sick, take steps to prevent mosquito bites for three weeks by staying indoors or wearing protective clothing and insect repellent. This will help prevent mosquitoes from biting you and spreading the virus to others in the community.

DO YOUR PART FROM THE START: Prevent & Protect Against Mosquito Bites!

Control Mosquitoes in Your Yard

- *Aedes* mosquitoes lay eggs in containers. **To prevent mosquitoes in your yard, eliminate standing water weekly.** Tip and toss water from containers like tires, buckets, flower pots, drain pipes, tarps, bird baths, toys, etc. Scrub the inside of containers, discard them or place indoors.
- If you cannot dump water from a container, **treat it with a larvicide** like *Bacillus thuringiensis var. israelensis* (follow label instructions).
- If mosquitoes are biting, **use insecticides in your yard** to control them. Treat areas where they rest, such as dense vegetation or ground cover (follow label instructions).



Prevent Mosquito Bites

- **Use EPA-registered insect repellents** containing DEET, picaridin, oil of lemon eucalyptus or IR3535 (follow label instructions).
- **Cover exposed skin.** Wear light-colored, long-sleeved shirts and long pants.
- **Treat clothing with permethrin.** Treated clothing remains protective after multiple washings. Never apply permethrin to skin (follow label instructions).
- **Keep window and door screens in good repair** to keep mosquitoes out.

RESOURCES

www.fairfaxcounty.gov/hd/westnile/zika-virus.htm

<http://www.vdh.virginia.gov/zika/>

<https://www.cdc.gov/zika/>

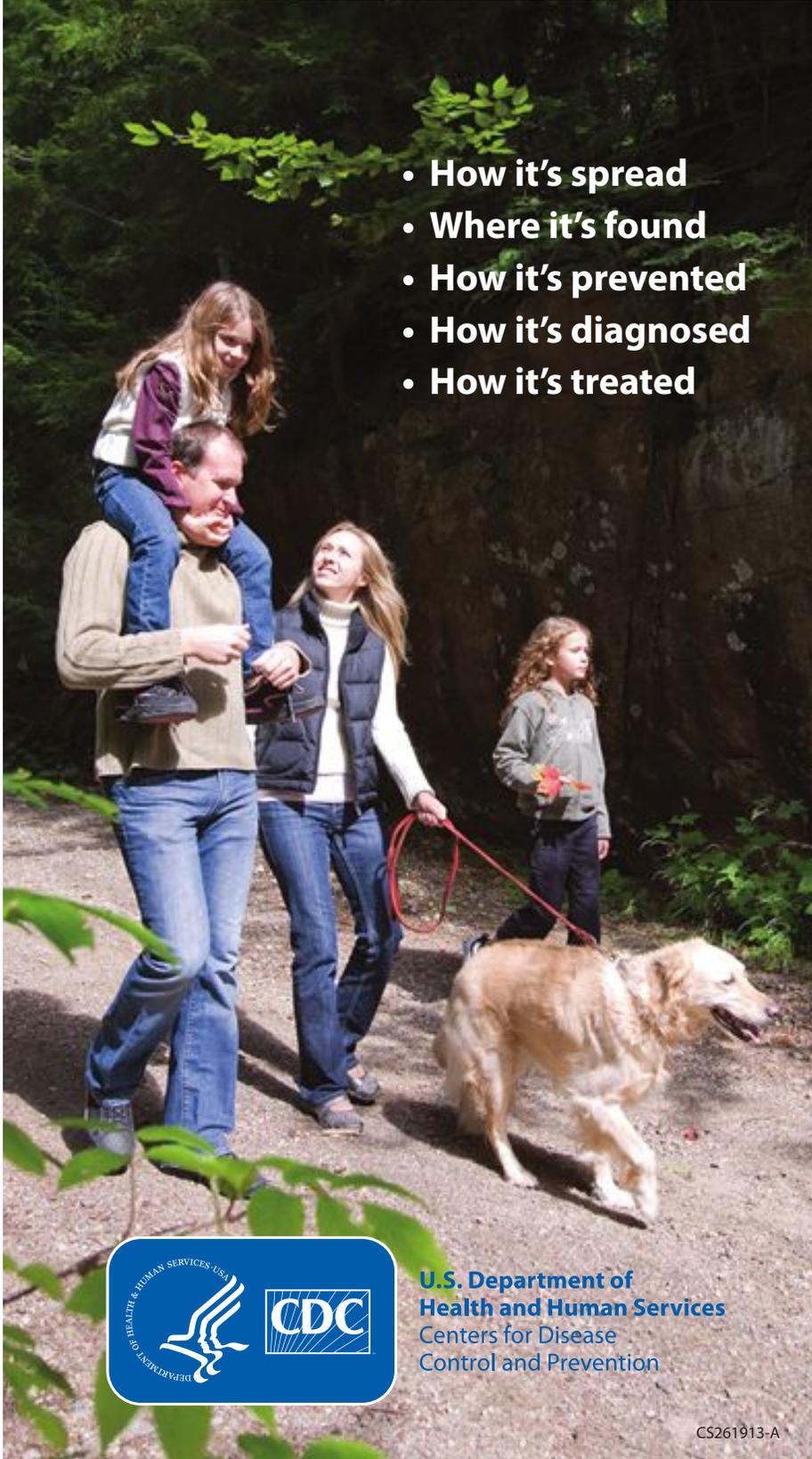
Fairfax County Health Department

A Fairfax County, Va., publication. Updated Feb. 2017. To request this information in an alternate format, please call the Health Department at 703-246-2411, TTY 711.



LYME DISEASE: What you need to know

- How it's spread
- Where it's found
- How it's prevented
- How it's diagnosed
- How it's treated



**U.S. Department of
Health and Human Services**
Centers for Disease
Control and Prevention

CS261913-A

Lyme Disease

Lyme disease is caused by bacteria called *Borrelia burgdorferi* and is transmitted to humans through the bite of infected blacklegged ticks. Typical symptoms include fever, headache,



Lyme disease is an infection caused by the corkscrew-shaped bacterium Borrelia burgdorferi, a member of the family of spirochetes.

fatigue, and a characteristic skin rash called erythema migrans. If left untreated, infection can spread to joints, the heart,

and the nervous system. Lyme disease is diagnosed based on symptoms, physical findings (e.g., rash), and the possibility of exposure to infected ticks; laboratory testing is helpful if used correctly and performed with validated methods. Most cases of Lyme disease can be treated successfully with a few weeks of antibiotics. Steps to prevent Lyme disease include using insect repellent, removing ticks promptly, applying pesticides, and reducing tick habitat.

How ticks spread Lyme disease

Lyme disease bacteria, *Borrelia burgdorferi*, are spread through the bite of infected ticks. The blacklegged tick (or deer tick, *Ixodes scapularis*) spreads the disease in the northeastern, mid-Atlantic, and north-central United States, and the western blacklegged



Ixodes ticks are much smaller than the common dog and cattle ticks. In their larval and nymphal stages, they are no bigger than a pinhead. Adult Ixodes ticks are larger, about the size of a small apple seed. Left to right: adult female, adult male, nymph, larva. (Not to scale.)

tick (*Ixodes pacificus*) spreads the disease on the Pacific Coast. These ticks are usually found in wooded areas and have complex life cycles. In some regions, blacklegged ticks can spread other diseases in addition to Lyme disease, including babesiosis and anaplasmosis. In general, ticks need to be attached for 36 to 48 hours before they can transmit Lyme disease bacteria.



Photo courtesy of Durland Fish.

Ticks can attach to any part of the human body but are often found in hard-to-see areas such as the groin, armpits, and scalp. In most cases, the tick must be attached for 36-48 hours or more before the Lyme disease bacterium can be transmitted. Shown is an attached *Ixodes* nymph.

Most humans are infected through the bites of immature ticks called nymphs. Nymphs are tiny (less than 2 mm) and difficult to see; they feed during the spring and summer months.

Adult ticks can also transmit Lyme disease bacteria, but they are much larger and may be more likely to be discovered and removed before they have had time to transmit the bacteria. Adult *Ixodes* ticks are most active during the fall.

Ixodes ticks search for host animals from the leaf litter on the forest floor or from the tips of grasses and shrubs. Ticks crawl onto animals or people as they brush against them; ticks cannot jump or fly. Ticks found on the scalp usually have crawled there from lower parts of the body. Ticks obtain blood by inserting their mouth parts (not their whole bodies) into the skin of a person or animal. *Ixodes* ticks are slow feeders: one meal can take several days. As they feed, their bodies slowly enlarge.

The risk of exposure to ticks is greatest in the woods and in the edge area between lawns and woods; however, ticks can also be carried by animals onto lawns and gardens and into houses by pets. Campers, hikers, outdoor workers, and others may be exposed to infected ticks in wooded, brushy, and grassy places. People who spend time in heavily wooded areas where infected ticks are common are at higher risk for exposure. Although in theory Lyme disease could be spread through blood transfusions or other contact with infected blood, there are no known cases

of this happening. **There is no evidence that Lyme disease is transmitted from person-to-person through touching, kissing, or having sex with a person who has Lyme disease.** There are no reports of Lyme disease transmission through breast milk.

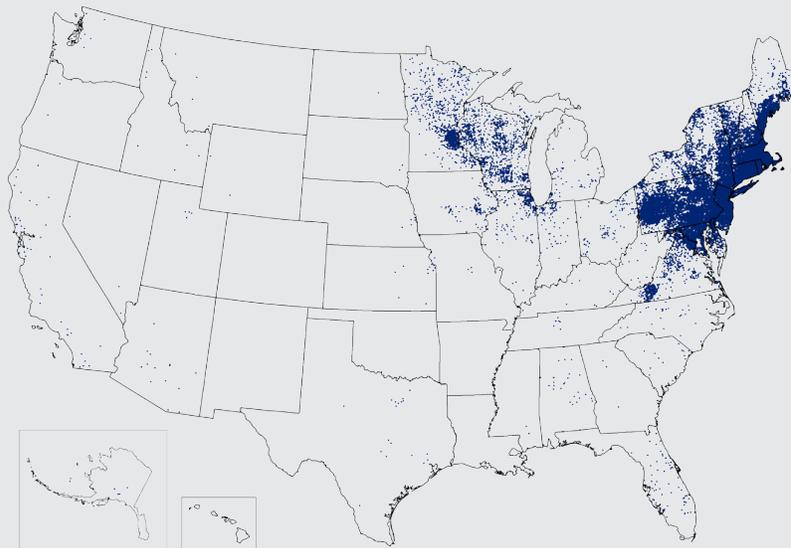
Places where you are most likely to get infected

Lyme disease is distributed over a wide geographic area in northern temperate regions of the world. In the United States, most infections occur in the following areas:

- Northeast, from Virginia to Maine
- North-central states, mostly in Wisconsin and Minnesota
- West Coast, particularly northern California

For Lyme disease to exist in an area, three elements must be present in the natural environment: 1) animals that are infected with Lyme disease bacteria, 2) ticks that can transmit the bacteria, and 3) animal hosts (such as mice and deer) that can provide food for the ticks in their various life stages. Ticks that transmit Lyme disease bacteria need constant, high relative humidity at ground level.

Reported Cases of Lyme Disease - United States, 2014



1 dot placed randomly within county of residence for each confirmed case

Through Lyme disease cases have been reported in nearly every state, cases are reported from the infected person's county of residence, not the place where they were infected.

What you can do to protect yourself

You can decrease the chances of being bitten by a tick with a few precautions.

Avoid tick-infested areas. This is especially important in May, June, and July. Many local health departments and park or extension services have information on the local distribution

of ticks. If you are in tick-infested areas, walk in the center of trails to avoid contact with overgrown grass, brush, and leaf litter at trail edges.

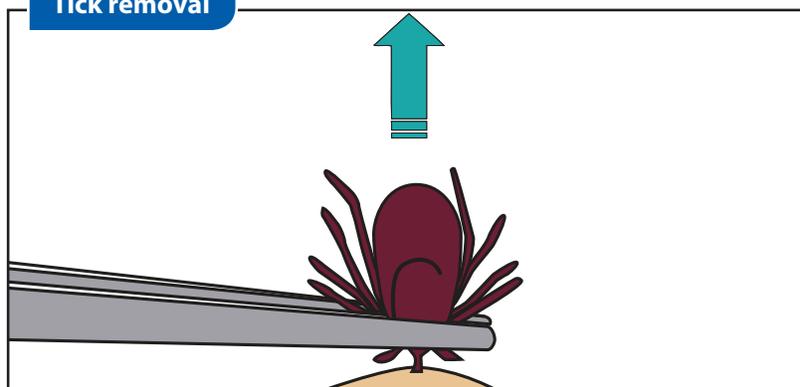
Use insect repellent. Spray repellent containing a 20% concentration of DEET on clothes and on exposed skin. You can also treat clothes (especially pants, socks, and shoes) with permethrin, which kills ticks on contact, or buy clothes that are pre-treated. Permethrin can also be used on tents and some camping gear. Do not use permethrin directly on skin. Always follow the manufacturer's instructions when applying repellent.

Repellent use



Perform daily tick checks. Always check for ticks after being outdoors, even in your own yard. Because ticks must usually be attached for at least a day before they can transmit the bacteria that cause Lyme disease, early removal can reduce the risk of infection. Inspect all body surfaces carefully, and remove attached ticks with tweezers. Avoid crushing the tick's body. DO NOT use petroleum jelly, a hot match, nail polish, or other products. Grasp the tick firmly and as close to the skin as possible. With a steady motion, pull the tick's body away from the skin. Do not be alarmed if the tick's mouthparts remain in the skin. Cleanse the area with an antiseptic.

Tick removal



Bathe or shower. Bathe or shower as soon as possible after coming indoors (preferably within 2 hours) to wash off and more easily find ticks that are crawling on you.

Ticks can get a ride indoors on your clothes. After being outdoors, wash and dry clothing at a high temperature to kill any ticks that may remain on clothing.

Recognize the signs and symptoms of Lyme disease and act quickly

The early diagnosis and proper treatment of Lyme disease are important strategies to avoid the costs and complications of late-stage illness. As soon as you notice a characteristic rash or other possible symptoms, consult your health care provider.



Erythema migrans (bull's eye) rash.

Early Lyme disease: The early stage of Lyme disease is usually marked by one or more of the following signs and symptoms:

- a characteristic skin rash, called erythema migrans
- fatigue
- chills and fever
- headache
- muscle and joint pain
- swollen lymph nodes

Erythema migrans is a red circular rash that often appears at the site of the tick bite, usually within 3 to 14 days after the bite of an infected tick. The rash then grows larger. Sometimes many rashes appear, varying in shapes and sizes. Common sites are the thighs, groin, trunk, and armpits. The center of the rash may clear as it enlarges, resulting in a “bull’s-eye” appearance. The rash may be warm, but it usually is not painful. Not all rashes that occur at the site of a tick bite are due to Lyme disease, however. An allergic reaction to tick saliva can also occur and be confused with the “bull’s-eye” rash of Lyme disease. Allergic reactions to tick saliva usually appear within hours to a few days after the tick bite, usually do not expand, and disappear within a few days.

Late Lyme disease: Some signs and symptoms of Lyme disease may not appear until weeks or months after a tick bite:

- Arthritis is most likely to appear as brief bouts of pain and swelling, usually in one or more large joints, especially the knees.

- Nervous system symptoms can include numbness, pain, nerve paralysis (often of the facial muscles, usually on one side), and meningitis (fever, stiff neck, and severe headache).
- Rarely, irregularities of the heart rhythm may occur.
- Problems with memory or concentration, fatigue, headache, and sleep disturbances sometimes persist after treatment.

Different people exhibit different signs and symptoms of Lyme disease. Some people never develop a bull's-eye rash. Some people only develop arthritis, and for others nervous system problems are the only symptom of Lyme disease.

Many of the symptoms of Lyme disease are similar to those of other diseases. The fever, muscle aches, and fatigue of Lyme disease can be mistaken for viral infections, such as influenza or infectious mononucleosis. Joint pain can be mistaken for other types of arthritis, such as juvenile rheumatoid arthritis, and neurologic signs can mimic those caused by other conditions, such as multiple sclerosis. Other infections, arthritis, or neurologic diseases can also be misdiagnosed as Lyme disease.

How Lyme disease is diagnosed

Diagnosis of Lyme disease should take into account the following factors:

- History of possible exposure to ticks in areas where Lyme disease is known to occur
- Signs and symptoms of the illness
- The results of blood tests used to detect whether the patient has antibodies to Lyme disease bacteria

Currently, a two-stage testing process to measure the body's production of antibodies to Lyme disease bacteria is recommended:

- 1) an "EIA" (enzyme immunoassay) or rarely, an "IFA" (indirect immunofluorescence assay), followed by
- 2) a Western immunoblot of samples that tested positive or equivocal by EIA or IFA.

These tests measure antibodies that the body makes against Lyme disease bacteria. It can take 4-6 weeks after infection for the body to produce measurable levels of antibodies. Therefore, laboratory tests for Lyme disease must be interpreted based on the length of infection. Patients who were recently infected and have erythema migrans may test negative even though they are infected (false negative). On the other hand, patients who have been infected for longer than 4 weeks and have arthritis will almost always test positive. A negative test in a patient with arthritis or other long standing symptoms is strong evidence that Lyme disease is not the cause of their illness.

How Lyme disease is treated

Several antibiotics are effective for treating Lyme disease. These are usually given by mouth but may be given intravenously in more severe cases. Patients treated with antibiotics in the early stages of the infection usually recover rapidly and completely. Most patients who are treated in later stages of the disease also respond well to antibiotics. A few patients may have persistent or recurrent symptoms and may require an additional course of antibiotic treatment. Longer courses of antibiotics have not been shown to be beneficial in patients who have been previously treated and have chronic symptoms. Varying degrees of permanent damage to joints or the nervous system can develop in patients with late Lyme disease. Typically these are patients in whom Lyme disease was unrecognized in the early stages or for whom the initial treatment was inadequate. Lyme disease is rarely life-threatening. For the Guidelines of the Infectious Diseases Society of America, see: <http://cid.oxfordjournals.org/content/43/9/1089.full>

Post-exposure antibiotics

Recent studies have examined the value of giving antibiotics to prevent Lyme disease after a known tick bite. While giving antibiotics for tick bites is not routinely practiced, it may be beneficial in some cases, depending on disease presence in the local area and duration of tick attachment. Physicians must determine whether the advantages of using antibiotics outweigh the disadvantages in any particular instance.

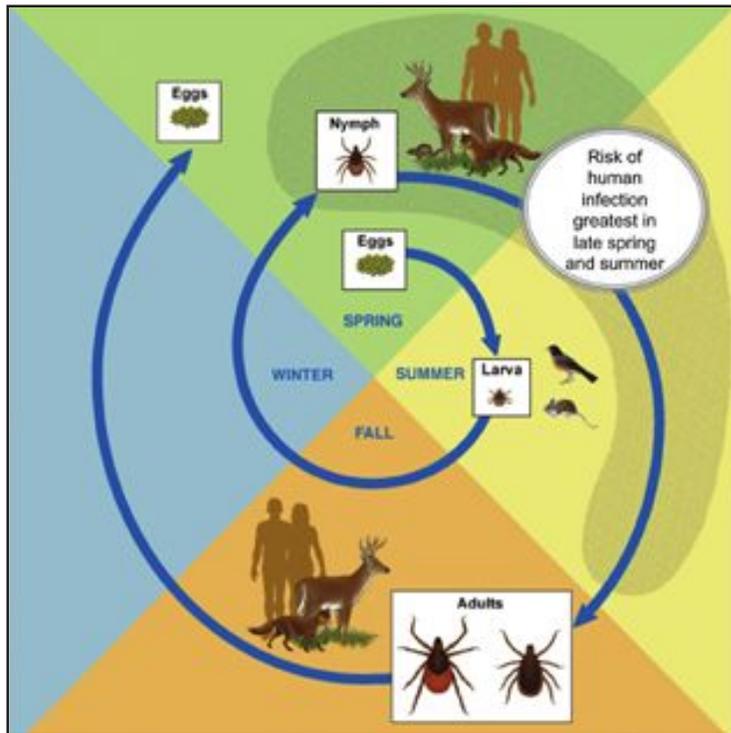
What to do if you suspect Lyme disease during pregnancy

Prevention and early diagnosis of Lyme disease are important during pregnancy. Rarely, Lyme disease acquired during pregnancy may lead to infection of the placenta and may possibly lead to stillbirth. Studies of women infected during pregnancy have found that there are no negative effects on the fetus when the mother receives appropriate antibiotic treatment for her Lyme disease.

Life cycle of Lyme disease ticks

Knowing the complex life cycle of the ticks that transmit Lyme disease bacteria can help in understanding the risk of getting the disease and how to prevent it.

The complete life cycle of *Ixodes* ticks requires 2 years. Tick eggs are laid in the spring, and hatch as larvae in the summer. Larvae feed on mice, birds, and other small animals in the summer and early fall. The larvae may become infected with Lyme disease



bacteria when feeding on these animals. Once a tick becomes infected, it stays infected for the rest of its life and can transmit the bacteria to other hosts. After this initial feeding, the larvae usually become inactive until the following spring, when they change into nymphs. Nymphs seek blood meals in order to fuel their growth into adults.

Nymphs feed on small rodents, birds, and other small mammals in late spring and early summer. Nymphs will also feed on humans, and if previously infected with Lyme disease bacteria, they can transmit the disease to humans. Nymphs molt into adult ticks in the fall. In the fall and early spring, adult ticks feed and mate on large animals, such as deer. Adult female ticks will sometimes also feed on humans. In spring, adult female ticks lay their eggs on the ground, completing the 2-year life cycle.

Lyme disease vaccine

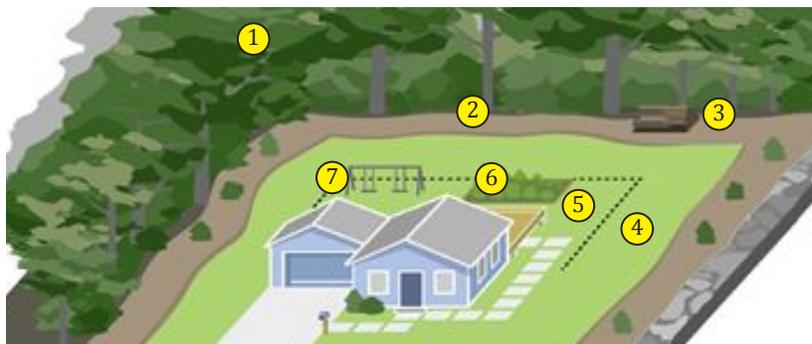
A vaccine for Lyme disease is not currently available.

Tick control

Landscaping to create tick-safe zones. "Tick-Safe Landscaping" techniques should be considered for homes, parks, fields, and recreational areas. *Ixodes* ticks need the higher humidity levels of the woodland to survive; they die quickly in drier environments. Removing leaf litter and clearing tall grass and brush around houses and at the edges of lawns will reduce the numbers of ticks. Placing wood chips or gravel between lawns or play areas and wooded areas creates a dry barrier that is difficult for ticks to cross.

Chemical control. The use of pesticides to control tick populations is another option. Pesticide application to residential properties should be supervised by a licensed professional pest control expert and should be conducted when nymphal tick populations are at their local peaks.

Discourage deer. A complex relationship exists between the abundance of deer and the abundance of *Ixodes* ticks in the eastern United States. Tick populations do not decrease substantially unless deer are eradicated or severely reduced. Removing plants that attract deer and constructing fences or other barriers may help discourage tick-infested deer from coming near homes. Lists of deer-resistant plantings are available from garden centers, nurseries, or local extension agents.



- | | | |
|----------|----------------------------|---|
| 1 | Tick zone | Avoid areas with forest and brush where deer, rodents, and ticks are common. |
| 2 | Wood chip barrier | Use a 3 ft. barrier of wood chips or rock to separate the "tick zone" and rock walls from the lawn. |
| 3 | Wood pile | Keep wood piles on the wood chip barrier, away from the home. |
| 4 | Tick migration zone | Maintain a 9 ft. barrier of lawn between the wood chips and areas such as patios, gardens, and play sets. |
| 5 | Tick safe zone | Enjoy daily living activities such as gardening and outdoor play inside this perimeter. |
| 6 | Gardens | Plant deer resistant crops. If desired, an 8-ft. fence can keep deer out of the yard. |
| 7 | Play sets | Keep play sets in the "tick safe zone" in sunny areas where ticks have difficulty surviving. |

Based on a diagram by K. Stafford, Connecticut Agricultural Experiment Station

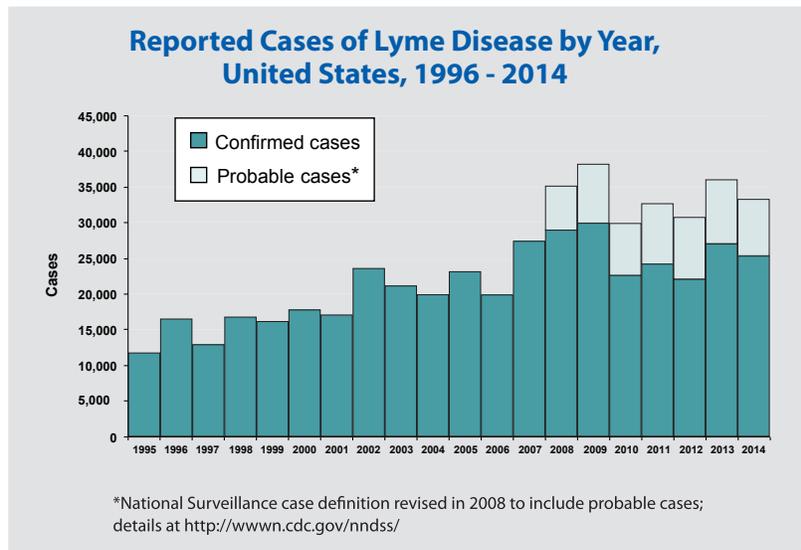
Lyme disease in domestic animals

Domestic animals may become infected with Lyme disease bacteria and some of these (dogs, for instance) may develop arthritis. Domestic animals can carry infected ticks into areas where people live. Published studies to determine whether pet owners have an increased risk of Lyme disease have been inconclusive. Veterinary tick control products may help to reduce the presence of ticks on pets.

Lyme disease—past, present, and future

Lyme disease was first recognized in the United States in 1975 after an unusual outbreak of arthritis near Lyme, Connecticut. Today, over 30,000 cases of Lyme disease are reported to CDC each year; the true number of infections is thought to be several fold higher. Research continues to address the following concerns:

- Where ticks are most likely to be and how best to protect against them.
- Which chemicals and other alternative strategies are best for controlling ticks in each kind of habitat.
- Ways of making diagnostic tests more accurate.
- Better understanding post-treatment Lyme disease syndrome.



For more information please contact:

Centers for Disease Control and Prevention

1600 Clifton Road NE, Atlanta, GA 30329

Telephone: 1-800-CDC-INFO (232-4636)/**TTY:** 1-888-232-6348

Web: www.cdc.gov/Lyme

Board Agenda Item
March 6, 2018

ACTION - 4

Approval of Allocation of Tysons Grid Fund Revenues to a Street Project (Dranesville, Hunter Mill, and Providence Districts)

ISSUE:

The Department of Transportation is seeking Board approval to allocate Tysons Grid Fund revenues to a street project in the Tysons Urban Center.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the use of Tysons Grid Fund revenues to fund easement acquisition activities associated with future construction of a grid street identified as Center Street within the Tysons Urban Center.

TIMING:

Board action is requested on March 6, 2018, to allow the easement acquisition activities to advance.

BACKGROUND:

The Tysons Grid of Streets Fund created a dedicated revenue source to assist with implementing street links in Tysons that would be difficult to secure through the land development entitlement process alone. One such project is the extension of a new street currently identified as Center Street from Pinnacle Drive westward to connect with streets anticipated to be developed with land area included in RZ 2011-PR-005. Ultimately, Center Street will extend, with construction by other land developers, to connect to Westpark Drive. The segment of Center Street that is the subject of this request is located adjacent to property owned by the United States (US) Government and used for communication purposes. The County and the United States Army (Army) have tentatively agreed on the establishment of an easement on this Federal property to allow a street to be constructed. The street is to be constructed by the developer of RZ 2011-PR-005 in a later development phase. The proffer language associated with this improvement is included in Attachment III. To conclude the agreement, the Army requires the County to fund an appraisal of the easement area to determine if compensation to the US for the easement rights will be required. The amount requested for the appraisal is \$17,000. These funds and \$5,000 previously set aside for administrative costs will be provided to the Army.

Board Agenda Item
March 6, 2018

Completion of this street link is in the County's interest to further street grid connections in Tysons to accommodate local and Tysons-wide traffic demand as Tysons develops. Given its importance to serve as a multi-modal link, staff proposes to utilize Tysons Grid Fund revenue to compensate the Army for the appraisal.

FISCAL IMPACT:

The \$17,000 requested from the Tysons Grid Fund is available in Project 2G40-038-000, Tysons Corner Grid Concept in Fund 30040, Contributed Roadway Improvements, and will immediately be allocated to the easement acquisition efforts upon approval.

ENCLOSED DOCUMENTS:

Attachment 1: Location Map (Tax Map 29-3)

Attachment 2: Letter from the Army Requesting Funding for the Appraisal

Attachment 3: Proffer from RZ 2015-PR-017 Committing to Construction of the Street Segment

STAFF:

Robert A. Stalzer, Deputy County Executive

Joe LaHait, Debt Coordinator, Department of Management and Budget

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

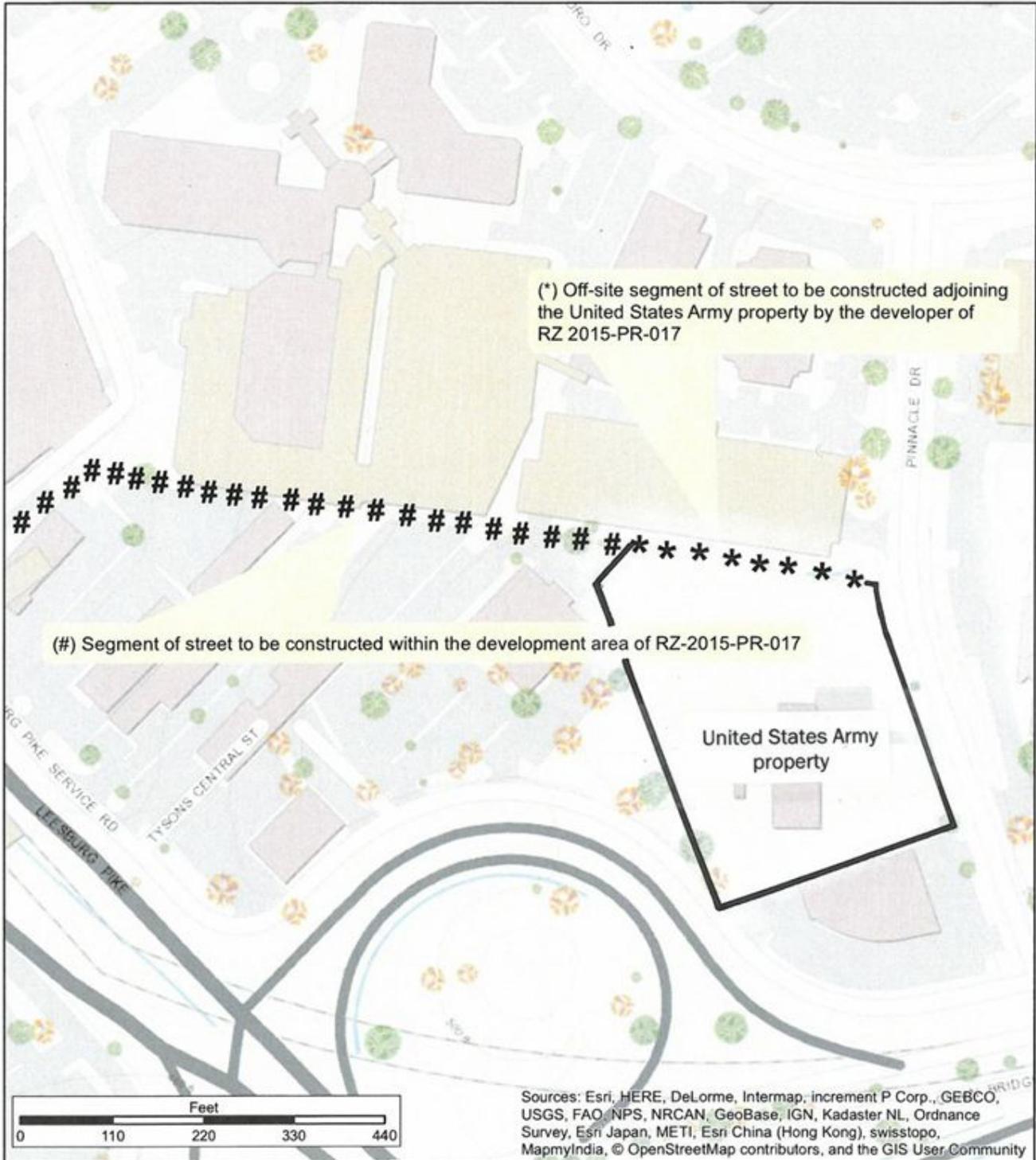
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Michael Davis, Transportation Planner IV, FCDOT

Ray Johnson, Transportation Planner III, FCDOT

Janet Nguyen, Transportation Planner II, FCDOT

Allocation of Tysons Grid Fund Revenues to a Street Project Dranesville, Hunter Mill and Providence Districts



Tax Map 29-3

Symbols Denote Area of Street Project



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
10 S. HOWARD STREET
BALTIMORE, MD 21201

October 11, 2017



Real Estate Division
Military Projects Support Branch

Mr. Michael Davis
Fairfax County Department of Transportation
4050 Legato Road
Suite 400
Fairfax, VA 22033-2895

Dear Mr. Davis:

Our office received a directive from Fort Belvoir, DPW through IMCOM to issue a perpetual easement to Fairfax County to construct a new road on Army owned land at Tyson's Corner, Virginia.

In order for us to begin processing the easement, please remit a check in the amount of \$22,000.00 made payable to F&AO USAED Baltimore and mailed to U.S. Army Corps of Engineers, ATTN: CENAB-REM-I (Anthony Danni), 10 South Howard Street, Baltimore, Maryland 21201. This includes our standard fee for processing an easement document of this type (\$5,000.00 per document) and an appraisal fee to determine fair market value (FMV) (\$17,000.00 per appraisal). The Army Corps of Engineers receives no funds for processing real estate actions in support of Military Installations and as such requires the grantee to provide funds to cover the processing of this action. This fee is to cover the drafting, preparing, and distributing the easement documents and to conduct an appraisal to determine FMV for the easement. Current regulations require that we charge Fair Market Value for the use of Government real property.

If you have any questions, please contact Mr. Anthony Danni at (410) 962-9825 or by email at Anthony.K.Danni@usace.army.mil.

Sincerely,

SHOCKNEY.WILLI
AM.J.1293609094

Digitally signed by
SHOCKNEY.WILLIAM.J.1293609094
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=SHOCKNEY.WILLIAM.J.1293609094
Date: 2017.10.11 14:52:44 -04'00'

William Shockney
Chief, Installation Support Section
Real Estate Division

RZ 2011-PR-005

Proffer 28 (Excerpts)

Center Street. The Applicants shall construct Center Street through the Property connecting Station Place and Pinnacle Drive. Center Street shall be designed with an ultimate section measuring 54 feet from face of curb to face of curb as depicted Sheet C-8 on the CDP. It is anticipated that the ultimate alignment of Center Street will be determined with the redevelopment of properties identified on the Fairfax County 2013 tax maps as Tax Map as 29-3 ((15)) 2, 3A, 3B and 3C.

A. Center Street Between Station Place and the Property's Eastern Boundary: Between Station Place and the Property's eastern boundary, the Applicants shall construct Center Street as a 24 foot wide interim section from face of curb to face of curb to accommodate two lanes of traffic (one in each direction). It is anticipated that the future redevelopment of adjacent properties will provide widening or realignment to accommodate additional lanes and on-street bicycle facilities. Construction of Center Street between Station Place and the Property's eastern boundary will require 15 feet of off-site right-of-way previously reserved to the Board of Supervisors on property shown on the Fairfax County 2013 tax maps as Tax Map 29-3 ((1 5)) 2 and off-site rights-of-way and/or easements from the adjacent parcel identified on the 2013 Fairfax County tax maps as Tax Map 29-3 ((15)) 3C ("Parcel 3C").

B. Center Street Between the Property's Eastern Boundary and Pinnacle Drive. Between the Property's eastern boundary and Pinnacle Drive, the Applicants shall construct an interim section of Center Street measuring approximately 37.5 feet from face of curb to face of curb to accommodate three lanes of traffic. This section of Center Street shall be constructed prior to the issuance of the first RUP or Non-RUP for Building D or E, whichever shall occur first. Construction of this interim section will require 15 feet of off-site right-of-way previously reserved to the Board of Supervisors on property shown on the Fairfax County 2013 tax maps as Tax Map 29-3 ((15)) 2 as well as permission and a roadway license from property shown on the Fairfax County 2013 tax maps as Tax Map 29-3 ((1)) 69. In the event the Applicants are unable to acquire the permission and roadway license necessary to construct the above improvement through a cooperative agreement with the owners, then the Applicants shall escrow the cost of constructing the interim section from its eastern boundary to Pinnacle Drive and thereby be relieved of their obligation to construct that section of Center Street. Such escrow shall be posted prior to the approval of a site plan for Building D or E, whichever occurs first.

D. Tysons Grid of Streets Transportation Fund Credit. In the event the Applicants, at their sole discretion, construct the off-site portion of Center Street extending from the Property's eastern boundary to Pinnacle Drive as more fully described in Paragraph B above in advance of their obligation to do so as specified in Paragraph B above, then the Applicants may request and may be granted in-kind credit as outlined in the Board of Supervisor's Guidelines for the Tysons Grid Fund.

Board Action Item
March 6, 2018

ACTION - 5

Approval of Minor Variation Request for PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02, Commonwealth Regency, LLC, to Add a Craft Beverage Production Establishment Use to the List of “Principal [or Secondary] Uses” as a Secondary Use Permitted in Proffer No. 4 (Sully District)

ISSUE:

Board approval of a minor variation to add a Craft Beverage Production Establishment Use to the list of “Principal [or Secondary] Uses” as a secondary use permitted by Proffer No. 4 for PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02, pursuant to the provisions of Sect. 18-204 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the addition of a Craft Beverage Production Establishment Use to the list of “Principal [or Secondary] Uses” as a secondary use permitted by Proffer No. 4 for PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02.

TIMING:

Routine.

BACKGROUND:

Under Par. 5 of Sect. 18-204 of the Zoning Ordinance, the Board may approve certain requests for minor variations to proffered conditions provided such requests do not materially affect proffered conditions of use, density, or intensity. Specifically, Par. 5A(1) permits an applicant to request to add or modify a use provided that the accepted proffered conditions did not specifically preclude such use and that the new use would have no materially greater land use impacts than the approved uses, based on factors such as parking, trip generation, vehicular circulation, or hours of operation.

On October 20, 2015, the Board of Supervisors approved Proffered Condition Amendment PCA 2006-SU-025-02, subject to proffers, and Conceptual Development Plan Amendment CDPA 2006-SU-025. The Planning Commission approved Final Development Plan

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Amendment (FDPA) 2006-SU-025-02, subject to development conditions, on October 14, 2015. The PCA/CDPA/FDPA was filed in the name of Regency Centers Acquisition, LLC, for the purpose of amending the proffers associated with Rezoning Application RZ 2006-SU-025, previously approved to permit a mixed-use development in order to permit a total of approximately 186,000 square feet of retail/commercial uses and to modify certain proffers and site design elements. The property is located within the PDC zoning district, on the north side of Westfields Boulevard, approximately 1,250 feet east of Sully Road (Route 28) on approximately 20.97 acres of land, Tax Map 44-1 ((1)) 6G (see Locator Map in Attachment 1). This development (which is currently under construction) consisted of a retail establishment-large and a cluster of five smaller buildings, totaling 46,000 square feet, with other retail, restaurant, shopping center, and supporting uses. A single page excerpt from the approved CDPA/FDPA showing the overall site layout is included as a part of this item in Attachment 3. The approved proffers, CDPA/FDPA, and development conditions for PCA 2006-SU-02-02, CDPA 2006-SU-025, and FDPA 2006-SU-025-02 are available at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=PCA&seq=4200510> and
<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=FDPA&seq=4200512>

On January 8, 2018, the Department of Planning and Zoning (DPZ) received a letter dated January 5, 2018, from Susan K. Yantis, agent for the Applicant, requesting a minor variation to add a Craft Beverage Production Establishment Use to the list of “Principal [or Secondary] Uses” permitted in Proffer No. 4 for PCA 2006-SU-025-02, CDPA 2006-SU-025, and FDPA 2006-SU-025-02 (see Attachments 4 and 5). Also, included in this Board package is the approved affidavit in Attachment 2.

Ms. Yantis notes a minor variation is necessary in order to add a craft beverage production establishment use to the list of secondary uses permitted in Proffer 4. Proffer 4 states:

“Permitted Uses. The following uses shall be allowed on the Property:

A. PDC District “Principal Uses” Permitted.

- *Business service and supply service establishments*
- *Eating establishments*
- *Financial institutions (without drive-through) and/or bank teller machines, unmanned*
- *Garment cleaning establishments, with no processing on-site*
- *Hotels*
- *Offices, including medical offices/urgent medical care with no overnight*

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stay

- *Personal service establishments*
- *Public uses*
- *Repair service establishments, not to include auto repair service establishments*
- *Retail sales establishments*

B. PDC District "Secondary Uses" Permitted.

- *Accessory uses and accessory service uses as permitted by Article 10*
- *Amusement arcades*
- *Fast food restaurants, without drive-through windows*
- *Quick-service food stores*
- *Retail sales establishments – large*
- *Vehicle rental establishments, limited by the provisions of Sect. 9-518*
- *Billiard and pool halls*
- *Health clubs*
- *Medical care facilities*
- *Private clubs and public benefit associations*
- *Veterinary hospitals, without boarding or kennel facilities*
- *Child care centers*

Further, Proffer 5 specifically prohibited certain uses on the site.

5. Prohibited Uses. The following uses shall not be established on the Property:

- *Service stations*
- *Service station/mini-mart*
- *Vehicle light service establishments*
- *Vehicle sale and ancillary service establishments*
- *Motel*
- *Light public utility*
- *Commercial off-street parking as a principal use*
- *Transportation facilities*
- *Vehicle transportation service establishments*
- *Auto repair service establishments*
- *Adult bookstore, adult video store or adult motion picture theatre*
- *Tattoo establishment*
- *Drive-through uses*

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The Board of Supervisors approved a Zoning Ordinance Amendment on February 28, 2017, to permit craft beverage production establishments in select planned development districts including PDC, with proposed use limitations. The purpose of this minor variation request is to add the craft beverage production establishment use to the list of permitted secondary uses in Proffer 4 since, at the time of approval of PCA 2006-SU-025-02, this use had not been adopted as an allowable use, but it is consistent with the mix of uses approved with this PDC development.

A specific location has not been determined on-site, however, the applicant has confirmed that the craft beverage production establishment use would be located only within the approved building footprints shown on the CDPA/FDPA as no new construction is proposed and that the use will meet the use limitations described in Par. 17 of Sect. 6-206 of the Zoning Ordinance.

Staff has reviewed PCA 2006-SU-025-02 and has established that adding the craft beverage production establishment use would have no materially greater land use impacts than the approved uses, based on factors such as parking, trip generation, vehicular circulation, or hours of operation. Therefore, staff recommends its approval.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: ~~Approved Affidavit dated January 23, 2018~~ Approved Affidavit dated February 23, 2018

Attachment 3: Excerpt of approved CDPA/FDPA

Attachment 4: Letter dated January 5, 2018, to Tracy Strunk

Attachment 5: Description of Request dated January 5, 2018

Attachment 6: Minor Variation Statement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tracy D. Strunk, Director, Zoning Evaluation Division (ZED), DPZ

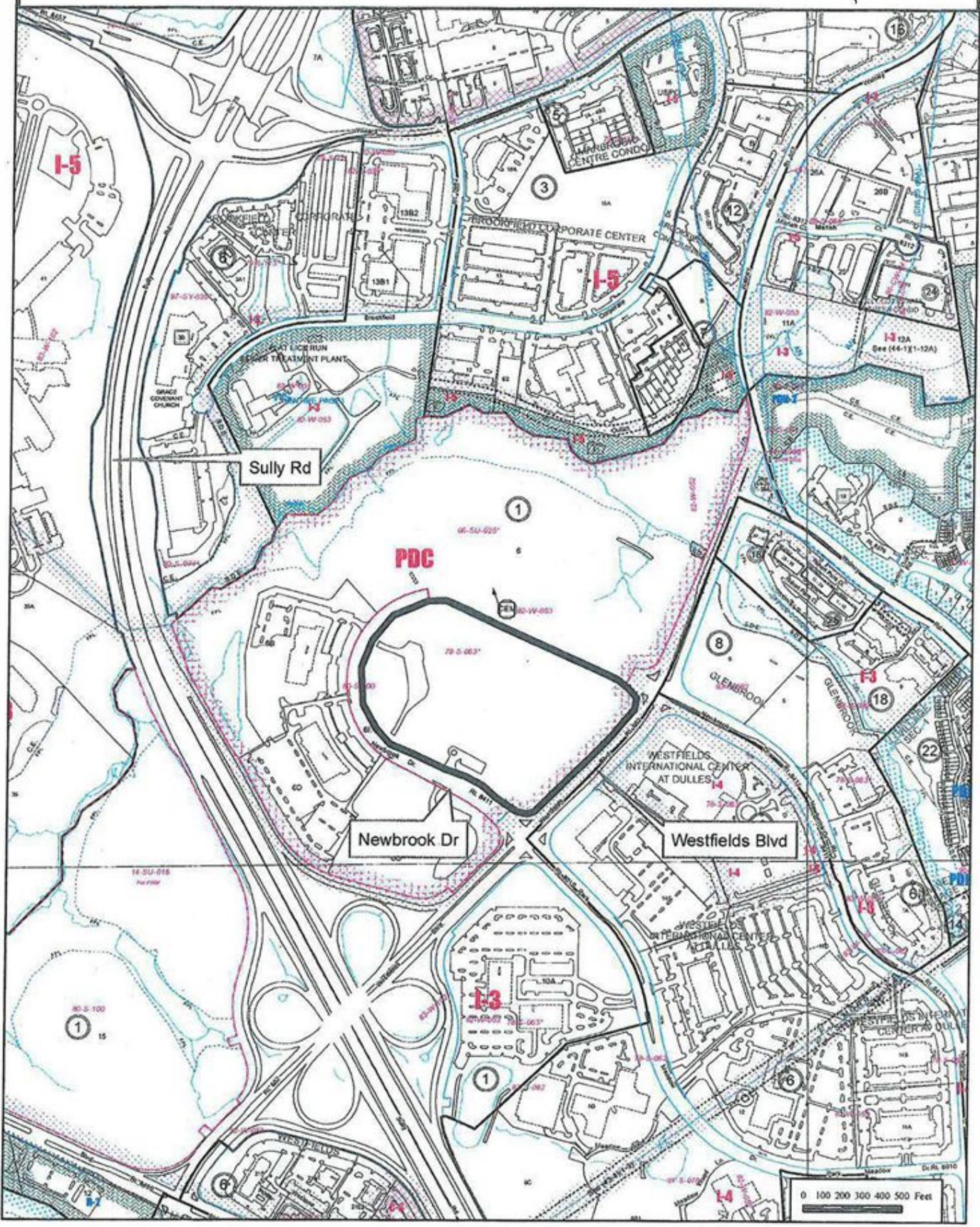
Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Laura O'Leary, Staff Coordinator, ZED, DPZ

ASSIGNED COUNSEL:

Laura Gori, Senior Assistant County Attorney, Office of County Attorney

Request for Minor Variation





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: February 23, 2018

TO: Laura O'Leary, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: PCA 2006-SU-025-02
/CDPA 2006-SU-025/FDPA 2006-SU-025-02
Applicant: Commonwealth Regency, LLC
PC Hearing Date:
BOS Hearing Date: 3/6/18

REF.: 143963

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 2/23/18, which bears my initials and is numbered 143963b, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Julia Nichols, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

1439636

DATE: February 23, 2018
(enter date affidavit is notarized)

I, Francis A. McDermott, do hereby state that I am
an
(enter name of applicant or authorized agent)

(check one) [] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below

in Application No(s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE,** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Includes entries for Commonwealth Regency, LLC and Wegmans Food Markets, Inc.

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Information updated.

Rezoning Attachment to Par. 1(a)DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Hunton & Williams LLP(8) Francis A. McDermott John C. McGranahan, Jr. Jessica N. Vara	4501 Greensboro Drive, Suite 140 Tysons, VA 22102	Attorneys/Agents for Applicant
Susan K. Yantis Elaine O'Flaherty Cox, AICP	4501 Greensboro Drive, Suite 140 Tysons, VA 22102	Planners/Agents for Applicant
Diane R. Hicks Jeannie A. Mathews	4501 Greensboro Drive, Suite 140 Tysons, VA 22102	Paralegals/Agents for Applicant
Bohler Engineering VA, LLC(9) Agents: Brian J. Clifford Nicholas T. Georgas Michael K. O'Shaughnessy Michael J. Birkland Keith G. Simpson	22636 Davis Drive, Suite 250 Sterling, VA 20164	Engineers/Agents for Applicant
Bignell Watkins Hasser Architects, P.C.(12) Agent: Francis X. Watkins	One Park Place, Suite 250 Annapolis, MD 21401	Architects/Agents for Applicant
M. J. Wells & Associates, Inc.(13) Agents: Robin L. Antonucci(former effective February 15, 2018) Kevin R. Fellin John F. Cavan, IV William F. Johnson Lester E. Adkins, III	1420 Spring Hill Road, Suite 610 Tysons, VA 22102	Traffic Engineers/Agents for Applicant
RLAntonucci, LLC (14) Agent: Robin L. Antonucci	9576 Sunnyslope Drive Manassas, VA 20112	Traffic Engineer/Agent for Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

1439636

DATE: February 23, 2018
(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(1) • Commonwealth Regency, LLC
1919 Gallows Road, Suite 1000
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Regency Centers, L.P.,(2) Manager and Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Information updated.

Rezoning Attachment to Par. 1(b)

DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(3) Regency Centers Corporation
One Independent Drive, Suite 114
Jacksonville, FL 32202

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Publicly Traded REIT; three shareholders own more than 10% of any class of stock:
Cohen & Steers, Inc.(4)
The Vanguard Group, Inc.(5)
BlackRock, Inc.(6)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Brian M. Smith, President/Director
D. Devin Corini, Vice President
Alan T. Roth, Senior Vice President
Kathy D. Miller, Senior VP/Asst Sec
Barbara C. Johnston, Secretary
J. Christian Leavitt, Treasurer
DIRECTORS:
Martin E. Stein, Jr.
John C. Schweitzer
Raymond L. Bank
Bryce Blair (nmi)
C. Ronald Blankenship
Alvin R. Carpenter
J. Dix Druce, Jr.
Mary Lou Fiala
David P. O'Connor
Thomas G. Wattles

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(4) Cohen & Steers, Inc.
280 Park Avenue, Suite 10W
New York, NY 10017

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[✓] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Publicly Traded

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

1439636

DATE: February 23, 2018
(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(5) The Vanguard Group, Inc.
100 Vanguard Boulevard
Malvern, PA 19355

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(6) Black Rock, Inc.
40 East 52nd Street
New York, NY 10022

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Publicly Traded

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(7) Wegmans Food Markets, Inc.
1500 Brooks Avenue
P.O. Box 30844
Rochester, NY 14603-0844

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Daniel R. Wegman
Colleen J. Wegman

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Daniel R. Wegman, Chairman of the Board	John A. DePeters, Senior VP	Directors:
Colleen J. Wegman, President and Chief Executive Officer	James J. Leo, Chief Financial Officer and	Daniel R. Wegman
Nicole Wegman, Senior VP	Treasurer	Colleen J. Wegman
Stephen R. Van Arsdale, Secretary		Nicole Wegman

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9) Bohler Engineering VA, LLC
22636 Davis Drive, Suite 250
Sterling, VA 20164

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bohler Engineering, P.C.(10)	Mark R. Joyce	Robert C. Harr
Adam J. Volanth	David B. Logan	
Daniel M. Duke	Daniel M. Nemecek	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(10) Bohler Engineering, P.C.
35 Technology Drive
Warren, NJ 07059

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bohler Management, Inc. (11)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(11) Bohler Management, Inc.
35 Technology Drive
Warren, NJ 07059

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Adam J. Volanth

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: February 23, 2018
(enter date affidavit is notarized)

1439636

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(12) Bignell Watkins Hasser Architects, P.C.
One Park Place, Suite 250
Annapolis, MD 21401

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Francis X. Watkins Adil A. Noir
George L. Hasser Adeniyi A. Paul
Richard J. Loeschke

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(13) M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 610
Tysons, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[x] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

M. J. Wells & Associates, Inc. is an Employee Stock Ownership Plan (ESOP). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: February 23, 2018
(enter date affidavit is notarized)

1439163b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(14) RLAntonucci, LLC
9576 Sunnyslope Drive
Manassas, VA 20112

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Robin L. Antonucci

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

1439636

DATE: February 23, 2018
(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(2) Regency Centers, L.P.
One Independent Drive, Suite 114
Jacksonville, FL 32202

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

GENERAL AND LIMITED PARTNER:

Regency Centers Corporation(3)

- There are numerous non-voting, passive limited partners of Regency Centers, L.P., who in the aggregate own less than 1% of the partnership.
• None of these limited partners owns 10% or more of Commonwealth Regency, LLC.

(check if applicable) [x] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

• Information updated.

Rezoning Attachment to Par. 1(c)DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(8) Hunton & Williams LLP
4501 Greensboro Drive, Suite 140
Tysons, VA 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g.
General Partner, Limited Partner, or General and Limited Partner)Lawrence C. Adams
Syed S. Ahmad
Michael F. Albers
Kenneth J. Alcott
Fernando C. Alonso
Walter J. Andrews
Chinawat Assavapokee (nmi)
L. Scott Austin
Ian Phillip Band
John J. Beardsworth, Jr.
Ryan A. Becker
Steven H. Becker
Michele J. Beilke
Stephen John Bennett
Melinda R. Beres
Lucas Bergkamp (nmi)
Lon A. Berk
Mark B. Bierbower
Stephen R. Blacklocks
Jeffry M. Blair
Andrew J. Blanchard
J. Tom Boer
Matthew P. Boshier
James W. Bowen
Lawrence J. Bracken, II
James P. Bradley
David F. Brandley, Jr.
Shannon S. Broome
Benjamin P. Browder
A. Todd Brown, Sr.
Tyler P. Brown
F. William Brownell
Robert F. Brusco
Kevin J. BuckleyKristy A. Niehaus Bulleit
Joseph B. Buonanno
Nadia S. Burgard
Eric R. Burner
M. Brett Burns
P. Scott Burton
Ellis M. Butler
Ferdinand A. Calice
Matthew J. Calvert
Daniel M. Campbell
Thomas H. Cantrill
Curtis G. Carlson
J. C. Chenault, V
Whittington W. Clement
Herve' Cogels (nmi)
Cassandra C. Collins
Ashley Cummings (nmi)
Alexandra B. Cunningham
Samuel A. Danon
Wyatt A. Deal
John Dedyo
John J. Delionado
Stephen P. Demm
Edward L. Douma
Colleen P. Doyle
Alison M. Dreizen
Sean P. Ducharme
Angus J. Duncan
Deidre G. Duncan
Roger Dyer (nmi)
Frederick R. Eames
Heather Archer Eastep
Maya M. Eckstein
W. Jeffery EdwardsMarvin W. Ehrlich
John C. Eichman
Tara L. Elgie
Emmett N. Ellis
James R. England
Frank E. Emory, Jr.
Juan C. Enjamio
Phillip J. Eskenazi
Joseph P. Esposito
Kelly L. Faglioni
Susan S. Failla
Eric H. Feiler
Kevin C. Felz
Lindsay H. Ferguson
Edward F. Fernandes
Norman W. Fichthorn
Andrea Bear Field
Kevin J. Finto
Melanie Fitzgerald (nmi)
Michael F. Fitzpatrick, Jr.
Robert N. Flowers
Aaron M. Flynn
William M. Flynn
Lauren E. Freeman
Steven C. Friend
Edward J. Fuhr
Charles A. Gall
Daniel C. Garner
Douglas M. Garrou
Kevin M. Georgerian
John T. Gerhart, Jr.
Andrew G. Geyer
Jeffrey W. Giese
Neil K. Gilmancheck if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: February 23, 2018
(enter date affidavit is notarized)

1439636

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(8) Hunton & Williams LLP (continued)
4501 Greensboro Drive, Suite 140
Tysons, VA 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)C. Christopher Giragosian
Michael P. Goldman
Ryan A. Glasgow
Douglas S. Granger
Laurie A. Grasso
Greta T. Griffith
Brett L. Gross
Steven M. Haas
Brian L. Hager
Robert J. Hahn
Eric R. Hail
Jarrett L. Hale
Eric J. Hanson
Jason W. Harbour
Jeffrey L. Harvey
John D. Hawkins
Rudene Mercer Haynes
Timothy J. Heaphy
Mark S. Hedberg
Gregory G. Hesse
E. Perry Hicks
Thomas Y. Hiner
John R. Holzgraefe
Cecelia Philipps Horner
David B. Horner
George C. Howell, III
Kevin F. Hull
Jamie Zysk Isani
Judith H. Itkin
Makram B. Jaber
Timothy L. Jacobs
Lori Elliott Jarvis
Matthew D. Jenkins
Harry M. Johnson, III
Robert M. Johnson
Kevin W. Jones
Laura Ellen JonesDan J. Jordanger
Roland Juarez (nmi)
Andrew Kamensky (nmi)
David A. Kelly
Douglas W. Kenyon
Michael C. Kerrigan
Ryan T. Ketchum
Scott H. Kimpel
Robert A. King
Michael D. Klauss
Charles H. Knauss
Edward B. Koehler
Leslie W. Kostyshak
Torsten M. Kracht
Christopher G. Kulp
S. Christina Kwon
David Craig Landin
Gregory F. Lang
Kurt G. Larkin
Andrew W. Lawrence
Corey A. Lee
L. Steven Leshin
Michael S. Levine
Brent A. Lewis
Elbert Lin (nmi)
David C. Lonergan
Nash E. Long, III
Kirk A. Lovric
David S. Lowman, Jr.
Kimberly C. MacLeod
Michael J. Madden, Jr.
Tyler Maddry (nmi)
Manuel E. Maisog
Rori H. Malech
Alan J. Marcuis
Phyllis H. Marcus
Brian R. MarekFernando Margarit (nmi)
Laura Colombell Marshall
Jeffrey N. Martin
John S. Martin
Walfrido J. Martinez
Lorelie S. Masters
John Gary Maynard, III
William H. McBride
Michael C. McCann
T. Allen McConnell
Janet Sadler McCrae
Alexander G. McGeoch
John C. McGranahan, Jr.
Kerry L. McGrath
Gustavo J. Membiela
Uriel A. Mendieta
Peter J. Mignone
Patrick E. Mitchell
Jack A. Molenkamp
T. Justin Moore, III
Thurston R. Moore
Ann Marie Mortimer
Jay B. Mower
Michael J. Mueller
Eric J. Murdock
Ted J. Murphy
David A. Mustone
James P. Naughton
Eric J. Nedell
Michael Nedzbala (nmi)
William L. Newton
Lonnie D. Nunley, III
Michael A. Oakes
Peter K. O'Brien
John T. O'Connor
Cecilia Y. Oh
Leslie A. Okinaka(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(8) Hunton & Williams LLP (continued)
4501 Greensboro Drive, Suite 140
Tysons, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

John D. O'Neill, Jr.
Charles D. Ossola
Brian V. Otero
Raj Pande (nmi)
Randall S. Parks
Peter S. Partee, Sr.
J. Steven Patterson
Ryan P. Phair
James M. Pinna
Eric R. Pogue
Laurence H. Posorske
Kurtis A. Powell
Lewis F. Powell, III
Robert T. Quackenboss
G. Scott Rafshoon
John Jay Range
Stuart A. Raphael
Robert S. Rausch
Baker R. Rector
Shawn Patrick Regan
Sona Rewari (nmi)
Thomas A. Rice
Jennings G. ("J. G.") Ritter, II
Daryl B. Robertson
Gregory B. Robertson
Patrick L. Robson
Amber M. Rogers
Robert M. Rolfe
Ronald D. Rosener
Adam J. Rosser
Brent A. Rosser
William L. S. Rowe
Marguerite R. ("Rita") Ruby
Stephen M. Sayers
Arthur E. Schmalz
Gregory J. Schmitt
John R. Schneider
Howard E. Schreiber

Jeffrey P. Schroeder
Carl F. Schwartz
Matthew A. Scoville
P. Watson Seaman
James S. SeEVERS, Jr.
Douglass P. Selby
Joel R. Sharp
Michael R. Shebelskie
George P. Sibley, III
Kendal A. Sibley
Donald F. Simone
Aaron P. Simpson
Jo Anne E. Sirgado
Laurence E. Skinner
Caryl Greenberg Smith
John R. ("J. R.") Smith
Robert K. Smith
Yisun Song (nmi)
Lisa J. Sotto
Joseph C. Stanko, Jr.
John J. Stenger
Gregory N. Stillman
Brian J. Tanenbaum
Andrew J. Tapscott
Robert M. Tata
Eric Jon Taylor
W. Lake Taylor, Jr.
Wendell L. Taylor
Andrew S. V. Thomas
John Charles Thomas
Gary E. Thompson
Paul M. Tiao
B. Cary Tolley, III
John R. R. Tormey
Julia Y. Trankiem
Bridget C. Treacy
Andrew J. Turner
Daniel E. Uyesato

Emily Burkhardt Vicente
Daniel G. Vivarelli, Jr.
Mark R. Vowell
Amanda L. Wait
Richard L. Warren
Peter G. Weinstock
Eric H. Weisblatt
Malcolm C. Weiss
Kevin J. White
Mark V. Wickersham
Amy McDaniel Williams
Evan C. Williams
Holly H. Williamson
Susan F. Wiltsie
Allison D. Wood
David C. Wright
Richard L. Wyatt, Jr.
David R. Yates
Manida Zimmerman (nmi)

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

1439636

DATE: February 23, 2018
(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE.

(check if applicable) [] There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: February 23, 2018
(enter date affidavit is notarized)

143963b

for Application No. (s): PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Francis A. McDermott has contributed in excess of \$100 to Supervisor Kathy Smith.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

[Handwritten signature]

(check one)

[] Applicant

[x] Applicant's Authorized Agent

Francis A. McDermott/Attorney/Agent for Applicant
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 23rd day of February 2018, in the State/Comm. of Virginia, County/City of Fairfax.

[Handwritten signature of Notary Public]

Notary Public

My commission expires



Cynthia L. Baroody
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7306004
My Commission Expires
October 31, 2021



HUNTON & WILLIAMS LLP
8405 GREENSBORO DRIVE
SUITE 140
TYSONS, VIRGINIA 22102

TEL 703 • 714 • 7400
FAX 703 • 714 • 7410

SUSAN K. YANTIS
SENIOR LAND USE PLANNER
DIRECT DIAL 703 • 714 • 7492
EMAIL: syantis@hunton.com

FILE NO: 824582

January 5, 2018

BY HAND

Ms. Tracy Strunk
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway
Suite 800
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning
JAN 08 2018
Zoning Evaluation Division

**Commonwealth Centre – Land Bays B and C
Request for Minor Variation
PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02
Fairfax County Tax Map Parcel 44-1-((1))-6G (the "Property")**

Dear Ms. Strunk:

Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, on behalf of the owner, Commonwealth Regency, LLC (hereinafter "Regency"), this letter requests a minor variation of the proffers and Conceptual/Final Development Plan Amendment ("CDPA/FDPA") approved by the Board of Supervisors on October 20, 2015 to add a craft beverage production establishment as a permitted use on the Property.

Enclosed please find the following submission documents:

1. Request for Minor Variation;
2. Approved CDPA/FDPA dated February 16, 2015 and revised through September 16, 2015;
3. Approved proffers dated October 5, 2015 (the "PCA Proffers");
4. Approved development conditions associated with the FDPA (the "FDPA Conditions");
5. Fairfax County Zoning Section Sheet 44-1, with the subject property outlined in red (1 copy);

**HUNTON &
WILLIAMS**

Ms. Tracy Strunk
January 5, 2018
Page 2

6. Rezoning Affidavit;
7. Authorization of Agents; and
8. Application fee in the amount of \$520.00, payable to County of Fairfax.

If you have any questions or require additional information, please do not hesitate to contact me at (703) 714-7492.

We would appreciate your favorable consideration of this request.

Sincerely,



Susan K. Yantis
Senior Land Use Planner

Enclosures

cc: Supervisor Kathy Smith
Devin Corini, Regency Centers

January 5, 2018

Commonwealth Centre- Land Bays B and C
Request for Minor Variation
PCA 2006-SU-025-02/CDPA 2006- SU-025/FDPA 2006-SU-025-02

Commonwealth Regency, LLC (the "Applicant"), seeks approval of a Minor Variation of the Proffers and Conceptual/Final Development Plan Amendment ("CDPA/FDPA") approved by the Board of Supervisors on October 20, 2015 in conjunction with PCA 2006-SU-025-02 (the "PCA") to permit craft beverage production establishment uses ("Craft Brewery") on the property identified as Fairfax County Tax Map Parcel 44-1-((1))-6G and known as Land Bays B and C of Commonwealth Centre (the "Property"), a commercial mixed-use project situated immediately to the east of the interchange at Route 28/Westfields Boulevard. The approved CDPA/FDPA dated February 16, 2015 and revised through September 16, 2015, and the Proffers dated October 5, 2015 (the "PCA Proffers"), are enclosed as **Exhibit 1** and **Exhibit 2**, respectively. The approved development conditions associated with the companion FDPA are enclosed as **Exhibit 3**.

The PCA permits the development of retail and restaurant uses, including a retail sales establishment-large ("Wegmans"), in Land Bays B and C. The Property is designed to facilitate the integration of the approved mix of uses with plazas/amenity areas, tree preservation areas, pedestrian pathways connecting the buildings, seating areas, internal landscape areas and landscaped linear open spaces to create an amenity-rich commercial mixed-use project for day and night time activities. Site Plan #5344-SP-048-2 (the "Site Plan") was approved by Land Development Services ("LDS") on December 6, 2016 and construction has commenced on the Property.

Subsequent to the approval of the PCA for the Property, the Board of Supervisors approved a Zoning Ordinance Amendment (ZOA) on February 28, 2017 to permit craft beverage production establishments in select industrial, commercial, and planned development districts, including the PDC District, with proposed use limitations. Pursuant to Par. 17 of Sect. 6-206 of the Zoning Ordinance, craft beverage production establishments shall be permitted in accordance with the following use limitations:

- A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.
- B. The establishment shall include an on-site tasting room.
- C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.
- D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

RECEIVED
Department of Planning & Zoning

JAN 08 2018

Zoning Evaluation Division

The purpose of this Minor Variation request is to add a Craft Brewery to the list of permitted uses in the PCA Proffers. Proffers 4 and 5 of the PCA include a list of permitted and prohibited uses on the Property. Given that the ZOA was adopted subsequent to the PCA approval, the Craft Brewery could not have been listed as a permitted or prohibited secondary use, but it is clearly a use consistent with this mix of uses and design concept approved in this PDC development.

Interest has been expressed in Craft Brewery uses on the Property, although specific locations have not yet been determined. The use would be located only within approved building footprints shown on the CDPA/FDPA. Therefore, the Craft Brewery will not result in any impacts to building setbacks or changes in the vehicular circulation shown on the CDPA/FDPA. The parking tabulation on the CDPA/FDPA identifies 744 required parking spaces with ±1,039 spaces to be provided. The approved Site Plan reflects 1,120 parking spaces to be provided on the Property so there is adequate parking available for the Craft Brewery. Furthermore, a cumulative parking tabulation for all of the uses within Land Bays B and C will be required at time of issuance of the Non-Residential Use permit for a Craft Brewery use to demonstrate adequate parking is provided on the Property.

The vehicular trips associated with the Craft Brewery will be consistent in terms of the characteristics and amount when compared to the uses assumed for Land Bays B and C in the traffic impact analysis prepared by Wells and Associates that supported the approved PCA.

Given all of the above, the addition of Craft Brewery uses to those uses permitted on the Property will not result in any greater land use impacts than the now approved uses and will only further enhance the mix of uses at Commonwealth Centre, which include high quality retail, restaurants, residential and office, and will contribute to creating a focal point and a strong image for the Dulles Suburban Center.

MINOR VARIATION STATEMENT

Commonwealth Regency, LLC

PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02

March 6, 2018

Pursuant to Section 18-204 of the Zoning Ordinance, the property owner, Commonwealth Regency, LLC, hereby requests approval of a Minor Variation to the proffers governing Tax Map 44-1 ((1)) 6G to allow the addition of a "Craft Beverage Production Establishment Use" to the list of "Principal [or Secondary] Uses" as a secondary use permitted in Proffer No. 4 of PCA 2006-SU-025-02, and commits that any such use would be located within the approved building footprints shown on the CDPA/FDPA, will meet the use limitations contained in the Zoning Ordinance, and will be developed in substantial conformance with the governing proffers.



D. Devin Quinn
Commonwealth Regency, LLC
Applicant/Title Owner

RECEIVED
Department of Planning & Zoning

FEB 21 2018

Zoning Evaluation Division

Board Action Item
March 6, 2018

ACTION - 6

Approval of Minor Variation Request for PCA 86-C-029-10, GS Ashton, LLC, to Modify Materials Approved by Proffer 16 on Existing Residential Building (Dranesville District)

ISSUE:

Board consideration of a minor variation to modify permitted building materials on existing residential buildings approved by PCA 86-C-029-10, pursuant to the provisions of Sect. 18-204 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the addition of fiber cement siding and polyurethane trim to the list of building materials permitted by proffer No. 16 for PCA 86-C-029-10.

TIMING:

Routine.

BACKGROUND:

Under Par. 5 of Sect. 18-204 of the Zoning Ordinance, the Board may approve certain requests for minor variations to proffered conditions and the associated PRC development plan, generalized development plan, conceptual development plan and final development plan, including any approved conditions of such plans, without a public hearing. Specifically, Par. 5A (6) permits a request to modify architectural design, character, color features, or materials for buildings and signs provided such modifications are of equivalent quality and do not have a materially adverse impact on adjacent properties.

On December 6, 2004, the Board of Supervisors approved Proffered Condition Amendment PCA 86-C-029-10, subject to proffers, to amend RZ 86-C-029, previously approved for a mixed-use development, in order to permit development including offices, a hotel option, multi-family residences, and public parkland. The Planning Commission approved Final Development Plan Amendment FDPA 86-C-029-06, subject to development conditions, on October 21, 2004. The property is located within the PDC

Board Agenda Item
March 6, 2018

zoning district, east of Route 28, north of Frying Pan Road and west of Sunrise Valley Drive on approximately 13.33 acres of land, Tax Map 15-4 ((1)) 13F1 and F2 (see locator map in attachment 1). The approved proffers, FDPA, and development conditions for PCA 86-C-029-10, and FDPA 86-C-029-6 are available at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=PCA&seq=4041010>

On January 10, 2018, the Department of Planning and Zoning (DPZ) received a letter dated January 5, 2018, from John Katinas, AIA, agent for the Applicant, requesting a minor variation to add fiber cement siding and polyurethane trim as permitted building materials in Proffer No.16 for PCA 86-C-029-10 (see attachment 3). Proffer 16 states, in part:

“Architectural Design. The architectural design of the multi-family buildings, offices and hotel shall be in substantial conformance with the general character of the elevations shown on Sheet 8. The applicant reserves the right to refine the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. One or more of the following building materials shall be utilized on the first three levels of the residential buildings: masonry, brick, stone, pre-cast concrete, ground or split face CMU. In addition to the preceding materials, stucco or high quality EFIS that is visually compatible with the masonry materials may be utilized on the fourth and fifth floors. The residential and non-residential buildings shall incorporate the complementary materials and colors within the facades.”

The existing residential buildings have stucco siding and trim on the upper floors. GS Ashton, LLC proposes the removal of the stucco siding and trim on the upper floors of the existing two residential buildings and installation of new fibre cement siding and polyurethane trim matching the existing profiles. This proposed material is not permitted by Proffer 16. Mr. Katinas states the proposed work will not affect the floor plan, parking, open space, tree cover, or floor area in any way.

Staff has reviewed PCA 86-C-029-10 and has concluded that fibre cement siding and polyurethane trim are equivalent in quality to the materials listed in the proffers, and the proposed change will not have a materially adverse impact on adjacent properties. Staff notes that the new materials must remain visually compatible with the masonry materials per the proffer. Staff therefore recommends that it be approved.

FISCAL IMPACT:

None

Board Agenda Item
March 6, 2018

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Approved Affidavit Dated February 6, 2018

Attachment 3: Excerpt of Approved Proffers for PCA 86-C-029-10

Attachment 4: Renovation Elevations

Attachment 5: Letter dated January 5, 2018, to Jerrell Timberlake

Attachment 6: Minor Variation Statement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tracy D. Strunk, Director, Zoning Evaluation Division (ZED), DPZ

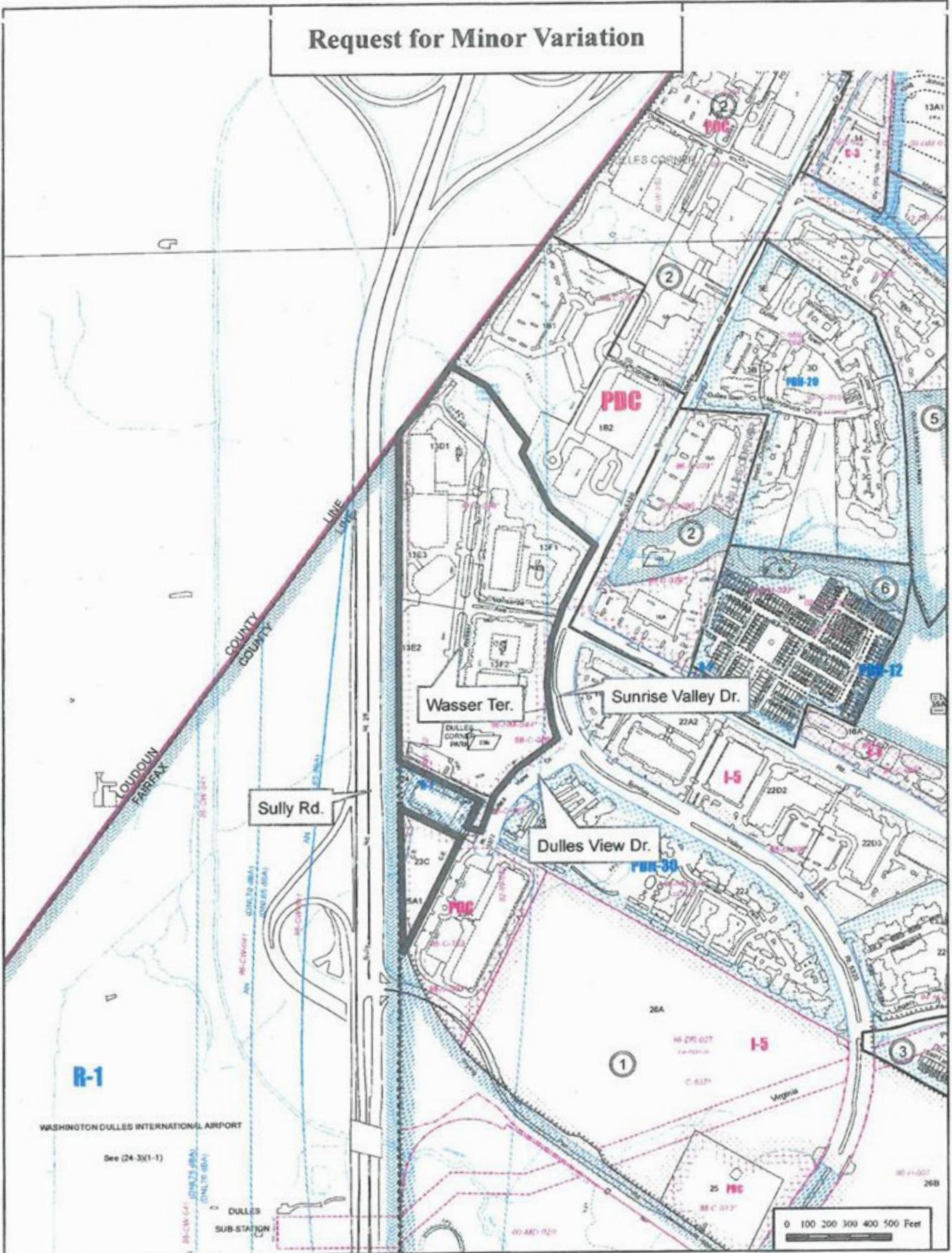
Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Jerrell Timberlake, Staff Coordinator, ZED, DPZ

ASSIGNED COUNSEL:

Laura Gori, Senior Assistant County Attorney, Office of the County Attorney

Request for Minor Variation



REZONING AFFIDAVIT

DATE: 2/6/18
 (enter date affidavit is notarized)

143999

I, Joseph S. Parsons, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): PCA-86-C-029-10
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Katinas Bruckwick Architecture Agent: John Katinas	1101 30th St NW Ste B100 Washington, D.C. 20007	Architect/Agent
GS Ashton, LLC Agent: Joseph S. Parsons	18 Broad Street, Suite 300, Charleston, SC 29401	Title Owner/Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: 2/6/18
(enter date affidavit is notarized)

143999

for Application No. (s): PCA-86-C-029-10
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
GS Ashton, LLC 18 Broad Street, Suite 300, Charleston, SC 29464

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

Robert A. Faith - President; William C. Maddux - Vice President; J. Derek Ramsey - Vice President, Secretary and Treasurer; Wesley H. Fuller - Vice President; and A. Joshua Carper - Vice President.

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: 2/6/18
(enter date affidavit is notarized)

143999

for Application No. (s): PCA-86-C-029-10
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Katinas Bruckwick Architecture, LLC
1101 30th Street NW Suite B100 Washington, D.C. 20007

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
John G. Katinas - Member
Michael P. Bruckwick - Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
John G. Katinas - Principle
Michael P. Bruckwick - Principle

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: 2/6/18
(enter date affidavit is notarized)

143999

for Application No. (s): PCA-86-C-029-10
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: 2/6/19
(enter date affidavit is notarized)

143999

for Application No. (s): PCA-86-C-029-10
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: 2/6/18
(enter date affidavit is notarized)

143999

for Application No. (s): PCA-86-C-029-10
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Joseph S. Parsons

Applicant

Applicant's Authorized Agent

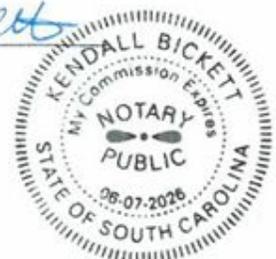
Joseph S. Parsons, Senior Director, Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6 day of February 2018, in the State/Comm. of South Carolina, County/City of Charleston.

Kendall Bickett
Notary Public

My commission expires: 6/7/2026



PROFFERS

PCA 86-C-029-10; PCA 88-C-066-5; PCA 1996-HM-044-3

Page 8

- B. Sidewalks five (5) feet wide along the western side of Dulles View Drive and on both sides of the Sunrise Valley Drive entrance road and throughout the Property linking buildings as shown on the CDPA/FDPA.
 - C. A minimum six (6) foot wide asphalt trail adjacent to Dulles Corner Lake, subject to a public access easement in a form acceptable to the office of the County Attorney.
 - D. Construction of an eight (8) foot wide asphalt trail within the Route 28 right-of-way or on adjacent land owned by the Metropolitan Washington Airport Authority (MWAA) along the Property's frontage and the frontage of Tax Map 15-4 ((1)) 24, and two eight foot wide asphalt wide trail connections between the Property's western boundary and the proposed Route 28 trail as generally shown on the CDPA/FDPA. Construction shall occur commensurate with the development of the office/hotel portions of the Property. In the event the Applicant is unable to gain approval for constructing the trail within the right-of way or on MWAA land, at no cost to the Applicant, the Applicant may provide written documentation of its efforts to DPWES and may provide an alternative trail location on-site acceptable to the Applicant and DPWES. In the event no on-site trail location is found acceptable, the Applicant shall in lieu of constructing the trail escrow with DPWES the cost of constructing such a trail as determined by DPWES, for the future construction of the trail by others. The amount to be escrowed shall be increased or decreased by the index known as the Highway Construction Bid Index as published in the *Engineering News Record* from the date of this proffered condition amendment.
 - E. Construction of the above facilities shall occur commensurate with the development of each section of the Property.
16. [Previous Proffer 16 is replaced as follows] Architectural Design. The architectural design of the multi-family buildings, offices and hotel shall be in substantial conformance with the general character of the elevations shown on Sheet 8. The Applicant reserves the right to refine the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. Building materials for the non-residential buildings (8-10) shall include one or more of the following: masonry, stone, pre-cast concrete, metal panels and glass. High quality stucco or EFIS that is visually compatible with masonry or pre-cast concrete may be utilized at and above the second floor of the proposed hotel and/or office. One or more of the following building materials shall be utilized on the first three levels of the residential buildings: masonry, brick, stone, pre-cast concrete, ground or split face CMU. In addition to the preceding materials, stucco or high quality EFIS that is visually compatible with the masonry materials may be utilized on the fourth and fifth floors. The residential and non-residential buildings shall incorporate the complementary materials and colors within the facades. An architectural grate or

PROFFERS

PCA 86-C-029-10; PCA 88-C-066-5; PCA 1996-HM-044-3

Page 9

netting/screen shall be provided along the southern facade of Building I to protect it from balls hit from the adjacent baseball diamond. Architectural plans shall be presented to the Planning Commission to demonstrate compliance with this proffer prior to issuance of building permits.

17. **[Previous Proffer 17 is replaced as follows]** Parking Deck Design. The top level of each commercial parking deck shall have a minimum of five percent interior landscaping, and said landscaped areas shall be properly maintained. The top level of the sides of any commercial parking deck visible from the interior of the Property shall have planters or hanging planters along the parapet walls. The planters shall not run continuously but shall be designed to break up the top edge of the parking deck. The façade of the parking decks exposed to Route 28 and the residential buildings shall be treated with colored spandrels with architectural treatment. Such treatment shall consist of colors that match and building materials that complement the adjacent office and hotel that the garage serves, as determined by DPWES. An architectural grate and or a netting/screen shall be provided to protect the garage for Building I from balls hit from the adjacent baseball diamond.

18-23. **[Previous Proffers 18-23 remain unchanged but have been completed]**

24. **[Previous Proffer 24 is replaced as follows]**

- A. Office Transportation Demand Management. The use of mass transit, ride-sharing and other transportation strategies shall be utilized to reduce traffic trips for office buildings on the Property during peak periods by a minimum of 15% of the trips generated according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition for the AM and PM peaks. Lessees/purchasers shall be advised of this transportation strategy. Transportation coordination duties shall be carried out by a designated property manager(s) or transportation management coordinator(s). The transportation strategy management position may be a part of other duties assigned to the individual(s) but transportation demand management shall be one of the person's primary duties. The office and residential TDM coordinator may be the same person. The transportation management strategies shall be initiated upon issuance of Non-RUPs for 75% of the first office or hotel building. Strategies shall be developed in coordination with DOT and those implemented may include, but not be limited to, the following:

- (i) Membership of lessees of the office buildings the Dulles Area Transportation Association (DATA), a recognized Commonwealth public-private Transportation Management Association;

THE ASHTON APARTMENT COMPLEX AT DULLES CORNER EXTERIOR RENOVATION

ZONING EVALUATION SET

ARCHITECT

KATINAS BRUCKWICK ARCHITECTURE
1101 30TH STREET, N.W. SUITE B100
WASHINGTON D.C., 20007
TEL: 301.652.8300 FAX: 301.652.8306

13958 MANSARDE AVENUE
HERNDON, VA 20171

OWNER

GREYSTAR
8405 GREENSBORO DRIVE, SUITE 500
MCLEAN, VIRGINIA 22102
TEL: 301.652.8300 cnakqmura@greystar.com

DRAWING INDEX

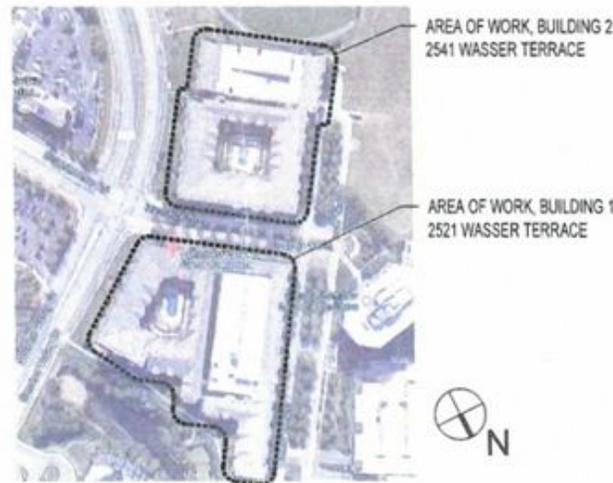
- A-0 COVER SHEET
- A-1 EXISTING KEY PLAN & SITE CONTEXT PHOTOS
- A-2 EXISTING ELEVATIONS
- A-3 EXISTING ELEVATIONS
- A-4 EXISTING ELEVATIONS
- A-5 ENLARGED EXISTING ELEVATION
- A-6 ENLARGED PROPOSED ELEVATION
- A-7 FIBRE CEMENT SIDING SPEC SHEETS

PROJECT DESCRIPTION

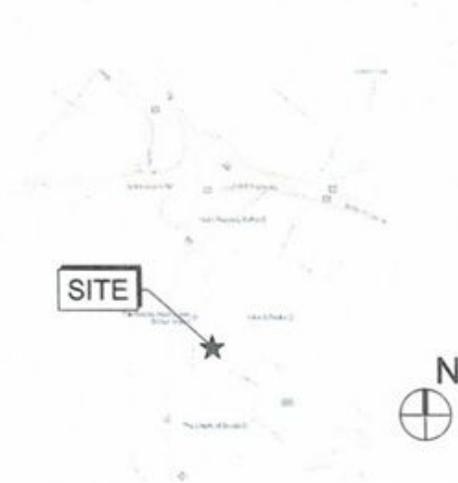
DEMOLITION OF ALL STUCCO SIDING & TRIM ON THE UPPER FLOORS OF THE EXISTING TWO BUILDING APARTMENT COMPLEX. INSTALLATION OF NEW FIBRE CEMENT SIDING & POLYURATHANE TRIM TO MATCH EXISTING EIFS PROFILE. NO CHANGE TO FLOOR PLAN, OPEN SPACE, TREE COVER, OR FLOOR AREA.

ZONING INFORMATION

TAX MAP# 0154 01 0013
RELATED PROFFER CONDITION AMENDMENT:
PCA 86-C-029-10, DATED 6 DECEMBER 2004
PROFFER 16 "ARCHITECTURAL DESIGN REGULATIONS"



EXISTING ARIEL VIEW
SCALE: NTS



LOCATION MAP
SCALE: NTS

THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

16 OCTOBER 2017

Katinas Bruckwick

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A-0

EXISTING STUCCO SIDING TO BE DEMOLISHED, TYP.

EXISTING STUCCO TRIM TO BE DEMOLISHED, TYP.



WASSER TERRACE VIEW
SCALE: NTS (P3)

EXISTING STUCCO SIDING TO BE DEMOLISHED, TYP.

EXISTING STUCCO TRIM TO BE DEMOLISHED, TYP.



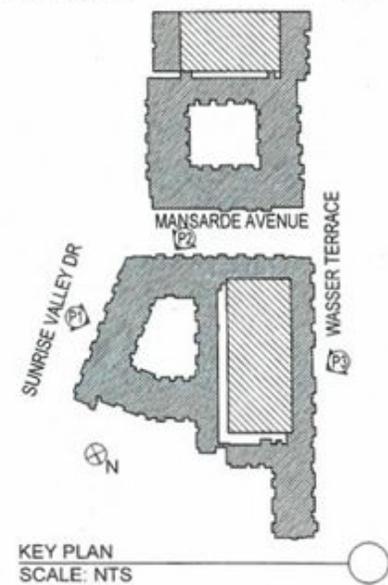
MANSARDE AVENUE VIEW
SCALE: NTS (P2)

EXISTING STUCCO SIDING TO BE DEMOLISHED, TYP.

EXISTING STUCCO TRIM TO BE DEMOLISHED, TYP.



SUNRISE VALLEY DRIVE VIEW
SCALE: NTS (P1)



KEY PLAN
SCALE: NTS

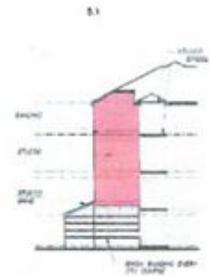
THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

16 OCTOBER 2017

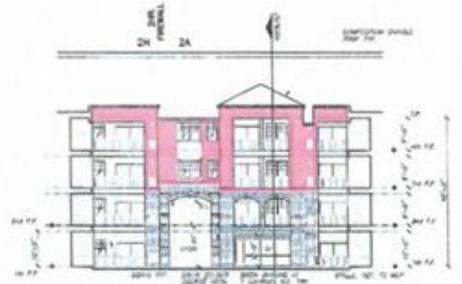
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COURTYARD ELEVATION 15
SCALE: 1/32" = 1'-0"



COURTYARD ELEVATION 14
SCALE: 1/32" = 1'-0"



COURTYARD ELEVATION 13
SCALE: 1/32" = 1'-0"

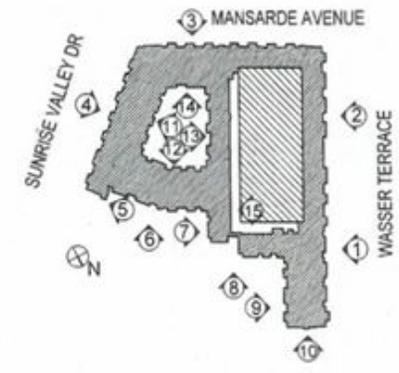


COURTYARD ELEVATION 12
SCALE: 1/32" = 1'-0"



COURTYARD ELEVATION 11
SCALE: 1/32" = 1'-0"

INDICATES AREA OF WORK



KEY PLAN
SCALE: NTS

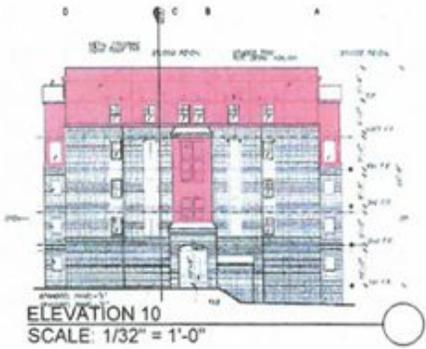
THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

16 OCTOBER 2017

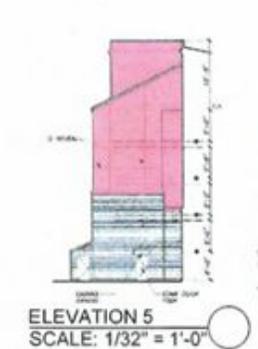
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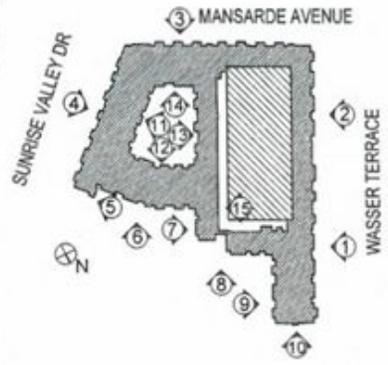
A-4



INDICATES AREA OF WORK



SEE SHEET A-5:
ENLARGED EXISTING ELEVATION



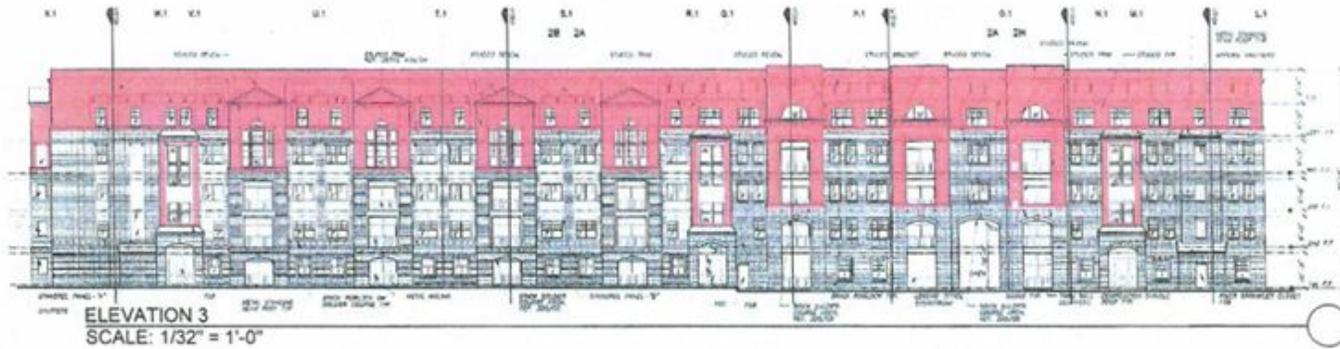
THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

16 OCTOBER 2017

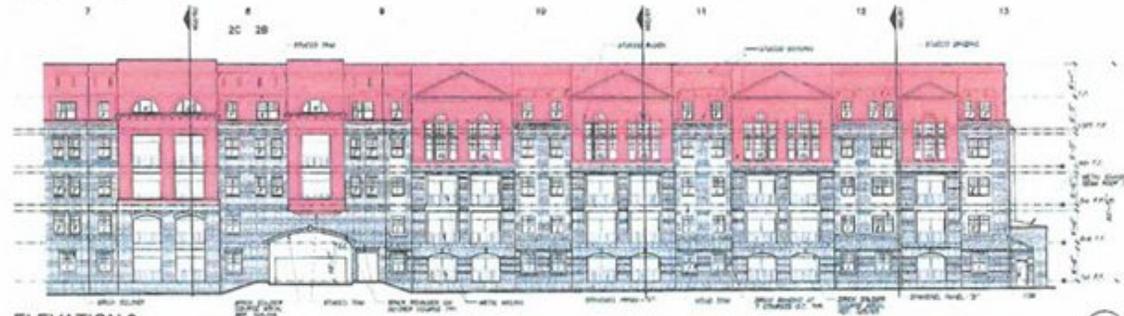
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A-3



ELEVATION 3
SCALE: 1/32" = 1'-0"

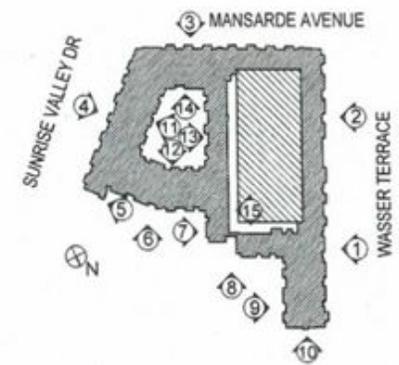


ELEVATION 2
SCALE: 1/32" = 1'-0"



ELEVATION 1
SCALE: 1/32" = 1'-0"

INDICATES AREA OF WORK



KEY PLAN
SCALE: NTS

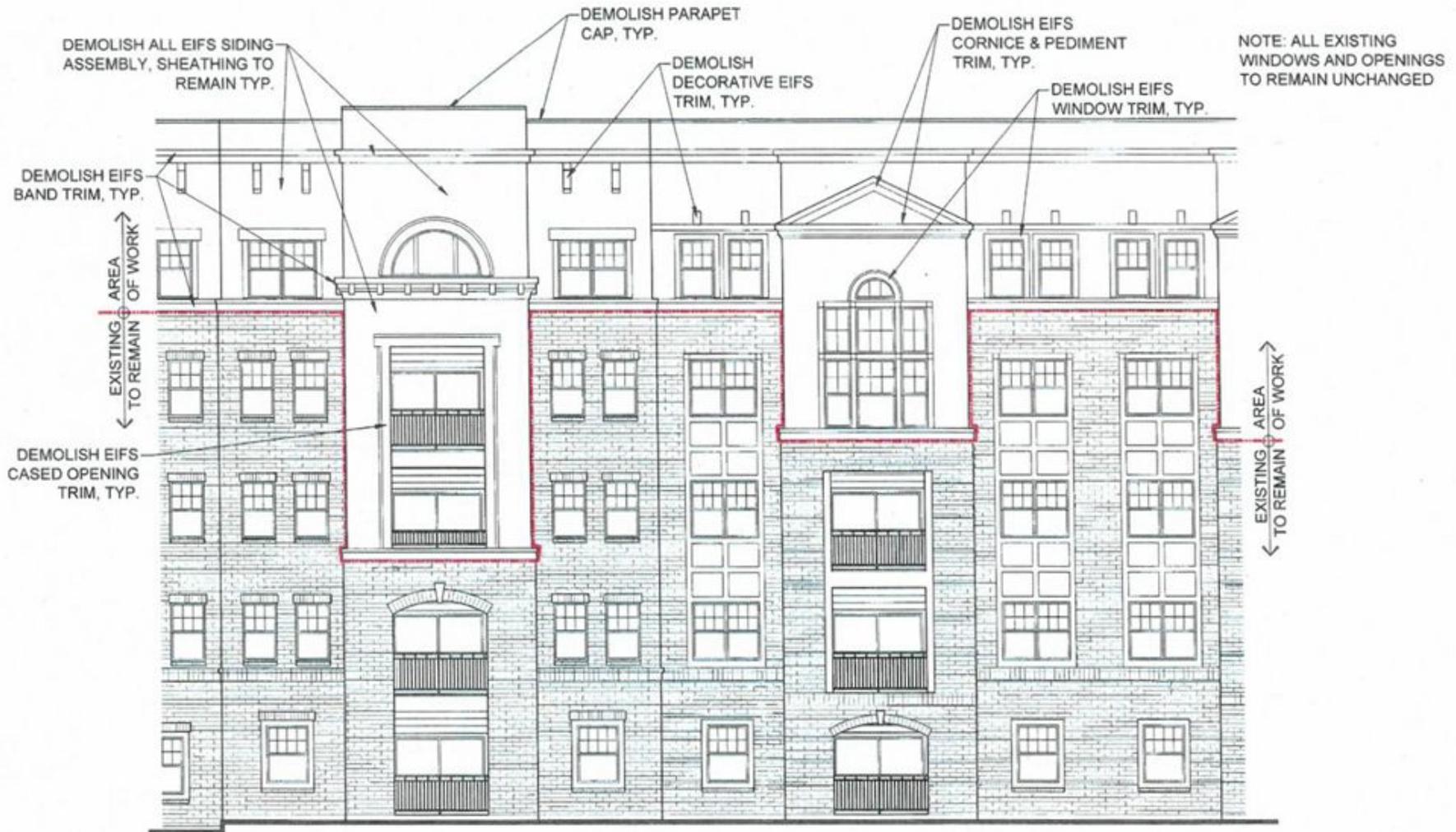
A-2

THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

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ENLARGED EXISTING ELEVATION
SCALE: 1/8" = 1'-0"

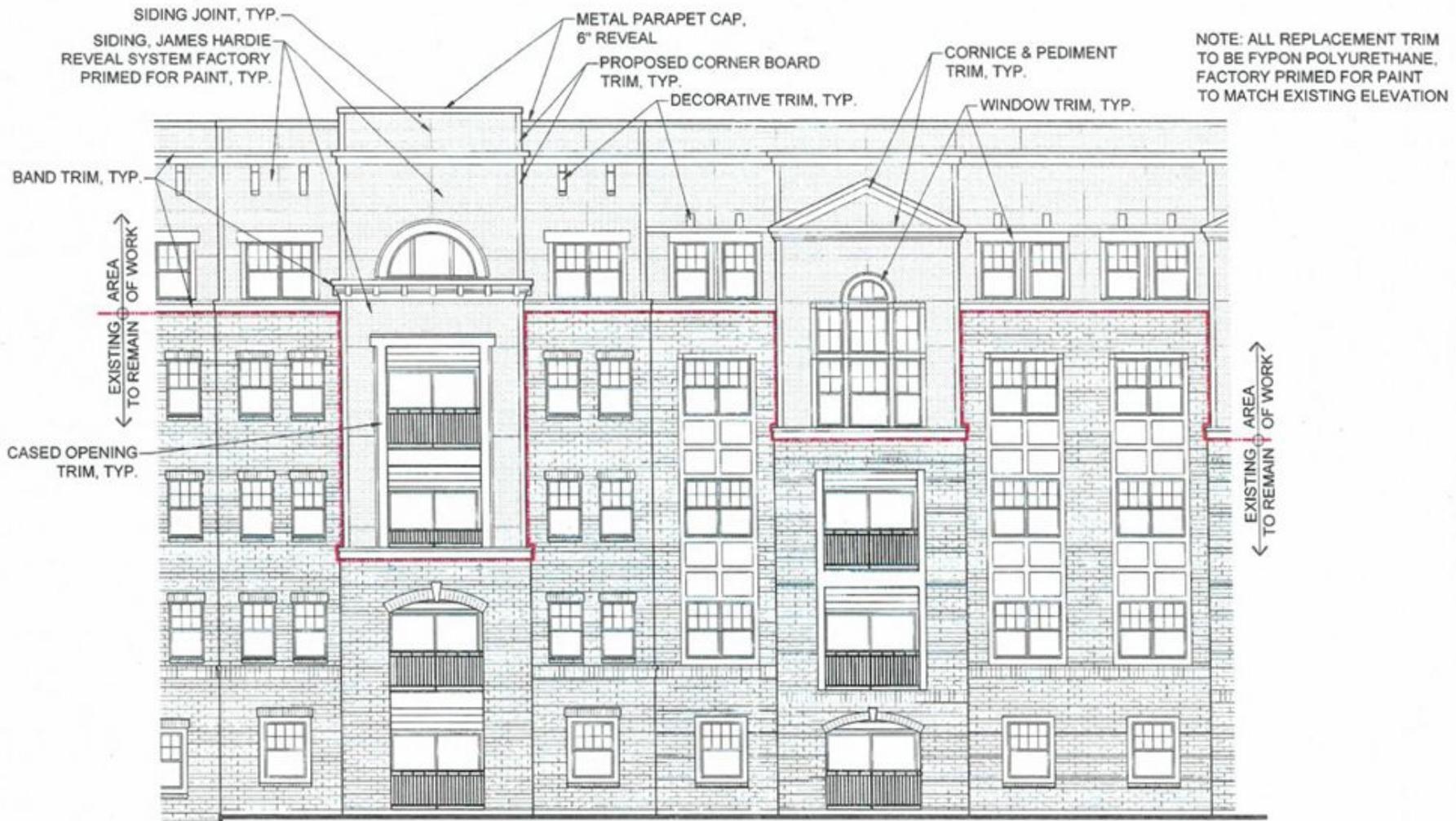
THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

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ENLARGED PROPOSED ELEVATION
 SCALE: 1/8" = 1'-0"

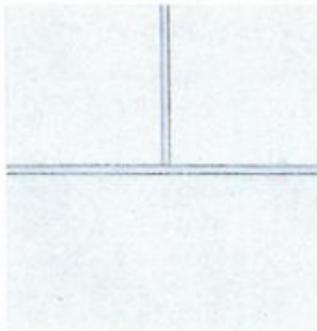
THE ASHTON AT DULLES CORNER
 13958 MANSARDE AVENUE

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A-6



REVEAL PANEL WITH RECESS TRIM

Complies with all code requirements. The recess trim is an optional feature. See the Reveal Panel System Manual for details on installation and finishing. For more information, contact your local James Hardie sales representative or visit www.jameshardie.com.

Panel Specs

Thickness	0.438"
Weight	3.1 LBS./SQ. FT.
Length	85.8"
Width	47.5"
Color	COMES PRIMED FOR PAINT

REVEAL TECHNICAL DATA SHEET

Panel System Reveal® Panel System

Document Scope

This document applies to the Reveal® Panel System. The use of this product is limited to buildings not exceeding 75 feet in height.

General Description

Reveal Panel System is a noncombustible fiber-cement panel siding, manufactured by James Hardie Building Products Inc.

Physical Characteristics

Thickness = 7/16 inch Length = 85.8 inches Width = 47.5 inches

Product Compliance

Reveal panels used in the Reveal Panel System are a Grade II, Type A, fiber-cement flat sheet as defined by ASTM C 1184. The panels are manufactured by the Harsco process and cured by high pressure steam autoclaving.

Code Compliance

Reveal Panel System complies with:

- The 2006, 2009, 2012, and 2015 International Building Code® (IBC) Section 1404.10 and 2006, 2009, 2012, and 2015 International Residential Code® (IRC) Table R703.4 and Section R703.10.1 as ASTM C 1184 Grade II, Type A (SD 8336, Category A, Class 2) Fiber-Cement.

Wind Design:

- Design Tables 2 and 3 provide allowable capacity in mph for transverse load conditions for the Reveal Panel System attached to either wood framing, wood laming, metal framing, metal hat channel, metal or a-girt, tested in accordance to ASTM E 330.
- Wood laming and laming shall have a specific gravity of 0.42 or greater.
- Metal framing and laming shall be a minimum of 20 gauge (35 mil) structural to a maximum of 14 gauge (54 mil).

Fire Characteristics:

- Reveal Panel System is classified as noncombustible when tested in accordance with ASTM E 136.
- Reveal Panel System may be used in ASTM E 119 fire resistance rated assemblies as listed by Warnock Hersey (for more information, contact James Hardie at 1-888-J-HARDIE (1-888-542-7342) or info@jameshardie.com); 60 minute designs JHFC3 60-01, JHFC3 60-02, and JHFC3 60-03, 120 minute designs JHFC3 120-01 and JHFC3 120-02.
- Reveal Panel System are Class A material according to 2006, 2009, 2012, and 2015 IBC Section 803.1.1, Surface burning characteristics in accordance with ASTM E 84: Flame Spread Index = 0 and Smoke Developed Index ≤ 5.
- The building official reserves the right to approve alternate materials, design and methods of construction based on research reports and/or tests based on 2006, 2009, 2012, and 2015 IBC Section 154.1.1, 2006, 2009, 2012, and 2015 IRC Section R104.11.
- Test reports can be furnished to the building official upon request, contact your local James Hardie sales representative.

Installation Requirements

- Reveal Panel System shall be installed on exterior walls braced in accordance with the applicable building code.
- A water-resistive barrier complying with section 1403.2 of the IBC or Section R703.2 of the IRC is required to be installed.
- Install the Reveal Panel System in accordance with this report and the James Hardie published installation requirements. For a copy contact your local James Hardie sales representative or visit www.jameshardie.com.

Table 1: Reveal Panel System ASTM C 1184 Applied to Various Applications and Supplementary Requirements

Table 1: Reveal Panel System ASTM C 1184 Applied to Various Applications and Supplementary Requirements	Table 1: Reveal Panel System ASTM C 1184 Applied to Various Applications and Supplementary Requirements	Table 1: Reveal Panel System ASTM C 1184 Applied to Various Applications and Supplementary Requirements	Table 1: Reveal Panel System ASTM C 1184 Applied to Various Applications and Supplementary Requirements	Table 1: Reveal Panel System ASTM C 1184 Applied to Various Applications and Supplementary Requirements
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Warnock Hersey AUTHORIZATION TO MARK

Intertek LISTED

Class # 8518, 12832

HARDIE REVEAL SPECIFICATIONS
SCALE: NTS

THE ASHTON AT DULLES CORNER
13958 MANSARDE AVENUE

16 OCTOBER 2017

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5 January 2018

Jarrell Timberlake
Planner II, Special Projects/Applications Management Branch
Division Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RE:
The Ashton at Dulles Corner Building Complex
13958 Mansarde Avenue
Herndon, VA 20171

RECEIVED
Department of Planning & Zoning
JAN 10 2018
Zoning Evaluation Division

Dear Mr. Timberlake,

The purpose of this letter is to request minor variation of the architectural design regulations regarding the property known as The Ashton at Dulles Corner Complex. The properties are located under tax map # 0154 01 0013 and are located under the addresses 2521 Wasser Terrace and 2541 Wasser Terrace.

The request is to allow the replacement of all existing stucco siding and trim, located on the upper floors of the complex, with fiber cement siding and polyurethane trim matching the existing profiles. Please see the attached packet for photos, diagrams, material information and drawings of the existing and proposed conditions.

The request meets all requirements of the minor modification provisions of the Zoning ordinance found in Article 18, Section 204, Part 5A, numbers 1-6. The proposed work will not affect the floor plan, parking, open space, tree cover, or floor area in any way.

Site related document, proffer condition amendment PCA 86-C-029-10, dated December 6, 2004 refers to Architectural Design regulations under Proffer 16.

Best,



John Katinas, AIA, Principal
Katinas Bruckwick Architecture

MINOR VARIATION STATEMENT

GS Ashton, LLC

PCA 86-C-029-10

February 20, 2018

Pursuant to Section 18-204 of the Zoning Ordinance, the property owner, GS Ashton, LLC, hereby requests approval of a Minor Variation to the proffers governing Tax Map 15-4 ((1)) 13F1 and F2 to allow the addition of "Fiber Cement Siding and Polyurethane Trim" as permitted building materials in Proffer No. 16 of PCA 86-C-029-10, and commits that the material would be constructed to remain visually compatible with the approved masonry materials and will be developed in substantial conformance with the governing proffers.



Joseph S. Parsons

GS Ashton, LLC

Applicant/Title Owner

CONSIDERATION – 1

Proffer Interpretation Appeal Associated with The Reserve at Tysons Corner Related to Proffers Accepted for RZ/FDP 2003-PR-008

ISSUE:

Board consideration of an appeal of a proffer interpretation that determined Proffer 49 of RZ/FDP 2003-PR-008 remains in effect, but is not enforceable against a property not included in the subject rezoning.

TIMING:

Board deferred decision only at the October 24, 2017 Board meeting until November 21, 2017; at which time it was deferred to December 5, 2017; and then deferred to January 23, 2018; and then deferred to February 6, 2018; and again deferred to February 20, 2018; and once again deferred to March 6, 2018.

BACKGROUND:

On December 22, 2016, the Department of Planning and Zoning (DPZ) received a request for an interpretation of the proffers associated with RZ/FDP 2003-PR-008, a land use application that permitted the development of a residential community now referred to as “The Reserve at Tysons Corner” (hereinafter the “Reserve Property”). In this request, The Reserve at Tysons Corner Association, Inc., as the owners association, requested an interpretation regarding whether the proffers accepted in RZ/FDP 2003-PR-008 created a continuing obligation to provide offsite parking on an adjacent property (the “Meridian Property”), which was not subject to the proffers accepted with RZ/FDP 2003-PR-008. (See Zoning Determination in Attachment 1).

The Reserve Property and the Meridian Property were originally part of a single, 33.74-acre parcel zoned to the I-P District (now I-3) under RZ 75-7-004. In 2003, two concurrent applications were submitted to develop a portion of the property with residential development. One application, PCA 75-7-004-02, was submitted and approved to delete 19.04 acres from RZ 75-7-004. The other application, RZ/FDP 2003-PR-008, proposed to rezone the same 19.04 acres of land to the PDH-30 District. On March 15, 2004, the Board approved PCA 75-7-004-02 first, thereby deleting the 19.04-acre parcel, now the Reserve Property, from the original proffered conditions. On the same day, the Board then approved RZ 2008-PR-003. See Clerk’s March 15, 2004, Board summary, Attachment 2 (describing the approval as an

Board Agenda Item
February 6, 2018

“[a]mendment of the Zoning Ordinance, *as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-008*, from the I-3 and HC Districts to the PDH-30 and HC Districts, subject to the proffers dated March 14, 2004”).

The Reserve Property consists of 570 homes – 478 apartments owned by Simpson Property Group, LP and 92 townhomes which are owned individually and governed by the Townhouse at the Reserve Homeowners Association, Inc. It is located on the east side of Kidwell Drive, south of Leesburg Pike, west of Interstate 495 and south of Science Applications Court. Although it still shared the same tax map number as the Meridian Property at the time of the Reserve Property rezoning (RZ/FDP 2003-PR-008), it was separated, for zoning purposes, upon the Board’s approval of PCA 75-7-004-02. It is now identified as Tax Map Nos. 39-2((56)) A1, B3, 1-92, 39-2((1)) 13A5 and A6.

The Meridian Property (Tax Map Nos. 39-2((1)) 13D and 13E), is currently owned by Tysons Enterprise West, LLC, and Tysons Enterprise East, LLC, and is developed with two existing office/data center buildings and a surface parking lot.

Proffer 49, the proffer at issue in this appeal, was approved in connection with the Reserve Property rezoning (RZ/FDP 2003-PR-008). It envisioned the provision of 150 overflow parking spaces on the Meridian Property. Proffer 49 states:

Prior to the approval of the final site plan on the Application Property, the Applicant shall provide evidence that a parking agreement is in place with the owners of the adjacent I-3 parcel identified as Tax Map 39-2 ((1)) part 13, permitting overflow parking from the Application Property to utilize parking facilities on the I-3 parcel. A minimum of 150 overflow parking spaces shall be available to all residents of the Application Property during non-business hours on weekdays (after 6:00 pm) and on weekends. This parking agreement shall be recorded in the land records of Fairfax County.

The “adjacent I-3 parcel” referenced in this proffer is the Meridian Property, which was not included in RZ 2003-PR-008. In fact, by referring to it as “the adjacent I-3 parcel,” the proffer language makes clear that the Meridian Property was not part of the Application property subject to Proffer 49.

Zoning Determination

The Meridian Property recently obtained approval of PCA 75-7-003-3 and SE 2015-PR-021, which allow for redevelopment of the property, in part, with a full-size athletic field and parking garage. Because of the proposed redevelopment, the prior owner of the Meridian Property notified the Appellant in December of 2016 of its intent to terminate the parking agreement under the terms of a Declaration of Covenants

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recorded in 2005. The Appellant submitted its proffer interpretation request to ask whether the Meridian Property is entitled to terminate the 150 offsite parking spaces in light of Proffer 49.

On May 30, 2017, the Zoning Evaluation Division (ZED) issued a determination letter in response to the Appellant's proffer interpretation request. Staff determined that, at the time of site plan approval, the Reserve Property demonstrated compliance with Proffer 49 by providing a copy of the Declaration of Covenants, Restrictions and Easements recorded on January 28, 2005 in Deed Book 16927 at Page 2195, which provided that the Meridian Property owner would provide to the Reserve Property owner the right to use 150 overflow parking spaces. The determination letter stated that the accepted proffers become part of the Zoning map for the property subject to the rezoning only, in this case the Reserve Property, and are not enforceable against an off-site property, in this case the Meridian Property. In addition, while the Meridian Property was included in a concurrent, but separate application (PCA 75-7-004-02), a proffer requiring provision of this parking was not included in proffers pertaining to that land area. Staff determined that Proffer 49 remains in effect for the Reserve Property and can be removed only through a Proffered Condition Amendment (PCA) approved by the Board of Supervisors.

The subject appeal was filed with the Board of Supervisors on June 29, 2017, by Lucia Anna Trigiani, agent for the Reserve, in the name of The Reserve at Tysons Corner Association, Inc. ("Association" and "Appellant") (See Attachment 3). The justification for the filing of the appeal alleges the following:

The Appellant is an aggrieved party and thus entitled to appeal the Zoning Determination regarding the proffers relating to RZ/FDP 2003-PR-008, because:

1. The Zoning Determination renders the Reserve Property in non-compliance with Proffer 49 through no fault of the Association or any of the members or residents who reside at the Reserve Property, and with no means of recourse or redress.¹
2. Members of the Association and residents of the Reserve Property bear significant hardship without access to the overflow parking.
3. The resulting non-compliance and lack of adequate parking have negative impacts on property values and the ability to sell property in the Reserve Property.

¹ Emphasis added by appellant.

For the reasons that follow, these allegations do not establish that the Appellant is aggrieved by the Zoning Determination.

Discussion

The Board's authority to accept proffered conditions arises from Virginia Code §§ 15.2-2296 and 15.2-2303, under the development scheme known as conditional zoning. The Virginia Code defines "conditional zoning," when part of classifying land within a locality into areas and districts by legislative action, as "the allowing of reasonable conditions governing the use of *such property*." Va. Code § 15.2-2201 (emphasis added). Once the Board approves a rezoning subject to proffered conditions, the proffers become a part of the zoning regulations *applicable to the property in question*. Zoning Ordinance § 18-204(3). Any development of the *property in question* must then be in substantial conformance with the proffered conditions. Zoning Ordinance § 18-204(4). Once proffered and accepted as part of an amendment, such conditions shall continue in effect until a subsequent amendment changes the zoning *on the property covered by the conditions*. Va. Code § 15.2-2303(A). The only way to impose (or enforce) proffered conditions on a property not subject to the original rezoning is by applying for an amendment. Zoning Ordinance § 18-204(6). The Meridian Property was not part of RZ 2003-PR-008, nor has the Board approved a proffered condition amendment to include the Meridian Property.

An applicant attempting to appeal a proffer determination to the Board must demonstrate that it is "aggrieved" by that determination. Va. Code § 15.2-2301; see Zoning Ordinance § 18-204 (10). For the reasons discussed below, the Appellant has not demonstrated that it is aggrieved by the Zoning Determination.

The Appellant has available means of redress.

For the reasons discussed above, Proffer 49 only applies to the Reserve Property. It required the demonstration of the provision of at least 150 overflow off-site parking spaces on the Meridian Property, which was to be secured via a parking agreement to be recorded in the land records prior to site plan approval. This private agreement was recorded in Deed Book 16927 at Page 2195, as required, and the proffer was noted as met for the purposes of site plan approval. The County has no legal authority to enforce Proffer 49 against the Meridian Property owner, and it also cannot enforce the provisions of a private agreement to which it was not a party.

The Zoning Determination does not render the property in noncompliance with Proffer 49 "with no means of recourse or redress," however. To the contrary, it plainly states that the Appellant may seek to amend the proffered conditions to delete the overflow parking requirement (notably, no enforcement action has been taken or even threatened against the Appellant due to its noncompliance). Alternatively, the Appellant could also take private legal action against the Meridian Property owner to restore the offsite

parking spaces, if necessary, or it could seek to, renegotiate a parking agreement with the Meridian Property owner.

The Reserve Property has Adequate Parking

The Appellant asserts in its second claim that it's left with inadequate parking. The Staff Report and Addendum prepared in conjunction with RZ/FDP 2003-PR-008, however, make no reference to the need for overflow parking. Rather, those documents state that "parking will be provided via structured parking within and/or adjacent to each of the multi-family buildings as well as on each single-family attached lot with additional visitor parking on the streets. Single-family attached units which are front-loaded will have driveways a minimum of 18 feet long²." Additionally, Sheet 2 of 13 of the approved CDP/FDP for RZ/FDP 2003-PR-008 demonstrates how adequate parking will be provided in accordance with Article 11 of the Zoning Ordinance in effect at the time of approval and in fact, the approved site as built for both The Reserve at Tysons Corner Townhomes (2481-SAB-002-1) and Multi-Family (2481-SAB-005-2) demonstrate that an excess of parking was provided on-site (total of 1,088 provided versus 997 spaces required). This excess parking does not include the 150 off-site overflow spaces. Based on this documentation, it appears that excess parking is already provided on the Reserve Property.

Impact on Property Values is Irrelevant to Zoning Determination

Finally, the Appellant contends that its non-compliance and lack of adequate parking have negative impacts on property values and the ability to sell property in the Reserve. Fiscal impacts are not taken into consideration during the staff's review of proffer language in response to a request for a determination. For the reasons described above, the Appellant may exercise various means of recourse to come into compliance with Proffer 49. It also has excess parking spaces onsite and could seek to renegotiate a new parking agreement with the Meridian Property for additional off-site parking.

Summary

The Zoning Determination properly concluded that accepted proffers become part of the Zoning map for the property subject to the rezoning only and are not enforceable against an offsite property. Proffer 49 is therefore unenforceable against the Meridian Property. Accordingly, and for the reasons stated above, staff requests that the Board of Supervisors uphold staff's determinations in the May 30, 2017, letter.

² See Page 18 of Staff Report Applications RZ/FDP 2003-PR-008 (concurrent with application PCA 75-7-004-2) dated September 4, 2003 in Attachment 4.

Board Agenda Item
February 6, 2018

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Zoning Determination, dated May 30, 2017

Attachment 2: March 15, 2004, Clerk's Board Summary

Attachment 3: Letter dated June 28, 2017, to Clerk of the Fairfax County; Notice of Appeal of Zoning Determination for RZ/FDP 2003-PR-008 The Reserve at Tysons Corner

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Leslie Johnson, Zoning Administrator, DPZ

Tracy Strunk, Director, Zoning Evaluation Division (ZED), DPZ

Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Kelly M. Atkinson, Sr. Staff Coordinator, ZED, DPZ

ASSIGNED COUNSEL:

Laura S. Gori, Senior Assistant County Attorney



County of Fairfax, Virginia

Attachment 1

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Lucia Anna Trigiani, Esq.
MercerTrigiani
112 South Alfred Street
Alexandria, VA 22314



May 30, 2017

Re: Interpretation for RZ/FDP 2003-PR-008; The Reserve at Tysons Corner; Tax Map Numbers 39-2 ((56)) A1, B3, 1-92, 39-2 ((1)) 13A5 and A6: Parking Obligation

Dear Ms. Trigiani:

This determination is in response to your letter of December 22, 2016, requesting an interpretation of the proffers, as well as the approved development conditions and Conceptual/Final Development Plan (C/FDP), accepted and approved in conjunction with the above-referenced application. As I understand it, you are requesting an interpretation of proffer language relating to parking on an adjacent offsite parcel. Specifically, your request concerns whether the proffers accepted in RZ/FDP 2003-PR-008 create a continuing obligation to provide offsite parking on an adjacent property (aka the "Meridian Property"). This determination is based upon your letter dated December 22, 2016, and Exhibit 1, entitled "Proffers RZ 2003-PR-008" dated March 14, 2004. Copies of this letter and exhibits are attached.

The subject property is located on the east side of Kidwell Drive, south of Leesburg Pike, west of Interstate 495 and south of Science Applications Court. The property is zoned PDH-30 pursuant to the approval of RZ 2003-PR-008 by the Board of Supervisors on March 15, 2004, with the Planning Commission approving FDP 2003-PR-008 on April 7, 2004, subject to proffers and development conditions. These applications permitted development of the property with 92 single-family attached and 478 multi-family dwelling units.

Prior to the approval of RZ/FDP 2003-PR-008, the subject property was part of a larger 33.74-acre property identified as Tax Map Number 39-2 ((1)) Parcel 13. This larger property was originally zoned to the I-P District (now I-3) pursuant to the approval of RZ 75-7-004 by the Board of Supervisors on October 29, 1975, subject to proffers. In 2003, two concurrent applications were submitted by Lincoln Property Company Southwest, Inc., in order to develop a portion of this overall property with the residential development described above. PCA 75-7-004-02 was submitted and approved on the entire 33.74 acres in order to delete 19.04 acres from RZ 75-7-004. RZ/FDP 2003-PR-008 was then approved, subject to proffers, to rezone that same 19.04 acres of land to the PDH-30 District. As the property included in all these applications was under single ownership, the proffers for both applications were signed by the same owner, Campus Point Realty Corporation II. The proffer at issue, however, was approved only in connection with the rezoning

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www.fairfaxcounty.gov/dpz/



Lucia Anna Trigiani

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of the 19.04-acre parcel. Subsequent to the approval of RZ/FDP 2003-PR-008, the property subject to RZ/FDP 2003-PR-008 was subdivided from the larger property via approved site plans and record plats.

The proffer at issue with your current request is Proffer 49 of RZ 2003-PR-008, which envisioned the provision of 150 overflow parking spaces on the Meridian Property. Proffer 49 states:

Prior to the approval of the final site plan on the Application Property¹, the Applicant shall provide evidence that a parking agreement is in place with the owners of the adjacent I-3 parcel identified as Tax Map 39-2 ((1)) part 13, permitting overflow parking from the Application Property to utilize parking facilities on the I-3 parcel. A minimum of 150 overflow parking spaces shall be available to all residents of the Application Property during non-business hours on weekdays (after 6:00 pm) and on weekends. This parking agreement shall be recorded in the land records of Fairfax County.

It appears, through submitted plans for the subject property, that compliance with Proffer 49 was demonstrated to Fairfax County through the recordation of a parking agreement in the land records of Fairfax County. You state that you believe the Declaration of Covenants, Restrictions and Easements recorded on January 28, 2005 in Deed Book 16927 at Page 2195 in the Fairfax County land records is the document meant to satisfy Proffer 49—specifically, Section 12.17 of the Declaration of Covenants, Restrictions and Easements as it relates to Overflow Parking Spaces.

The 150 overflow parking spaces were to be located offsite from the 19.04 acres zoned PDH-30, on the portion which retained its I-3 zoning - the Meridian Property (Tax Map Numbers 39-2 ((1)) 13D and 13E), which is currently owned by Tysons Enterprise West LLC and Tyson Enterprise East LLC, and is developed with two existing office/data center buildings and surface parking. In accordance with PCA 75-7-003-3 and SE 2015-PR-021, the Meridian Property will be redeveloped, in part, with a full-size athletic field and parking garage. You now state that the Reserve at Tysons Corner Association Board has been notified that the prior owner of the Meridian Property seeks to terminate the parking agreement with the Association.

In accordance with Section 18-201 of the Zoning Ordinance (“Ordinance”), Board of Supervisors approval of a rezoning application constitutes a permanent (unless further amended) amendment to the Zoning Map. Further, per Section 18-204, any proffered conditions submitted as part of the rezoning application and accepted by the Board of Supervisors become “part of the zoning regulations applicable to the subject property in question, unless subsequently changed by an amendment to the Zoning Map.” Therefore, an approved rezoning and accepted proffers become a part of the Zoning map only for the subject property included in the application, in this case the 19.04 acres described in the application for RZ/FDP 2003-PR-008. Proffer 49 was a commitment

¹ Proffer #1 associated with RZ 2003-PR-008 states that “Development of the Application Property shall be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP) prepared by VIKI Incorporated, consisting of thirteen (13) sheets dated January 17, 2003 as revised through March 11, 2004...” As shown on Sheet 2 of the CDP/FDP, the portion of the property rezoned to the PDH-30 District per RZ 2003-PR-008 contains 19.04 acres, which is the Application Property referenced in Proffer 49. Please refer to Appendix 1 depicting the 19.04 acres subject to RZ 2003-PR-008, which is from the Staff Report published as part of this rezoning application.

Lucia Anna Trigiani
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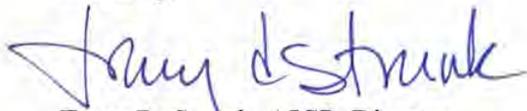
that required the demonstration of the provision of at least 150 overflow parking spaces on the offsite Meridian Property, which was to be secured via a parking agreement to be recorded in the land records. As noted above, this agreement was recorded in Deed Book 16927 at Page 2195 prior to the approval of the site plan, as required.

Proffer 49 specifically required that the overflow parking spaces on an offsite parcel were to be implemented by a private agreement. As noted above, accepted proffers become part of the Zoning map for the property subject to the rezoning only and are not enforceable against an offsite property. By referring to the Meridian Property as the "adjacent I-3 parcel," the proffer language makes clear that that property was not part of the Application property subject to the proffer.

Based on the foregoing, it is my determination that Proffer 49 remains in effect for the 19.04 acres included in RZ 2003-PR-008. Although Proffer 49 remains in effect, a proffer violation cannot be enforced on Meridian because the proffer does not apply to them. The proffer can be removed only through a Proffered Condition Amendment (PCA) application approved by the Board of Supervisors. Information on how to apply for a PCA can be found on our website at: <http://www.fairfaxcounty.gov/dpz/zoning/applications/>.

The determination has been made in my capacity as duly authorized agent of the Zoning Administrator and address only those issues discussed herein and not any separately recorded private agreements. If you have any questions regarding this interpretation, please feel free to contact Kelly M. Atkinson at (703) 324-1290.

Sincerely,



Tracy D. Strunk, AICP, Director
Zoning Evaluation Division, DPZ

N:\Interpretations\Reserve At Tysons Corner RZ 2003-PR-008\2017-02-22 Proffer Interpretation Response - Reserve At Tysons Corner RZ 2003-PR-008.Doc

Attachments: A/S

Cc: Linda Smyth, Supervisor, Providence District
Phillip Niedzielski-Eichner, Planning Commissioner, Providence District
Laura Gori, Esq., Assistant County Attorney, Office of the County Attorney
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ellie Coddling, Acting Director, Code Development and Compliance Division, LDS
Ken Williams, Manager, Site and Technical Services, LDS
Michael Davis, Section Chief for Site Analysis, DOT
Suzanne Wright, Chief, Special Projects/Applications Management Branch, ZED, DPZ
Tysons Enterprise West, LLC, Owner, Tax Map 39-2 ((1)) 13D
Tyson Enterprise East, LLC, Owner, Tax Map 39-2 ((1)) 13E
File: RZ 2003-PR-008, PCA 75-7-004-03 and SE 2015-PR-021, PI 17 01 001, Imaging

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Lucia Anna Trigiani
 Pia.Trigiani@MercerTrigiani.com

Direct Dial: 703-837-5008
 Direct Fax: 703-837-5018

December 22, 2016

OVERNIGHT MAIL

Barbara C. Berlin
 Director of the Zoning Evaluation
 Division Department of Planning and Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

RE: Proffer RZ 2003-PR-008 dated March 14, 2004
Zoning Interpretation Request

Dear Ms. Berlin:

This firm represents The Reserve at Tysons Corner Association, Inc. ("Association"). The Association Board of Directors ("Association Board") has requested our assistance in submitting this interpretation request to you for consideration and response.

Background

The Association is a Virginia nonstock corporation responsible for the operation and administration of property located in Fairfax County, Virginia known as The Reserve at Tysons Corner ("Reserve Property").

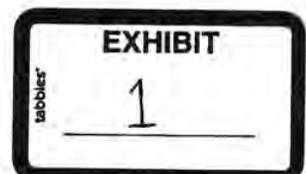
The Reserve Property is subject to a Declaration of Covenants, Conditions, Restrictions and Reservations of Easements recorded on March 24, 2006 in Deed Book 18311 at Page 1041 among the Fairfax County land records ("Land Records") and amended by the First Amendment to Declaration of Covenants, Restrictions and Reservation of Easements recorded on August 27, 2008 in Deed Book 20085 at Page 425 among the Land Records (as amended, the "Master Declaration"). A copy of the Declaration is enclosed behind Exhibit 1.

The Reserve Property is also subject to Declaration of Covenants, Restrictions and Easements ("SAIC Declaration") which was recorded on January 28, 2005 in Deed Book 16927 at Page 2195 by Campus Point Realty Corporation ("Campus"), which presumably owned the Reserve Property at that time – prior to creation of the Association. The Reserve Property is referred to as *Parcel 1* in the SAIC Declaration. A copy of the SAIC Declaration is enclosed behind Exhibit 2.

The SAIC Declaration also encumbers property located immediately north of the Reserve Property (on the north side of Science Applications Court) – referred to as *Parcel 2* in the SAIC Declaration ("Meridian Property"), which is owned or was recently owned by the Meridian

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Group or its affiliates. The Meridian Property is in the process of being redeveloped into a project we believe is referred to as *Tyson's Technology Center*. The Meridian Property, or a portion thereof, is currently under contract or has sold to another party as of the date of this letter. To our knowledge, the Meridian Property, as subdivided, consists of property identified as Tax Map Numbers 039-01-0013D and 039-2-01-0013E.

We also believe that the Meridian Property is subject to development conditions imposed by Fairfax County pursuant to Proffers RZ 2003-PR-008 dated March 14, 2004 ("Conditions") – referred to as the *Application Property* therein. A copy of the Conditions is enclosed behind **Exhibit 3**. Number 49 of the Conditions provides:

Prior to approval of the final site plan on the Application Property, the Applicant shall provide evidence that a parking arrangement is in place with the owners of the adjacent I-3 parcel identified as Tax Map 39-2 ((1)) part 13, permitting overflow parking from the Application Property to utilize parking facilities on the I-3 parcel. A minimum of 150 overflow parking spaces shall be available to all residents of the Application Property during non-business hours on weekdays (after 6:00 p.m.) and on weekends. This parking agreement shall be recorded in the land records of Fairfax County.

The foregoing condition requires the owner of the Meridian Property to make available to residents of the Reserve Property a minimum of 150 "overflow" parking spaces on the Meridian Property. We are unaware of this condition being subsequently amended. The condition is **unqualified** in terms of its permanency.

Section 12.17 of the SAIC Declaration contemplates the overflow parking requirement, presumably in response to Number 49 of the Conditions. Section 12.17 provides:

The Parcel 2 Owner shall provide to the Parcel 1 Owner, for the benefit of the residents of Parcel 1, the right to use a minimum of 150 parking spaces on Parcel 2 during non-business hours on weekdays (i.e. after 6:00 p.m.) and on weekends ("Overflow Parking"). Prior to the sale or rental of the first housing units on Parcel 1, the Parcel 1 Owner or the Master Association shall establish, subject to the reasonable approval of the Parcel 2 Owner, reasonable rules and regulations for the use of the Overflow Parking. The Master Association (or, before there is a Master Association, the Parcel 1 Owner) shall enforce such rules and regulations. If the Parcel 1 Owner of the Master Association, as applicable, fails to establish and/or enforce such rules and regulations, in addition to any other remedies that may be available to it, the Parcel 2 Owner shall have the right to terminate the Parcel 1 Owner's right to use the Overflow Parking by sending a notice to the Parcel 1 Owner and, if the Parcel 2 Owner so elects, recording the same in the land records.

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However, unlike Condition 49, the language in Section 12.17 is *qualified* in that it provides that the Parcel 2 Owner (the owner of the Meridian Property) can *unilaterally* terminate the overflow parking arrangement if rules and regulations are not promulgated within a certain time frame.¹

Less than two weeks ago, in conjunction with the sale of the Meridian Property, Meridian presented the Association Board with a copy of a Parking Agreement for execution contemplating reduced parking (under the 150 required parking spaces) during construction on the Meridian Property, as well as a right of the owner of the Meridian Property to unilaterally terminate the Parking Agreement (and the right of the Association to park on the Meridian Property) with 30 days' prior written notice.

Because the Association will not execute the Parking Agreement in substantially the form presented to the Association Board, counsel for Meridian yesterday advised that Meridian will now terminate the right of the Association residents to use the overflow parking on the Meridian Property pursuant to the termination language contained in 12.17 of the SAIC Declaration. The Board anticipates this letter will be received shortly.

We believe that termination of the right of Reserve Property residents to overflow parking on the Meridian Property is in direct contravention of the requirement that Meridian make at least 150 parking spaces available to such residents pursuant to Number 49 of the Conditions, which although establishes limitations on such parking, does not contemplate termination.

Inquiry

With the foregoing context, the Association Board respectfully requests the following question be answered:

Is the owner of the Meridian Property entitled to terminate the right of individuals residing on the Reserve Property to 150 overflow parking spaces on the Meridian Property under Number 49 of the Conditions?

In conjunction with this question, the Association Board requests, pursuant to the Freedom of Information Act, copies of all documents in Fairfax County's possession pertinent to these inquiries which are not included with this correspondence. Please advise whether there is a cost associated with providing copies of these documents.

¹ The Master Declaration also makes reference to this overflow parking, although it is not so qualified. Specifically, Article XIV, Section 8 provides: *The Property is benefitted by the right to the use of the "Overflow Parking" as described in Section 12.17 of the SAIC Declaration. It is expressly agreed that the Association is empowered to act on behalf of all Lot Owners with respect to the use and maintenance of the Overflow Parking and any dealings in connection therewith the owner of the land on which such Overflow Parking is located. The Association shall have the right to promulgate from time to time and enforce reasonable, non-discriminatory rules and regulations with respect to the use of such Overflow Parking by the Lot Owners and Residents.*

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Barbara C. Berlin
December 22, 2016
Page 4

Should you have any questions, please contact me directly. Your consideration of this matter is greatly appreciated.

Sincerely,



Lucia Anna Trigiani

LAT/jlr

Enclosures - Exhibits 1, 2, 3 and 4 and Application Fee

cc: Supervisor Linda Smyth

The Reserve at Tysons Corner Association, Inc. Board of Directors

#131072

LINCOLN PROPERTY COMPANY SOUTHWEST INC.

PROFFERS

RZ 2003-PR-008

March 14, 2004

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, and subject to the Board of Supervisors approving a rezoning to the PDH-30 District for property identified as Tax Map 39-2 ((1)) part 13 (hereinafter referred to as the "Application Property"), Lincoln Property Company Southwest, Inc., the Applicant in RZ 2003-PR-008 proffers for the owners, themselves, and their successors and assigns the following conditions. In the event that this Application is approved, any previous proffers for the Application Property are hereby deemed null and void and hereafter shall have no effect on the Application Property.

Development Plan

1. Development of the Application Property shall be in substantial conformance with the Conceptual Plan/Final Development Plan (CDP/FDP) prepared by VIKA Incorporated, consisting of thirteen (13) sheets dated January 17, 2003 as revised through March 11, 2004, which CDP/FDP proposes a maximum of 570 dwelling units (including ADUs), with a maximum of 92 single family attached dwellings and 478 multi-family dwelling units. With the development of 570 dwelling units, there will be a minimum of 30 affordable dwelling units provided, based on compliance with Section 2-800 of the Zoning Ordinance. . If fewer number of market rate units are built, a proportionately fewer number of ADUs will be provided. The Generalized Development Plan for companion application PCA 75-7-004-2 is shown on Sheets 4 and 5.

Secondary uses shall be limited to unmanned bank teller machines, swimming pool and associated facilities, fitness centers, basketball half-court/racquetball court/sports court, business/telecommuting centers, video/entertainment centers, leasing offices, recreational/community rooms, outdoor recreational uses, and other accessory uses typically provided in multi-family communities.

2. Notwithstanding that the CDP/FDP is presented on thirteen (13) sheets and said CDP/FDP is the subject of Proffer 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheets 2 and 3, relative to the points of access, the maximum number and type of dwelling units, the amount of open space, the general location and arrangement of buildings and parking, and the peripheral setbacks. The Applicant or successors have the option to request a FDPA for elements other than the CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
3. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The



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Applicant or successors shall have the flexibility to modify the layouts shown on Sheets 2 and 3 of the CDP/FDP without requiring approval of an amended CDP/FDP provided such changes are in substantial conformance with the CDP/FDP as determined by the Department of Planning and Zoning ("DPZ") and do not increase the number of dwelling units, decrease the amount of open space, or decrease the setback from the peripheries.

4. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein, including road dedications, park dedications and school dedications, or as may be required by Fairfax County or Virginia Department of Transportation ("VDOT") at the time of site plan approval.

Owner Associations

5. Prior to the issuance of the first Residential Use Permit ("RUP") on the Application Property, the Applicant shall establish an Umbrella Owners Association ("UOA") in accordance with Virginia law. Individual homeowner associations and/or condominium owners associations ("HOA/COAs") shall be formed for various areas of the Application Property in accordance with Virginia law. Each HOA/COA and rental component shall be a member of the UOA with voting rights based on the number of dwelling units within each. The respective UOA and HOA/COA documents shall specify the maintenance obligations as may be outlined in these proffers and as may be agreed upon between the HOA/COAs and rental components.

Transportation

6. At the time of site plan approval, or upon demand by Fairfax County, whichever shall occur first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Application Property's Gallows Road frontage measuring a minimum of seventy-four (74) feet from the existing centerline as shown on Sheet 3 of the CDP/FDP.

Townhouse units fronting on Gallows Road shall be set back a minimum of 15 feet from the dedicated right-of way. Initial purchasers of the townhouses along Gallows Road shall be advised in writing prior to entering into a contract of sale that Gallows Road is planned to be widened in the future.

7. At the time of site plan approval, the Applicant shall escrow the cost of constructing a future right-turn deceleration lane along the Gallows Road frontage of the Application Property, in an amount to be determined by Department of Public Works and Environmental Services ("DPWES"). The escrow shall include the cost of relocating, if determined necessary, the underground utilities existing at the time of rezoning approval which include a fiber optic line and water easement. This new turn lane is anticipated to

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be needed at such time as the existing right-turn deceleration lane becomes a future through lane on Gallows Road.

8. The Applicant shall construct extensions of the existing left turn lanes on northbound Gallows Road at the Merry Oaks Lane intersection and southbound Gallows Road at Science Applications Court within the existing right-of-way as may be approved by DPWES and VDOT. Such extensions, if permitted, shall be completed prior to the issuance of the 100th Residential Use Permit (RUP) for the Application Property.
9. Science Applications Court shall remain a private street. Commensurate with development of the Application Property, the Applicant shall construct improvements to Science Applications Court on a new alignment as shown on the CDP/FDP. The Science Applications Court approach to Gallows Road shall accommodate two lanes entering and three lanes exiting the Application Property.
10. Prior to site plan approval, the Applicant shall perform a warrant analysis to determine if a traffic signal is warranted at the intersection of Gallows Road and Madrillon Road. If the study shows a signal is warranted now or will be warranted with the build-out of the Application Property, the Applicant shall escrow the sum of \$25,000 with DPWES at the time of first site plan approval towards the design and installation of said traffic signal at the intersection of Gallows Road and Madrillon Road. If the signal has not been installed within five (5) years of the date of the rezoning approval, the escrowed amount shall be redirected to the Providence District Trails Fund.
11. The Applicant shall provide one (1) bus shelter along its Gallows road frontage with specific location determined by WMATA. The bus shelter shall be the typical open type and the installation shall be limited to the concrete pad, the shelter itself and a trash can. No bus turn outs or special lanes shall be provided by the Applicant. If, by the time of final bond release, WMATA has not determined the exact location of the bus shelter, the Applicant shall escrow the amount of \$20,000 with DPWES for the installation of a bus shelter by others in the future. Once installed, the bus shelter and trash can shall be maintained by the Application Property's UOA. Initial purchasers shall be advised in writing prior to entering into a contract of sale that the UOA shall be responsible for the maintenance of the bus shelter. The UOA/HOA/COA documents shall specify that the UOA is responsible for the maintenance of the bus shelter.

At the time of final site plan approval, the Applicant shall escrow the amount of \$20,000 with DPWES for the installation of a bus shelter by others along the southbound frontage of Gallows Road in the vicinity of the Merry Oaks Lane intersection, with the specific location determined by WMATA. If, by the time of final bond release, WMATA has not determined the exact location of the bus shelter, the \$20,000 escrow shall be redirected to DPWES for funding of another shelter elsewhere in the Dunn Loring/Tysons Corner area.

12. At the time of site plan approval, the Applicant shall dedicate in fee simple to the Board of Supervisors right-of-way along the Application Property's I-495 frontage measuring 25

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feet from the existing right-of-way as shown on Sheet 3 of the CDP/FDP. The Applicant shall provide ancillary utility and grading easements to a width determined by VDOT provided VDOT reconstructs any permanent improvements and landscaping disturbed with use of the easement. Subject to approval of a licensing agreement with Fairfax County, the Applicant shall maintain and have the usage of the dedicated area for open space until such time as construction of the I-495 improvements commence.

13. The use of mass transit, ride-sharing and other transportation strategies shall be utilized to reduce single occupancy vehicular (SOV) traffic from the Application Property during peak hours by a minimum of 20 percent of the trips generated according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. The transportation demand management ("TDM") plan shall consist of at least two Level 3 TDM elements as outlined in Attachment A and as defined by Fairfax County Department of Transportation ("FCDOT") for residential communities, in order to achieve the equivalent Level 4 (Platinum) program status. Tenants and purchasers shall be advised of this transportation strategy development proffer.

The Applicant shall designate an individual(s) to act as the Transportation Coordinator(s) whose responsibility shall be to implement the TDMs in coordination with the FCDOT. The transportation strategies management position may be a part of other duties assigned to the individual(s). The transportation management strategies shall be implemented after issuance of the 200th RUP for the Application Property. Strategies shall include the following:

- A. Providing amenities for bicycle storage;
- B. Providing a telecommuting center for all residents' use with the potential for upgrading to T-1 or similar secure lines;
- C. Providing internet connections in all dwelling units to facilitate working at home;
- D. Providing a concierge service/central area where residents can arrange certain services such as dry cleaning/pharmacy/grocery deliveries;
- E. Sidewalk system designed to encourage/facilitate pedestrian circulation; and
- F. Participation in a shuttle service as outlined in Proffer 14.

Strategies may include the following:

- A. Participation in the Fairfax County Ride Share Program;
- B. Dissemination of Ridesharing information in residential lease and purchase packages;
- C. Making ridesharing display maps and forms available to in each multi-family building;
- D. Providing Metro checks with rental contracts;
- E. Instituting a "Preferred Employer" program for SAIC offering reduced application fees, reduced deposits, and other incentives to encourage SAIC employees to live on the Application Property;

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- F. Implementing a comprehensive Ozone Action Days Program;
- G. Developing a web page for residents of the Application Property describing and updating information on TDM strategies and services; and
- H. Any other strategies found to be effective in reducing the number of single-occupancy vehicle trips, mutually agreed upon by the Applicant and FCDOT.

The Transportation Coordinator may work with adjacent homeowner associations to develop and share carpool, vanpool and other ride sharing information.

The Applicant shall notify FCDOT of the date that the TDM strategies are implemented. One year after the TDM strategies are implemented the Applicant shall conduct a survey of residents, visitors and employees to determine the transportation characteristics of building tenants and employees. This survey will form the basis of the on-going transportation management program.

Annually thereafter, the Transportation Coordinator shall conduct a multi-modal transportation split survey of the residents to demonstrate whether the goal of reducing SOV trips by 20 percent has been met during peak hours. The Transportation Coordinator shall prepare an annual report, in coordination with, and for review and approval of the FCDOT, which shall include the results of the survey and assess the success of the TDM strategies in reaching the stated goal and recommend adjustments in TDM strategies.

If the annual multi-modal transportation split surveys indicate that a reduction of SOV trips by 20 percent has not occurred, \$40.00 per occupied dwelling unit shall be contributed annually to a TDM fund for the Application Property until such time as the reduction has occurred. The TDM fund shall be used by the Transportation Coordinator to implement existing or new strategies to reduce SOV trips during peak hours. The terms of this proffer with regard to contributing to a TDM fund shall expire fifteen (15) years after the last RUP is issued.

14. The Applicant shall provide a shuttle bus/van service from the Application Property to the Dunn Loring Metro Station and other office campuses within Tysons Corner. The Applicant may provide this shuttle service in concert with an existing shuttle service provided by the adjacent I-3 property and may share in the cost of operation. The shuttle service shall be provided to meet peak hour demand and shall, at a minimum, operate on weekdays (except for federal holidays) for three hours during the morning peak and three hours during the evening peak. The shuttle service shall commence prior to the occupancy of the 200th RUP on the Application Property and shall operate for at least three years following the issuance of the last RUP. Cost of the shuttle service shall be borne by the UOA. Initial purchasers shall be advised in writing prior to entering into a contract of sale that the UOA will fund the cost of operating the shuttle. The UOA/HOA/COA documents shall expressly state that the UOA shall be responsible for operation of the shuttle. If it is determined by the Applicant that demand for the shuttle service does not warrant continuation, the Applicant may elect to cease operation.

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However, the Applicant shall provide ninety (90) days advance written notification to residents of the Application Property and FCDOT of the planned cessation of shuttle service. In addition, if FCDOT determines that the shuttle service interferes with the public bus service and notifies Applicant of same, the Applicant shall cease operation of the shuttle service upon ninety (90) days advance written notification to residents.

15. All private streets shall be constructed with materials and depth of pavement consistent with public street standards in accordance with the Public Facilities Manual, as determined by DPWES. The Applicant and subsequent UOA/HOA/COAs shall be responsible for the maintenance of all private streets. Initial purchasers shall be advised in writing prior to entering into a contract of sale that the UOA/HOA/COAs will be responsible for the maintenance of the private streets. The UOA/HOA/COA documents shall expressly state that the individual HOA/COA or rental component shall be responsible for the maintenance of the private streets serving that entity's development area.
16. The Applicant shall make a cash contribution to a fund administered by the FCDOT to be used toward Tysons Corner Area transportation improvements. The amount of the contribution shall be in keeping with the policy and formula adopted by the Board of Supervisors at the time of the approval of the rezoning (anticipated to be \$734.00 per dwelling). Using the rezoning approval date as the base date, this cash contribution shall be adjusted accordingly to the construction cost index as published in the *Engineering News Record*. The contribution shall be paid in two equal (2) installments; the first installment to be paid at the issuance of the first RUP; the remaining installment shall be paid twelve (12) months later, but no later than final bond release.
17. The Applicant shall install appropriate warning signage and/or markers on the east side of Gallows Road as determined by VDOT, advising motorists of the curve in Gallows Road immediately north of Science Applications Court. If by the time of final bond release for the Application Property, VDOT has not determined what signers or markers would be appropriate, the Applicant's obligation under this proffer shall be null and void.
18. To increase pedestrian safety crossing Gallows Road at Science Applications Court, the Applicant shall make the following improvements subject to VDOT approval:
 - A. Widen the existing concrete median located on the northern Gallows Road approach to a width of six (6) feet to provide for a pedestrian refuge. This shall be accomplished by shifting the Gallows Road curbing along the Application Property's frontage.
 - B. Re-paint the pedestrian crosswalk.
 - C. Install a new pedestrian signal that counts down the time available to cross the road.
 - D. Work with VDOT to ensure adequate crossing time.

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- E. Install "no turn on red while pedestrians are present" signage on the Gallows Road northern approach and on Merry Oak Lane's eastbound approach to the intersection.
19. The Applicant shall construct a secondary emergency only access point onto Gallows Road as shown on the CDP/FDP, commensurate with development of the townhouse section. This access shall be constructed of grasscrete, ritter rings or other similar materials and shall be chained at the property line so that it is used only in emergency situations.

Architectural/Landscaping Details

20. The architectural design of the multi-family buildings and townhomes shall be in substantial conformance with the general character of the elevations shown on Sheet 13. The Applicant reserves the right to refine the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. The townhouses shall be a maximum of three stories above grade with an additional optional loft incorporated into the roof structure (maximum building height of 45 feet). Building materials may include one or more of the following: brick, stone, pre-cast concrete, siding, stucco (excluding dryvit or other similar synthetic stucco material) and glass. Building facades will be predominantly masonry. The façade of the parking structure associated with Building 2 shall be predominantly either masonry or pre-cast concrete.

A copy of the architectural plans shall be submitted to the Providence District Planning Commissioner for review and comment prior to final site plan approval. At the time of each submission of the final site plan to the County, a copy of the submission shall be provided to the Providence District Planning Commissioner for review and comment.

21. A landscape plan shall be submitted as part of the first and all subsequent submissions of the site plan and shall be coordinated with and approved by the Urban Forester. This plan shall be in substantial conformance with the landscape concepts plan as to quantity and quality of plantings, and in general conformance with the location of plantings as shown on Sheets 6. The Applicant shall work with the Urban Forester to select plant species that in addition to meeting other landscaping requirements such as durability, availability and aesthetics, also aid in the maintenance of air quality. Location of plantings may be modified based on utility location, sight distance easements, and final engineering details as approved by the Urban Forester, but shall be consistent in the number and type of plantings.
22. The design details shown on Sheets 6, 8, 9 and 10 submitted with the CDP/FDP illustrate the design intent and overall community organization of the proposed development. Landscaping and on-site amenities shall be substantially consistent in terms of character and quantity with the illustrations and details presented on these sheets. Specific features

such as exact locations of plantings, pedestrian lighting, sidewalks to individual units, etc. are subject to modification with final engineering and architectural design. Landscaping and on-site amenities shall include:

- a. A landscaped entry feature to be provided on site to include an entrance monument and/or signage, ornamental trees and shrubs;
- b. Installation of streetscape elements and plantings along the Application Property's Gallows Road frontage as shown on Sheets 6 and 10 of the CDP/FDP. A planting strip a minimum of six (6) feet in width shall be provided between the future curb of Gallows Road anticipated with construction of an additional lane and the proposed asphalt trail. Street trees on the east side of the trail shall be planted at twice the density as street trees in the planting strip west of the trail, as shown on Sheet 10 of the CDP/FDP. Street trees shall be a minimum of three-inch caliper at the time of planting. Trees located within VDOT rights-of-way are subject to VDOT approval.
- c. Installation of streetscape elements and plantings along the south side of Science Application Court as shown on Sheet 9 of the CDP/FDP.
- d. A large community green in the eastern portion of the Property as shown on Sheet 8 of the CDP/FDP. This passive recreational area shall include pedestrian pathways, specialized landscaping, seating areas, and pedestrian lighting and shall be available for use by all residents of the Application Property.
- e. Landscaped courtyards within the multi family Buildings 2 and 3 as shown on Sheet 6 and detailed on Sheet 8 of the CDP/FDP. These courtyards shall incorporate a courtyard walk, special paving areas with seating or picnic areas, a mixture of deciduous, evergreen and ornamental plantings, and a lawn panel. Each courtyard may vary in design detail and amenities.

Sidewalk/Trails

23. The Applicant shall provide sidewalks on both sides of Science Applications Court and throughout the Application Property linking buildings as shown on Sheet 6 of the CDP/FDP. Such construction shall occur commensurate with the development of each section of the Application Property. In addition, the Applicant shall construct a minimum five (5) foot wide asphalt trail around the stormwater management pond and between the I-495 frontage and the proposed parking garage as shown on the CDP/FDP. Trail construction shall occur concurrently with the construction of the stormwater management ponds.

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24. The Applicant shall construct an eight (8) foot wide asphalt trail within the dedicated right-of way along the Gallows Road frontage as shown on Sheets 6 and 10 of the CDP/FDP.

Environment

25. All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Fixtures used to illuminate residential streets, parking areas and walkways shall not exceed twenty (20) feet in height, shall be of low intensity design and shall utilize full cut-off fixtures which shall focus directly on the Application Property. All upper level parking deck lighting fixtures shall not exceed the height of the parapet wall. Lighting on the lower level of parking decks shall be installed between the ceiling beams to reduce glare.

To prevent parking deck lighting impacts on Tysons Executive Village, the southern façade of the parking deck located adjacent to I-495 shall be solid including a solid garage door or panel door which will not allow light to pass through.

26. Signage on the Application Property shall be provided in accordance with Article 12 of the Zoning Ordinance. If lighted, signage shall be internally lighted or directed downward.
27. Unless modified by DPWES, the Applicant shall provide stormwater detention and Best Management Practices as required by the Public Facilities Manual (PFM) and as depicted on the CDP/FDP in up to three enhanced extended detention facilities. Plantings shall be provided within these ponds to the extent permitted by the PFM. The design of the southern pond will require a modification of the PFM to allow the installation of a dam cut-off wall. The ponds shall be maintained by the UOA, in association with the owners of the commercial structures governed by PCA 75-7-004-2.
28. Within 90 days of the Board's approval of the rezoning of the Application Property, the Applicant shall submit a written comparative analysis to the Tysons Executive Village ("TEV") Homeowners Association Board of Directors [Tax Map 39-2 ((48))], DPWES, and the Providence District Supervisor analyzing the effects of existing and future development on the existing wet pond in the TEV subdivision for the entire watershed of the pond and comparing the advantages and disadvantages of converting it to a dry pond or maintaining it as a wet pond. The TEV HOA shall be given the opportunity to review the analysis and provide a written determination to the Applicant and Providence District Supervisor as to its decision to maintain or convert the pond. As a result of that determination and after review of that analysis by DPWES, the Applicant shall undertake the following actions:
- a. If TEV elects to maintain their stormwater management facility as a wet pond, the Applicant shall remove accumulated sediment from the pond and restore the pond

it to its originally designed storage capacity at no cost to TEV. Such improvement shall be made concurrent with initiation of clearing and grading on the Application Property subject to TEV providing any necessary permission and/or easements at no cost to the Applicant. The Applicant shall perform a bathometric survey of the TEV pond following completion of the pond improvements and shall perform a second bathometric survey following completion of construction on the Application Property. Should these surveys show an unacceptable level of sedimentation has occurred, as determined by DPWES, the Applicant shall restore the pond to its approved storage volume prior to final bond release on the Application Property.

The Applicant shall then enter into an agreement with TEV agreeing to pay its proportionate share of all future pond maintenance costs (as defined in said agreement). Said agreement shall be recorded in the land records.

- b. If TEV elects to convert their wet pond to a dry pond, the Applicant shall revise the TEV site plan accordingly and shall make the necessary improvements at no cost to TEV subject to TEV's written authority to do so and subject to DPWES approval. Landscaping in the pond shall be provided by Applicant as permitted by the Urban Forester and DPWES. In order to convert the pond it is understood that it may be necessary to provide Best Management Practices (BMPs) for TEV on the Application Property. Conversion of the pond shall occur concurrent with clearing and grading activities on the Application Property provided 1) the TEV site plan revision has been approved; and 2) TEV provides any necessary permission and/or easements at no cost to the Applicant. If the TEV site plan revision is not approved and/or necessary easements not provided prior to clearing and grading activities on the Application Property, the Applicant shall delay conversion of the pond until necessary approvals and easements are obtained but shall be allowed to proceed with clearing, grading and construction on the Application Property. Once the pond has been converted to a dry pond, TEV shall petition Fairfax County to accept maintenance of the pond. The Applicant shall be responsible for any additional improvements needed to ensure County acceptance.
- c. The Applicant shall bond these public improvements in keeping with standard County policies.

If TEV does not provide a written determination to the Applicant and Providence District Supervisor within 60 days of its receipt of the Applicant's written comparative analysis, the Applicant shall implement improvements specified in Paragraph "a" above.

29. In an effort to mitigate existing drainage problems within the adjacent Courts of Tysons ("COT") community, the Applicant shall:

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- a. Design and install a storm drain system to intercept stormwater from Gallows Road currently being piped along the COT northern boundary line. The new system shall redirect this storm drainage through the Application Property as generally shown on the CDP/FDP.
 - b. Provide an underground TV inspection of the condition of the existing storm drain from Gallows Road to the proposed intercepts and correct any breaks, malfunctions, or sedimentation found, as determined necessary and approved by DPWES. Implementation of this proffer is dependent on the COT granting any necessary easements or letters of permission at no cost to the Applicant.
 - c. The Applicant shall bond these public improvements in keeping with standard County policies.
30. A tree preservation plan shall be submitted as part of the site plan in conformance with the tree save areas shown on the CDP/FDP. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches in diameter and greater within fifteen (15) feet of either side of the limits of clearing and grading. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing using four foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Three (3) days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

The Applicant shall strictly conform to the limits of clearing and grading as shown on Sheet 3 of the CDP/FDP.

The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the limits of clearing and grading shall be walked with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Representatives of the COT and TEV HOAs shall be invited to participate in walking the

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limits of clearing and grading adjacent to their communities with the Applicant and the Urban Forester. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time and removed as part of the clearing operation.

Any trees identified to be preserved adjacent to the COT, Courthouse Station and TEV property lines, which fail to survive within two years following construction activity shall be replaced by the Applicant with species as determined appropriate by the Urban Forester, in consultation with designated representatives of the COT HOA, Courthouse Station HOA, and TEV HOA and the UOA for the Application Property. To supplement the normal conservation escrow required, the Applicant shall post an additional \$10,000 in the conservation escrow at the time of site plan approval to ensure replacement of construction damaged trees.

31. A fence a minimum of six feet in height shall be provided between the southernmost stormwater management pond on the Application Property and the adjacent TEV, Courthouse Station, and COT subdivisions as depicted on the CDP/FDP. The fence shall be constructed with masonry piers and wooden inserts. The fence shall be field located, with review by the Urban Forester, to ensure minimal disturbance to existing vegetation. Deciduous and evergreen trees shall be installed between the wall/fence and adjacent subdivisions to supplement existing vegetation to be preserved, as determined by the Urban Forester. Any trees identified to be preserved which fail to survive a two year period following construction shall be replaced by the Applicant with species determined appropriate by the Urban Forester, in consultation with designated representatives of the COT HOA, Courthouse Station HOA, and TEV HOA and the UOA for the Application Property.

Installing the above-referenced fence will result in a double set of fencing along the COT eastern boundary. If, in the future, both the COT HOA and the UOA for the Application Property jointly decide to eliminate the second fence located inside the Application Property, nothing in this proffer should prevent removal of that fence. In the event the removal of such second fence is jointly decided, a shared fence maintenance agreement for the eastern boundary of COT shall be executed prior to any removal.

32. Within the tree save area shown on the Application Property immediately north of the COT and around the south end of the Kidwell Drive cul-de-sac, the Applicant shall provide supplemental evergreen and deciduous trees as determined by the Urban Forester in consultation with the COT HOA and Heritage Point HOA in an effort to create an effective year round screen. Care shall be taken to retain healthy quality vegetation to the maximum extent possible, while augmenting the screening opportunities.
33. All units constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy homes, as applicable.

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34. Polysonics Corp. has prepared a Traffic Noise Analysis of the Application Property dated August 2003. This report provides an analysis of noise impacts associated with I-495 and Gallows Road. Based on the findings of that report, the Applicant shall provide the following noise attenuation measures:

- a. In order to reduce interior noise associated with Interstate 495 to a level of approximately 45 dBA Ldn, the garage associated with Building 3 shall be utilized as a noise attenuation barrier as shown on the CDP/FDP.
- b. In order to reduce interior noise to a level of approximately 45 dBA Ldn, for units which are projected to be impacted by highway noise from I-495 having levels projected to be greater than 70 dBA Ldn after the garage is in place, located on the eastern façade of Building 2 and the northern and southern facades of Building 3, these units shall be constructed with the following acoustical measures:

Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45. Doors and glazing shall have a laboratory STC rating of at least 37 unless glazing constitutes more than 20% of any façade exposed to noise levels of Ldn 65 dBA or above. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 45. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

- c. In order to reduce interior noise to a level of approximately 45 dBA Ldn for units which are projected to be impacted by roadway noise from Gallows Road having levels projected to be between 65 and 70 dBA Ldn, located on the western façade of Building 1 and the townhouse units facing Gallows Road, these units shall be constructed with the following acoustical measures:

Exterior walls should have a laboratory sound transmission class (STC) rating of at least 39. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels of Ldn 65 dBA or above. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 39. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

- d. Prior to the issuance of building permits, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with the Department of Planning and Zoning.

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- e. Due to the placement of structures on the site, additional exterior noise mitigation is not necessary for most of the outdoor recreational uses on the site. The jogging trail with exercise stations located adjacent to I-495 will be impacted by noise but mitigation is not provided.
35. If required by DPWES, a geotechnical engineering study shall be submitted to DPWES for review and approval prior to final site plan approval, and recommendations generated by this study shall be implemented as required by DPWES.
36. Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Fairfax County Health Department that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. The Applicant shall implement the rodent abatement plan.

Miscellaneous

37. The Applicant shall contribute the amount of \$150,000 to Kilmer Intermediate School for the purchase of wireless computers or other technology based programs at the discretion of the principal. The Applicant shall provide documentation that this contribution has been made. Such contribution shall occur prior to the issuance of the first RUP for the Application Property
38. The Applicant shall contribute the amount of \$465,000 to the Board of Supervisors for the construction of capital improvements to schools in the vicinity of the Application Property. The contribution shall be paid in two (2) installments; the first installment of \$232,500 to be paid prior to issuance of the 100th RUP and the second installment of \$232,500 shall be paid prior to the issuance of the 300th RUP.
39. The Applicant shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance unless modified by the ADU Advisory Board. The Applicant reserves the right to provide ADUs for all of the Application Property within the multi-family buildings. Two of the required ADUs (one one-bedroom unit and one two-bedroom unit) shall be designed and constructed to be fully handicapped accessible. Three of the required ADUs shall be designed and constructed as handicapped adaptable units and shall be made fully handicapped accessible if demand dictates.
40. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 of Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicant' direction to assist in the initial sale or rental of residential units on the Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Application Property to adhere to this proffer.

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41. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance by contributing \$955 per dwelling unit for developed recreational facilities. The Applicant shall receive credit for the on-site recreational facilities which shall include, but not be limited to a swimming pool; a community center with exercise facilities; a tot lot; an indoor basketball half-court/racquetball court/sport court (either within one of the residential buildings or in a separate structure as shown on the CDP/FDP); and a jogging trail with exercise stations. Any additional money remaining which is not spent for on-site facilities shall be contributed to the Fairfax County Park Authority.
42. Prior to the issuance of the first RUP on the Application Property, the Applicant shall contribute the amount of \$150,000.00 to the Fairfax County Board of Supervisors for the acquisition of park land or improvement of park facilities in the Dunn Loring/Tysons Corner area.
43. A covenant shall be recorded which provides that townhouse garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles) and that parking shall not be permitted in driveways that are less than 18 feet in length. This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the UOA/HOA/COA and the Fairfax County Board of Supervisors. Initial purchasers shall be advised in writing of the use restrictions prior to entering into a contract of sale and said restrictions shall be contained in the HOA/COA documents.
44. All front loaded townhouse driveways on the Application Property shall be a minimum of eighteen (18) feet in length from the garage door to the sidewalk.
45. A joint maintenance agreement between the UOA and the owners of the commercial structures governed by PCA 75-7-004-2 shall be provided for the maintenance of Science Application Court, pedestrian trails, and the stormwater management facilities serving the Application Property and the property subject to PCA 75-7-004-2. Purchasers shall be advised in writing prior to entering into a contract of sale that the UOA will share in the cost of such maintenance. The UOA documents shall expressly state that the UOA shall be responsible for shared maintenance of these facilities.
46. Property owners of two adjacent lots in TEV identified as Tax Map 39-2 ((48)) 9 and 10 have been utilizing portions of the Application Property as extensions of their rear yards. In order to allow this use to continue, the Applicant shall convey in fee simple the Outlot A-1 shown on the CDP/FDP to the owner of Lot 10 and Outlot A-2 as shown on the CDP/FDP to the owner of Lot 9. Conveyance shall occur prior to bonding of the site plan for the Application Property. The Deeds of Conveyance shall include restrictive covenants which provide, among other things, that (1) density from the out lots shall be reserved in perpetuity for the benefit of the remainder of the Application Property; (2) no structures shall be constructed on the out lots, rather the out lots shall be left as open space with existing trees preserved to the maximum extent feasible; and (3) any future rezoning, proffered condition amendment, final development plan amendment, or site

plan approvals for the remainder of the Application Property shall not require the inclusion of the out lots or the joinder or consent of the owners of the out lots so long as the rezoning, proffered condition amendment, final development plan amendment or site plan does not include the area of the out lots.

47. In order to provide a tot lot for the COT Homeowners Association [Tax Map 39-2 ((27))], the Applicant shall convey in fee simple Outlot A-3 as shown on the CDP/FDP to the COT. Prior to the conveyance, the Applicant shall:
- a. Install a tot lot on the outlot based on a determination as to the type of equipment COT desires. Such equipment cost shall not exceed \$20,000. Care shall be taken to minimize disturbance to existing quality vegetation. The final location of the tot lot shall be determined by the Urban Forester;
 - b. Construct a pedestrian connection between the existing COT property and the tot lot as generally shown on the CDP/FDP; and
 - c. Install a fence around the perimeter of Outlot A-3 and remove sections of the existing fence between COT and Outlot A-3 to allow the pedestrian connection.
 - d. Bond these improvements in keeping with standard County policies.

Such improvements shall be made subject to COT providing any necessary permission and/or easements at no cost to the Applicant, and COT providing timely input into the type of tot lot equipment and fencing desired. In the event COT has not provided information with regard to equipment selection and fencing in a timely manner prior to the Applicant applying for its 100th RUP, the Applicant may elect to contribute \$20,000 to the COT along with the fenced outlot conveyance and thereby be relieved of any further obligation to install the tot lot and pedestrian connection.

Conveyance of Outlot A-3 shall occur prior to issuance of the 100th RUP for the Application Property. The Deed of Conveyance shall include restrictive covenants which provide, among other things, that (1) density from the outlot shall be reserved in perpetuity for the benefit of the remainder of the Application Property; (2) no structures other than the tot lot shall be constructed on the outlot, (3) existing trees shall be preserved to the maximum extent feasible; and (4) any future rezoning, proffered condition amendment, final development plan amendment, or site plan approvals for the remainder of the Application Property shall not require the inclusion of the outlot or the joinder or consent of the owner of the outlot so long as the rezoning, proffered condition amendment, final development plan amendment or site plan does not include the area of the outlot.

48. Prior to the issuance of the first RUP on the Application Property, the Applicant shall either:

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- a. Contribute the sum of \$25,000 to the COT Homeowners Association for the maintenance and future replacement of the fence installed by the COT along its common boundary with the Application Property. The Applicant shall provide documentation to DPWES that this contribution has been made; or
- b. Enter into a fence maintenance agreement with the COT Homeowners Association. Said agreement shall specify that the COT and the Applicant, its successors or assigns shall share equally in the cost of future maintenance and/or replacement of the existing wooden fence along the Courts of Tysons northern boundary. The COT fence along its eastern boundary and the future fence around the tot lot described in Proffer 45 shall be the responsibility of the COT Homeowners Association. This agreement shall be recorded among the land records of Fairfax County. In the event an agreement to the satisfaction of both the parties has not been reached by the time the Applicant has applied for its first RUP, the Applicant shall contribute the sum of \$25,000 to the COT Homeowners Association for the maintenance and future replacement of the fence and shall be released of its obligation to enter into a joint fence agreement.

The COT Homeowners Association shall be given the opportunity to inform the Applicant in writing of which of the two alternatives they prefer. If COT fails to provide a written determination to the Applicant within 60 days of its receipt of the Applicant's request for a determination, the Applicant shall implement the alternative in Paragraph "a" above.

49. Prior to approval of the final site plan on the Application Property, the Applicant shall provide evidence that a parking agreement is in place with the owners of the adjacent I-3 parcel identified as Tax Map 39-2 ((1)) part 13, permitting overflow parking from the Application Property to utilize parking facilities on the I-3 parcel. A minimum of 150 overflow parking spaces shall be available to all residents of the Application Property during non-business hours on weekdays (after 6:00 pm) and on weekends. This parking agreement shall be recorded in the land records of Fairfax County.
50. Construction activity shall be permitted Mondays through Fridays from 7:00 a.m. to 7:00 p.m., Saturdays from 8:00 a.m. to 6:00 p.m. No construction activity shall be permitted on Sundays, Thanksgiving Day, Christmas Day and New Years Day. These construction hours shall be posted on the Application Property prior to any land disturbing activities. The Applicant shall include a construction hour notice in its contract with its general construction contractor.
51. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.
52. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

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53. The individual sections within the Application Property may be subject to Proffered Condition Amendments and Final Development Plan amendments without joinder and/or consent of the other property owner of the other sections/buildings.

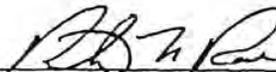
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APPLICANT/CONTRACT PURCHASER
OF TAX MAP 39-2 ((1)) 13 pt.

LINCOLN PROPERTY COMPANY
SOUTHWEST, INC.

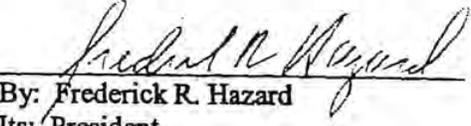


By: Richard N. Rose
Its: Vice President

[SIGNATURES CONTINUED ON NEXT PAGE]

TITLE OWNER OF TAX MAP 39-2 ((1)) 13

CAMPUS POINT REALTY CORPORATION II


By: Frederick R. Hazard
Its: President

[SIGNATURES END]

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Tax Parcel ID No. 039-2-01-0013

**DECLARATION OF CONDITIONS, RESTRICTIONS,
AND EASEMENTS**

THIS DECLARATION OF CONDITIONS, RESTRICTIONS, AND EASEMENTS (hereinafter "Declaration"), is made this 2nd day of January, 2005 (the "Effective Date"), by CAMPUS POINT REALTY CORPORATION, a California corporation (hereinafter "Declarant").

WITNESSETH:

WHEREAS, Declarant owns fee simple title to those certain tracts of land located in Fairfax County, Virginia, described on (i) Exhibit A-1 attached hereto and made a part hereof ("Parcel 1") and (ii) Exhibit A-2 attached hereto and made a part hereof ("Parcel 2"); and

WHEREAS, Declarant intends to convey Parcel 1 to a third party; and

WHEREAS, Declarant desires to create and establish (i) certain conditions and restrictions relating to construction on Parcel 1, (ii) certain easements for the benefit of Parcels 1 and 2 for (a) access, ingress, egress and regress, and (b) storm water management and (iii) rights with respect to signage.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), the covenants and agreements set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant agrees, covenants, and declares as follows:



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ARTICLE I

GENERAL

Section 1.1. Definitions. The following words, when used in this Declaration, shall have the following meanings:

"Access Easement" shall have the meaning set forth in Section 3.1(a).

"Access Easement Area" shall mean those certain portions of Parcel 2 that are more particularly described in Exhibit B attached hereto and made a part hereof.

"Access Expenses" shall mean the reasonable costs and expenses of maintaining, repairing, and operating the Current Access Area and/or Access Easement Area. Access Expenses shall not include any amounts which would otherwise be included in Access Expenses which are paid to any Affiliate (as defined below) of the Parcel 1 Owner (as defined below) to the extent the costs of such services exceed the amount which would have been paid in the absence of such relationship for similar services of comparable level, quality and frequency rendered by persons of similar skill, competence and experience.

"Access Improvements" shall mean asphalt or concrete pavement, curbs, landscaping, directional signage, striping, lighting, utilities and other similar improvements constructed or installed in the Access Easement Area from time to time.

"Access Monument Sign" shall have the meaning set forth in Article VI.

"Affiliate" shall mean any person or entity controlling, controlled by, or under common control with, another person or entity. "Control" as used herein means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of such controlled person or entity (the ownership, directly or indirectly, of at least fifty-one percent (51%) of the voting securities of, or possession of the right to vote, in the ordinary direction of its affairs, at least fifty-one percent (51%) of the voting interest in, any person or entity shall be presumed to constitute such control).

"Business Days" shall mean Mondays through Fridays other than those days on which national banks are not open for business in the Commonwealth of Virginia.

"Current Access Area" shall mean the area on Parcel 1 and Parcel 2 identified on Exhibit E hereto which, as of the Effective Date, serves, and until such time as the Access Improvements are completed will serve, as the access to and from Gallows Road for Parcels 1 and 2.

"Current Access Improvements" shall mean the pavement, curbs, landscaping, directional signage, striping, lighting, utilities and other similar improvements existing in the Current Access Area as of the date hereof or constructed or installed from time to time.

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"First Class Standards" shall mean a quality that is equal to or in excess of the quality of similar facilities, services or improvements provided to or for the benefit of Class A office and/or luxury residential projects located in Fairfax County, Virginia.

"Governmental Authorities" shall mean the United States, the state, county, city and political subdivision in which the Parcels (as defined below) are located or which exercise jurisdiction over the Parcels or the Improvements (as defined below), and any agency, department, commission, board, bureau or instrumentality of any of them which exercises jurisdiction over the Parcels or Improvements, including, without limitation, the Virginia Department of Transportation.

"Improvement" or "Improvements" shall mean the buildings, structures, driveways, sidewalks and other improvements located on the Parcels from time to time.

"Initial Access Improvements" shall mean the Access Improvements to be constructed in the Access Easement Area in accordance with the Initial Development Plan and Section 3.2 hereof.

"Initial Development" shall mean the initial construction on Parcel 1 of Improvements that do not exist on Parcel 1 as of the Effective Date.

"Interest Rate" shall mean the lesser of (i) the rate per annum equal to the interest rate published from time to time as the prime rate in the Money Rates column of the Wall Street Journal (Eastern edition) (said rate to change on the first day of each calendar month) plus 300 basis points, or (ii) the then applicable maximum interest rate permitted to be charged by the laws of the Commonwealth of Virginia.

"Legal Requirements" shall mean any applicable law, statute, ordinance, order, rule, regulation, decree or requirement of a Governmental Authority and any other applicable public or private covenant, condition, restriction or other title matter affecting the Parcels as of the Effective Date.

"Mortgage" shall mean a lien, mortgage, deed of trust, deed to secure debt or other similar instruments securing the repayment of a debt to a bona fide third party (which is not an Affiliate of the borrower) and encumbering all or any portion of a Parcel or any interest (including any ground leasehold interest) therein; provided, however, that such term shall not include judgment or mechanic liens.

"Mortgagee" shall mean the mortgagee or beneficiary of a first lien Mortgage.

"Normal Business Hours" shall mean 7:00 a.m. to 7:00 p.m. on Business Days.

"Owner" shall mean the Person (as defined below) which is from time to time the record owner of fee simple title to any Parcel or any portion thereof, or the record lessee under any ground lease; provided, however, that such term shall not include any trustee under any Mortgage or any Mortgagee who may hold a lien against any such Parcel or leasehold interest under a ground lease pursuant to a Mortgage unless and until such party shall acquire record fee simple title or record leasehold title to any such Parcel through foreclosure, deed in lieu of foreclosure, or otherwise. A reference herein to "Owners" shall mean all Owners.

"Parcels" shall mean, collectively, Parcel 1 and Parcel 2.

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"Parcel 1 Owner" shall mean the Owner or Owners of Parcel 1 or any portion thereof, from time to time and as applicable.

"Parcel 2 Owner" shall mean the Owner or Owners of Parcel 2 or any portion thereof, from time to time and as applicable.

"Permittees" shall mean any Owner, and its tenants, licensees, invitees, sub-tenants or authorized occupants of any portion of a Parcel and/or the Improvements located thereon and the respective officers, directors, employees, agents, partners, contractors, subcontractors, customers, visitors, invitees, guests, licensees and concessionaires of any such Person.

"Person" or "Persons" shall mean individuals, partnerships, associations, corporations and any other forms of organization, or one or more of them, as the context may require.

"Substantial Completion of the Improvements" shall mean the completion of the applicable Improvement except for details of construction, decoration or mechanical adjustment that, in the aggregate, are minor in character and do not, either by their nature or because of the repair or completion work necessary, materially interfere with the intended use or enjoyment of the applicable Improvement, such that it would be reasonable under the circumstances for such Improvement to be made available for its intended use and completion of any such details would not unreasonably interfere with such use in due course after such Substantial Completion thereof. To "Substantially Complete" shall mean to bring the applicable Improvement to Substantial Completion.

"Taking" shall mean any taking or condemnation for public or quasi-public use under any governmental law, ordinance, or regulation, or by right of eminent domain, or by voluntary conveyance in lieu thereof.

Section 1.2 Property Subject to this Declaration. Each Parcel or portion thereof and any right, title or interest therein shall be owned, held, leased, sold and/or conveyed by the existing Owners, and any subsequent Owner of all or any part thereof, subject to this Declaration and the covenants, conditions, restrictions, easements, charges and liens (except as set forth in Section 8.4 below) set forth herein; provided, however, that after Substantial Completion of the Improvements contemplated in the Initial Development Plan (as hereinafter defined), the following provisions of this Declaration shall no longer be applicable and no Parcel or any Owner thereof shall be subject to such provisions: (a) Article II; (b) Section 3.2(a); and (c) Section 11.5. Notwithstanding the foregoing, as to each of the outlot parcels described in Exhibit F attached hereto (each an "Outlot Parcel"), when such Outlot Parcel is conveyed to the owner of the property adjacent to said Outlot Parcel pursuant to the "Lincoln Property Company Southwest Inc. Proffers (R2 2003-PR-008)" dated March 11, 2004 applicable to Parcel 1 (and, in particular, proffers numbered 46 and 47), then such Outlot Parcel shall automatically be released from this Declaration.

Section 1.3 Applicability to Parcel 2. Nothing in this Declaration shall be construed to require any demolition, alteration, construction or reconstruction of any Improvement, any landscaping or grading, or any thing whatsoever on Parcel 2 except the work to be done by the Parcel 1 Owner pursuant to Article III hereof or to empower the Parcel 1

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Owner or any other party to require any such demolition, alteration, construction or reconstruction, or to restrict or prohibit the Parcel 2 Owner or the owner of any Improvement on Parcel 2 from demolishing, altering, rebuilding, restoring, repairing or reconstructing such Improvement following any casualty (whether partial or total) or from doing any other thing with Parcel 2 or the Improvements thereon.

ARTICLE II

CONSTRUCTION CONDITIONS AND RESTRICTIONS

Section 2.1 Conditions and Restrictions on Construction. Any and all construction activities on Parcel 1 and in the Access Easement Area shall be subject to the following conditions and restrictions:

(a) Diligent Completion of Construction. Subject to the last sentence of this Section 2.1(a), once commenced, demolition, alteration or construction of any Improvements on Parcel 1 or in the Access Easement Area, including, without limitation, demolition, alteration or construction connected with the Initial Development, shall be diligently pursued to completion as quickly as is commercially reasonable, subject to *force majeure*, so that it is not left in a partly finished condition any longer than is required by prudent construction practices. Notwithstanding anything to the contrary herein, the Initial Development may be constructed in phases, provided that once a phase is commenced, the Parcel 1 Owner of the phase under construction shall, subject to *force majeure*, pursue the construction of any Improvements commenced in such phase to final completion in accordance with the previous sentence or demolish said partially constructed improvements and promptly return the area substantially to the condition it was in prior to commencement of construction of said phase.

(b) Unobstructed and Safe Use of Access Easement. Throughout any period of construction on Parcel 1, the Parcel 1 Owner shall:

(i) subject to Section 3.3(c), not permit obstruction of the Parcel 2 Owner's use of the Access Easement or the Current Access Area as applicable; and

(ii) during hours of construction activity, post a traffic guard or guards on and/or in the vicinity of the Current Access Area and/or Access Easement Area as applicable in order to ensure the safety of all those using the Access Easement and, in all events, at least one such guard shall be posted during Normal Business Hours, when necessary or as determined by the Parcel 2 Owner, at the intersection of the Access Easement Area or the Current Access Area, as applicable, and Gallows Road.

(c) Vehicular Traffic. To the extent permitted by Legal Requirements, all vehicular traffic related to construction activities undertaken on Parcel 1 shall be diverted from the Access Easement Area or the Current Access Area, as applicable, onto an alternate path, road or other route on Parcel 1 as close to the Gallows Road end of the Access Easement Area or the Current Access Area, as applicable, as commercially reasonable so as to minimize the portion of the Access Easement Area and the Current Access Area, as applicable, that such vehicular traffic

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utilizes. The Parcel 1 Owner shall implement reasonable speed limits for such vehicular traffic so as to minimize the disturbance of dust and/or other airborne particles and to protect individuals and property from harm related to such vehicular traffic.

(d) Construction Parking. All vehicles utilized for or otherwise related to construction activities (including, without limitation, construction machinery and vehicles utilized by contractors, subcontractors and their employees and agents) shall be parked in a designated area on a portion of Parcel 1, and as far removed as feasible from Parcel 2.

(e) Minimization of Noxious Substances. During construction, the Parcel 1 Owner, shall minimize noise, odor and dust and/or other airborne particles, debris or any other thing that potentially may materially adversely affect Parcel 2, the Parcel 2 Owner or its Permittees.

(f) Utilities. The Parcel 1 Owner shall use all reasonable efforts not to interfere with the service of any utility, telecommunications services or systems or storm management systems that benefits Parcel 2 and, in all events, shall comply with the provisions of Article IV if any such interference is unavoidable.

(g) Correction or Mitigation of Adverse Effects. The Parcel 1 Owner at no cost or expense to the Parcel 2 Owner, shall use commercially reasonable efforts to mitigate to the extent possible and commercially reasonable any and all potentially material adverse effects on Parcel 2, the Parcel 2 Owner or its Permittees arising from or connected with construction activities on Parcel 1 and shall promptly remedy any material adverse effects on Parcel 2, the Parcel 2 Owner or its Permittees, as applicable, resulting from or in connection with such activities.

Section 2.2 Delivery of Plan Prior to Construction. On or before sixty (60) days prior to the commencement of any construction activities on its Parcel, the Parcel 1 Owner shall submit to the Parcel 2 Owner for its review and approval a detailed construction plan identifying how such Owner intends to comply with the restrictions set forth in Section 2.1 during such construction activities ("Plan"). The Parcel 2 Owner shall approve or disapprove such Plan within ten (10) business days after receipt thereof. In the event that the Parcel 2 Owner disapproves the Plan, which disapproval shall set forth in reasonable detail the reasons therefor, the other Owner shall revise the same within ten (10) days after receipt of the Parcel 2 Owner's disapproval of the Plan. Within ten (10) business days after receipt of the revised Plan, the Parcel 2 Owner shall approve or disapprove the same. In addition to its obligations under Section 2.1, the Parcel 1 Owner shall comply with the Plan as approved by the Parcel 2 Owner when conducting its construction activities on Parcel 1 and shall not commence such construction until the Parcel 2 Owner has approved the Plan. Prior to making any material change to the Plan, the Parcel 1 Owner shall submit such proposed changes to Parcel 2 Owner for its review and approval. If the Parcel 1 Owner constructs any Improvements in phases, it shall submit its Plan for each phase to the Parcel 2 Owner for its review and approval, unless such Plan has been previously approved by the Parcel 2 Owner.

Section 2.3 Delivery of Initial Development Plan Prior to Construction. Prior to execution of this Declaration, Parcel 1 Owner submitted to Parcel 2 Owner, and Parcel 2

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Owner has approved, the Conceptual/Final Development Plan dated March 11, 2004 (the "Initial Development Plan"). Prior to making any material change to the Initial Development Plan, the Parcel 1 Owner shall submit such proposed changes to the Parcel 2 Owner for its review and approval. The Parcel 2 Owner shall approve or disapprove any material changes to the Initial Development Plan within ten (10) days after receipt thereof. In the event that the Parcel 2 Owner disapproves any material changes to the Initial Development Plan, which disapproval shall set forth in reasonable detail the reasons therefor, the Parcel 1 Owner shall revise the same within ten (10) business days after receipt of the Parcel 2 Owner's disapproval of the Initial Development Plan. Within ten (10) business days after receipt of the revised Initial Development Plan, the Parcel 2 Owner shall approve or disapprove the same. In addition to its obligations under Section 2.1, the Parcel 1 Owner shall construct the Initial Development in accordance with the Initial Development Plan as approved by the Parcel 2 Owner.

ARTICLE III

ACCESS EASEMENT

Section 3.1 (a) Declaration of Access Easement. Subject to the provisions of this Declaration, Declarant hereby establishes and creates for the benefit of the Parcel 1 Owner and the Parcel 2 Owner and as an appurtenance to Parcel 1 and Parcel 2 a non-exclusive, perpetual easement over, upon, across and through the Access Easement Area (the "Access Easement") (i) for the purposes of pedestrian and vehicular ingress and egress between Gallows Road and the applicable Parcel, and (ii) for the purpose of constructing, operating, repairing, maintaining and (to the extent permitted herein) altering the Access Improvements.

(b) Declaration of Temporary Access. Until the Parcel 1 Owner has completed and opened the Initial Access Improvements for vehicular and pedestrian use in accordance herewith, the Declarant hereby establishes and creates for the benefit of the Parcel 1 Owner and the Parcel 2 Owner, and as an appurtenance to each of their Parcels, a non-exclusive easement over, upon, across and through the Current Access Area for the purpose of pedestrian and vehicular ingress and egress between the applicable Parcel and Gallows Road. Upon the termination of said temporary easement in accordance herewith, the temporary access easement established by that certain plat recorded at Deed Book 4800, Page 549 also shall be automatically terminated. If necessary, the Owners of the applicable Parcels shall record such documents as are reasonably necessary to confirm the termination or vacation of said temporary easement. The Parcel 1 Owner shall repair and maintain the Current Access Improvements until the Access Improvements are completed but shall not modify the Current Access Improvements or install new improvements within the Current Access Area without the prior consent of the Parcel 2 Owner, provided that such consent shall not be required to the extent any such modification of the Current Access Improvements or the installation of any new Improvements in the Current Access Area is contemplated in the Initial Development Plan.

Section 3.2 Construction, Operation, Maintenance and Alteration of Access Improvements.

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(a) Construction of the Initial Access Improvements will result in a loss of parking spaces on Parcel 2. Therefore, in connection with the construction of the Initial Access Improvements, the Parcel 1 Owner shall, at its sole cost and expense, and in a good and workmanlike manner and in accordance with Sections 2.1, construct for the benefit of the Parcel 2 Owner a sufficient number of parking spaces in the locations identified on Exhibit D-1 ("Relocated Parking") hereto to cause the number of parking spaces available on Parcel 2 to be the same following construction of the Initial Access Improvements as existed on Parcel 2 on the date hereof ("Existing Parking"). The Parcel 1 Owner shall construct the Relocated Parking in accordance with plans and specifications to be reasonably approved by the Parcel 2 Owner which plans and specification shall, at a minimum, conform with the Fairfax County Public Facility Manual except that the Relocated Parking shall be constructed with a 1 1/4 inch surface course, 3 inch base course and 8 inch compacted 21A subbase stone. In the event that the Parcel 1 Owner does not complete construction of the Relocated Parking before any of the Existing Parking becomes unuseable, the Parcel 1 Owner shall provide the Parcel 2 Owner with temporary parking spaces so that at all times the Parcel 2 Owner shall have access to and use of the same number of parking spaces it has as of the date hereof. Such temporary spaces shall be in the locations identified on Exhibit D-2 hereto, or in such other locations mutually acceptable to the Parcel 2 Owner and Parcel 1 Owner.

(b) In connection with the construction of the Initial Development, the Parcel 1 Owner shall, at its sole cost and expense, in a good and workmanlike manner (i) construct the Initial Access Improvements in accordance with (x) the requirements of Virginia Department of Transportation and the Fairfax County Public Facilities Manual as if such road was a public road provided that if there are any inconsistencies between the two, the more stringent standard shall apply and (y) plans and specifications approved by the Parcel 2 Owner in accordance with this Section 3.2(b) and (ii) install landscaping on the Access Easement Area and in that portion of Current Access Area that is not part of the Access Easement Area, based on plans and specifications reasonably acceptable to the Parcel 2 Owner which landscaping shall be deemed an Access Improvement. Prior to undertaking the construction of the Initial Access Improvements in accordance with the previous sentence, the Parcel 1 Owner shall submit to the Parcel 2 Owner, for its approval, the plans and specifications for such work and shall not commence such work until the Parcel 2 Owner has approved the same in accordance with the schedule set forth in Section 2.2. The Parcel 1 Owner shall Substantially Complete the installation of the Initial Access Improvements within eight (8) months after the commencement of construction of such improvements; provided, however, the Parcel 1 Owner shall not be obligated to lay the topcoat until twenty-four (24) months after commencement of construction of said improvements; and provided further that both time periods set forth in this sentence shall be extended day for day for each day of delay resulting from *force majeure*. If, at any time after construction activities related to the Initial Development commence, such construction activities cease for a period of more than ninety (90) days, including, without limitation, as a result of the completion of any phase of the Initial Development and a delay in the commencement of the next phase, the Parcel 1 Owner shall repair and restore, at the Parcel 1 Owner's sole cost and expense, the Access Easement Area, including, without limitation, any Access Improvements thereon, within thirty (30) days thereafter and otherwise in accordance with this Section 3.2. Thereafter when construction of the Initial Development resumes, upon Substantial Completion of any such work or any further interruption for more than ninety (90) days, the Parcel 1 Owner,

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at its sole cost and expense, shall again repave the Access Easement Area and, to the extent necessary, replace or repair the landscaping thereon, all subject to the provisions of this Section 3.2(b).

(c) The Parcel 1 Owner shall be obligated, for so long as the easement created pursuant to Section 3.1 exists, to repair and maintain the Current Access Easement and/or Access Easement Area, as applicable, in safe, clean, attractive and well-maintained condition and in accordance with First Class Standards, such maintenance to be done promptly and regularly and to include, but not be limited to, the following:

(i) Maintenance, repair and replacement of all paved surfaces, in a level, smooth, evenly covered and visually consistent condition;

(ii) Maintenance, repair and replacement of all curbs, curb cuts, gutters, walkways and retaining walls;

(iii) Maintenance, repair and replacement of all directional signs, markers (including, without limitation, any Access Monument Signs) and artificial lighting facilities (including, without limitation, the replacement of fixtures and bulbs);

(iv) Regular removal of all litter, trash, debris, waste, filth and refuse, including, without limitation, thorough sweeping of the Access Easement Area in order to keep the same in a clean and orderly condition at all times;

(v) Maintenance of all landscaping in a healthy, well-watered, well-pruned, mowed and attractive condition; and

(vi) Compliance with all Legal Requirements, including, without limitation, those related to health and safety, and all requests by Governmental Authorities made in accordance with Legal Requirements, including, without limitation, the Virginia Department of Transportation, provided that the Parcel 1 Owner shall notify the Parcel 2 Owner of any request by a Governmental Authority prior to undertaking such compliance (except in emergencies).

(d) The Parcel 1 Owner shall have the right, from time to time, to make changes in the Access Improvements and in the design (but not the location) thereof, subject to the prior written consent of the Parcel 2 Owner in accordance with the time periods set forth in Section 2.2, provided, however, (i) no such consent shall be required for any changes required by Legal Requirements or a Governmental Authority (unless various options are available, and then only as to which option is selected), (ii) any such changes must comply with Legal Requirements and be consistent with First Class Standards, and (iii) the Parcel 1 Owner shall use commercially reasonable efforts to ensure that throughout the time such changes are being made all parties entitled to use the Access Easement Area shall have continuous and reasonably unfettered access to the Access Easement Area and that such construction shall be completed in accordance with the provisions of Section 2.1.

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(e) Notwithstanding anything to the contrary contained herein, each Owner shall have the right to construct, at its sole cost and expense, access points and curb cuts on the Access Easement Area and/or to connect driveways, sidewalks, parking areas and other Improvements on such Owner's Parcel to the Access Easement Area without the other Owners' consent but with prior notice, so long as the orderly flow of vehicular and pedestrian traffic is not materially and adversely affected thereby, all work is done in accordance with all Legal Requirements and the Owners continue to have continuous and reasonably unfettered access to the Access Easement while such work is being conducted.

(f) The cost of the activities in subsection (c) shall be an Access Expense subject to Sections 3.5 and 3.6 below; provided, however, the cost of any capital improvements (other than costs incurred pursuant to Section 3.2(c)(ii) to the extent any such costs are deemed to be capital improvements), shall be solely the responsibility of the Parcel 1 Owner and not an Access Expense unless (x) (i) such cost is required to comply with a Legal Requirement or the request of a Governmental Authority and (ii) is not incurred as a result of or in connection with construction or any other activity on Parcel 1 or (y) such cost is pre-approved by the Parcel 2 Owner and the Parcel 2 Owner agrees when it provides such pre-approval to share the cost of such work. In all events and notwithstanding the foregoing, the Parcel 1 Owner shall be solely responsible for the costs and expenses of the Initial Access Improvements, including the Relocated Parking.

Section 3.3 No Walls, Fences or Barriers and Temporary Closure.

(a) No buildings, walls, fences or barriers of any sort or kind shall be constructed or erected on any Parcel by any Owner which would prohibit or materially impair the use or exercise of the Access Easement or, until the opening of the Initial Access Improvements for vehicular and pedestrian ingress and egress, of the Current Access Area.

(b) The Access Easement or a portion thereof may be dedicated to the public, provided that the Parcel 1 Owner and/or Parcel 2 Owner, as applicable, shall obtain the prior written consent of the other Owner prior to permitting any such dedication and further provided that the Parcel 2 Owner shall not bear any costs or expenses associated with such dedication. To the extent that all or any portion of the Access Easement is so dedicated, then the Parcel 1 Owner shall be relieved of its obligations to maintain the portion of the Access Easement that has been dedicated.

(c) The Parcel 1 and/or Parcel 2 Owner shall have the right to temporarily close a portion of the Access Easement Area or the Current Access Area for such reasonable periods of time as may be reasonably necessary for cleaning, repair, alteration, improvement or maintenance or as required for emergencies. Notwithstanding the foregoing, (i) before closing off any part of the Access Easement Area or Current Access Area as provided above (except for emergencies), the applicable Owner shall give at least ten (10) days' prior written notice to the other Owner of its intention to do so and shall coordinate its closing with the activities of the other Owner so that no unreasonable interference with the operation of the applicable easement occurs, (ii) any such closure shall be limited to the minimum period and minimum amount of

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closure reasonably necessary to achieve the applicable purpose and, to the extent reasonably feasible (except during emergencies), one drive lane shall be kept open for vehicular traffic, (iii) a safety guard or guards shall be placed on the Access Easement Area or Current Access Area, as applicable in order to facilitate the safe flow of traffic during any such closure and (iv) to the extent reasonably feasible (except for emergencies) any such closure shall not occur during Normal Business Hours.

Section 3.4 Hours of Operation. Subject to Section 3.3(c), the Current Access Area and, once constructed, the Access Improvements shall be open twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year, provided, that Parcel 2 Owner or Parcel 1 Owner, as applicable, shall temporarily close off the Access Easement Area or Current Access Area, as applicable, or a portion thereof for such reasonable periods of time as may be legally necessary to prevent the acquisition or creation of any prescriptive right by any Person or the public. Notwithstanding the foregoing, (i) before closing off any part of the Access Easement Area as provided above, the applicable Owner shall give at least ten (10) days' prior written notice to the other Owner of its intention to do so and shall coordinate its closing with the activities of the other Owner so that no unreasonable interference with the operation of the Access Easement occurs, (ii) any such closure shall be limited to the minimum period and minimum amount of closure reasonably necessary to prevent the acquisition or creation of any prescriptive right by any Person and, to the extent reasonably feasible, one drive lane shall be kept open for vehicular traffic, and (iii) to the extent reasonably feasible any such closure shall not occur during Normal Business Hours.

Section 3.5 Sharing of Access Expenses. Each Owner shall share in the Access Expenses based on the following: the Parcel 1 Owner shall pay 58.4% and the Parcel 2 Owner shall pay 41.6% of such Access Expenses.

Section 3.6 Calculation and Payment of Access Expenses.

(a) The Parcel 1 Owner shall keep accurate and complete books and records of all receipts and disbursements related to the operation, improvement, repair and maintenance of the Access Easement Area. Such books and records shall be available for inspection and copying by the other Owners during Normal Business Hours, and upon not less than five (5) days' prior written notice to the Parcel 1 Owner and shall be subject to any third party audit and/or inspection required by the other Owner, provided that no more than one (1) such audit and/or inspection shall be conducted during any calendar year. The Parcel 2 Owner shall continue to be obligated to make payments of its proportionate share of the Access Expenses required hereunder without offset or deduction notwithstanding the ongoing conduct of any such audit or inspection. The cost of any such third party audit or inspection shall be paid by the Owner requesting said audit; provided that if such audit reveals that the aggregate Access Expenses in a calendar year have been overstated by more than three percent (3%), the Parcel 1 Owner shall pay the cost of such audit.

(b) The Parcel 2 Owner shall reimburse the Parcel 1 Owner for its share of any Access Expenses pursuant to Section 3.5, within thirty (30) days after receipt of an invoice for the subject expense, provided that the Parcel 1 Owner shall provide sufficient documentation

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regarding any such expense to allow confirmation that such expense is an Access Expense and was incurred in accordance with the provisions of the Declaration. Any invoice not paid when due shall bear interest at the Interest Rate from the due date until paid.

Section 3.7 Name of Access Easement Area. Until such time as neither Science Applications International Corporation nor any of its Affiliates owns any of the Parcels or a portion thereof, the name of the street located on the Current Access Area or Access Easement Area, as applicable, shall be "Science Applications Court." Declarant expressly states that it is not assigning to the Parcel 1 Owner or any other party any legal rights that Declarant or its Affiliates may have to the use of the trade name "SAIC" or "Science Applications" or any terms or phrases incorporating the foregoing except to use the term Science Applications Court as part of its address. Notwithstanding anything to the contrary herein, in the event that the Parcel 2 Owner desires that the name of the street change from "Science Applications Court", the Parcel 1 Owner shall cooperate in such name change at no cost or expense to the Parcel 1 Owner.

ARTICLE IV

NON-INTERFERENCE WITH UTILITIES

Each Owner shall use all reasonable efforts not to interfere in any way with the service of any utility, telecommunication service or system (telephone, computer or other) or storm water drainage or detention system (including, without limitation, the telephone and data cables identified on Exhibit G hereto) that benefits any other Parcel without the prior written consent of the Owner of the affected Parcel. If such interference cannot be avoided, (i) the Owner who is responsible for such interference shall deliver prior written notice to the other Owner of the likelihood of such interference as long in advance as possible and, in all events, at least thirty (30) days prior to such work (except during emergencies), and shall coordinate such interference with the activities of the Owner of the affected Parcel so that no unreasonable interference occurs, (ii) any interference shall be limited to the minimum period and minimum extent reasonably possible, and (iii) to the extent reasonably feasible, any such interference shall not occur during Normal Business Hours (except during emergencies). At the request of any Owner, each Owner shall execute and record easements to allow the use of the telephone, data and other telecommunication cables referenced in this Article IV all in accordance with this Article IV.

ARTICLE V

STORM WATER EASEMENT; NEW STORM WATER FACILITIES

Section 5.1 Storm Water Easement For the Benefit of Parcel 2. There is hereby reserved in, over and across Parcel 1 for the benefit of Parcel 2:

(a) A non-exclusive, perpetual easement for storm water detention and drainage across that portion of Parcel 1 described in Exhibit C-1 attached hereto and made a part

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hereof ("Storm Water Easement Area"), including, without limitation, the right to install and repair underground pipes and tie into and utilize the sanitary and storm water sewers in or on the Storm Water Easement Area and downstream thereof, in accordance with Legal Requirements, provided that the Parcel 2 Owner shall promptly repair and restore the landscaping and any other Improvements on the Storm Water Easement Area or elsewhere on Parcel 1 that are damaged in connection with the Parcel 2 Owner's use of the easement granted herein. The Parcel 1 Owner shall be obligated to maintain the Storm Water Easement Area and any improvements for storm water detention and drainage located on Parcel 1 in compliance with all Legal Requirements. The Parcel 1 Owner shall have the right, at its sole cost and expense, to relocate the Storm Water Easement Area if such relocation is desirable in connection with any changes in the development of Parcel 1 so long as such relocation does not materially adversely affect storm drainage from Parcel 2.

(b) A non-exclusive, perpetual easement to compensatory storm water management capacity and Best Management Practices (BMPs) applicable in Fairfax County, Virginia as of the Effective Date sufficient to support Parcel 2 with (i) the Improvements located on Parcel 2 as of the Effective Date, (ii) any additional parking constructed thereon necessary to accommodate the parking requirements imposed by Legal Requirements for the Improvements located on Parcel 2 as of the Effective Date, and (iii) the Initial Access Improvements, on, over, across and under Parcel 1 and to the detention pond identified on Exhibit C-2 hereto, at no expense to the Parcel 2 Owner, provided that Parcel 2 Owner shall promptly repair and restore the landscaping and any other Improvements in such area or elsewhere on Parcel 1 that are damaged in connection with the Parcel 2 Owner's use of the easement granted herein, except to the extent resulting from the Initial Access Improvements which shall be shared by the parties as an Access Expense.

(c) The Parcel 1 Owner shall maintain the storm water detention and drainage systems provided for in subsections (a) and (b), provided that the Parcel 1 and 2 Owners shall share any cost or expense for such maintenance, including any cost and expense connected with compliance with a Legal Requirement, in proportion to the drainage flow into such detention system from each Parcel (excluding the flow from the Access Easement Area, if any) as determined by VKA or another engineer mutually agreed upon by the Parcel 1 and Parcel 2 Owners, except that (i) the Parcel 2 Owner shall not be required to share in any fee, fine or levy resulting from the Parcel 1 Owner's failure to timely comply with any Legal Requirement or any costs resulting from or arising in connection with the development of Parcel 1, and (ii) the Parcel 1 Owner shall not be responsible for, or required to share in, any cost, expense, fee, fine or levy resulting from or arising in connection with the development of Parcel 2 (or any subsequent changes thereto) or any changes in Legal Requirements affecting Parcel 2 and not similarly affecting Parcel 1 (except to the extent relating to the Access Easement Area).

Section 5.2 Expansion or Installation of Storm Water Facilities.

In connection with the Initial Development or any subsequent development on Parcel 1, the Parcel 1 Owner, at its sole cost and expense and in accordance with Legal Requirements, shall (i) expand the existing detention pond in the Storm Water Easement Area and/ or (ii) install a new storm water management facility such that the then-existing facilities

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will continue to be sufficient to support Parcel 2 as required pursuant to Section 5.1. However, if any changes to Parcel 2 or the Improvements located thereon require the installation of additional facilities or the modification of then-existing facilities, then the Parcel 2 Owner shall be responsible for the cost and expense therefor; provided, however, that in no event shall the Parcel 1 Owner be obligated to expand or otherwise modify the Storm Water Easement Area in a manner that would reduce the amount of Parcel 1 that can be developed in accordance with the Initial Development Plan.

ARTICLE VI

MONUMENT SIGNAGE

Each Owner shall have the right, but not the obligation, to install one (1) monument sign ("Access Monument Sign"), at such Owner's sole cost and expense, in the area identified in Exhibit B in a specific location selected by such Owner in its reasonable discretion, provided that the Owners shall agree in advance on the size of any Access Monument Sign and the nature and size of the lettering and graphics thereon. Notwithstanding the previous sentence, the Parcel 2 Owner's sign may include the "SAIC" logo with blue lettering.

ARTICLE VII

MAINTENANCE AND OPERATION OF PARCELS

Subject to the Parcel 1 and Parcel 2 Owner's obligations pursuant to Section 3.2 and in addition to all other requirements set forth herein, each of the Parcel 1 and Parcel 2 Owners shall use reasonable efforts to maintain its Parcel at all times, including without limitation during construction activities thereon, in accordance with First Class Standards, including without limitation by keeping its Parcel clean and as free of debris as is reasonably possible.

ARTICLE VIII

REMEDIES

Section 8.1 Legal and Equitable Relief. The covenants, conditions, restrictions, reservations, easements and rights herein contained shall run with the land and shall be binding upon and inure to the benefit of each Owner, its respective successors and assigns, and all other persons, parties or entities claiming by, through or under any of the foregoing. In the event any Owner ("Defaulting Party") defaults in any of its obligations hereunder or in the event of any violation or threatened violation of this Declaration by a Defaulting Party or such Defaulting Party's Permittees and such Defaulting Party fails to cure such default or stop such

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violation or threatened violation within thirty (30) days after written notice from another Owner (the "Affected Party"), or if such default is not capable of being cured within such thirty (30)-day period, such Defaulting Party has not commenced the cure within such thirty (30)-day period and diligently pursued the completion of such cure, the Affected Party shall have the right to (i) institute legal action against the Defaulting Party for specific performance, injunctive relief, declaratory relief, damages, or any other remedy provided by law; provided, however, neither party shall be liable for consequential or punitive damages; (ii) recover damages for any such violation or default, and/or (iii) take self-help action to the extent and only to the extent permitted under Section 8.2 below. All remedies under this Declaration or at law shall be cumulative and not inclusive. As used herein, any reference to rights or remedies "at law" or "under applicable law" shall also include any rights or remedies "in equity".

Section 8.2 Right to Cure. In the event any Owner defaults under the provisions of this Declaration and such Owner fails to cure such default within the time period provided in Section 8.1 above, the Affected Party which sent the default notice shall have the right, but not the obligation, upon the expiration of such period, to cure such default for the account of and at the expense of the Defaulting Party. Prior to taking any such action, such Affected Party shall deliver thirty (30) days' prior written notice (which notice shall be in addition to the notice required under Section 8.1 hereof) to the Defaulting Party specifying with details the nature of the actions that such Affected Party giving such notice proposes to take in order to cure the claimed default. The Defaulting Party shall reimburse the Affected Party for expenses incurred by the Affected Party in connection with its exercise of its rights pursuant to this Section 8.2 within ten (10) days after an invoice therefor accompanied by appropriate supporting documentation for such costs.

Section 8.3 Interest. If any Affected Party so performs any of the Defaulting Party's obligations hereunder or if a Defaulting Party fails to make a payment under this Declaration to an Affected Party, the full amount of the cost and expense incurred by the Affected Party or the damage so sustained or the payment not made by the Defaulting Party to the Affected Party, as the case may be, shall immediately be due and owing by the Defaulting Party to the Affected Party and the Defaulting Party shall pay to the Affected Party upon demand the full amount thereof with interest at the Interest Rate from the date of payment (or in the case of a monetary default, the date such sum was due) until such payment is actually received by the Affected Party.

Section 8.4 Lien. The Affected Party is hereby granted a lien upon the Parcel of the Defaulting Party in the amount of any such payment made by the Affected Party or amount not paid by the Defaulting Party, pursuant to Sections 8.1, 8.2 or 8.3, together with interest at the Interest Rate thereon, which amount is not paid within thirty (30) days after demand is made, and said lien may be enforced by judicial foreclosure proceedings against the Defaulting Party's Parcel in accordance with then applicable Virginia law. The Affected Party shall have the right to file with the appropriate governmental office or offices a memorandum of lien, lis pendens or other notice or notices as may be required by law to give notice of such lien and the amount thereof, said notice or notices to be filed after the expiration of said thirty (30)-day period. The lien herein granted shall be prior to and superior to any other liens or encumbrances on the Defaulting Party's Parcel, including any liens arising or attaching before,

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on and/or after the date on which notice of such lien and the amount thereof is filed with the appropriate governmental office or offices, but excluding the lien held by a third party holder of a bona fide first lien Mortgage affecting the Defaulting Party's Parcel recorded prior to the date on which notice of such lien and the amount thereof is filed with the appropriate governmental office or offices (however, notwithstanding the foregoing, such lien created by this Article VIII shall expressly survive any foreclosure or other enforcement action taken under any such first lien Mortgage). Additionally, notwithstanding the foregoing, in no event shall the foreclosure or any other enforcement of such lien created by this Article VIII result in a termination of any lease of any portion of a Parcel or any Improvements thereon.

The holder of a Mortgage on all or any portion of a Parcel shall have the right to be subrogated to the position of the holder of any lien arising pursuant to this Article VIII affecting the property secured by its Mortgage upon payment of the amount secured by such lien.

Section 8.5 No Termination. A breach of this Declaration shall not entitle any party or person to cancel, rescind or otherwise terminate its obligations hereunder.

ARTICLE IX

MORTGAGEE PROTECTION

Each Affected Party giving a notice of default under this Declaration shall send, in accordance with Section 12.7 hereof, a copy of such notice to the Mortgagee under any Mortgage on the Parcel and/or Improvements of the Defaulting Party, provided such Mortgagee or Defaulting Party shall have previously sent such Affected Party a notice informing it of the existence of such Mortgage and the name of the person or officer and the address to which copies of the notices of defaults are to be sent, and such Mortgagee as recipient of notice pursuant to Section 12.7 below shall be permitted to cure any such default not later than sixty (60) days after a copy of the notice of default shall have been sent to such Mortgagee, provided that in the case of a default which cannot with diligence be remedied within such sixty (60)-day period, if such Mortgagee has commenced within such sixty (60)-day period and is proceeding with diligence to remedy such default, then such Mortgagee shall have such additional period as may be reasonably necessary to remedy such default with diligence and continuity, and during any such cure period the Affected Party shall forbear from exercising its remedy to enforce its lien against the Parcel of the Defaulting Party and/or Improvements thereon. Initiation of foreclosure proceedings against a Defaulting Party shall constitute "diligence" by a Mortgagee hereunder so long as such foreclosure proceedings are continuously pursued (provided that a stay issued during any bankruptcy, insolvency, or reorganization proceeding shall not be deemed to defeat continuous pursuance of such foreclosure proceedings). The foregoing requirements to give notice of default to a Mortgagee and allow such Mortgagee an opportunity to cure such default shall not preclude the exercise of any remedies by an Affected Party provided pursuant to Sections 8.2, 8.3 and 8.4 (except to the extent such Affected Party is required to forbear from exercising its lien pursuant to this Article IX). If a condominium association, a homeowners' association or another similar association has been established with respect to a Parcel or Parcels, then for purposes of this Article IX, an Affected Party giving a notice of default shall send such

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notice to the applicable association (or the declarant under the applicable operating documents if such association has not yet been established) in lieu of sending such notice to the Mortgagees (a "Unit Mortgagee") of the members (a "Unit Owner") of the applicable association. The association receiving such default notice shall have the right to cure any such default and/or send a copy of such default notice to the applicable Unit Mortgagee who shall have the right to cure such default.

ARTICLE X

ASSIGNMENT, TRANSFER AND MORTGAGE, LIMITATION OF LIABILITY

Section 10.1 Owner Not Released Except as Provided Herein

(a) If an Owner shall sell, transfer or assign all or any portion of its Parcel it shall (except as provided in this subsection (a) and, in the case of a ground lease, except as modified by Section 10.4), be released from its obligations hereunder with respect to such Parcel or portion thereof accruing from and after the date of such sale, transfer or assignment. It shall be a condition precedent to the release and discharge of any grantor or assignor Owner that the following conditions are satisfied: (a) such grantor or assignor shall give notice to the other Owners of any such sale, transfer, conveyance or assignment concurrently with the filing for record of the instrument effectuating the same (or in the case of a ground lease termination, within thirty (30) days after the termination thereof), and (b) the transferee shall execute and deliver to the other Owners a written statement in which (i) the name and address of the transferee shall be disclosed; and (ii) the transferee shall acknowledge its obligation hereunder and agreement to be bound by this Declaration and perform all such obligations applicable to it in accordance with the provisions of this Declaration. Failure to deliver any such written statement shall not affect the running of any covenants herein with the Parcels, nor shall such failure negate, modify or otherwise affect the liability of any transferee pursuant to the provisions of this Declaration, but such failure shall constitute a default by the transferee hereunder. Notwithstanding anything to the contrary in this Section 10.1(a), the entity or entities to whom Declarant conveys Parcel 1 shall not have the right to sell, transfer or assign all or any portion of the Parcel without the prior written approval of Declarant until the earlier of (x) Substantial Completion of the Initial Development and (y) ten (10) years after the Effective Date; provided however, that nothing herein is intended to limit the Parcel 1 Owner's ability to transfer (I) all or any portion of the Parcel to an Affiliate, (II) if the Initial Development is completed in phases, any portion of the Parcel for which a phase has been finally completed to a third party; (III) all or any portion of the Parcel to an experienced, financially sound apartment, townhome, and/or condominium developer, having the reasonable ability to construct the improvements for its Parcel in accordance with this Declaration and applicable zoning approvals, subject to the Parcel 2 Owner's reasonable approval; or (IV) all or any portion of the Parcel to a Mortgagee (or otherwise prohibit said Mortgagee from exercising its remedies under a Mortgage including, without limitation, obtaining the Parcel through foreclosure or a deed-in-lieu). Any request submitted to the Parcel 2 Owner for approval shall be submitted with detailed information regarding the proposed purchaser or assignee and its plans for the Initial Development.

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(b) If any Parcel is sold or otherwise transferred (including via a ground lease), such transfers shall be subject to this Declaration and the transferees (including the lessee under any new ground lease and the lessor under a ground lease reacquiring possession upon termination of such ground lease) shall be bound by its transferor's obligations hereunder as fully as if such transferees were originally parties hereto, and such obligations shall run with and be binding upon the Parcels and be binding upon all subsequent Owners thereof, including any claims or liens arising under this Declaration against a prior Owner of a Parcel which shall continue as to any transferee of such Parcel. Notwithstanding anything to the contrary herein, in the event that all or any portion of Parcel 1 or Parcel 2 is subject to one or more condominium regimes, any and all such condominium regimes shall be subject and subordinate to this Declaration.

(c) In the event that a Parcel is divided into one or more separate legal lots, or condominiums, each of such separate legal lots shall thereafter be considered to be a "Parcel" as defined in this Declaration and the owners of each such legal lot shall be an "Owner"; provided, however, that, with respect to a condominium, the declarant under the condominium regime and, thereafter as appropriate under the applicable condominium operating documents, the condominium association, as opposed to the individual condominium unit owners, shall be considered the "Owner" hereunder, except as otherwise provided herein. Further, in the event that the multiple owners of a Parcel are members of a homeowner's association, the declarant under the operating documents of the homeowner's association and, thereafter, as appropriate under the applicable documents, the homeowner's association itself, as opposed to the individual members, shall be considered the "Owner" hereunder, except as otherwise provided herein and provided further that the association has the right and authority pursuant to the association's governing documents to undertake such obligations and to assess its members therefor without the approval of the members. In the event that a portion (but not all) of Parcel 1 or an interest therein is conveyed or otherwise transferred such that there is more than one Owner of the land that constituted Parcel 1 as of the Effective Date, then the Owners of such Parcel shall designate one of them who shall have authority to act on behalf of such Owners vis-à-vis the Owner of Parcel 2 and they shall notify the Parcel 2 Owner of said designee. Notwithstanding the foregoing, nothing herein shall affect any of the remedies available to the Parcel 2 Owner pursuant to Article VIII, including, without limitation, the right of self-help and the right to place a lien on the property of any Owner, including any owner of a condominium unit or member of a homeowner's association, pursuant to Section 8.4. No Owner of a legal lot(s) shall be obligated or liable for the acts or omissions of an Owner of another legal lot(s), and the obligations and liabilities of each Owner shall not be joint and several. Each Owner agrees that any claim or right (including lien rights) it may have against another Owner pursuant to this Declaration shall be made or asserted against the applicable Owner(s) and the applicable Parcel(s) whose actions or omissions are at issue. Notwithstanding anything to the contrary contained herein, in the event that the Parcel 1 Owner creates a master owner's association for Parcel 1 and such association has the obligation and authority pursuant to the association's governing documents to undertake the Initial Construction and Maintenance Obligations and has the ability to assess its members therefor without the approval of the members ("Master Association"), the Parcel 2 Owner shall assert any claims or right that the Parcel 2 Owner may have arising from or relating to the Initial Construction and Maintenance Obligations against the Master Association. Until a Master Association satisfying the requirements of the previous sentence is created, the Owners of

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Parcel 1 shall be jointly and severally liable for the Initial Construction and Maintenance Obligations. As used herein, "Initial Construction and Maintenance Obligations" shall mean only the obligations of the Parcel 1 Owner pursuant to Article 3, the expansion of the existing storm water detention pond pursuant to Section 5.2, and the obligation of the Parcel 1 Owner to maintain the Current Access Area, Access Easement Area and Storm Water Easement Area as set forth in this Declaration.

Section 10.2 Possessory Party Remains Responsible. Notwithstanding anything to the contrary herein contained, if any Owner shall (i) convey all or any portion of its Parcel in connection with a sale and leaseback or lease and sublease back, and it shall simultaneously become vested with a leasehold estate or similar possessory interest in its Parcel by virtue of a lease made by the grantee or lessee, as the case may be, or (ii) shall convey all or any portion of its Parcel or its interest therein by way of a Mortgage and retain its possessory interest in its Parcel, then, in neither of such events shall the assignee of this Declaration under such sale and leaseback or lease and sublease back, or the Mortgagee or beneficiary under any such Mortgage, be deemed to be an Owner with respect to such Parcel or portion thereof or to have assumed or be bound by any of such Owner's obligations hereunder for so long as such Owner shall retain such possessory interest, and such obligations and the status as an Owner hereunder with respect to such Parcel or portion thereof shall continue to remain solely those of such Owner so long as such Owner retains such possessory interest, and performance by such Owner of any act required to be performed under this Declaration by it or fulfillment of any condition of this Declaration by such Owner shall be deemed the performance of such act or the fulfillment of such condition and shall be acceptable to the Owners with the same force and effect as if performed or fulfilled by such assignee, lessor, subsequent Owner or Mortgagee or beneficiary.

Section 10.3 Rights of Parties. Notwithstanding anything to the contrary contained in this Declaration, each Owner may mortgage its Parcel or its interest therein and/or sell and leaseback or lease and sublease back its Parcel or its interest therein, and, in connection with any such transaction, assign its interest in this Declaration. If any such Mortgage is foreclosed or a deed delivered in lieu of foreclosure, or if any Owner shall have entered into a sale and leaseback or a lease and sublease back transaction involving its Parcel and any such Owner is the lessee or sublessee thereunder and such lessee or sublessee shall be deprived of possession of such Parcel by reason of its failure to comply with the terms of such leaseback or sublease back, any person or entity who has acquired, or shall thereafter acquire, title to such Parcel or a leasehold estate therein shall hold the same subject to all other terms, provisions, covenants, conditions and restrictions contained in this Declaration.

Section 10.4 Ground Leases. If any Owner of fee simple title to a Parcel has entered into, or shall enter into, a ground lease of its entire Parcel, then the lessee under such ground lease shall be deemed to be the Owner of such Parcel and to have assumed or be bound by any and all of such Owner's obligations (including, if applicable, the obligation to serve as the Parcel 1 Owner) hereunder for so long as such lessee shall be the lessee under such ground lease, and such obligations and the status as an Owner hereunder shall continue to remain solely those of such lessee so long as such lessee shall be the lessee under such ground lease. The lessor under any such ground lease shall not be the Owner of the Parcel, and shall not have any of the rights or obligations of an Owner hereunder until such time as the ground lease terminates or

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expires, provided, that such lessor shall, at no cost or expense to such lessor, cooperate in good faith with the lessee if the involvement of the lessor is reasonably necessary under the circumstances. Upon such termination or expiration of such ground lease, the lessor thereunder shall become the Owner of the Parcel subject to and bound by the terms of this Declaration.

Section 10.5 Limitation of Liability. No Owner or its partners, venturers, employees, shareholders, affiliates, officers, directors, agents, representatives, advisors, or consultants shall have any personal liability for its or their failure to perform any covenant, term or condition of this Declaration, it being expressly declared that any money judgment recovered against any Owner shall be satisfied only out of, and the sole and exclusive recourse of any Owner damaged as a result of such default shall be against, the right, title and interest of such Owner in the Parcel involved and the Improvements thereon, including the proceeds of sale received upon execution of such judgment thereon, against the right, title and interest of such Owner in the Parcel involved and the Improvements thereon and the rents or other income or revenue from such property receivable by such Owner or the consideration received by such Owner from the sale or other disposition (including a condemnation) of all or any part of such Owner's right, title and interest in the Parcel involved and Improvements thereon or the insurance proceeds received by such Owner respecting any casualty affecting the Improvements.

Section 10.6 Priority of Declaration. This Declaration and the rights, interests, liens (subject to the provisions of Section 8.4 above), and easements created hereunder shall be prior and superior to any Mortgage or other lien upon or against any Owner's Parcel other than such liens as by law have priority over the lien and operation of this Declaration.

ARTICLE XI

GENERAL INSURANCE AND CONDEMNATION PROVISION

Section 11.1 Waiver of Subrogation. EACH OWNER HEREBY WAIVES ANY AND ALL CLAIMS WHICH ARISE, OR MAY ARISE, IN ITS FAVOR AGAINST ANY OTHER OWNER, FOR ANY AND ALL LOSS OF, OR DAMAGE TO, ANY OF ITS PROPERTY, INSURABLE UNDER ALL RISK POLICIES OF INSURANCE CUSTOMARILY AVAILABLE AT THE APPLICABLE TIME.

Section 11.2 Insurance.

(a) Each Owner shall continuously maintain separate policies of commercial general liability insurance issued by and binding upon insurance companies authorized to transact business in Virginia and of good financial standing and has a Best's Rating of A or better and a Financial Size Category of X or larger, such insurance to afford minimum protection of not less than \$10,000,000 in respect of bodily injury or death and/or property damage in respect of any one occurrence.

(b) Each Owner shall, on the request of another Owner, promptly furnish the requesting Owner a certificate evidencing the former Owner's compliance with the insurance

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coverage requirements of this Article XI. No Owner shall be required during any given 365-day period to honor more than one such request from each other Owner, unless an Owner states its reason for believing that a policy may have been cancelled. Upon request, any Owner shall permit any other Owner or its representative at such requesting Owner's cost and expense to inspect and copy any insurance policy required under this Article XI. Such inspection shall be at the place of business of the Owner requested to produce such policy or policies during Normal Business Hours.

(c) The limits of coverage required hereunder shall be adjusted from time to time throughout the term of this Declaration by agreement of all Owners, each acting reasonably, to limits then applicable for comparable projects.

(d) Each Owner (but not the declarant or association, as applicable, under a condominium regime) shall have the right, at its option, to comply with and satisfy its obligations under this Article XI by means of any so-called blanket policy or policies of insurance covering this and other locations of such Owner, provided that such policy or policies by the terms thereof shall allocate to the liabilities to be insured hereunder an amount not less than the amount of insurance required to be carried pursuant to this Article XI and shall not diminish the obligations of the particular Owner to carry insurance, so that the proceeds from such insurance shall be an amount not less than the amount of proceeds that would be available if the Owner were insured under a policy applicable only to the applicable Parcel.

(e) If a condominium association, a homeowners' association or another similar association has been established with respect to a Parcel or Parcels, then for purposes of maintaining the insurance required under this Section 11.2, the term "Owner" shall mean the applicable association (or the declarant under the applicable operating documents if such association has not yet been established) instead of the individual members of the applicable association provided that the association has the right and authority pursuant to the association's governing documents to undertake such obligations and to assess its members therefor without the approval of the members.

Section 11.3 Indemnification by Owners. Subject to Section 11.1 hereof, each Owner shall defend, indemnify and save the other Owners harmless against and from all claims, loss, damages, costs and expenses (including, without limitation, reasonable attorney's fees) because of bodily injury or death of persons or destruction of property resulting from or arising out of such Owner's construction on and/or use, occupancy or possession of its Parcel, the Access Easement Area, the Access Easement, the Current Access Area, the Overflow Parking and/or any other Owner's Parcel, except to the extent caused by the acts or omissions of another Owner.

Section 11.4 Taking. If a Taking affecting any Parcel occurs, the following shall apply:

(a) any award of compensation or damages for a Taking of a Parcel, or any portion thereof, or the Improvements thereon, shall belong and be payable solely to the Owner

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that owns the Parcel taken and no other Owner shall share in such award, except as expressly provided below;

(b) any proceeds attributable to the Access Easement Area, any Access Improvement or any Access Monument Sign shall be paid to the Parcel 1 Owner and the Parcel 1 Owner shall use such proceeds to restore the Access Improvements or Access Monument Sign as nearly as possible to its condition immediately prior to such Taking to permit the continued use thereof. To the extent the cost of restoring such Access Improvements or Access Monument Sign exceeds the amount of proceeds available therefor, (i) as to the Access Improvements, each Owner shall be responsible for such excess in the same proportion as each such Owner is obligated to pay the Access Expenses pursuant to Section 3.5 and (ii) the Owner whose Access Monument Sign was taken as to any Access Monument Sign shall be responsible for such excess; and

(c) if, as a result of a Taking, the Access Easement is extinguished or materially impaired or the Access Monument Sign may no longer be maintained, then changes shall be made to provide an access easement and/or appropriate monument signage rights comparable to the extent commercially practicable under the circumstances to the Access Easement and monument signage rights created or reserved under this Declaration.

Section 11.5 Tax Payments and Contests. Each Owner shall pay all taxes, assessments, use and occupancy taxes, water and sewer charges, rates and rents, charges for public utilities, excess levies, license and sales and permit fees and taxes, and other charges by public authority, general and special, ordinary and extraordinary, foreseen and unforeseen, of any kind and nature whatsoever, which shall be assessed, levied, charged, confirmed, imposed or applicable to a Parcel owned by such Owner or Improvements thereon. Each of the Owners may, at its expense, by appropriate proceedings, and after thirty (30) days' written notice to the other Owners, contest the validity, applicability, or amount of any such taxes and assessments applicable to its Parcel or Improvements thereon. Such contest must be made in good faith and must not allow the affected Parcel to be forfeited or placed in jeopardy of being forfeited.

ARTICLE XII

MISCELLANEOUS

Section 12.1 Covenants Run with the Land. All of the provisions, rights, powers, easements, covenants, conditions and obligations contained in this Declaration shall be binding upon and inure to the benefit of the Owners, their respective successors and assigns. Each covenant to do or refrain from doing some act on each Parcel hereunder (a) is for the benefit of the other Parcels, (b) runs with each Parcel, and (c) shall benefit or be binding upon each successive Owner during its period of ownership of each Parcel.

Section 12.2 Recordation. This Declaration shall become effective and binding upon the Owners and their respective successors in interest upon the Effective Date and shall be promptly recorded in the real property records of Fairfax County, Virginia.

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Section 12.3 Termination and Amendment.

(a) Except as otherwise specified in this Declaration (including, without limitation Section 12.17 which may be terminated by the Parcel 1 Owner alone), this Declaration may be canceled, changed, modified or amended in whole or in part only by written and recorded instrument executed by all Owners (and their respective Mortgagees); provided, however, that with respect to any Parcel for which a condominium association, a homeowners' association or another similar association has been established, the consent of a majority of the Unit Owners of each such association (and their respective Mortgagees) shall satisfy the requirements of this Section 12.3(a).

(b) The Owners shall use reasonable efforts to cooperate to consider reasonable modifications to this Declaration at the request of another Owner, and it shall not be reasonable for an Owner to withhold its cooperation or consent to any modification that neither adversely affects in a material manner such Owner's development or use of its respective Parcel as permitted in this Declaration nor increases such owner's obligations and/or liabilities hereunder.

Section 12.4 Approvals. Whenever approval or consent is required of any Owner, unless provision is made for a specific time period, approval or consent shall be required within twenty (20) Business Days after such Owner's receipt of the written request for approval or consent and such Owner shall be deemed to have consented if such Owner does not reply within said twenty (20)-Business Day period (provided such notice conspicuously states in bold letters that failure to respond within such twenty (20)-Business Day period shall be deemed consent). Whenever time periods are specified for approval herein (other than in the previous sentence) and the applicable Owner does not respond within the stated time period, the Owner requesting a response shall, at the end of the stated time period, deliver a second request for response in which event the responding Owner shall have ten (10) Business Days from receipt of the requesting Owner's second notice to respond. The responding Owner shall be deemed to have consented if such Owner does not reply within said ten (10)-Business Day period (provided such request or notice conspicuously states in bold letters that failure to respond within such ten (10)-Business Day period shall be deemed consent). If an Owner shall disapprove any matter as to which its consent is requested hereunder, the reasons therefor shall be stated in reasonable detail in writing. The consent or approval by an Owner to or of any act or request by any Owner shall not be deemed to waive or render unnecessary consent or approval to or of any similar or subsequent acts or requests. Except as otherwise expressly provided herein, any consent or approval rights granted to an Owner pursuant to this Declaration as it relates to another Owner shall be exercised in such Owner's reasonable discretion, without undue delay or conditions.

Section 12.5 Excusable Delays. Whenever performance is required of any Owner hereunder, that Owner shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however, that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, strikes, picketing, or other labor disputes, unavailability of labor or materials or damage to work in progress by reason of fire or other casualty or cause beyond the reasonable control of an Owner (financial inability,

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imprudent management or negligence excepted), the inability to obtain necessary governmental approvals, the discovery of hazardous materials or a failure of an Owner to timely act in a manner required herein, then the time for performance as herein specified shall be appropriately extended by the amount of the delay actually so caused. As used in this Declaration, an Owner's obligation to use or act with "due diligence," "diligent efforts" or words of similar meaning or import, or take any action required to "diligently complete," "diligently pursue" or words of similar meaning or import, shall be deemed satisfied if such Owner acts with or uses commercially reasonable efforts under the circumstances.

Section 12.6 Severability. Invalidation of any of the provisions contained in this Declaration, or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect, unless enforcement of this Declaration as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Declaration.

Section 12.7 Notice. Any notice to any Owner shall be in writing and given by delivering the same to such Owner in person, by expedited, private carrier service (such as Federal Express), or by sending the same by registered or certified mail, return receipt requested, with postage prepaid to the Owner's mailing address. Copies of certain notices are required to be sent to Mortgagees pursuant to Article IX of this Declaration. Notices shall be sent to the Declarant and the Parcel 2 Owner as follows:

Declarant/Parcel 2 Owner: Campus Point Realty Corporation
10260 Campus Point Drive
San Diego, California 92121
Attn: SAIC Corporate Real Estate

and with a copy to: Gary E. Humes
Arnold & Porter
555 Twelfth Street, N.W.
Washington, DC 20004-1206

Any Owner may change its mailing address at any time by giving written notice of such change to the other Owners in the manner provided herein at least ten (10) days' prior to the date such change is to be effective. Additionally, each Owner may designate up to two (2) additional addresses to which copies of all notices shall be sent. All notices under this Declaration shall be deemed given, received, made or communicated on the date personal delivery is effected, or if mailed, on the delivery date or attempted delivery date shown on the return receipt, provided that any such notice set forth above is tendered prior to 6:00 P.M. in the time zone where the recipient of such notice is located on any Business Day (failing which such notice shall be deemed given, received, made or communicated on the next Business Day).

Section 12.8 Litigation Expenses. If any party shall bring a legal or equitable proceeding against any other party to this Declaration by reason of the breach or alleged violation of any covenant, condition, restriction, easement, term or obligation hereof, or for the

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enforcement of any provision hereof or otherwise arising out of this Declaration, the prevailing party in such proceeding shall be entitled to recover from the non-prevailing party the reasonable costs, fees and expenses (including, without limitation, reasonable attorneys' fees) incurred by such prevailing party in connection with such proceeding, which shall be payable whether or not such action is prosecuted to judgment.

Section 12.9 Governing Law; Place of Performance. This Declaration and all rights and obligations created hereby shall be governed by the laws of the Commonwealth of Virginia, without reference to the choice of laws principles thereof.

Section 12.10 Non-Merger. The ownership, at any time during the term of this Declaration, of more than one Parcel by the same Owner shall not create a merger of title or estate, or other merger, including any merger of the dominant and servient estate with respect to easements created in this Declaration, and shall therefore not terminate any of the easements, restrictive covenants, or other terms or provisions of this Declaration.

Section 12.11 Term; Termination. The terms, covenants, provisions and conditions of this Declaration shall be effective as of the Effective Date and shall continue to be binding upon and inure to the benefit of any Owner from time to time and all persons, parties and entities claiming by, through or under any of them in perpetuity unless all persons or entities having an interest therein shall agree to terminate or otherwise modify the same.

Section 12.12 Time. Time is of the essence of this Declaration and each and every provision hereof.

Section 12.13 Estoppel Certificate. Any Owner may, at any time and from time to time, deliver written notice to any other Owner requesting such other Owner to certify in writing (a) that to the best knowledge of the certifying Owner, the requesting Owner is not in default in the performance of its obligations under this Declaration, or, if in default, to describe therein the nature and amount of any and all defaults, and (b) to such other reasonable matters as the requesting Owner may request. Each Owner receiving such request shall execute and return such certificate within ten (10) Business Days following the receipt thereof. Such certificate may be relied upon by actual or prospective purchasers, investors, tenants, transferees, lenders, mortgagees, deed of trust beneficiaries and leaseback lessors.

Section 12.14 No Partnership, Joint Venture or Principal-Agent Relationship. Neither anything in this Declaration nor any acts of an Owner shall be deemed by the Owners, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between the Owners (except as expressly set forth herein), and no provisions of this Declaration are intended to create or constitute any person or entity a third party beneficiary hereof.

Section 12.15 Headings; Exhibits; Gender. Captions in this Declaration are for convenience of reference only, and shall not be considered in the interpretation of this Declaration. All exhibits referenced in this Declaration are incorporated in this Declaration by this reference as if fully set forth herein. Whenever required by the context, the singular shall

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include the plural, the neuter gender shall include the male gender and female gender, and vice versa.

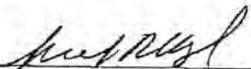
Section 12.16 Separate Parcel 1 Covenants. The initial owner of Parcel 1, after Declarant, shall have the right, from time to time and without the consent of the Parcel 2 Owner, to record separate covenants benefiting and/or burdening Parcel 1 and the owners thereof provided such covenants are and remain subordinate to this Declaration and do not impact the liabilities or obligations set forth herein.

Section 12.17 Overflow Parking Spaces. The Parcel 2 Owner shall provide to the Parcel 1 Owner, for the benefit of the residents of Parcel 1, the right to use a minimum of 150 parking spaces on Parcel 2 during non-business hours on weekdays (*i.e.* after 6:00 p.m.) and on weekends ("Overflow Parking"). Prior to the sale or rental of the first housing units on Parcel 1, the Parcel 1 Owner or the Master Association shall establish, subject to the reasonable approval of the Parcel 2 Owner, reasonable rules and regulations for the use of the Overflow Parking. The Master Association (or, before there is a Master Association, the Parcel 1 Owner) shall enforce such rules and regulations. If the Parcel 1 Owner or the Master Association, as applicable, fails to establish and/or enforce such rules and regulations, in addition to any other remedies that may be available to it, the Parcel 2 Owner shall have the right to terminate the Parcel 1 Owner's right to use the Overflow Parking by sending a notice to the Parcel 1 Owner and, if the Parcel 2 Owner so elects, recording the same in the land records.

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IN WITNESS WHEREOF, the undersigned has executed and acknowledged this Declaration to be effective as of the Effective Date.

CAMPUS POINT REALTY CORPORATION,
a California corporation

By: 
Name: FREDERICK HARZO
Title: PRESIDENT

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ACKNOWLEDGMENT

State of California }
County of San Diego }

On January 25, 2005, before me, Mary E. Hyder, Notary Public, personally appeared Frederick R. Hazard, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(x) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Mary E. Hyder
Signature of Notary



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EXHIBITS:

- Exhibit A-1 Description of Parcel 1
- Exhibit A-2 Description of Parcel 2
- Exhibit B Access Easement Area (and Access Monument Sign Area)
- Exhibit C-1 Storm Water Easement Area
- Exhibit C-2 Storm Water Detention Ponds
- Exhibit D-1 Relocated Parking
- Exhibit D-2 Temporary Parking
- Exhibit E Current Access Area
- Exhibit F Outlot Parcels
- Exhibit G Telephone and Data Cables

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REVISED JANUARY 25, 2005
JANUARY 20, 2005

**EXHIBIT A-1A
DESCRIPTION OF
PARCEL 1A
THE RESERVE AT TYSONS CORNER
BEING
A PORTION OF
THE PROPERTY OF
CAMPUS POINT REALTY CORPORATION,
as successor in interest to
CAMPUS POINT REALTY CORPORATION, II
DEED BOOK 11073 PAGE 890
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Being a portion of the property described in a conveyance to Campus Point Realty Corporation, successor in interest to Campus Point Realty Corp., II as recorded in Deed Book 11073 at Page 890 all among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point on the southwesterly corner of Tysons Executive Village as recorded in Deed Book 9777 at Page 1353 among the aforementioned Land Records, said point also being on the northerly line of Lot 9, Courthouse Station (Deed Book 7195 Page 438); thence running with a portion of Courthouse Station

1. North 79°10'45" West, 417.85 feet to a point being the southeasterly corner of Courts of Tyson (Deed Book 6020 Page 699); thence leaving Courthouse Station and running with Courts of Tyson and continuing so as to cross and include a portion of the aforesaid property of Campus Point Realty Corp II the following eleven (11) courses and distances:
2. North 10°50'42" East, 515.46 feet to a point; thence
3. North 11°48'13" West, 264.60 feet to a point; thence
4. North 79°09'07" West, 449.29 feet to a point; thence
5. 58.12 feet along the arc of the curve to the right having a radius of 37.00 feet and a chord bearing and distance of North 34°09'07" West, 52.33 feet to a point; thence

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McLean, VA Germantown, MD

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6. North 10°50'53" East, 128.62 feet to a point; thence
7. North 79°09'07" West, 192.48 feet to a point; thence
8. South 64°49'49" West, 21.66 feet to a point; thence
9. South 10°50'53" West, 57.89 feet to a point; thence
10. North 79°09'07" West, 58.98 feet to a point; thence
11. South 10°50'53" West, 102.68 feet to a point; thence
12. North 79°09'07" West, 27.40 feet to a point lying on the easterly right of way line of Gallows Road – Route 650 (width varies); thence running with a portion of said easterly right of way line
13. 52.71 feet along the arc of the curve to the left having a radius of 416.60 feet and a chord bearing and distance of North 06°56'31" West, 52.68 feet to a point; thence
14. 46.73 feet along the arc of a curve to the right having a radius of 35.54 feet and a chord bearing and distance of North 27°08'36" East, 43.43 feet to a point; thence departing Gallows Road and running so as to cross and include a portion of the subject property (Deed Book 11073 Page 890) the following nine (9) courses and distances
15. South 21°00'02" West, 19.05 feet to a point; thence
16. South 62°49'39" East, 13.72 feet to a point; thence
17. North 27°10'21" East, 46.73 feet to a point; thence
18. North 64°49'49" East, 240.41 feet to a point; thence
19. 125.73 feet along the arc of a curve to the right having a radius of 200.00 feet and a chord bearing and distance of North 82°50'21" East, 123.67 feet to a point; thence
20. South 79°09'07" East, 424.76 feet to a point; thence
14. 175.26 feet along the arc of a curve to the right having a radius of 168.00 feet and a chord bearing and distance of South 48°15'56" East, 167.42 feet to a point; thence
15. South 19°22'46" East, 121.31 feet to a point; thence
16. North 73°33'08" East, 169.34 feet to a point on the westerly right-of-way line of Interstate Route 495 (variable width right-of-way); thence running with Interstate Route 495 the following three (3) courses and distances

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17. South $16^{\circ}26'52''$ East, 64.26 feet to a point of curvature; thence
18. 423.65 feet along the arc of a curve to the right having a radius of 11,809.16 feet and a chord bearing and distance of South $11^{\circ}28'32''$ East, 423.63 feet to a point; thence leaving said Interstate Route 495 and running with the westerly line of the aforementioned Tysons Executive Village the following course and distance
19. South $10^{\circ}54'22''$ West, 485.88 to the point of beginning containing 540,309 square feet or 12.40379 acres of land.

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REVISED JANUARY 25, 2005
JANUARY 20, 2005

EXHIBIT A-1B
DESCRIPTION OF
PARCEL 1B
THE RESERVE AT TYSONS CORNER
BEING
A PORTION OF
THE PROPERTY OF
CAMPUS POINT REALTY CORPORATION,
as successor in interest to
CAMPUS POINT REALTY CORPORATION, II
DEED BOOK 11073 PAGE 890
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

Being a portion of the property described in a conveyance to Campus Point Realty Corporation, successor in interest to Campus Point Realty Corp., II as recorded in Deed Book 11073 at Page 890 all among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point lying on the easterly right of way line of Gallows Road – Route 850 (width varies), said point also marking the northwesterly corner of the Courts of Tysons (D.B. 6020, Pg. 699); thence leaving said northwesterly corner and running with said easterly right of way line of Gallows Road the following three (3) courses and distances

1. North 11°10'53" East, 142.86 feet to a point of curvature (non-tangent); thence
2. 43.43 feet along the arc of a curve to the left having a radius of 209.00 feet and a chord bearing and distance of North 17°08'03" East, 43.36 feet to a point of compound curvature; thence
3. 105.42 feet along the arc of a curve to the left having a radius of 416.80 feet and a chord bearing and distance of North 03°55'54" East, 105.13 feet to a point; thence leaving the aforesaid right of way line of Gallows Road and running so as to cross and include a portion of the aforesaid property of Campus Point Realty Corp II, the following eleven (11) courses and distances:
4. South 79°09'07" East, 27.40 feet to a point; thence

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5. North $10^{\circ}50'53''$ East, 102.68 feet to a point; thence
6. South $79^{\circ}09'07''$ East, 58.98 feet to a point; thence
7. North $10^{\circ}50'53''$ East, 57.89 feet to a point; thence
8. North $64^{\circ}49'49''$ East, 21.66 feet to a point; thence
9. South $79^{\circ}09'07''$ East, 192.48 feet to a point; thence
10. South $10^{\circ}50'53''$ West, 128.62 feet to a point; thence
11. 58.12 feet along the arc of the curve to the left having a radius of 37.00 feet and a chord bearing and distance of South $34^{\circ}09'07''$ East, 52.33 feet to a point; thence
12. South $79^{\circ}09'07''$ East, 449.29 feet to a point; thence
13. South $11^{\circ}48'13''$ East, 264.60 feet to a point; thence
14. South $10^{\circ}50'42''$ West, 53.81 feet to a point marking the northeasterly corner of the aforesaid Courts of Tysons (D.B. 6020, Pg. 699); thence running with the northerly line of said Courts of Tysons
15. North $79^{\circ}09'07''$ West, 877.50 feet to the point of beginning containing 289,077 square feet or 6.63629 acres of land.

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REVISED JANUARY 26, 2005
 REVISED JANUARY 25, 2005
 JANUARY 20, 2005

**EXHIBIT A-2
 DESCRIPTION OF
 PARCEL 2
 RESERVE AT TYSONS CORNER
 BEING
 A PORTION OF
 THE PROPERTY OF
 CAMPUS POINT REALTY CORPORATION,
 as successor in interest to
 CAMPUS POINT REALTY CORPORATION, II
 DEED BOOK 11073 PAGE 890
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Being a portion of the property described in a conveyance to Campus Point Realty Corporation, successor in interest to Campus Point Realty Corp., II as recorded in Deed Book 11073 at Page 890 all among in the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point on the southeasterly corner of 1951 Kidwell LP as recorded in Deed Book 9093 at Page 755 among the aforementioned Land Records, said point also being on the southerly right-of-way line of Interstate Route 495 (variable width right-of-way); thence running with Interstate Route 495 the following four (4) courses and distances

1. South 15°00'02" East, 152.09 feet to a point; thence
2. South 45°45'10" East, 458.38 feet to a point; thence
3. South 24°08'10" East, 256.84 feet to a point; thence
4. South 16°26'52" East, 344.89 feet to a point; thence leaving the aforementioned southerly right-of-way line of Interstate Route 495 and running so as to cross and include a portion of the aforementioned property of Campus Point Realty Corp. II the following nine (9) courses and distances
5. South 73°33'08" West, 169.34 feet to a point; thence
6. North 19°22'46" West, 121.31 feet to a point; thence

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7. 175.26 feet along the arc of a curve to the left having a radius of 168.00 feet and a chord bearing and distance of North 49°15'58" West, 167.42 feet to a point; thence
8. North 79°09'07" West, 424.76 feet to a point; thence
9. 125.73 feet along the arc of a curve to the left having a radius of 200.00 feet and a chord bearing and distance of South 82°50'21" West, 123.67 feet to a point; thence
10. South 64°49'49" West, 240.41 feet to a point; thence
11. South 27°10'21" West, 46.73 feet to a point; thence
12. North 62°49'39" West, 13.72 feet to a point; thence
13. North 21°00'02" East, 19.05 feet to a point; thence running with Gallows Road, State Route 650 (width varies) and continuing with Kidwell Drive, State Route 736 (width varies) the following seven (7) courses and distances
14. North 51°51'56" East, 20.02 feet to a point; thence
15. South 64°51'20" West, 19.51 feet to a point; thence
16. North 32°24'41" West, 19.61 feet to a point; thence
17. North 11°10'32" East, 133.81 feet to a point of curvature (non-tangent); thence
18. 153.62 feet along the arc of a curve to the left having a radius of 50.00 feet and a chord bearing and distance of North 20°45'35" East, 99.94 feet to a point of reverse curvature; thence
19. 21.16 feet along the arc of a curve to the right having a radius of 25.00 feet and a chord bearing and distance of North 42°55'44" West, 20.54 feet to a point; thence
20. North 11°10'32" East, 636.22 feet to a point; thence leaving Kidwell Drive – Route 736 and running with southerly line of the aforementioned 1951 Kidwell LP the following three (3) courses and distances
21. South 78°19'06" East, 102.25 feet to a point; thence
22. North 73°31'20" East, 167.84 feet to a point; thence
23. South 89°58'51" East, 123.97 to the point of beginning containing 640,580 square feet or 14.70570 acres of land.

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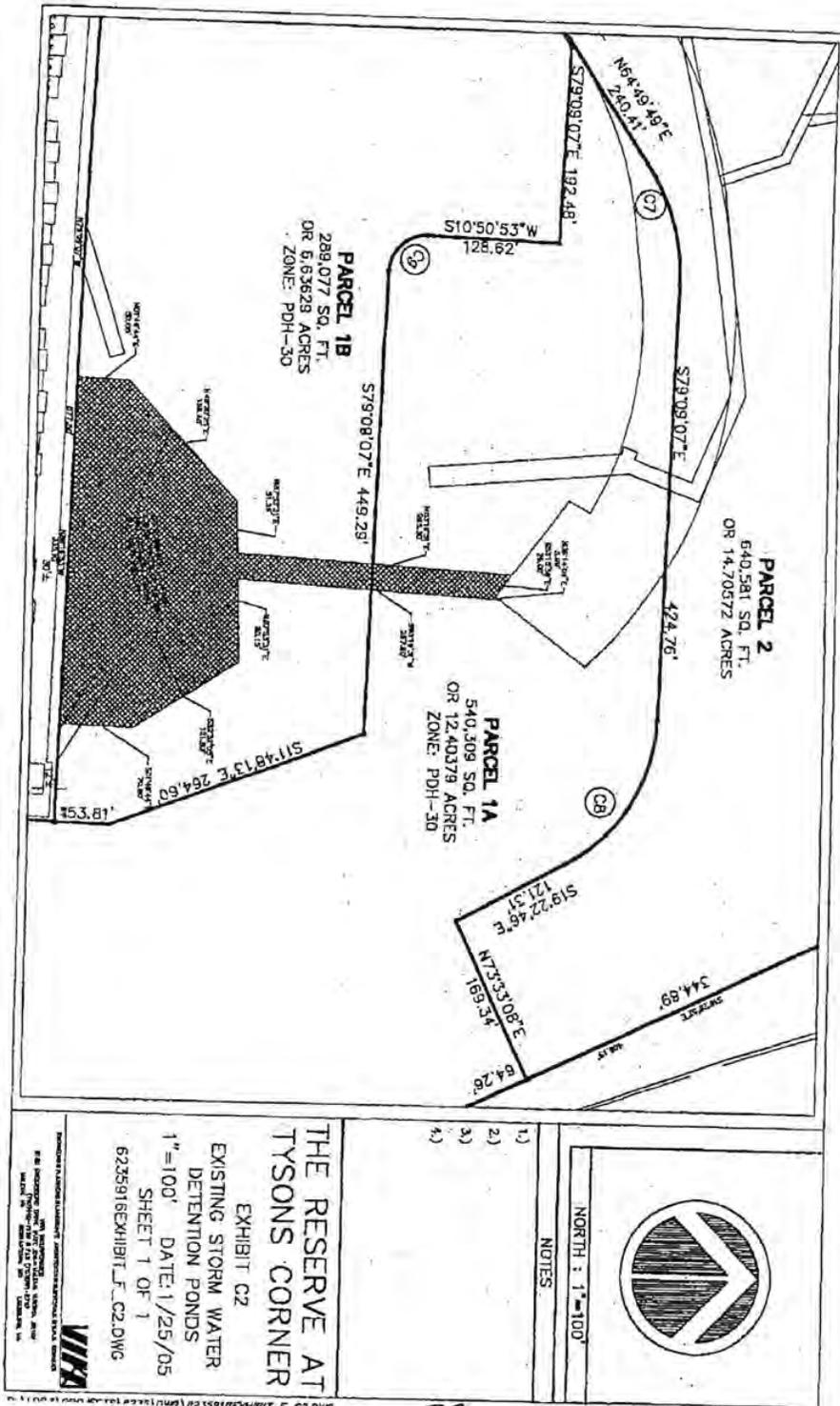
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Plat Attached

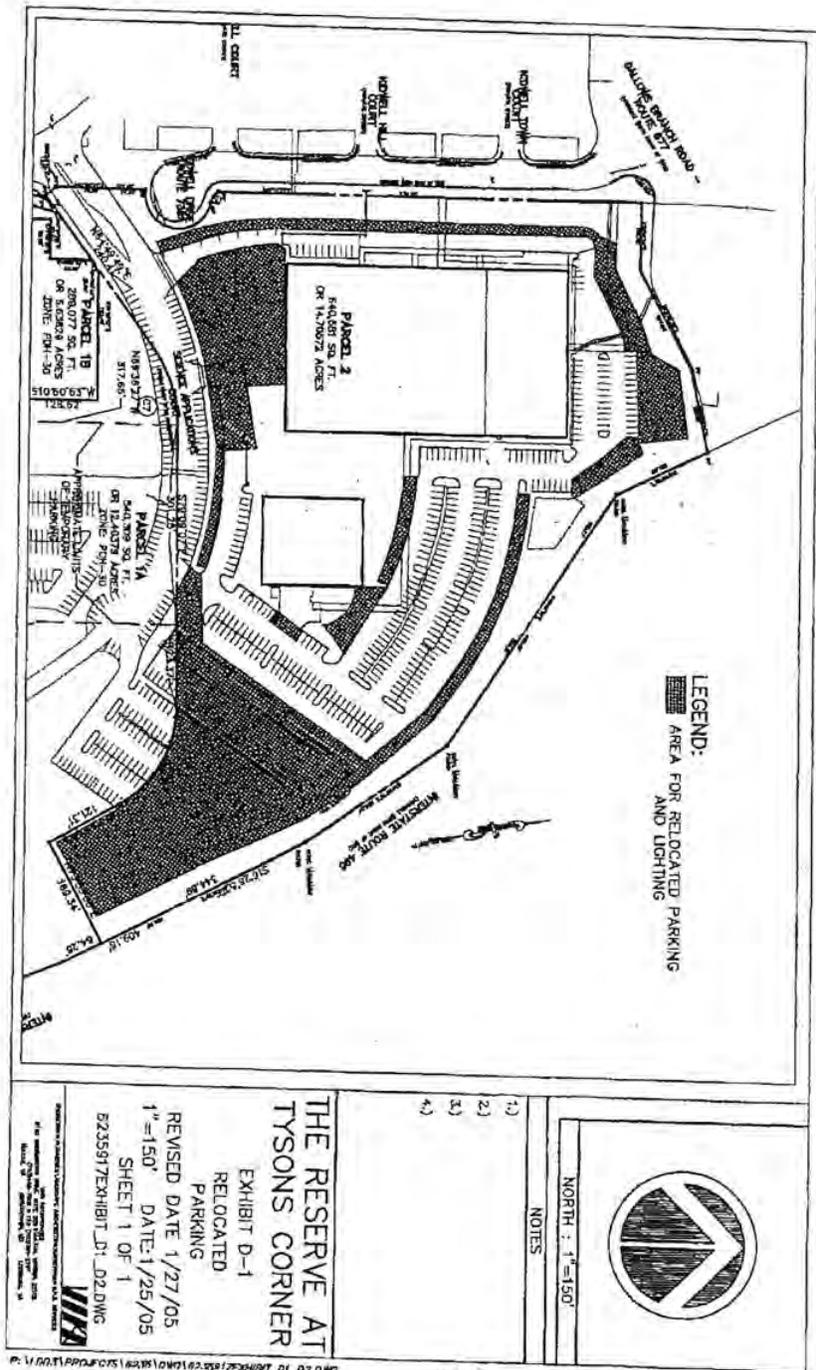
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 STATE OF OHIO
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LEGEND:
 AREA FOR RELOCATED PARKING AND LIGHTING



NORTH : 1°=150'

NOTES

- 1.)
- 2.)
- 3.)
- 4.)

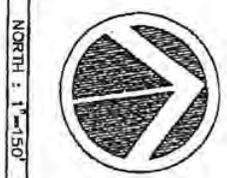
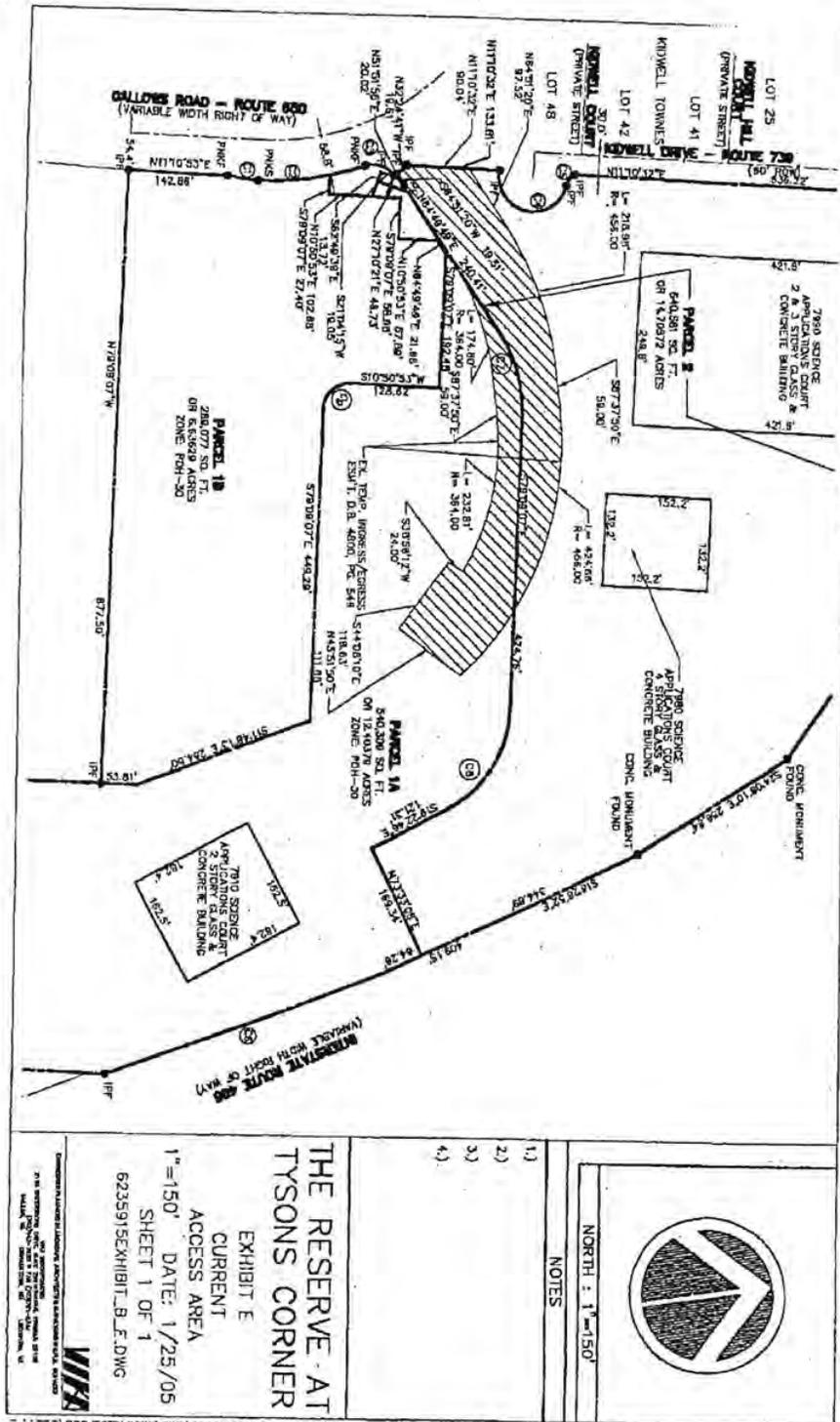
THE RESERVE AT TYSONS CORNER
 EXHIBIT D-1
 RELOCATED PARKING

REVISED DATE 1/27/05
 1"=150' DATE: 1/25/05
 SHEET 1 OF 1
 B23597EXHIBIT_D1_02.DWG

PREPARED BY: [Firm Name]
 CHECKED BY: [Firm Name]
 DATE: [Date]

07

BK 16927 2237



NORTH : 1"=150'

NOTES

- 1.)
- 2.)
- 3.)
- 4.)

THE RESERVE AT TYSONS CORNER

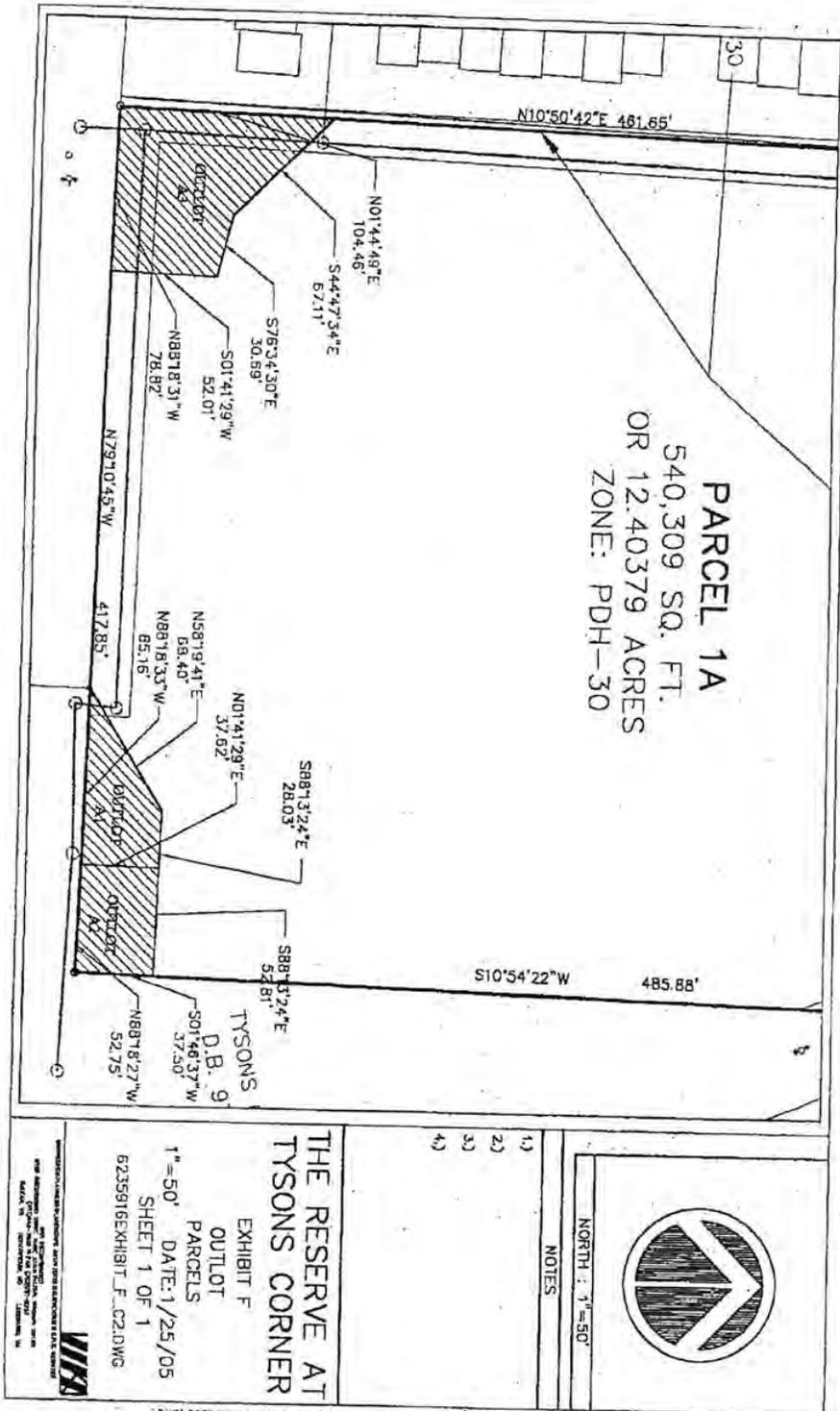
EXHIBIT E
CURRENT
ACCESS AREA

1"=150' DATE: 1/25/05
SHEET 1 OF 1
6235915EXHIBIT_B.F.DWG



WASHINGTON PROFESSIONAL ARCHITECTS, INC. (WPA)
1700 WASHINGTON AVENUE, SUITE 200
ARLINGTON, VA 22202
TEL: 703-525-8800 FAX: 703-525-8801
WWW.WPA-VA.COM

BK 16927 2238



43



Lucia Anna Trigiani, Esq.
MercerTrigiani
112 South Alfred Street
Alexandria, VA 22314

Re: Interpretation for RZ/FDP 2003-PR-008; The Reserve at Tysons Corner; Tax Map Numbers 39-2 ((56)) A1, B3, 1-92, 39-2 ((1)) 13A5 and A6: Parking Obligation

Dear Ms. Trigiani:

This determination is in response to your letter of December 22, 2016, requesting an interpretation of the proffers, as well as the approved development conditions and Conceptual/Final Development Plan (C/FDP), accepted and approved in conjunction with the above-referenced application. As I understand it, you are requesting an interpretation of proffer language relating to parking on an adjacent offsite parcel. Specifically, your request concerns whether the proffers accepted in RZ/FDP 2003-PR-008 create a continuing obligation to provide offsite parking on an adjacent property (aka the "Meridian Property"). This determination is based upon your letter dated December 22, 2016, and Exhibit 1, entitled "Proffers RZ 2003-PR-008" dated March 14, 2004. Copies of this letter and exhibits are attached.

The subject property is located on the east side of Kidwell Drive, south of Leesburg Pike, west of Interstate 495 and south of Science Applications Court. The property is zoned PDH-30 pursuant to the approval of RZ 2003-PR-008 by the Board of Supervisors on March 15, 2004, with the Planning Commission approving FDP 2003-PR-008 on April 7, 2004, subject to proffers and development conditions. These applications permitted development of the property with 92 single-family attached and 478 multi-family dwelling units.

Prior to the approval of RZ/FDP 2003-PR-008, the subject property was part of a larger 33.74-acre property identified as Tax Map Number 39-2 ((1)) Parcel 13. This larger property was originally zoned to the I-P District (now I-3) pursuant to the approval of RZ 75-7-004 by the Board of Supervisors on October 29, 1975, subject to proffers. In 2003, two concurrent applications were submitted by Lincoln Property Company Southwest, Inc., in order to develop a portion of this overall property with the residential development described above. PCA 75-7-004-02 was submitted and approved on the entire 33.74 acres in order to delete 19.04 acres from RZ 75-7-004. RZ/FDP 2003-PR-008 was then approved, subject to proffers, to rezone that same 19.04 acres of land to the PDH-30 District. As the property included in all these applications was under single ownership, the proffers for both applications were signed by the same owner, Campus Point Realty Corporation II. The proffer at issue, however, was approved only in connection with the rezoning

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service



Lucia Anna Trigiani
Page 2

of the 19.04-acre parcel. Subsequent to the approval of RZ/FDP 2003-PR-008, the property subject to RZ/FDP 2003-PR-008 was subdivided from the larger property via approved site plans and record plats.

The proffer at issue with your current request is Proffer 49 of RZ 2003-PR-008, which envisioned the provision of 150 overflow parking spaces on the Meridian Property. Proffer 49 states:

Prior to the approval of the final site plan on the Application Property¹, the Applicant shall provide evidence that a parking agreement is in place with the owners of the adjacent I-3 parcel identified as Tax Map 39-2 ((1)) part 13, permitting overflow parking from the Application Property to utilize parking facilities on the I-3 parcel. A minimum of 150 overflow parking spaces shall be available to all residents of the Application Property during non-business hours on weekdays (after 6:00 pm) and on weekends. This parking agreement shall be recorded in the land records of Fairfax County.

It appears, through submitted plans for the subject property, that compliance with Proffer 49 was demonstrated to Fairfax County through the recordation of a parking agreement in the land records of Fairfax County. You state that you believe the Declaration of Covenants, Restrictions and Easements recorded on January 28, 2005 in Deed Book 16927 at Page 2195 in the Fairfax County land records is the document meant to satisfy Proffer 49—specifically, Section 12.17 of the Declaration of Covenants, Restrictions and Easements as it relates to Overflow Parking Spaces.

The 150 overflow parking spaces were to be located offsite from the 19.04 acres zoned PDH-30, on the portion which retained its I-3 zoning - the Meridian Property (Tax Map Numbers 39-2 ((1)) 13D and 13E), which is currently owned by Tysons Enterprise West LLC and Tyson Enterprise East LLC, and is developed with two existing office/data center buildings and surface parking. In accordance with PCA 75-7-003-3 and SE 2015-PR-021, the Meridian Property will be redeveloped, in part, with a full-size athletic field and parking garage. You now state that the Reserve at Tysons Corner Association Board has been notified that the prior owner of the Meridian Property seeks to terminate the parking agreement with the Association.

In accordance with Section 18-201 of the Zoning Ordinance (“Ordinance”), Board of Supervisors approval of a rezoning application constitutes a permanent (unless further amended) amendment to the Zoning Map. Further, per Section 18-204, any proffered conditions submitted as part of the rezoning application and accepted by the Board of Supervisors become “part of the zoning regulations applicable to the subject property in question, unless subsequently changed by an amendment to the Zoning Map.” Therefore, an approved rezoning and accepted proffers become a part of the Zoning map only for the subject property included in the application, in this case the 19.04 acres described in the application for RZ/FDP 2003-PR-008. Proffer 49 was a commitment

¹ Proffer #1 associated with RZ 2003-PR-008 states that “Development of the Application Property shall be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP) prepared by VIKA Incorporated, consisting of thirteen (13) sheets dated January 17, 2003 as revised through March 11, 2004...” As shown on Sheet 2 of the CDP/FDP, the portion of the property rezoned to the PDH-30 District per RZ 2003-PR-008 contains 19.04 acres, which is the Application Property referenced in Proffer 49. Please refer to Appendix 1 depicting the 19.04 acres subject to RZ 2003-PR-008, which is from the Staff Report published as part of this rezoning application.

Lucia Anna Trigiani
Page 3

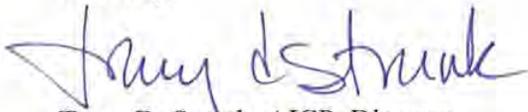
that required the demonstration of the provision of at least 150 overflow parking spaces on the offsite Meridian Property, which was to be secured via a parking agreement to be recorded in the land records. As noted above, this agreement was recorded in Deed Book 16927 at Page 2195 prior to the approval of the site plan, as required.

Proffer 49 specifically required that the overflow parking spaces on an offsite parcel were to be implemented by a private agreement. As noted above, accepted proffers become part of the Zoning map for the property subject to the rezoning only and are not enforceable against an offsite property. By referring to the Meridian Property as the "adjacent I-3 parcel," the proffer language makes clear that that property was not part of the Application property subject to the proffer.

Based on the foregoing, it is my determination that Proffer 49 remains in effect for the 19.04 acres included in RZ 2003-PR-008. Although Proffer 49 remains in effect, a proffer violation cannot be enforced on Meridian because the proffer does not apply to them. The proffer can be removed only through a Proffered Condition Amendment (PCA) application approved by the Board of Supervisors. Information on how to apply for a PCA can be found on our website at: <http://www.fairfaxcounty.gov/dpz/zoning/applications/>.

The determination has been made in my capacity as duly authorized agent of the Zoning Administrator and address only those issues discussed herein and not any separately recorded private agreements. If you have any questions regarding this interpretation, please feel free to contact Kelly M. Atkinson at (703) 324-1290.

Sincerely,



Tracy D. Strunk, AICP, Director
Zoning Evaluation Division, DPZ

N:\Interpretations\Reserve At Tysons Corner RZ 2003-PR-008\2017-02-22 Proffer Interpretation Response - Reserve At Tysons Corner RZ 2003-PR-008.Doc

Attachments: A/S

Cc: Linda Smyth, Supervisor, Providence District
Phillip Niedzielski-Eichner, Planning Commissioner, Providence District
Laura Gori, Esq., Assistant County Attorney, Office of the County Attorney
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ellie Coddling, Acting Director, Code Development and Compliance Division, LDS
Ken Williams, Manager, Site and Technical Services, LDS
Michael Davis, Section Chief for Site Analysis, DOT
Suzanne Wright, Chief, Special Projects/Applications Management Branch, ZED, DPZ
Tysons Enterprise West, LLC, Owner, Tax Map 39-2 ((1)) 13D
Tyson Enterprise East, LLC, Owner, Tax Map 39-2 ((1)) 13E
File: RZ 2003-PR-008, PCA 75-7-004-03 and SE 2015-PR-021, PI 17 01 001, Imaging

MERCERTRIGIANI

Attachment 1

Lucia Anna Trigiani
Pla.Trigiani@MercerTrigiani.com

Direct Dial: 703-837-5008
Direct Fax: 703-837-5018

February 17, 2017

VIA OVERNIGHT MAIL

Suzanne Wright, Branch Chief
Zoning Evaluation Division, Fairfax County
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-55055

Re: Proffer RZ 2003-PR-008 dated March 14, 2004--
Zoning Interpretation Request – Response Letter

Dear Ms. Wright:

This firm represents The Reserve at Tysons Corner Association, Inc. (“Association”), the entity responsible for the operation and administration of The Reserve at Tysons residential community located in Fairfax County, Virginia (“The Reserve Property”).

As you are aware, we submitted a Zoning Interpretation Request to Barbara Berlin on December 22, 2016 on behalf of the Association relating to overflow parking requirements contemplated in Proffer RZ 2003-PR-008 dated March 14, 2004 (“Conditions”). A copy of that letter is enclosed. *Capitalized terms in this letter which are not defined have the meanings contained in our December 22nd letter.*

Since that time, we understand that Brian Winterhalter at Cooley, counsel for Tysons Enterprise East, LLC and Tysons Enterprise West, LLC (“Tysons Enterprise”) – the owner of the adjacent Meridian Property, and David Gill at McGuire Woods, counsel for The Boro I Developer, L.P. and The Boro I-C Developer L.L.C. (“Boro Developer”) – the developer of the Meridian Property, have submitted letters to you addressing the Association’s request for a proffer interpretation.

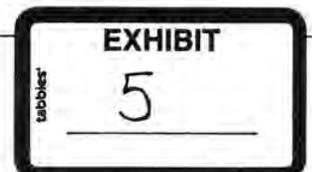
In their letters, Mr. Winterhalter and Mr. Gill assert, among other things, that Fairfax County lacks authority to issue a proffer interpretation binding the Meridian Property because the Conditions were associated with the redevelopment of The Reserve Property and only bind the property which is part of The Reserve. Messrs. Winterhalter and Gill also maintain that the Meridian Property is subject to its own set of proffers, which supersede any and all prior proffers to which the Meridian Property may have been previously subject.

In response to the arguments presented by Messrs. Winterhalter and Gill, we offer the following:

- **Authority.** The Director of the Zoning Evaluation (“Division”) has absolute statutory authority pursuant to the Zoning Ordinance to provide interpretations *of the Zoning Ordinance*, which **includes** Fairfax County accepted conditions for a property. In this instance, the

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Ms. Suzanne Wright, Branch Chief
February 17, 2017
Page 2

Association has the right to request an interpretation of the Conditions and the Division has authority to interpret the Conditions, *without reservation*.

- **Standard of Review.** In interpreting the Conditions, the Division must rely on the *precise* wording of the pertinent proffer – in this case, Proffer 49, and *must consider the record of the application*. In other words, the purpose of the proffer must be considered, taking into account *all relevant details related to the application* and the basis underlying the proffer with those details in mind.

- **Record of the Application.** Lincoln Property Company Southwest, Inc. (“Lincoln Property”) applied for rezoning of The Reserve Property – as contract purchaser of The Reserve Property, and in conjunction with the rezoning, the Conditions were established. **Both** Lincoln Property and Campus Point Realty Corporation II (“Campus Point”) - the owner of both the Reserve Property *and the Meridian Property* at that time, executed the Conditions.

Also, while the Conditions were established in conjunction with Lincoln Property’s application for the rezoning of The Reserve property – the contract purchaser at the time (“Applicant”), a concurrent application was submitted to amend the development plan which encompassed *both* The Reserve Property and the Meridian Property. As a result of that concurrent application, it appears that the Meridian Property acquired additional FAR to accommodate future expansion. In other words, the Meridian Property benefitted in the rezoning of The Reserve Property. The zoning and rezoning of the two properties was and continues to be intertwined.

- **SAIC Declaration.** Purportedly, to satisfy Proffer 49, the predecessor-in-title to *both The Reserve Property and Meridian Property* – Campus Point, recorded the SAIC Declaration among the Land Records encumbering The Reserve Property and the Meridian Property. Section 12.17 of the SAIC Declaration recites the language in Proffer 49, with one exception – Section 12.17 incorporates a right for the owner of the Meridian Property to terminate the overflow parking rights unilaterally.

While Mr. Gill maintains that the SAIC Declaration cannot be considered by the Division because it is a private contract between the parties, the SAIC Declaration is purportedly the *very instrument which was intended to satisfy the Proffer 49*, and is, consequently, pertinent to the proffer inquiry. The termination language is unquestionably in direct contravention to Proffer 49, and therefore, is null and void. The remainder of the SAIC Declaration – *including the remainder of Section 12.17 which requires overflow parking in accordance with Proffer 49*, survives pursuant to the severability clause in Section 12.6 of the SAIC Declaration, and encumbers both The Reserve Property and the Meridian Property.

- **Adverse Impact on Zoning Compliance.** The improper *unilateral* termination by Tysons Enterprise of the unqualified proffered right for The Reserve residents to utilize overflow parking on the Meridian Property would render the Meridian Property to be in noncompliance with Proffer 49, through no fault of, action by or omission of the Association or its members.

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Ms. Suzanne Wright, Branch Chief
February 17, 2017
Page 3

We believe it is worth noting the Association has consistently been told and has been receptive to working with all shareholders to address parking. Even after submitting the interpretation request, we sent a letter to William Rothschild, also counsel for Tysons Enterprise (perhaps in conjunction with the purchase of the Meridian Property), advising that our client is willing to engage in a dialogue regarding these matters and to accommodate Tysons Enterprise to the extent possible and permissible. While Mr. Rothschild did telephone us acknowledging receipt of our letter in mid-January, we have had no one representing Tysons Enterprise reach out to us since then in an effort to develop a working plan. We find this regrettable.

For the foregoing reasons, we respectfully request that the Division proceed with its determination, and interpret the matter in favor of the Association and the many individuals who reside in The Reserve Community, permitting them to continue to utilize at least 150 parking overflow spaces on the Meridian Property as Proffer 49 contemplates and the SAIC Declaration mandates.

To issue an unfavorable determination to our client - especially in light of the proposed construction of a ballfield, the operation of which will undoubtedly result in increased competition for street parking, will profoundly and negatively impact hundreds of residents in The Reserve, many of whom have been supportive of the ballfield, divesting them of their property rights and potentially impacting their property values.

If you have any questions, please contact Janie Rhoads or me directly. Your consideration of this matter is greatly appreciated.

Very truly yours,



Lucia Anna Trigiani

LAT/jlr
Enclosure

cc: Supervisor Linda Smyth
Barbara C. Berlin, Director Evaluation Division Department of Planning and Zoning
Members, Board of Directors, The Reserve at Tysons Corner Association, Inc.
Janie L. Rhoads, Attorney at Law

#133278

Attachment 2

Mr. Marshall had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kristen Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SP-044, from the R-1 District to the R-3 District, subject to the proffers dated February 10, 2004.
- Modification of the requirement for a sidewalk along Silverbrook Road to permit an eight-foot wide asphalt trail.

Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, Chairman Connolly, and Vice-Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTER

- 62. **DISCLOSURE BY CHAIRMAN CONNOLLY REGARDING REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (PROVIDENCE DISTRICT)** (4:33 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and said that the next two applications on the agenda involve property owned by Campus Point Realty Corporation II, a closely related business affiliate of his employer, Science Applications International Corporation. He said that because consideration of the applications will constitute a transaction having application solely to a property or business in which he has a personal interest, he will disqualify himself and shall not vote or in any manner act on behalf of the Board in this transaction, including participation in these hearings.

(NOTE: Later in the meeting, the Board held this public hearing. See Clerk’s Summary Item CL#63.)

AGENDA ITEMS

- 63. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (LINCOLN PROPERTY COMPANY, INCORPORATED) (PROVIDENCE DISTRICT)** (4:34 p.m.)

(O) (NOTE: Earlier in the meeting, Chairman Connolly recused himself from this case. See Clerk’s Summary Item CL#62.)

The applications are located on the east side of Gallows Road and on the north and south sides of Science Applications Court, Tax Map 39-2 ((1)) 13 pt.

Ms. Elizabeth Baker reaffirmed the validity of the affidavit for the record.

Attachment 2

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by seven speakers, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 75-7-004-2, subject to the proffers dated March 11, 2004. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Hyland and Chairman Connolly being out of the room, Supervisor McConnell being absent.

Supervisor Smyth further moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-008, from the 1-3 and HC Districts to the PDH-30 and HC Districts, subject to the proffers dated March 14, 2004.
- Modification of the transitional screening requirement along the southeastern and southern boundaries where the multi-family units abuts the Courts of Tysons and Tysons Executive Village communities in favor of that shown on the CDP/FDP.
- Waiver of the barrier requirement along the southeastern and southern boundaries where the multi-family housing abuts the Courts of Tysons and Tysons Executive Village communities in favor of that shown on the CDP/FDP.
- Modification of the non-core streetscape design along Gallows Road for the Tysons Urban Center in favor of that shown on the CDP/FDP.
- Waiver of the 200 square foot privacy yard requirement for single family attached homes.
- Modification of the loading space requirement for multi-family dwellings in favor of one loading space provided for each of the buildings (two total spaces).
- Waiver of the 600-foot maximum private street length requirement.

Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

64. **AGENDA FOR BUDGET WORKSHOP** (5:42 p.m.)

Vice-Chairman Bulova distributed the agenda for the Budget Workshop scheduled for March 22, 2004.

Lucia Anna Trigiani
Pla.Trigiani@MercerTrigiani.com

MERCERTRIGIANI

Direct Dial (703) 837-5008
Direct Fax: (703) 837-5018

June 28, 2017

VIA HAND DELIVERY

Clerk, Board of Zoning Appeals
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, 801
Fairfax, Virginia 22035

Re: The Reserve at Tysons Corner Association, Inc. --
Notice of Appeal – Zoning Determination for RZ/FDP 2003-PR-008
The Reserve at Tysons Corner
Tax Map Numbers 39-2 ((56)) A1, B3, 1-92, 39-2 ((1)) 13A5 and A6

Dear Clerk of the Board of Zoning Appeals:

This firm represents The Reserve at Tysons Corner Association, Inc. (“Association”), the Virginia nonstock corporation entity which is responsible for the operation and administration of The Reserve at Tysons community in Fairfax, Virginia.

The Reserve at Tysons community consists of 570 homes – 478 apartments owned by Simpson Property Group, LP and 92 townhomes which are owned individually and are governed by the Townhouse at the Reserve Homeowners Association, Inc. (“Townhouse Association”).

Pursuant to Section 18-300 et seq. of the Fairfax County Zoning Ordinance (“Ordinance”), this letter serves as our Notice of Appeal to the Zoning Determination rendered in response to our Zoning Interpretation request submitted on December 22, 2016 (“Interpretation Request”). A copy of the Interpretation Request is enclosed as **Exhibit 1**. *Capitalized terms used in this letter have the meanings set forth in in the Interpretation Request.*

The Interpretation Request requested an interpretation of Proffer 49 of the Conditions. A copy of the Conditions is enclosed as **Exhibit 2**. A copy of the SAIC Declaration is enclosed as **Exhibit 3**. In summary, on behalf of the Association, we requested whether the owner of the Meridian Property is entitled to *unilaterally* terminate the rights of individuals residing on the Reserve Property to the minimum of 150 overflow parking spaces required to be located on the Meridian Property for the use of Reserve Property residents pursuant to Proffer 49 of the Conditions, which is *unqualified* in light of its permanency.

On May 30, 2017 – *six months after the Zoning Interpretation was submitted*, Tracy D. Strunk, AICP, Director of the Zoning Evaluation Division of the Department of Planning and Zoning for Fairfax County, Virginia issued a Zoning Determination on behalf of the Zoning Administrator and in response to our Interpretation Request. A copy of the Zoning Determination is enclosed as **Exhibit 4**. In short, the Zoning Determination holds that Proffer 49 remains in effect for the 19.04 acres included in RZ 2003-PR-008 – which comprises The Reserve Property, but is not enforceable against Meridian.

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Clerk, Board of Zoning Appeals

June 28, 2017

Page 2

Pursuant to Section 18-301 of the Ordinance, any person aggrieved by any decision of the Zoning Administrator relating to a proffered condition may appeal to the Board of Supervisors as provided in Paragraph 10 of Section 18-204 of the Ordinance. Paragraph 10 of Section 18-204 of the Ordinance provides that such appeal shall specify the grounds on which the party is aggrieved and the basis for the appeal.

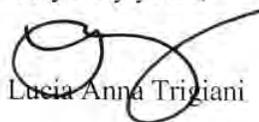
The Association is aggrieved by the Zoning Determination because, *among other things*:

- The Zoning Determination renders the Reserve Property in non-compliance with Proffer 49 of the Conditions – through no fault of the Association or any of the members or residents who reside at the Reserve Property, *and with no means of recourse or redress*.
- Members of the Association and residents in the community bear significant hardship without access to the overflow parking spaces which are clearly contemplated in and unequivocally required by the Conditions to be located on the Meridian Property.
- The resulting zoning non-compliance and lack of adequate parking have a negative impact on property values and the ability to sell property located in the Reserve at Tysons community.

This forced non-compliance and the significant hardships imposed on Association members and Reserve Property residents are the direct result of the Zoning Determination which holds that the proffers remain in effect, but are unenforceable. ***This determination is irreconcilable and inconsistent.*** The Zoning Interpretation has a negative impact on property values and the sale of property in The Reserve at Tysons community. The foregoing matters serve as the primary basis of this Notice of Appeal, as do the arguments raised in our Interpretation Request and letter to Suzanne Wright dated February 17, 2017 (“Response Letter”), a copy of which is enclosed as **Exhibit 5**.

Pursuant to Section 18-106 of the Ordinance, we have provided a copy of this Notice of Appeal and enclosures and a check in the amount of \$600.00 to the Zoning Administrator. Please contact my colleague, Janie Rhoads, or me with questions or if additional information is needed. We look forward to hearing from you.

Very truly yours,



Lucia Anna Trigiani

LAT/mch

cc: Zoning Administrator
Members, Board of Directors
Janie L. Rhoads, Attorney at Law

Enclosures: Interpretation Request (**Exhibit 1**); Conditions (**Exhibit 2**); SAIC Declaration (**Exhibit 3**); Zoning Determination (**Exhibit 4**); Response Letter (**Exhibit 5**)

#138498

INFORMATION – 1

Contract Award – Historic Preservation Consultant Services RFP 2000002343

The Department of Procurement and Material Management (DPMM) issued a formal Request for Proposal (RFP2000002343) to re-establish a 5-year term contract to provide Historic Preservation Consultant Services for the Park Authority. The scope of work includes, but is not limited to, archeological and cultural landscape studies, historic structure assessments and treatment plan consultant services.

The RFP was publicly advertised in accordance with the requirements of Fairfax County Purchasing Resolution. The County received 11 responsive proposals. The Selection Advisory Committee (SAC), appointed by the Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC negotiated with the offerors and recommended contract awards as follows:

Company/Category

- Stantec Consulting Service, Inc./ Archaeological Services
- EHT Tracerics/ Historic Preservation Services
- Commonwealth Heritage Group, Inc./ Cultural Landscape Services
- Wiss, Janey & Elstner (WJE)/ Special Studies
- Louis Berger U.S., Inc./ All Categories

Multiple awards are required due to the varying project types, sizes and the specific expertise required. The SAC recommends contract awards to these firms based on their demonstrated ability to meet County requirements and standards and the necessary full service skills and experience to successfully complete all phases of assigned projects. Each firm has the proven expertise providing archeological and other cultural resource professionals experienced at identifying end user needs and program requirements and translating that knowledge into responsive cost efficiencies for the park land and county-wide projects.

The Department of Tax Administration verified that the selected firms are not required to have a Fairfax County Business, Professional, and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts as indicated above. These contracts will commence on April 1, 2018 and terminate on January 31, 2022. The total estimated cost of these contracts is approximately \$100,000 per year.

Board Agenda Item
March 6, 2018

FISCAL IMPACT:

Services rendered through these contracts are paid directly by the departments and agencies requesting the services. The Park Authority verifies the department or agency has sufficient funding for services before work is approved.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors

STAFF:

Joseph Mondoro, Chief Financial Officer

Cathy A. Muse, Director, Department of Procurement and Material Management

Kirk Kincannon, Executive Director, Fairfax County Park Authority

List of Offerors Submitting Proposal

Name	SWAM Status
Stantec Consulting Services, Inc.	Large
EHT Traceries	Small Women-Owned
Commonwealth Heritage Group	Small
Wiss, Janey & Elstner (WJE)	Large
Louis Berger U.S. Inc.	Large
AECOM	Large
Dovetail Cultural Resource Group	Small Women-Owned
MSA	Small
MTFA Architecture John Milner Association Preservation	Small
Versar, Inc.	Large
R. Christopher Goodwin & Associates, Inc.	Small

Board Agenda Item
March 6, 2018

10:20 a.m.

Matters Presented by Board Members

11:10 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. *Biscayne Contractors Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2017-0017671 (Fx. Co. Cir. Ct.)
 - 2. *Vincent Dennis Randazzo, Administrator of the Estate of Michael Vincent Randazzo, Deceased v. Sandra Mauldin*, Case No. CL-2016-0009634 (Fx. Co. Cir. Ct.)
 - 3. *Viola Laird v. County of Fairfax, Virginia*, Case No. 1:17cv1408 (E.D. Va.)
 - 4. *Lisa Alcazar v. Fairfax County, Virginia*, Case No. 1:17-cv-1379 (E.D.Va.)
 - 5. *Donyll Smith v. Fairfax County and Marcus Clark*, Case No. 1:18cv125 (E.D. Va.)
 - 6. *Glenn Myer v. All Dulles Area Muslim Society, a/k/a. ADAMS Center, The Fairfax County Police Department, Sergeant Trevor Steranko, et al.*, Case No. CL-2017-0010836 (Fx. Co. Cir. Ct.)
 - 7. *Jerome Julius Brown v. Fairfax County Police Department*, Case No. CL-2017-0017695 (Fx. Co. Cir. Ct.)
 - 8. *Linda Owens v. Jennifer Svites, Fire Chief Richard Bowers, and the County of Fairfax*, Case No. CL-2017-0015086 (Fx. Co. Cir. Ct.)
 - 9. *Armando Iraheta-Ortiz, by Allstate Insurance Company, Subrogee v. John Doe*, Case No. GV17-010235 (Fx. Co. Gen. Dist. Ct.)
 - 10. *Christine McKinney v. Fairfax County Department of Family Services*, Record No. 0897-17-4 (Va. Ct. App.)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yung C. Yung*, Case No. CL-2016-0017111 (Fx. Co. Cir. Ct.) (Braddock District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herbert H. Becker*, Case No. CL-2017-0007128 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary K. Devers, Trustee, and Kenneth R. Arnold*, Case No. CL-2017-0004536 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Arthur William Crowder and Ana Luisa Pinto*, Case No. CL-2018-0001855 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Smithrose Investments, LLC*, Case No. CL-2017-0010461 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Steve O. Akinbileje*, Case No. GV17-000779 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susan M. Frazier*, Case No. CL-2018-0001304 (Fx. Co. Cir. Ct.) (Lee District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Franconia Square, LLC*, Case No. CL-2013-0008132 (Fx. Co. Cir. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kyin Sein*, Case No. GV17-023488 (Fx. Co. Gen. Dist. Ct.) (Mason District)
20. *Elizabeth Perry, Property Maintenance Code Official v. Thanh V. Phan*, Case No. GV18-002927 (Fx. Co. General Dist. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kashif H. Waheed and Anahita Ada*, Case No. GV18-003252 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mandy Ye*, Case No. CL-2018-0001853 (Fx. Co. Cir. Ct.) (Providence District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kamal M. Ayoub*, Case No. CL-2017-0014287 (Fx. Co. Cir. Ct.) (Providence District)

24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles Alan Little, Case No. CL-2018-0002070 (Fx. Co. Cir. Ct.) (Springfield District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Relentless MMA and Fitness, et al.; Case No. GV18-003090 (Fx. Co. Gen. Dist. Ct.) (Sully District)*

Board Agenda Item
March 6, 2018

3:30 p.m.

Public Hearing on RZ 2017-MA-013 (Vulcan Materials Company, LLC) to Rezone from R-2 and C-8 to I-6 to Permit Heavy Industrial Use with an Overall Floor Area Ratio of 0.02, Located on Approximately 41,151 Square Feet of Land (Mason District) (Concurrent with SE 2017-MA-009)

and

Public Hearing on SE 2017-MA-009 (Vulcan Materials Company, LLC) to Permit Heavy Industrial Use and Increase in Building Height from 75 Feet up to a Maximum of 135 Feet and Vacation and/or Abandonment of Right-of-Way, Located on Approximately 93.73 Acres of Land Zoned I-6 (Mason District) (Concurrent with RZ 2017-MA-013)

This property is located on the East side of Industrial Drive at the ramp to enter Interstate 395, Springfield, 22151. Tax Map 80-2 ((1)) 38 (pt.).

This property is located at 5650 Industrial Drive, Springfield, 22151. Tax Map 80-2 ((1)) 38 (pt.).

The Board of Supervisors deferred this public hearing on February 6, 2018 until March 6, 2018 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was deferred on January 24, 2018 to March 1, 2018. The Planning Commission public hearing was held March 1, 2018, and the decision was deferred to March 8, 2018. The Planning Commissions' recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt (available after PC meeting) and Staff Report available online at:

<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Jay Rodenbeck, Planner, DPZ

Board Agenda Item
March 6, 2018

3:30 p.m.

Public Hearing on PCA 2009-BR-015 (College Town Associates Limited Partnership) to Amend the Proffers for RZ 2009-BR-015 Previously Approved for Commercial to Permit Commercial and Associated Modifications to Proffers with an Overall Floor Area Ratio of 0.24, Located on Approximately 6,795 Square Feet of Land Zoned C-6 (Braddock District) (Concurrent with PCA-C-083-03)

and

Public Hearing on PCA-C-083-03 (College Town Associates Limited Partnership) to Amend the Proffers for RZ C-083 Previously Approved for Commercial to Permit Commercial and Associated Modifications to Proffers with an Overall Floor Area Ratio of 0.24, Located on Approximately 19.74 Acres of Land Zoned C-6 and R-1 (Braddock District) (Concurrent with PCA 2009-BR-015)

This property is located in the SouthEast quadrant of the intersection of Braddock Road and Ox Road. Tax Map 68-1 ((1)) 9A.

PLANNING COMMISSION RECOMMENDATION:

On February 22, 2018, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2009-BR-015, subject to the proffers dated January 26, 2018;
- Approval of PCA C-083-03, subject to the proffers dated January 26, 2018;
- Approval of a modification of the peripheral parking lot landscaping requirements (which require a ten foot minimum distance along the frontage of the northern and western property lines and off-street parking) in favor of the landscaping shown on the GDP/ SEA Plat;
- Approval of a modification of the lot area, lot width and open space requirements for the property zoned R-1 on Tax Map on 68-1((1)) 9; and
- Approval of a modification of the transitional screening and buffer requirements along the western and southern property lines in favor the landscaping shown on the GDP/ SEA Plat.

Board Agenda Item
March 6, 2018

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelly Atkinson, Planner, DPZ

Board Agenda Item
March 6, 2018

3:30 p.m.

Public Hearing on RZ 2017-SU-025 (JSF Management LLC) to Rezone from C-7, WS, SC and HC to C-8, WS, SC, and HC to Permit Mini-Warehousing with an Overall Floor Area Ratio of 0.70, Located on Approximately 3.42 Acres of Land (Sully District) (Concurrent with SE 2017-SU-022)

and

Public Hearing on SE 2017-SU-022 (JSF Management LLC) to Permit Mini-Warehousing and an Increase in Floor Area Ratio to 0.70, Located on Approximately 3.42 Acres of Land Zoned C-8, WS, SC and HC (Sully District) (Concurrent with RZ 2017-SU-025)

This property is located in the SouthWest quadrant of the intersection of Sully Road and Lee Highway. Tax Map 54-4 ((1)) 72A and 72B.

PLANNING COMMISSION RECOMMENDATION:

On January 24, 2018, the Planning Commission voted 10-0-1 (Commissioner Tanner abstained from the vote and Commissioner Flanagan was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2017-SU-025, subject to the execution of the proffers dated January 12, 2018;
- Approval of SE 2017-SU-022, subject to the proposed development conditions dated December 27, 2017; and
- Approval of a modification of barrier requirements pursuant to Sect. 13-304.4 of the Zoning Ordinance in favor of that depicted on the GDP/SE plat.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Sharon Williams, Planner, DPZ

Board Agenda Item
March 6, 2018

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2017-III-T1, Sunset Hills Road
Realignment

ISSUE:

Plan Amendment (PA) 2017-III-T1 considers the realignment of Sunset Hills Road to the intersection of Hunter Mill Road and Crowell Road, the widening of Hunter Mill Road to 4 lanes between the Dulles Toll Road Westbound Ramps and the realigned Sunset Hills Road, and that a roundabout be considered at the intersection of Hunter Mill Road and the realigned Sunset Hills Road/Crowell Road at the time the realignment of Sunset Hills Road occurs.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 15, 2018 the Planning Commission voted unanimously (12-0) to recommend that the Board of Supervisors adopt Plan Amendment 2017-III-T1, as shown on pages 15 through 25 of the Staff Report dated December 20, 2017 with the modifications related to guidance for the implementation of the realignment of Sunset Hills Road as shown on pages 1-10 of the Planning Commission Recommended Plan Text dated February 15, 2018.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation. The recommendation supports the realignment of Sunset Hills Road to the intersection of Hunter Mill Road and Crowell Road, and the inclusion of a roundabout as the intersection control. Guidance includes where the realignment should start, minimizing impacts to the resource protection area, maximizing the distance between the road and the Hunting Crest community, and that there should be no connections from the realigned road to Hunting Crest Way.

TIMING:

Planning Commission public hearing – January 24, 2018
Planning Commission Decision – February 15, 2018
Board of Supervisors' public hearing – March 6, 2018

Board Agenda Item
March 6, 2018

BACKGROUND:

On May 2, 2017, the Board of Supervisors (BOS) authorized the consideration of Comprehensive Plan Amendment (PA) 2017-III-T1 for the realignment of Sunset Hills Road west of its intersection with Hunter Mill Road in the Upper Potomac Planning District, Hunter Mill Supervisor District (Tax Map 18-3 & 18-4). The adopted Plan for this area recommends widening Sunset Hills Road to 4 lanes from Wiehle Avenue to Hunter Mill Road and the widening of Hunter Mill Road to 4 lanes from Sunrise Valley Drive to Sunset Hills Road.

The Board requested that staff consider a realignment of Sunset Hills Road to Crowell Road be reflected in the Comprehensive Plan and Transportation Plan Map.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim Excerpt (January 24, 2018)

Attachment II: Planning Commission Verbatim Excerpt (February 15, 2018)

The Staff Report for PA 2017-III-T1 has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/complanamend/sunsethillsrealignment/2017-iii-t1.pdf>

STAFF:

Tom Biesiadny, Director, Department of Transportation (FCDOT)

Gregg Steverson, Division Chief, Site Analysis and Transportation Planning, FCDOT

Leonard Wolfenstein, Section Chief, Transportation Planning, FCDOT

Kristin Calkins, Transportation Planner III, Transportation Planning, FCDOT

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

Marianne Gardner, Director, Planning Division, DPZ

Meghan Van Dam, Chief, Policy and Plan Development Branch, DPZ

Lilian Cerdeira, Planner II, Policy and Plan Development Branch, DPZ

**County of Fairfax, Virginia
Planning Commission Meeting
January 24, 2018
Verbatim Excerpt**

PA 2017-III-T1 – COMPREHENSIVE PLAN AMENDMENT (SUNSET HILLS REALIGNMENT)

– To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns the planned transportation improvements for Sunset Hills Road at the intersection with Hunter Mill Road, Tax Maps 18-3 and 18-4, in the Hunter Mill Supervisor District. The amendment will consider realigning the planned improvement of Sunset Hills Road to intersect with Hunter Mill Road at Crowell Road. Additional transportation recommendations may be modified. (Hunter Mill District)

After close of the Public Hearing

Chairman Murphy: Okay, Mr. Carter, please. Once again, welcome to the Planning Commission.

Commissioner Carter: I was going to say that, thank you. But I've done a few of these before and I've never seen a road easy or hard, as they're all difficult. Yes, we are going out on January 30th with the public hearing at one of the local elementary schools. And so we want to defer this a bit. I hear the notion about the roundabout and I think the roundabout – it is a traffic operation and it's very popular, particularly to our English friends – lots of roundabouts. But it's good for the north/south – or the aspect, if you're traveling down Hunter Mill Road. But I think, also, it might be a good solution for the Crowell – or Crowell Road, as well, going east/west to discourage use of Crowell Road a little bit because roundabouts are a little difficult to operate. And so I think it would be good in both directions. There are also – usually, the way people use them today, I think it's a character kind of issue. So it's a method of separating between this four-lane section that goes under the toll road from the designated areas of Hunter Mill Road, north and south, which are fabulous, one of the best things that have been done in the whole region – I think is the way Hunter Mill Road has turned out. So I think it would be worth strengthening that language and I talk to staff about that a little bit. I think it would be worth doing that for those three reasons. I think, looking at the truncation of existing Sunset Hills and maybe thinking about how those properties that are going to remain – how their access might be a good point to this. I'd like to find the pond too. I think that would be interesting. And maybe on the 30th, we should go over the options a little more clearly with the community. And then – this is not intended to promote a different land use – that this is a transportation plan and I think Fairfax County is certainly famous for doing that too. Just because a road comes in doesn't mean we're going to get – promote development. So with all that, to make a long story short, I'M RECOMMENDING DEFERRAL WITH THE UNDERSTANDING THAT WE'RE GOING TO HAVE A PUBLIC MEETING ON THE 30TH AND WITH A DATE CERTAIN, RIGHT NOW, WOULD BE FEBRUARY 15TH FOR COMING BACK TO THE PLANNING COMMISSION. I understand it's scheduled for the Board of Supervisors on March 6th so we want to reach that. So the motion is for deferral with those comments – a deferral with conditions – a strong letter, to follow.

Commissioner Ulfelder: Second.

Chairman Murphy: For a decision only. Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PA 2017-III-T1, with the record remaining open for comment, to a date certain of February 15th, with the record remaining open for comment, say aye.

Commissioners: Aye.

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

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

JLC

County of Fairfax, Virginia
Planning Commission Meeting
February 15, 2018
Verbatim Excerpt

PA 2017-III-T1 – COMPREHENSIVE PLAN AMENDMENT (SUNSET HILLS REALIGNMENT)

– To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns the planned transportation improvements for Sunset Hills Road at the intersection with Hunter Mill Road, Tax Maps 18-3 and 18-4, in the Hunter Mill Supervisor District. The amendment will consider realigning the planned improvement of Sunset Hills Road to intersect with Hunter Mill Road at Crowell Road. Additional transportation recommendations may be modified. (Hunter Mill District)

Decision Only During Commission Matters
(Public Hearing held on January 24, 2018)

Commissioner Carter: Yes, this is about the Sunset Hills Road alignment. The Board of Supervisors authorized the consideration of a comprehensive amendment for the realignment of Sunset Hills north with its intersection for Hunter Mill Road. Please remember that there are three options already in the Comprehensive Plan. Also, please remember that the low-density, residential, and rural land uses and densities recommended in the Comprehensive Plan are not changed by this amendment. Traffic in this area already exists from the Toll Road, Hunter Mill Road, Sunset Hills, and Crowell Road. This alignment is intended to reduce the conflicts and provide a better method to calm traffic in this area. Sometimes, providing a comparison of the characteristics of a familiar road of this type is useful to gain a more graphic picture of what this – what is being proposed. So if the Commissioner from Mount Vernon area doesn't mind, I would like to begin with a comparison of some of the features of the alignment of Sunset Hills Road with some of the similar features found in the George Washington Memorial Parkway. Now, I recognized they're much different in many ways – the length of them and other aspects – but remember a couple things. Please stay with me. First, the alignment will have large sweeping curves like the George Washington Memorial Parkway. It goes through a forested area that will – much of which will remain, as it's built. Secondly, the realignment will have a significant setback of approximately 400 feet from the nearest home to the road. The George Washington Parkway and the homes have been there for many, many years. Most of the setbacks are about 200 or half the amount. And I don't think the road has affected their – those homes much. Next, we'll – we're going to be able to preserve a pond and a forested Resource Protection Area between the Sunset Hills Road and the Hunting neighborhoods. Finally, the roundabout – the realignment may have a roundabout that is similar, although much smaller, than the roundabout at the plantation along Mount Vernon Parkway – or George Washington Memorial Parkway. I recognize that that roundabout is large and has places for tourist buses to stop, but one of its main functions is to reduce and calm traffic that moves through on the George Washington Memorial Parkway. Comments from the community can be categorized to – into at least three areas. First, the leadership of the Hunter Mill Defense League has been constructive and they are several comments – with their similar comments and – I believe it's going to support the alignment with the provisions that will be included in the motion. The Hunting Crest homeowners, which are being affected by this in some ways, have also made constructive comments and I believe the amendment will satisfy many of their concerns once we get to the specific provisions. Finally, there have been others - letters and comments from others and the proposed alignment has tried to address many of these concerns. I would like to thank the participants in this Comprehensive Plan Amendment. First, Kristin Calkins – which has been a

great listener and certainly tried to be cooperative in all areas with this road, one of the best in the area, I would say, with my experience. I would also like to thank the Hunter Mill Defense League, the Hunting Crest homeowners, and others that have commented on this Comprehensive Plan. Their comments are appreciated by me, anyway, and they serve to improve the recommendations even if they are not always incorporated into the final amendment. At this time, if there is no further discussion, I would like to proceed with my motion.

Chairman Murphy: Please.

Commissioner Carter: Okay. Mr. Chairman, on May 2nd, 2017, the Board of Supervisors authorized the consideration of Comprehensive Plan Amendment 2017-III-T1 for the realignment of Sunset Hills Road west of its intersection with Hunter Mill Road in the Upper Potomac Planning District, Hunter Mill Supervisor District. Staff recommendation, as shown in the staff report dated December 20, 2017, proposes amending the Comprehensive Plan and the Countywide Transportation Map to include the proposed alignment of Sunset Hills Road to Crowell Road. The amendment would also show Hunter Mill Road as a four-lane road from the Dulles Toll Road westbound ramps to Crowell Road. It also recommends that a roundabout be the intersection of control of Hunter Mill Road and the realignment Sunset Hills Road/Crowell Road – at the time the realignment of Sunset Hills Road occurs. After the Planning Commission meeting on January 24th, 2018, a public information meeting was held on the proposed amendment on January 30th at the Sunrise Valley Drive Elementary School. This public meeting allowed staff to hear – and myself – to hear community concerns and comments on the realignment of Sunset Hills Road and provided the community an opportunity to learn more about the study associated with the proposed plan amendment. Subsequent to the community meeting, staff met with members of Hunting Crest Home Owners Association to discuss their concerns. Staff has proposed modifications to the Plan text in the staff report to address these community concerns. The text has been shared with both the Hunting Crest Homeowners Association and the Hunter Mill Defense League. Most importantly, the plan amendment for the realignment of Sunset Hills Road will not change the land uses in the Comprehensive Plan. It addresses the transportation needs in the area. The accompanying transportation study finds that the realignment meets the travel needs in the area and it confirms the current low-density residential land uses designated in the existing Comprehensive Plan that will remain as part of this plan amendment. I, THEREFORE, MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS WITH THE FOLLOWING MODIFICATIONS:

- NUMBER ONE, THE REALIGNMENT SHOULD BEGIN EAST OF THE EDLIN SCHOOL. There are other parcels in there that could be used but this will prevent that;
- Inclusion of the roundabout, NUMBER TWO, INCLUSION OF THE ROUNDABOUT AS THE PREFERRED ALTERNATIVE AT THE INTERSECTION OF A REALIGNED SUNSET HILLS ROAD AND HUNTER MILL ROAD;
- THREE, THE ALIGNMENT SHOULD GO NO FARTHER NORTH THAN CROWELL ROAD AND AVOID ADVERSE IMPACTS INTO THE RESOURCE PROTECTION AREA;

PA 2017-III-T1 – COMPREHENSIVE PLAN AMENDMENT
(SUNSET HILLS REALIGNMENT)

Page 3

- FOUR, THAT THE DISTANCE BETWEEN THE REALIGNED SUNSET HILLS ROAD AND THE HUNTING CREST COMMUNITY WILL BE MAXIMIZED WHEN THE ROAD IS DESIGNED;
- FIVE, THAT THERE BE NO CONNECTIONS FROM A REALIGNED SUNSET HILLS ROAD TO HUNTING CREST WAY. This is the cul-de-sac in that community so this will not connect; AND
- SIX, THAT THE TRANSPORTATION FIGURES INCLUDED IN THE STAFF REPORT BE MODIFIED TO INCLUDE A CUL-DE-SAC ON SUNSET HILLS ROAD TO INDICATE THAT THE EXISTING INTERSECTION WITH HUNTER MILL ROAD WILL NO LONGER EXIST AFTER THE ROAD IS REALIGNED NORTH.

THESE MODIFICATIONS, INCLUDING THE UPDATED MAPS, ARE SHOWN IN THE HANDOUT DATED FEBRUARY 15, 2018. Thank you, Mr. Chairman.

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 adopt Plan Amendment 2017-III-T1 on Sunset Hills Road realignment, as modified this evening by Commissioner Carter, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

JLC

**PLANNING COMMISSION RECOMMENDED PLAN TEXT
PLAN AMENDMENT 2017-III-T1 (Sunset Hills Road Realignment)
February 15, 2018**

The Comprehensive Plan will be modified as shown below. Text proposed to be added by Staff is shown as underlined and text proposed to be deleted by Staff is shown with a ~~strikethrough~~. Planning Commission modifications to the Staff recommendation are shown in double underline and ~~double strikethrough~~.

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Upper Potomac Planning District, as amended through 3-14-2017; page 72, paragraph 3:

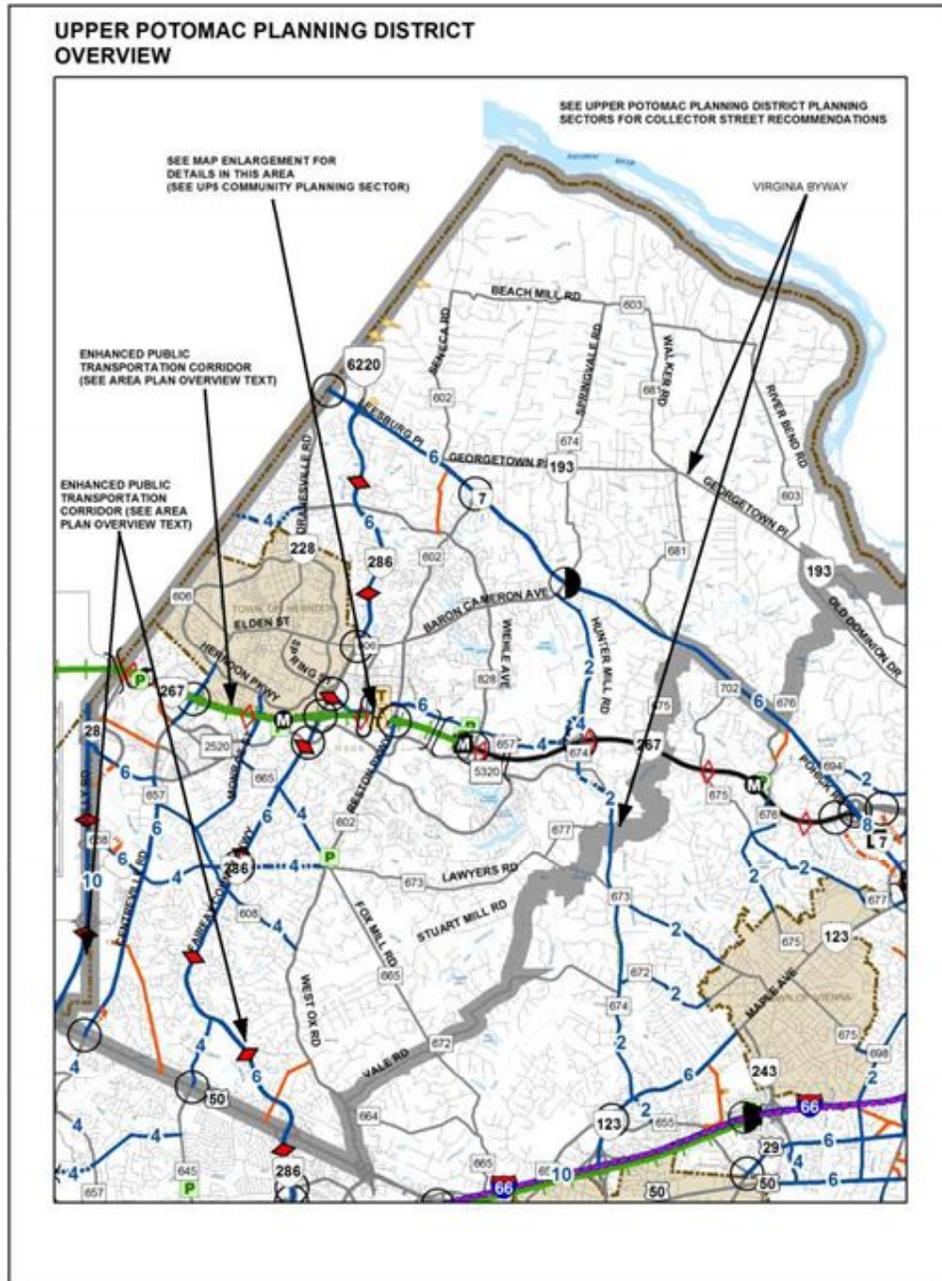
....

Sunset Hills Road as it terminates at Hunter Mill Road provides for the primary access to the Dulles Toll Road for the residential areas and commercial office areas within the eastern periphery of Reston. To facilitate this access and provide better spacing between intersections Sunset Hills Road should be realigned, east of the Edlin School, to Crowell Road to create a four-leg intersection. ~~When Sunset Hills Road is realigned, a roundabout should be considered as the A roundabout is the preferred control at this intersection, and in the vicinity of the intersection the realignment should go no farther north than Crowell Road. The realignment should avoid adverse impacts to the RPA. When the road is designed the distance from the Hunting Crest community should be maximized, noise impact studies should be conducted, and there should be no direct or indirect connection to Hunting Crest Way.~~ The realigned Sunset Hills Road should retain the minor paved trail designation for Sunset Hills Road recommended in the Countywide Trails Plan. This access can be provided for by either option A, B or C below. Option A is the preferred option:

- ~~The preferred option A is to slightly modify the current Sunset Hills Road intersection by moving it opposite the Dulles Toll Road westbound off ramp and relocate the Toll Road westbound on ramp to begin at Sunset Hills Road west of Hunter Mill Road and east of the existing VDOT maintenance facility.~~
- ~~A secondary option B, if option A is not accepted by VDOT, would be to relocate Sunset Hills Road in a configuration that brings the intersection of Sunset Hills Road and Hunter Mill Road as close as possible to the Reston Presbyterian Church (Tax Map 18-3((1))6).~~
- ~~A third option C is a roundabout as described in the Hunter Mill Road Traffic Calming Study (Northern Virginia Regional Commission, 2006).~~

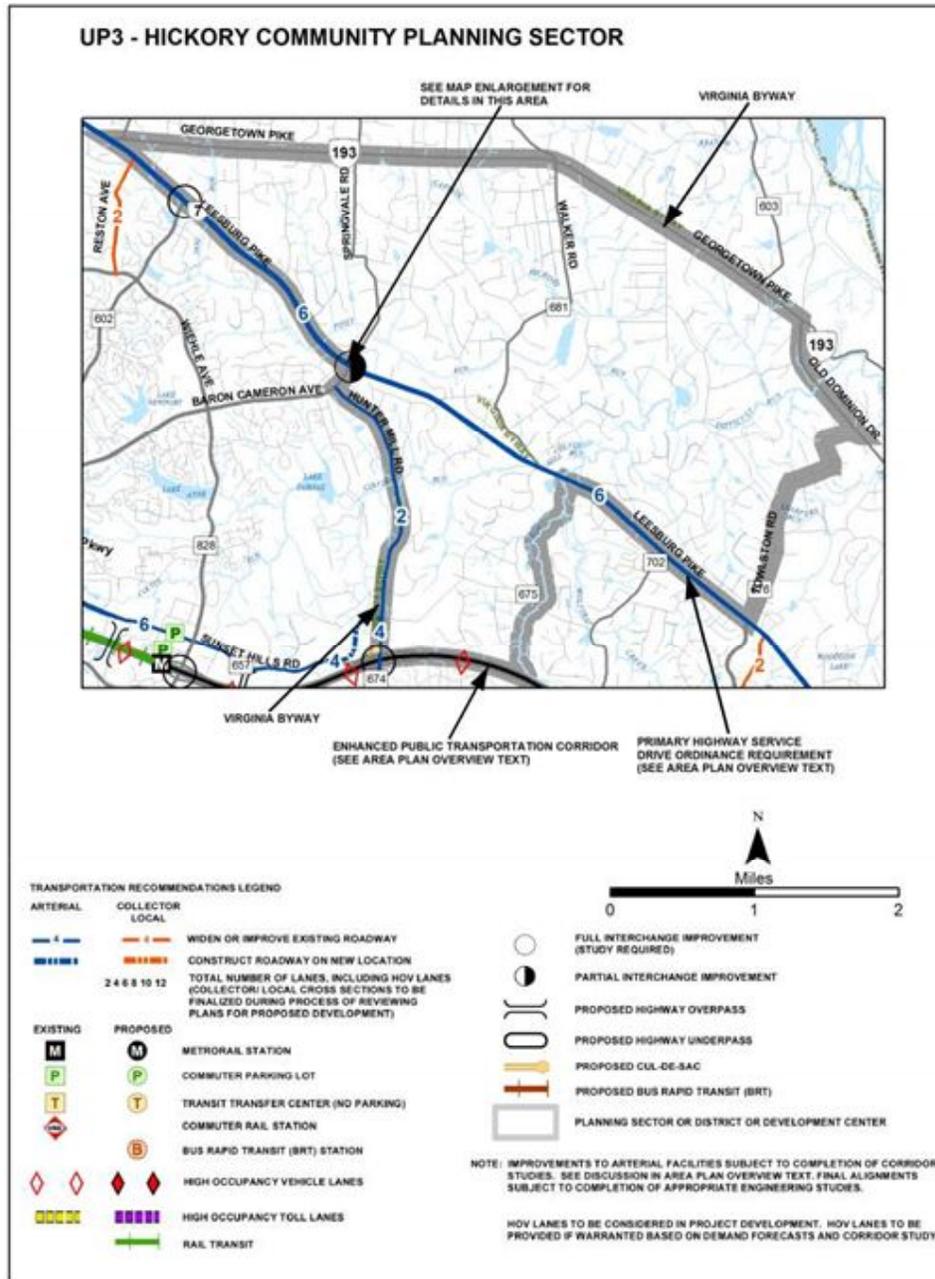
**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Upper Potomac Planning District, as amended through 3-14-2017; Figure 2, “UP5 – Upper Potomac Planning District Overview;” page 6, to show the realignment of Sunset Hills Road to Crowell Road, the widening of Hunter Mill Road to four lanes between Crowell Road and Sunrise Valley Drive, and the removal of the modifications to the westbound Dulles Toll Road Ramps. Include a cul-de-sac on Sunset Hills Road West of its current intersection with Hunter Mill Road.



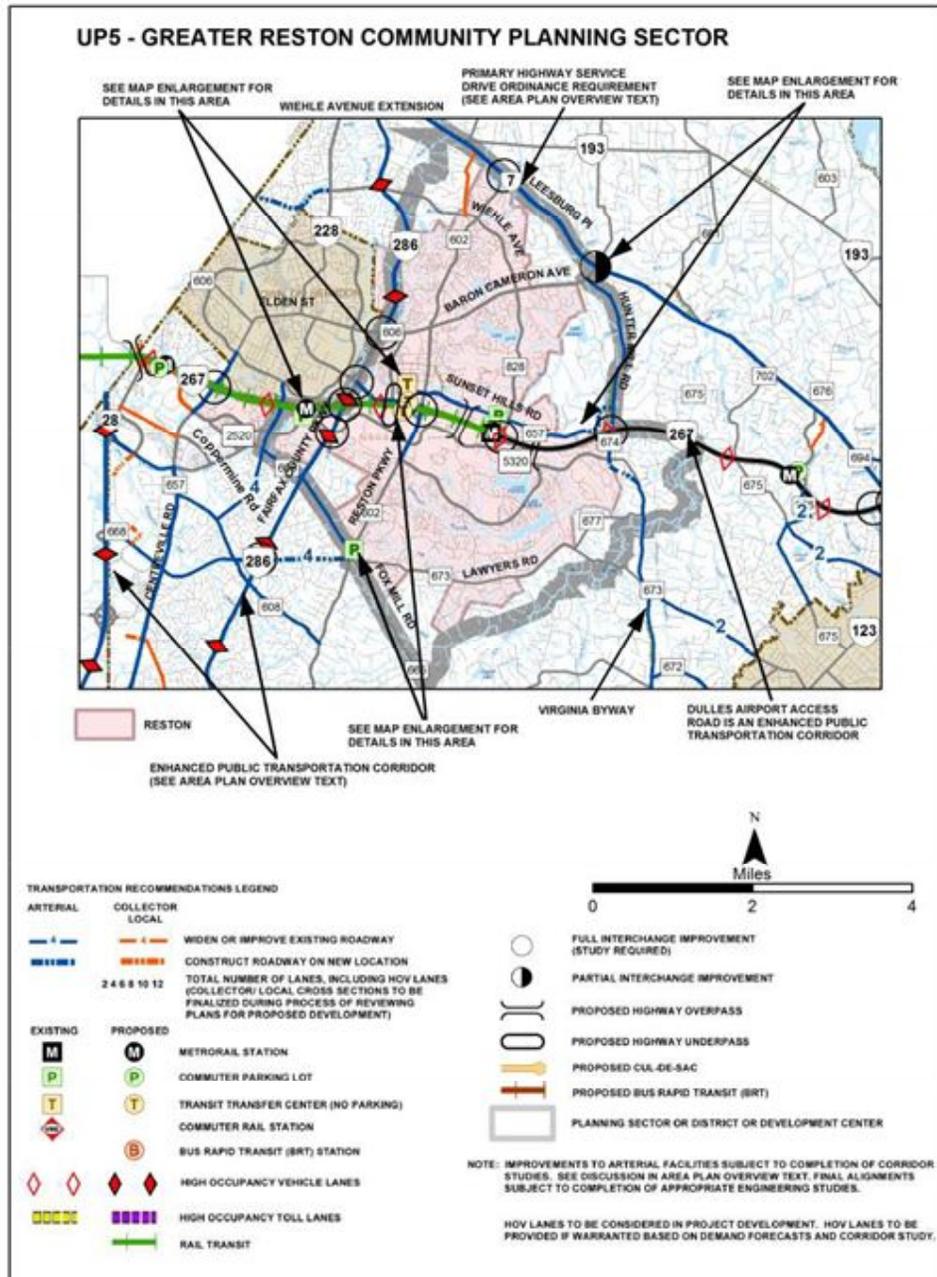
**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Upper Potomac Planning District, as amended through 3-14-2017; Figure 18, “UP3 – Hickory Community Planning Sector;” page 50, to show the realignment of Sunset Hills Road to Crowell Road, the widening of Hunter Mill Road to four lanes between Crowell Road and Sunrise Valley Drive, and the removal of the modifications to the westbound Dulles Toll Road Ramps. Include a cul-de-sac on Sunset Hills Road West of its current intersection with Hunter Mill Road.



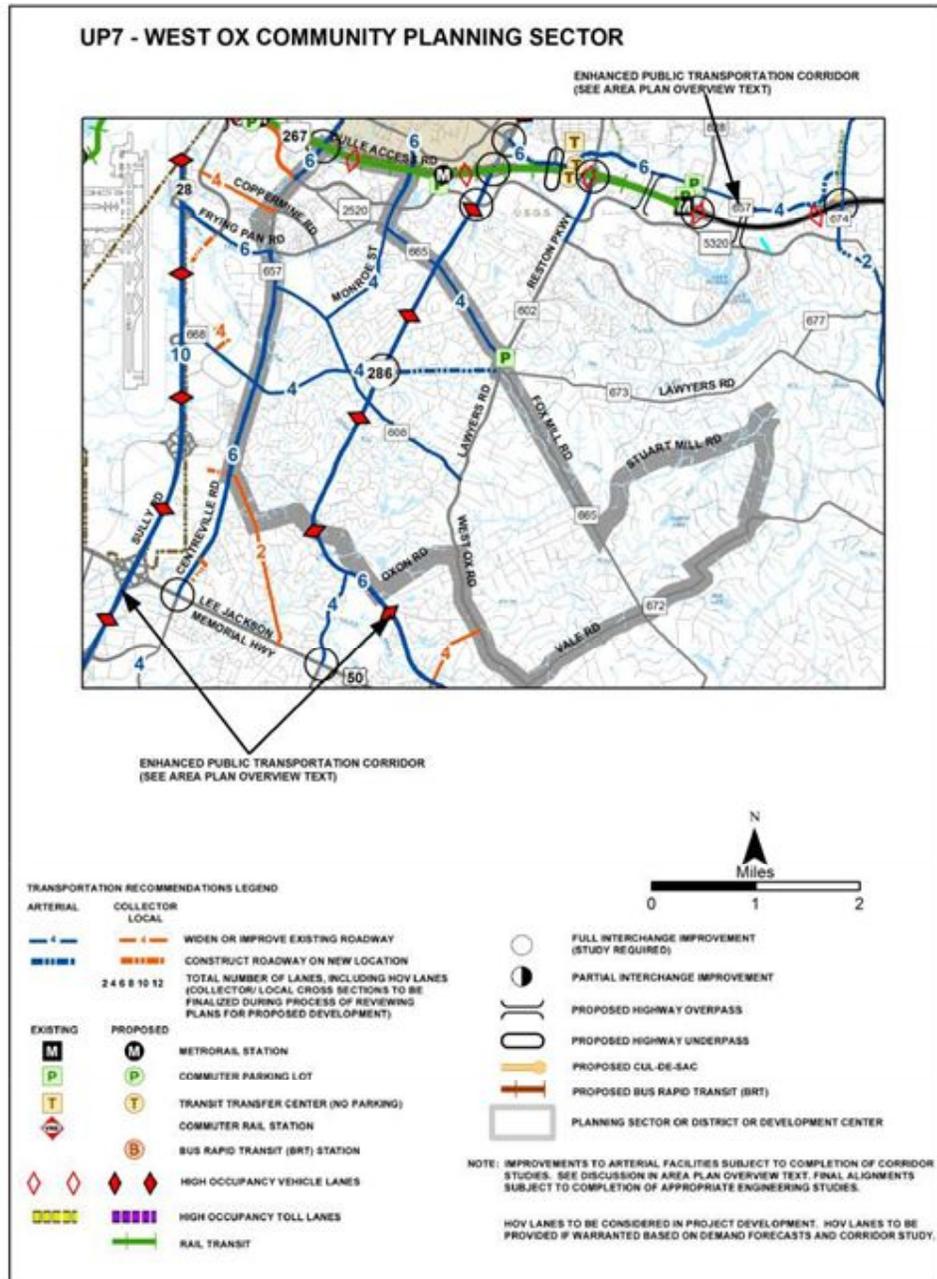
**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Upper Potomac Planning District, as amended through 3-14-2017; Figure 29, “UP5 – Greater Reston Community Planning Sector;” page 73, to show the realignment of Sunset Hills Road to Crowell Road, the widening of Hunter Mill Road to four lanes between Crowell Road and Sunrise Valley Drive, and the removal of the modifications to the westbound Dulles Toll Road Ramps. Include a cul-de-sac on Sunset Hills Road West of its current intersection with Hunter Mill Road.



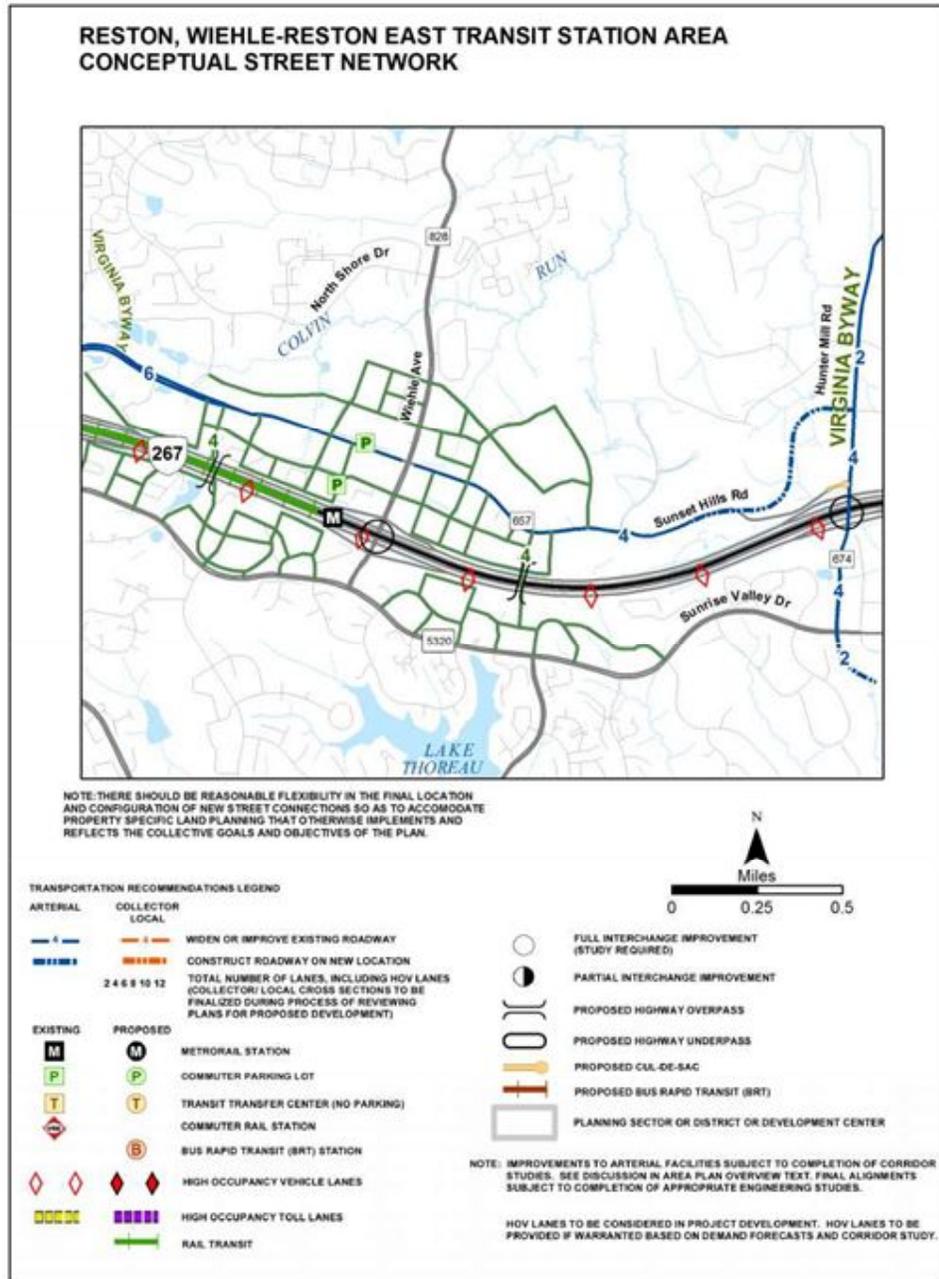
**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Upper Potomac Planning District, as amended through 3-14-2017; Figure 34, “UP7 – West Ox Community Planning Sector;” page 87, to show the realignment of Sunset Hills Road to Crowell Road, the widening of Hunter Mill Road to four lanes between Crowell Road and Sunrise Valley Drive, and the removal of the modifications to the westbound Dulles Toll Road Ramps. Include a cul-de-sac on Sunset Hills Road West of its current intersection with Hunter Mill Road.



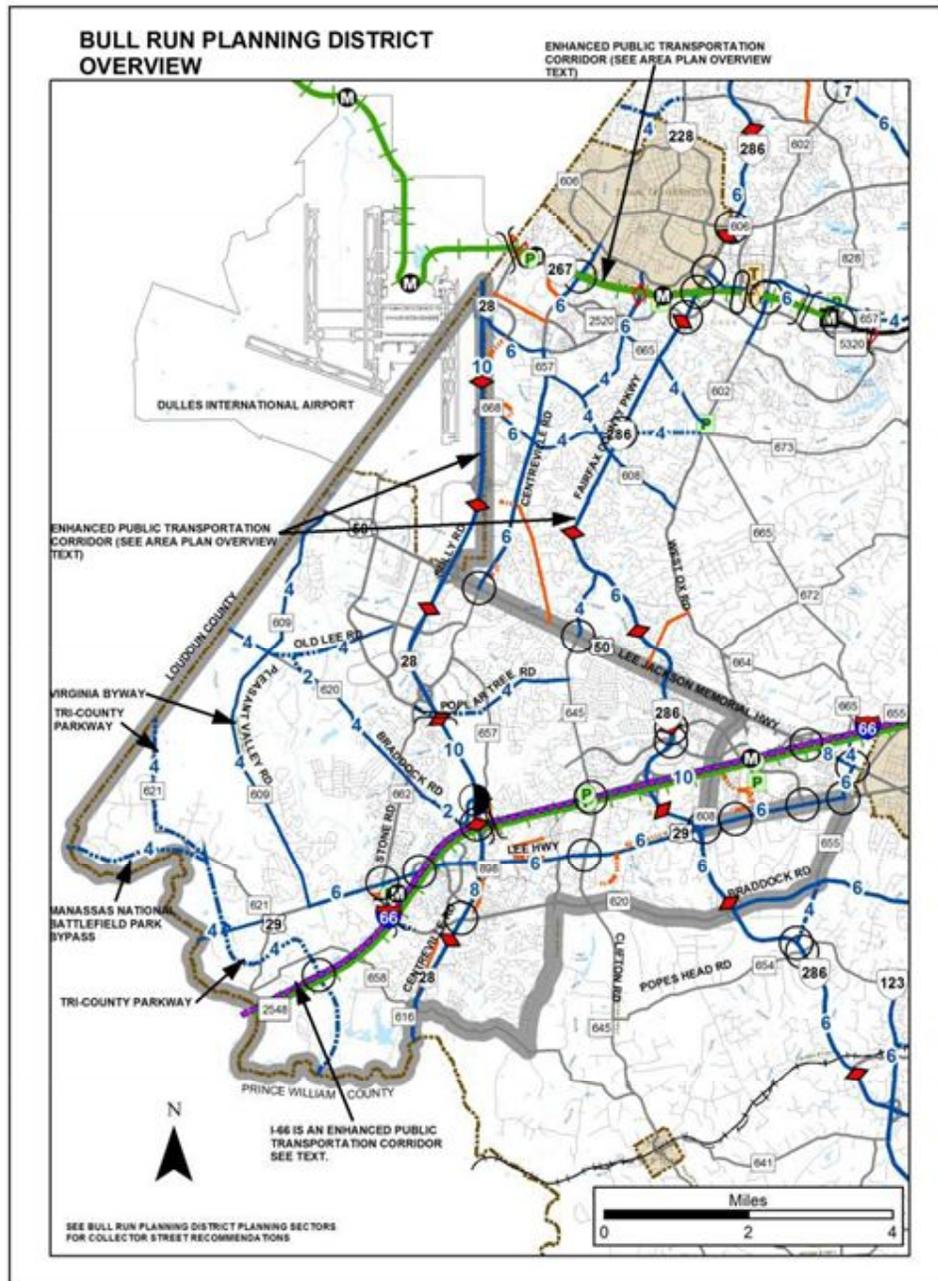
**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Reston, as amended through 3-14-2017; Figure 45, “Reston, Wiehle-Reston East Transit Station Area Conceptual Street Network;” page 137, to show the realignment of Sunset Hills Road to Crowell Road, the widening of Hunter Mill Road to four lanes between Crowell Road and Sunrise Valley Drive, and the removal of the modifications to the westbound Dulles Toll Road Ramps. Include a cul-de-sac on Sunset Hills Road West of its current intersection with Hunter Mill Road.



**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Bull Run, as Amended through 3-14-2017; Figure 2, “Bull Run Planning District Overview;” page 6, to show the realignment of Sunset Hills Road to Crowell Road, the widening of Hunter Mill Road to four lanes between Crowell Road and Sunrise Valley Drive, and the removal of the modifications to the westbound Dulles Toll Road Ramps. Include a cul-de-sac on Sunset Hills Road West of its current intersection with Hunter Mill Road.



Board Agenda Item
March 6, 2018

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2013-I-L1 (B) to Designate the Area Generally Surrounding the Intersection of Little River Turnpike and Beauregard Street a Community Business Center (Mason District)

ISSUE:

Plan Amendment (PA) 2013-I-L1 (B) proposes to amend the Comprehensive Plan guidance for an approximately 169-acre area generally centered around the Beauregard Street and Little River Turnpike (Route 236) intersection. The Comprehensive Plan recommends a combination of multifamily residential, institutional, office, retail, and other commercial uses. The amendment considers designating the area as a Community Business Center, a revitalization area, and adding an option on a portion of parcel 72-4 ((1)) 3 within the subject area for hotel and/or assisted living use at a maximum intensity of 3.0 Floor Area Ratio.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 24, 2015, the Planning Commission voted 11-0-1 (Commissioner Flanagan was absent from the meeting) to recommend to the Board of Supervisors the adoption of Plan Amendment 2013-I-L1(B), found on pages 9 – 22 of the staff report dated January 2, 2018, subject to reworking the map on page 12 of the staff report.

RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt the Planning Commission recommendation as shown on pages 9 - 22 of the staff report dated January 2, 2018, with a modification on page 10 of the staff report, at the end of the first paragraph, to state, "As designated on March 6, 2018 by the Board of Supervisors, the Lincolnia Revitalization Area encompasses the entire boundary of the Lincolnia CBC." The intent is to clarify the extent and location of the new commercial revitalization area.

TIMING:

Planning Commission public hearing – January 2, 2018
Board of Supervisors' public hearing – March 6, 2018

Board Agenda Item
March 6, 2018

BACKGROUND:

On July 9, 2013, the Board of Supervisors authorized Plan Amendment 2013-I-L1 for as part of the 2013 Comprehensive Plan Work Program to consider revisions to the Lincolnia Planning District. The first phase consisted of editorial and factual revisions and was completed on October 20, 2015. The second phase (2013-I-L1 (B)) considers designating a portion of the Lincolnia Planning District as a Community Business Center and a revitalization area, with specific land use changes.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim Excerpt

Attachment II: Revised Plan Options map on page 12 of the staff report

The Staff Report for 2013-I-L1 (B) has been previously furnished and is available online at: [https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/compplanamend/lincolniaphase2/2013-i-l1\(b\).pdf](https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/compplanamend/lincolniaphase2/2013-i-l1(b).pdf)

STAFF:

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

Barbara A. Byron, Director, Office of Community Revitalization

Marianne R. Gardner, Director, Planning Division (PD), DPZ

Michael Burton, Planner II, Plan Quantification, Forecasting, Policy & Plan Development Branch, PD, DPZ

Planning Commission Meeting
 January 24, 2018
 Verbatim Excerpt

After close of the Public Hearing

Commissioner Strandlie: Thank you, Mr. Chairman. I'm prepared to make a motion tonight. Michael and Marianne, is it possible to amend that chart on page 12 before it goes to the Board? Great, thank you. The Lincolnia Planning Study was authorized by the Board of Supervisors on July 9th, 2013 as part of the 2013 Comprehensive Plan Work Program. The first phase, which updated the Comprehensive Plan guidance for the Lincolnia Planning District was completed with Board of Supervisor approval on October 20th, 2015. This, the second and current phase, focuses on whether a portion of the planning district should be re-designated from a suburban neighborhood to a community business center. Phase II started with a land college 101, followed by Supervisor Penny Gross appointing a task force, consisting of eight community members. Over the past year, the group has held 16 public meetings, meeting twice on – during most months – and also the community engagement session in June. The task force engaged in and received a significant amount of community input, as our Chairman just described. Using a variety of means for public engagement, outreach extended to the City of Alexandria, which boundaries abut this area. The Urban Land Institute assessed challenges and opportunities under consideration by the task force. Based on this extensive review process, and the understanding that further analysis of land use outcomes would occur in Phase II, the Lincolnia Task Force unanimously recommend:

- One, designated a portion of the Lincolnia Planning District as a CBC;
- Two, designating the proposed CBC area as a revitalization area; and
- Three, adding a plan option for an approximate two-acre area within the CBC to allow for high-intensity use for a hotel, assisted living, or a mix thereof.

If the CBC is approved by the Planning Commission and then by the Board of Supervisors, the task force will then begin in spring of this year Phase III of the Lincolnia Planning District study, outlining at that time a plan for future development and adding the detail that we seek for the land use options to the new CBC. Before I make motions, first, I would like to thank the task force members of their service. If any task force members who are here tonight, please stand and be recognized. We have the Chair, Daren Shumate, Rita Zimmerman, who is not here, Nazir Bhagat, who is traveling, Debbie Gerald, Fred Cornett, Matt Lyttle, Kathy King, and Alan Ackerman. Thank you very much for your service. Next, I would like to recognize and thank for their outstanding work members of the Fairfax County staff, some of whom have moved since the project started last spring, from the Department of Planning and Zoning, Faheem Darab, who was the original project manager who had moved in October, Indrani Sistla (sic), the Branch Chief, and she moved in August, Marianne Gardner, who is a veteran of the Seven Corners Planning Process and guided this seamlessly, and Michael Burton. Thank you very much for your service. And it was a very successful outcome and we look forward to the next phases. Just waiting for this to come back up, Therefore, Mr. Chairman, staff has provided a recommendation of approval for the designation of a community business center, a coterminous designation of a revitalization area, and the addition of an option to the Plan guidance for either hotel use, assisted living use, or a combination thereof at a maximum 3.0 FAR to approximate two acres of parcel

Planning Commission Meeting
January 24, 2018
Verbatim Excerpt

Page 2

72-4 ((1)) 3. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLAN AMENDMENT 2013-I-L1 (B), PER THE RECOMMENDATION IN THE STAFF REPORT, DATED JANUARY 2, 2018.

Commissioners Niedzielski-Eichner and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Niedzielski-Eichner. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Yes, thank you. Subject to some reworking of the figure on page 12 to get rid of the circles, somehow?

Commissioner Strandlie: As we previously discussed, SUBJECT TO THE REWORKING OF THAT CIRCLE ON PAGE 12.

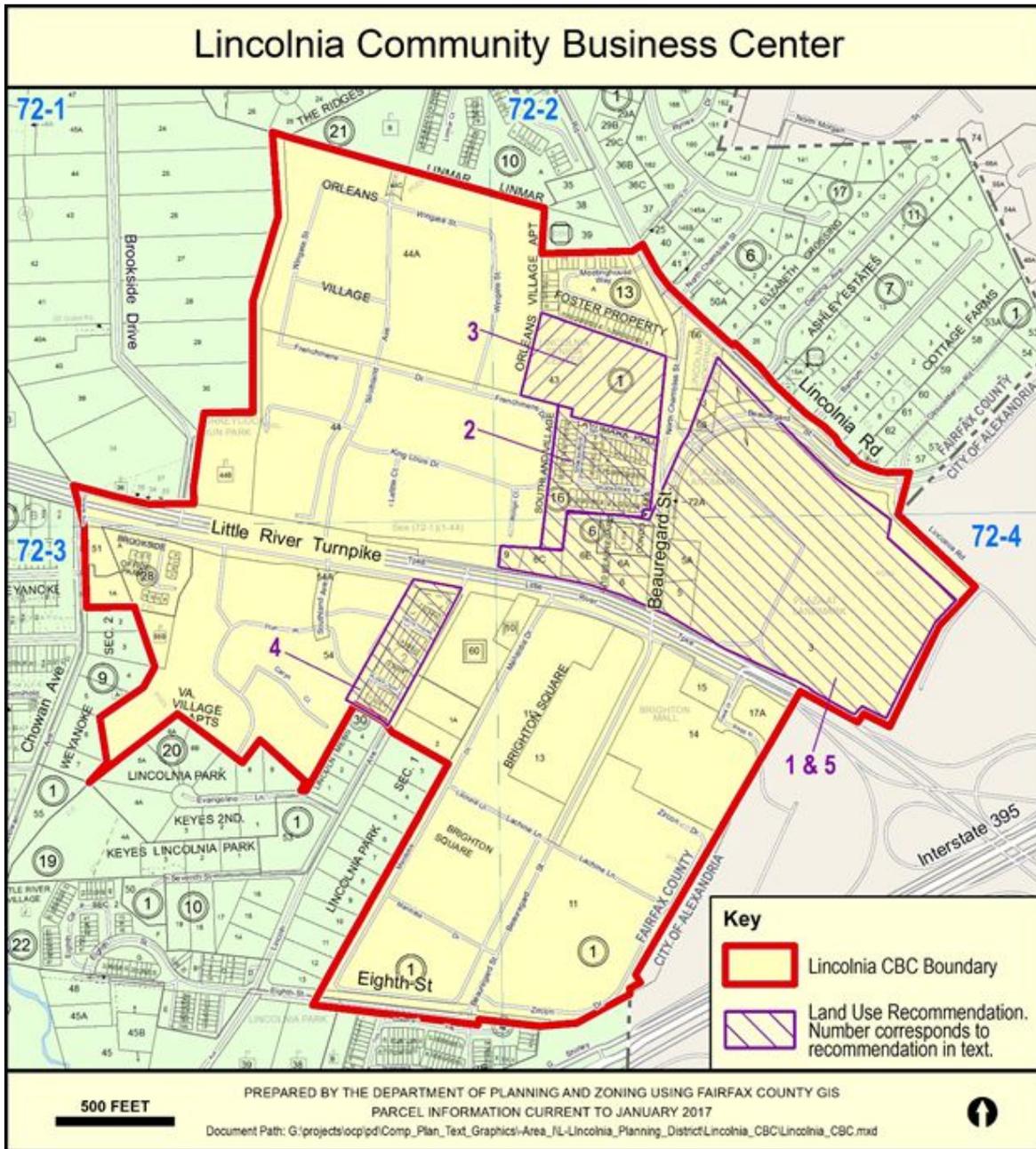
Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve Plan Amendment PA 2013-I-L1 (B) on the Lincolnia Planning Study, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC



Board Agenda Item
March 6, 2018

4:00 p.m.

Public Hearing on Proposed Amendments to Chapters 107 (Problem Soils), Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code) and the Public Facilities Manual (PFM) Related to the County Soils Map and Uses Exempt from Site Plan Requirements

ISSUE:

Board of Supervisors (Board) adoption of proposed amendments to the County Code and PFM. Specifically, the proposed amendments update the County Soils Map to increase its accuracy and to clarify the uses that are exempt from site plan requirements.

PLANNING COMMISSION RECOMMENDATION:

On February 15, 2018, the Planning Commission voted 12-0 to recommend to the Board of Supervisors adoption of the proposed amendments to the Code of The County of Fairfax, Virginia, and the Public Facilities Manual related to the County Soils Map and uses exempt from site plan requirements, as set forth in the staff report dated January 23, 2018. The Planning Commission further recommends that this amendment shall become effective at 12:01 a.m. on March 7, 2018.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as set forth in the Staff Report dated January 23, 2018.

The proposed amendments have been prepared by Land Development Services (LDS) and coordinated with the Northern Virginia Soil and Water Conservation District (NVSWCD), the Department of Planning and Zoning (DPZ) and the Office of the County Attorney. The PFM amendments have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

Board authorization to advertise – January 23, 2018; Planning Commission public hearing - February 15, 2018 at 7:30 p.m.; Board public hearing – March 6, 2018 at 4:00 p.m.

BACKGROUND:

LDS has been focusing on various ways to improve the quality of service provided to our building and land development customers. This effort includes updating the County Codes and PFM for clarity, efficiency, and consistency throughout land development provisions. These amendments align with Goal 3 of the County's Economic Success Strategic Plan.

County Soils Map: The County Soils Map is used by homeowners, land developers and engineers to identify the types of soils and the engineering tests and design required for obtaining construction permits. Based on new information, the updated maps reflect more detailed topography and land use research done by the NVSWCD.

Minor Site Plans: Zoning Ordinance Section 17-104 identifies various uses exempt from site plan or minor site plan requirements. Specifically, proposed additions and alterations to existing uses are exempt, subject to the criteria set forth in Par.16 below:

16. The following uses provided that the use or activity shall not (a) exceed 250 square feet of gross floor area (GFA) or disturbed area; (b) exceed 500 square feet of GFA or disturbed area for additions and alterations to provide an accessibility improvement; (c) reduce required open space, parking, aisles or driveways and required transitional screening or barriers; and (d) necessitate the installation or relocation of storm sewer, public water or public sewer:
 - A. Antennas and satellite earth stations.
 - B. Additions and alterations to existing uses, which may include changes or additions to features such as decks, vestibules, loading docks, mechanical equipment and storage structures, changes to the site such as walkways, landscaping or paving, or the addition of light poles or lighting fixtures to an existing use that is permitted by right in the zoning district in which it is located.
 - C. Accessory outdoor storage and display.

As currently written, Par. 16 has caused confusion about what uses are included in the GFA or disturbed area thresholds. Furthermore, the 250-and 500-square-foot thresholds may be too limiting, particularly since a grading plan is not required unless there is 2,500 square feet of disturbed land area. The proposed amendment would reorder the text to provide clarity, conform the definition of disturbed land area to other County provisions, and increase the GFA and land disturbing thresholds that do not require site plan or minor site plan approval.

Board Agenda Item
March 6, 2018

PROPOSED AMENDMENTS:

Refer to Attachment 1 (Staff Report) for a description and copy of the proposed amendments.

REGULATORY IMPACT:

The proposed amendment to the County Soils Map shifts the soil boundaries. The revised soil boundaries enhance critical information for the soil types and soil-related problems over 2011 County Soils Maps. Edits to Chapters 2, 4, and 11 of the PFM, and County Code Chapter 107 distinguish between the County's Soils Map and the maps published by the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS).

The proposed Zoning Ordinance amendment streamlines the site plan process by clarifying the uses that are exempt from site plan requirements. The amendment also increases the GFA and land-disturbing activity allowed for certain uses before triggering site plan requirements. The amendment reorders the text of Par. 16 of Sect. 17-104 and conforms the disturbed land area as defined in Chapter 104 of the County Code (Erosion and Sedimentation Control).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated January 23, 2018

Attachment 2 – Planning Commission Verbatim Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning

Laura Grape, Executive Director, Northern Virginia Soil & Water Conservation District

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney



LAND DEVELOPMENT SERVICES
January 23, 2018

STAFF REPORT

PREPARED BY CODE DEVELOPMENT AND COMPLIANCE

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

Proposed Amendments to *Chapters 107 (Problem Soils), Chapter 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code) and the Public Facilities Manual (PFM) Related to the County Soils Map and Uses Exempt from Site Plan Requirements*

PUBLIC HEARING DATES

Authorization to Advertise: January 23, 2018
Planning Commission Hearing: February 15, 2018 at 7:30 p.m.
Board of Supervisors Hearing: March 6, 2018 at 4:00 p.m.

Prepared By: Code Development and
Compliance Division
Thakur Dhakal, P.E.
(703) 324-2992

STAFF REPORT

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors adopt the proposed amendments.

DISCUSSION

Proposed Soils Map Amendment

The County Soils Map is based on field surveys prepared by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) and the Northern Virginia Water and Conservation District (NVSWCD). In 2008, NRCS released the survey to the public. Fairfax County was surveyed and mapped to national standards at a scale of 1:12,000 (1-inch = 1,000 feet), based on 2003 aerial photos and a topographic map with 10-foot contour lines. The information from the soils survey was transferred to the property identification maps and integrated into the county's Geographic Information System (GIS). The County Soils Map was adopted by the Fairfax County Board of Supervisors in 2011. It is on the county website at a 1:6,000 scale (1 inch = 500 feet).

Proposed Update to Soil Boundaries to Increase Accuracy

After its 2011 adoption, the NVSWCD began updating the County Soils Map to accommodate the 1:6,000 scale used, as well as correct inconsistencies that were found by NVSWCD. Newer, detailed aerial photographs from 2012 to 2015, and more recent topographic maps with 5-foot contour lines were used as the map base for the proposed updates.

The proposed amendment to the County Soils Map will shift the soil boundaries to correlate with the detailed topographic and land use information available. The revised soil boundaries will be more representative of the soil types and soil-related problems that exist on a site in comparison to the 2011 County Soils Maps.

The edits to Chapters 4 (Geotechnical Guidelines), 6 (Storm Drainage), and 11 (Erosion and Sediment Control) of the Public Facilities Manual (PFM) will help distinguish between the County's Soil Map and the maps published by NRCS. Edits are also proposed to Chapter 107 of the Code of the County of Fairfax (Problem Soils).

Proposed Zoning Ordinance Amendment

Article 17 of the Zoning Ordinance contains the site plan provisions, including a discussion of when a site plan or minor site plan is required. Sect. 17-104 of Article 17 contains a list of uses that are not subject to (exempt from) the requirement for a site plan or minor site plan. Par. 16 of Sect. 17-104 exempts antenna and satellite earth

stations, additions and alterations to existing uses, and accessory outdoor storage and display areas provided that such uses do not (a) exceed 250 square feet of gross floor area or disturbed area; (b) exceed 500 square feet of gross floor area or disturbed area for additions and alterations to provide an accessibility improvement; (c) reduce required open space, parking, aisles or driveways and required transitional screening or barriers; and (d) necessitate the installation or relocation of storm sewer, public water or public sewer.

Par. 16 as currently written has caused confusion as to what uses are included in the 250 or 500 square feet of gross floor area (GFA) or disturbed area thresholds, and what constitutes a “disturbed” area. GFA is defined in the Zoning Ordinance, in pertinent part, as the sum of the total horizontal areas of the several floors of all building on a lot, measured from the interior face of exterior walls. However, disturbed area is not defined in the Zoning Ordinance. Furthermore, it is believed that the 250 and 500 square foot threshold may be too limiting, particularly given that a grading plan is not required unless there is at least 2,500 square feet of land disturbing activity. In response to these concerns, the proposed Zoning Ordinance amendment revises Par. 16 of Sect. 17-104 to:

- Reorder the text to clarify that the GFA and land disturbing thresholds only apply to antennas and satellite earth stations, additions and alteration to existing uses, and accessory outdoor storage and display area.
- Clarify that the maximum permitted floor area ratio of the zoning district in which located cannot be exceeded.
- Clarify that 1) any additions and alterations to existing uses that increase the number of required parking spaces will continue to require the submission of a parking tabulation; and 2) any changes to the parking layout will continue to require a parking redesignation plan.
- Clarify that the disturbed land area is the same as defined in Chapter 104 of the County Code (Erosion and Sedimentation Control).
- Increase the GFA and land disturbing thresholds that do not require site plan or minor site plan approval as follows:
 - from 250 to 500 square feet of GFA,
 - from 250 to 2,500 square feet of disturbed land area, and
 - from 500 to 750 square feet of GFA, and from 500 to 2,500 square feet of disturbed land area for accessibility improvements.

ATTACHMENT DOCUMENTS:

Attachment A - Amendments to Chapter 107 (Problem Soils)

Attachment B - Amendment to the Public Facilities Manual (Problem Soils)

Attachment C - Amendments to Chapter 112 (Zoning Ordinance)

Attachment D - Proposed Soil Boundary Changes Examples 1, 2, and 3

**PROPOSED AMENDMENTS
TO
CHAPTER 107 (PROBLEM SOILS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 2 (Definitions), Section 107-2-1 (Definitions), definitions (a) through (f) to read as follows:

- (a) Director means the Director of the Land Development Services or designated agent.
- (b) Class I soils consist of Soil Nos. 11, 28, 33, 38, 39, 76, 79, 80, 81, 84, 85, 87, 88, and 90.
- (c) Class II soils consist of Soil Nos. 2, 7, 9, 31, 75, 77, 78, 92, and 93.
- (d) Class III soils consist of Soil Nos. 1, 8, 10, 29, 30, 32, 34, 35, 36, 37, 48, 49, 59, 60, 61, 62, 63, 64, 65, 74, 82, 83, 89, 91, ~~and 94,~~ and 109.
- (e) Class IVA soils consist of Soil Nos. 13, 15, 17, 20, 21, 26, 27, 42, 43, 44, 47, 51, 52, 53, 54, 55, 56, 57, 69, 71, 73, 86, 103, and 106 ~~and 109.~~
- (f) Class IVB soils consist of Soil Nos. 3, 4, 5, 6, 12, 14, 16, 18, 19, 22, 23, 24, 25, 27, 40, 41, 45, 46, 47, 50, 66, 67, 68, 70, 72, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 107, and 108.

**PROPOSED AMENDMENTS
TO
THE PUBLIC FACILITIES MANUAL**

Amend Chapter 4 (Geotechnical), § 4-0201 (County Soil Units, Map and Classes), by revising Paragraph 4-0201.5 to read as follows:

4-0201.5 Areas containing “marine clay” soils were mapped by the County Soil Science Office¹ and designated as such on prior County soil maps. The more recent soil mapping by NRCS, which utilizes national standards for soil unit names and descriptions, does not include a specific soil unit for “marine clay.” Areas mapped as containing “marine clay” soils in earlier survey work are identified as “Previously Mapped Marine Clay” and are overlaid on the NRCS County soil mapping. Undisturbed soils within the “Previously Mapped Marine Clay” overlay are mostly Marumsco soils, but in some locations other soil units occur. In those locations within the “Previously Mapped Marine Clay” overlay where the soils are mapped as something other than Class III soils, the requirements outlined in § 4-02054.12-2 for Class ~~IVA~~ III soil shall be met, regardless of the classification based on the recent NRCS County soils map. Regulations in the Fairfax County Zoning Ordinance, regarding “marine clay” are only applicable to the areas mapped as “Previously Mapped Marine Clay.”

Amend Chapter 6 (Storm Drainage), § 6-1605 (Geotechnical Design Guidelines for Stormwater Management Reservoirs with Earthdams), by revising Paragraph 6-1605.2C(1) to read as follows:

6-1605.2C(1) Field Investigation. The field investigation program shall be performed to explore the subsurface conditions for the proposed embankment dam, reservoir and borrow area. The field investigation program must include: 1) review of available data; 2) field reconnaissance; and 3) subsurface exploration. Existing information such as topographic and geologic data should be reviewed. References such as soil maps, the soil properties available from the County or the USDA-NRCS website, and any other sources of information should be reviewed. This review of available data should be followed by a field reconnaissance of the site of the dam and reservoir. The subsurface exploration program, consisting of test borings, test pits, or both, should be developed based on the complexity of the geologic and topographic features disclosed by the previous phases. Except when adequate measures are taken to restore the natural condition of excavations, test pits shall be in areas outside the alignment of the dam. At a minimum, three test borings shall be located along the dam alignment (centerline) and along the principal spillway profile at intervals not to exceed 100 feet. Additional borings shall be required at each major structure. Borings also shall be required throughout the

¹ The County Soil Science Office closed in 1996.

ponding area at a density of at least one per acre (evenly distributed) with a minimum of two borings for ponding areas less than 2 acres. The ponding area shall be defined as that area inundated by the 2-year water surface elevation. The depth of borings shall extend to competent material or to a depth equal to the lesser of either the embankment height or the foundation width. The use of geophysical techniques, where applicable, is encouraged. The subsurface exploration program shall be designed and implemented to evaluate the foundations, abutments, reservoir area and embankment design and any other pertinent geological considerations. *In situ* testing, such as permeability tests, undisturbed sampling and installation of piezometers may be required depending upon the site conditions and anticipated designs.

Amend Chapter 11 (Erosion and Sediment Control), § 11-0103 (Subdivision and Site Plan Preparation), by revising Paragraph 11-0103.2B to read as follows:

11-0103.2B The official soils map adopted by the Board of Supervisors is available on the county website ~~and published soil survey maps and text.~~ Associated soil properties and tables are available on the County and NRCS websites.

Amend Chapter 11 (Erosion and Sediment Control), § 11-0408 (Soils of the County), by revising Paragraphs 11-408.2C and 11-0408.8 to read as follows:

11-0408.2C The Coastal Plain which consists of soils developing in ~~alluvial~~ deposits of sand, silt and clay sediments.

11-0408.8 (107-10-PFM, 56-96-PFM) The Erosion Factor and selected engineering data for the County Soils are available on the County and NRCS websites. Additional information and advice concerning the County soils is available from the NVSWCD and the NRCS.

ATTACHMENT C

**PROPOSED ZONING ORDINANCE AMENDMENT
CHAPTER 112 OF THE FAIRFAX COUNTY CODE**

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 23, 2018, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 Amend Article 17, Site Plans, Part 1, General Requirements, as follows:
2

- 3 - Amend Sect. 17-104, Uses Exempt from a Site Plan or a Minor Site Plan, by revising the
4 introductory paragraph and Par. 16 to read as follows:
5

6 Unless otherwise required by proffered conditions or development conditions of an approved
7 rezoning, special permit, special exception or variance, the following uses shall not be subject
8 to the requirement for a site plan or a minor site plan. Such uses, however, ~~shall~~ will still be
9 subject to all other applicable provisions of this Ordinance, the Public Facilities Manual and
10 The Code.
11

- 12 16. ~~The following uses provided that the use or activity shall not (a) exceed 250 square feet~~
13 ~~of gross floor area or disturbed area; (b) exceed 500 square feet of gross floor area or~~
14 ~~disturbed area for additions and alterations to provide an accessibility improvement; (c)~~
15 ~~reduce required open space, parking, aisles or driveways and required transitional~~
16 ~~screening or barriers; and (d) necessitate the installation or relocation of storm sewer,~~
17 ~~public water or public sewer;~~
18

19 ~~A. Antennas and satellite earth stations.~~
20

21 ~~B. Additions and alterations to existing uses, which may include changes or additions~~
22 ~~to features such as decks, vestibules, loading docks, mechanical equipment and~~
23 ~~storage structures, changes to the site such as walkways, landscaping or paving, or~~
24 ~~the addition of light poles or lighting fixtures to an existing use that is permitted by~~
25 ~~right in the zoning district in which located.~~
26

27 ~~C. Accessory outdoor storage and display.~~
28

29 Antennas and satellite earth stations; accessory outdoor storage and display; and additions
30 and alterations to existing uses and site modifications which may include, but are not
31 limited to, changes or additions to decks, patios, concrete slabs, vestibules, loading docks,

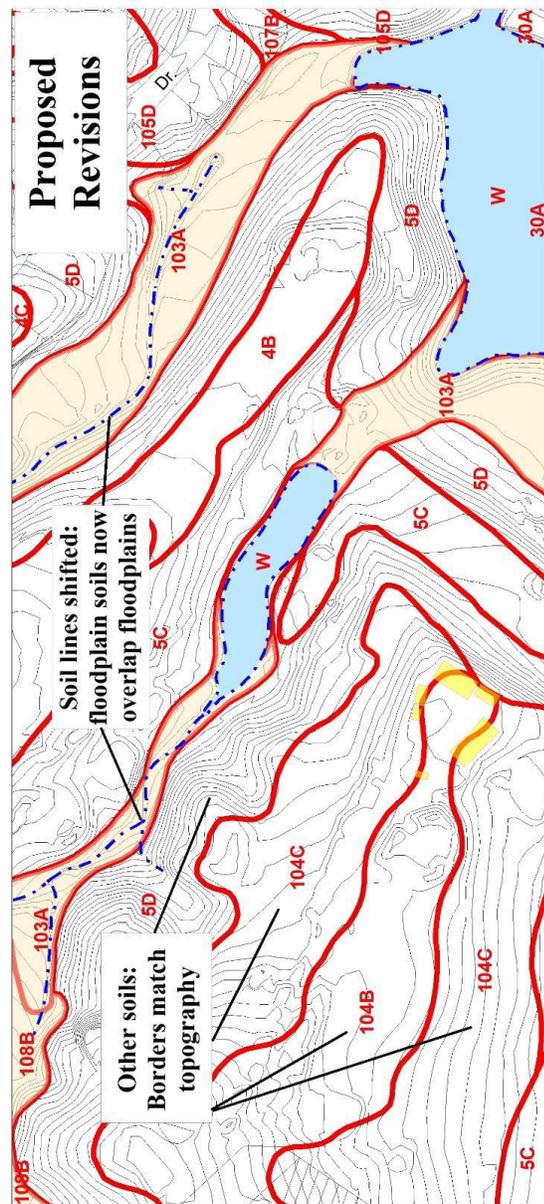
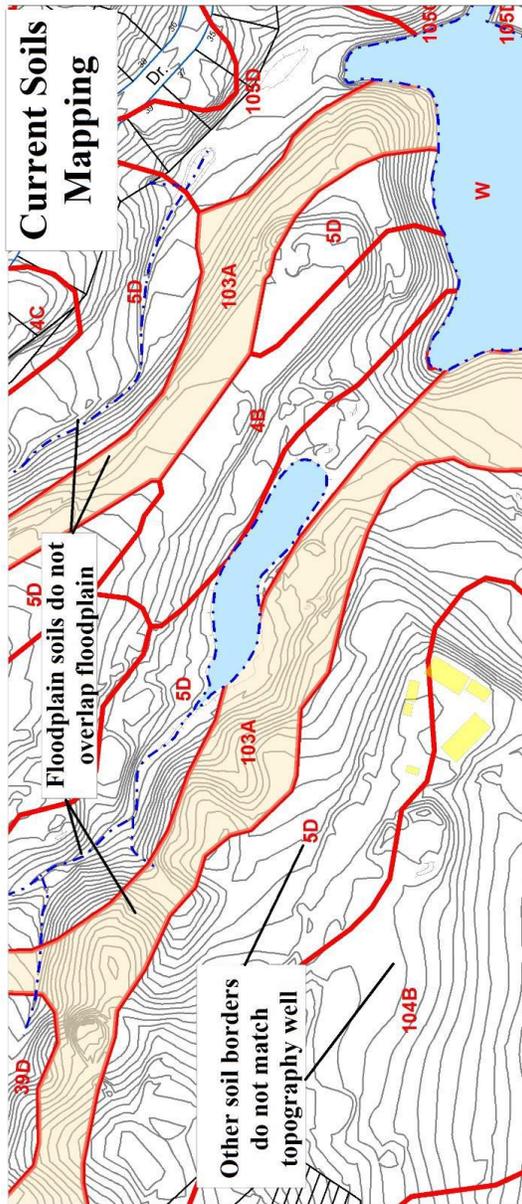
1 mechanical equipment, storage structures, generators, walkways, landscaping, paving,
2 and light poles/lighting fixtures. All such uses or activities must not:

- 3
- 4 A. Exceed 500 square feet of gross floor area or 2500 square feet of disturbed land area
5 as defined in the Chapter 104 of The Code;
- 6
- 7 B. Exceed 750 square feet of gross floor area or 2500 square feet of disturbed land area
8 as defined in the Chapter 104 of The Code for additions and alterations to provide an
9 accessibility improvement;
- 10
- 11 C. Exceed the maximum floor area ratio of the district in which located or the maximum
12 floor area ratio permitted by any proffered or development conditions;
- 13
- 14 D. Reduce required landscaping, open space, parking, travel aisles or driveways, and
15 transitional screening or barriers; and
- 16
- 17 E. Necessitate the installation or relocation of storm sewer, public water or public sewer.
- 18

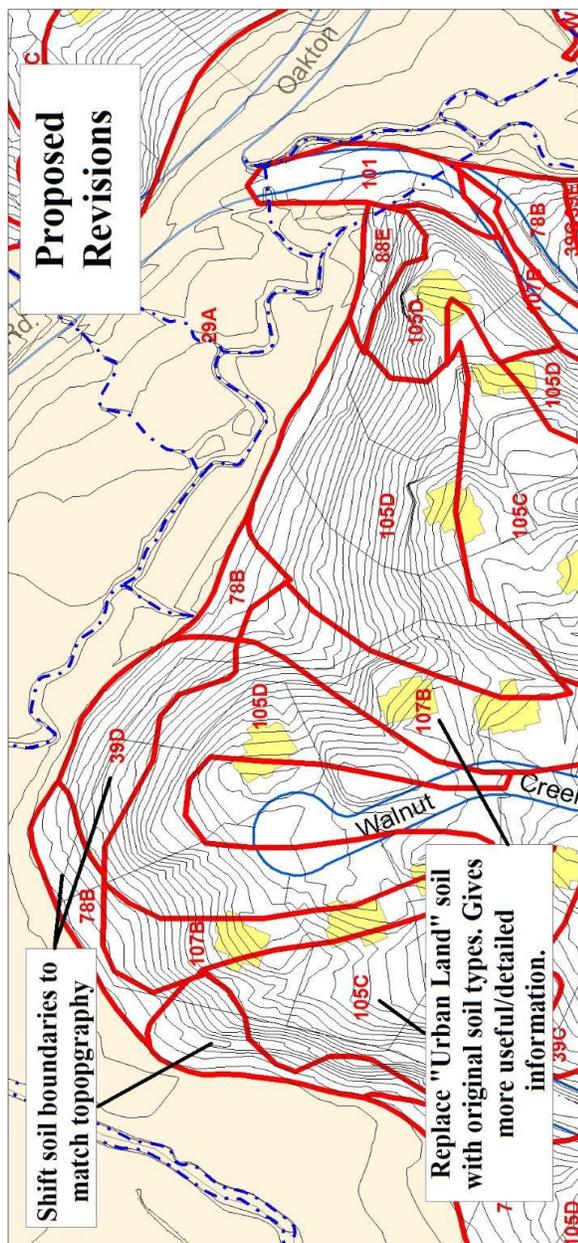
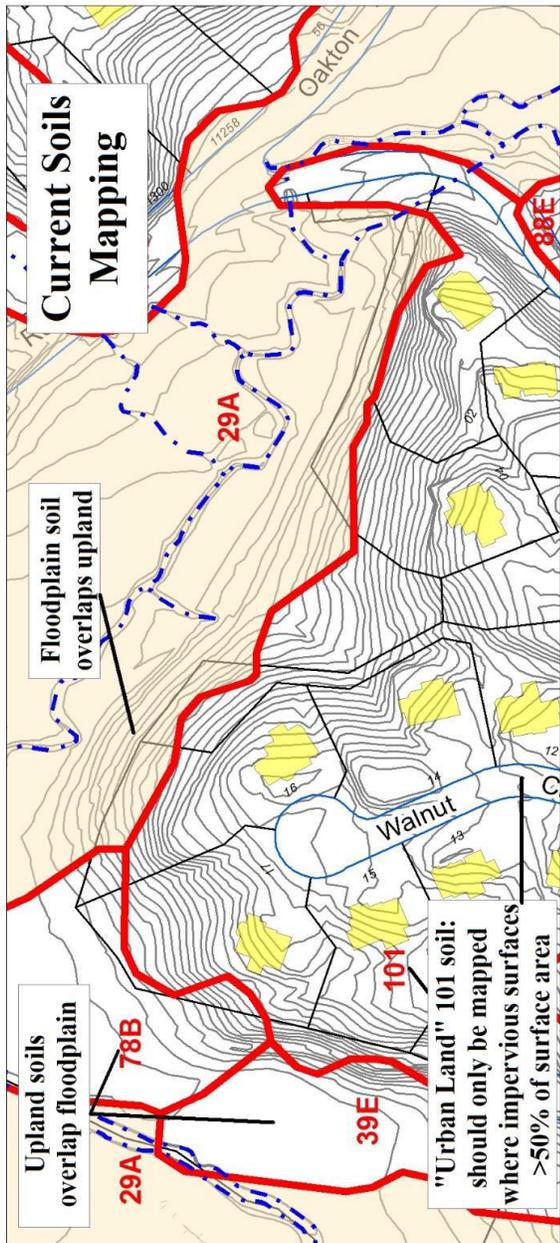
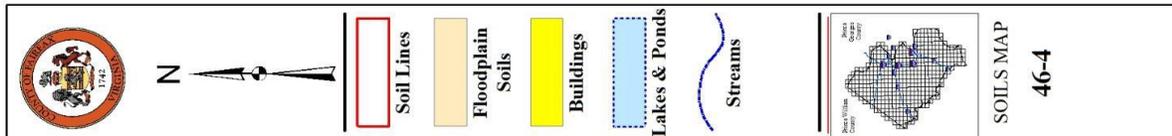
19 Any additions or alterations to existing uses that increase the number of required off-street
20 parking spaces requires the submission of a parking tabulation in accordance with Par. 8
21 above, and any changes to the parking layout requires the submission of a parking
22 redesignation plan in accordance with Par. 9 above.

ATTACHMENT D: Proposed Soil Boundary Changes, Example 1

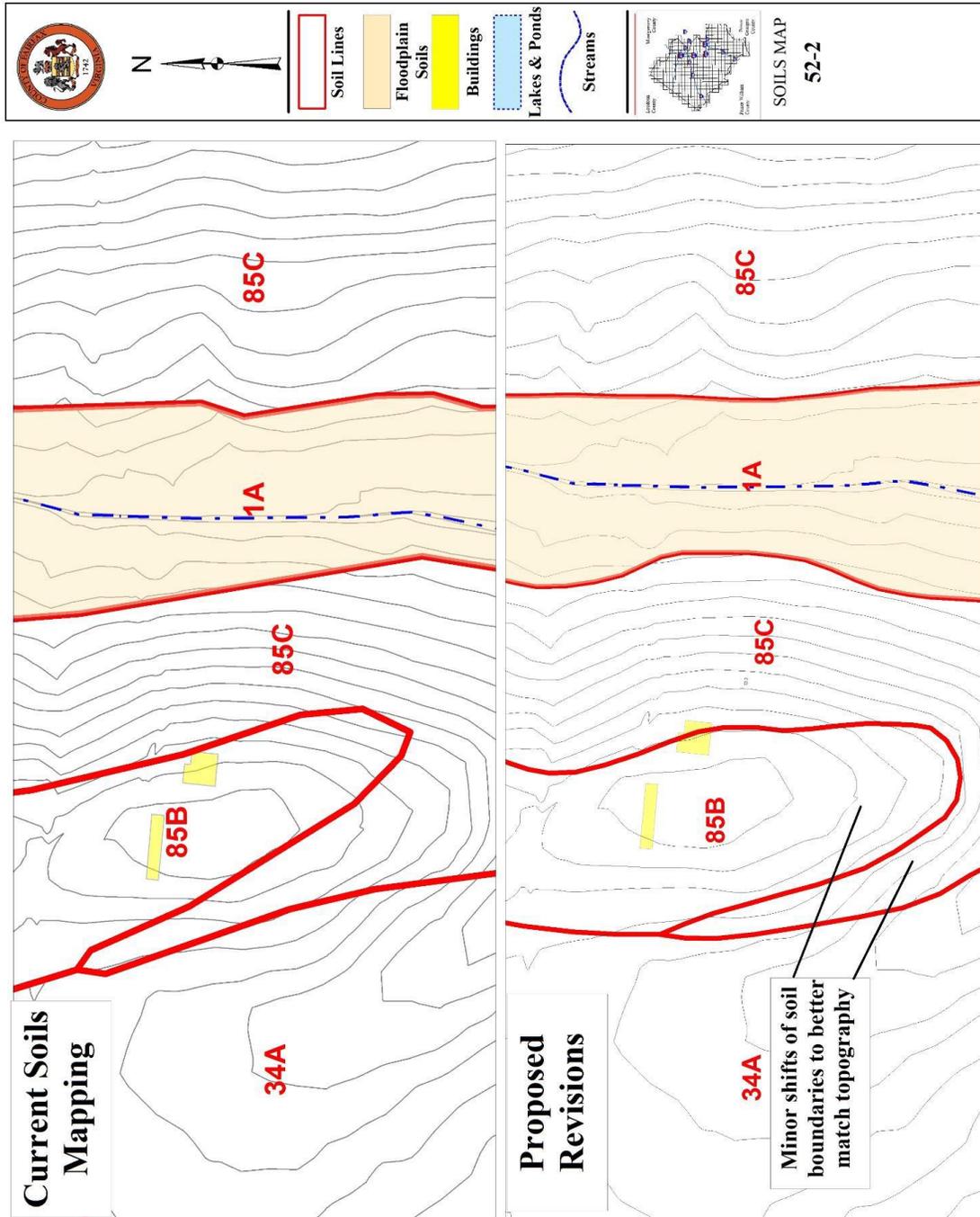
Michigan Department of Natural Resources
N
Soil Lines
Floodplain Soils
Buildings
Lakes & Ponds
Streams
SOILS MAP
89-2



ATTACHMENT D: Proposed Soil Boundary Changes, Example 2



ATTACHMENT D: Proposed Soil Boundary Changes, Example 3



**County of Fairfax, Virginia
Planning Commission Meeting
February 15, 2018
Verbatim Excerpt**

PFM AMENDMENT – CHAPTERS 107 (PROBLEM SOILS) CHAPTER 112 (ZONING ORDINANCE OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) AND THE PUBLIC FACILITIES MANUAL (PFM) RELATED TO THE COUNTY SOILS MAP AND USES EXEMPT FROM SITE PLAN REQUIREMENTS – Proposal to consider amendments to Chapter 107 (Problem Soils) and Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia (County Code) and the Public Facilities Manual (PFM) related to the County's Soil Map and uses exempt from site plan requirements. The proposed amendment to the County Soils Map is intended to more accurately delineate soil boundaries, provide more detailed information, and ensure the mapping stays current with changing land use. Edits to Chapters 4, 6, and 11 of the PFM and Chapter 107 of the County Code are also being made to clarify where soil maps can be found online and to help distinguish between the County's Soil Map and the maps published by the Natural Resource Conservation Service. The proposed Zoning Ordinance amendment facilitates and streamlines the site plan process by clarifying the uses that are exempt from the site plan requirements, and increasing the amount of gross floor area and land disturbing activity for certain uses that are exempt from the site plan requirements. The amendment reorders the text of Par. 16 of Sect. 17-104 of the Zoning Ordinance and clarifies that the land disturbance area is the same as defined in County Code Chapter 104 (Erosion and Sedimentation Control). (Countywide)

After close of the Public Hearing

Commissioner Sargeant: Thank you, Mr. Chairman. This is a straightforward amendment that more accurately delineates soil boundaries and ensures that the County mapping system and setup is current with changing land use. It also streamlines the site plan requirements, as well. I'd like to thank Thakur Dhakal and his team at LDS, as well as zoning, as well as the Northern Virginia Soil and Water Conservation District to their – for their contributions to updating these – this plan and these maps. With that, sir, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, AND PUBLIC FACILITIES MANUAL RELATED TO THE COUNTY SOILS MAP AND USES EXEMPT FROM SITE PLAN REQUIREMENTS, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 23RD, 2018. AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON MARCH 7TH, 2018.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion, as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.