

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
April 12, 2022**

**AGENDA**

9:30	<b>Done</b>	<a href="#">Presentations</a>
9:30	<b>Done</b>	<a href="#">Matters Presented by Board Members</a>
9:30	<b>Done</b>	<a href="#">Items Presented by the County Executive</a>

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing to Amend and Readopt the Large Area Community Parking Districts to Reflect 2021 Redistricting of Election/Magisterial Districts (Lee, Mason, Mount Vernon, and Springfield Districts)</a>
2	<b>Approved</b>	<a href="#">Extension of Review Period for 2232 Applications (Mason District)</a>
3	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon Portions of Quander Road / Route 630 (Mount Vernon District)</a>
4	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing to Consider Proposed Amendment to the Fairfax County Uniformed Retirement System Ordinance</a>
5	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Rolling Hills Avenue / Route 1201 (Lee District)</a>
6	<b>Approved</b>	<a href="#">Approval of a Second Amendment to the Memorandum of Understanding Between the Community Business Partnership and the Board of Supervisors to Administer the Fairfax County Small Business COVID-19 Recovery Microloan Fund</a>
7	<b>Approved</b>	<a href="#">Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's Federal Highway Administration Virginia Federal Lands Access Program for Fiscal Years 2023-2026 Grant Funding (Mount Vernon District)</a>

**ACTION ITEMS**

1	<b>Deferred to 3:00 p.m.; Approved</b>	<a href="#">Consideration of Approval of the Economic Incentive Program Application of Elm Street Communities, Inc. (Lee District)</a>
2	<b>Approved</b>	<a href="#">Approval of a Parking Reduction for Falls Church High School Renovation (Mason District)</a>

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**ACTION ITEMS  
(continued)**

- |   |                 |   |
|---|-----------------|---|
| 3 | <b>Approved</b> | Approval of a Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Pedestrian Improvements for the Route 29 Bridge Over Cub Run Project (Sully District) |
| 4 | <b>Approved</b> | Approval of Resolution of Support for Modifications of the Limited Access Line Along Interstate 495 (Dranesville District)  |
| 5 | <b>Approved</b> | Adoption of an Emergency Uncodified Ordinance to Provide for a Per-Trip Taxicab Fuel Surcharge of One Dollar  |

**CLOSED SESSION**

**Done**      Closed Session

**PUBLIC  
HEARINGS**

- |      |  |  |
|------|--|--|
| 2:30 | <b>Approved</b>  | Public Hearing to Convey a Deed of Easement for Fiber Optic Lines at the Criminal Justice Academy (Sully District)   |
| 2:30 | <b>Approved</b>  | Public Hearing on Proposed Plan Amendment 2021-I-1B First Christian Church, Located at 6165 Leesburg Pike, South of the Seven Corners Community Business Center (Mason District) |
| 2:30 | <b>Approved</b>  | Public Hearing on PCA/CDPA 2000-SU-012 (Buckley Development, LLC) (Springfield District)   |
| 2:30 | <b>Public Hearing deferred to 5/10/2022 at 4:30 p.m.</b> | Public Hearing on SE 2018-PR-014 (United Real Estate LLC) (Providence District)  |
| 3:00 | <b>Approved</b>  | Public Hearing on RZ 2021-SU-016 (Stonecroft Lee, LLC) (Sully District)  |
| 3:00 | <b>Approved</b>  | Public Hearing on RZ 2021-LE-011 and PCA 2004-LE-021 (Elm Street Communities, Inc.) (Lee District)   |
| 3:00 | <b>Public Hearing held; decision deferred</b>            | Public Hearing on the FY 2023 Effective Tax Rate Increase  |

**FAIRFAX COUNTY  
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**PUBLIC  
HEARINGS  
(continued)**

3:00	<b>Public Hearing held; decision deferred</b>	Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Availability Charges (Including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges
4:00	<b>Held; Public Hearing continued to 4/13/2022</b>	Public Hearing on the County Executive's Proposed FY 2023 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2023-2027 (CIP) (With Future Fiscal Years to 2032) and the Current Appropriation in the FY 2022 Revised Budget Plan



# *Fairfax County, Virginia*

## ***BOARD OF SUPERVISORS***

### ***AGENDA***

**Tuesday**  
**April 12, 2022**

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9:30 a.m.

#### **PRESENTATIONS**

- PROCLAMATION — To designate April 11-15, 2022 as Community Development Week. Requested by Chairman McKay, Supervisor Foust and Supervisor Palchik.
- RESOLUTION — To recognize the McLean Symphony and Maestro Dingwall Fleary for the symphony's 50<sup>th</sup> anniversary. Requested by Supervisor Foust.
- PROCLAMATION — To designate April as Autism Awareness Month. Requested by Supervisor Herrity.

#### **STAFF:**

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



Board Agenda Item  
April 12, 2022

9:30 a.m.

Matters Presented by Board Members

Board Agenda Item  
April 12, 2022

9:30 a.m.

Items Presented by the County Executive

Board Agenda Item  
April 12, 2022

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Amend and Readopt the Large Area Community Parking Districts to Reflect 2021 Redistricting of Election/Magisterial Districts (Lee, Mason, Mount Vernon, and Springfield Districts)

ISSUE:

Board authorization to advertise a public hearing to consider proposed amendments to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to reflect redistricting in the large area Lee, Mason, Mount Vernon, and Springfield Community Parking Districts (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 10, 2022, at 4:00 p.m., to consider adoption of Fairfax County Code amendments (Attachment I) to amend and readopt the large area Lee, Mason, Mount Vernon, and Springfield CPD's to reflect the new 2021 election/magisterial district boundaries.

TIMING:

The Board of Supervisors should take action on April 12, 2022, to provide sufficient time for advertisement of the public hearing on May 10, 2022, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to create a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked

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on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a large area CPD if the proposed District contains all of a magisterial district, while certain areas that meet minimum size requirements may be excluded.

The Board of Supervisors approved the redistricting plan for Fairfax County on December 7, 2021. As required by voting rights legislation, the Virginia Attorney General certified the redistricting plan for Fairfax County on January 12, 2022.

The purpose of the public hearing is to amend and readopt the large area Community Parking Districts (CPD) in accordance with the new 2021 election/magisterial district boundaries. The large area Lee, Mason, Mount Vernon, and Springfield CPDs encompass their entire election/magisterial districts and should be reestablished to reflect their new boundaries. In addition, previously established petition based CPDs located within a large area CPD are included in the amendment of each large area CPD, reflected in Appendix M.

FISCAL IMPACT:

Signage associated with petition based CPDs may be installed or removed, depending on circumstance. The cost of sign installation/removal is estimated to be \$2,500. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Large Area CPD Boundaries based on 2021 Redistricting

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Henri Stein McCartney, Sr. Transportation Planner, FCDOT  
Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

PROPOSED CODE AMENDMENT(S)

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

Amend and readopt Appendix M-46 of *The Code of the County of Fairfax, Virginia*, concerning the Mount Vernon Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Mount Vernon Community Parking District.
- (2) Blocks included in the Mount Vernon Community Parking District are described below:

All public secondary streets in residential areas within the Mount Vernon Election/Magisterial District. This includes the previously established CPDs of Beechwood, Landsdowne, Newington, Newington II, Riverview and Southrun.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Mount Vernon Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Mount Vernon Community Parking District will not be installed. (38-11-M-46.)

Amend and readopt Appendix M-68 of *The Code of the County of Fairfax, Virginia*, concerning the Lee Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Lee Community Parking District.
- (2) Blocks included in the Lee Community Parking District are described below:

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

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Lee Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Lee Community Parking District will not be installed. (45-09-M-68.)

Amend and readopt Appendix M-72 of *The Code of the County of Fairfax, Virginia*, concerning the Springfield Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Springfield Community Parking District.
- (2) Blocks included in the Springfield Community Parking District are described below:

All public secondary streets in residential areas within the Springfield Election/Magisterial District. This includes the previously established CPDs of Burke Station Square, Burgoyne Forest, ~~Cardinal Forest (portion)~~, Caroline Oaks, Cedar Lakes, Cherry Run, ~~Daventry~~, Green Trails (portion), Greentree Village, Hillside, Keene Mill Village IV, North Lake Village, Old Mill, Orange Hunt, Penderbrook, Somerset, South Run Crossing, Stone Creek Crossing, Timber Ridge, and White Oaks.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Springfield Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Springfield Community Parking District will not be installed. (04-10-M-72.)

Amend and readopt Appendix M-85 of *The Code of the County of Fairfax, Virginia*, concerning the Mason Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Mason Community Parking District.
- (2) Blocks included in the Mason Community Parking District are described below:

All public secondary streets in residential areas within the Mason Election/Magisterial District. This includes the previously established CPDs of Pinecrest and Old Columbia Pike.

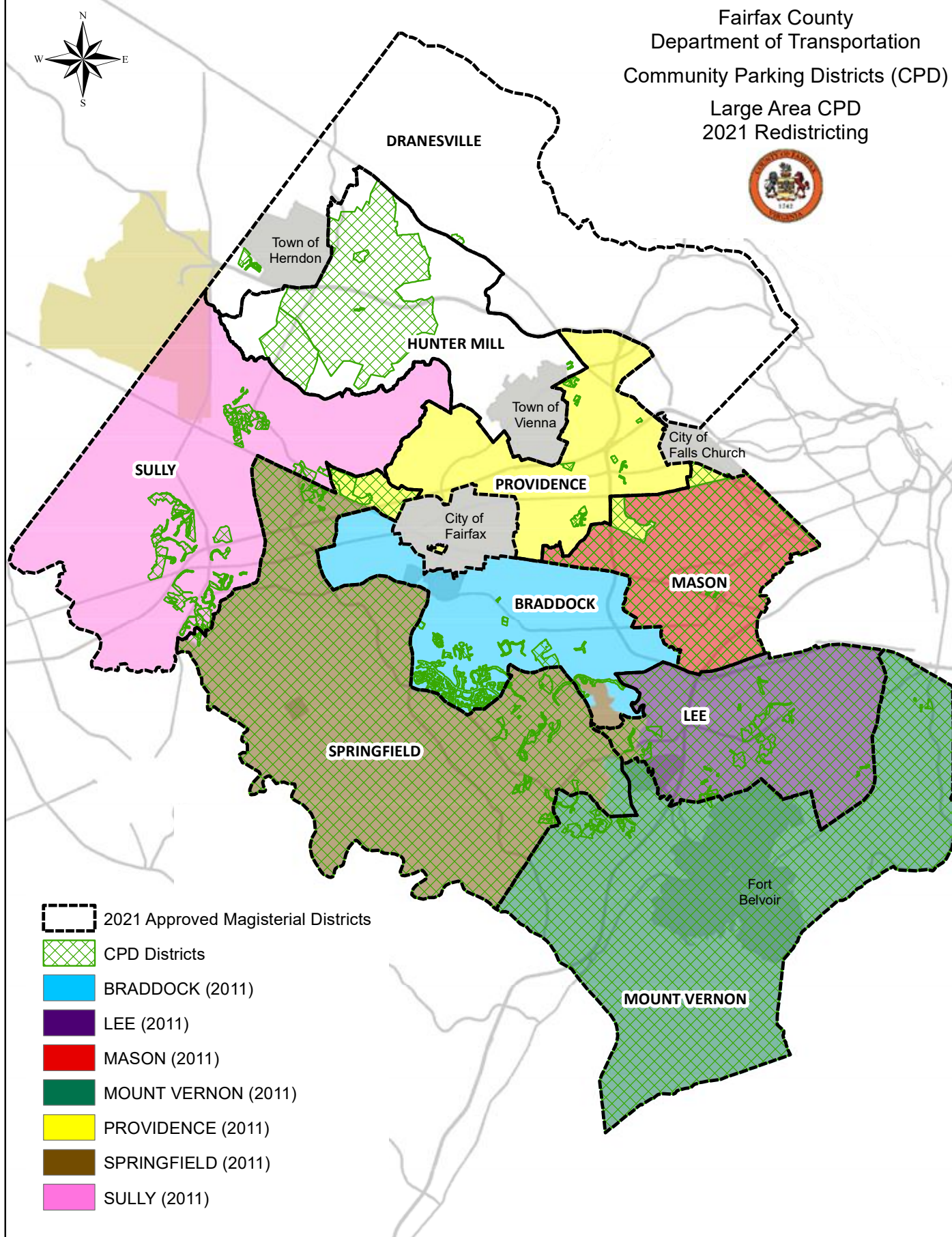
(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Mason Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Mason Community Parking District will not be installed. (19-15-M-85.)



Fairfax County  
Department of Transportation  
Community Parking Districts (CPD)  
Large Area CPD  
2021 Redistricting



ADMINISTRATIVE - 2

Extension of Review Period for 2232 Applications (Mason District)

ISSUE:

Extension of review period for 2232 applications to ensure compliance with review requirements of Section 15.2-2232 of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following applications: 2232-2022-MA-00002 and 2232-2022-MA-00003.

TIMING:

Board action is required April 12, 2022, to extend the review period for the applications noted above before their expiration date.

BACKGROUND:

Subsection B of Section 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The need for the full time of an extension may not be necessary and is not intended to set a date for final action.

PROJECT DESCRIPTION:

The Department of Public Works and Environmental Services (DPWES) submitted two 2232 applications for the proposed temporary and permanent sites of the West Annandale Fire Station 23.

The review period for the following applications should be extended to July 25, 2022:

2232-2022-MA-00002	Department of Public Works and Environmental Services (DPWES) West Annandale Fire Station 23 (temporary station) Tax Map No. 059-3 ((1)) 7 8724 Little River Turnpike, Fairfax, VA Mason District Accepted February 25, 2022
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2232-2022-MA-00003      Department of Public Works and Environmental Services  
   (DPWES)  
   West Annandale Fire Station 23 (permanent station)  
   Tax Map No. 058-4 ((1)) 62  
   8914 Little River Turnpike, Fairfax, VA  
   Mason District  
   Accepted February 25, 2022

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
None.

STAFF:  
Rachel Flynn, Deputy County Executive  
Barbara A. Byron, Director, Department of Planning and Development (DPD)  
Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division (DPD)

Board Agenda Item  
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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon Portions of Quander Road / Route 630 (Mount Vernon District)

ISSUE:

Authorization of a public hearing on a proposal to vacate and abandon portions of Quander Road / Route 630.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject right-of-way.

TIMING:

The Board should take action on April 12, 2022, to provide sufficient time to advertise the public hearing for May 24, 2022, at 3:30 p.m.

BACKGROUND:

The applicant, Walsh Colucci Lubeley & Walsh PC, on behalf of LMC Alexandria Holdings, LLC, a Delaware limited liability company, is requesting that portions of Quander Road / Route 630 be vacated under §15.2-2006 of the Virginia Code and abandoned under Virginia Code §33.2-909. The applicant is seeking this request in accordance with the approved Rezoning and Final Development Plan RZ/FDP 2021-MV-008.

In the 1980s the realignment of Quander Road was completed. The realignment project created areas of surplus right of way, leftover from the previous alignment. The applicant proposes to vacate and abandon areas of Quander Road that are surplus and no longer needed for public street purposes. The subject vacated and abandoned areas would be utilized in the approved rezoning project (RZ/FDP 2021-MV-008) as park space, private alley space, and townhomes.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access.

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Easements

The project manager has certified that all easement requirements for the project have been met.

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter of Request  
Attachment II: Notice of Intent to Abandon & Vacate  
Attachment III: Order of Abandonment  
Attachment IV: Ordinance of Vacation  
Attachment V: Metes and Bounds Description  
Attachment VI: Vacation and Abandonment Plat  
Attachment VII: Overlay Exhibit  
Attachment VIII: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division  
Greg Fuller, Section Chief, FCDOT-Site Analysis Section (SAS)  
Michelle Guthrie, FCDOT-SAS  
Jeffrey Edmondson, FCDOT-SAS  
Gavin Derleth, FCDOT-SAS

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



**WALSH COLUCCI  
LUBELEY & WALSH PC**

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

**REVISED**

January 21, 2022

**BY COURIER AND ELECTRONIC MAIL**

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

Re: Request for Proposed Vacation and Abandonment of Portions of  
Quander Road (Route 630), Mount Vernon District, Fairfax County,  
Virginia

Dear Michelle and Jeffrey:

This letter constitutes a request and statement of justification to vacate and abandon portions of Quander Road, Route 630, Fairfax County, Virginia, originally filed on July 8, 2021. This revised letter and our revised exhibits seek to address the comments contained in the Fairfax County Department of Transportation Letter dated September 22, 2021, as well as subsequent discussions. The three portions of Quander Road to be vacated and abandoned are located in the Mount Vernon Magisterial District (hereinafter referred to as the "**Vacation and Abandonment Area A**", "**Vacation and Abandonment Area B**", and "**Vacation and Abandonment Area C**"; collectively, the "**Vacation and Abandonment Areas**"). This request is made on behalf of LMC Alexandria Crossing Holdings, LLC, a Delaware limited liability company ("**Applicant**"). The Applicant has submitted Rezoning and Final Development Plan Application RZ/FDP 2021-MV-008 to the Department of Planning and Development ("**Rezoning Application**"), filed on approximately 7.61 acres that represents a consolidation of 15 parcels on Richmond Highway between Shields Avenue and Quander Road, on Tax Map Parcel #'s 83-3 ((1)) 34, 36, 37, 38, 40, 41, 41A, 42, 44; 83-3 ((8)) 1, B, C; 83-3 ((22)) 2, 2A, A, B, and the Vacation and Abandonment Areas. Under the proposed site layout of the Rezoning Application, the Applicant seeks to vacate and abandon those portions of Quander Road which are no longer required for roadway purposes.

The Vacation and Abandonment Areas to be vacated and abandoned are shown on the plat entitled "Plat Showing Vacation & Abandonment of Portions of Quander Road Deed Book 6266 Page 1013 Deed Book 6268 Page 744 Deed Book 1785 Page 264 Mount Vernon Magisterial District Fairfax County, Virginia" prepared by Bohler Engineering VA, LLC, Incorporated, dated July 1, 2021, last revised December 2, 2021.

To offer some background, the Vacation and Abandonment Areas were created as follows:

1. Vacation and Abandonment Area A was created as follows: (1) Dedication for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 1785 at Page 264, among the land records of Fairfax County, Virginia; (2) A prescriptive (Byrd Act) road;

**ATTORNEYS AT LAW**

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

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

{A1018821.DOC / 1 Justification Letter 002120 000698}

and (3) A taking by the Board of Supervisors of Fairfax County, Virginia (the "County") by Certificate recorded in Deed Book 6266 at Page 1013, among the land records of Fairfax County, Virginia.

Vacation and Abandonment Area A would go to the current owner of Tax Map Parcel # 083-3-01-0044. Michael Lambert, Assistant Director of Fairfax County Facilities Management Department, confirmed that the consideration to be paid by the Applicant to the County with respect to the portions of Vacation and Abandonment Area A and Vacation and Abandonment Area B that were created through takings, which totals 268 square feet, is \$134.00.

2. Vacation and Abandonment Area B was created as follows: (1) Dedication for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 1785 at Page 264, among the land records of Fairfax County, Virginia; (2) A prescriptive (Byrd Act) road; and (3) A taking by the County by Certificate recorded in Deed Book 6268 at Page 744, among the land records of Fairfax County, Virginia.

Vacation and Abandonment Area B would go to the current owner of Tax Map Parcel #'s 083-3-22-002A and 083-3-01-0034. As previously mentioned, Michael Lambert, Assistant Director of Fairfax County Facilities Management Department, confirmed that the consideration to be paid by the Applicant to the County with respect to the portions of Vacation and Abandonment Area A and Vacation and Abandonment Area B that were created through takings, which totals 268 square feet, is \$134.00.

3. Vacation and Abandonment Area C was dedicated for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 1785 at Page 264, among the land records of Fairfax County, Virginia.

Vacation and Abandonment Area C would go to the current owner of Tax Map Parcel # 083-3-22-0002 and 083-3-01-0044.

The proposed vacation and abandonment of the Vacation and Abandonment Areas is being processed concurrently with the Rezoning Application. The Vacation and Abandonment Areas are unused portions of Quander Road that was formerly used for an older alignment of Quander Road. With the realignment of Quander Road, the Vacation and Abandonment Areas, are surplus.

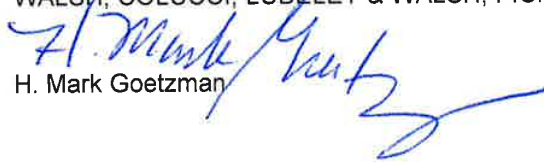
The vacation and abandonment of the Vacation and Abandonment Areas is requested pursuant to Virginia Code Sections 15.2-2006 and 33.2-909.

The total area to be vacated and abandoned is 6,288 square feet.

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

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

H. Mark Goetzman



cc: Alysia Yi  
Nick Georgas  
Stuart Cain  
Lynne Strobel



NOTICE OF INTENT TO  
ADOPT AN ORDINANCE VACATING AND AN ORDER ABANDONING  
PARTS OF A PLAT ON WHICH IS SHOWN

(Quander Road – State Route 630)

Mount Vernon Magisterial District,  
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 24, 2022, at 3:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, § 15.2-2006, and § 33.2-909, vacating and abandoning parts of the plat, recorded in Deed Book 1785, at Page 264, Deed Book 6266, at Page 1013, Deed Book 6268, at Page 744, and as a prescriptive (Byrd Act) road, on which is shown Quander Road – State Route 630. The portions of the road being vacated and abandoned are located adjacent to Tax Map 083-3-01-0044, 083-3-22-0002, 083-3-22-002A, and 083-3-01-0034, and are described and shown on the metes and bounds schedule dated January 18, 2022, and on the plat dated July 1, 2021, and last revised December 2, 2021, each prepared by Bohler Engineering VA, LLC, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

MOUNT VERNON DISTRICT.

§ 15.2-2006 and § 33.2-909

ORDER OF ABANDONMENT OF  
PORTIONS OF EXISTING QUANDER ROAD

MOUNT VERNON DISTRICT,  
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 24<sup>th</sup> day of May, 2022, it was duly moved and seconded that:

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

WHEREFORE, BE IT ORDERED:

That the portions of existing Quander Road (Route 630) comprising a total area of 6,288 square feet, located adjacent to Tax Map located adjacent to Tax Map 083-3-01-0044, 083-3-22-0002, 083-3-22-002A, and 083-3-01-0034, described on the metes and bounds schedule dated January 18, 2022, and on the plat dated July 1, 2021, and last revised December 2, 2021, each prepared by Bohler Engineering VA, LLC, attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

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

A Copy Teste:

---

By: Jill G. Cooper  
Clerk for the Board of  
Supervisors

§33.2-909

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

(Quander Road – Route 630)

Mount Vernon District,  
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on May 24<sup>th</sup>, 2022, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Parts of the Plat showing street dedication of Quander Road, recorded in Deed Book 1785 at Page 264, creation of portions of Quander Road by takings, recorded in Deed Book 6266, at Page 1013 and Deed Book 6268, at Page 744, and creation of portions of Quander Road as a prescriptive (Byrd Act) road, on which are shown Quander Road, comprising a total area of 6,288 square feet, located adjacent to Tax Map 083-3-01-0044, 083-3-22-0002, 083-3-22-002A, and 083-3-01-0034, and described and shown on the metes and bounds schedule dated January 18, 2022, and on the plat dated July 1, 2021, and last revised December 2, 2021, each prepared by Bohler Engineering VA, LLC, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2006.

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

A Copy Teste:

Jill G. Cooper  
Clerk for the Board of  
Supervisors

§15.2-2006



12020 Worthington Drive, Suite 700

Herndon, VA 20170

703.709.9500

**JANUARY 18, 2022  
METES AND BOUNDS DESCRIPTION**

**OF PORTIONS OF  
QUANDER ROAD – VA RTE. 630  
MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA**

**VACATION AND ABANDONMENT AREA A**

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LIMITS OF QUANDER ROAD – VA RTE. 630 (VARIABLE WIDTH RIGHT-OF-WAY), WITH THE DIVISION LINE BETWEEN THE LANDS OF ROSS TUMULTY (DEED BOOK 22962 PAGE 1411) ON THE NORTH AND THE LANDS OF LMC ALEXANDRIA CROSSING HOLDINGS, LLC (DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_) ON THE SOUTH, THENCE DEPARTING SAID DIVISION LINE, AND WITH A LINE THROUGH EXISTING QUANDER ROAD RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. SOUTH 72° 04' 40" EAST, 70.56, THENCE;
2. CONTINUING, SOUTH 77° 53' 23" WEST, 58.51 FEET, THENCE;
3. CONTINUING, 24.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 12° 01' 29", AND A CHORD BEARING AND DISTANCE OF SOUTH 71° 52' 38" WEST, 24.61 FEET TO THE WESTERLY RIGHT-OF-WAY LIMITS OF SAID QUANDER ROAD, THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS;
4. NORTH 17° 55' 20" EAST, 43.77 FEET TO THE POINT OF BEGINNING, CONTAINING 1,458 SQUARE FEET OR 0.033 ACRES.

**VACATION AND ABANDONMENT AREA B**

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LIMITS OF SAID QUANDER ROAD, WITH THE NORTHEASTERLY BOUNDARY LINE OF THE LANDS OF LMC ALEXANDRIA CROSSING HOLDINGS, LLC (DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_), THENCE WITH SAID NORTHEASTERLY BOUNDARY LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. NORTH 47° 12' 10" WEST, 82.16 FEET TO A REBAR FOUND, THENCE;
2. CONTINUING, SOUTH 42° 52' 47" WEST, 15.13 FEET TO AN IRON PIPE FOUND, THENCE;
3. CONTINUING, NORTH 46° 53' 34" WEST, 56.09 FEET, THENCE DEPARTING SAID NORTHEASTERLY BOUNDARY LINE AND WITH A LINE THROUGH SAID QUANDER ROAD, THE FOLLOWING FOUR (4) COURSES AND DISTANCES;
4. 18.61 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 60.50 FEET, A CENTRAL ANGLE OF 17° 37' 39", AND A CHORD BEARING AND DISTANCE OF NORTH 69° 04' 33" EAST, 18.54 FEET, THENCE;



12825 Worriagate Drive, Suite 700

Herndon, VA 20170

703.709.9500

5. CONTINUING, NORTH 77° 53' 23" EAST, 63.30 FEET, THENCE;
6. CONTINUING, 15.71 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 90° 00' 00", AND A CHORD BEARING AND DISTANCE OF SOUTH 57° 06' 37" EAST, 14.14 FEET, THENCE;
7. CONTINUING, SOUTH 11° 47' 47" EAST, 121.42 FEET TO THE POINT OF BEGINNING, CONTAINING 4,829 SQUARE FEET OR 0.111 ACRES

**VACATION AND ABANDONMENT AREA C**

BEGINNING AT A REBAR WITH CAP FOUND MARKING THE INTERSECTION OF THE DIVISION LINE BETWEEN PART OF PARCEL 2 (DEED BOOK 1785 PAGE 264) ON THE SOUTH, AND THE LANDS OF LMC ALEXANDRIA CROSSING HOLDINGS, LLC (DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_) ON THE NORTH, WITH THE WESTERLY RIGHT-OF-WAY LIMITS OF QUANDER ROAD – VA RTE. 630 (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS;

1. SOUTH 72° 04' 40" EAST, 1.81 FEET, THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LIMITS AND WITH A LINE THROUGH SAID QUANDER ROAD;
2. 0.77 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 00° 22' 34", AND A CHORD BEARING AND DISTANCE OF SOUTH 51° 54' 50" WEST, 0.77 FEET TO THE NORTHEASTERLY BOUNDARY LINE OF SAID PART OF PARCEL 2, THENCE WITH SAID NORTHEASTERLY BOUNDARY LINE;
3. NORTH 47° 11' 54" WEST, 1.52 FEET TO THE POINT OF BEGINNING, CONTAINING 1 SQUARE FOOT OR 0.000 ACRES.



## NOTES:

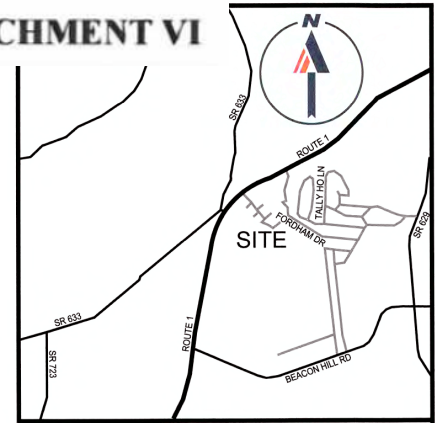
1. THE AREA SHOWN HEREON IS DESIGNATED ON FAIRFAX COUNTY TAX MAP #083
2. THIS PLAT IS PREPARED WITH REFERENCE TO A REPORT OF TITLE PREPARED BY ROUND TABLE TITLE, INC. FILE NO. 2021-7375, DATED MAY 14, 2021 VERIFIED THROUGH MARCH 7, 2021, AND A COMMITMENT FOR TITLE INSURANCE PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ISSUING AGENT CALATLANTIC NATIONAL TITLE SOLUTIONS, LLC, COMMITMENT NUMBER 110041-20-01150-VA, DATED OCTOBER 16, 2020.
3. THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE 1 IN 20,000.
4. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, FAIRFAX COUNTY, VIRGINIA AND INCORPORATED AREAS, PANEL 315 OF 450", MAP NUMBER 51059C0315E, WITH A MAP EFFECTIVE DATE OF SEPTEMBER 17, 2010.
5. THE PERIMETER OF THE LAND HERON PLATTED WILL BE MONUMENTED USING IRON PIPE OR OTHER PERMANENT MARKER. MONUMENTATION WILL BE INSTALLED BY A LAND SURVEYOR LICENSED IN THE COMMONWEALTH PRIOR TO BOND RELEASE BY FAIRFAX COUNTY.
6. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS83), NORTH ZONE, US SURVEY FOOT UNITS AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THE BOUNDARY TO NGS SURVEY MONUMENT NO. HV9695 (MEMORIAL AZ MK 1) WITH A PUBLISHED ELEVATION OF 225.64 (NAVD) AND CONVERTED TO NGVD20 WITH AN ELEVATION OF 226.55.
7. THE REASON FOR THIS PLAT IS TO VACATE AND ABANDON THE PORTIONS OF QUANDER ROAD.



## AREA TABULATION

VACATION AND ABANDONMENT AREAS	SQ. FT.	ACRES
AREA A	1,458	0.033
AREA B	4,829	0.111
AREA C	1	0.000
TOTAL	6,288	0.144

## ATTACHMENT VI



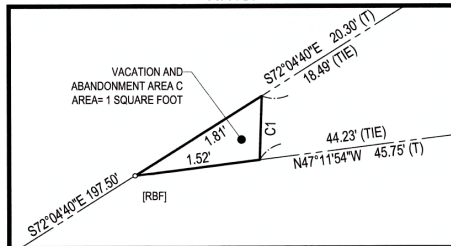
### LOCATION MAP

COPYRIGHT 2009  
DELOIRME STREET ATLAS USA 2009  
SCALE: 1"=2000'

## LEGEND

[IPF]	IRON PIPE FOUND
[RBF]	REBAR FOUND
(T)	TOTAL

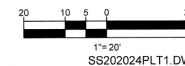
### DETAIL "A" N.T.S.



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA
C1	117.50'	0.77'	S51°54'50"W	0.77'	000°22'34"
C2	60.50'	18.61'	N69°04'33"E	18.54'	017°37'39"
C3	117.50'	24.66'	S71°52'38"W	24.61'	012°01'29"
C5	10.00'	15.71'	S57°06'37"E	14.14'	090°00'00"

PLAT SHOWING  
VACATION & ABANDONMENT  
OF PORTIONS OF  
QUANDER ROAD  
DEED BOOK 6266 PAGE 1013  
DEED BOOK 6268 PAGE 744  
DEED BOOK 1785 PAGE 264  
MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=20' DATE: JULY 1, 2021  
DRAWN: CJT SHEET 1 OF 1

NO.	REVISION	DATE
1	REVISED PER CLIENT COMMENTS	07/07/2021
2	UPDATED AREA OF ABANDONMENT B	12/02/2021

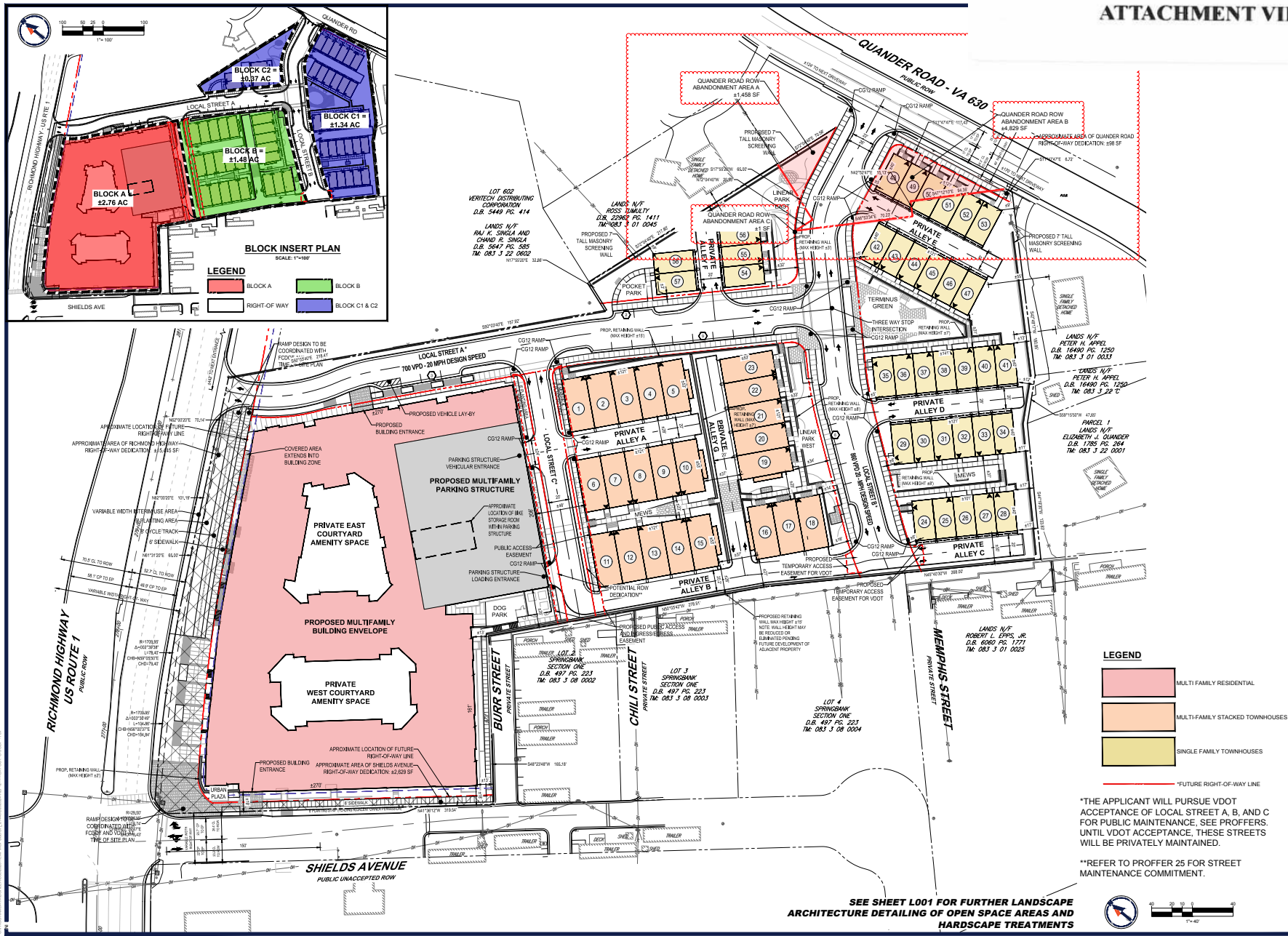


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www.bohlerengineering.com

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■ BALTIMORE, MD ■ SOUTHERN MARYLAND ■ NORTHERN VIRGINIA ■ WASHINGTON, DC ■ CENTRAL VIRGINIA ■ CHARLOTTE, NC ■ FALCON, NC





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 SITE PLAN AND CONSULTING ENGINEERING  
 LAND SURVEYING  
 LANDSCAPE ARCHITECTURE  
 CIVIL ENGINEERING  
 TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT
1	06/21/21	REVISION PER COUNTY COMMENTS
2	10/05/21	REVISION PER COUNTY COMMENTS
3	11/18/21	REVISION PER COUNTY COMMENTS
4	12/02/21	REVISION PER COUNTY COMMENTS
5	12/02/21	REVISION PER COUNTY COMMENTS

**811**  
 Know what's below. Call before you dig.  
 ALWAYS CALL 811  
 It's fast. It's free. It's the law.

PROJECT NO: 2020004  
 DRAWN BY: JAC  
 CHECKED BY: JAC  
 DATE: 03/06/21  
 CADD ID: 6924

CONCEPT DEVELOPMENT PLAN (CDP)  
 FINAL DEVELOPMENT PLAN (FDP)

ALEXANDRIA CROSSING

MOUNT VERNON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

**BOHLER**  
 12825 WORLDGATE DR. SUITE 700  
 HERNDON, VIRGINIA 20170  
 Phone: (703) 709-6600  
 Fax: (703) 709-6601  
 VA@BohlerEng.com



SHEET TITLE:  
**CDP / FDP**  
 SHEET NUMBER:  
**C-5**  
 REVISION 5 - 12/20/21

# Quander Road Vacation and Abandonment

## Mount Vernon District

ATTACHMENT VIII



Tax Map 83-3

\* Denotes Area to be Vacated and Abandoned



ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Proposed Amendment to the Fairfax County Uniformed Retirement System Ordinance

ISSUE:

Authorization to advertise a public hearing on proposed amendment to Article 3 of Chapter 3 of the Code of the County of Fairfax, which sets forth the ordinance for the Fairfax County Uniformed Retirement System (URS).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding the proposed amendment to the URS ordinance for the purpose of adding persistent burn injuries to the list of severe service-connected disabilities enumerated in the ordinance. The URS Board of Trustees has reviewed and supports the proposed amendment.

TIMING:

Board action is requested on April 12, 2022, to provide time to advertise for a public hearing on May 10, 2022, at 4:00 p.m.

BACKGROUND:

At the February 1, 2022, meeting of its Personnel Committee, the Board was presented with an amendment proposed by the URS Board of Trustees to add persistent burn injuries to the list of severe service-connected disabilities enumerated in the URS ordinance. In response, the Board directed that this proposed amendment be scheduled as soon as possible for a public hearing.

The URS has two levels of service-connected disability benefits. Ordinary service-connected disability pays 40 percent of the salary a URS member would receive at retirement, while severe service-connected disability pays 90 percent. This categorization of service-connected disabilities was adopted in response to a 1996 comprehensive study of URS disability benefits.

Under the URS ordinance, members are only eligible to be considered for the more generous severe service-connected disability benefit if they have one of the following 11 impairments suffered while on duty:

Board Agenda Item  
April 12, 2022

- Loss of both hands or both feet;
- Loss of one hand and one foot;
- Loss of one hand and the sight of one eye;
- Loss of one foot and the sight of one eye;
- Loss of the sight of both eyes;
- Paralysis, either paraplegia or quadriplegia;
- Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to Section 65.2-402(c) of the Virginia Code;
- Loss of speech;
- Loss of hearing;
- A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act, Chronic Hepatitis C determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to HCV-positive blood or other potentially infectious material (OPIM) in the workplace or during work-related activities; or
- Occupational Asthma, Occupational Hypersensitivity Pneumonitis, or Chronic Obstructive Pulmonary Disease (COPD) determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to a toxic substance in the workplace or during work-related activities.

PROPOSED AMENDMENT:

The proposed amendment adds persistent burn injuries caused by documented exposure/injury in the workplace or during work related activities to the current list of 11 impairments that qualify as severe service-connected disabilities. If adopted, it would take effect on July 1, 2022.

FISCAL IMPACT:

The amendment does not represent benefit enhancements, would not impact the URS's funded status, and would not require an increase in the County's contribution to URS.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Article 3 (with changes noted)

STAFF:

Christina Jackson, Chief Financial Officer

Jeff Weiler, Executive Director, Fairfax County Retirement Systems

ASSIGNED COUNSEL:

Benjamin R. Jacewicz, Assistant County Attorney

### **Section 3-3-37.2. Severe service-connected disability retirement.**

- (a) Any member in service may, at any time before his or her normal retirement date, be retired on account of a severe disability which is due to injury by accident and/or disease(s) which arose out of and in the course of the member's service. The Board shall determine whether a member has suffered a severe disability as defined herein due to injury by accident and/or disease(s) which arose out of and in the course of a member's service. In making this determination, the Board shall consult the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia which applied or construed language under the Virginia Workers' Compensation Act. Furthermore, in making this determination, the Board shall consider any medical record or information and/or any further tests or examinations required pursuant to Section 3-3-10.1.
- (b) When a member or his or her employer submits a written application for service-connected disability retirement as set forth in Section 3-3-36, the Board shall determine whether the member meets the requirements for qualification to receive severe service-connected disability as set forth in this Section. Prior to submitting such application, the member shall be required to apply for workers' compensation to which he or she may be entitled. The member shall also be required to submit to the Board copies of the dispositions as made of his or her workers' compensation claim and any subsequent awards or other documents reflecting any modification or termination of such benefits. With respect to the determination of a member's eligibility for retirement under this Section, the Board shall give great weight to the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers' Compensation Act; and the Board may modify its prior determination of eligibility under this Section in light of any such decision within 90 days after the date such decision becomes final.
- (c) Any member otherwise eligible for ordinary disability retirement under Section 3-3-34 whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to Section 3-3-34. Any member otherwise eligible for service-connected disability retirement under Section 3-3-36 whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to Section 3-3-36.
- (d) *Severe disability* shall mean an impairment from the list below that permanently incapacitates the member from performing the necessary duties of the position in which he or she had been employed prior to sustaining the impairment.
  - (1) Schedule of impairments:
    - (A) Loss of both hands or both feet;
    - (B) Loss of one hand and one foot;
    - (C) Loss of one hand and the sight of one eye;
    - (D) Loss of one foot and the sight of one eye;
    - (E) Loss of the sight of both eyes;
    - (F) Paralysis, either paraplegia or quadriplegia;
    - (G) Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to Section 65.2-402(c) of the *Virginia Code*;
    - (H) Loss of speech;
    - (I) Loss of hearing;

- (J) A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act;
  - (K) Chronic Hepatitis C determined to be compensable by the Workers' Compensation Commission which was caused by documented exposure to HCV-positive blood or other potentially infectious material (OPIM) in the workplace or during work-related activities, as described in Section 65.2-402.1(a) of the Virginia Code; or
  - (L) Occupational Asthma, Occupational Hypersensitivity Pneumonitis, or Chronic Obstructive Pulmonary Disease (COPD) determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to a toxic substance in the workplace or during work-related activities, as described in Section 65.2-402(c) of the Virginia Code, or otherwise determined to be compensable as an injury by accident by the Virginia Workers' Compensation Commission. This condition, added on {date} is to be applied retroactively to any service-connected disability applications submitted on or after June 1, 2019.
  - (M) Persistent burn injuries caused by documented exposure/injury in the workplace or during work related activities, as described in section 65.2-402 (c) of the Virginia Code which render an employee unable to do meaningful work, including those which involve (1) 3rd degree or higher burns over more than 30% of body surface area, and/or (2) extensive and debilitating skin lesions , and/or (3) burns which result in the loss of meaningful use of more than one limb, and/or (4) multisystem injuries (e.g., severe pulmonary burns with loss of diffusion capacity) and/or (5) conditions that may not meet the precise definitions of above clauses 1-5 but are accompanied by one or more of the following: substantial disfigurement, chronic debilitating pain, or other symptoms of a severity which would substantially limit an employee's ability to routinely and efficiently perform community-based work
- (2) Loss shall mean:
- (A) With respect to a hand or foot, the dismemberment by severance through or above the wrist or ankle joint, or the partial dismemberment resulting in the loss of functional use of the partially dismembered hand or foot.
  - (B) With respect to sight, central acuity of 20/200 or less with the use of correcting lenses or visual acuity greater than 20/200 if accompanied by a limitation in the field of vision that the widest diameter of the visual field subtends an angle no greater than 20 degrees. These standards apply to the affected eye if sight loss is claimed for one eye in combination with loss of a hand or foot, or to the better eye if sight loss is claimed for both eyes.
  - (C) With respect to hearing, a severe and irreversible bilateral loss of hearing that is not correctable with either the use of hearing aids or with corrective surgery.
- (e) For the purpose of this Section only, *member in service* shall include a member who has not reached his or her normal retirement date and who has been retired on account of a service-connected disability pursuant to the terms of Section 3-3-36.
  - (f) A member for whom an application for severe service-connected disability is approved by the Board shall not be required to submit to medical re-evaluations as required by Section 3-3-40. (48-96-3; 19-01-3; 7-03-3; 34-04-3; 3-16-3; 22-18-3; 04-20-3.)

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Rolling Hills Avenue / Route 1201 (Lee District)

ISSUE:

Authorization of a public hearing on a proposal to vacate and abandon a portion of Rolling Hills Avenue / Route 1201.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject right-of-way.

TIMING:

The Board should take action on April 12, 2022, to provide sufficient time to advertise the public hearing for May 24, 2022, at 3:30 p.m.

BACKGROUND:

The applicant, Walsh Colucci Lubeley & Walsh PC, on behalf of Elm Street Communities, Inc., a Virginia corporation, is requesting that a portion of Rolling Hills Avenue / Route 1201 be vacated under §15.2-2272 of the Virginia Code and abandoned under Virginia Code §33.2-909. The applicant is seeking this request in accordance with the Rezoning and Final Development Plan RZ/FDP 2021-LE-011.

The subject portion of Rolling Hills Avenue was dedicated by deed of dedication (Deed Book 749 Page 313) in 1950 as part of the Rolling Hills Subdivision. The applicant proposes to vacate and abandon the subject area of Rolling Hills Avenue and utilize the area in the rezoning project (RZ/FDP 2021-LE-011) as part of the multifamily residential development.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access.

Easements

The project manager has certified that all easement requirements for the project have been met.

Board Agenda Item  
April 12, 2022

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter of Request  
Attachment II: Notice of Intent to Abandon & Vacate  
Attachment III: Order of Abandonment  
Attachment IV: Ordinance of Vacation  
Attachment V: Metes and Bounds Description  
Attachment VI: Vacation and Abandonment Plat  
Attachment VII: CDP Overlay Exhibit  
Attachment VIII: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division  
Greg Fuller, Section Chief, FCDOT-Site Analysis Section (SAS)  
Michelle Guthrie, FCDOT-SAS  
Jeffrey Edmondson, FCDOT-SAS  
Gavin Derleth, FCDOT-SAS

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



**WALSH COLUCCI  
LUBELEY & WALSH PC**

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

**REVISED**

March 7, 2022

**BY COURIER AND ELECTRONIC MAIL**

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

Re: Request for Proposed Vacation and Abandonment of a Portion of Rolling Hills Avenue (Route 1201) (formerly Jackson Avenue), Lee District, Fairfax County, Virginia

Dear Gavin, Michelle and Jeffrey:

This letter constitutes a request and statement of justification to vacate and abandon a portion of Rolling Hills Avenue (formerly Jackson Avenue), Route 1201, Fairfax County, Virginia, originally filed on August 20, 2021. This revised letter and our revised exhibits seek to address the comments contained in the Fairfax County Department of Transportation Letter dated October 22, 2021, as well as subsequent discussions. The portion of Rolling Hills Avenue to be vacated and abandoned is located in the Lee Magisterial District (hereinafter referred to as the "**Vacation and Abandonment Area**"). This request is made on behalf of Elm Street Communities, Inc., a Virginia corporation ("**Applicant**"). By way of background, the Applicant has recently submitted a Proffered Condition Amendment Application PCA 2004-LE-021 for the proposed removal of approximately 5.42 acres of land from the development known as Mount Vernon Gateway, concurrent with the submittal of a Rezoning and Final Development Plan Application RZ 2021-LE-011/FDP 2021-LE-011 for the proposed rezoning of the 5.42 acre parcel to the PRM District to construct a multi-family building with parking (collectively, "**Rezoning Application**"). The Rezoning Application is filed on approximately 5.42 acres that represents a consolidation of 9 parcels which are part of a development known as Mount Vernon Gateway, on Tax Map Parcel #'s 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (2) 15, 101-2 ((5)) (3) 1, 101-2 ((5)) (3) 2A, 101-2 ((5)) (3) 13, and the Vacation and Abandonment Area.

The Vacation and Abandonment Area to be vacated and abandoned is shown on the plat entitled "Plat Showing Vacation And Abandonment of a Portion of Rolling Hills Avenue Route 1201 Deed Book 749 Page 313 Lee District Fairfax County, Virginia" prepared by VIKI VIRGINIA LLC, dated March 4, 2022.

The parcels located adjacent to the Vacation and Abandonment Area are Tax Map Parcel Numbers 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A. The Applicant is the contract purchaser of these parcels that are adjacent to the Vacation and Abandonment Area.

**ATTORNEYS AT LAW**

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

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664  
{A1027730.DOC / 1 Justification Letter 000780 000187}

The Vacation and Abandonment Area was dedicated for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 749 at Page 313, among the land records of Fairfax County, Virginia. In conjunction with the proposed Rezoning Application, the Applicant requests the vacation and abandonment of the Vacation and Abandonment Area, as this portion of Rolling Hills Avenue right-of-way will no longer be necessary as the six non-conforming residential homes that it serves will be demolished with the construction of the improvements proposed in the Rezoning Application. As such, this portion of right-of-way will no longer be required for roadway purposes.

The vacation and abandonment of the Vacation and Abandonment Areas is requested pursuant to Virginia Code Sections 15.2-2272 and 33.2-909.

The total area to be vacated and abandoned is 20,967 square feet.

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

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



H. Mark Goetzman

cc: Alysia Yi  
Lynne Strobel  
Nick Flanagan  
Jim Perry  
J. Thomas Harding  
John Walsh



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

(Rolling Hills Avenue – State Route 1201)

Lee District,  
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 24, 2022, at 3:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, § 15.2-2272, and § 33.2-909, vacating and abandoning a 20,967 square foot part of the plat, recorded in Deed Book 749, at Page 313, on which is shown Rolling Hills Avenue – State Route 1201 (formerly Jackson Avenue). The road is located adjacent to Tax Map 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A and is described and shown on the metes and bounds schedule dated December 21, 2021, and on the plat dated March 4, 2022, each prepared by VIKA VIRGINIA LLC, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

LEE DISTRICT.

§ 15.2-2272 and § 33.2-909

ORDER OF ABANDONMENT OF  
PORTION OF ROLLING HILLS AVENUE

LEE DISTRICT,  
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 24th day of May, 2022, it was duly moved and seconded that:

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

WHEREFORE, BE IT ORDERED:

That the portion of existing Rolling Hills Avenue (Route 1201) comprising a total area of 20,967 square feet, located adjacent to Tax Map 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A, described on the metes and bounds schedule dated December 21, 2021, and on the plat dated March 4, 2022, each prepared by VIKI VIRGINIA LLC, attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

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

A Copy Teste:

By: Jill G. Cooper  
Clerk for the Board

§33.2-909

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

(Rolling Hills Avenue – Route 1201)

Lee District,  
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on May 24, 2022, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Plat Showing Street Dedication of Rolling Hills Avenue (formerly Jackson Avenue), recorded in Deed Book 749 at Page 313, on which is shown Rolling Hills Avenue (formerly Jackson Avenue), comprising a total area of 20,967 square feet, located adjacent to Tax Map 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A, and described and shown on the metes and bounds schedule dated December 21, 2021, and on the plat dated March 4, 2022, each prepared by VIKA VIRGINIA LLC, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272.

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

A Copy Teste:

Jill G. Cooper  
Clerk for the Board of  
Supervisors

§15.2-2272

**VIKA Virginia, LLC**  
 8180 Greensboro Dr.  
 Suite 200  
 Tysons, VA 22102  
 703.442.7800  
[vika.com](http://vika.com)



**DECEMBER 21, 2021**

**DESCRIPTION OF  
 A PORTION OF  
 ROLLING HILLS AVENUE  
 50' WIDE R/W  
 (FORMERLY JACKSON AVENUE)  
 DEED BOOK 749 PAGE 313  
 LEE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA**

Being a portion of Rolling Hills Avenue – Route 1201 (formerly Jackson Avenue) as recorded in Deed Book 749 at Page 313 all among the Land Records of Fairfax County, Virginia.

Beginning for the same at a point on the southerly right of way line of Buckman Road – Route 836, said point marking the northerly most corner of Lot 14, Block 2, Rolling Hills as recorded in Deed Book 749 at Page 313 among the aforesaid Land Records, thence running with the outlines of Lot 14 and continuing with the outlines of Lots 13, 12, 11 and 10, Block 2, Rolling Hills (Deed Book 749, Page 313) the following three (3) courses and distances.

- 1) 36.48 feet along the arc of a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of South 41° 53' 42" West, 33.33 feet to the point; thence.
- 2) 224.09 feet along the arc of a curve to the right, having a radius of 236.40 feet and a chord bearing and distance of South 27° 14' 48" West, 215.79 feet to a point; thence.
- 3) South 54° 24' 05" West, 192.35 feet to a point; thence departing the aforesaid Lots and running so as to cross and include a portion of Rolling Hills Avenue – Route 1201.
- 4) North 35° 38' 40" West, 50.00 feet to a point marking the common corner of Lots 2A and 3A, Block 3, Rolling Hills as recorded in Deed Book 2418 at Page 189 among the aforesaid Land records; thence running with the southeasterly line of the said Lot 2A and continuing with the outlines of Lot 1, Block 3, Rolling Hills as recorded in Deed Book 749 at Page 313 among the aforesaid land Records, the following three (3) courses and distances.
- 5) North 54° 24' 05" East, 192.39 feet to a point; thence.
- 6) 167.38 feet along the arc of a curve to the left, having a radius of 186.40 feet and a chord bearing and distance of North 28° 40' 41" East, 161.81 feet to a point; thence.
- 7) 42.09 feet along the arc of a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of North 45° 16' 48" West, 37.29 feet to the point on the aforesaid southerly right of the way line of Buckman Road – Route 836; thence running with the said southerly right of way line.
- 8) North 85° 29' 47" East, 99.31 feet to the point of beginning containing 20,967 square feet or 0.48134 of an acre of land.

Q:\Projects\7987\7987C\CADD\SURVEYS\LEGAL DESCRIPTIONS\VACATION AND ABANDONMENT\VV7987C Legal Description.docx

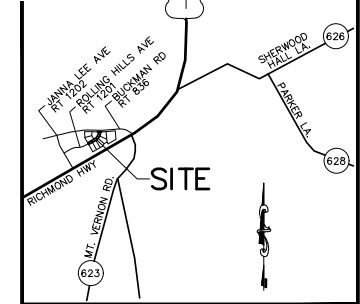


# ATTACHMENT VI

## NOTES:

1. THE SUBJECT PROPERTY IS ADJACENT TO THE FOLLOWING PARCELS IDENTIFIED ON FAIRFAX COUNTY TAX MAP AS TAX MAP #101-2-05-03-0001, #101-2-05-03-0002A, #101-2-05-02-0010, #101-2-05-02-0011, #101-2-05-02-0012, #101-2-05-02-0013, AND #101-2-05-02-0014 BEING A PORTION OF EXISTING ROLLING HILLS AVENUE, ROUTE 1201 (EXISTING 50' RIGHT-OF-WAY) PREVIOUSLY VACATED AND ABANDONED AS RECORDED IN DEED BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ AND IS ZONED PDH-30.
2. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) NUMBER 51059C0405E, COMMUNITY PANEL 515225 0405 E, FOR FAIRFAX COUNTY, VIRGINIA, DATED SEPTEMBER 17, 2010. ZONE "X" IS NOT IDENTIFIED AS A SPECIAL FLOOD HAZARD ZONE AREA.
3. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO VIRGINIA COORDINATE SYSTEM OF 1983 (VCS83) BASED ON A GPS SURVEY BY VIKI VIRGINIA, LLC.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED BY VIKI VIRGINIA, LLC, DATED NOVEMBER 2020.

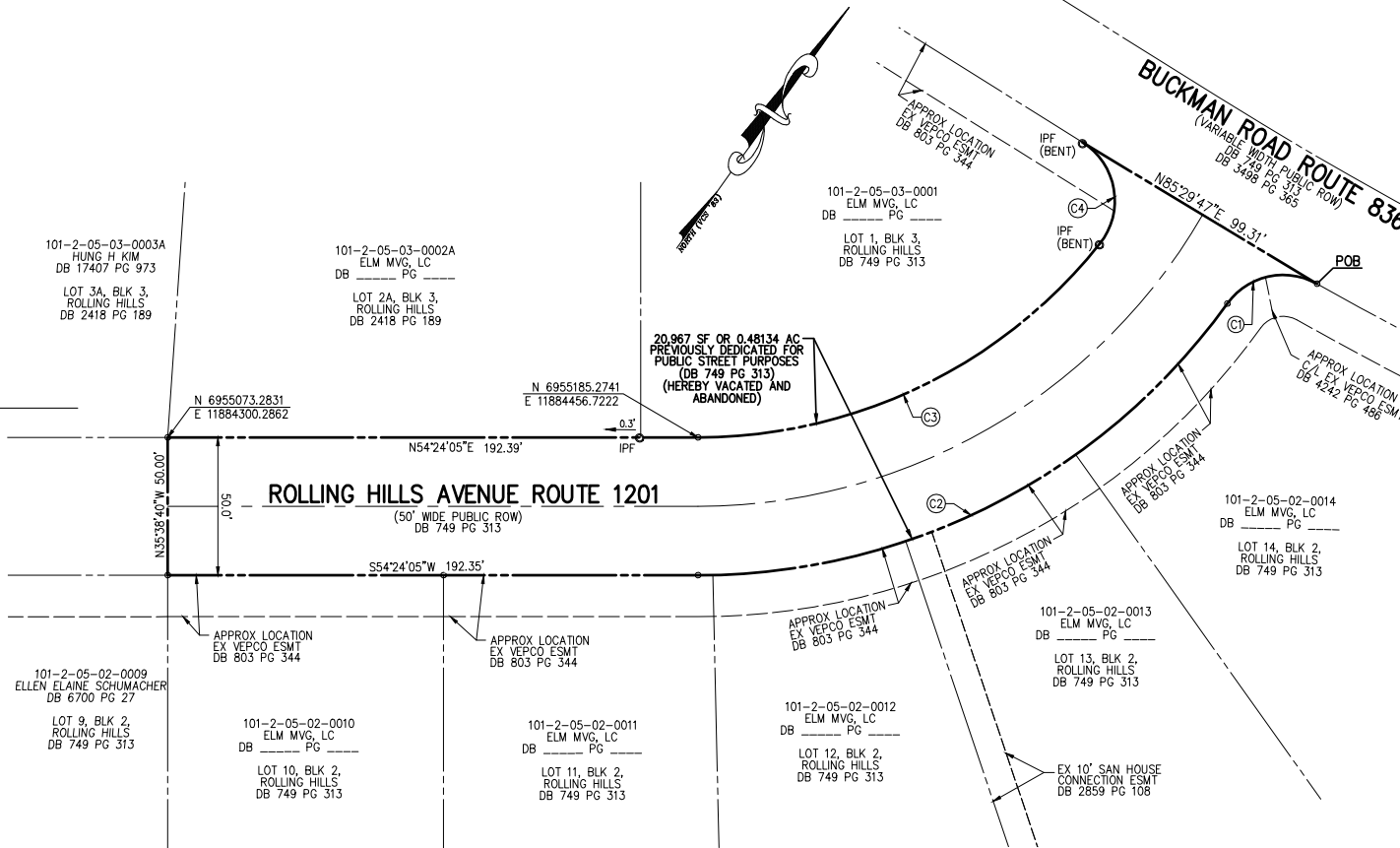
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BRG	CHORD
C1	36.48'	25.00'	083°36'37"	22.36'	S41°53'42"W	33.33'
C2	224.09'	236.40'	054°18'40"	121.26'	S27°14'48"W	215.79'
C3	167.38'	186.40'	051°26'55"	89.81'	N28°40'41"E	161.81'
C4	42.09'	25.00'	096°28'03"	27.99'	N45°16'48"W	37.29'



### VICINITY MAP

SCALE: 1"=2000'

THE INFORMATION, DESIGN, AND CONTENT OF THESE DRAWINGS AND/OR DOCUMENTS HERETO ARE PROPRIETARY TO VIKI VIRGINIA, L.L.C. AND CONSTITUTE ITS PROPRIETARY INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR DOCUMENTS MUST NOT BE DIGITALLY FORWARDED, SHARED OR COPIED, DIGITALLY CONVERTED, MODIFIED, OR USED FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM VIKI VIRGINIA, L.L.C. VIOLATIONS MAY RESULT IN PROSECUTION. ONLY APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS MAY BE UTILIZED FOR CONSTRUCTION PURPOSES. © 2019 VIKI VIRGINIA, LLC

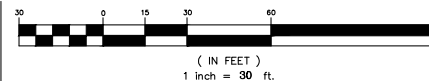


## VACATION AND ABANDONMENT AREA TABULATION:

PORTION OF ROLLING HILLS AVENUE	20,967 SF OR 0.48134 AC
TOTAL VACATION AND ABANDONMENT AREA	20,967 SF OR 0.48134 AC



### GRAPHIC SCALE



## PLAT SHOWING VACATION AND ABANDONMENT OF A PORTION OF ROLLING HILLS AVENUE ROUTE 1201

DEED BOOK 749 PAGE 313  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=30' DATE: MARCH 4, 2022  
SHEET 1 OF 1



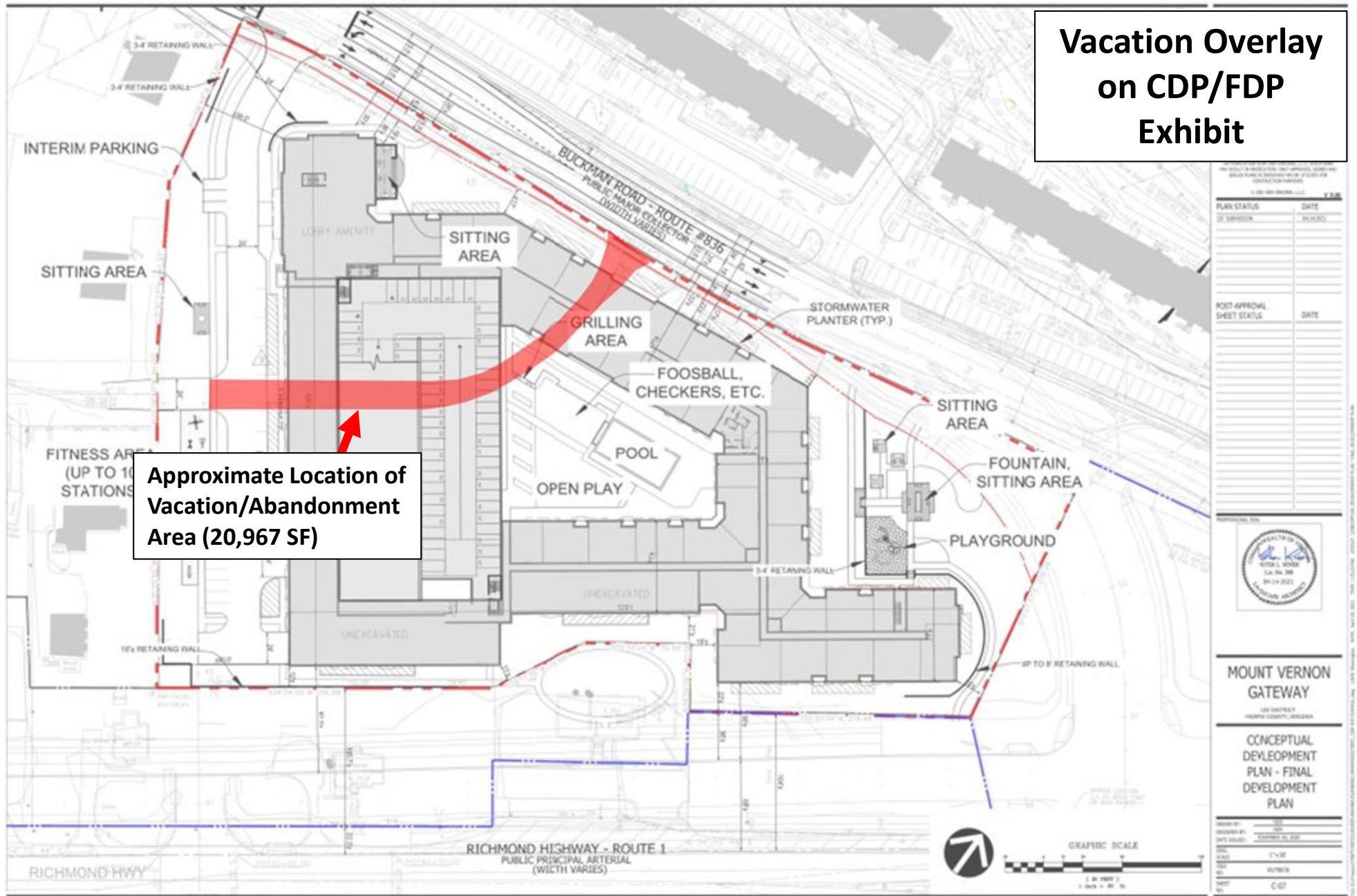
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GEOMATICS

VIKA VIRGINIA LLC  
8180 GREENSBORO DRIVE SUITE 200 ■ TYSONS, VIRGINIA 22102  
(703) 442-7800 ■ FAX (703) 761-2787  
WWW.VIKI.VIRGINIA.COM

RP

# ATTACHMENT VII

## Vacation Overlay on CDP/FDP Exhibit

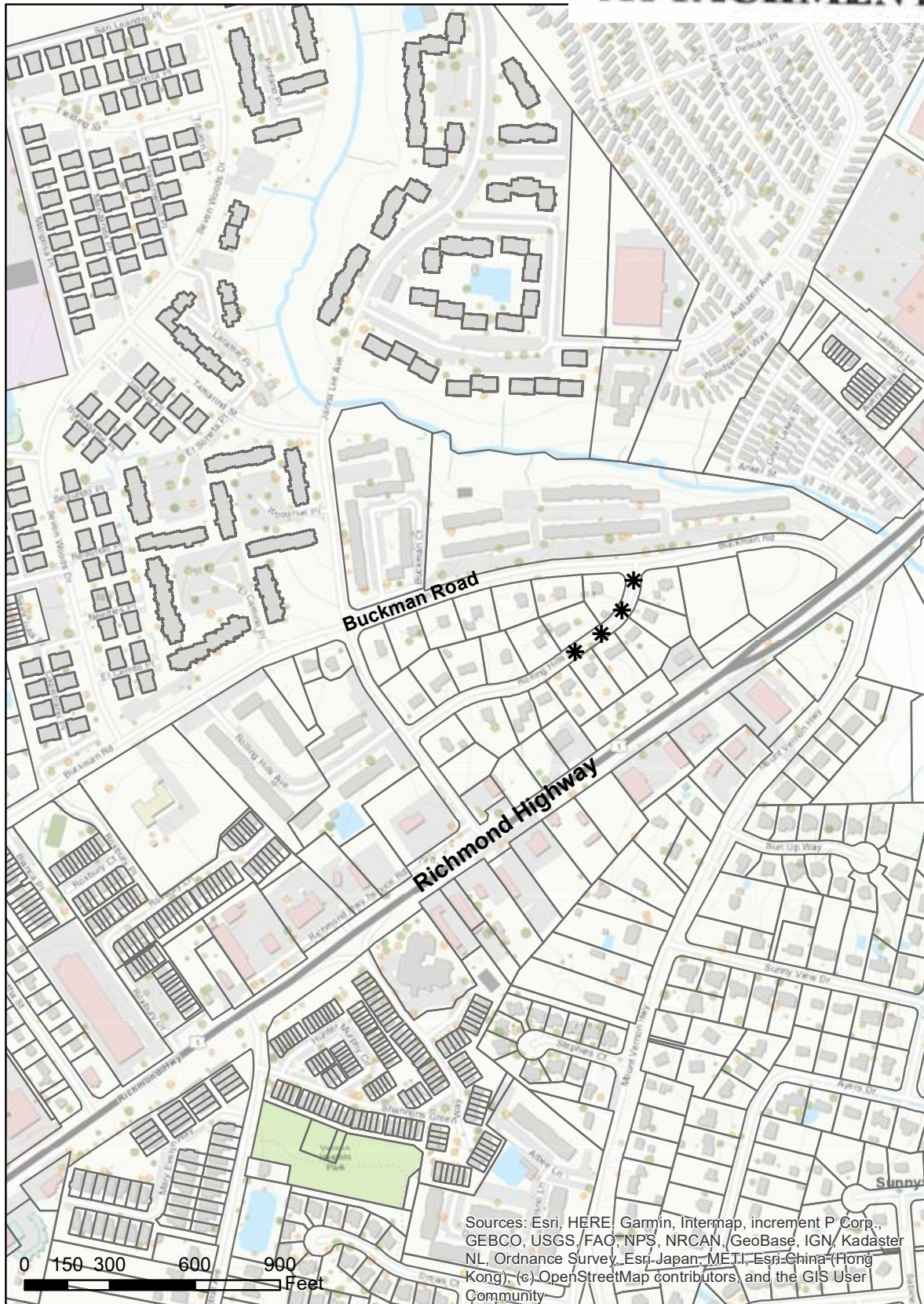




# Rolling Hills Ave. Vacation & Abandonment

Lee District

## ATTACHMENT VIII



Tax Map 101-2

\* Denotes Area to be Vacated and Abandoned

Board Agenda Item  
April 12, 2022

ADMINISTRATIVE - 6

Approval of a Second Amendment to the Memorandum of Understanding Between the Community Business Partnership and the Board of Supervisors to Administer the Fairfax County Small Business COVID-19 Recovery Microloan Fund

ISSUE:

Board of Supervisors' authorization to amend for a second time the Memorandum of Understanding (MOU) with the Community Business Partnership (CBP) to permit the Community Business Partnership to establish a loan loss reserve fund with a portion of the Fairfax County Small Business Revolving Loan Fund.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors (Board) approve a Second Amendment to Memorandum of Understanding (Second Amendment) to allow CBP to establish a loan loss reserve fund with a portion of the Small Business Revolving Loan funds, as stated in Attachment 1.

TIMING:

Board action is requested on April 12, 2022.

BACKGROUND:

On April 27, 2020, the Board approved the Fairfax County Small Business COVID-19 Recovery Microloan Fund and executed the original MOU (Attachment 2) with the Community Business Partnership to administer the program. The MOU established key loan terms, permissible uses for the funds, and eligibility criteria for the microloans. A total of \$1,213,500 was loaned to 64 businesses as part of the Fairfax County Small Business COVID-19 Recovery Microloan Fund.

The MOU stipulates that loan repayments would be deposited into a Fairfax County Small Business Revolving Loan Fund (Revolving Fund) to be used by CBP to make loans to small businesses.

On April 21, 2021, the Board approved the First Amendment to the MOU (Attachment 3), to modify the eligibility criteria and loan terms for loans made from the Revolving Fund, and reduced the fee paid by the County to CBP for administering the loan program.



Board Agenda Item  
April 12, 2022

As of March 15, 2022, the Revolving Fund balance is \$ 299,487.98. Four loans, totaling \$105,000 have been made from the Revolving Fund, and three loans are pending.

As detailed in the proposed Second Amendment to the MOU, CBP has requested that Fairfax County authorize a set-aside of 15% of the Revolving Fund to establish a Loan Loss Reserve (LLR), following best accounting guidelines established by the Financial Accounting Standards Board (FASB). Based on the loan fund of \$1,213,500, the requested transfer amounts to \$182,025. This money will be placed in a separate reserve fund at the same institution affiliated with the Revolving Loan Fund account. After one year, CBP may reduce the LLR percentage from 15% to 10% based on an annual review of the portfolio. If reduced, any unobligated reserve funds would be deposited into the Revolving Fund to be loaned to qualified small businesses, consistent with the revolving loan program guidelines.

If CBP moves funds from the LLR Fund to the Revolving Fund, such reserves would be replaced as principal repayments are made into the Revolving Fund to maintain the appropriate reserves, not to exceed 15%. In the event that the Revolving Fund is depleted as a result of nonpayment, Fairfax County is under no obligation to replenish the Revolving Fund, and the program will terminate. Fairfax County retains the right to terminate the Revolving Fund program and/or its partnership with CBP with 30 days' notice, as outlined in the original MOU. Any remaining funds and future repayments will be returned to Fairfax County.

All required reporting associated with the LLR account will be included with the periodic reporting for the Revolving Loan Fund as outlined in the MOU.

FISCAL IMPACT:

There is no fiscal impact associated with this request.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Second Amendment to Memorandum of Understanding Between Community Business Partnership and Fairfax County Board of Supervisors  
Attachment 2 – Approved Memorandum of Understanding Between Community Business Partnership and Fairfax County Board of Supervisors, dated April 27, 2020.  
Attachment 3 – Approved First Amendment to Memorandum of Understanding Between Community Business Partnership and Fairfax County Board of Supervisors

Board Agenda Item  
April 12, 2022

STAFF:

Rachel Flynn, Deputy County Executive  
Rebecca Moudry, Director, Department of Economic Initiatives  
Meaghan Kiefer, Department of Economic Initiatives

ASSIGNED COUNSEL:

Rodger P. Nayak, Assistant County Attorney  
Alan Weiss, Assistant County Attorney

**SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING  
BETWEEN  
COMMUNITY BUSINESS PARTNERSHIP  
AND  
FAIRFAX COUNTY BOARD OF SUPERVISORS**

This SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING (this “**Second Amendment**”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between Community Business Partnership, a Virginia non-profit corporation, with a place of business at 6564 Loisdale Court, Suite 600, Springfield, Virginia 22150 (“**CBP**”), and the Fairfax County Board of Supervisors, a body corporate and politic (the “**Board**”), with a place of business at 12000 Government Center Parkway, Suite 432, Fairfax, Virginia 22035.

**RECITALS**

**R-1** CBP and the Board entered into a Memorandum of Understanding dated as of April 27, 2020, as amended by that certain First Amendment to Memorandum of Understanding dated as of April , 2021 (the “**MOU**”), for the funding and administration of a microloan project (the “**Project**”) as more particularly described in the MOU.

**R-2** CBP desires to establish a loan loss reserve for the Project (the “**LLR**”) using accounting guidelines established by the Financial Accounting Standards Board (“**FASB guidelines**”).

NOW, THEREFORE, in consideration of the mutual benefits and obligations set forth in this Second Amendment, CBP and the Board agree as follows:

1. Reserve Fund. CBP will establish the LLR as a deposit account using FASB guidelines. The LLR will have a balance equal to 15% of the outstanding balance of the notes receivable owed to CBP by its borrowers under the Project (the “**Reserve Ratio**”). One year after the date hereof, CBP may reduce the Reserve Ratio to 10% if CBP lending policies allow. Any funds that become available as a result of a reduced Reserve Ratio will be used to make additional loans in accordance with the terms of the MOU.
2. Use of Existing Funds. CBP will fund the LLR using existing Project funds. The Board is not obligated to provide additional funds to CBP in connection with the establishment of the LLR.
3. Binding Effect. Except as expressly modified by the terms of this Second Amendment, the MOU remains unchanged and in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, CBP and the Board have executed this Second Amendment as of the date first above written.

**COMMUNITY BUSINESS PARTNERSHIP,**  
a Virginia non-profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**FAIRFAX COUNTY BOARD OF SUPERVISORS,**  
a body corporate and politic

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
COMMUNITY BUSINESS PARTNERSHIP  
AND  
FAIRFAX COUNTY BOARD OF SUPERVISORS**

This Memorandum of Understanding ("MOU") is made as of the 27th day of April, 2020, by and between Community Business Partnership, a Virginia non-profit corporation with a place of business at 6564 Loisdale Court, Suite 600, Springfield, Virginia 22150 ("CBP") and the Fairfax County Board of Supervisors, a body corporate and politic ("Board") with a place of business at 12000 Government Center Parkway, Suite 432, Fairfax, Virginia 22035.

**RECITALS**

R-1 Fairfax County small businesses have been adversely and immediately impacted by the COVID-19 related economic downturn.

R-2 The Board, through its Department of Economic Initiatives ("DEI"), seeks to provide aid and assistance to these businesses, with a particular emphasis on small businesses that may not be aware of or have access to information about other assistance, including federal programs.

R-3 CBP has historical and expert knowledge on loaning public funds to small businesses. CBP has been a US Treasury certified Community Development Financial Institution (CDFI) since 2016 and has a 1.5 person staff that is dedicated to properly and professionally providing debt financing to businesses unable to find traditional sources of capital. CBP has three US Small Business programs that provide expert counseling to CBP borrowers. All three programs are expected to add full time staff as a result of increased grant awards through the CARES Act recently passed by Congress.

R-4 The Board and CBP have an existing arrangement pursuant to which the Board has appropriated funds to the Fairfax County Economic Development Authority ("FCEDA") which in turns disburses the funds to CBP in accordance with terms approved by the Board. The disbursement of funds is made through a memorandum of agreement between FCEDA and CBP (formerly South Fairfax Regional Business Partnership), dated December 15, 1997, as subsequently modified (the "EDA MOA").

R-5 The Board and CBP desire to enter into a new agreement providing for the Board to appropriate to FCEDA \$2,500,000 from the Economic Opportunity Reserve (the "EOR Funds") for a microloan project ("Project") with the understanding that FCEDA will in turn disburse the

EOR Funds to CBP in accordance with the terms agreed upon by the Board and CBP as described in this MOU. The appropriated funds will be made available to FCEDA at such time and in such increments as necessary for CBP to carry out the Project.

R-6 FCEDA has agreed to modify the EDA MOA to provide for FCEDA to disburse the EOR Funds to CBP for the Project.

NOW, THEREFORE, in consideration of the mutual benefits and obligations set forth in this MOU, the Board and CBP agree as follows:

#### **1. Microloan Project Description and Activities**

- 1.1. Classification of Proceeds. This Project will consist of the awarding of the EOR Funds in the aggregate amount of \$2,500,000 to FCEDA to be disbursed by FCEDA to CBP, of which \$2,282,500.00 will be used for the purpose of lending (the "Initial Loan Funds") in accordance with the Recovery and Revolving Loan Guidelines, while \$217,500.00 will be used by CBP for administrative costs (the "Administration Fee" ) associated with the Project. The EOR Funds will be made available to FCEDA as such time and in such amounts as may be necessary for CBP to carry out the Project in accordance with this MOU.

CBP will use the EOR Funds solely for the purposes described herein and consistent with the required terms and conditions of this MOU and the EDA MOA. CBP will deposit the Initial Loan Funds into an account (the "Initial Loan Funds Account").

- 1.2. Lending. CBP will make loans from the Initial Loan Funds Account exclusively to sustain or evolve pre-COVID-19 solvent businesses that have been adversely affected by the COVID-19 outbreak. Loans shall be made in accordance with the criteria established by DEI and CBP as set forth in the attached Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines (the "Recovery and Revolving Fund Guidelines").
- 1.3. Repayments of the Initial Loan Funds will be used toward future lending as described in Section 2 below.
- 1.4. Administration. Realizing the expertise needed to oversee the successful deployment and ongoing management of the Project, CBP will maintain professional lending employee(s). CBP will apply for technical assistance grants with the US Treasury's CDFI Fund as well as the SBA's microloan program to supplement the program in years one and two and to sustain the program after year two.
- 1.5. Borrower Compliance. Only businesses properly licensed in Fairfax County, including its towns, and complying with the eligibility requirements set forth in the

Recovery and Revolving Loan Guidelines will be allowed to participate in the program.

- 1.6. Governmental Permits. As part of the eligibility criteria, borrowers will be required to submit a Non-Residential Use Permit for their business location(s) as well as evidence of a current Business and Professional Occupational License (BPOL).
- 1.7. Collateral and Guarantees. Borrowers will not be required to provide specific collateral to be approved for financing, but rather they may be collateralized through a personal guaranty, UCC lien on business assets, or other form of security.

## **2. Fairfax County Small Business Revolving Loan Fund**

- 2.1. Funding. Repayments will be returned to CBP to be deposited in the Fairfax County Small Business Revolving Loan Fund to be established by CBP consistent with this MOU (the "Fairfax County Small Business Revolving Loan Fund"). This new fund will supersede the existing County Microloan Fund established in 2018 and the outstanding balance from the County Microloan Fund will be deposited into the Fairfax County Small Business Revolving Loan Fund to make loans to small businesses in Fairfax County.
- 2.2. Qualifying Small Businesses. Businesses eligible to receive funding from the Fairfax County Small Business Revolving Loan Fund will be as defined in the Recovery and Revolving Loan Guidelines, as may be modified in accordance with Section 2.2.2.
  - 2.2.1. Loans from the Fairfax County Small Business Revolving Loan Fund, unlike the Initial Loan Funds, will not be stipulated to be "used to sustain or evolve the pre-COVID-19 business."
  - 2.2.2. As part of the assessment of the reports provided to DEI by CBP, the Board and CBP may mutually agree to amend this MOU to modify the terms reflected in the Recovery and Revolving Loan Guidelines.

## **3. Public Relations**

- 3.1. Fairfax County Use of CBP for Publicity. CBP hereby grants to Fairfax County the right to use the CBP's name, likeness, and logo in any public relations or publicity efforts. This includes, but is not limited to, press releases, media interviews, website, publications, brochures, etc. Fairfax County's publicity efforts may also include details about CBP's project, contract, or other publicly available information.
- 3.2. CBP Acknowledgement of Fairfax County's Interest in the Project. CBP will acknowledge Fairfax County appropriately in all organizational and public forums as



to the support, financial and otherwise, that has been provided to the Project. This recognition will include, but will not be limited to, print/electronic media, publications, interviews, brochures, website, etc.

#### **4. Schedule**

- 4.1. EOR Funds Disbursement. Following execution of this MOU, \$2,391,500 of the EOR Funds will be disbursed through the FCEDA to CBP. This \$2,391,500 includes the entirety of the Initial Loan Funds, and \$109,000, which is the first installment of the Administration Fee. Beginning in April, 2021, the balance of the EOR Funds, which constitute the remainder of the Administration Fee, will be disbursed, in quarterly increments, through the FCEDA to CBP. FCEDA will disburse the Administration Fee upon receipt of confirmation by DEI that the quarterly reports as outlined in the Reporting Requirements section, below have been satisfactorily provided.
- 4.2. Implementation Schedule. The Board and CBP have agreed to an Implementation Schedule, providing for disbursement of the Initial Loan Funds, commencing on April 28, 2020, and completing such initial disbursements ("Initial Loan Disbursements") by no later than October 31, 2020 ("Initial Lending Completion Date"). The Initial Lending Completion Date may be extended only with the permission of the Board. CBP will continuously market and lend Fairfax County Small Business Revolving Loan Funds, in accordance with this MOU and the EDA MOU.

#### **5. Insurance**

- 5.1. CBP's Liability Insurance. CBP will, at its sole expense, obtain and maintain in force insurance in such amounts and covering such risks as are customary for entities engaged in the same or similar business to include, where applicable, comprehensive general liability covering any activities on CBP property. At a minimum, this will include insurance against all claims of bodily injury or property damage, in amounts of not less than \$2,000,000 per claim and up to \$4,000,000 per incident.

#### **6. Reporting Requirements**

Quarterly Reporting. CBP will provide DEI with a report as outlined below, which will detail all activity associated with EOR Funds including the Fairfax County Small Business Revolving Loan Fund. Reports will include fund balance, amount available to lend, demographic data of the borrowers (including self-identification by gender, ethnicity and race), average loan per business, location of businesses which apply for as well as businesses who receive loans, broken down by Fairfax County Magisterial District, average number of employees, business sectors and types, and



number of inquiries of those seeking loan funding, including whether or not they proceed beyond the pre-submission counseling stage. These reports will be provided to DEI by the following dates:

**Year One**

1. July 15, 2020 for the months of May and June, 2020
2. October 15, 2020 for the months of July, August, and September, 2020
3. January 15, 2021 for the months of October, November, and December, 2020
4. April 15, 2021 for the months of January, February, and March 2021

**Year Two**

1. July 15, 2021 for the months of April, May, and June, 2021
2. October 15, 2021 for the months of July, August, and September, 2021
3. January 15, 2021 for the months of October, November, and December, 2021
4. April 15, 2022 for the months of January, February, and March 2022

**Year Three and Beyond**

1. CBP will provide annual reports for the preceding full fiscal year every September 1
- 6.1. Subrecipient Financial Reporting. CBP will submit to DEI its annual audited financial statements within 120 days of its fiscal year end.
- 6.2. Closeout Agreement. At such time as the Initial Loan Funds have been disbursed, but no later than January 31, 2021, CBP will close the Initial Loan Funds Account and file a final cumulative report. Any funds remaining in the Initial Loan Funds Account will be refunded to the Board to be returned to the Economic Opportunity Reserve. Notwithstanding the reporting requirements outlined above, once the Initial Loan Funds Account is closed, only annual reports will be required, except as stated below.

**7. Accounting, Audit, and Record Keeping Requirements**

- 7.1. Accounting Records. CBP will keep all Project-related accounts and records, which fully disclose the amount and disposition by CBP of the EOR Funds, and all loans made through the Fairfax County Small Business Revolving Loan Fund, including the total cost of the Project, and the amount and nature of any portion of the Project cost supplied by other sources, and such other financial records pertinent to the Project. Records to be maintained will include fiscal records consisting of all books, documents, ledgers, systems and expenses incurred, including, but not limited to, purchase requisitions, orders, invoices, vouchers, bills and receipts, inventories, and all lien documents.

- 7.2. Time Period. All of the records, documents, and data described above and all income verification information will be kept during the performance of the Project, and for the Fairfax County Small Business Revolving Loan Fund, and for three (3) years after their respective completion dates, or until the satisfactory completion of an audit, whichever is later.
- 7.3. Availability of Records. Subrecipients of any funds associated with this MOU will make available to Fairfax County or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of CBP pertinent to this MOU.

## **8. Indemnification**

- 8.1. Indemnification. CBP will indemnify and hold harmless the Board, and all employees and agents of the Board including all employees and agents of DEI, from and against all liability, judgments, claims, demands, suits, actions, losses, penalties, fines, damages, costs and expenses, including without limitation attorneys' fees including the value of legal services provided by the County Attorney's Office, of any kind or nature whatsoever, due to or arising out of or from CBP's administration of the Project, the Fairfax County Small Business Revolving Loan Fund, or any breach by CBP of its obligations under this MOU.

## **9. Maintenance of Corporate Existence**

- 9.1. Corporate Existence. CBP will both preserve and maintain the legal existence and good standing of its nonprofit corporation status and its registration in Virginia as is required to do business in the Commonwealth.
- 9.2. Scope of Mission. CBP agrees that its Articles of Incorporation and Corporate Bylaws incorporated herein by reference, provide an adequate administrative mechanism for assuring the CBP's mission of for providing loan funding and support to Fairfax County businesses, as required pursuant to this MOU.

## **10. Termination by Board**

Termination. The parties agree that the Board may terminate this MOU at any time if the Board determines that it is in the best interest of Fairfax County. Any termination will be effected by delivery of notice to CBP and will state the date when the termination will be effective, provided that no termination will be effective until at least 30 days after prior written notice is delivered to CBP.

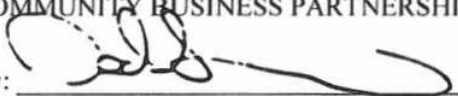
## **11. Miscellaneous Provisions**

- 11.1. Compliance with Laws. CBP will comply with all applicable federal, state and local laws, statutes, regulation, executive orders and rules as they relate to the application, acceptance and use of funds for this Project, and the Fairfax County Small Business Revolving Loan Fund including, but not limited to, the requirements as specified in this MOU.
- 11.2. No assignment. CBP will not assign or transfer any of its rights or obligations under this MOU without the prior written consent of Fairfax County, and any attempted assignment or transfer will be ineffective, null, void, and of no effect.
- 11.3. Amendments. No amendment or modification of any provision of this MOU will be effective unless it is in writing and executed by both parties.

This MOU, together with all attachments, schedules and exhibits thereto, contains the full, final, and exclusive statement of the MOU of the parties and supersedes all prior understandings, representations, or agreements, whether written or oral, with respect to such subject matter.

In witness whereof, Community Business Partners and the Fairfax County Board of Supervisors have executed this MOU as of the date first above written.

COMMUNITY BUSINESS PARTNERSHIP

By: 

Name: Mark Scarano

Title: Executive Director

FAIRFAX COUNTY BOARD OF SUPERVISORS

By: 

Name: Bryan J. Hill

Title: County Executive



**Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines**

**"Recovery and Revolving Loan Fund Guidelines"**

**Pre-Submission Consultation**

Prospective applicants will participate in a brief application intake and pre-submission counseling session. The purpose of this pre-submission counseling session is to ensure businesses are informed of and directed to the most appropriate federal, state or local support programs and to assist as many small business owners as possible.

**Eligibility**

This funding is established for for-profit small businesses with one or more location(s), including the principal place of business, in Fairfax County (including the Towns of Herndon, Vienna and Clifton) that are able to demonstrate that they were solvent prior to the Covid-19 outbreak and that they were negatively impacted by the state and federal mandates intended to contain the spread of coronavirus or business disruption and injury due to Covid-19. Loan assistance is intended to provide interim relief. To be eligible, businesses must have:

- 50 or fewer total employees; for businesses with multiple locations, the 50-employee limit is the total for all business locations inside or outside of Fairfax County
- Must be established and operating in Fairfax County for two (2) or more years.

The financial performance review will include:

- Minimum personal credit score of 600. Exceptions can be made if there is no evidence of derogatory credit in the last two years.
- Global Debt Service Coverage (GDSC, in the range of 1:1) and debt to income ratio (in the range of 40%), considering pre-Covid-19 and anticipated post-Covid-19 business income and operations.
- No outstanding liens or legal judgments, and in good standing.

The following businesses are not eligible for this loan: banks, financial services, sole proprietorships, home-based businesses, e-commerce, seasonal businesses which operate only part of the year, businesses whose primary products and services are age-restricted in terms of eligible consumers, franchise businesses, except for those franchises which are locally-owned and operated.

**Use Limitations**

Funding can be used for: working capital, equipment, rent, debt payments, inventory and other business critical cash operating expenses. Funding must be used to sustain or evolve the pre-COVID-19 business. It cannot be used to pay debts to close the business

or to start a new business; borrower must agree to maintain the business in a commercial location in Fairfax County for the duration of the loan.

**Terms, Rates, and Conditions**

Loan Amount:	Up to \$20,000, per business, no more than one business per borrower, or related entity
Term & Amortization:	Up to 6 years
Repayment:	Loan payment deferred for six (6) months;
Interest Rate:	0%
Origination Fees:	\$0
Closing Fees:	\$0
Collateral:	Personal guaranty and UCC lien on business assets

**Required documentation**

- Current Commercial Business Lease (if applicable)
- Business & personal tax returns for the previous two years
- Monthly sales history, for the previous two years
- Year-end profit-and-loss statement and balance sheet for the previous two years
- Current profit-and-loss statement
- Current debt schedule
- Contract backlog report
- Accounts receivable/accounts payable reports for the previous two years
- The most recent Federal income tax returns for the applicant business for the previous two years
- Current Fairfax County BPOL license and Non-Residential Use/Occupancy Permit

**Applicability to the Fairfax County Small Business Revolving Loan Fund**

The foregoing criteria will apply to the loans disbursed from the Fairfax County Small Business Revolving Loan Fund, unless and until amended by the Board of Supervisors, except that businesses do not need to have been affected by COVID-19 or commit to using the funds to sustain or grow a pre-COVID-19 business, to be eligible for the revolving loan fund.

**FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING  
BETWEEN  
COMMUNITY BUSINESS PARTNERSHIP  
AND  
FAIRFAX COUNTY BOARD OF SUPERVISORS**

This First Amendment to Memorandum of Understanding ("First Amendment") is made as of the \_\_\_\_ day of April, 2021, by and between Community Business Partnership, a Virginia non-profit corporation with a place of business at 6564 Loisdale Court, Suite 600, Springfield, Virginia 22150 ("CBP") and the Fairfax County Board of Supervisors, a body corporate and politic ("Board") with a place of business at 12000 Government Center Parkway, Suite 432, Fairfax, Virginia 22035.

**RECITALS**

R-1 CBP and the Board entered into a Memorandum of Understanding dated as of the 27<sup>th</sup> day of April, 2020 ("MOU") for the funding and administration of a microloan project ("Project") as more particularly described in the MOU.

R-2 The MOU provides, among other things, for CBP to administer and fund the Project with \$2,500,000.00 made available from the Economic Opportunity Reserve ("EOR Funds") to support County businesses adversely affected by the COVID-19 pandemic. The MOU further provides that of the \$2,500,000.00 EOR Funds, \$2,282,5000 would be made available for what was estimated to be 126 loans, with the balance of \$217,500.00 to be paid to CBP as the Administration Fee, as defined therein and in accordance with the provisions thereof. The terms for the revolving loans as initially envisioned were described in Attachment A to the MOU entitled "Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines" (hereinafter referred to as the "Recovery and Revolving Loan Fund Guidelines").

R-3 In accordance with Section 4.1 of the MOU, \$109,000.00 has already been disbursed to CBP for the first year of the Administration Fee. The balance of the Administration Fee in the aggregate amount of \$108,500.00 was to be disbursed to CBP in accordance with Section 4.1 of the MOU in quarterly increments beginning in April, 2021.



R-4 The scope of the original Project contemplated by the MOU of approximately 126 loans and the concomitant administrative services necessary to be provided by CBP have been reduced to 64 loans because demand for the loans anticipated in the Project was decreased as a result of an unanticipated subsequent RISE Grant program, also administered by CBP with grant funds awarded by the Board. In recognition of the reduced administrative obligation to maintain fewer loans, CBP and the Board desire to reduce the balance of the Administration Fee by 50% from \$108,500.00 to \$54,250.00.

R-5 The MOU also committed CBP to administer revolving loans for eligible businesses, from the repaid loan funds, however, the MOU did not provide for administrative fees beyond year two of the Project. The Board and CBP desire to amend the MOU to authorize CBP to collect interest on the revolving loans and to retain that interest as the administrative fee for as long as the MOU remains in place.

R-5 The Board and CBP desire to modify the MOU to (i) reduce the balance of the Administration Fee paid by the Board by 50% from \$108,500.00 to \$54,250.00, for the second year of the Program; (ii) authorize CBP to collect interest on revolving loans capitalized by the microloans and retain the interest payments as the administrative fee; and (iii) revise the Recovery and Revolving Loan Fund Guidelines, as set forth on Exhibit 1 attached hereto.


NOW, THEREFORE, in consideration of the mutual understanding of the parties in this First Amendment, CBP and the Board agree as follows:

1. The foregoing recitals are hereby incorporated and made part of this First Amendment.
2. Section 4.1 of the MOU is hereby amended to provide that the balance of the Administration Fee to be paid by the Board under the MOU is reduced by 50% from \$108,500.00 to \$54,250.00, to be paid to CBP as otherwise provided in Section 4.1 in quarterly increments beginning in April, 2021. Payment to CBP of the \$54,250.00 is hereby deemed payment in full of the Board's obligation for the Administration Fee for year 2 of the microloan program. CBP will be entitled to retain as compensation any interest payments received from the revolving loans made pursuant to the MOU.
3. Attachment A to the MOU, Recovery and Revolving Loan Guidelines, is hereby deleted in its entirety and replaced with the Amended Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines as set forth on Exhibit 1 attached hereto.
4. Except as expressly modified by the terms of this First Amendment, the MOU remains unchanged and in full force and effect.

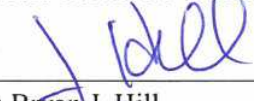


In witness whereof, Community Business Partners and the Fairfax County Board of Supervisors have executed this First Amendment as of the date first above written.

COMMUNITY BUSINESS PARTNERSHIP

By:   
Name: Mark Scarano  
Title: Executive Director

FAIRFAX COUNTY BOARD OF SUPERVISORS

By:   
Name: Bryan J. Hill  
Title: County Executive

## **Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines**

### **Pre-Submission Consultation**

Prospective applicants must participate in a brief application intake and pre-submission counseling session. The purpose of this pre-submission counseling session is to ensure businesses are informed of and directed to the most appropriate federal, state, or local support programs and to assist as many small business owners as possible.

### **Eligibility**

This funding is established for for-profit small businesses with one or more location(s), including the principal place of business, in Fairfax County (including the Towns of Herndon, Vienna and Clifton). To be eligible, businesses must:

- Have 50 or fewer total employees; for businesses with multiple locations, the 50-employee limit is the total for all business locations inside or outside of Fairfax County
- Be established and operating in Fairfax County for at least one (1) year

The financial performance review will include:

- Minimum personal credit score of 575
- Global Debt Service Coverage (GDSC, in the range of 0.75:1) and debt-to-income ratio in the range of 40%
- No outstanding liens or legal judgments, and in good standing

The following businesses are not eligible for this loan: banks, payday lenders, adult entertainment venues, and franchise businesses, except for those franchises which are locally-owned and operated.

### **Use Limitations**

Funding can be used for: working capital, equipment, rent and/or utilities for commercial space, and inventory. It cannot be used to pay debts to close the business; borrower must agree to maintain the business in Fairfax County for the duration of the loan.

### **Terms, Rates, and Conditions**

Loan Amount:	Up to \$30,000, per business, no more than one business per borrower, or related entity
Term & Amortization:	Up to 6 years
Interest Rate:	Prime +0% to prime+3%, on risk-based grading

Credit Check Fee:	\$50
UCC Lien:	\$60
Late Payment Fee:	5% of outstanding balance
Non-sufficient Funds Fee:	\$25
Collateral Requirements:	Security interest in business assets via VA SCC UCC filing and unlimited, unconditional personal guarantees from any person with 20% or greater ownership interest in the business
Attorneys/Collections Fees:	In the event of borrower default

**Required documentation**

- Current commercial business lease and valid Non-Residential Use/Occupancy Permit (if applicable)
- Business & personal tax returns for the previous two years
- Monthly sales history, for the previous six months
- Current profit-and-loss statement and balance sheet
- Current business debt schedule
- Accounts receivable/accounts payable reports for the previous year
- Federal income tax returns for the applicant business for the previous year
- Current and previous year's Fairfax County BPOL license

**Applicability to the Fairfax County Small Business Revolving Loan Fund**

The foregoing criteria will apply to the loans disbursed from the Fairfax County Small Business Revolving Loan Fund, unless and until amended by the Board of Supervisors.

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ADMINISTRATIVE - 7

Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's Federal Highway Administration Virginia Federal Lands Access Program for Fiscal Years 2023-2026 Grant Funding (Mount Vernon District)

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for and accept grant funding, if received, from the United States Department of Transportation's (U.S. DOT) Federal Highway Administration Virginia Federal Lands Access Program (FLAP) for fiscal years 2023-2026. The requested grant funding amount of \$6,236,000 would be used for the design and construction of the northern half of the southern segment of Mason Neck Trail from High Point Road to the Great Marsh trailhead parking lot. Because the total cost estimate for this project is \$6,236,000, the requested grant funding amount will fully fund design and construction of the project. No Local Cash Match is required. Grant funding is available through June 30, 2026. The grant submission deadline is May 2, 2022, and awards should be made this summer. There are no positions associated with this grant funding.

If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement(s) and any related agreements, including, but not limited to, Federal Subaward Agreements, on behalf of the County.

The project application requires a project endorsement resolution (Attachment 1) from the local governing body; therefore, Board approval of Attachment 1 is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize FCDOT to apply for and accept grant funding, if received, from the U.S. Department of Transportation in the amount of \$6,236,000 from Virginia Federal Lands Access Program and to adopt the project endorsement resolution (substantially in the form of Attachment 1). The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related

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agreements, including, but not limited to, Federal Subaward Agreements, on behalf of the County.

TIMING:

Board of Supervisors' approval is requested on April 12, 2022, to meet the U.S. DOT submission deadline of May 2, 2022.

BACKGROUND:

The U.S. DOT has recently solicited applications for the FLAP. The FLAP was established in 23 U.S.C. 204 to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. The FLAP supplements state and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on high-use recreation sites and economic generators.

The FLAP is funded by contract authority from the Highway Trust Fund and allocated among the states using a statutory formula based on road mileage, number of bridges, land area, and visitation. Projects are selected by a Programming Decision Committee (PDC), and total federal funding is capped at 100 percent. No local match is required.

The Mason Neck Trail project is a shared use path along Gunston Road from Richmond Highway to just north of the Potomac River. The project has two remaining segments to be constructed, a northern and a southern segment. The northern segment is from Julia Taft Way to the entrance of the Pohick Bay Golf Course. The southern segment would tie into the Potomac Heritage National Scenic Trail at High Point Road and run through Commonwealth of Virginia property as well as along the Elizabeth Hartwell Mason Neck National Wildlife Refuge to the Joseph V. Gartlan Great Marsh Trail trailhead parking lot. This resolution applies to the southern segment of the Mason Neck Trail. The total cost estimate for the northern half of the southern segment is \$6,236,000. The requested grant funding amount of \$6,236,000 will fully fund design and construction of the project. The Mason Neck Trail project is included in the 2014 Countywide Bicycle Master Plan, the Fairfax Countywide Trails Plan and the Transportation Priorities Plan.

FISCAL IMPACT:

Grant funding in the amount of \$6,236,000 is being requested from the U.S. DOT for the design and construction of the northern half of the southern segment of the Mason Neck Trail. No Local Cash Match is required. This grant does not allow for the recovery of indirect costs. If grant funding is awarded, formal budget appropriation will be requested at a quarterly review once the Grant Agreements have been fully executed.

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CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution for Project Endorsement

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Gregg Steverson, Deputy Director, FCDOT  
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Lisa Witt, Chief, Administration Services, FCDOT  
Michael Guarino, Chief, Capital Projects Section, FCDOT  
Tad Borkowski, Capital Projects Section, FCDOT  
Daniel Stevens, Capital Projects Section, FCDOT  
Ray Johnson, Chief, Funding Section, FCDOT  
Christina Cain, Funding Section, FCDOT

**Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, April 12, 2022, at which a meeting quorum was present and voting, the following resolution was adopted:

**PROJECT ENDORSEMENT RESOLUTION**

**WHEREAS**, Fairfax County desires to submit an application for funding of \$6,236,000, through the U.S. Department of Transportation's Federal Highway Administration Fiscal Year 2023-2026 Virginia Federal Lands Access Program for the Mason Neck Trail Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves submissions of the Mason Neck Trail project to U.S. Department of Transportation's Federal Highway Administration Fiscal Year 2023-2026 Virginia Federal Lands Access Program, with a requested amount not to exceed \$6,236,000.

**ADOPTED** this 12<sup>th</sup> day of April 2022, Fairfax, Virginia

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors



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ACTION - 1

Consideration of Approval of the Economic Incentive Program Application of Elm Street Communities, Inc. (Lee District)

ISSUE:

Board consideration of an application for the Economic Incentive Program (EIP) for an assemblage and redevelopment of property located in the Suburban Neighborhood Area (SNA) between the Hybla Valley and South County Community Business Centers within the Richmond Highway Corridor EIP Area. Approval would result in the development being designated as a “Qualifying Property” under the Economic Incentive Program Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the application by Elm Street Communities, Inc. for eligibility in the EIP.

TIMING:

Board action is requested on April 12, 2022, which will provide sufficient assurances that the applicant is entitled to program benefits as it continues to proceed to obtain all approvals and permits needed for the completion of this project.

BACKGROUND:

On September 15, 2020, the Board adopted an amendment to the County Code that added a new Article 29 - Incentives to Encourage Economic Growth. The ordinance established an EIP for specified areas of Fairfax County. Specifically, the EIP applies to all five of the County’s Commercial Revitalization Districts (CRDs), which are Annandale, Baileys Crossroads/Seven Corners, McLean, Richmond Highway and Springfield; and the County’s Commercial Revitalization Area (CRA) of Lincolnia, as well as logical extensions of the Richmond Highway and the Springfield CRDs. The EIP provides regulatory and financial incentives to private sector developers who assemble and develop properties in accordance with the adopted ordinance and consistent with the vision of the Comprehensive Plan.

In order to qualify for the program, an applicant must demonstrate that their development project meets the eligibility criteria of the program. To be eligible, an applicant would need to have newly assembled a minimum of two parcels not previously

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approved for the same rezoning or site plan that collectively would comprise at least two acres in size, be located within the territorial limits of an EIP area, be zoned to permit commercial, industrial or multifamily residential development, be in conformance with all laws and policies related to the provision and preservation of affordable housing, and be in conformance with the uses and consolidation recommendations in the Comprehensive Plan.

The application property is located within the Richmond Highway Corridor EIP Area. The property is comprised of nine parcels of land totaling 5.42 acres. The nine parcels are held by nine different property owners. The eligibility process requires the applicant to submit a formal application with all owners as parties to the application. The EIP application meets that requirement.

Current development on the property consists of eight single-family dwelling units with the remaining land vacant. The proposed redevelopment would replace all existing structures and construct a multi-family development with 280 dwelling units, inclusive of 30 bonus WDUs. The total development will not exceed 400,000 square feet. Pursuant to the adopted EIP Ordinance, the multi-family portion of the intended use is an eligible use.

The proposed assemblage has not been previously rezoned for the proposed uses. Thus, staff finds that the proposed development constitutes a new rezoning not previously approved by the County.

The area fronting on the west side of Richmond Highway south of its intersection with Buckman Road to Janna Lee Avenue is planned for townhouse-style office and neighborhood-serving retail use up to 0.25 FAR to provide a transition to the adjacent single-family neighborhoods. The remainder of the land unit is planned for residential use at 2-3 dwelling units per acre. As an option, a mix of predominantly residential use up to 25 dwelling units per acre with 50,000–80,000 square feet of use consisting of office and ground floor retail may be appropriate if the area is redeveloped in accordance with Appendix 8 of the Land Use section of the Policy Plan “Guidelines for Neighborhood Redevelopment,” and other specific planning conditions outlined in the Comprehensive Plan are met.

As discussed fully in the staff report for the rezoning of the property (RZ 2004-LE-011/PCA 2004-LE-021), staff concludes that the proposed development is in conformance with the Comprehensive Plan recommendations for proposed development. The applicant is providing Workforce Dwelling Units (WDUs) in accordance with the Zoning Ordinance.

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In conclusion, the development is located within the territorial limits of an EIP Area, constitutes a new rezoning not previously approved by the County, and complies with the assemblage, size, and ownership criteria of the EIP. The staff concludes that the development is generally consistent with the Comprehensive Plan regarding uses and consolidation requirements.

Staff reviewed the applicant's application dated November 17, 2021, for conformance with the eligibility criteria and issued a letter to each owner on January 12, 2022, (see Attachment 5) stating that the development as proposed appears to conform with the statutory requirements of the program and is therefore eligible for submission to the Board for consideration of approval.

FISCAL IMPACT:

Qualifying developments receive economic benefits including a reduction in site plan review fees of 10 percent, and a partial tax exemption on the real estate tax calculated as the difference between the pre-redevelopment (base) assessed value and the post-development assessed value in accordance with Virginia Code. As the County will continue to receive real estate tax revenues on the base (pre-redevelopment) assessed value of vacant land and the single-family detached development, the partial tax exemptions of the real estate tax will not reduce the General Fund.

The Department of Tax Administration has determined that the 2022 base assessed value of the entire property is \$3,476,330, generating real estate taxes of \$39,630.16 per year, with a base tax rate of \$1.14 per \$100 of assessed value. The applicant has estimated the post-development assessed value of the property to be \$84 million. The partial tax abatement would be calculated on the \$80,523,670 increment or difference between pre- and post-development values of the portion of the development. Thus, with a base tax rate of \$1.14 per \$100 of assessed value, the total tax abatement would be \$917,969.83 per year for a maximum tax abatement of \$9,179,698.38 over the maximum 10-year life of the program.

EQUITY IMPACT:

The Elm Street Communities, Inc., development will provide needed rental opportunities in an area of Fairfax County with a high demand for housing. The site is accessible by bus and is within a quarter-of-a-mile of a future BRT station. The proposed redevelopment will provide twelve percent of the total dwelling units as Workforce Dwelling Units (WDU) at income tiers in accordance with the Board's adopted policy. Six of these homes are renter-occupied and will result in displacement of those households. One house is abandoned. The owners of the single-family homes can be expected to be compensated at fair market value for their homes.

Board Agenda Item  
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The Economic Incentive Program will benefit the applicant with a partial real estate tax abatement for the multi-family portion of the property. The goal of this program is to facilitate economic development consistent with the Comprehensive Plan and is reserved for areas in the County that are striving to foster revitalization. In the case of this site, the property owners have sought redevelopment for over 10 years but were strongly challenged by consolidation issues, among others. The EIP allows for the redevelopment of this property in a manner that aligns with the Comprehensive Plan goals for this site, including land use, economic vitality, streetscape improvements, enhanced stormwater facilities, and provision of new park spaces—all to the benefit of the community.

Affordable housing opportunities in the Richmond Highway corridor are traditionally in rental housing. The additional affordable rental units at the Elm Street Communities, Inc., development will help achieve the County's goal of increasing the supply of affordable housing with a minimum of 5,000 new units by 2034, to meet the needs of working families. The delivery of the Elm Street Communities, Inc., development will provide crucial housing for families earning up to 80 percent of the Area Median Income (\$82,300 for a family of four). Further, the location of the proposed units in the Suburban Neighborhood Area between Hybla Valley and South County Community Business Centers aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Elm Street Communities, Inc., development project will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

ENCLOSED DOCUMENTS:

Attachment 1 – Incentives to Encourage Economic Growth Ordinance  
Attachment 2 – Elm Street Communities, Inc. EIP Eligibility Application Form  
Attachment 3 – Project Locator Map  
Attachment 4 – Zoning Application Affidavit  
Attachment 5 – Staff Determination Letters

STAFF:

Rachel Flynn, Deputy County Executive  
Barbara Byron, Director, Department of Planning and Development (DPD)

Board Agenda Item  
April 12, 2022

Elizabeth A. Hagg, Director, Community Revitalization Section, DPD  
Chris B. Caperton, Deputy Director, Department of Planning and Development  
Jay Doshi, Director, Department of Tax Administration  
William D. Hicks, Director, Department of Land Development Services

ASSIGNED COUNSEL:

Emily Harwood Smith, Assistant County Attorney  
Cherie Halyard Mack, Assistant County Attorney

**AN ORDINANCE ADOPTING  
ARTICLE 29 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO  
INCENTIVES to ENCOURAGE ECONOMIC GROWTH**

**AN ORDINANCE to amend the Fairfax County Code by adopting Article 29 to Chapter 4 relating to incentives to private entities to encourage economic growth.**

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

- 1. That Chapter 4, Article 29 of the Fairfax County Code is adopted, as follows:**

ARTICLE 29. – Incentives to Encourage Economic Growth.

Section 4-29-1. Title.

This ordinance shall hereafter be known, cited and referred to as the “Economic Incentive Program Ordinance” of Fairfax County.

Section 4-29-2. Purpose and Intent.

Fairfax County seeks to provide economic revitalization and redevelopment opportunities, in accordance with §§ 15.2-1232.2 and 58.1-3219.4 of the Code of Virginia, by offering regulatory and financial incentives, including partial real estate tax exemptions as set forth below, to encourage the private sector to purchase, assemble, revitalize, and redevelop real property suitable for economic development that is consistent with the vision contained in the Comprehensive Plan adopted by Fairfax County.

Section 4-29-3. Definitions.

- (a) Application means the form provided by the Director to be filed by an applicant seeking approval of the redevelopment of an assemblage of parcels and the granting of economic and regulatory incentives pursuant to the terms of this Article.
- (b) Assemblage means the combination of adjoining parcels, with different owners, into a single development in accordance with this Article.
- (c) Commercial and industrial properties include all real property, excluding commercial condominiums, used for or zoned to permit commercial or industrial uses that are approved and designed for retail or wholesale trade, hotel, restaurant, offices, clinics,

warehouses, light manufacturing, and other such uses. Such classification of real property excludes all residential uses.

- (d) Director means the Director of the Department of Planning and Development, or the designated agent of that Director.
- (e) The Economic Incentive Program includes designated Economic Incentive Areas listed in Section 4-29-4 that operate for the purpose of economic revitalization as provided for in Va. Code § 15.2-1232.2 and for redevelopment pursuant to Va. Code § 58.1-3219.4.
- (f) Multifamily residential development includes apartments or any building containing more than four residential units, including live/work or senior housing units. Such classification of real property excludes single-family detached and attached residential units, cooperatives, and residential condominiums.
- (g) Proposed development means the proposed site design and uses submitted by the applicant(s) for approval under this Article.
- (h) Qualifying property means any assemblage approved by the Board of Supervisors under the criteria of this Article.

#### Section 4-29-4. Economic Incentive Areas.

The following areas are hereby established as individual Economic Incentive Areas included in the Economic Incentive Program:

- (a) Annandale Incentive Area: the Annandale Commercial Revitalization District as established in Appendix 7 of the Fairfax County Zoning Ordinance.
- (b) Bailey's Crossroads/Seven Corners Incentive Area: the Bailey's Crossroad/Seven Corners Commercial Revitalization District as established in Appendix 7 of the Fairfax County Zoning Ordinance.
- (c) Lincolnia Incentive Area: the Lincolnia Commercial Revitalization Area (per the Comprehensive Plan, 2017 Edition, amended through July 16, 2019; Lincolnia Community Business Center, Pg. 19, Figure 10).
- (d) McLean Incentive Area: the McLean Commercial Revitalization District as established in Appendix 7 of the Fairfax County Zoning Ordinance.



- (e) Richmond Highway Incentive Area: The Richmond Highway Commercial Revitalization District as established in Appendix 7 of the Fairfax County Zoning Ordinance and the following within the Richmond Highway Corridor per the Comprehensive Plan, 2017 Edition, amended May 1, 2018:
- (1) Suburban Neighborhood Area (SNA) between North Gateway and Penn Daw Community Business Centers (CBCs) (Pg. 167, Figure 67).
  - (2) SNA between Penn Daw and Beacon/Groveton CBCs (Pg. 169, Figure 68).
  - (3) SNA between Beacon/Groveton and Hybla Valley/Gum Springs CBCs (Pg. 170, Figure 69).
  - (4) SNA between Hybla Valley/Gum Springs and South County Center CBCs (Pg. 173, Figure 70).
  - (5) SNA between South County Center and Woodlawn CBCs (Pg. 179, Figure 71).
  - (6) SNA adjacent to Woodlawn CBC (Pg. 182, Figure 72).
  - (7) Land Units R and Q of the Huntington Transit Station Area (per the Comprehensive Plan, 2017 Edition, amended through October 16, 2018; Pg. 25, Figure 9).
  - (8) The areas located between a Richmond Highway CRD and a Richmond Highway SNA that abut Richmond Highway, as depicted on the attached maps 1-4.
- (f) Springfield Incentive Area: the Springfield Commercial Revitalization District as established in Appendix 7 of the Fairfax County Zoning Ordinance and the Franconia-Springfield Transit Station Area, except for those areas planned for single-family residential development, i.e. sub-units Q and R and the portion of sub-unit N north of the Springfield-Franconia Parkway) (per the Comprehensive Plan, 2017 Edition, amended through March 19, 2019; Franconia-Springfield Area Land Unit Map Pg. 37, Figure 7).

#### Section 4-29-5. Application and Review of Eligibility.

- (a) The Director will determine and publish the procedure for submitting an application. Owners of property located within an Economic Incentive Areas designated in Section 4-29-4, may submit an application to the Director.
- (b) Such application must be submitted on forms provided by the Director and must include a plan for development as well as any additional schedules, plans, specifications, and an estimated fair market value of the proposed development that the Director requires.

- (c) Every owner of any parcel included in the application must be a party to the application. However, an individual who is the owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of the parcel upon submitting an affidavit that the other owners either: (1) affirm the application, (2) are minors, or (3) after a diligent search, cannot be located.
- (d) Upon receipt of an application, the Director will determine whether the application meets the eligibility criteria under this Article, the Comprehensive Plan, and all laws and policies related to the provision and preservation of affordable housing. If the application is found eligible, the Director will forward it to the Department of Tax Administration for calculation of an estimated base fair market value based upon the initial proposed development. Any application failing to meet the eligibility criteria will be denied and will be reconsidered only after all missing criteria are met.
- (e) The Director will submit an eligible application to the Board of Supervisors for approval either in conjunction with a concurrent rezoning application or separately for a by-right development proposal.
- (f) The application must meet both general and specific eligibility requirements as set forth in Section 4-29-6, as well as Virginia and local law, before being considered for approval by the Board of Supervisors.

#### Section 4-29-6. Eligibility.

- (a) The proposed development must be a commercial, industrial, and/or multifamily residential development within the territorial limits of an Economic Incentive Area as described in Section 4-29-4.
- (b) An application must contain a newly proposed assemblage, not previously approved for a rezoning or site plan by the County, of at least two contiguous parcels that collectively total a minimum of two acres. The application must conform to all laws and policies related to the provision and preservation of affordable housing and the use and consolidation recommendations in the Comprehensive Plan. Smaller acreages may be considered by the Board for good cause shown, such as to facilitate redevelopment of parcels. A single parcel may contain multiple structures, but all structures must be fully contained within its parcel lot lines before approval of the application.
- (c) A minimum of two acres of the assemblage, unless modified by the Board as set forth in paragraph 4-29-6(b), must be located within an Economic Incentive Area for the entire assemblage to qualify. Some small acreage of the assemblage may lie outside of the



delineated boundary of the Economic Incentive Area but the area outside of the boundary cannot be counted toward the 2-acre minimum requirement.

- (d) Applicants are responsible for obtaining any necessary zoning and site plan approvals in accordance with the Zoning Ordinance and state and local law before receiving incentives in Section 4-29-8(c)(2).
- (e) No improvements made to real property are eligible for real estate tax incentives pursuant to the Article unless approved by the Board of Supervisors.

#### Section 4-29-7. Calculation of Partial Real Estate Tax Exemption.

A qualifying property shall receive a partial tax exemption to the general real property tax in an amount that is equal to the difference between (i) the Base Value and (ii) the fair market value of the parcel including all new structures or other improvements at the time of the final inspection and valuation. The partial exemption shall also include any increase or decrease in the fair market value of the tax-exempt portion of the qualifying property as annually assessed by the Department of Tax Administration.

- (a) Following Board approval of the application and upon written request from the applicant, the Department of Tax Administration will determine a final base fair market value ("Base Value") for the qualifying property. The Base Value shall be the fair market value of the qualifying property at the time of determination plus the first \$1,000 in assessed value on the structure(s) planned to be built or repurposed on the assemblage.
- (b) Applicant shall submit a written request for final inspection and valuation by the Department of Tax Administration at any time after construction of any structure is substantially complete ("substantially complete" meaning the point where the physical shell is completed and basic components of the building are installed and improved including complete installation of elevators, electrical, HVAC, and fire prevention sprinkler systems). If the proposed development contains multiple buildings to be constructed or repurposed in multiple stages, the tax exemption shall be recalculated for each lot upon substantial completion and a final inspection and written valuation request from the applicant.
- (c) The Department of Tax Administration shall provide written notification to the property owner of the amount of the assessment of the property that will be exempt from real property taxation and the period of such exemption.
- (d) The partial tax exemption shall run with the land, and, except as otherwise provided in this Article, the owner of such property during each year of the partial exemption shall be

entitled to receive a partial tax exemption in the amount specified by the Department of Tax Administration.

Section 4-29-8. Economic Incentives.

- (a) Incentives shall be administered by the Director and the Department of Tax Administration in accordance with to the general provisions of this Article.
- (b) Regulatory incentives become effective upon a determination of eligibility by the Director and include:
  - (1) Expedited scheduling of zoning applications.
  - (2) Concurrent processing of a Comprehensive Plan amendment with an associated zoning application.
  - (3) Concurrent processing of a site plan and a zoning application.
  - (4) Inclusion in the Land Development Services Project Management Program.
  - (5) A lower project value to qualify for Fairfax County Land Development Services' Modified Processing Program.
- (c) Financial incentives include:
  - (1) A 10 percent reduction in the site plan fee submitted at the time of application.
  - (2) Partial real estate tax incentives.

Section 4-29-9. Timing or Effective Rate of Incentives.

Each Economic Incentive Area shall extend for a period of up to 10 years from the date of the initial establishment of the area as set forth below:

- (a) Annandale Incentive Area: This area shall take effect on January 1, 2025, and expire on December 31, 2034.
- (b) Bailey's Crossroads/Seven Corners Incentive Area: This area shall take effect on July 1, 2022, and expire on June 30, 2032.
- (c) Lincolnia Incentive Area: This area shall take effect on January 1, 2025, and expire on December 31, 2034.
- (d) McLean Incentive Area: This area shall take effect on July 1, 2024, and expire on June 30, 2034.

(e) Richmond Highway Incentive Area: This area shall take effect on July 1, 2024, and expire on June 30, 2034.

(f) Springfield Incentive Area: This area shall take effect on July 1, 2024, and expire on June 30, 2034.

The timeframes enumerated above constitutes the incentive period for each Economic Incentive Area. Real estate tax incentives as set forth in Section 4-29-8(c)(2) shall be effective between January 1 of the tax year next succeeding the year following substantial completion and the end of the incentive period, at which time, the real estate assessment on the subject parcels will revert to full market value. All incentives shall terminate no later than the expiration date for each Economic Incentive Area listed above.

Section 4-29-10. Failure to pay real estate taxes in a timely manner.

The incentives provided for in Section 4-29-8 shall be suspended if the real estate tax on the qualifying property has not been paid on or before July 28 and December 5 of any year, as required by Sections 4-10-1 and 4-10-2. Failure to pay the real estate tax on or before the day on which the real estate tax is due shall result in the forfeiture of any incentives in that year, and in such cases, the taxpayer shall be liable for the annual real estate tax that otherwise would have been assessed on the full fair market value of the improved real property. Late payment of the real estate tax on the qualifying property shall be subject to late payment penalties and interest in accordance with Sections 4-10-1 and 4-10-2. However, the Director of the Department of Tax Administration may waive any penalty and interest and reinstate the real estate tax exemption if the failure to pay the real estate tax was not in any way the fault of the taxpayer.

**2. That the provisions of this ordinance shall take effect on September 15, 2020.**

GIVEN under my hand this 15th day of September, 2020.



Jill G. Cooper

Clerk to the Board of Supervisors  
Department of Clerk Services

## Eligibility Application of Partial Tax Exemption for Economic Development (Effective September 15, 2020)

Fairfax County, Virginia  
Dept. of Planning and Development  
Community Revitalization Section  
12055 Government Center Parkway  
Suite 1048  
Fairfax, Virginia 22035



Telephone: 703-324-9300

TTY: 711

FAX: 703-653-1799

Visit our Web Site: [www.fcrevite.org](http://www.fcrevite.org)

Prior to filing this application, contact the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD) staff to review the ordinance eligibility requirements to determine if the proposed development may qualify. Improvements made prior to the Department of Tax Administration's (DTA) base value appraisal inspection are not eligible for the partial tax abatement. Refer to the application procedures for additional information. Only properties located within an Economic Incentive Program (EIP) area are eligible. Refer to the ordinance at [www.fcrevite.org/economic-incentive-program](http://www.fcrevite.org/economic-incentive-program) or contact CRS for assistance in verifying whether the project property is located in a designated EIP area. This application must be complete and include a paper or electronic copy of the plan for development as well as any additional schedules, plans, specifications that support the request, and an estimated fair market value of the proposed development once completed.

### Property Information

Tax Map Reference #s):	Lot Size:	Current Zoning:	Proposed Zoning:	Estimated Project Future Fair Market Value
See Attached				

Note: For additional Tax Map Numbers attach a separate sheet. Include all T parcels.

### Owner Information

Tax Map Reference: <u>101-2 ((5)) (2) 10</u>
Owners' Name: <u>Seung K. and Kimberly H. Hong</u>
Contact Person/Title: <u>Seung Hong</u>
Property Address: <u>3509 Rolling Hills Avenue, Alexandria, VA 22309</u>
Mailing Address: <u>1622 Irvin Street, Vienna, VA 22182</u>
Work Phone Number: _____
E-mail: _____



Tax Map Reference:	101-2 ((5)) (2) 11 and 101-2 ((5)) (3) 1
Owners' Name:	Villa Associates, L.L.C.
Contact Person/Title:	Scott Herrick
Property Address:	3507 Rolling Hills Avenue, Alexandria, VA 22309/3501 Buckman Road, Alexandria, VA 22309
Mailing Address:	8550 Lee Highway, Suite 250, Fairfax, VA 22031
Work Phone Number:	703-998-5200 ext. 8969
E-mail:	Sherrick@landmarkatlantic.com

Note: See page 5 for extra forms to attach, if necessary, for additional properties or owners.  
Note: Contact Person needs to be the person that DTA can call to arrange on-site inspections.

### Proposed Project:

1. What type of zoning application would this project require? Check all that apply.

Rezoning/Proffered Condition Amendment: ☒

Special Exception: ☐

Special Permit: ☐

Site Plan: ☒

2. List the application number of any approved rezoning, special exception, special permit or site plans that currently governs development of each property. Separately, list the application number of any pending or concurrent zoning or site plan application.

RZ 2004-LE-021/PCA 2004-LE-021

Applicant: Elm Street Communities, Inc.

3. Describe the proposed property consolidation and how it meets the minimum two parcels, two owners, and two-acre requirements of the program?

The property is comprised of nine parcels that are zoned to the PDH-30 District and owned by various owners. The property contains approximately 5.42 acres.

4. Describe the proposed project. Please include details related to proposed uses, density/intensity, existing buildings to be retained, demolished and /or repurposed, and new buildings proposed. Please include additional sheets as necessary to fully describe the application. Please attach or send electronically one (1) copy of the proposed development plan (either the rezoning application or site plan). If the project will be built in phases, provide a phasing plan including estimated time frames for the completion of each phase. Electronic copies can be sent to Revitalization@fairfaxcounty.gov.

The property is currently improved with eight non-confirming residential dwelling units that will be demolished. The property is part of an approved development that is zoned to the PDH-30 District, but unbuilt. The Applicant proposes to rezone the property to the PRM District to construct the multi-family portion of the approved development. The multi-family building will contain a maximum of 280 dwelling units in a building up to five stories. The multi-family dwelling units will screen a parking structure that will serve the residents.

A copy of the statement of justification and conceptual/final development plan submitted with the rezoning and proffered condition amendment applications is attached.



**OFFICE USE ONLY**

Application #: \_\_\_\_\_  
Date Application Submitted: \_\_\_\_\_  
Economic Incentive Area: Richmond Highway EIP  
DPD Approval Date: \_\_\_\_\_

Rezoning Case #: \_\_\_\_\_  
Rezoning Approval Date: \_\_\_\_\_

Site Plan Case #: \_\_\_\_\_  
Site Plan Approval Date: \_\_\_\_\_  
Site Plan Fee Reduction: Yes ☐ or No ☐  
Amount of Reduction: \_\_\_\_\_  
Date Issued: \_\_\_\_\_

Application/Attachments to DTA: Yes ☐ or No ☐  
BOS Approval Date: \_\_\_\_\_

5. A single parcel may contain multiple structures, but all structures must be fully contained within its parcel lot lines before the final inspection and valuation may be performed by the DTA. Based on the proposed concept plan, will parcels need to be created to meet this requirement? ☒ Yes ☐ No  
Please Explain:

The existing nine (9) tax assessment parcels and the portion of the Rolling Hills Avenue right-of-way to be vacated/abandoned will ultimately be consolidated into a single parcel through a deed and plat of consolidation. The future multi-family structure will be wholly located within that consolidated parcel.

6. Please provide any other information that you feel is pertinent to the review of this proposal below.

7. Would you have completed this development/repurposing without the partial tax exemption?  
☐ Yes ☒ No Please explain briefly how this incentive made the project possible:

The value of the future partial tax exemption enabled us to offer purchase prices to the current property owners high enough to induce them to sell.

***We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.***

***SIGNATURES: \****

Date of Application: \_\_\_\_\_

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: Seung K. Kim

Date of Application: \_\_\_\_\_

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: Kimberly H. Hong

Date of Application: \_\_\_\_\_

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: Villa Associates, L.L.C.  
by: Scott Herrick

Date of Application: \_\_\_\_\_

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: LAH Mount Vernon Gateway, LLC  
by: Scott Herrick

***NOTE: Failure to obtain signatures of all parties owning an interest in this real estate constitutes a material misstatement of fact.***

\*See attached for additional signatures

5. A single parcel may contain multiple structures, but all structures must be fully contained within its parcel lot lines before the final inspection and valuation may be performed by the DTA. Based on the proposed concept plan, will parcels need to be created to meet this requirement? ☒ Yes ☐ No  
Please Explain:

The existing nine (9) tax assessment parcels and the portion of the Rolling Hills Avenue right-of-way to be vacated/abandoned will ultimately be consolidated into a single parcel through a deed and plat of consolidation. The future multi-family structure will be wholly located within that consolidated parcel.

6. Please provide any other information that you feel is pertinent to the review of this proposal below.

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The value of the future partial tax exemption enabled us to offer purchase prices to the current property owners high enough to induce them to sell.

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**SIGNATURES: \***

Date of Application: \_\_\_\_\_

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: Seung K. Hong

Date of Application: \_\_\_\_\_

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: Kimberly H. Hong

Date of Application: 10/27/21

Owner's or Agent's Signature: \_\_\_\_\_

Print Name: Villa Associates, L.L.C.  
by: Scott Herrick

Date of Application: 12/27/21

Owner's or Agent's Signature: \_\_\_\_\_


Print Name: LAH Mount Vernon Gateway, LLC  
by: Scott Herrick


***NOTE: Failure to obtain signatures of all parties owning an interest in this real estate constitutes a material misstatement of fact.***

\*See attached for additional signatures

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

**SIGNATURES:**

**Date of Application:** 10/27/21 **Owner's or Agent's Signature:**   
Landmark Property Development, L.L.C.  
**Print Name:** by: Scott Herrick

**Date of Application:** 10/27/21 **Owner's or Agent's Signature:**   
The Fairfax Development Corporation  
**Print Name:** by: Scott Herrick

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_  
American Legion Post 177, Inc.  
**Print Name:** by: Gary N. Welschenbach

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_  
LYLAB Holdings, LLC  
**Print Name:** Richard L. Labbe

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_  
**Print Name:** An Do

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

**SIGNATURES:**

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** Landmark Property Development, L.L.C.  
by: Scott Herrick

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** The Fairfax Development Corporation  
by: Scott Herrick

**Date of Application:** 11-4-21 **Owner's or Agent's Signature:** Gary N. Welschenbach

**Print Name:** American Legion Post 177, Inc.  
by: Gary N. Welschenbach

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** LYLAB Holdings, LLC  
Richard L. Labbe

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** An Do

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

**SIGNATURES:**

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

Landmark Property Development, L.L.C.  
**Print Name:** by: Scott Herrick

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

The Fairfax Development Corporation  
**Print Name:** by: Scott Herrick

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

American Legion Post 177, Inc.  
**Print Name:** by: Gary N. Welschenbach

**Date of Application:** OCT 27, 2021 **Owner's or Agent's Signature:** 

LYLAB Holdings, LLC  
**Print Name:** Richard L. Labbe

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** An Do

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

**SIGNATURES:**

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** Landmark Property Development, L.L.C.  
by: Scott Herrick

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

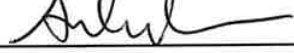
**Print Name:** The Fairfax Development Corporation  
by: Scott Herrick

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** American Legion Post 177, Inc.  
by: Gary N. Welschenbach

**Date of Application:** \_\_\_\_\_ **Owner's or Agent's Signature:** \_\_\_\_\_

**Print Name:** LYLAB Holdings, LLC  
Richard L. Labbe

**Date of Application:** 10/29/2021 **Owner's or Agent's Signature:** 

**Print Name:** An Do



Tax Map Reference:	101-2 ((5)) (2) 12
Owners' Name:	LAH Mount Vernon Gateway, LLC
Contact Person/Title:	Scott Herrick
Property Address:	3505 Rolling Hills Avenue, Alexandria, VA 22309
Mailing Address:	8550 Lee Highway, Suite 250, Fairfax, VA 22031
Work Phone Number:	703-998-5200 ext. 8969
E-mail:	Sherrick@landmarkatlantic.com

Tax Map Reference:	101-2 ((5)) (2) 13
Owners' Name:	Landmark Property Development, L.L.C.
Contact Person/Title:	Scott Herrick
Property Address:	3503 Rolling Hills Avenue, Alexandria, VA 22309
Mailing Address:	8550 Lee Highway, Suite 250, Fairfax, VA 22031
Work Phone Number:	703-998-5200 ext. 8969
E-mail:	Sherrick@landmarkatlantic.com

Tax Map Reference:	101-2 ((5)) (2) 14
Owners' Name:	The Fairfax Development Corporation
Contact Person/Title:	Scott Herrick
Property Address:	3431 Buckman Road, Alexandria, VA 22309
Mailing Address:	8550 Lee Highway, Suite 250, Fairfax, VA 22031
Work Phone Number:	703-998-5200 ext. 8969
E-mail:	Sherrick@landmarkatlantic.com

Tax Map Reference:	101-2 ((5)) (2) 15
Owners' Name:	American Legion Post 177, Inc.
Contact Person/Title:	Gary N. Welschenbach
Property Address:	3427 Buckman Road, Alexandria, VA 22309
Mailing Address:	3939 Oak Street, Fairfax, VA 22030
Work Phone Number:	
E-mail:	

Tax Map Reference:	101-2 ((5)) (3) 2A
Owners' Name:	LYLAB Holdings, LLC
Contact Person/Title:	Richard L. Labbe
Property Address:	3508 Rolling Hills Avenue, Alexandria, VA 22309
Mailing Address:	3053 Copeland Lane, Oakton, VA 22124
Work Phone Number:	
E-mail:	

Tax Map Reference:	102-2 ((5)) (3) 13
Owners' Name:	An Do
Contact Person/Title:	An Do
Property Address:	3505 Buckman Road, Alexandria, VA 22309
Mailing Address:	7160 Mercury Avenue, Haymarket, VA 20169
Work Phone Number:	
E-mail:	

Tax Map Reference:	
Owners' Name:	
Contact Person/Title:	
Property Address:	
Mailing Address:	
Work Phone Number:	
E-mail:	

Tax Map Reference:	
Owners' Name:	
Contact Person/Title:	
Property Address:	
Mailing Address:	
Work Phone Number:	
E-mail:	

Tax Map Reference:	
Owners' Name:	
Contact Person/Title:	
Property Address:	
Mailing Address:	
Work Phone Number:	
E-mail:	

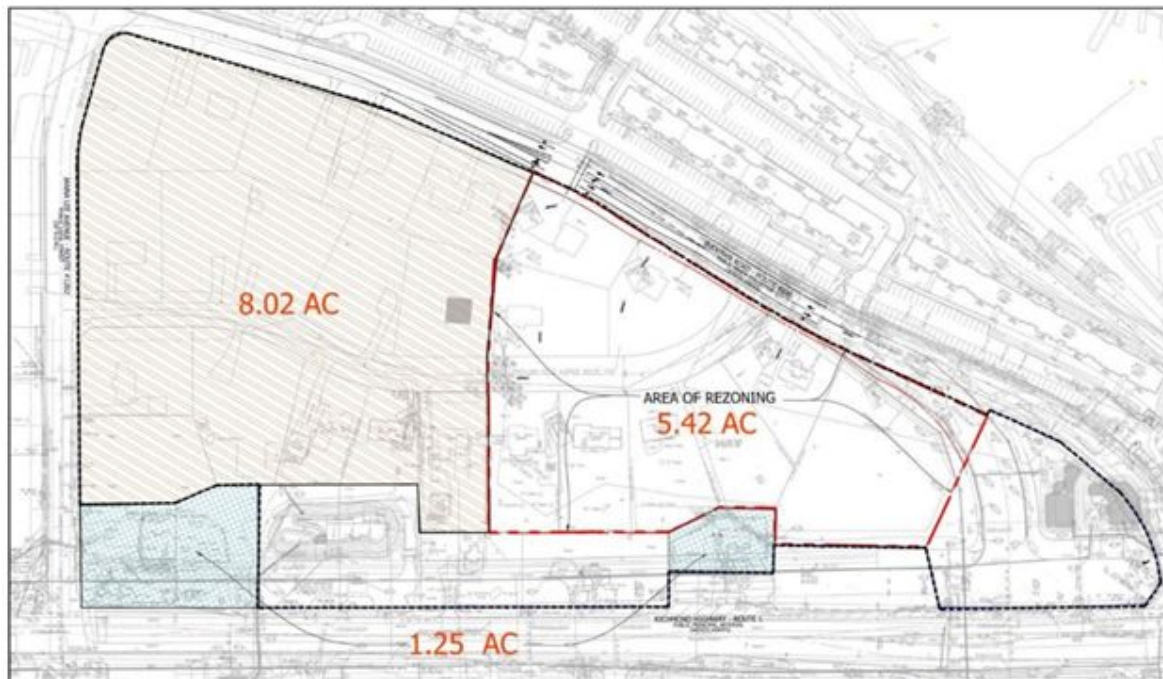
Tax Map Reference:	
Owners' Name:	
Contact Person/Title:	
Property Address:	
Mailing Address:	
Work Phone Number:	
E-mail:	

## Property Information

<b>Tax Map Reference #(s):</b>	<b>Lot Size:</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Estimated Project Future Fair Market Value</b>
101-2 ((5)) (2) 10	.45914 acre	PDH-30	PRM	\$7,815,941
101-2 ((5)) (2) 11	.45918 acre	PDH-30	PRM	\$7,816,622
101-2 ((5)) (2) 12	.45932 acre	PDH-30	PRM	\$7,819,005
101-2 ((5)) (2) 13	.45983 acre	PDH-30	PRM	\$7,827,687
101-2 ((5)) (2) 14	.45948 acre	PDH-30	PRM	\$7,821,729
101-2 ((5)) (2) 15	1.26433 acre	PDH-30	PRM	\$21,522,691
101-2 ((5)) (3) 1	.45921 acre	PDH-30	PRM	\$7,817,132
101-2 ((5)) (3) 2A	.45239 acre	PDH-30	PRM	\$7,701,036
101-2 ((5)) (3) 13	.46162 acre	PDH-30	PRM	\$7,858,158

A0998161.DOCX / 1 Property Information Attachment to EIP Application 000780 000154

Mount Vernon Gateway RZ/FDP 2021-LE-011



**REAFFIRMATION OF AFFIDAVIT**

In reference to the Affidavit dated December 13, 2021 for the application of  
(enter date of affidavit)

Elm Street Communities, Inc.  
(enter name(s) of applicant(s))

in Application No(s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter application number(s))

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an

(check one) ☐ applicant (must be listed in Par. 1(a) of the above-described affidavit)

☒ applicant's authorized agent (must be listed in Par. 1(a) of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) ☐ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of \_\_\_\_\_  
(enter today's date)

☒ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

☒ Paragraph 1(a) ☐ Paragraph 2

☒ Paragraph 1(b) ☐ Paragraph 3

☐ Paragraph 1(c)

WITNESS the following signature:  
(check one)

☐ Applicant ☒ Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent  
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 24 day of January, 2022, in the  
State/Commonwealth of Virginia, County/City of Arlington.

My Commission expires: 11/30/2023



Kimberly K. Follin  
Notary Public

## REZONING AFFIDAVIT

DATE: January 24, 2022  
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, 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): RZ 2021-LE-011/FDP 2021-LE-011  
(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Elm Street Communities, Inc.  Agents: James L. Perry Jeffrey P. Rice Nicholas Flanagan	1355 Beverly Road, #240 McLean, VA 22101	Applicant/Contract Purchaser
Fairfax County Board of Supervisors  County Executive/Agent: Bryan J. Hill	12000 Government Center Parkway, #533 Fairfax, VA 22035	Title Owner of a portion of Rolling Hills Avenue to be vacated/abandoned

(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 Attachment to Par. 1(a)**

DATE: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(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.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Seung K. Hong Kimberly H. Hong	1622 Irvin Street Vienna, VA 22182	Title Owners of Tax Map 101-2 ((5)) (2) 10
Villa Associates, L.L.C. Agent: Scott Herrick a/k/a Scott M. Herrick	8550 Lee Highway, Suite 250 Fairfax, VA 22031	Title Owner of Tax Map 101-2 ((5)) (2) 11 and 101-2 ((5)) (3) 1
LAH Mount Vernon Gateway, LLC Agent: Scott Herrick a/k/a Scott M. Herrick	8550 Lee Highway, Suite 250 Fairfax, VA 22031	Title Owner of Tax Map 101-2 ((5)) (2) 12
Landmark Property Development, L.L.C. Agent: Scott Herrick a/k/a Scott M. Herrick	8550 Lee Highway, Suite 250 Fairfax, VA 22031	Title Owner of Tax Map 101-2 ((5)) (2) 13
The Fairfax Development Corporation Agent: Scott Herrick a/k/a Scott M. Herrick	8550 Lee Highway, Suite 250 Fairfax, VA 22031	Title Owner of Tax Map 101-2 ((5)) (2) 14
Fairfax Virginia Post No. 177, The American Legion, Inc. Successor-In-Interest To: Fairfax Post No. 177, Department Of Virginia The American Legion, Inc. a/k/a Post 177, Incorporated (The American Legion, Department Of Virginia} a/k/a American Legion Post 177, Inc. Agent: Gary N. Welschenbach	3939 Oak Street Fairfax, VA 22030	Title Owner of Tax Map 101-2 ((5)) (2) 15

(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 Attachment to Par. 1(a)**

DATE: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(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 <b>BOLD</b> above)
LYLAB Holdings, LLC  Agent: Richard L. Labbe	3053 Copeland Lane Oakton, VA 22124	Title Owner of Tax Map 101-2 ((5)) (3) 2A
An Do	7160 Mercury Avenue Haymarket, VA 20169	Title Owner of Tax Map 101-2 ((5)) (3) 13
Walsh, Colucci, Lubeley & Walsh, P.C.  Agents: Lynne J. Strobel M. Catharine Puskar Andrew A. Painter Robert D. Brant Kathryn R. Taylor H. Mark Goetzman Elizabeth D. Baker Bernard S. Suchicital Mariana Z. Cifuentes	2200 Clarendon Boulevard, Suite 1300 Arlington, VA 22201	Attorneys/Agents for Applicant  Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Paralegal/Agent
VIKA Virginia, LLC  Agents: John F. Amatetti Robert R. Cochran P. Christopher Champagne Peter L. Rinek <b>Edmund J. Ignacio</b>	8180 Greensboro Drive, #200 Tysons, VA 22102	Engineer/Agent
Mushinsky Voelzke & Associates, Chtd. t/a MUSHINSKY VOELZKE ASSOCIATES/MV+A  Agents: James F. Voelzke Brian J. Szymanski	1200 G Street, NW, #250 Washington, DC 20005	Architect/Agent

Gorove/Slade Associates, Inc. 3914 Centreville Road, Suite 330 Transportation Consultant/Agent  
Chantilly, VA 20151

Agents: Christopher M. Tacinelli  
Maria C. Lashinger

(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 Attachment to Par. 1(a)**

DATE: January 24, 2022  
 (enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
 (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)

Polysonics Acquiring Corp.  
 f/k/a Polysonics Corp.

405 Belle Air Lane  
 Warrenton, VA 20186

Noise Consultant/Agent

Agent: Christopher J. Karner

(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

DATE: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(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)

Elm Street Communities, Inc.  
1355 Beverly Road, #240  
McLean, VA 22101

**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)

David D. Flanagan  
ESDC II, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

Jeffrey P. Rice, VP; David D. Flanagan, Director; Kristen G. Hartman, Secretary, Treasurer

Director: David D. Flanagan

(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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
ESDC II, Inc.  
1355 Beverly Road, #240  
McLean, VA 22101

**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)

David D. Flanagan  
Carol A. Flanagan

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**

David D. Flanagan, Chairman of the Board & President; James L. Perry, VP; John M. Clarke, VP; Russell J. Dickens, VP; Karen R. McJunkin, VP; Joseph M. Jacobs, VP; Douglas M. Meeker, VP; Michael A. Burlbaugh, VP; David C. Murphy, VP; Jude T. Burke, VP; Jack B. Perkins, VP; Jason A. Wiley, VP; James M. Mobley, VP; Michael Charlton, VP; James R. Krapf, VP; Kathryn L. Kubit, VP; Stephen M. Horne, VP; Jason S. Van Kirk, VP; Lauren B. Bauer, VP; Stefanie Z. Smith, VP; Douglas M. Flanagan, VP, Asst Secretary; Jeffrey P. Rice, VP – Finance & CFO; Kristen G. Hartman; Secretary/Treasurer

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, VA 22201

**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)

Wendy A. Alexander	Michael J. Coughlin	Michael R. Kieffer	John E. Rinaldi
David J. Bomgardner	Nicholas V. Cumings	Charles E. McWilliams	Kathleen H. Smith
Robert D. Brant	John H. Foote	Antonia E. Miller	Lynne J. Strobel
E. Andrew Burcher	H. Mark Goetzman	J. Randall Minchew	Erin M. Thiebert
Jonelle M. Cameron	Bryan H. Guidash	Andrew A. Painter	Garth M. Wainman
Thomas J. Colucci	Michael J. Kalish	M. Catharine Puskar	Matthew A. Westover

**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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
VIKA Virginia, LLC  
8180 Greensboro Drive, Suite 200  
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.  
☐ 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)

John F. Amatetti, Charles A. Irish, Jr., Robert R. Cochran, P. Christopher Champagne

**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)  
Mushinsky Voelzke & Associates, Chtd.  
t/a MUSHINSKY VOELZKE ASSOCIATES/MV+A  
1200 G Street, NW, #250  
Washington, DC 20005

**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)

James F. Voelzke  
Russell D. Zung

**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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Villa Associates, L.L.C.  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**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)

Scott M. Herrick, Member  
Bernadette Manara, Member

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

Board of Managers: Scott M. Herrick, Manager

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

LAH Mount Vernon Gateway, LLC  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**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)

Scott M. Herrick, Member  
Bernadette Manara, Member

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

Scott M. Herrick, Manager

(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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Landmark Property Development, L.L.C.  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**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)

Scott M. Herrick, Member  
Bernadette Manara, Member

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Scott M. Herrick, Manager

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

The Fairfax Development Corporation  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**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)

Scott M. Herrick  
Bernadette Manara

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Scott M. Herrick, President, Director  
Bernadette Manara, VP, Secretary, Director

(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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Fairfax Virginia Post No. 177, The American Legion, Inc.

Successor-In-Interest To:

Fairfax Post No. 177, Department Of Virginia

The American Legion, Inc.

a/k/a

Post 177, Incorporated (The American Legion, Department Of Virginia)

a/k/a

American Legion Post 177, Inc.

3939 Oak Street

Fairfax, VA 22030

**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)

A non-stock, not for profit corporation.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

Gary N. Welschenbach, Corporate Board Secretary

Corporate Board: Gary N. Welschenbach, John Kinzel, Anthony Osborne, Jule Szabo, Jonathan Thacher, Henry "Hank" Waters, Tom Pike,

Jeff White, Russ Combs (FORMER)

Executive Committee: Jeff White, Rich Strauss, Joe Schmidt, Reid Griffin, Joseph J. Boyle, Mike Kimlick, Earl Seay, Anthony Osborne,

John Price, Tony Poulin, Russ Combs, Bruce Mersereau, Tejas Patel

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

LYLAB Holdings, LLC

3053 Copeland Lane

Oakton, VA 22124

**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)

Richard L. Labbe, **Member**

Catherine L. Labbe, Member

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

**Richard L. Labbe, Manager**

(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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Gorove/Slade Associates, Inc.  
3914 Centreville Road, Suite 330  
Chantilly, VA 20151

**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)

Christopher M. Tacinelli	Chad A. Baird
Daniel B. VanPelt	Erwin N. Andres
Tushar A. Awar	Kevin D. Sitzman

**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)

Polysonics Acquiring Corp. f/k/a Polysonics Corp.  
405 Belle Air Lane  
Warrenton, VA 20186

**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)

Gordon E. Jacobs, Denise A. Jacobs

**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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(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)

NONE

(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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(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: January 24, 2022  
(enter date affidavit is notarized)

for Application No. (s): RZ 2021-LE-011/FDP 2021-LE-011  
(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.)

James L. Perry of Elm Street Communities, Inc. donated in excess of \$100 to Friends of Dalia Palchik and Friends of Rodney Lusk.

David D. Flanagan of Elm Street Communities, Inc. donated in excess of \$100 to Friends of Dalia Palchik and Friends of Rodney Lusk.

(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)

☐ Applicant

☒ Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24 day of January, 2022, in the State/Comm. of Virginia, County/City of Arlington.

My commission expires: 11/30/2023



Kimberly K. Follin  
Notary Public





## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

LAH Mount Vernon Gateway, LLC  
c/o Scott Herrick  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**Tax Map Reference:** 101-2((5)) (2) 12  
**Property Address:** 3505 Rolling Hills  
Avenue, Alexandria, VA 22309  
**Owner:** LAH Mount Vernon Gateway,  
LLC  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Herrick:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or [elizabeth.hagg@fairfaxcounty.gov](mailto:elizabeth.hagg@fairfaxcounty.gov).

Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



PLANNING & DEVELOPMENT

Department of Planning and Development  
Director's Office  
12055 Government Center Parkway, Suite 1048  
Fairfax, Virginia 22035-5507  
Phone 703-324-9300  
Fax 703-653-1799  
[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)



## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

Landmark Property Development, L.L.C.  
c/o Scott Herrick  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**Tax Map Reference:** 101-2((5)) (2) 13  
**Property Address:** 3503 Rolling Hills  
Avenue, Alexandria, VA 22309  
**Owner:** Landmark Property Development,  
L.L.C.  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Herrick:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



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## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

Seung Hong  
1622 Irvin Street  
Vienna, VA 22182

**Tax Map Reference:** 101-2((5)) (2) 10  
**Property Address:** 3509 Rolling Hills  
Avenue, Alexandria, VA 22309  
**Owner:** Seung K. and Kimberly H. Hong  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Hong:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or [elizabeth.hagg@fairfaxcounty.gov](mailto:elizabeth.hagg@fairfaxcounty.gov).

Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



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## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

LYLAB Holdings, LLC  
c/o Richard L. Labbe  
3053 Copeland Lane  
Oakton, VA 22124

**Tax Map Reference:** 101-2((5)) (3) 2A  
**Property Address:** 3508 Rolling Hills  
Avenue, Alexandria, VA 22309  
**Owner:** LYLAB Holdings, LLC  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Labbe:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



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## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

The Fairfax Development Corporation  
c/o Scott Herrick  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**Tax Map Reference:** 101-2((5)) (2) 14  
**Property Address:** 3431 Buckman Road,  
Alexandria, VA 22309  
**Owner:** The Fairfax Development  
Corporation  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Herrick:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



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## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

Villa Associates, L.L.C.  
c/o Scott Herrick  
8550 Lee Highway, Suite 250  
Fairfax, VA 22031

**Tax Map Reference:** 101-2((5)) (2) 11 and  
101-2((5)) (3) 1

**Property Address:** 3507 Rolling Hills  
Avenue/3501 Buckman Road, Alexandria,  
VA 22309

**Owner:** Villa Associates, L.L.C.

**Tax Abatement Case #:** MV-001 2022

Dear Mr. Herrick:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



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## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

American Legion Post 177, Inc.  
c/o Gary N. Welschenbach  
3939 Oak Street  
Fairfax, VA 22030

**Tax Map Reference:** 101-2((5)) (2) 15  
**Property Address:** 3427 Buckman Road,  
Alexandria, VA 22309  
**Owner:** American Legion Post 177, Inc.  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Welschenbach:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



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## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 12, 2022

An Do  
7169 Mercury Avenue  
Haymarket, VA 20169

**Tax Map Reference:** 101-2((5)) (3) 13  
**Property Address:** 3505 Buckman Road,  
Alexandria, VA 22309  
**Owner:** An Do  
**Tax Abatement Case #:** MV-001 2022

Dear Mr. Do:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

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Sincerely,

Chris B. Caperton, Deputy Director  
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration  
Thomas Reed, Director of Real Estate, Department of Tax Administration  
David Pellegrino, Assistant Director, Department of Tax Administration



PLANNING & DEVELOPMENT

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[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)



Board Agenda Item  
April 12, 2022

ACTION - 2

Approval of a Parking Reduction for Falls Church High School Renovation (Mason District)

ISSUE:

Board of Supervisors (Board) approval of an overall 50 percent reduction (375 fewer spaces) of the required parking for the renovation of Falls Church High School, Tax Map 50-3 ((1)) 1A (Property).

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction for the renovation of Falls Church High School, pursuant to Paragraph 6.G. of Section 6100 of the Fairfax County Zoning Ordinance (Ordinance) based on the unique characteristics of the use as demonstrated in the parking study #19538-PKS-001-2, subject to the conditions in Attachment I.

TIMING:

Board action is requested on April 12, 2022.

BACKGROUND:

The Property, approximately 39.45 acres in size, is located at 7521 Jaguar Trail. The Property has street frontage along Marc Drive and Jaguar Trail and rear access to Jacks Lane and the Providence Recreation Center to the west. The existing school buildings, including classroom trailers, have a gross floor area (GFA) of 306,426 square feet with 67,001 square feet of classroom space. Current enrollment is 1,966 students. There are approximately 250 full-time employees. The proposed renovation includes removal of the existing classroom trailers, a full renovation of the existing building, and permanent building additions that will increase the GFA to 427,500 square feet with 94,716 square feet of classroom space. The renovated school will support a future enrollment of 2,500 students.

The code-required parking for an enrollment of 2,500 students is 750 spaces (0.3 space/student). The applicant is requesting a 50 percent reduction in required parking to 375 spaces (0.15 space/student). The school currently has 359 parking spaces. Under the proposed site plan, an additional 37 parking spaces will be added with the renovation bringing the total parking supply to 396 spaces.

Board Agenda Item  
April 12, 2022

The request for a reduction is based on the unique characteristics of the use that result in a reduced parking demand. The following factors were considered:

- The school administration actively controls and manages the parking. After parking is provided for the full-time employees, the remaining parking is made available to the students at the discretion of the school. The applicant indicated that the current parking scheme has been operating satisfactorily.
- There will be adequate parking for the full-time employees.
- Although not unique to Falls Church High School, school bus transportation is provided to all students outside a 1.5-mile walking distance of the school.
- Possible issues with spill-over parking in adjoining neighborhoods is addressed by the Broyhill Park Residential permit parking District, located immediately east of the high school, which restricts parking from 8:00 a.m. to 3:30 p.m.

The ability of the school to control the on-site parking supports the proposed parking reduction. A comparison of the code-required parking and the proposed parking at full buildout is summarized in Table 1.

Table 1. Comparison of Code Required and Proposed Parking

Land Use	No. of Students	Rate Required by Code	Code Required Parking Number of Spaces	Proposed Parking Rate	Proposed Minimum Number of Spaces	Proposed Reduction
Public Use (High School)	2,500	0.3 space/student	750	0.15 space/student	375	50%

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:

Attachment I – Parking reduction conditions dated April 12, 2022

Attachment II – Parking reduction request (#19538-PKS-001-2) from Fairfax County Public Schools dated November 15, 2021

Board Agenda Item  
April 12, 2022

STAFF:

Rachel Flynn, Deputy County Executive

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

Jan Leavitt, Chief, Site Code Research and Development (SCRD), LDS

Michael Davis, Parking Program Manager, SCR D, LDS

ASSIGNED COUNSEL:

Hayden Coddington, Assistant County Attorney

**PARKING REDUCTION CONDITIONS**  
**Falls Church High School Renovation**  
**April 12, 2022**

1. These conditions apply to the current owner, their successors and assigns (hereinafter "owner") of the parcel identified on 2022 Tax Map 50-3 ((1)) 1A.
2. Off-street parking for the use designated below must be provided at the following minimum parking rate:
  - High School - up to a maximum of 2,500 students at a rate of 0.15 space/student
3. Parking for any uses not listed in Condition 2 must be provided at no less than the minimum rates required by the Zoning Ordinance.
4. On-site parking will be managed as follows:
  - Parking needs must be evaluated prior to or at the beginning of each school year.
  - Adequate parking must be provided for full-time employees.
  - Parking not required for full-time employees may be made available to the students.
  - Parking not required for full-time employees may be reserved for visitors.
  - Parking during the school day must be by permit only except for short-term visitor spaces.
5. The conditions of approval of this parking reduction must be incorporated into any site plan or site plan revision submitted to the Director of Land Development Services (Director) for approval.
6. The owner must submit a parking space utilization study for review and approval by the Director promptly upon request by the Zoning Administrator or the Director at any time in the future. Following review of that study, or if a study is not submitted within 90 days after its request, the Director may require alternative measures to satisfy the on-site parking needs of the property. Such measures may include, but are not limited to, compliance with the full parking requirements specified in the Zoning Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director must be based on applicable requirements of The Code of the County of Fairfax, Virginia and the Zoning Ordinance in effect at the time of the study's submission.

**PARKING REDUCTION CONDITIONS**  
**Falls Church High School Renovation**  
**April 12, 2022**

8. All parking provided must comply with the applicable requirements of the Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code.
9. These conditions of approval are binding on the owner and must be recorded in the Fairfax County Land Records in a form acceptable to the County Attorney. If these conditions have not been recorded and an extension has not been approved by the Director, approval of this parking reduction request will expire without notice six months from its approval date.



Department of Facilities and Transportation Services  
Office of Design and Construction Services  
8115 Gatehouse Road, Suite 3500  
Falls Church, Virginia 22042-1203

November 15, 2021

Mr. Michael Davis  
Permitting and Code Administration Division  
12055 Government Center Parkway, Suite 334  
Fairfax, Virginia 22035

Re: Parking Requirement Modification  
Falls Church High School Renovation – 2019 CIP  
Tax Map #: 50-3-((1)), Parcels 0001A

Dear Mr. Davis:

We hereby request a modification of the off-street parking requirements of Fairfax County's Zoning Ordinance per Zoning Ordinance Section 6100.4 for the above referenced Site Plan. The Site Plan proposes the building additions, renovations and improvements to the overall school site and including an increase in the number of onsite parking spaces.

#### **Existing Conditions**

Falls Church High School is located at 7521 Jaguar Trail, Falls Church and is in the Mason District. The school property is approximately 39.45 acres with frontage along Marc Drive and Jaguar Trail, a rear access to Jacks Lane and the County Providence Recreation Center to the west. The existing school building gross floor area is 306,426 square feet with 67,601 square feet of classroom space. The school site provides parking areas and travel ways to all sides of the school building, utilities, sports fields, and other miscellaneous facilities, such as temporary classroom trailers, used to support the high school. The school currently has 359 parking spaces. The Zoning Ordinance would require that the school have 750 parking spaces (0.3 x 2,500), which is based on an enrollment capacity of 2,500 students. The expected enrollment is anticipated to be lower. The school currently has an enrollment of 1966 students.

#### **Proposed Improvements**

The Falls Church High School Renovation project proposes removing existing trailer classrooms, full building renovations and adding permanent building additions to the existing structure. The proposed school building gross floor area is 427,500 square feet with 94,716 square feet of classroom space. Exterior improvements shown in the Site Plan include utility infrastructure, relocated athletic fields and courts. The existing onsite parking lots and drive lanes will be reconfigured to expand bus drop-off to the front entrance (northside of building) and east building entrance (east parking lot). The kiss and ride entrance will be at the west parking lot and drop-off will be along the west building entrance and separate from the bus drop-off to help improve traffic flow. The existing outdoor basketball courts on the west of the building will be removed to expand the west parking lot. The outdoor tennis courts will be relocated to the south ballfields between the proposed softball field and existing turf practice field. The existing softball field to the



southwest will remain. In general, the existing onsite parking areas will be improved and new parking provided that increases the available parking spaces to approximately 396 spaces.

### **Justification**

We believe that a modification of the requirements of Fairfax County's Zoning Ordinance for this Site Plan is acceptable based on the following justification. The school administration actively controls and manages the parking and after parking is provided for its approximately 250 full-time employees, the balance parking is made available to the students at the discretion of the school. The Zoning Ordinance for high school parking is 0.30 space per student. For Falls Church High School that would mean 750 parking spaces ( $0.30 \times 2,500$  student design capacity), which far exceeds what is needed to support the school. Falls Church High School is currently operating with 359 parking spaces and has operated adequately under the current parking conditions for nearly three decades. The Site Plan proposes adding 37 parking spaces, which will help to support an increased student capacity and future growth for the school. As student enrollment changes the administration will reevaluate and adjust the number of student parking passes issued just as they do every year based on operational needs.

Going beyond the approximately 396 proposed parking spaces that is shown on the Site Plan is not feasible given the site constraints. As you can see in the attached Proposed Parking Exhibit, limited space will preclude the ability to add more parking beyond what is proposed because the school site is fully developed with building structures, stormwater management facilities, parking lots, drive lanes, bus lanes, sidewalk, various site infrastructure and utilities, athletic fields and paved play areas that are all necessary to sustain school operations and support educational and athletic program requirements.

There are other options available for transportation. Falls Church High School is central to an established residential subdivision that provides walkers with safe public sidewalk access and connectivity to the surrounding neighborhood and streets. The Site Plan provides 5 new bike parking facilities that are easy to access and located close to building entrances and athletic fields and the school administration provides students with school bus transportation.

We are requesting that this modification be accepted and approved with a parking ratio of 0.15 (375 parking spaces / 2,500 student capacity). Although we anticipate that the final parking count will be closer to 396 spaces to allow for future growth, we respectfully request that this parking modification be approved for 375 parking spaces because the Site Plan is currently under County review and design is not finalized.

Thank you for your consideration of this request. Should you have any questions or require any additional information, please feel free to contact me directly at 571-296-1027.

Sincerely,

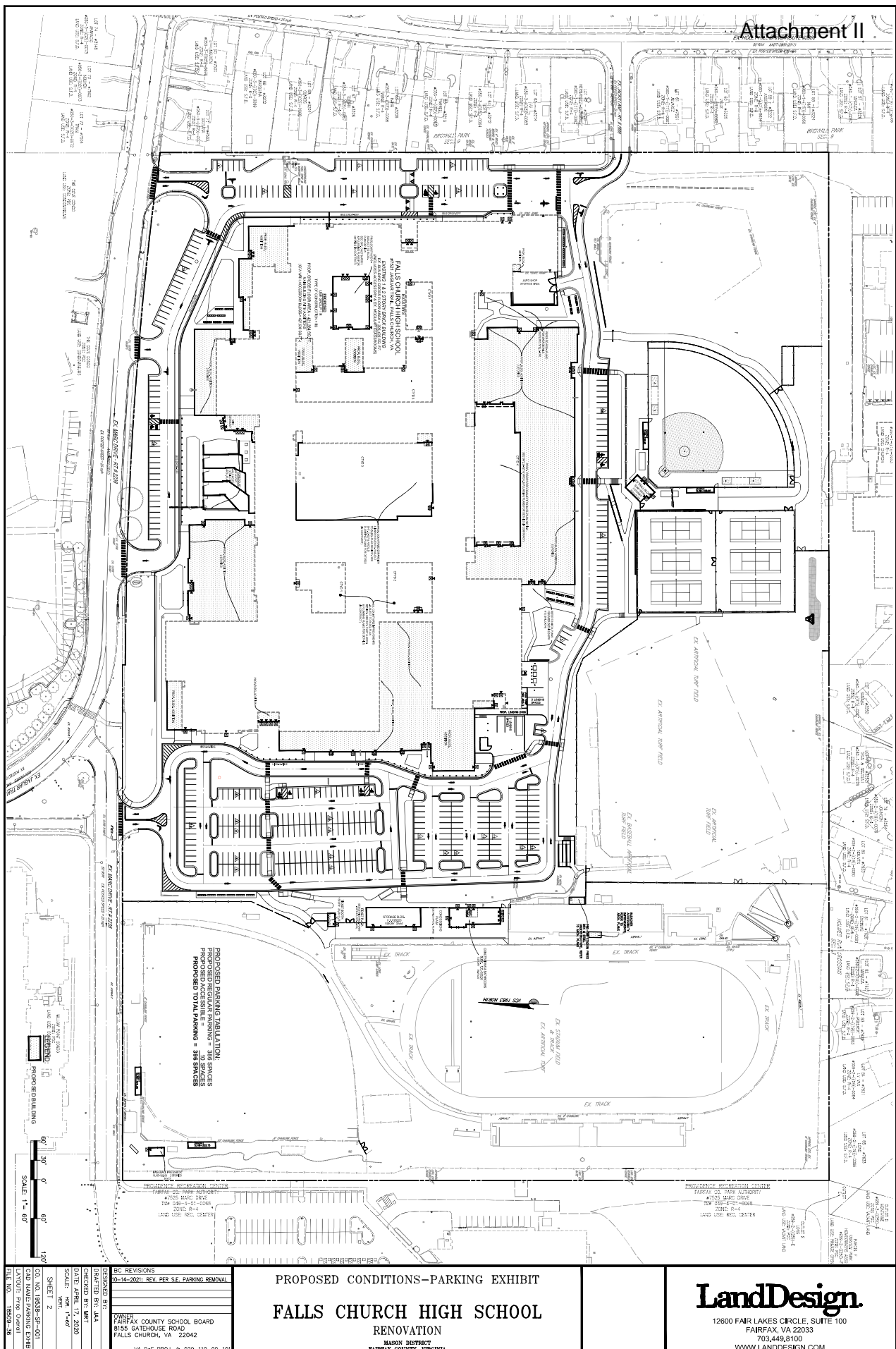


Andrew Peterson, PE  
Civil Engineer II, FCPS Design and Construction Services

Enclosure

cc: Holli McKinley, AIA, FCPS  
Michael Tucker, PE, Land Design





Board Agenda Item  
April 12, 2022

ACTION - 3

Approval of a Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Pedestrian Improvements for the Route 29 Bridge Over Cub Run Project (Sully District)

ISSUE:

Board of Supervisors' approval and authorization for the Director of the Fairfax County Department of Transportation (FCDOT) to execute a Project Administration Agreement (PAA) for the funding of improvements at the Route 29 Bridge over Cub Run project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1) authorizing the Director of FCDOT to execute a PAA (substantially in the form of Attachment 2) with the Virginia Department of Transportation (VDOT), for the funding of the project. This agreement secures full funding for the project.

TIMING:

The Board should act on this item on April 12, 2022, so that the project can continue to advance.

BACKGROUND:

As a part of the effort to improve the Route 29 bridge over Cub Run, this project includes a missing segment of a pedestrian facility on the bridge. The original project did not include a trail connection on the southern side of Route 29.

The County has negotiated with VDOT to add pedestrian improvements along the south side of the bridge and Route 29. VDOT has agreed to include this segment in the project delivery, but funding is necessary to complete it.

The majority of the improvements will be funded by VDOT using State of Good Repair funds. The portion of the project the County has requested is estimated to be \$52,000.

Board Agenda Item  
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FISCAL IMPACT:

The total project estimate is \$3,565,994. The County's share of the project is \$52,000; This will be entirely funded by Fund 40010, County and Regional Transportation Projects. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution for Agreement Execution

Attachment 2: Proposed Project Administration Agreement

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Michael Guarino, Chief, Capital Projects Section, FCDOT

Caijun Luo, Senior Transportation Planner, Capital Projects Section, FCDOT

Ray Johnson, Chief, Funding Section (FS), FCDOT

Smitha Chellappa, Senior Transportation Planner, FS, FCDOT

Michael Cuccias, Transportation Planner, FS, FCDOT

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney

## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Tuesday, April 12, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

### **AGREEMENT EXECUTION RESOLUTION**

**A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF  
FAIRFAX, VIRGINIA  
FOR THE EXECUTION OF AN AGREEMENT FOR THE  
Route 29 Bridge Over Cub Run  
PROJECT**

**WHEREAS**, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project(s), if not already established, in the County of Fairfax.

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the funding of the Route 29 Bridge Over Cub Run ("Project").

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the agreement with the Virginia Department of Transportation, for the funding of the Project.

Adopted this 12<sup>th</sup> day of April 2022, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Jill G. Cooper  
Clerk for the Board of  
Supervisors



**VDOT ADMINISTERED – LOCALLY FUNDED  
PROJECT ADMINISTRATION AGREEMENT**

Project Number	UPC	Local Government
0029-029-504	118348	FAIRFAX COUNTY

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the COUNTY OF FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT. The DEPARTMENT and the LOCALITY are collectively referred to as the “Parties”.

WITNESSETH

WHEREAS, the funds as shown in Appendix A have all been allocated by the LOCALITY to finance the Project; and

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

WHEREAS, the LOCALITY has requested that the DEPARTMENT design and construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

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

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

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

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

A. The DEPARTMENT shall:

1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the LOCALITY for charges of actual DEPARTMENT cost.
  4. Notify the LOCALITY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the LOCALITY prior to performing those activities.
  5. Return any unexpended funds to the LOCALITY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The LOCALITY shall:
1. Provide funds to the Department for Preliminary Engineering (PE), Right of Way (ROW) and/or Construction (CN) in accordance with the payment schedule outlined in Appendix A.
  2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the LOCALITY and modification of this Agreement.
- C. Funding by the LOCALITY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of

such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and LOCALITY funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the LOCALITY, the LOCALITY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.

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

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

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

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

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

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

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Chief of Policy

Commonwealth of Virginia

Department of Transportation

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**Attachments**

Appendix A (UPC 118348)

Appendix B (UPC 118348)

**VDOT Administered, Locally Funded Appendix A**

Date: 3/15/2022

Project Number: 0029-029-504      UPC: 118348      CFDA# N/A      Locality: County of Fairfax

Project Location ZIP+4: 20121-4404	Locality DUNS #074837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, Va. 22033-2895
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**Project Narrative**

Work Description: Construction of an 8' wide trail as requested and funded by Fairfax County. This work is included in #SGR-21VB (FED ID 06272) SUPERSTRUCTURE REPLACEMENT - ROUTE 29 NORTHBOUND OVER CUB RUN.

From: Station 20+37

To: Station 22+30

Locality Project Manager Contact info: Caijun Luo 703-877-5755 caijun.luo@fairfaxcounty.gov

Department Project Manager Contact Info: Abdoul Koura-Bodji 703-259-2770 Abdoul.Koura-Bodji@VDOT.Virginia.gov

**Project Estimates**

Phase	Estimated Project Costs
Preliminary Engineering	\$0
Right of Way & Utilities	\$0
Construction	\$52,000
Total Estimated Cost	\$52,000

**Project Cost**

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering				
Total PE				\$0
Right of Way & Utilities				
Total RW				\$0
Construction	\$52,000	Local Funds	100%	\$52,000
Total CN	\$52,000			\$52,000
Total Estimated Cost	\$52,000			\$52,000

**Total Maximum Reimbursement / Payment by Locality to VDOT**

\$52,000

**Project Financing**

Local Funds	Aggregate Allocations
\$52,000	\$52,000

**Payment Schedule**

FY 2022
\$52,000

**Program and Project Specific Funding Requirements**

- This is a limited funds project. The locality shall be responsible for all funding and any additional funding in excess of \$52,000 for the requested trail work.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- Construction of the trail was requested by Fairfax County. The cost of this work is ineligible for State of Good Repair Bridge funds and will be covered by local funds.
- This trail is part of the overall project to replace the superstructure over Route 29.
- **At Construction Award, VDOT will invoice the LOCALITY for their share of the project costs. The LOCALITY shall make one lump sum payment in the amount of \$52,000 to VDOT, no later than 30 days after receipt of VDOT's invoice, and prior to the occurrence of any Construction work.**

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Typed or printed name of person signing

Revised: February 1, 2019

## Appendix B

**Project Number: 0029-029-504 (UPC 118348)      Locality: COUNTY OF FAIRFAX**

Project Scope	
<b>Work Description:</b>	Construction of an 8' wide trail as requested and funded by Fairfax County. This work is included in #SGR-21VB (FED ID 06272) SUPERSTRUCTURE REPLACEMENT - ROUTE 29 NORTHBOUND OVER CUB RUN.
<b>From:</b>	Station 20+37
<b>To:</b>	Station 22+30
Locality Project Manager Contact Info: Caijun Luo 703-877-5755 caijun.luo@fairfaxcounty.gov Department Project Coordinator Contact Info: Abdoul Koura-Bodji 703-259-2770 Abdoul.Koura-Bodji@VDOT.Virginia.gov	

Detailed Scope of Services
The purpose of this agreement is to account for the Local Funds added to the project to construct a trail as requested by the Locality. The cost of this work is ineligible for State of Good Repair Bridge (SGR) funds and will be covered by Local Funds.
In addition to the superstructure replacement, VDOT will construct a proposed 8' wide asphalt path located east of Route 29 northbound from the private entrance Station 20+37 to Station 22+30, in accordance with the plans using Local Funds as shown in Appendix-A. VDOT will maintain the trail after construction and continue to maintain the superstructure.

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

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

\_\_\_\_\_  
Authorized VDOT Official and Date

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

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



ACTION - 4

Approval of Resolution of Support for Modifications of the Limited Access Line Along Interstate 495 (Dranesville District)

ISSUE:

Board adoption of a resolution supporting modifications to the Interstate 495 limited access line.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) supporting the limited access line adjustment on Interstate 495 between Lewinsville Road and north of the George Washington Memorial Parkway.

TIMING:

The Board's action on April 12, 2022, is necessary so that the Commonwealth Transportation Board can review the recommended changes at their May 2022 meeting.

BACKGROUND:

The I-495 Northern Extension (NEXT) project provides the extension of the existing express lanes, from their current terminus in the vicinity of the Old Dominion Drive overpass, north approximately 1.6 miles to the George Washington Memorial Parkway interchange. Public hearings for the I-495 NEXT project occurred in October 2020 and the Fairfax County Board of Supervisors endorsed the project in April 2021. Since then, the project has achieved financial close February 2022 and has initiated right-of-way and construction activities.

To complete the right-of-way acquisition necessary for the project, the limited access line along I-495 requires modification in conformance with the design. This modification requires approval from the Commonwealth Transportation Board. According to Section 24VAC30-401-20 of the Virginia Administrative Code, a request for a change in limited access also requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes are proposed.

As shown in Attachment II, the modifications requested to the limited access lines generally conform to the public hearing plans that were completed for the project. In

Board Agenda Item  
April 12, 2022

some cases, the revised limited access line remains within the existing right-of-way. The Virginia Department of Transportation (VDOT) intends to present these changes at the May 2022 Commonwealth Transportation Board meeting, pending County support of the attached resolution.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment I: Resolution  
Attachment II: Limited Access Line Modification Maps  
Attachment III: VDOT Letter  
Attachment IV: Location Map

STAFF:  
Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Gregg Steverson, Deputy Director, FCDOT  
Martha Elena Coello, Division Chief, Special Projects, FCDOT

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, April 12, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the Virginia Department of Transportation has proceeded with the 495 NEXT Project,

**WHEREAS**, the Board endorsed the 495 NEXT Project on April 13, 2021,

**WHEREAS**, the 495 NEXT Project requires changes and/or breaks to limited access control lines along Interstate 495 between Lewinsville Road and north of the George Washington Memorial Parkway,

**WHEREAS**, the adjustment of the limited access line requires review and approval by the Commonwealth Transportation Board; and

**WHEREAS**, to process these requests, Section 24VAC30-401-20 of the Virginia Administrative Code requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed;

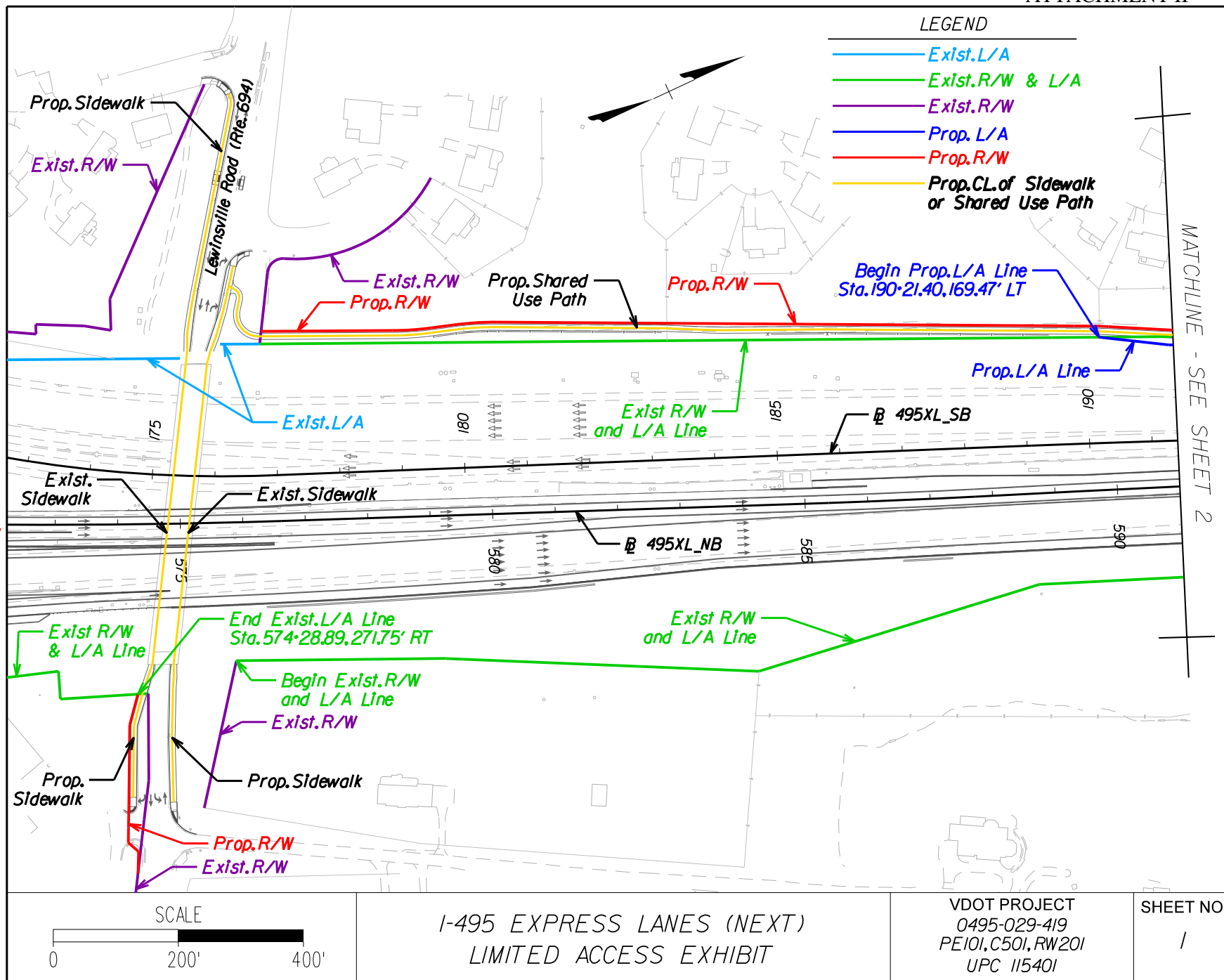
**NOW THEREFORE, BE IT RESOLVED**, that this Board supports these proposed changes and/or breaks to the limited access control lines along Interstate 495 as required for the 495 NEXT Project,

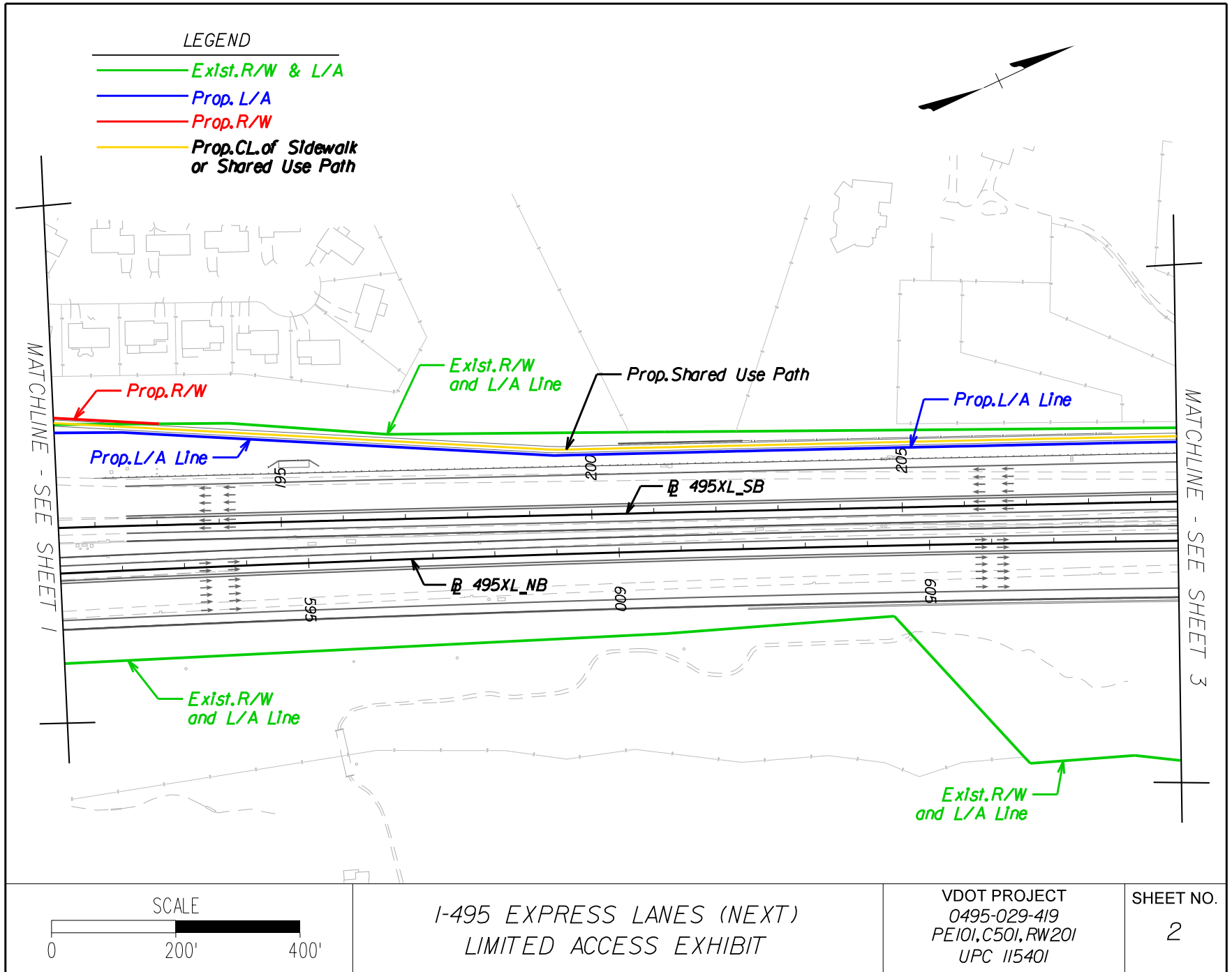
**BE IT FURTHER RESOLVED**, that this Board hereby requests, pursuant to Section 24VAC30-401-20 of the Virginia Administrative Code, that the Commonwealth Transportation Board approve the proposed changes to the limited access controls.

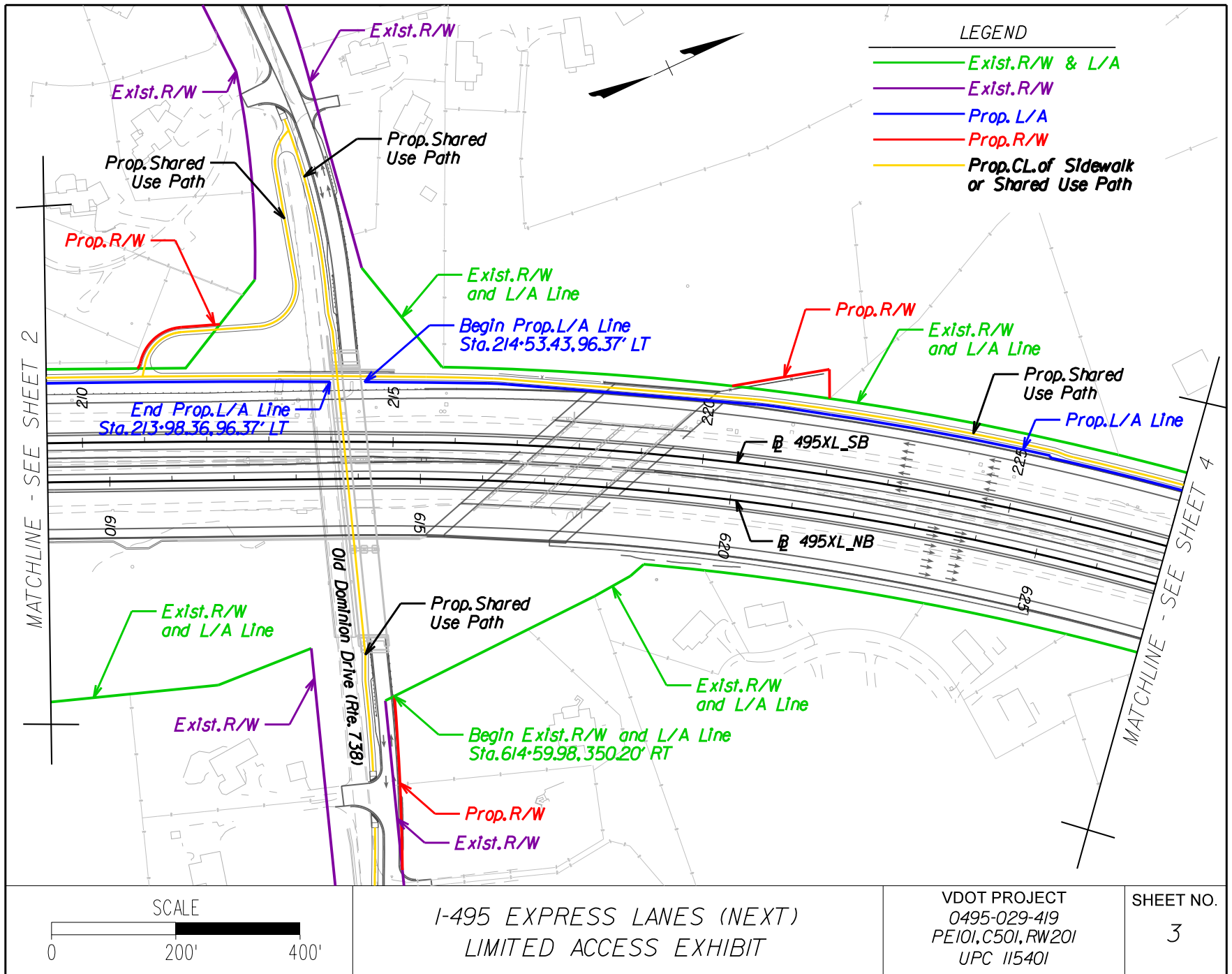
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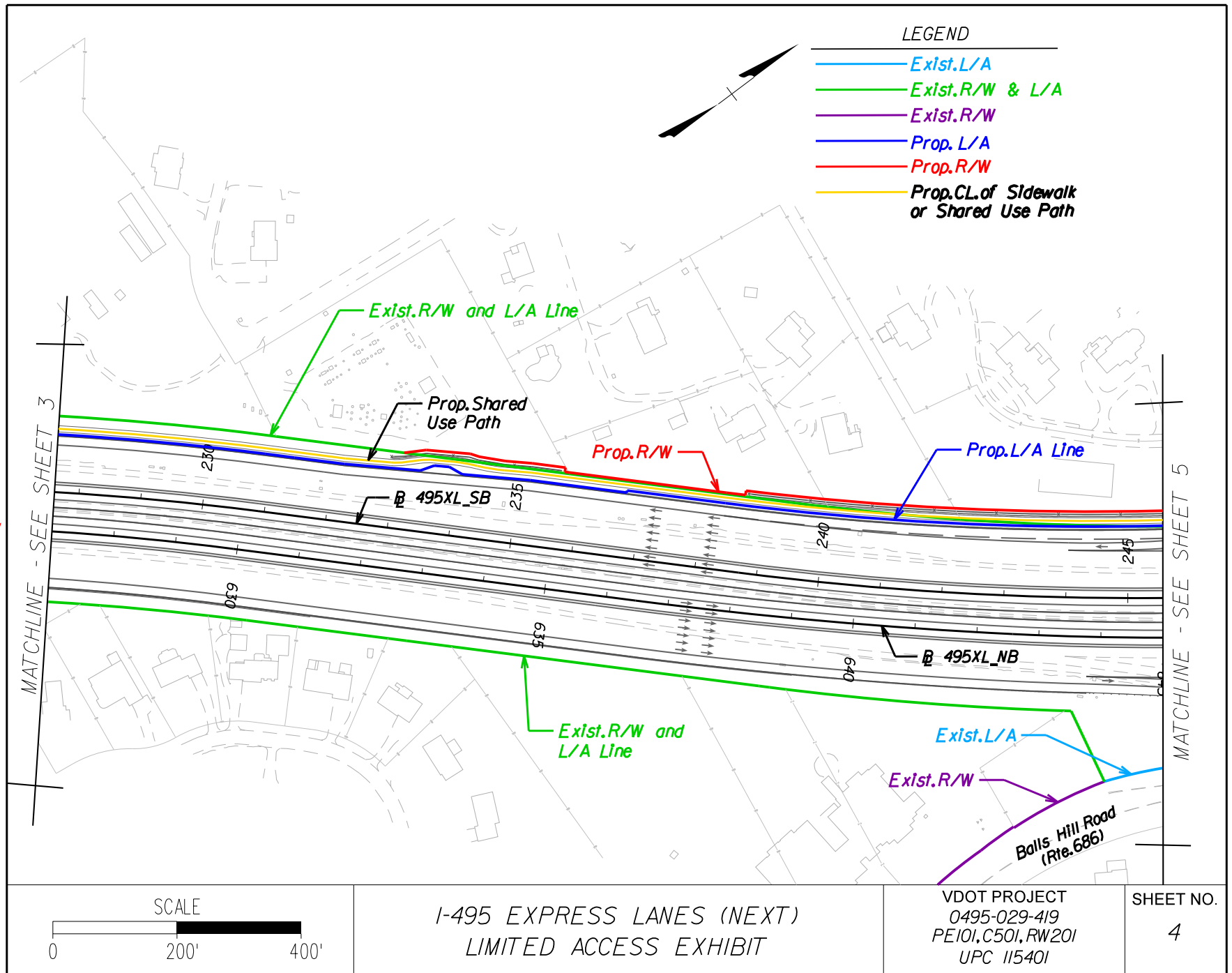
Jill G. Cooper  
Clerk for the Board of Supervisors

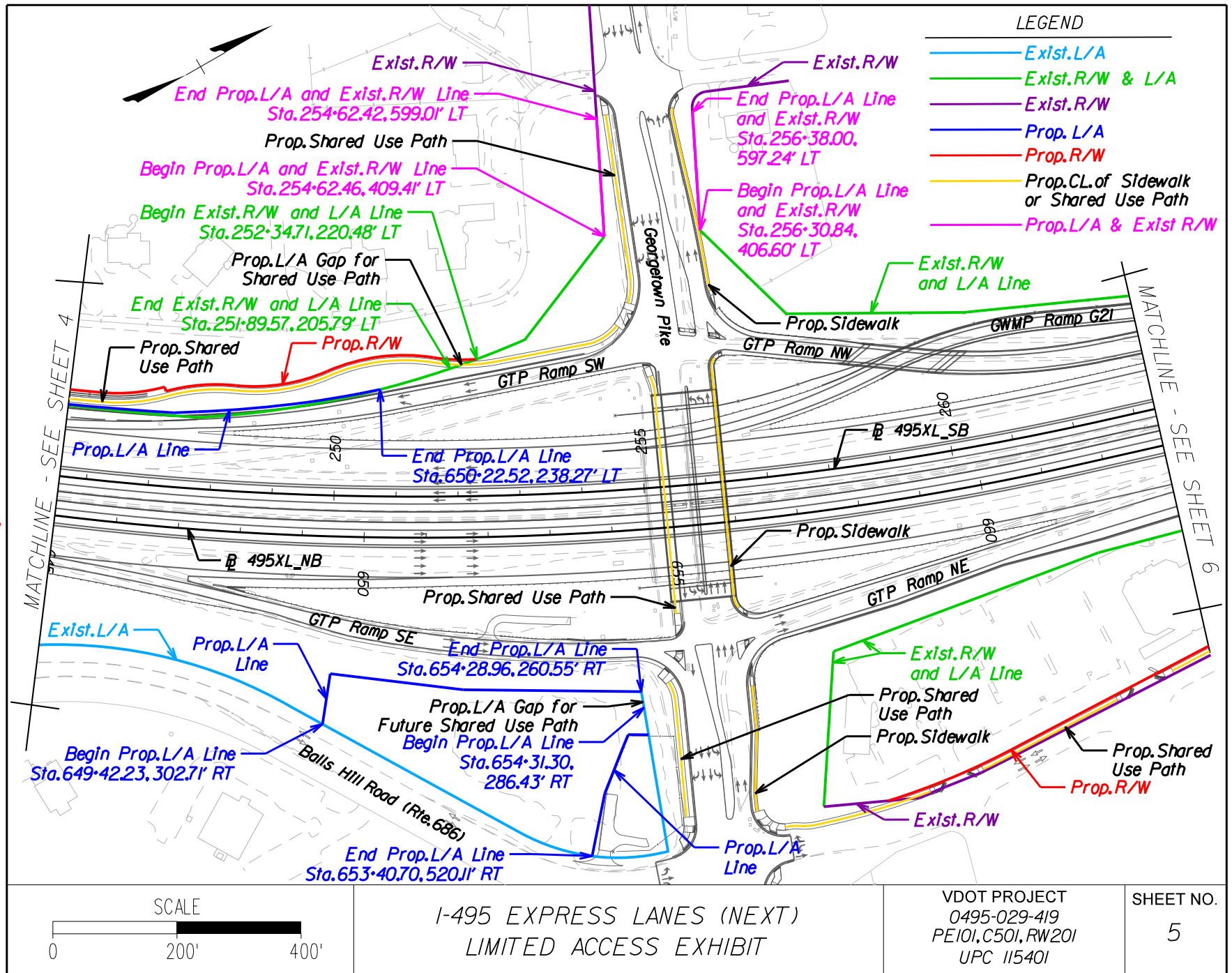






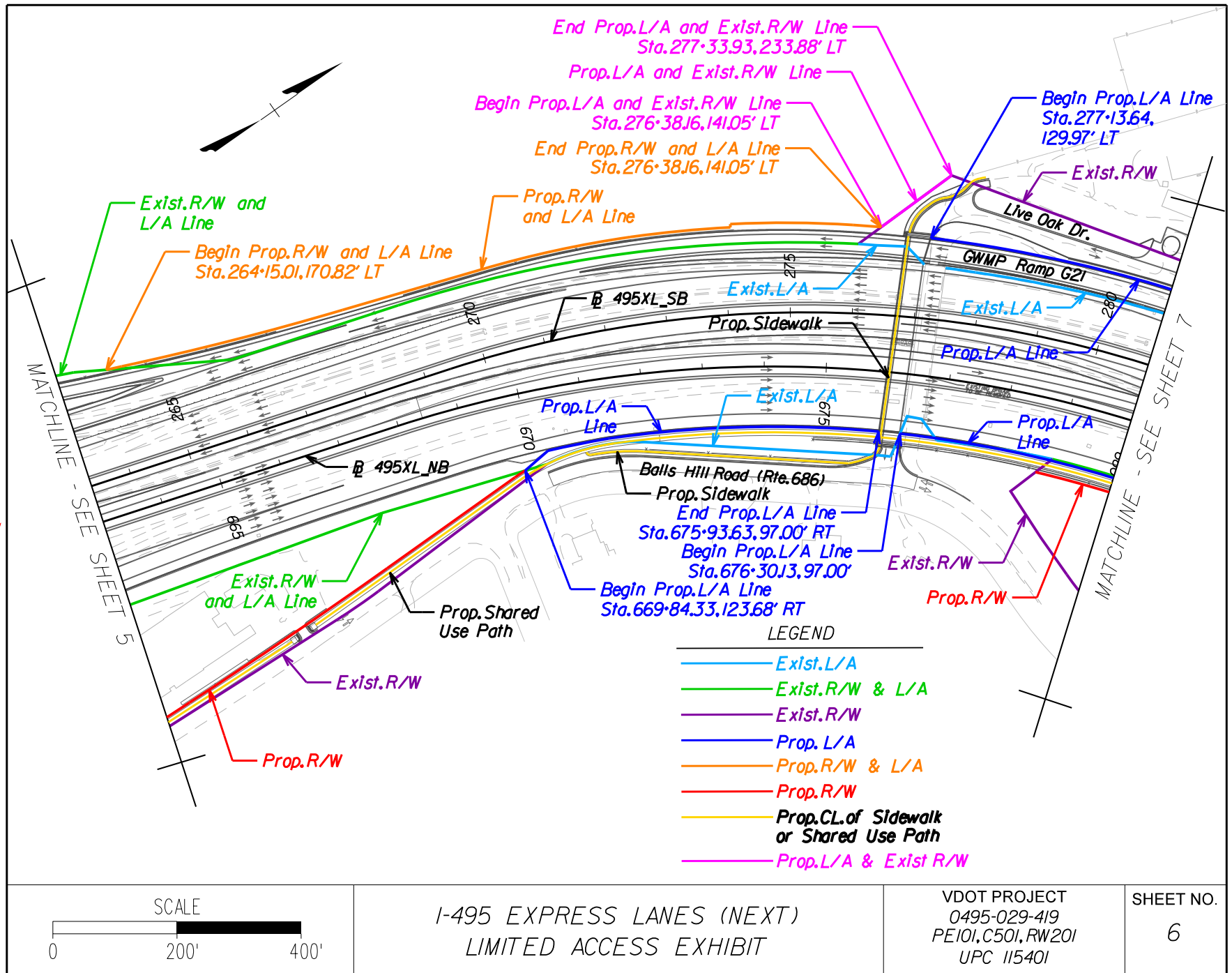


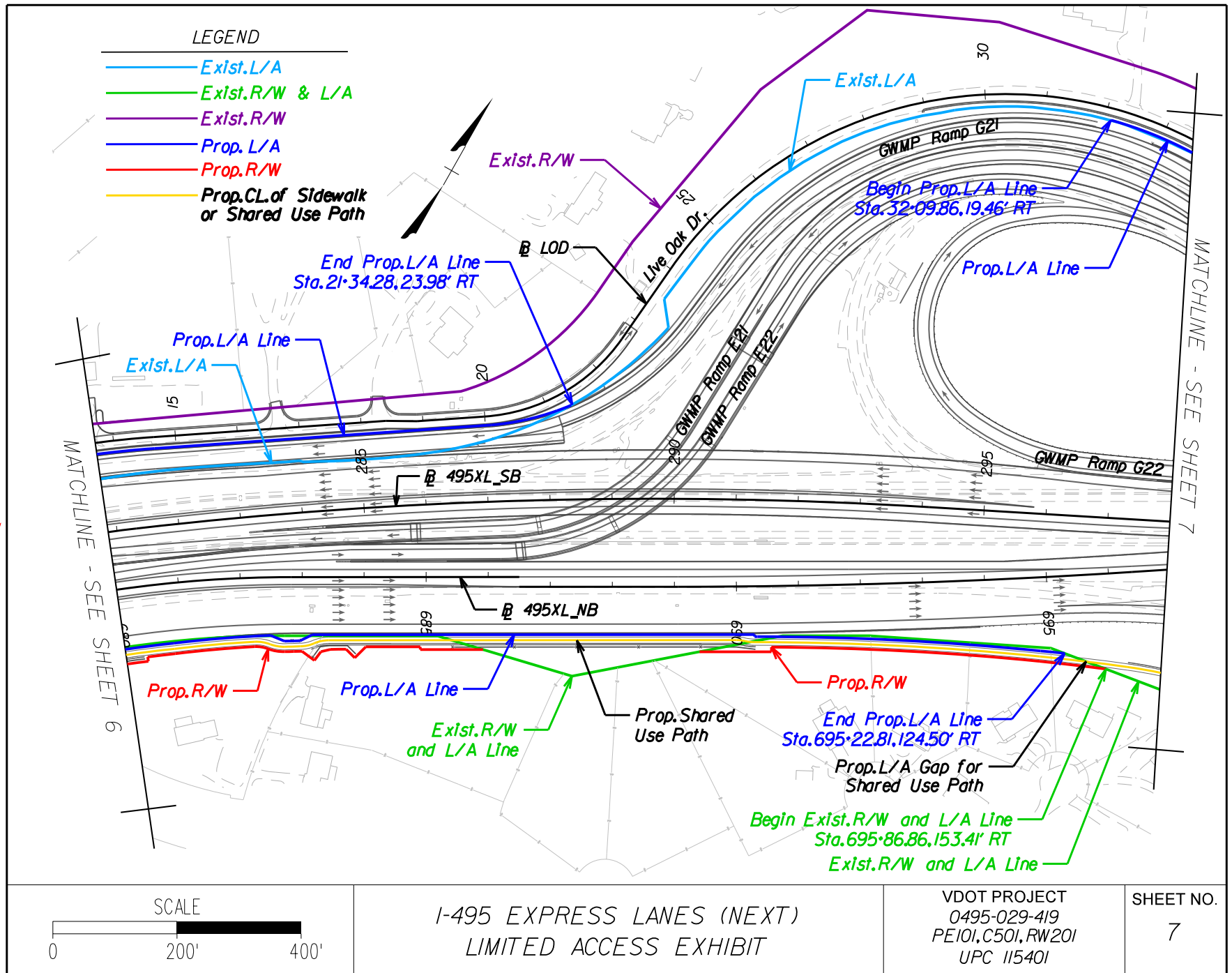


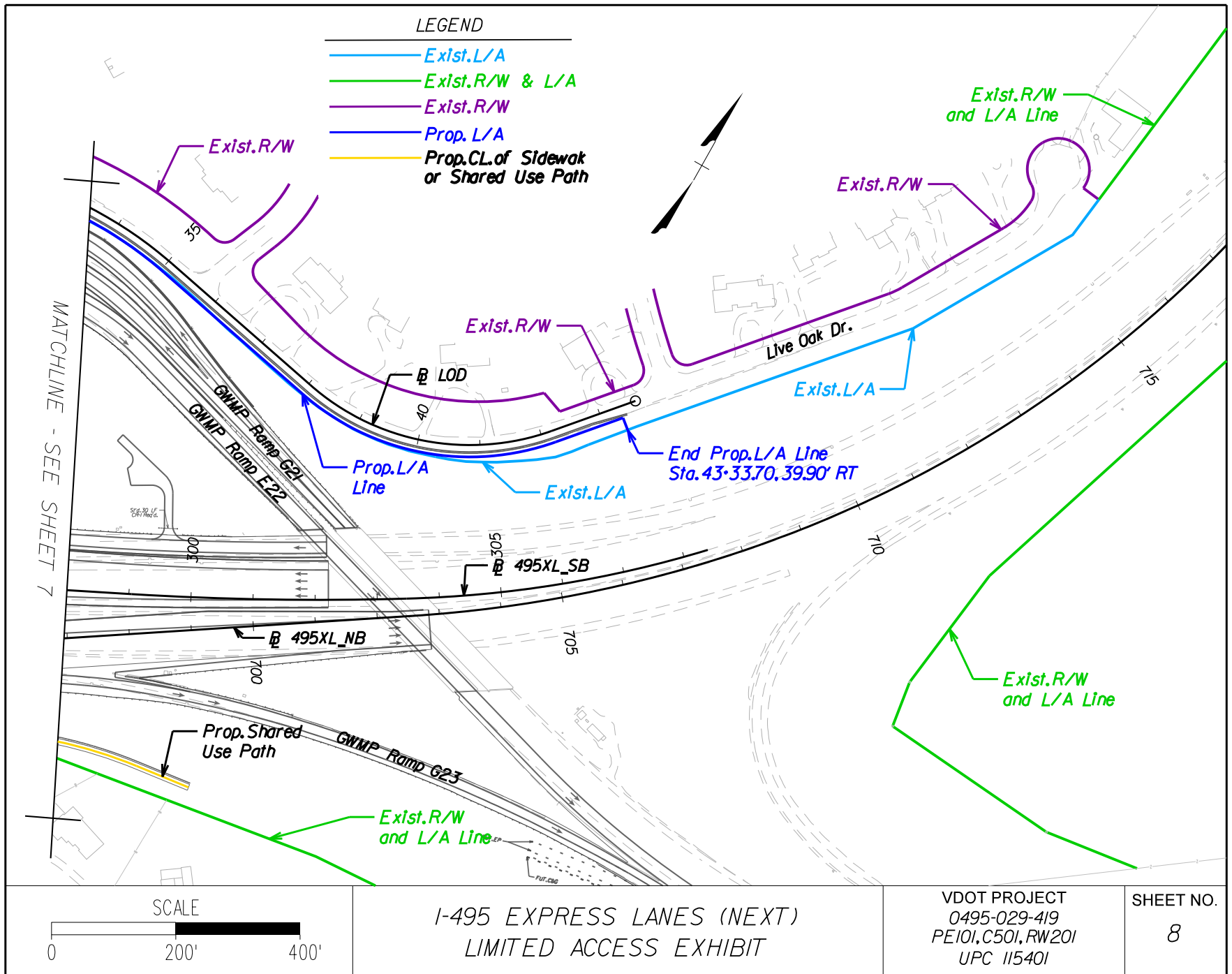




**LANE**











## COMMONWEALTH of VIRGINIA

DEPARTMENT OF  
TRANSPORTATION  
4975 Alliance Drive  
Fairfax, Virginia 22030

Stephen C. Brich, P.E.  
Commissioner

March 22, 2022

Mr. Thomas Biesiadny  
Director, Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033

**Reference:** 495 NEXT Project  
UPC: 113401

**Subject:** Limited Access Control Change Concurrence

Dear Mr. Biesiadny,

As you know, on April 13, 2021, the Fairfax County Board of Supervisors endorsed 495 NEXT Project. For the on-going advancement of the Project, the Board's concurrence is also needed for the proposed Limited Access Control Changes and/or Limited Access Line breaks required for the Project. The proposed Limited Access Control Changes and/or Limited Access Line Breaks are shown in the attached exhibits. The proposed Board Resolution is attached. VDOT requests that this Resolution be presented to the Board for the Board's April meeting. This will allow the resolution to be included in the Project's Limited Access Control Change request to the Commonwealth Transportation Board (CTB) for approval at the CTB's May 2022 meeting. Please take the necessary action to add this to the Board's agenda. Your attention to this matter is greatly appreciated.

Please contact myself or Rimpal Shah of VDOT at 571-271-3101 if you have any questions.

Sincerely,

**Susan Shaw**

Digitally signed by Susan Shaw  
DN: cn=Susan Shaw, o=Virginia Department of  
Transportation, ou=NOVA Megaprojects,  
email=susan.shaw@vdot.virginia.gov, c=US  
Date: 2022.03.22 10:39:01 -0400

Susan Shaw, PE, DBIA, CCM  
Megaprojects Director  
Northern Virginia District

Cc: Mr. Rimpal Shah, PE, VDOT



# I-495 Limited Access Line Adjustment

## Dranesville District



**Tax Map Numbers: 21-1, 21-2, 21-3, 29-2, & 30-1**

 Symbol Denotes ROW Affected by Adjustments

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ACTION - 5

Adoption of an Emergency Uncodified Ordinance to Provide for a Per-Trip Taxicab Fuel Surcharge of One Dollar

ISSUE:

Board of Supervisors approval of an emergency uncodified ordinance that will provide for a per-trip taxicab fuel surcharge of \$1.00. On March 17, 2022, Old Dominion Transportation Group, Inc., owner of Fairfax Yellow Cab, Fairfax Red Top Cab, and Springfield Yellow Cab, requested an emergency gas surcharge of \$2.00 be added on to all fares serviced by drivers licensed in Fairfax County with 100 percent of the surcharge paid directly to the taxicab drivers (Attachment 1). Section 84.1-6-2(g) of the County Code provides for emergency rate relief when petitioners demonstrate dire financial needs as a result of circumstances beyond their control (Attachment 2).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt an emergency uncodified ordinance providing for a \$1.00 per-trip taxicab fuel surcharge to be enforced for no more than sixty days in accordance with Virginia Code § 15.2-1427 (Attachment 3).

TIMING:

Board adoption of an emergency uncodified ordinance providing for a \$1.00 per-trip taxicab fuel surcharge, effective from April 13, 2022, through June 11, 2022.

BACKGROUND:

This recommendation is in response to a request for emergency taxicab rate relief submitted on March 17, 2022, by Old Dominion Transportation Group, Inc. (ODTG). ODTG currently operates 87 percent of the taxicab fleet in Fairfax County, accounting for 130 of the 150 taxicabs in service. The request notes the current and ongoing global events that have dramatically affected the transportation industry and points out that gas prices have almost doubled since last year.

According to company data, taxicab drivers in this area typically use approximately 11 gallons of gasoline per day. Other than lease fees, gasoline is the only operating expense most drivers face. When current rates were last set in 2014, the fuel cost used

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in setting those rates was the July 2014 cost of \$3.66 per gallon of regular-grade gasoline.

According to the American Automobile Association (AAA) Daily Report the Washington, DC (VA Only) retail price for regular gasoline averaged \$4.18 as of March 30, 2022, \$1.37 higher than prices a year ago. For this area, gasoline prices peaked on March 11, 2022, at \$4.34 per gallon.

As gasoline prices increased, drivers absorbed greater costs. With gas prices at \$4.18 per gallon, taxicab drivers incur additional monthly expenses of \$144, or \$1,729 per year. These levels of non-reimbursed expense pose an economic hardship to the taxicab drivers in Fairfax County.

County Code Section 84.1-6-2(b) provides for an annual review of taxi rates, upon petition by a certificate holder or a driver association. County Code Section 84.1-6-2(g), however, provides for emergency rate relief when petitioners demonstrate dire financial needs as a result of circumstances beyond their control. Currently, the certificate holder is requesting emergency rate relief, rather than a permanent rate increase. Staff has not received a request for a permanent rate increase since 2014.

Staff has analyzed the request for an emergency taxicab fuel surcharge and for the reasons set forth in the attached staff report recommends a \$1.00 per-trip emergency taxicab fuel surcharge (Attachment 4). This surcharge of \$1.00 per-trip will provide immediate relief to current taxicab drivers who are suffering economic hardships as a result of high gasoline prices.

Several surrounding jurisdictions are also reviewing similar requests for emergency taxicab fuel surcharges in response to sustained high gasoline prices. Prince William County approved a \$1.00 surcharge, effective March 15, for 60 days. Washington, DC also approved a \$1.00 surcharge, effective March 16, 2022, that will stay in place for 120 days unless rescinded sooner. Arlington County and the City of Alexandria both have per-trip surcharges of \$1.00 pending approval.

The County and Fairfax County Public Schools (FCPS) have several contracts with taxicab companies for special needs transportation. Payments under these contracts are in accordance with the current rates set forth in County Code Section 84.1-6-3. While both organizations will experience an operational impact from the temporary emergency fuel surcharge, the retention of taxicab drivers is vital in maintaining transportation for students with disabilities and special needs to and from school, transportation through the TaxiAccess program, transportation through the Dial-A-Ride Program, and transportation to participating Seniors On-The-Go who live in Fairfax County and the City of Fairfax.

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Although it is not required to hold a public hearing, the Consumer Protection Commission has been advised of the requested emergency per-trip taxicab fuel surcharge of \$2.00 and the subsequent staff recommendation of a \$1.00 per-trip emergency taxicab fuel surcharge.

Pursuant to Virginia Code § 15.2-1427 (Attachment 5), emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the applicable provisions of the Code of Virginia. This ordinance, if enacted, would extend through June 11, 2022, unless rescinded sooner by the Board.

FISCAL IMPACT:

Based on the 60-day emergency ordinance, the Department of Neighborhood and Community Services (DNCS) estimates an operational impact of \$268 based on 134 taxicab trips per month and FCPS estimates an operational impact of \$2,500 based on current monthly usage. Both organizations have indicated they can absorb the increased costs within their FY 2022 current budget appropriations.

EQUITY IMPACT:

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

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

The retention of taxicab drivers is also vital in maintaining transportation for approximately 90 students with disabilities and special needs to and from school. Taxicab drivers also provide transportation through the TaxiAccess program, transportation through the Dial-A-Ride Program, and transportation to participating Seniors On-The-Go who live in Fairfax County and the City of Fairfax. These programs serve approximately 1,400 residents and support the *County's Strategic Outcome Area: Empowerment and Supporting Residents Facing Vulnerability* by using the existing

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<sup>1</sup> United States Census Bureau: [Census - Table Results](#)

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taxicab framework to cross-collaborate with County and School efforts to provide residents with transportation services.

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

ENCLOSED DOCUMENTS:

Attachment 1 – Letter from Kyle Summers, Chief Operating Officer, Old Dominion Transportation Group, Inc.

Attachment 2 – Fairfax County Code Section 84.1-6-2

Attachment 3 – Emergency Uncodified Ordinance

Attachment 4 – Staff Report on Emergency Rate Relief

Attachment 5 – Va. Code § 15.2-1427

STAFF:

Ellicia Seard-McCormick, Deputy County Executive

Rebecca L. Makely, Acting Director, Department of Cable and Consumer Services

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney

**Old Dominion**  
Transportation Group, Inc.

11 Hillwood Avenue  
Falls Church, Virginia 22046

March 14, 2022

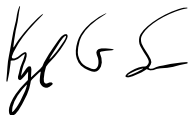
Dear Carl Newcomb:

In alignment with the dramatic increase in both the cost of living and the associated costs with providing transportation, Old Dominion Transportation Group, Inc and its subsidiary Springfield Yellow Cab, request an emergency gas surcharge of \$2.00 to be added on all fares serviced by drivers licensed in Fairfax County.

The transportation industry has been dramatically affected due to the current and ongoing global events as gas prices have nearly doubled since last year\* and inflation reached 7.9% in February, compared to 1.7% February 2021\*\*.

Thank you for your attention to this matter and please let me know if you have any questions or comments.

Sincerely,



Kyle Summers  
Chief Operating Officer  
Old Dominion Transportation Group, Inc

\*<https://gasprices.aaa.com/?state=VA>

\*\*<https://www.usinflationcalculator.com/inflation/current-inflation-rates/>



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

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

Fairfax County Taxicab Industry Price Index

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

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

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

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

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

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

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

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

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

AN EMERGENCY UNCODIFIED ORDINANCE to impose a fuel surcharge of up to one dollar per trip, in addition to the existing rates and charges for transportation and other services rendered to passengers in the County by taxicabs, from April 13, 2022, through June 11, 2022.

**Draft of March 29, 2022**

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

**1. That the following emergency uncodified ordinance is hereby adopted:**

**A. Authority for Emergency Rate Relief**

1. Fairfax County Code Section 84.1-6-2(g) permits requests for emergency rate relief if dire financial needs exist as a result of circumstances beyond the taxicab industry's control. A petition for emergency rate relief was submitted to the County by a certificate holder operating within the County. Dire financial needs exist due to the rapid increase in gasoline prices that could not have been predicted and thus are not addressed by the current taxicab rates and charges set forth in County Code Section 84.1-6-3.
2. Virginia Code § 46.2-2062 authorizes the governing body of any county to regulate by ordinance the rates and charges for taxicab service in such county.
3. Virginia Code § 15.2-1427 authorizes counties to adopt emergency ordinances without prior notice; however, no such ordinance may be enforced for more than 60 days unless readopted in conformity with the provisions of the Code of Virginia.

**B. Taxicab Fuel Surcharge**

1. In addition to the rates, fares and surcharges otherwise described in Fairfax County Code Section 84.1-6-3, there may be imposed an emergency fuel surcharge of up to one dollar (\$1.00) per trip.

- 1        2. No such emergency fuel surcharge shall be imposed after June 11, 2022, unless
- 2            the Board of Supervisors readopts this ordinance in conformity with the
- 3            applicable provisions of the Code of Virginia.
- 4
- 5        **2. That this ordinance will take effect on April 13, 2022, and extend through June**
- 6            **11, 2022, unless sooner rescinded by the Board.**
- 7
- 8        **3. That this ordinance is being adopted on an emergency basis as allowed by**
- 9            **Virginia Code § 15.2-1427(F) and may be enforced for no more than 60 days,**
- 10           **unless the Board readopts this ordinance in conformity with all applicable**
- 11           **provisions of the Code of Virginia.**
- 12
- 13

14                                GIVEN under my hand this 12th day of April, 2022.

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18                                \_\_\_\_\_

19                                Jill G. Cooper

20                                Clerk for the Board of Supervisors

                                     Department of Clerk Services

## STAFF REPORT ON EMERGENCY RATE RELIEF

### SUMMARY:

On March 17, 2022, Old Dominion Transportation Group, Inc., owner of Fairfax Yellow Cab, Fairfax Red Top Cab, and Springfield Yellow Cab, requested an emergency gas surcharge of \$2.00 be added on to all fares serviced by drivers licensed in Fairfax County.

As a result of this analysis, staff recommends Board adoption of an emergency uncodified ordinance providing for a \$1.00 per-trip taxicab fuel surcharge to offset the additional financial burden presently being absorbed by the taxicab drivers in Fairfax County. The taxicab companies have confirmed that 100 percent of the surcharge will go directly to the taxicab drivers.

### PREVIOUS BOARD ACTIONS TO ADJUST TAXICAB FARES:

The last time the Board approved an emergency taxicab fuel surcharge was in August 2008, which imposed an additional \$1.00 surcharge on top of an earlier \$1.00 surcharge, bringing the total surcharge to \$2.00. This surcharge was in effect until October 14, 2008.

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

### TAXICAB INDUSTRY IN FAIRFAX COUNTY:

Two operators, managing four taxicab companies, hold certificates in Fairfax County and operate 150 taxicabs.

Company	Taxicab Certificates
Fairfax Yellow Cab <sup>1</sup>	90
Springfield Yellow <sup>1</sup>	30
Fairfax Red Top <sup>1</sup>	10
White Top Cab	20
<b>Total</b>	<b>150</b>

<sup>1</sup> Owned and operated by Old Dominion Transportation Group, Inc.

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

	2013	2020 <sup>1</sup>	Change
Taxicab Certificates	654	150	-77.1%
Taxicab Drivers	820	200	-75.6%
Trips	2,292,232	274,736	-88.0%
Passengers	2,732,894	327,032	-88.0%
Revenue	\$40,821,451	\$5,529,465	-86.5%

<sup>1</sup> As last reported by the companies in 2021.

The taxicab industry in Fairfax County is staffed by taxicab drivers who are independent contractors associated with one of the two certificate holders; the drivers are not company employees. According to FY 2021 data, 200 individuals maintain Fairfax County hacker licenses authorizing them to drive a taxicab in the County. Taxicab drivers either lease their cabs from the taxicab companies or own their own cabs and pay “stand dues” to a company. Lease fees/car payments and fuel represent most of the operating expenses for most drivers.

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

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

#### GASOLINE COSTS AND TRENDS: NATIONAL AND REGIONAL PERSPECTIVE:

As shown in Table 1, the AAA’s Daily Report the Washington, DC (VA Only) retail price for regular gasoline averaged \$4.18 as of March 30, 2022, \$1.37 higher than prices a year ago. Average gasoline costs over the last month have ranged from \$3.54 to \$4.18 per gallon, with prices peaking on March 11, 2022, at \$4.34 per gallon.

Factors identified by U.S. Energy Information Administration (EIA) in their *Short-Term Energy Outlook*<sup>1</sup> dated March 8, 2022, as contributing to price volatility include the conflict in Ukraine, the production decisions of OPEC+, and the rate at which U.S. oil and natural gas producers increase drilling. It should be noted that the next EIA *Short-Term Energy Outlook* will be released on April 12, 2022, after submission of this Board item.

#### IMPACT OF ADDITIONAL GAS COSTS ON DRIVERS:

According to company data, taxicab drivers in this area typically use approximately 11 gallons of gasoline per day. Other than lease fees, gasoline is the only operating

<sup>1</sup> EIA, *Short Term Energy Outlook* (3/8/22), available at [Short-Term Energy Outlook - U.S. Energy Information Administration \(EIA\)](#)



expense most drivers face. As gasoline prices increase, drivers must absorb greater costs. Using the July 2014 (last permanent rate increase) gasoline price of \$3.66 per gallon as a baseline, compared to the currently price of \$4.184 per gallon, taxicab drivers will incur additional monthly expenses of \$144, or \$1,729 per year. These levels of non-reimbursed expense pose an economic hardship to the taxicab drivers in Fairfax County.

#### SURCHARGE AMOUNT REQUIRED TO OFFSET THE INCREASED COSTS OF GASOLINE:

Table 2 displays actual per-gallon gasoline prices, and the corresponding surcharge that allows drivers to recoup their added costs of gasoline. A \$1.00 surcharge allows taxicab drivers to offset the current per-gallon gasoline price of \$4.18 per gallon as of March 30. For a \$2.00 per-trip surcharge, as requested by the industry, gasoline prices would need to average \$4.93 per gallon.

#### SURROUNDING JURISDICTIONS:

Several surrounding jurisdictions are also reviewing similar requests for emergency taxicab fuel surcharges in response to sustained high gasoline prices. Results of that survey are summarized in Table 3. The Fairfax County recommendation of a \$1.00 per-trip surcharge would be in line with surrounding jurisdictions.

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

Table 4 contains sample billings when a per-trip fuel surcharge of \$1.00 and \$2.00 are added to trips ranging from one mile to 20 miles. For an eight-mile trip, which company data indicates is the current average trip duration, a \$1.00 surcharge would increase the average fare from \$20.78 to \$21.78, or 4.8 percent.

While the percentage increase on any of the potential emergency taxicab fuel surcharge amounts are proportionately much higher for short trip fares, the enactment of an emergency taxicab fuel surcharge will provide an incentive for taxicab drivers to seek short trips, and thus to provide better service to the community.

#### DURATION OF SURCHARGE:

During 2005 and 2008, the Board approved a series of temporary surcharges that typically lasted about six months. In this case, the proposed 60-day emergency taxicab fuel surcharge will expire on June 11, 2022, unless rescinded sooner. Staff will monitor gasoline prices during the next several weeks and may seek continued relief at the expiration of the emergency taxicab fuel surcharge if prices remain high. Similarly, staff may recommend that the proposed emergency surcharge be rescinded prior to June 11, 2022, if prices fall significantly.

FINDINGS:

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

A temporary per-trip fuel surcharge of \$1.00 is intended to offset drivers' increased operating expenses attributable to increased gasoline prices. As noted, area gasoline prices averaged \$4.18 per gallon on March 30, which is \$0.52 per gallon more than the \$3.66 per gallon average gasoline price in 2014 when taxicab rates were last permanently increased.

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

RECOMMENDATIONS:

1. Staff recommends that the Board of Supervisors adopt an emergency uncodified ordinance providing for a \$1.00 per-trip taxicab fuel surcharge.
2. The \$1.00 per-trip fuel surcharge is designed to (a) cover the added costs of gasoline at pricing levels of approximately \$4.18 per gallon, thereby temporarily compensating drivers for increased gasoline costs; and (b) provide a sufficient incentive to retain and recruit drivers operating in Fairfax County, to the public's benefit.
3. The temporary surcharge would expire on June 11, 2022, unless rescinded sooner by the Board of Supervisors.

ATTACHMENTS:

Table 1: AAA Local Gasoline Price Trends

Table 2: Surcharge Amount Required to Offset Increased Fuel Cost

Table 3: Comparison of Taxicab Rates in Local Jurisdictions

Table 4: Sample Billing Analysis – March 2022

Table 1: Local Gasoline Price Trends<sup>1</sup>

Washington, DC, (VA Only) 						
	Regular	Mid	Premium	Diesel		
Current Avg.	\$4.184	\$4.642	\$4.929	\$5.169		
Yesterday Avg.	\$4.207	\$4.644	\$4.930	\$5.177		
Week Ago Avg.	\$4.172	\$4.622	\$4.901	\$5.067		
Month Ago Avg.	\$3.542	\$3.940	\$4.231	\$3.947		
Year Ago Avg.	\$2.814	\$3.202	\$3.468	\$3.009		
<b>HIGHEST RECORDED AVERAGE PRICE</b>						
			Price	Date		
Regular Unleaded			\$4.337	3/11/22		

Source: [American Automobile Association](#)<sup>1</sup> As of March 30, 2022

**Table 2: Surcharge Amount Required to Offset Increased Fuel Cost**

<b>Gasoline Prices Per Gallon<sup>1</sup></b>	<b>\$4.316 3/12/22</b>	<b>\$4.295 3/15/22</b>	<b>\$4.175 3/22/22</b>	<b>\$4.201 3/29/22</b>	<b>\$4.184 3/30/22</b>	<b>\$4.30 <i>Estimate</i></b>	<b>\$4.61 <i>Estimate</i></b>	<b>\$4.93 <i>Estimate</i></b>
Average cost of gas July 2014	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66
Per gallon difference	\$0.656	\$0.635	\$0.515	\$0.541	\$0.524	\$0.64	\$0.95	\$1.27
Average gallons used per day	11	11	11	11	11	11	11	11
Additional daily cost of gas	\$7.22	\$6.99	\$5.67	\$5.95	\$5.76	\$7.04	\$10.45	\$13.97
Average number of daily trips <sup>2</sup>	7	7	7	7	7	7	7	7
Surcharge required to offset increased fuel cost	\$1.03	\$1.00	\$0.81	\$0.85	\$0.82	\$1.01	\$1.49	\$2.00

<sup>1</sup> Source: [American Automobile Association](#)

<sup>2</sup> Source: Company data provided March 21, 2011.

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

**Table 3: Comparison of Taxicab Rates in Local Jurisdictions**

<b>Jurisdiction</b>	<b>Initial Charge</b>	<b>Mileage Charge</b>	<b>First Mile Charge</b>	<b>Fuel Surcharge</b>	<b>Average Trip Charge</b>
Fairfax County	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$0.00	\$20.78
<b>Fairfax County Proposal</b>	<b>\$3.50</b>	<b>\$0.36 per 1/6 mile</b>	<b>\$5.66</b>	<b>\$0.50</b>	<b>\$21.28</b>
Arlington County	\$3.50	\$0.36 per 1/6 mile	\$5.66	<i>\$1.00 pending approval May 2022, effective June 1, 2022</i>	\$21.78
City of Alexandria	\$3.00	\$0.36 per 1/6 mile	\$5.16	<i>\$1.00 pending approval on 3/29/22</i>	\$21.28
Prince William County	\$3.00	\$0.20 per 1/10 mile	\$5.00	\$1.00 approved 3/15/22 for 60 days	\$20.00
Montgomery County, MD	\$4.00	\$0.50 per 1/4 mile	\$6.00	No request by industry	\$20.00
Washington, DC	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$1.00 approved 3/16/22 for 120 days	\$21.78
Uber	N/A	N/A	N/A	\$0.45-\$0.55 approved 3/16/22 for 60 days	N/A
Lyft	N/A	N/A	N/A	\$0.55 approved 3/21/22 for 60 days	N/A

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

Table 4: Sample Billing Analysis: March 2022

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

Proposed Fuel Surcharge of \$2.00				
Mileage	Current	Surcharge	Proposed	Increase
1	\$5.66	\$2.00	\$7.66	35.3%
2	\$7.82	\$2.00	\$9.82	25.6%
3	\$9.98	\$2.00	\$11.98	20.0%
4	\$12.14	\$2.00	\$14.14	16.5%
5	\$14.30	\$2.00	\$16.30	14.0%
6	\$16.46	\$2.00	\$18.46	12.2%
7	\$18.62	\$2.00	\$20.62	10.7%
<b>8</b>	<b>\$20.78</b>	<b>\$2.00</b>	<b>\$22.78</b>	<b>9.6%</b>
9	\$22.94	\$2.00	\$24.94	8.7%
10	\$25.10	\$2.00	\$27.10	8.0%
11	\$27.26	\$2.00	\$29.26	7.3%
12	\$29.42	\$2.00	\$31.42	6.8%
13	\$31.58	\$2.00	\$33.58	6.3%
14	\$33.74	\$2.00	\$35.74	5.9%
15	\$35.90	\$2.00	\$37.90	5.6%
16	\$38.06	\$2.00	\$40.06	5.3%
17	\$40.22	\$2.00	\$42.22	5.0%
18	\$42.38	\$2.00	\$44.38	4.7%
19	\$44.54	\$2.00	\$46.54	4.5%
20	\$46.70	\$2.00	\$48.70	4.3%

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

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



## ATTACHMENT 5

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 14. Governing Bodies of Localities

## § 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing ordinances.

A. Unless otherwise specifically provided for by the Constitution or by other general or special law, an ordinance may be adopted by majority vote of those present and voting at any lawful meeting.

B. On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded. The governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the governing body.

C. All ordinances or resolutions heretofore adopted by a governing body shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.

D. An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.

E. An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the governing body, but, if no effective date is specified, then such ordinance shall become effective upon adoption.

F. In counties, except as otherwise authorized by law, no ordinance shall be passed until after descriptive notice of an intention to propose the ordinance for passage has been published once a week for two successive weeks prior to its passage in a newspaper having a general circulation in the county. The second publication shall not be sooner than one calendar week after the first publication. The publication shall include a statement either that the publication contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.

In counties, emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code.

G. In towns, no tax shall be imposed except by a two-thirds vote of the council members.

## ATTACHMENT 5

Code 1950, §§ 15-8, 15-10; 1950, p. 113; 1954, c. 529; 1956, cc. 218, 664; 1956, Ex. Sess., c. 40; 1958, cc. 190, 279; 1960, c. 606; 1962, c. 623, § 15.1-504; 1966, cc. 405, 612; 1968, c. 625; 1970, c. 581; 1972, cc. 41, 837; 1973, c. 380; 1978, c. 235; 1983, c. 11; 1997, c. 587; 1998, c. 823; 2000, c. 895.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
  - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
  - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
- 
- 1. *Eric McArthur and Jenny McArthur, proceeding on their own behalf and on behalf of their minor child, M.M. v. Scott Braband, Superintendent of Fairfax County Public Schools; Stella Pekarsky, Chair of the Fairfax County School Board; and Dr. Gloria Addo-Ayensu, Director of the Fairfax County Health Department, Case No. 1:21-cv-01435 (E.D.Va.)*
  - 2. *Peter Massaro v. Fairfax County Police Department and Fairfax County, Case No. 1:20-cv-00929 (E.D. Va.)*
  - 3. *Pamela Sledge v. Fairfax County, Fairfax County Police Department, Officers Richard Castilon, Michael Scatchard, Michael Comer, Evan Poisson, Michael Rowe, Cassandra Zamora, Marina Anwar, and Stephen Cicinato, Case No. 1:22-cv-15 (E.D.Va.)*
  - 4. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer, Case No. 1:21-cv-35 (E.D. Va.)*
  - 5. *Cassie C. Crisano v. Office of the Fire Marshal, Fairfax County Fire & Rescue Department, Chief Daniel V. Gray, and Investigator Terrance L. Fayson, Case No. CL-2021-14915 (Fx. Co. Cir. Ct.)*
  - 6. *Kimberly LaFave, et al. v. County of Fairfax et al., Case No. CL-2021-0001569 (Fx. Co. Cir. Ct.)*
  - 7. *Ying Shi v. Fairfax County Department of Tax Administration, Case No. CL-2021-0013320 (Fx. Co. Cir. Ct.) (Dranesville District)*
  - 8. *Board of Supervisors of Fairfax County, Virginia, ex rel. Fairfax County Human Rights Commission v. Passco Parker DST, Bozzuto Management Company and Christine Barrett, Case No. CL-2022- 0002982 (Fx. Co. Cir. Ct.) (Mount Vernon District)*

9. *Jay Riat, Building Official for Fairfax County, Virginia v. Deck Dream, LLC d/b/a Virginia Deck Builders*, Case No. GV21-016559 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Horacio H. Zamora and Olga H. Zamora*, Case No. GV22-001707 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Steven Moratzka and Pamela Moratzka*, Case No. GV22-001884 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Sexton*, Case No. GV22-002252 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen*, Case No. GV22-002249 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Walter J. Nockett, Laura J. Nockett and N & C Contractors, Inc.*, Case No. GV22-003154 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 300 Beverly Road, LLC*, Case No. CL-2021-0005289 (Fx. Co. Cir. Ct.) (Hunter Mill District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Lejlifer Sinani and Brunilda Bajraktari*, Case No. GV21-010613 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Purple Sage Association*, Case No. GV21-013716 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Hernandez ad Thelma H. Ayala*, Case No. GV21-019312 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Mai Huong Thi Quach and Tien Nan Wang*, Case No. GV22-003480 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

21. *Jay Riat, Building Official for Fairfax County, Virginia v. Vincent Briggs and Amy Briggs, Trustees*, Case No. GV22-003448 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Somsre Gaston*, Case No. CL-2021-0017044 (Fx. Co. Cir. Ct.) (Lee District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Wilfredo A. Gomez and Samuel Hernandez*, Case No. GV22-003154 (Fx. Co. Gen. Dist. Ct.) (Lee District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Andrew Hogan and Elizabeth Liberman*, Case No. GV22-001633 (Fx. Co. Gen. Dist. Ct.) (Lee District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Khan*, Case No. GV22-001604 (Fx. Co. Gen. Dist. Ct.) (Lee District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Rafael Hernandez Damian*, Case No. GV22-003835 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Dmitriy O. Minin*, Case No. GV22-003836 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Masoud Hashemi*, Case No. GV22-003839 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mieu Lien Phung Living Trust, et al.*, Case No. CL-2021-0014458 (Fx. Co. Cir. Ct.) (Mason District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Naoko Morgan*, Case No. CL-2021-0001602 (Fx. Co. Cir. Ct.) (Mason District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Frances F. Kelly*, Case No. CL-2022-0003435 (Fx. Co. Cir. Ct.) (Mason District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Elias Gutierrez and Blanca Gutierrez*, Case No. GV21-011169 (Fx. Co. Gen. Dist. Ct.) (Mason District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vernice Wood*, Case No. GV22-003153 (Fx. Co. Gen. Dist. Ct.) (Mason District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mann Realty Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)

35. *Jay Riat, Building Official for Fairfax County, Virginia v. Forest Glen Joint Venture LLP*, Case No. CL-2022-0003621 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. PS Business Parks LP*, Case No. GV22-003222 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. LZ Rentals, LLC*, Case No. CL-2021-0012482 (Fx. Co. Cir. Ct.) (Providence District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Suffies, LLC*, Case No. GV21-007726 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v. Lisa Kuniyoshi Sullivan*, Case No. GV22-003391 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Zeb Hijab*, Case No. GV21-015286 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
41. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Devinder Jaity*, Case No. GV21-020175 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
42. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Asrat Betew Lule*, Case No. CL-2021-0011872 (Fx. Co. Cir. Ct.) (Sully District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Building Official v. Parke Long Business Center, LLC*, Case No. GV22-002247 (Fx. Co. Gen. Dist. Ct.) (Sully District)
44. *Jay Riat, Building Official for Fairfax County, Virginia v. Nicole M. Alfandre*, Case No. GV22-004084 (Fx. Co. Gen. Dist. Ct.) (Sully District)
45. *Jay Riat, Building Official for Fairfax County, Virginia v. Susan J. Price*, Case No. GV22-004152 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item  
April 12, 2022

2:30 p.m.

Public Hearing to Convey a Deed of Easement for Fiber Optic Lines at the Criminal Justice Academy (Sully District)

ISSUE:

Public hearing regarding the conveyance of a non-exclusive easement to MetroDuct Systems VA LLC (MetroDuct) to install a fiber optic line at the Criminal Justice Academy.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to finalize the documentation to convey a fiber optic line easement at the Criminal Justice Academy to MetroDuct.

TIMING:

On March 22, 2022, the Board authorized the advertisement of a public hearing to convey a fiber optic line easement to Metroduct.

BACKGROUND:

The Board is the owner of the Criminal Justice Academy located at 14601 Lee Road on a parcel identified as Fairfax County Tax Map Number 0441-01-0001D (the Academy). Managed by the Fairfax County Police Department (Police Department), the facility provides training for 2,300 annual recruits and incumbents from the Police Department and the Sheriff's Office as well as the towns of Herndon and Vienna.

MetroDuct is a competitive local exchange carrier company providing telecommunications services to both the public and private sectors in the Northern Virginia region. MetroDuct would like to better serve its high bandwidth customers by obtaining a non-exclusive easement from the County for the extension of its fiber optic line across the Academy campus. The approximately 7,250 square feet easement area would be located parallel to the sidewalk that runs along the Lee Road street frontage and outside the Academy's security fence. MetroDuct is offering \$63,437.50 as consideration for the Board's granting of the easement.

Review of the configuration of the fiber optic line and terms of the easement document were coordinated between staff from the Police and Facilities Management Departments. To preserve access to the Academy at all times during construction,



Board Agenda Item  
April 12, 2022

Metroduct will install the fiber optic cable into the ground by boring under the driveway apron. The conduit for the fiber line will be buried at least three feet down from the surface and encased in concrete to prevent any subsurface conflict with future driveway repaving efforts.

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

FISCAL IMPACT:

MetroDuct's payment of \$63,437.50 will be deposited in the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

Attachment 2 – Plan View

Attachment 3 – Draft Easement

STAFF:

Ellicia L. Seard-McCormick, Deputy County Executive

José A. Comayagua, Director, Facilities Management Department

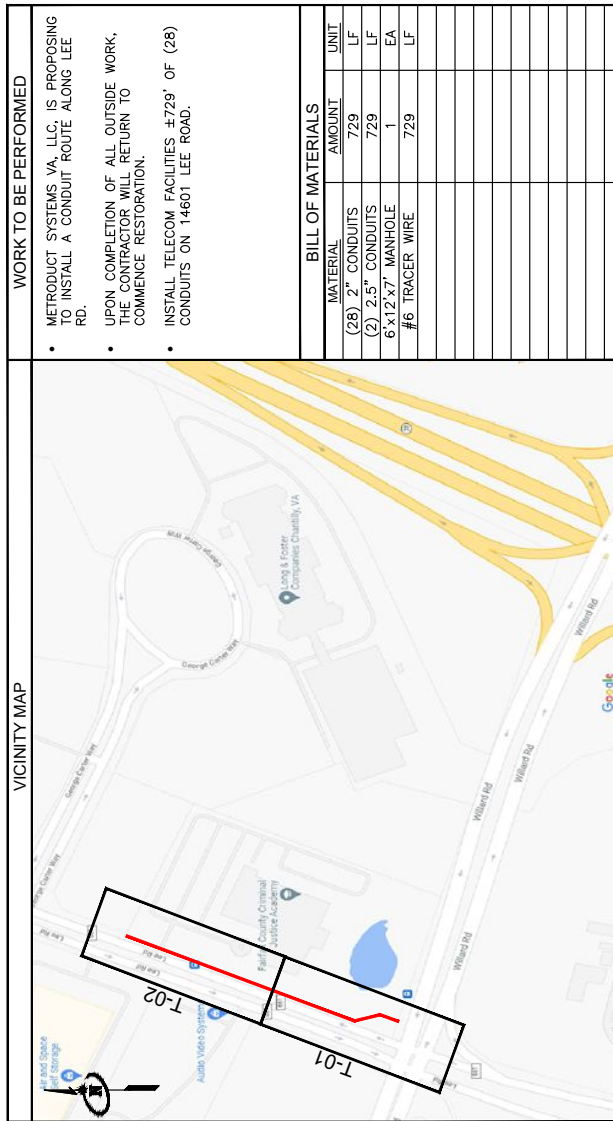
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

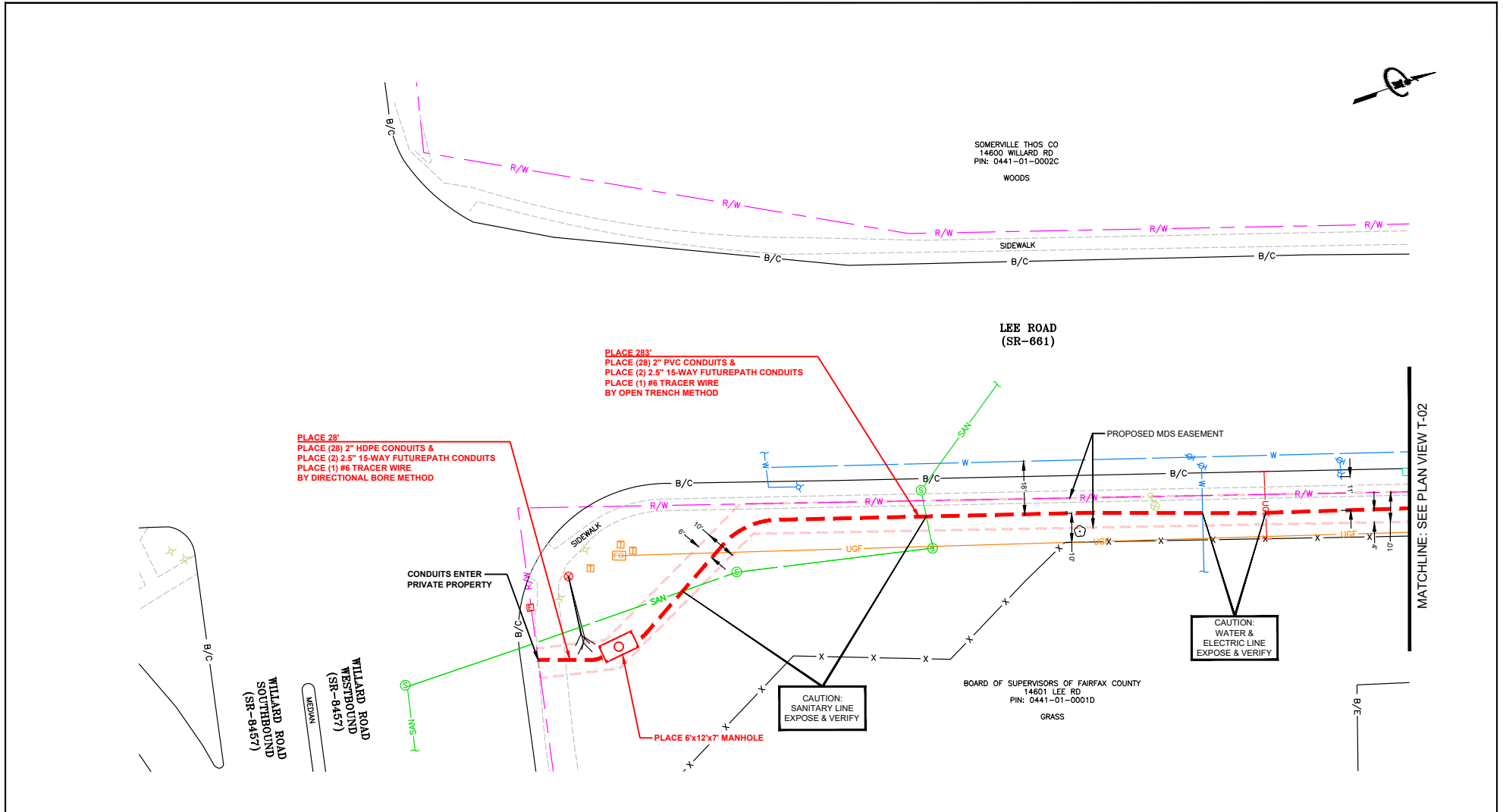
F. Hayden Coddington, Assistant County Attorney



METRODUCT SYSTEMS VA, LLC  
SPAN 1 - RED ROUTE  
BOARD OF SUPERVISORS - CONSTRUCTION DRAWING  
CHANTILLY, VIRGINIA (FAIRFAX COUNTY)



VB111.COM 1-800-552-7001		DISCLOSURE		ENGINEERING AND CONSTRUCTION FIRM		CLIENT/APPLICANT		REVISONS		PROJECT INFORMATION		T-00		SHEET 1 OF 8	
<div><p>Dig With a GOOGL</p><p>Call Me! I'll be at 877-767-7000-86</p></div> <p>THIS DRAWING IS ONLY A GUIDELINE AND AS SUCH DOES NOT COVER EVERY POSSIBLE CONTINGENCY THAT MAY OCCUR.</p> <p>INFORMATION ON THESE SHEETS HAVE BEEN PREPARED FROM THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE ENGINEER MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE ACCURACY OF THE INFORMATION PROVIDED. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION AND PHYSICAL FEATURES AT THE TIME OF THE SURVEY.</p> <p>INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, COPIED, REPRODUCED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.</p>		<p><b>TEAM FISHER</b></p> <p>8603 Elm Drive Mechanicsville, Virginia 21111 PHONE 504-321-5560 FAX 504-442-1146</p>		<p><b>METRO DUCT SYSTEMS, LLC</b></p> <p><b>MDS</b></p> <p><b>METRO DUCT SYSTEMS</b></p> <p>SPAN 1 - RED ROUTE CHANTILLY, VIRGINIA</p>		BY		PROJECT NUMBER		PROJECT NAME		PROJECT TYPE			
						REV		DATE		DESCRIPTION		SCM		CONSTRUCT	



VA811.COM 1-800-552-7001		DISCLOSURE	ENGINEERING AND CONSTRUCTION FIRM	CLIENT/APPLICANT	REVISIONS			PROJECT INFORMATION							
		<p>THIS DRAWING IS ONLY A GUIDELINE AND AS SUCH DOES NOT COVER EVERY POSSIBLE CONTINGENCY THAT MAY OCCUR.</p> <p>INFORMATION ON THESE SHEETS HAVE BEEN PREPARED FROM THE BEST AVAILABLE INFORMATION AND SOURCES. UTILITY LOCATIONS, SIZES, AND DEPTHS ARE APPROXIMATE (UNLESS OTHERWISE NOTED) AND HAVE NOT BEEN EXCAVATED TO DETERMINE EXACT LOCATION. UTILITY/FACILITY LOCATIONS ARE BASED ON RECORDS/VERBAL INFORMATION AND PHYSICAL FEATURES AT THE TIME OF THE SURVEY.</p> <p>INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, COPIED, REPRODUCED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.</p>	 <p>8093 Elm Drive Mechanicsville, Virginia 23111 PHONE: 804-321-8900 FAX: 804-442-2146</p>	METRO DUCT SYSTEMS, LLC  <p>METRO DUCT SYSTEMS</p> SPAN 1 - RED ROUTE CHANTILLY, VIRGINIA	REV	DATE	DESCRIPTION	BY	PROJECT NUMBER		POWER BY	CHECKED BY			
									052010225		SCM	SLN			
									BOARD OF SUPERVISORS			DRAWING TYPE	CONSTRUCTION		
									01/07/2022			SCALE	1:30		
					PAGE INFORMATION								PLAN VIEW		T-01
															SHEET 7 OF 8





MetroDuct Systems  
Tract # VA-FX-0000.0000  
Fairfax County, Virginia

**MetroDuct Systems VA LLC  
NON-EXCLUSIVE EASEMENT**

THIS EASEMENT AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2021, for one dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the undersigned **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body of corporate and politic having an address of 12000 Government Center PW, Suite 424, Fairfax, VA 22035 ("Grantor") hereby grants and conveys to **METRODUCT SYSTEMS VA LLC**, a Virginia limited liability company having an address of 1366 Dublin Road, Columbus, Ohio 43215 ("Grantee"), its affiliates, licensees, successors and assigns (collectively "Grantees") a non-exclusive and perpetual right of way and easement in, under, and across the "Easement Area" (described as being the same as shown on Exhibit "A" attached hereto and made a part hereof), for the installation, construction, maintenance, operation, repair and replacement of cables, lines and other facilities at any time and from time to time for the communication, transportation or other transfer of data, information, signals, or other material by means of fiber optics, electronic signaling or any other means including all technological developments evolving therefrom ("Facilities"). Permitted uses shall include the installation of below-ground vaults and the like and any utilities required for the operation thereof, together with the right to have underground commercial electrical service extended across the Easement Area to provide service to such Facilities and the reasonable right of ingress and egress across the "Property" to the Easement Area for the purpose of access to and use of the easement granted herein including over such drives, lanes, ways or private roads as may now or hereafter exist on the Grantor's "Property". If there are no drives, lanes, ways or private roads reasonably convenient to the Easement Area, Grantor further grants the right of ingress or egress across any of the Grantor's "Property" for the purposes consistent with the easement, including but not limited to, intrusive construction and installation of the Facilities.

The "Property" is legally described as being: 14601 Lee Rd, MAP # 0441 01 0001D. Grantor affirmatively states and represents him/her/itself is the owner in fee simple of the Property.

Being the same Property as recorded in: Fairfax County, Virginia, Deed Book 9819 Page 1151.  
Grantee hereby reserves the right to use said Easement Area for non-exclusive utility line and easement purposes.

Grantee hereby agrees to restore at its expense all property disturbed by its activities in use of the Easement Area to as near as reasonably possible the condition existing prior to the disturbance.

If the Grantor at some later time proposes property improvements on said land that would necessarily require the relocation of the Facilities of the Grantee, which have been or may be installed under this easement, said Grantee will relocate those Facilities at Grantor's sole cost and expense upon receipt of payment from Grantor. Said Grantee shall have the right, when relocating those Facilities, to place and maintain (and remove) them in a suitable location elsewhere on said land as mutually agreed to by Grantor and Grantee (which agreement shall not be unreasonably withheld by either party) and shall have the same rights hereunder in such new location as it originally possessed hereunder in the old location. Grantor acknowledges that prior to making such improvements, including the improvements set forth in the paragraph below, that Grantor shall provide Grantee with reasonable prior written notice before commencement of construction of such improvements so that Grantee may make adjustments to its Facilities.

The Grantor shall have the right to use the surface of the land over said Easement Area for any purpose provided the Grantor does not in any way interfere with the Grantees use of the easement granted herein, and provided further that no building or other structure shall be erected upon, across or over the Easement Area granted herein, and Grantor shall not excavate or fill below two feet within said Easement Area.

Any work performed on the Facilities or any relocation required hereunder shall be conducted in a good and workmanlike fashion and in accordance with all applicable laws, rules, regulations and ordinances.

Grantee shall maintain insurance coverage insuring Grantee against claims, demands or actions for personal injuries or death resulting from the use or operation of the Facilities with limits of not less than One Million Dollars (\$1,000,000) any one occurrence, in an aggregate amount of Two Million Dollars (\$2,000,000) and for damage to property in an amount of not less than Five Hundred Thousand Dollars (\$500,000).

Grantee shall protect, indemnify, defend and hold Grantor, its agents, customers, employees and invitees (collectively, the "Indemnified Parties") harmless from and against any and all third party claims for loss, damage, liability, injury to person or property, including reasonable cost and expense incurred by the Indemnified Parties on account of any claim or assertion of liability arising or alleged to have arisen out of the negligence or willful misconduct of the indemnifying party. An Indemnitor's indemnification obligations hereunder shall not be applicable to any claims to the extent caused by the negligence, intentional acts or omissions or willful misconduct of the Indemnified Persons.

Any notice to be given in connection with this Agreement shall be in writing and shall be sent either by hand delivery (which shall include, without limitation, overnight delivery by a nationally recognized overnight courier service such as Federal Express or United Parcel Service) or by depositing it with the United States Postal Service or any official successor thereto, certified or registered mail, return receipt requested, with adequate postage prepaid, addressed to the party to whom the notice is being sent (and marked to a particular individual's attention if so indicated) as hereafter provided. Rejection or other refusal by the addressee to accept or the inability of any party attempting hand delivery or, in the case of attempted delivery by mail, the United States Postal Service to deliver because of changed address of which no prior written notice was given shall be deemed to be the receipt of the notice sent on the day hand delivery was attempted or, in the case of attempted delivery by mail, on the date which is three (3) days after the notice was deposited with the United States Postal Service or any official successor thereto. In the event that registered or certified mail service is not being provided by the United States Postal Service or any official successor thereto at the time in question, each notice may then be served by regular mail. Any party hereto shall have the right from time to time to change the address or individual's attention to which notices to it shall be sent by giving the other party written notice thereof. For notice purposes the addresses of the parties shall be as follows:

If to Grantor:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY  
12000 Government Center PW, Suite 424  
Fairfax, VA 22035

If to Grantee:

MetroDuct Systems VA LLC  
c/o Team Fishel  
8093 Elm Drive  
Mechanicsville, VA 23111  
Attn: Legal Department

The foregoing addresses (or subsequent addresses of which notice is recorded as provided in this sentence) shall continue to be effective for notice purposes under this Agreement notwithstanding a sale of all or portions of the Property, unless the party acquiring the rights of this Agreement by sale of the Grantor Property files a notice in the County of Fairfax, Commonwealth of Virginia land records cross referenced to this Agreement which specifies the address (and up to two additional addresses) to which such notices under this Agreement to such party are to be sent.

It is understood and agreed that this is an easement only and in no way grants or conveys any part of the underlying fee simple estate of any lands owned by Grantor. This agreement and all of the terms, provisions and obligations hereof shall be covenants running with the land affected thereby and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

Grantee's acceptance of this agreement and the recordation hereof in the Land Records of Fairfax County, Virginia shall be deemed to constitute and evidence Grantee's agreement to all of the terms and provisions hereof.

This Easement and all rights, duties, and obligations hereunder, are binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

(Signature page to follow)



Executed and approved on behalf of the Board of Supervisors of Fairfax County, Virginia, by the authority granted by said Board.

APPROVED AS TO FORM:

Board of Supervisors of Fairfax County, Virginia

\_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Ellicia L. Seard-McCormick  
Deputy County Executive of Administration

Commonwealth of Virginia:  
County of Fairfax, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by Ellicia L. Seard-McCormick, Deputy County Executive of Administration, on behalf of the Board of  
Supervisors of Fairfax County, Virginia.

\_\_\_\_\_  
Notary Public

My commission expires:

[An affixed seal must  
be a photographically  
reproducible image.]

\_\_\_\_\_

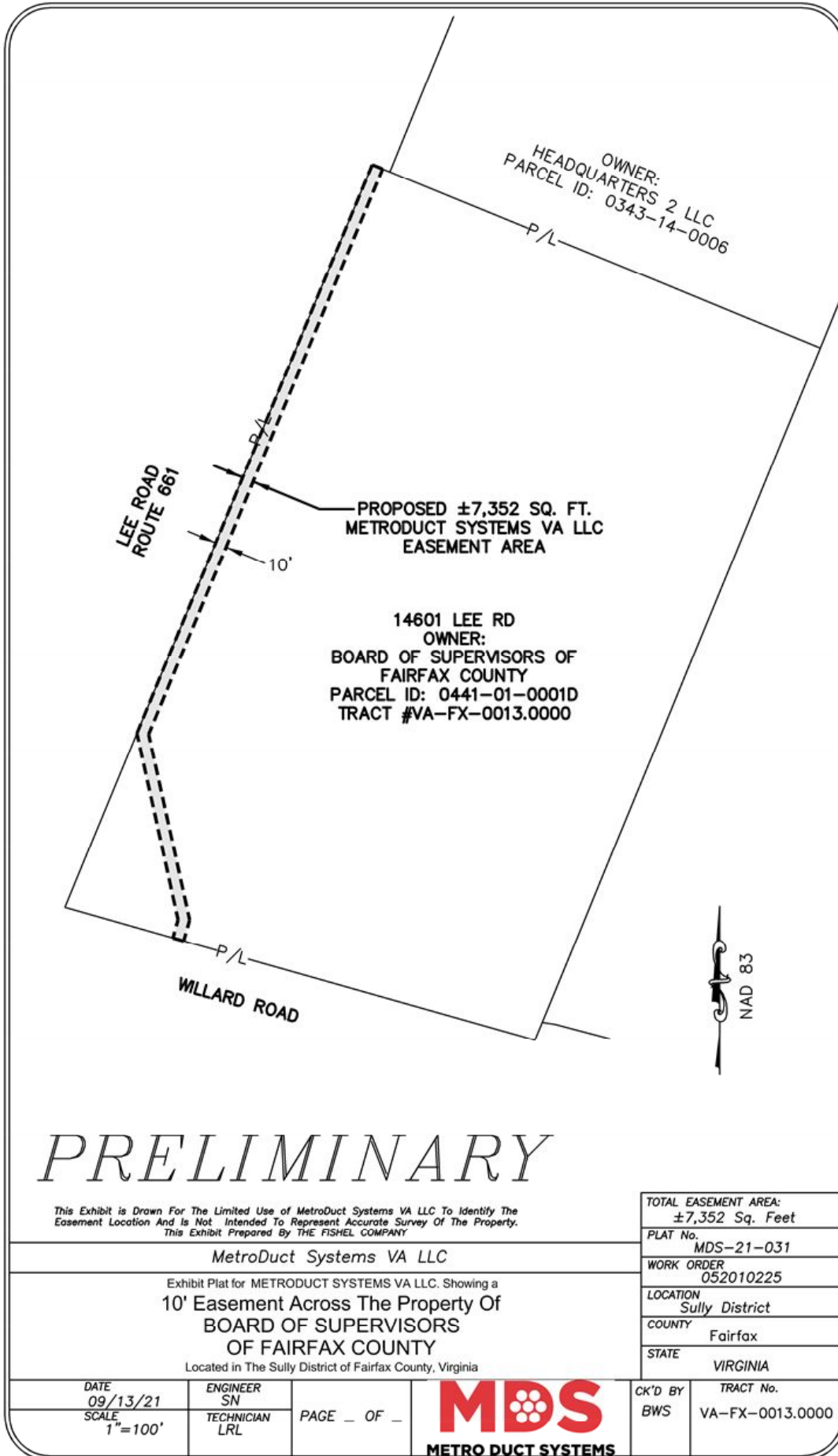
Notary Registration Number: \_\_\_\_\_

PLEASE RETURN RECORDED ORIGINAL TO:

Team Fishel  
8093 Elm Drive  
Mechanicsville, VA 23111

This document was drafted by:  
Joseph G. Blake II, Esq.  
General Counsel  
MetroDuct Systems VA LLC  
1366 Dublin Road  
Columbus, Ohio 43215

# EXHIBIT "A"



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Board Agenda Item  
April 12, 2022

2:30 p.m.

Public Hearing on Proposed Plan Amendment 2021-I-1B First Christian Church,  
Located at 6165 Leesburg Pike, South of the Seven Corners Community Business  
Center (Mason District)

ISSUE:

Plan Amendment (PA) 2021-I-1B [PLUS PA-2021-00001] considers an amendment to the Barcroft Community Planning Sector of the Comprehensive Plan for Tax Map Parcel 51-3 ((1)) 25, located south of the Seven Corners Community Business Center. The property is currently planned for institutional use and is developed with a place of worship. The amendment considers, in addition to the existing church, to add an option for up to 113 affordable age-restricted, independent living units and up to 5,000 gross square feet of ancillary office use.

PLANNING COMMISSION RECOMMENDATION:

On March 23, 2022, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting and Commissioner Jimenez recused himself from the vote) to recommend to the Board of Supervisors the adoption of the staff recommendation for Plan Amendment 2021-I- 1B, as found on page 17 of the staff report dated March 2, 2022, subject to the modifications listed in the handout dated March 23, 2022, as follows:

- Removal of the term “approximately” from the proposed plan language pertaining to land use option, to clarify the intent for maximum density;
- The addition of the word “maximum” to the third condition listed on page 18 to emphasize the importance of protecting the existing mature tree canopy;
- The inclusion of an additional condition on page 18 to read, “Site design should ensure ease of access to transit and services along Leesburg Pike to encourage use of the pedestrian and bicycle network, as well as bus service as suggested in the Guidelines for Multi-Family Residential Development for the Elderly”; and
- The inclusion of an additional condition on page 18 to read, “Parking needs should be evaluated with the goal of minimizing impervious surface to the extent possible.”

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RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission's public hearing – March 16, 2022

Planning Commission's decision only – March 23, 2022

Board of Supervisors' public hearing – April 12, 2022

BACKGROUND:

On January 26, 2021, the Board authorized staff to consider an amendment that would add an option for up to 113 multifamily age-restricted independent living units, up to 5,000 square feet of medical or general office space, and expansion of an existing place of worship on the subject site for a maximum total of approximately 132,500 gross square feet of development. This amendment was proposed during the South County Site-Specific Plan Amendment (SSPA) process. During the course of the study, it was determined that the nominator is no longer interested in pursuing the expansion of the existing place of worship and that expansion was not evaluated as part of the proposed amendment. The amendment was reviewed and supported by the Mason District SSPA Task Force.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

The Planning Commission action summary and Planning Commission recommendation, is available online at:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2022%20action%20items/pcaction032322sspa2021-i-1bfriatchristianchurch.pdf>

The Staff Report dated March 2, 2022, has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports>

Board Agenda Item  
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STAFF:

Barbara Byron, Director, Department of Planning and Development (DPD)

Leanna O'Donnell, Director, Planning Division (PD), DPD

Clara Quintero Johnson, Branch Chief, Monitoring & Plan Development Branch, PD, DPD

Michael Burton, Planner III, Monitoring & Plan Development Branch, PD, DPD

Board Agenda Item  
April 12, 2022

2:30 p.m.

Public Hearing on PCA/CDPA 2000-SU-012 (Buckley Development, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2000-SU-012, Previously Approved for Residential Development, to Permit Modifications to Proffers and Site Design at a Density of 2.94 Dwelling Units per Acre, Located on Approximately 2.04 Acres of Land Zoned PDH-4 and WS (Springfield District)

This property is located on the N. side of Lee Hwy. and W. side of Fairfax County Pkwy. Tax Map 55-4 ((17)) 11 and 12.

PLANNING COMMISSION RECOMMENDATION:

On February 23, 2022, the Planning Commission voted 10-0 (Commissioners Lagana and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2000-SU-012 and the associated Conceptual Development Plan, CDPA 2000-SU-012, subject to the execution of proffered conditions consistent with those dated February 2, 2022; and
- Modification of the major paved trail requirement in favor of the existing trail and right-of-way dedication, as shown on the CDPA/FDPA and as proffered.

In a related action, the Planning Commission voted 10-0 (Commissioners Lagana and Strandlie were absent from the meeting) to approve FDPA 2000-SU-012, subject to the proposed development conditions dated February 8, 2022, and subject to the Board of Supervisors' approval of the concurrent PCA application.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

Board Agenda Item  
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STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sharon Williams, Planner, DPD



Board Agenda Item  
April 12, 2022

2:30 p.m.

Public Hearing on SE 2018-PR-014 (United Real Estate LLC) to Permit Uses in Floodplain, Located on Approximately 20,437 Square Feet of Land Zoned R-4 (Providence District)

This property is located at 6801 Custis Pkwy., Falls Church, 22042. Tax Map 50-4 ((5)) 450.

PLANNING COMMISSION RECOMMENDATION:

On March 2, 2022, the Planning Commission voted 8-0-1 (Commissioners Clarke and Sargeant were absent from the meeting, Commissioner Cortina abstained from the vote, and Commissioner Strandlie was not present for the vote) to recommend to the Board of Supervisors approval of SE 2018-PR-014, subject to the proposed development conditions dated February 23, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Alexis Robinson, Planner, DPD

Board Agenda Item  
April 12, 2022

3:00 p.m.

Public Hearing on RZ 2021-SU-016 (Stonecroft Lee, LLC) to Rezone from I-3, WS and AN to I-5, WS and AN to Permit Storage Yard and/or New Vehicle Storage, Located on Approximately 8.08 Acres of Land (Sully District)

This property is located on the S. side of Adkins Rd., E. side of Barney Rd., W. side of Stonecroft Blvd. Tax Map 33-2 ((2)) 10 and 11; 34-1 ((2)) 11A; and a portion of Glorus Road, which was recently vacated and abandoned by the Board.

PLANNING COMMISSION RECOMMENDATION:

On March 2, 2022, the Planning Commission voted 10-0 (Commissioners Clarke and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of RZ 2021-SU-016, subject to the execution of proffered conditions consistent with those dated February 24, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zachary Fountain, Planner, DPD

Board Agenda Item  
April 12, 2022

3:00 p.m.

Public Hearing on RZ 2021-LE-011 (Elm Street Communities, Inc.) to Rezone from PDH-30 and HC to PRM and HC to Permit Multifamily Residential Development at a Floor Area Ratio of 1.69 and Approval of the Conceptual Development Plan, Located on Approximately 5.42 Acres of Land (Lee District) (Concurrent with PCA 2004-LE-021)

and

Public Hearing on PCA 2004-LE-021 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 2004-LE-021, Previously Approved for a Mixed-Use Development to Include Single-Family Attached and Multifamily Residential Dwelling Units and up to 80,000 Square Feet of Nonresidential Uses, to Permit Deletion of Land Area, Located on Approximately 5.42 Acres of Land Zoned PDH-30 and HC (Lee District) (Concurrent with RZ 2021-LE-011)

This property is located along Rolling Hills Ave., S. side of Buckman Rd., and W. of Richmond Hwy. Tax Map 101-2 ((5)) (2) 10-15; 101-2 ((5)) (3) 1, 2A and 13 and a portion of Rolling Hills Ave. right-of-way to be abandoned/vacated (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Rolling Hills Ave. to proceed).

PLANNING COMMISSION RECOMMENDATION:

On March 23, 2022, the Planning Commission voted 11-0 (Chairman Murphy was absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of PCA 2004-LE-021;
- Approval of RZ 2021-LE-011, subject to the execution of proffered conditions consistent with those dated March 23, 2022;
- Modification of the Zoning Ordinance to reduce the number of loading spaces from the required five spaces to one space, as shown on the CDP/FDP;
- Modification of transitional screening and a waiver of the barrier requirement along the southern property boundary, as depicted on the CDP/FDP; and
- Waiver of the service drive requirement along Richmond Highway.

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In a related action, the Planning Commission voted 11-0 (Chairman Murphy was absent from the meeting) to approve FDP 2021-LE-011, subject to the proposed development conditions dated February 23, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zachary Fountain, Planner, DPD

Board Agenda Item  
April 12, 2022

3:00 p.m.

Public Hearing on the FY 2023 Effective Tax Rate Increase

ISSUE:

Because the assessed value of existing property has increased by one percent or more, Virginia Code Section 58.1-3321 requires the Board to hold a public hearing on the real estate tax rate.

RECOMMENDATION:

The revenue projections included in the FY 2023 Advertised Budget Plan are based on the current Real Estate Tax rate of \$1.14 per \$100 of assessed value. However, a balance of \$79,257,068 remains unallocated and is available for the Board's consideration. The current real estate tax rate of \$1.14 per \$100 of assessed value was authorized by the Board of Supervisors for advertisement to provide the Board flexibility during their deliberations on the FY 2023 budget. Action on the tax rate is recommended to take place on May 10, 2022, as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2023 Advertised Budget Plan beginning on April 12, 2022, and the Board markup on April 26, 2022.

TIMING:

On March 8, 2022, the Board authorized advertisement of a public hearing to be held on April 12, 2022, at 3:00 p.m.

BACKGROUND:

The FY 2023 Advertised Budget Plan is based on a real estate tax rate of \$1.14 per \$100 of assessed value. The tax rate included in the proposed budget remains the same as FY 2022. Although no numerical change in the Real Estate tax rate is being proposed, the total assessed value of existing property has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2023 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 7.72 percent, including an increase of 9.57 percent for residential real property and an increase of 2.27 percent for non-residential real property. As a result, most property owners would experience an increase in their real estate tax bill even if the tax rate remains unchanged.

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The following language, based on Virginia Code and included in the advertisement for this public hearing, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 7.72 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 \$1.0583 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 \$1.140 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0817 per \$100, or 7.72 percent. This difference will be known as the "effective tax rate increase."

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

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 6.48 percent<sup>1</sup>.

FISCAL IMPACT:

The advertised FY 2023 real estate tax rate of \$1.140 per \$100 of assessed value results in the revenue projections outlined in the FY 2023 Advertised Budget Plan. If the tax rate is lowered to a rate of \$1.0583 per \$100 of assessed value as described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the FY 2023 Advertised Budget Plan would decrease by \$240 million.

ENCLOSED DOCUMENTS:

None

Board Agenda Item  
April 12, 2022

STAFF:

Bryan J. Hill, County Executive  
Christina Jackson, Chief Financial Officer  
Jaydeep Doshi, Director, Department of Tax Administration  
Philip Hagen, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

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<sup>1</sup> The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2023 disbursements as shown in the FY 2023 Advertised Budget Plan reflect a decrease of 1.78 percent from the FY 2022 level.



Board Agenda Item  
April 12, 2022

3:00 p.m.

Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Availability Charges (Including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges

ISSUE:

The Board of Supervisors' adoption of ordinances to amend and readopt Fairfax County Code Section 67.1-10-2, relating to Sewer Availability Charges (including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges:

- 1) re-affirming the Availability Charges (including the fixture unit rate) for FY 2022 through FY 2026, and establishing the Availability Charges for FY 2027;
- 2) re-affirming the Sewer Service Charges for FY 2022, adjusting the Sewer Service Charges for FY 2023 through FY 2026, and establishing the Sewer Service Charges for FY 2027;
- 3) re-affirming the Base Charges for FY 2022, adjusting the Base Charges for FY 2023 through FY 2026, and establishing the Base Charges for FY 2027; and
- 4) re-affirming the Hauled Wastewater Charges for FY 2022, adjusting the Hauled Wastewater Charge for Low-Strength Waste.

Although the sewer charges in the sewer ordinance, Chapter 67.1, are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:

The County Executive recommends that the Board adopt the amended ordinances as set forth in Attachment I.

TIMING:

Public notices of the ordinance revisions were advertised on March 11<sup>th</sup> and March 18<sup>th</sup>, 2022. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2023 Advertised Budget Plan. The FY 2023 new charges will become effective on July 1, 2022, if adopted by the Board.

**BACKGROUND:**

In January 2022, the Wastewater Management Program (Program) and its consultants, Raftelis Financial Consultants, Inc. (Raftelis), completed the annual “Revenue Sufficiency and Rate Analysis” (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, changes are proposed to the previously approved rates for FY 2023 to FY 2026 and new rates are proposed for FY 2027.

The following proposed 5-year rate schedule will meet the Program’s current and projected 5-year revenue requirements of approximately \$1.5 billion by increasing the Availability Charges, the Sewer Service Charges, the Base Charges, and the Hauled Wastewater Charges, all of which are the industry practice. This allows for recovering a portion of the Program’s costs through the Base Charge and recovering the remaining required revenues through the Sewer Service Charge, based on the volume of water consumed by the commercial customers and volume of the winter quarter average consumed by residential customers; Availability Charges, based on the capacity needs of new connections to the system; and Hauled Wastewater Charges, based on the volume of the hauling truck. New or revised rates that were not advertised as part of last year’s annual rate schedule review are shown in **bold**. Note that the proposed adjustments to Sewer Service Charges for FY 2023 through FY 2025 are less than those presented to the Board during last year’s budget process.

**PROPOSED AVAILABILITY CHARGE SCHEDULE**

The County has completed reviewing the adequacy of the amount of the Availability Charges. Based upon the results of this review, the Availability Charges are proposed to increase to \$8,592 from \$8,507, a 1.0 percent increase, for a single-family residence in FY 2023 and 1.0 percent annual increases from FY 2024 to FY 2027. The Availability Charge is a one-time charge, which is paid at the time of connection to the sewer system. The revised, five-year rate schedule for the Availability Charges is as follows:

<b>AVAILABILITY CHARGE SCHEDULE</b>						
Proposed New Rates in <b>Bold</b>						
Type of Connection	Current Rate	<b>New Rates</b>				
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	<b>FY 2027</b>
Single-Family Detached	\$8,507	\$8,592	\$8,678	\$8,765	\$8,853	<b>\$8,942</b>
Lodging House, Hotel,	\$8,507	\$8,592	\$8,678	\$8,765	\$8,853	<b>\$8,942</b>

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Inn, or Tourist Cabin						
Townhouse	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082	<b>\$7,153</b>
Apartment	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082	<b>\$7,153</b>
Mobile Home	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082	<b>\$7,153</b>
Any other residential dwelling unit	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082	<b>\$7,153</b>
Hotels, Motels, or Dormitory rental unit	\$2,127	\$2,148	\$2,170	\$2,191	\$2,213	<b>\$2,235</b>

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:

<b>AVAILABILITY CHARGE SCHEDULE</b> Cost (\$) per Quarterly Bill Proposed New Rates in <b>Bold</b>						
	Current Rate	<b>New Rates</b>				
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	<b>FY 2027</b>
Nonresidential per fixture unit	\$425	\$430	\$434	\$438	\$443	<b>\$446</b>

**PROPOSED SEWER SERVICE CHARGE SCHEDULE**

The following proposed Sewer Service Charge of \$8.09 per 1,000 gallons of water consumption in FY 2023 will recover a portion of the sewer system costs in FY 2023 based on the volume of water consumed by the commercial customers and the volume of the winter quarter average consumed by residential customers. The revised, five-year rate schedule for the Sewer Service Charges is as follows:

<b>SEWER SERVICE CHARGE SCHEDULE*</b> Per 1,000 gallons of water consumption Proposed New Rates in <b>Bold</b>						
	Current Rate	New Rates				
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Sewer Service Charge	\$7.72	<b>\$8.09</b>	<b>\$8.41</b>	<b>\$8.73</b>	<b>\$9.21</b>	<b>\$9.67</b>

\*Proposed adjustments to Sewer Service Charges for FY 2023 through FY 2025 are less than those presented to the Board during last year's budget process.

### PROPOSED BASE CHARGE SCHEDULE

The following proposed Base Charge of \$40.14 per quarterly bill for FY 2023 will recover approximately 23.5 percent of the sewer system costs in FY 2023. 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 table on the following page.

<b>BASE CHARGE SCHEDULE*</b> Cost (\$) per Quarterly Bill Proposed New Rates in <b>Bold**</b>						
Type of Connection	Current Rate	New Rates				
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Residential (3/4" meter)	\$36.54	<b>\$40.14</b>	<b>\$44.43</b>	<b>\$49.09</b>	<b>\$51.79</b>	<b>\$54.38</b>
All customers based on meter size						
3/4" and smaller, or no meter	\$36.54	<b>\$40.14</b>	<b>\$44.43</b>	<b>\$49.09</b>	<b>\$51.79</b>	<b>\$54.38</b>
1"	\$91.35	<b>\$100.35</b>	<b>\$111.08</b>	<b>\$122.73</b>	<b>\$129.48</b>	<b>\$135.95</b>
1 1/2"	\$182.70	<b>\$200.70</b>	<b>\$222.15</b>	<b>\$245.45</b>	<b>\$258.95</b>	<b>\$271.90</b>
2"	\$292.32	<b>\$321.12</b>	<b>\$355.44</b>	<b>\$392.72</b>	<b>\$414.32</b>	<b>\$435.04</b>
3"	\$548.10	<b>\$602.10</b>	<b>\$666.45</b>	<b>\$736.35</b>	<b>\$776.85</b>	<b>\$815.70</b>
4"	\$913.50	<b>\$1,003.5</b>	<b>\$1,110.75</b>	<b>\$1,227.25</b>	<b>\$1,294.75</b>	<b>\$1,359.50</b>

		<b>0</b>				
6"	\$1,827.0 0	<b>\$2,007.0 0</b>	<b>\$2,221.50</b>	<b>\$2,454.50</b>	<b>\$2,589.50</b>	<b>\$2,719.00</b>
8"	\$2,923.2 0	<b>\$3,211.2 0</b>	<b>\$3,554.40</b>	<b>\$3,927.20</b>	<b>\$4,143.20</b>	<b>\$4,350.40</b>
10" and larger	\$4,202.1 0	<b>\$4,616.1 0</b>	<b>\$5,109.45</b>	<b>\$5,645.35</b>	<b>\$5,955.85</b>	<b>\$6,253.70</b>

\*Adjustment to the Base Charge for nonresidential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system must be justified.

\*\* Proposed adjustments to Sewer Base Charges for FY 2023 through FY 2026 are less than those presented to the Board during last year's budget process.

### PROPOSED HAULED WASTEWATER CHARGES

The County's Septage Receiving Facility (SRF) was constructed to receive and treat septage from local onsite sewage disposal systems in accordance with Section 15.2-2123 of the Code of Virginia. In addition, the SRF receives landfill leachate, portable toilet waste, restaurant grease, and recycled carwash water. Hauled Wastewater Charges were introduced in FY 2020 to recover a portion of the costs of operation, maintenance, and upcoming necessary improvements to the SRF. It is proposed that the charge for High-Strength Waste remain the same as the FY 2022 charge. The proposed charge for Low-Strength Waste is to remain at the FY 2022 rate. This is effectively a decrease from the previously recommended charge for Low-Strength Waste by avoiding automatic escalation based on the adjustments to the prevailing Sewer Service Charge.

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.
- (2) Low-Strength Waste - \$7.72 per 1,000 gallons of the hauler's truck capacity for portable toilet, recycled carwash water, landfill leachate, or other such low-strength waste.

The County's sewer charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single-Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of December 2021 (FY 2022). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

**Comparison of Average Service Charges, Availability Charges, and Base Charges  
for SFREs as of December 2021 (FY 2022)  
Based on 16,000 gallons per quarter for all jurisdictions**

<b>Jurisdiction*</b>	<b>Average Annual Sewer Service Billing</b>	<b>Sewer Availability Fees</b>
<b>DCWASA</b>	<b>\$1,177</b>	<b>----</b>
<b>City of Alexandria</b>	<b>\$996</b>	<b>\$8,859</b>
<b>WSSC (improved)</b>	<b>\$926</b>	<b>\$14,500</b>
<b>Arlington County</b>	<b>\$661</b>	<b>\$2,760</b>
<b>Fairfax County</b>	<b>\$640</b>	<b>\$8,507</b>
<b>Prince William County</b>	<b>\$571</b>	<b>\$10,800</b>
<b>Loudoun Water</b>	<b>\$484</b>	<b>\$8,711</b>

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$36.54 as of December 2021 (FY 2022).

<b>Quarterly Base Charges for Sewer Service for Residential Customers</b>	
DC Water	\$ 66.83
Alexandria Renew Enterprises	\$ 37.02
Loudoun Water	\$ 36.72
<b>Fairfax County</b>	<b>\$ 36.54</b>
Prince William County Service Authority	\$ 36.30
Washington Suburban Sanitation Commission	\$ 28.50
Arlington	\$ 10.76
<b>Neighboring Utilities Average</b>	<b>\$ 36.02</b>

**FISCAL IMPACT:**

In FY 2023, assuming a water usage for a typical residential customer of 16,000 gallons/quarter (or 64,000 gallons/year), the annual sewer bill will be approximately \$678.32 per year, which is an increase of 5.95 percent or \$38.08 over the FY 2022 annual sewer bill. This is equal to an increase of \$3.17 per month.

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In FY 2023, revenue is projected to increase approximately \$12.3 million over the *FY 2022 Revised Budget Plan* primarily due to the proposed rate increases to Sewer Availability Fee Charge, Service Charge, and Base Charge. Revenues from the collection of Sewer Availability Charges, Service Charges, Base Charges, and Hauled Wastewater Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (clean version)

Attachment Ia: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (with amendments tracked)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eleanor Ku Coddling, Deputy Director, DPWES, Stormwater and Wastewater Management Divisions

Shahram Mohsenin, Director, DPWES, Wastewater Planning and Monitoring Division

ASSIGNED COUNSEL:

Emily H. Smith, Assistant County Attorney



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

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

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

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

**ARTICLE 10. - Charges**

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

**(a) Availability Charges:**

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

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
(A)	Single-Family Detached	\$8,507	\$8,592	\$8,678	\$8,765	\$8,853	\$8,942
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,507	8,592	8,678	8,765	8,853	8,942
(C)	Townhouse	6,806	6,874	6,942	7,012	7,082	7,153
(D)	Apartment	6,806	6,874	6,942	7,012	7,082	7,153
(E)	Mobile Home	6,806	6,874	6,942	7,012	7,082	7,153
(F)	Any other residential dwelling unit	6,806	6,874	6,942	7,012	7,082	7,153

(G)	Hotel, Motel, or Dormitory rental unit	2,127	2,148	2,170	2,191	2,213	2,235
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23 (2) *Commercial and all other uses:* The following schedule of fixture unit rates for  
 24 computing availability charges for all nonresidential uses is hereby established and  
 25 imposed:

	Fiscal Year (July 1-June 30)					
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Fixture unit rate	\$425	\$430	\$434	\$438	\$443	\$446

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

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

48 (b) *Connection Charges.*

(1) *Residential and community uses:* Except as otherwise provided herein, there is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers, or other such similar community uses, to the Facilities of the County.

(2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Sewer Service Charge, \$/1,000 gallons	\$7.72	\$8.09	\$8.41	\$8.73	\$9.21	\$9.67

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

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Residential Base Charge	\$36.54	\$40.14	\$44.43	\$49.09	\$51.79	\$54.38

Commercial: (meter size)						
¾" and smaller, or no meter	\$36.54	\$40.14	\$44.43	\$49.09	\$51.79	\$54.38
1"	\$91.35	\$100.35	\$111.08	\$122.73	\$129.48	\$135.95
1½"	\$182.70	\$200.70	\$222.15	\$245.45	\$258.95	\$271.90
2"	\$292.32	\$321.12	\$355.44	\$392.72	\$414.32	\$435.04
3"	\$548.10	\$602.10	\$666.45	\$736.35	\$776.85	\$815.70
4"	\$913.50	\$1,003.50	\$1,110.75	\$1,227.25	\$1,294.75	\$1,359.50
6"	\$1,827.00	\$2,007.00	\$2,221.50	\$2,454.50	\$2,589.50	\$2,719.00
8"	\$2,923.20	\$3,211.20	\$3,554.40	\$3,927.20	\$4,143.20	\$4,350.40
10" and larger	\$4,202.10	\$4,616.10	\$5,109.45	\$5,645.35	\$5,955.85	\$6,253.70

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71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other  
72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia  
73 licensed professional engineer must be provided to demonstrate what size of main water meter  
74 would be necessary for the building to accommodate only the water that enters the sewer system.  
75 The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge  
76 will be smaller than that for ¾" meter.

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

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

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line

detached, rowhouses, garden court and patio houses with a separate water service line meter.	meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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83 (D) The winter-quarter-maximum consumption is determined as follows:

84 (i) The quarterly-daily-average consumption of water is the consumption,  
85 measured by the water service line meter for the period between meter readings  
86 divided by the number of days elapsed between meter readings.87 (ii) The quarterly consumption is 91.5 times the quarterly-daily-average  
88 consumption of water in leap years or 91.25 times the quarterly-daily-average  
89 consumption in non-leap years.90 (iii) The winter-quarter-consumption is the quarterly consumption determined at  
91 the water service line meter reading scheduled between February 1 and April 30.  
92 The winter-quarter-consumption of each respective year shall be applicable to  
93 the four quarterly sewer billings rendered in conjunction with the regular meter  
94 reading scheduled after the next May.95 (iv) All water delivered to the premises, as measured by the winter-quarter-  
96 consumption for single-family dwellings and townhouses or the meter of all  
97 other Users, shall be deemed to have been discharged to the Facilities of the  
98 County. However, any person may procure the installation of a second water  
99 service line meter. Such person may notify the Director of such installation, in  
100 which event the Director shall make such inspection or inspections as may be  
101 necessary to ascertain that no water delivered to the premises or only the water  
102 delivered through any such additional meter may enter the Facilities of the  
103 County. If the Director determines that water delivered through an additional  
104 meter may not enter the Facilities of the County, no charge hereunder shall be  
105 based upon such volume of water delivery. If the Director determines that only  
106 the water delivered through an additional meter may enter the Facilities of the  
107 County, only the water recorded on the additional meter shall be charged. In the  
108 alternative, any person may procure the installation of a sewage meter which  
109 shall be of a type and installed in a manner approved by the Director, who shall  
110 make periodic inspection to ensure accurate operation of said meter; in such  
111 event, the charge imposed hereunder shall be based upon the volume measured

by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

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

(i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

(ii) Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

(3) Premises not having metered water supply or having both well water and public metered water supply:

(A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.

(B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other Premises. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

(f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled Wastewater Charges:

(1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.

(2) Low-Strength Waste – \$7.72 per 1,000 gallons of the hauler's truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater.

153 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2



Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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

Fixture Units	Load Factor	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
20 or less	1.00	193.00	202.25	210.25	218.25	230.25	241.75
21 to 30	1.25	241.25	252.81	262.81	272.81	287.81	302.19
31 to 40	1.45	279.85	293.26	304.86	316.46	333.86	350.54
41 to 50	1.60	308.80	323.60	336.40	349.20	368.40	386.80
51 to 60	1.75	337.75	353.94	367.94	381.94	402.94	423.06
61 to 70	1.90	366.70	384.28	399.48	414.68	437.48	459.33
71 to 80	2.05	395.65	414.61	431.01	447.41	472.01	495.59
81 to 90	2.20	424.60	444.95	462.55	480.15	506.55	531.85
91 to 100	2.30	443.90	465.18	483.58	501.98	529.58	556.03
101 to 110	2.40	463.20	485.40	504.60	523.80	552.60	580.20
111 to 120	2.55	492.15	515.74	536.14	556.54	587.14	616.46
121 to 130	2.65	511.45	535.96	557.16	578.36	610.16	640.64
131 to 140	2.75	530.75	556.19	578.19	600.19	633.19	664.81
141 to 150	2.85	550.05	576.41	599.21	622.01	656.21	688.99
151 to 160	2.95	569.35	596.64	620.24	643.84	679.24	713.16

**ATTACHMENT I**

161 to 170	3.05	588.65	616.86	641.26	665.66	702.26	737.34
171 to 180	3.15	607.95	637.09	662.29	687.49	725.29	761.51
181 to 190	3.25	627.25	657.31	683.31	709.31	748.31	785.69
191 to 200	3.35	646.55	677.54	704.34	731.14	771.34	809.86
201 to 210	3.45	665.85	697.76	725.36	752.96	794.36	834.04
211 to 220	3.55	685.15	717.99	746.39	774.79	817.39	858.21
221 to 230	3.65	704.45	738.21	767.41	796.61	840.41	882.39
231 to 240	3.75	723.75	758.44	788.44	818.44	863.44	906.56
241 to 250	3.85	743.05	778.66	809.46	840.26	886.46	930.74
251 to 260	3.90	752.70	788.78	819.98	851.18	897.98	942.83
261 to 270	4.00	772.00	809.00	841.00	873.00	921.00	967.00
271 to 280	4.05	781.65	819.11	851.51	883.91	932.51	979.09
281 to 290	4.10	791.30	829.23	862.03	894.83	944.03	991.18
291 to 300	4.15	800.95	839.34	872.54	905.74	955.54	1,003.26
301 to 310	4.20	810.60	849.45	883.05	916.65	967.05	1,015.35
311 to 320	4.30	829.90	869.68	904.08	938.48	990.08	1,039.53
321 to 330	4.40	849.20	889.90	925.10	960.30	1,013.10	1,063.70
331 to 340	4.50	868.50	910.13	946.13	982.13	1,036.13	1,087.88
341 to 350	4.60	887.80	930.35	967.15	1,003.95	1,059.15	1,112.05
351 to 360	4.70	907.10	950.58	988.18	1,025.78	1,082.18	1,136.23

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361 to 370	4.80	926.40	970.80	1,009.20	1,047.60	1,105.20	1,160.40
371 to 380	4.90	945.70	991.03	1,030.23	1,069.43	1,128.23	1,184.58
381 to 390	5.00	965.00	1,011.25	1,051.25	1,091.25	1,151.25	1,208.75
391 to 400	5.10	984.30	1,031.48	1,072.28	1,113.08	1,174.28	1,232.93
401 to 410	5.20	1,003.60	1,051.70	1,093.30	1,134.90	1,197.30	1,257.10
411 to 420	5.30	1,022.90	1,071.93	1,114.33	1,156.73	1,220.33	1,281.28
421 to 430	5.40	1,042.20	1,092.15	1,135.35	1,178.55	1,243.35	1,305.45
431 to 440	5.50	1,061.50	1,112.38	1,156.38	1,200.38	1,266.38	1,329.63
441 to 450	5.60	1,080.80	1,132.60	1,177.40	1,222.20	1,289.40	1,353.80
451 to 460	5.70	1,100.10	1,152.83	1,198.43	1,244.03	1,312.43	1,377.98
461 to 470	5.80	1,119.40	1,173.05	1,219.45	1,265.85	1,335.45	1,402.15
471 to 480	5.90	1,138.70	1,193.28	1,240.48	1,287.68	1,358.48	1,426.33
481 to 490	6.00	1,158.00	1,213.50	1,261.50	1,309.50	1,381.50	1,450.50
491 to 500	6.10	1,177.30	1,233.73	1,282.53	1,331.33	1,404.53	1,474.68
501 to 525	6.25	1,206.25	1,264.06	1,314.06	1,364.06	1,439.06	1,510.94
526 to 550	6.50	1,254.50	1,314.63	1,366.63	1,418.63	1,496.63	1,571.38
551 to 575	6.75	1,302.75	1,365.19	1,419.19	1,473.19	1,554.19	1,631.81
576 to 600	7.00	1,351.00	1,415.75	1,471.75	1,527.75	1,611.75	1,692.25
601 to 625	7.25	1,399.25	1,466.31	1,524.31	1,582.31	1,669.31	1,752.69
626 to 650	7.50	1,447.50	1,516.88	1,576.88	1,636.88	1,726.88	1,813.13

ATTACHMENT I

651 to 675	7.75	1,495.75	1,567.44	1,629.44	1,691.44	1,784.44	1,873.56
676 to 700	8.00	1,544.00	1,618.00	1,682.00	1,746.00	1,842.00	1,934.00
701 to 725	8.20	1,582.60	1,658.45	1,724.05	1,789.65	1,888.05	1,982.35
726 to 750	8.40	1,621.20	1,698.90	1,766.10	1,833.30	1,934.10	2,030.70
751 to 775	8.60	1,659.80	1,739.35	1,808.15	1,876.95	1,980.15	2,079.05
776 to 800	8.80	1,698.40	1,779.80	1,850.20	1,920.60	2,026.20	2,127.40
801 to 825	9.00	1,737.00	1,820.25	1,892.25	1,964.25	2,072.25	2,175.75
826 to 850	9.20	1,775.60	1,860.70	1,934.30	2,007.90	2,118.30	2,224.10
851 to 875	9.35	1,804.55	1,891.04	1,965.84	2,040.64	2,152.84	2,260.36
876 to 900	9.50	1,833.50	1,921.38	1,997.38	2,073.38	2,187.38	2,296.63
901 to 925	9.65	1,862.45	1,951.71	2,028.91	2,106.11	2,221.91	2,332.89
926 to 950	9.80	1,891.40	1,982.05	2,060.45	2,138.85	2,256.45	2,369.15
951 to 975	9.95	1,920.35	2,012.39	2,091.99	2,171.59	2,290.99	2,405.41
976 to 1,000	10.15	1,958.95	2,052.84	2,134.04	2,215.24	2,337.04	2,453.76
1,001 to 1,050	10.55	2,036.15	2,133.74	2,218.14	2,302.54	2,429.14	2,550.46
1,051 to 1,100	10.90	2,103.70	2,204.53	2,291.73	2,378.93	2,509.73	2,635.08
1,101 to 1,150	11.30	2,180.90	2,285.43	2,375.83	2,466.23	2,601.83	2,731.78
1,151 to 1,200	11.70	2,258.10	2,366.33	2,459.93	2,553.53	2,693.93	2,828.48
1,201 to 1,250	12.00	2,316.00	2,427.00	2,523.00	2,619.00	2,763.00	2,901.00
1,251 to 1,300	12.35	2,383.55	2,497.79	2,596.59	2,695.39	2,843.59	2,985.61

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1,301 to 1,350	12.70	2,451.10	2,568.58	2,670.18	2,771.78	2,924.18	3,070.23
1,351 to 1,400	13.00	2,509.00	2,629.25	2,733.25	2,837.25	2,993.25	3,142.75
1,401 to 1,450	13.25	2,557.25	2,679.81	2,785.81	2,891.81	3,050.81	3,203.19
1,451 to 1,500	13.50	2,605.50	2,730.38	2,838.38	2,946.38	3,108.38	3,263.63
1,501 to 1,600	14.05	2,711.65	2,841.61	2,954.01	3,066.41	3,235.01	3,396.59
1,601 to 1,700	14.60	2,817.80	2,952.85	3,069.65	3,186.45	3,361.65	3,529.55
1,701 to 1,800	15.15	2,923.95	3,064.09	3,185.29	3,306.49	3,488.29	3,662.51
1,801 to 1,900	15.70	3,030.10	3,175.33	3,300.93	3,426.53	3,614.93	3,795.48
1,901 to 2,000	16.25	3,136.25	3,286.56	3,416.56	3,546.56	3,741.56	3,928.44
2,001 to 2,100	16.80	3,242.40	3,397.80	3,532.20	3,666.60	3,868.20	4,061.40
2,101 to 2,200	17.35	3,348.55	3,509.04	3,647.84	3,786.64	3,994.84	4,194.36
2,201 to 2,300	17.90	3,454.70	3,620.28	3,763.48	3,906.68	4,121.48	4,327.33
2,301 to 2,400	18.45	3,560.85	3,731.51	3,879.11	4,026.71	4,248.11	4,460.29
2,401 to 2,500	19.00	3,667.00	3,842.75	3,994.75	4,146.75	4,374.75	4,593.25
2,501 to 2,600	19.55	3,773.15	3,953.99	4,110.39	4,266.79	4,501.39	4,726.21
2,601 to 2,700	20.10	3,879.30	4,065.23	4,226.03	4,386.83	4,628.03	4,859.18
2,701 to 2,800	20.65	3,985.45	4,176.46	4,341.66	4,506.86	4,754.66	4,992.14
2,801 to 2,900	21.20	4,091.60	4,287.70	4,457.30	4,626.90	4,881.30	5,125.10
2,901 to 3,000	21.75	4,197.75	4,398.94	4,572.94	4,746.94	5,007.94	5,258.06
3,001 to 4,000	26.00	5,018.00	5,258.50	5,466.50	5,674.50	5,986.50	6,285.50

**ATTACHMENT I**

4,001 to 5,000	29.50		5,693.50	5,966.38	6,202.38	6,438.38	6,792.38	7,131.63
5,001 to 6,000	33.00		6,369.00	6,674.25	6,938.25	7,202.25	7,598.25	7,977.75
6,001 to 7,000	36.40		7,025.20	7,361.90	7,653.10	7,944.30	8,381.10	8,799.70
7,001 to 8,000	39.60		7,642.80	8,009.10	8,325.90	8,642.70	9,117.90	9,573.30
8,001 to 9,000	42.75		8,250.75	8,646.19	8,988.19	9,330.19	9,843.19	10,334.81
9,001 to 10,000	46.00		8,878.00	9,303.50	9,671.50	10,039.50	10,591.50	11,120.50
10,001 to 11,000	48.85		9,428.05	9,879.91	10,270.71	10,661.51	11,247.71	11,809.49
11,001 to 12,000	51.60		9,958.80	10,436.10	10,848.90	11,261.70	11,880.90	12,474.30
12,001 to 13,000	54.60		10,537.80	11,042.85	11,479.65	11,916.45	12,571.65	13,199.55
13,001 to 14,000	57.40		11,078.20	11,609.15	12,068.35	12,527.55	13,216.35	13,876.45
14,001 to 15,000	60.00		11,580.00	12,135.00	12,615.00	13,095.00	13,815.00	14,505.00

NOTES:

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

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Jill G. Cooper  
Clerk for the Board of Supervisors



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

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

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

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

**ARTICLE 10. - Charges**

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

(a) *Availability Charges:*

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

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 202 <del>24</del>	FY 202 <del>32</del>	FY 202 <del>43</del>	FY 202 <del>54</del>	FY 202 <del>65</del>	FY 202 <del>76</del>
(A)	Single-Family Detached	\$8, <del>507340</del>	\$8, <del>59207</del>	\$8, <del>678592</del>	\$8, <del>765678</del>	\$8, <del>853765</del>	\$8, <del>942853</del>
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8, <del>507340</del>	8, <del>59207</del>	8, <del>678592</del>	8, <del>765678</del>	8, <del>853765</del>	8, <del>942853</del>
(C)	Townhouse	6, <del>806672</del>	6,8 <del>7406</del>	6, <del>942874</del>	<del>7,0126,942</del>	7,0 <del>8212</del>	7, <del>153082</del>
(D)	Apartment	6, <del>806672</del>	6,8 <del>7406</del>	6, <del>942874</del>	<del>7,0126,942</del>	7,0 <del>8212</del>	7, <del>153082</del>
(E)	Mobile Home	6, <del>806672</del>	6,8 <del>7406</del>	6, <del>942874</del>	<del>7,0126,942</del>	7,0 <del>8212</del>	7, <del>153082</del>

(F)	Any other residential dwelling unit	6, <del>806</del> 672	6,8 <del>74</del> 06	6,942 <del>87</del> 4	<del>7,012</del> 6,942	7,0 <del>82</del> 42	7, <del>153</del> 082
(G)	Hotel, Motel, or Dormitory rental unit	2, <del>127</del> 085	2,1 <del>48</del> 27	2,1 <del>70</del> 48	2,1 <del>91</del> 70	2, <del>213</del> 494	2,2 <del>35</del> 43

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23 (2) *Commercial and all other uses:* The following schedule of fixture unit rates for  
 24 computing availability charges for all nonresidential uses is hereby established and  
 25 imposed:

	Fiscal Year (July 1-June 30)					
	FY 202 <del>2</del> 4	FY 202 <del>3</del> 2	FY 202 <del>4</del> 3	FY 202 <del>5</del> 4	FY 202 <del>6</del> 5	FY 202 <del>7</del> 6
Fixture unit rate	\$4 <del>25</del> 47	\$4 <del>30</del> 25	\$43 <del>40</del>	\$43 <del>84</del>	\$4 <del>43</del> 38	\$44 <del>63</del>

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

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

(b) *Connection Charges.*

(1) *Residential and community uses:* Except as otherwise provided herein, there is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers, or other such similar community uses, to the Facilities of the County.

(2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 202 <del>2</del> <sup>1</sup>	FY 202 <del>3</del> <sup>2</sup>	FY 202 <del>4</del> <sup>3</sup>	FY 202 <del>5</del> <sup>4</sup>	FY 202 <del>6</del> <sup>5</sup>	FY 202 <del>7</del> <sup>6</sup>
Sewer Service Charge, \$1,000 gallons	\$7. <del>72</del> <sup>28</sup>	\$8. <del>09</del> <sup>7</sup> <del>72</del>	\$8. <del>41</del> <sup>4</sup> <del>8</del>	\$8. <del>73</del> <sup>4</sup> <del>7</del>	\$9. <del>21</del> <sup>8</sup> <del>76</del>	\$9. <del>67</del> <sup>2</sup> <del>0</del>

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

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 202 <del>2</del> <sup>1</sup>	FY 202 <del>3</del> <sup>2</sup>	FY 202 <del>4</del> <sup>3</sup>	FY 202 <del>5</del> <sup>4</sup>	FY 202 <del>6</del> <sup>5</sup>	FY 202 <del>7</del> <sup>6</sup>

Residential Base Charge	\$3 <u>6.542.91</u>	<del>\$40.1436.5</del> 4	\$4 <u>4.431.03</u>	\$4 <u>9.095.05</u>	\$ <u>51.7949.48</u>	\$5 <u>4.381.95</u>
Commercial: (meter size)						
¾" and smaller, or no meter	\$3 <u>6.542.91</u>	<del>\$40.1436.5</del> 4	\$4 <u>4.431.03</u>	\$4 <u>9.095.05</u>	\$ <u>51.7949.48</u>	\$5 <u>4.381.95</u>
1"	\$ <u>91.3582.28</u>	<del>\$100.3591.35</del>	\$1 <u>11.0802.58</u>	\$1 <u>22.7312.63</u>	\$1 <u>29.4823.70</u>	\$1 <u>35.9529.88</u>
1½"	\$1 <u>82.7064.55</u>	<del>\$200.70182.70</del>	\$2 <u>22.05.15</u>	\$2 <u>45.4525.25</u>	\$2 <u>58.9547.40</u>	\$2 <u>71.9059.75</u>
2"	\$2 <u>92.3263.28</u>	<del>\$321.12292.32</del>	\$3 <u>55.4428.24</u>	\$3 <u>92.7260.40</u>	\$4 <u>14.32395.84</u>	\$4 <u>35.0415.60</u>
3"	\$ <u>548.10493.65</u>	<del>\$602548.10</del>	\$6 <u>6615.45</u>	\$ <u>736.35675.75</u>	\$7 <u>76.8542.20</u>	\$8 <u>15.70779.25</u>
4"	\$ <u>913.50822.75</u>	<del>\$1,00913.50</del>	\$1, <u>110025.75</u>	\$1, <u>227126.25</u>	\$1, <u>294.7537.00</u>	\$1, <u>359.50298.75</u>
6"	\$1, <u>827.00645.50</u>	<del>\$2,001,827.00</del>	\$2, <u>221051.50</u>	\$2, <u>454252.50</u>	\$2, <u>589.50474.00</u>	\$2, <u>719.00597.50</u>
8"	\$2, <u>923.20632.80</u>	<del>\$3,2112,923.20</del>	\$3, <u>554282.40</u>	\$3, <u>927.20604.00</u>	\$4, <u>143.203,958.40</u>	\$4, <u>350.40156.00</u>
10" and larger	\$4, <u>202.103,784.65</u>	<del>\$4,616202.10</del>	\$5, <u>1094,718.45</u>	\$5, <u>645.35180.75</u>	\$5, <u>955.85690.20</u>	\$6, <u>253.705,974.25</u>

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71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other  
72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia

licensed professional engineer must be provided to demonstrate what size of main water meter would be necessary for the building to accommodate only the water that enters the sewer system. The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge will be smaller than that for ¾" meter.

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

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

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

(D) The winter-quarter-maximum consumption is determined as follows:

- (i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.
- (ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.
- (iii) The winter-quarter-consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

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

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

(i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

(ii) Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

(3) Premises not having metered water supply or having both well water and public metered water supply:

(A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.

(B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other Premises. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

(f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled Wastewater Charges:

(1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.

(2) Low-Strength Waste – ~~Based on prevailing Sewer Service Charge \$7.72~~ per 1,000 gallons of the hauler's truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater. ~~This rate will be adjusted as the Sewer Service Charge is adjusted from time to time.~~

TABLE I. Table of Fixture Units

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1



Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2

Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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

Fixture Units	Load Factor	FY 202 <del>21</del>	FY 202 <del>32</del>	FY 202 <del>43</del>	FY 202 <del>54</del>	FY 202 <del>65</del>	FY 202 <del>76</del>
20 or less	1.00	<del>19382.00</del>	<del>202.25193.00</del> 0	<del>210.2504.50</del>	<del>218.251.75</del>	<del>230.2519.00</del>	<del>241.7530.00</del>
21 to 30	1.25	<del>241.2527.50</del>	<del>252.8141.25</del>	<del>262.8155.63</del>	<del>272.8164.69</del>	<del>287.8173.75</del>	<del>302.19287.50</del> 0

31 to 40	1.4 5	<del>279.8563.90</del>	<del>293.2679.85</del>	<del>304.86296.5</del> 3	<del>316.4607.04</del>	<del>333.8617.55</del>	<del>350.5433.50</del>
41 to 50	1.6 0	<del>308.80291.2</del> 0	<del>323.6008.80</del>	<del>336.4027.20</del>	<del>349.2038.80</del>	<del>36850.40</del>	<del>386.8068.00</del>
51 to 60	1.7 5	<del>337.7518.50</del>	<del>353.9437.75</del>	<del>367.9457.88</del>	<del>381.9470.56</del>	<del>402.94383.2</del> 5	<del>423.0602.50</del>
61 to 70	1.9 0	<del>366.7045.80</del>	<del>384.2866.70</del>	<del>399.4888.55</del>	<del>414.6802.33</del>	<del>437.4816.10</del>	<del>459.3337.00</del>
71 to 80	2.0 5	<del>395.6573.10</del>	<del>414.61395.6</del> 5	<del>431.0119.23</del>	<del>447.4134.09</del>	<del>472.0148.95</del>	<del>495.5971.50</del>
81 to 90	2.2 0	<del>424.6000.40</del>	<del>444.9524.60</del>	<del>462.5549.90</del>	<del>480.1565.85</del>	<del>506.55481.8</del> 0	<del>531.8506.00</del>
91 to 100	2.3 0	<del>443.9018.60</del>	<del>465.1843.90</del>	<del>483.5870.35</del>	<del>501.98487.0</del> 3	<del>529.5803.70</del>	<del>556.0329.00</del>
101 to 110	2.4 0	<del>463.2036.80</del>	<del>485.4063.20</del>	<del>504.60490.8</del> 0	<del>523.8008.20</del>	<del>552.6025.60</del>	<del>580.2052.00</del>
111 to 120	2.5 5	<del>492.1564.10</del>	<del>515.74492.1</del> 5	<del>536.1421.48</del>	<del>556.5439.96</del>	<del>587.1458.45</del>	<del>616.46586.5</del> 0
121 to 130	2.6 5	<del>511.45482.3</del> 0	<del>535.9611.45</del>	<del>557.1641.93</del>	<del>578.3661.14</del>	<del>610.16580.3</del> 5	<del>640.6409.50</del>

131 to 140	2.7 5	<del>530.7500.50</del>	<del>556.1930.75</del>	<del>578.1962.38</del>	<del>600.19582.3</del> +	<del>633.1902.25</del>	<del>664.8132.50</del>
141 to 150	2.8 5	<del>550.0518.70</del>	<del>576.4150.05</del>	<del>599.2182.83</del>	<del>622.0103.49</del>	<del>656.2124.15</del>	<del>688.9955.50</del>
151 to 160	2.9 5	<del>569.3536.90</del>	<del>596.6469.35</del>	<del>620.2403.28</del>	<del>643.8424.66</del>	<del>679.2446.05</del>	<del>713.16678.5</del> 0
161 to 170	3.0 5	<del>588.6555.10</del>	<del>616.86588.6</del> 5	<del>641.2623.73</del>	<del>665.6645.84</del>	<del>702.26667.9</del> 5	<del>737.3401.50</del>
171 to 180	3.1 5	<del>607.95573.3</del> 0	<del>637.0907.95</del>	<del>662.2944.18</del>	<del>687.4967.01</del>	<del>725.29689.8</del> 5	<del>761.5124.50</del>
181 to 190	3.2 5	<del>627.25591.5</del> 0	<del>657.3127.25</del>	<del>683.3164.63</del>	<del>709.31688.1</del> 9	<del>748.3111.75</del>	<del>785.6947.50</del>
191 to 200	3.3 5	<del>646.5509.70</del>	<del>677.5446.55</del>	<del>704.34685.0</del> 8	<del>731.1409.36</del>	<del>771.3433.65</del>	<del>809.86770.5</del> 0
201 to 210	3.4 5	<del>665.8527.90</del>	<del>697.7665.85</del>	<del>725.3605.53</del>	<del>752.9630.54</del>	<del>794.3655.55</del>	<del>834.04793.5</del> 0
211 to 220	3.5 5	<del>685.1546.10</del>	<del>717.99685.1</del> 5	<del>746.3925.98</del>	<del>774.7951.71</del>	<del>817.39777.4</del> 5	<del>858.2116.50</del>
221 to 230	3.6 5	<del>704.45664.3</del> 0	<del>738.2104.45</del>	<del>767.4146.43</del>	<del>796.6172.89</del>	<del>840.41799.3</del> 5	<del>882.3939.50</del>

231 to 240	3.7 5	<u>723.75682.5</u> 0	<u>758.4423.75</u>	<u>788.4466.88</u>	<u>818.44794.0</u> 6	<u>863.4421.25</u>	<u>906.56862.5</u> 0
241 to 250	3.8 5	<u>743.0500.70</u>	<u>778.6643.05</u>	<u>809.46787.3</u> 3	<u>840.2615.24</u>	<u>886.4643.15</u>	<u>930.74885.5</u> 0
251 to 260	3.9 0	<u>752.7009.80</u>	<u>788.7852.70</u>	<u>819.98797.5</u> 5	<u>851.1825.83</u>	<u>897.9854.10</u>	<u>942.83897.0</u> 0
261 to 270	4.0 0	<u>77228.00</u>	<u>809772.00</u>	<u>84118.00</u>	<u>87347.00</u>	<u>921.00876.0</u> 0	<u>96720.00</u>
271 to 280	4.0 5	<u>781.6537.10</u>	<u>819.11781.6</u> 5	<u>851.5128.23</u>	<u>883.9157.59</u>	<u>932.51886.9</u> 5	<u>979.0931.50</u>
281 to 290	4.1 0	<u>791.3046.20</u>	<u>829.23791.3</u> 0	<u>862.0338.45</u>	<u>894.8368.18</u>	<u>944.03897.9</u> 0	<u>991.1843.00</u>
291 to 300	4.1 5	<u>800.95755.3</u> 0	<u>839.3400.95</u>	<u>872.5448.68</u>	<u>905.74878.7</u> 6	<u>955.5408.85</u>	<u>1,003.26954</u> .50
301 to 310	4.2 0	<u>810.60764.4</u> 0	<u>849.4510.60</u>	<u>883.0558.90</u>	<u>916.65889.3</u> 5	<u>967.0519.80</u>	<u>1,015.35966</u> .00
311 to 320	4.3 0	<u>829.90782.6</u> 0	<u>869.6829.90</u>	<u>904.08879.3</u> 5	<u>938.4810.53</u>	<u>990.0841.70</u>	<u>1,039.53989</u> .00
321 to 330	4.4 0	<u>849.2000.80</u>	<u>889.9049.20</u>	<u>925.10899.8</u> 0	<u>960.3031.70</u>	<u>1,013.10963</u> .60	<u>1,063.7012.</u> 00

331 to 340	4.5 0	<del>868.5019.00</del>	<del>910.13868.5</del> 0	<del>946.1320.25</del>	<del>982.1352.88</del>	<del>1,036.13985</del> .50	<del>1,087.8835</del> .00
341 to 350	4.6 0	<del>887.8037.20</del>	<del>930.35887.8</del> 0	<del>967.1540.70</del>	<del>1,003.95974</del> .05	<del>1,059.1507</del> .40	<del>1,112.05058</del> .00
351 to 360	4.7 0	<del>907.10855.4</del> 0	<del>950.5807.10</del>	<del>988.1861.15</del>	<del>1,025.78995</del> .23	<del>1,082.1829</del> .30	<del>1,136.23081</del> .00
361 to 370	4.8 0	<del>926.40873.6</del> 0	<del>970.8026.40</del>	<del>1,009.20981</del> .60	<del>1,047.6016</del> .40	<del>1,105.20051</del> .20	<del>1,160.4004</del> .00
371 to 380	4.9 0	<del>945.70891.8</del> 0	<del>991.0345.70</del>	<del>1,030.2302</del> .05	<del>1,069.4337</del> .58	<del>1,128.23073</del> .10	<del>1,184.5827</del> .00
381 to 390	5.0 0	<del>96510.00</del>	<del>1,011.25965</del> .00	<del>1,051.2522</del> .50	<del>1,091.2558</del> .75	<del>1,151.25095</del> .00	<del>1,208.75150</del> .00
391 to 400	5.1 0	<del>984.3028.20</del>	<del>1,031.48984</del> .30	<del>1,072.2842</del> .95	<del>1,113.08079</del> .93	<del>1,174.2816</del> .90	<del>1,232.93173</del> .00
401 to 410	5.2 0	<del>1,003.60946</del> .40	<del>1,051.7003</del> .60	<del>1,093.3063</del> .40	<del>1,134.9001</del> .10	<del>1,197.3038</del> .80	<del>1,257.10196</del> .00
411 to 420	5.3 0	<del>1,022.90964</del> .60	<del>1,071.9322</del> .90	<del>1,114.33083</del> .85	<del>1,156.7322</del> .28	<del>1,220.33160</del> .70	<del>1,281.2819</del> .00
421 to 430	5.4 0	<del>1,042.20982</del> .80	<del>1,092.1542</del> .20	<del>1,135.3504</del> .30	<del>1,178.5543</del> .45	<del>1,243.35182</del> .60	<del>1,305.45242</del> .00

431 to 440	5.5 0	1,0 <del>61.5001</del> 00	1,1 <del>12.3806</del> .50	1,1 <del>56.3824</del> 75	1,2 <del>00.3816</del> .63	1,2 <del>66.3804</del> 50	1,3 <del>29.6326</del> 00
441 to 450	5.6 0	1,0 <del>80.8019</del> 20	1,1 <del>32.6008</del> .80	1,1 <del>77.4045</del> 20	1,2 <del>22.2018</del> .80	1,2 <del>89.4026</del> 40	1,3 <del>53.8028</del> 00
451 to 460	5.7 0	1,1 <del>00.1003</del> .40	1,1 <del>52.8300</del> 40	1,1 <del>98.4365</del> 65	1,2 <del>44.0306</del> 98	1,3 <del>12.4324</del> .30	1,3 <del>77.9811</del> 00
461 to 470	5.8 0	1,1 <del>19.4005</del> .60	1,1 <del>73.0519</del> 40	1,2 <del>19.4518</del> .10	1,2 <del>65.8522</del> .15	1,3 <del>35.4527</del> .20	1,4 <del>02.1533</del> 00
471 to 480	5.9 0	1,1 <del>38.7007</del> .80	1,1 <del>93.2838</del> 70	1,2 <del>40.4806</del> 55	1,2 <del>87.6849</del> 33	1,3 <del>58.4829</del> .10	1,4 <del>26.3335</del> 00
481 to 490	6.0 0	1,1 <del>58.0920</del> 00	1,2 <del>13.5015</del> .00	1,2 <del>61.5027</del> 00	1,3 <del>09.5027</del> .50	1,3 <del>81.5014</del> 00	1,4 <del>50.5038</del> 00
491 to 500	6.1 0	1,1 <del>77.3010</del> 20	1,2 <del>33.7317</del> .30	1,2 <del>82.5347</del> 45	1,3 <del>31.3329</del> .68	1,4 <del>04.5333</del> .90	1,4 <del>74.6803</del> 00
501 to 525	6.2 5	1,2 <del>06.2513</del> .50	1,2 <del>64.0606</del> 25	1,3 <del>14.0627</del> .13	1,3 <del>64.0623</del> 14	1,4 <del>39.0636</del> .75	1,5 <del>10.9443</del> .50
526 to 550	6.5 0	1,2 <del>54.5018</del> .00	1,3 <del>14.6325</del> .50	1,3 <del>66.6329</del> 25	1,4 <del>18.6337</del> .38	1,4 <del>96.6323</del> 50	1,5 <del>71.3849</del> 00
551 to 575	6.7 5	1,3 <del>02.7522</del> .50	1,3 <del>65.1902</del> 75	1,4 <del>19.1938</del> .38	1,4 <del>73.1929</del> 31	1,5 <del>54.1947</del> .25	1,6 <del>31.8155</del> .50



576 to 600	7.0 0	1, <del>351</del> 274.00	1, <del>415.75</del> 351 .00	1,4 <del>71.75</del> 31 .50	1,5 <del>27.75</del> 482 .25	1,6 <del>11.75</del> 533 .00	1,6 <del>92.25</del> 40 .10
601 to 625	7.2 5	1,3 <del>99.25</del> 19 .50	1,4 <del>66.31</del> 399 .25	1,5 <del>24.31</del> 482 .63	1,5 <del>82.31</del> 35 .19	1,6 <del>69.31</del> 587 .75	1,7 <del>52.69</del> 667 .50
626 to 650	7.5 0	1,4 <del>47.50</del> 365 .00	1,5 <del>16.88</del> 447 .50	1,5 <del>76.88</del> 33 .75	1,6 <del>36.88</del> 588 .13	1,7 <del>26.88</del> 642 .50	1,8 <del>13.13</del> 725 .00
651 to 675	7.7 5	1,4 <del>95.75</del> 40 .50	1,5 <del>67.44</del> 495 .75	1,6 <del>29.44</del> 584 .88	1,6 <del>91.44</del> 641 .06	1,7 <del>84.44</del> 697 .25	1,8 <del>73.56</del> 782 .50
676 to 700	8.0 0	1,5 <del>44</del> 456.00	1,6 <del>18</del> 544.00	1,6 <del>82</del> 36.00	1,7 <del>46</del> 694.00	1,8 <del>42</del> 752.00	1,9 <del>34</del> 840.00
701 to 725	8.2 0	1,5 <del>82.60</del> 492 .40	1,6 <del>58.45</del> 582 .60	1,7 <del>24.05</del> 676 .90	1,7 <del>89.65</del> 36 .35	1,8 <del>88.05</del> 795 .80	1,9 <del>82.35</del> 886 .00
726 to 750	8.4 0	1,6 <del>21.20</del> 528 .80	1,6 <del>98.90</del> 21 .20	1,7 <del>66.10</del> 17 .80	1,8 <del>33.30</del> 778 .70	1,9 <del>34.10</del> 839 .60	2,0 <del>30.70</del> 1,9 32.00
751 to 775	8.6 0	1,6 <del>59.80</del> 565 .20	1,7 <del>39.35</del> 659 .80	1,8 <del>08.15</del> 758 .70	1,8 <del>76.95</del> 21 .05	1,9 <del>80.15</del> 883 .40	2,0 <del>79.05</del> 1,9 78.00
776 to 800	8.8 0	1,6 <del>98.40</del> 01 .60	1,7 <del>79.80</del> 698 .40	1,8 <del>50.20</del> 799 .60	1,9 <del>20.60</del> 863 .40	2,0 <del>261</del> ,927. 20	2,1 <del>27.40</del> 024 .00
801 to 825	9.0 0	1,7 <del>37</del> 638.00	1,8 <del>20.25</del> 737 .00	1,8 <del>92.25</del> 40 .50	1,9 <del>64.25</del> 05 .75	2,0 <del>72.25</del> 1,9 71.00	2,1 <del>75.75</del> 07 .00

826 to 850	9.2 0	1, <del>775.60</del> <del>674</del> 40	1, <del>860.70</del> <del>775</del> 60	1, <del>934.30</del> <del>881</del> 40	2, <del>007.90</del> <del>1,9</del> 48.10	2, <del>118.30</del> <del>014</del> 80	2, <del>224.10</del> <del>116</del> 00
851 to 875	9.3 5	1, <del>804.55</del> <del>701</del> 70	1, <del>891.04</del> <del>04</del> 55	1,9 <del>65.84</del> <del>12</del> 08	2, <del>040.64</del> <del>1,9</del> 79.86	2, <del>152.84</del> <del>047</del> 65	2, <del>260.36</del> <del>150</del> 50
876 to 900	9.5 0	1, <del>833.50</del> <del>729</del> 00	1,9 <del>21.38</del> <del>833</del> 50	1,9 <del>97.38</del> <del>42</del> 75	2,0 <del>73.38</del> <del>11</del> 630	2, <del>187.38</del> <del>080</del> 50	2, <del>296.63</del> <del>185</del> 00
901 to 925	9.6 5	1, <del>862.45</del> <del>756</del> 30	1,9 <del>51.71</del> <del>862</del> 45	2,0 <del>28.91</del> <del>1,9</del> 73.43	2, <del>106.11</del> <del>043</del> 39	2, <del>221.91</del> <del>113</del> 35	2, <del>332.89</del> <del>219</del> 50
926 to 950	9.8 0	1, <del>891.40</del> <del>783</del> 60	1,9 <del>82.05</del> <del>891</del> 40	2,0 <del>60.45</del> <del>04</del> 10	2, <del>138.85</del> <del>075</del> 15	2, <del>256.45</del> <del>146</del> 20	2, <del>369.15</del> <del>254</del> 00
951 to 975	9.9 5	1,9 <del>20.35</del> <del>810</del> 90	2,0 <del>12.39</del> <del>1,9</del> 20.35	2,0 <del>91.99</del> <del>34</del> 78	2,1 <del>71.59</del> <del>06</del> 91	2,2 <del>90.99</del> <del>179</del> 05	2,4 <del>05.41</del> <del>288</del> 50
976 to 1,00 0	10. 15	1,9 <del>58.95</del> <del>847</del> 30	2,0 <del>52.84</del> <del>1,9</del> 58.95	2,1 <del>34.04</del> <del>075</del> 68	2,2 <del>15.24</del> <del>149</del> 26	2,3 <del>37.04</del> <del>222</del> 85	2,4 <del>53.76</del> <del>334</del> 50
1,00 1 to 1,05 0	10. 55	2,0 <del>36.15</del> <del>1,9</del> 20.10	2,1 <del>33.74</del> <del>036</del> 15	2,2 <del>18.14</del> <del>157</del> 48	2,3 <del>02.54</del> <del>233</del> 96	2,4 <del>29.14</del> <del>310</del> 45	2,5 <del>50.46</del> <del>426</del> 50
1,05 1 to 1,10 0	10. 90	2,1 <del>03.70</del> <del>1,9</del> 83.80	2,2,0 <del>4.53</del> <del>03</del> 70	2,2 <del>91.73</del> <del>29</del> 05	2,3 <del>78.93</del> <del>08</del> 08	2,5 <del>09.73</del> <del>387</del> 10	2,6 <del>35.08</del> <del>507</del> 00

1,10 1 to 1,15 0	11. 30	2, <del>180.900</del> 56 .60	2, <del>285.431</del> 80 .90	2,3 <del>75.831</del> 0. 85	2, <del>466.233</del> 92 .78	2, <del>601.834</del> 74 .70	2, <del>731.785</del> 99 .00
1,15 1 to 1,20 0	11. 70	2, <del>258.101</del> 29 .40	2, <del>366.332</del> 58 .10	2, <del>459.933</del> 92 .65	2, <del>553.534</del> 77 .48	2, <del>693.935</del> 62 .30	2, <del>828.486</del> 91 .00
1,20 1 to 1,25 0	12. 00	2, <del>3161</del> 84.00	2, <del>4273</del> 16.00	2, <del>5234</del> 54.00	2, <del>6195</del> 41.00	2, <del>7636</del> 28.00	2, <del>9017</del> 60.00
1,25 1 to 1,30 0	12. 35	2, <del>383.552</del> 47 .70	2, <del>497.793</del> 83 .55	2,5 <del>96.592</del> 5. 58	2,6 <del>95.391</del> 5. 11	2, <del>843.597</del> 04 .65	2, <del>985.618</del> 40 .50
1,30 1 to 1,35 0	12. 70	2, <del>451.103</del> 11 .40	2, <del>568.584</del> 51 .10	2,6 <del>70.185</del> 97 .15	2,7 <del>71.786</del> 89 .23	2,9 <del>24.187</del> 81 .30	3,0 <del>70.232</del> ,9 21.00
1,35 1 to 1,40 0	13. 00	2, <del>5093</del> 66.00	2,6 <del>29.255</del> 09 .00	2,7 <del>33.256</del> 58 .50	2,8 <del>37.257</del> 52 .75	2,9 <del>93.258</del> 47 .00	3,1 <del>42.752</del> ,9 90.00
1,40 1 to 1,45 0	13. 25	2, <del>557.254</del> 11 .50	2,6 <del>79.815</del> 57 .25	2,7 <del>85.810</del> 9. 63	2,8 <del>91.810</del> 5. 69	3,0 <del>50.812</del> ,9 01.75	3,2 <del>03.190</del> 47 .50
1,45 1 to 1,50 0	13. 50	2, <del>605.504</del> 57 .00	2,7 <del>30.386</del> 05 .50	2,8 <del>38.387</del> 60 .75	2,9 <del>46.388</del> 58 .63	3,1 <del>08.382</del> ,9 56.50	3,2 <del>63.631</del> 05 .00

1,50 1 to 1,60 0	14. 05	2, <u>711.65557</u> .10	2, <u>841.61744</u> .65	2, <u>954.01873</u> .23	3, <u>066.412,9</u> 75.09	3, <u>235.01076</u> .95	3, <u>396.59234</u> .50
1,60 1 to 1,70 0	14. 60	2, <u>817.80657</u> .20	2, <u>952.85817</u> .80	3, <u>069.652,9</u> 85.70	3, <u>186.45094</u> .55	3, <u>361.65497</u> .40	3, <u>529.55358</u> .00
1,70 1 to 1,80 0	15. 15	2, <u>923.95757</u> .30	3, <u>064.092,9</u> 23.95	3, <u>185.29098</u> .18	3, <u>306.49208</u> .01	3, <u>488.29347</u> .85	3, <u>662.51484</u> .50
1,80 1 to 1,90 0	15. 70	3, <u>030.102,8</u> 57.40	3, <u>175.33030</u> .10	3, <u>300.93240</u> .65	3, <u>426.53324</u> .48	3, <u>614.93438</u> .30	3, <u>795.48644</u> .00
1,90 1 to 2,00 0	16. 25	3, <u>136.252,9</u> 57.50	3, <u>286.56136</u> .25	3, <u>416.56323</u> .13	3, <u>546.56440</u> .94	3, <u>741.56558</u> .75	3, <u>928.44737</u> .50
2,00 1 to 2,10 0	16. 80	3, <u>242.40057</u> .60	3, <u>397.80242</u> .40	3, <u>532.20435</u> .60	3, <u>666.60557</u> .40	3, <u>868.20679</u> .20	4, <u>061.403,8</u> 64.00
2,10 1 to 2,20 0	17. 35	3, <u>348.55457</u> .70	3, <u>509.04348</u> .55	3, <u>647.84548</u> .08	3, <u>786.64,67</u> 3.86	3, <u>994.84799</u> .65	4, <u>194.363,9</u> 90.50
2,20 1 to 2,30 0	17. 90	3, <u>454.70257</u> .80	3, <u>620.28454</u> .70	3, <u>763.48660</u> .55	3, <u>906.68790</u> .33	4, <u>121.483,9</u> 20.10	4, <u>327.33047</u> .00

2,30 1 to 2,40 0	18. 45	3, <u>560.85357</u> .90	3, <u>731.51560</u> .85	3, <u>879.11773</u> .03	4, <u>026.713,9</u> 06.79	4, <u>248.11040</u> .55	4, <u>460.29243</u> .50
2,40 1 to 2,50 0	19. 00	3, <u>667458.00</u>	3, <u>842.75667</u> .00	3, <u>994.75885</u> .50	4, <u>146.75023</u> .25	4, <u>374.75461</u> .00	4, <u>593.25370</u> .00
2,50 1 to 2,60 0	19. 55	3, <u>773.15558</u> .10	3, <u>953.99773</u> .15	4, <u>110.393,9</u> 97.98	4, <u>266.79139</u> .71	4, <u>501.39281</u> .45	4, <u>726.21496</u> .50
2,60 1 to 2,70 0	20. 10	3, <u>879.30658</u> .20	4, <u>065.233,8</u> 79.30	4, <u>226.03110</u> .45	4, <u>386.83256</u> .18	4, <u>628.03401</u> .90	4, <u>859.18623</u> .00
2,70 1 to 2,80 0	20. 65	3, <u>985.45758</u> .30	4, <u>176.463,9</u> 84.45	4, <u>341.66222</u> .93	4, <u>506.86372</u> .64	4, <u>754.66522</u> .35	4, <u>992.14749</u> .50
2,80 1 to 2,90 0	21. 20	4, <u>091.603,8</u> 58.40	4, <u>287.70091</u> .60	4, <u>457.30335</u> .40	4, <u>626.90489</u> .10	4, <u>881.30642</u> .80	5, <u>125.104,8</u> 76.00
2,90 1 to 3,00 0	21. 75	4, <u>197.753,9</u> 58.50	4, <u>398.94197</u> .75	4, <u>572.94447</u> .88	4, <u>746.94605</u> .56	5, <u>007.944,7</u> 63.25	5, <u>258.06002</u> .50
3,00 1 to 4,00 0	26. 00	5, <u>0184,732.</u> 00	5, <u>258.50018</u> .00	5, <u>466.50317</u> .00	5, <u>674.50505</u> .50	5, <u>986.50694</u> .00	6, <u>285.505,9</u> 80.00

4,00 1 to 5,00 0	29. 50	<u>5,693.50369</u> .00	<u>5,966.38693</u> .50	<u>6,202.38032</u> .75	<u>6,438.38246</u> .63	<u>6,792.38460</u> .50	<u>7,131.636,7</u> 85.00
5,00 1 to 6,00 0	33. 00	<u>6,369006.00</u>	<u>6,674.25369</u> .00	<u>6,938.25748</u> .50	<u>7,202.256,9</u> 87.75	<u>7,598.25227</u> .00	<u>7,977.75590</u> .00
6,00 1 to 7,00 0	36. 40	<u>7,025.206,6</u> 24.80	<u>7,361.9067,</u> 025.20	<u>7,653.10443</u> .80	<u>7,944.30707</u> .70	<u>8,381.107,9</u> 71.60	<u>8,799.70372</u> .00
7,00 1 to 8,00 0	39. 60	<u>7,642.80207</u> .20	<u>8,009.107,6</u> 42.80	<u>8,325.90098</u> .20	<u>8,642.70385</u> .30	<u>9,117.908,6</u> 72.40	<u>9,573.30408</u> .00
8,00 1 to 9,00 0	42. 75	<u>8,250.757,7</u> 80.50	<u>8,646.19250</u> .75	<u>8,988.19742</u> .38	<u>9,330.19052</u> .31	<u>9,843.19362</u> .25	<u>10,334.819,</u> 832.50
9,00 1 to 10,0 00	46. 00	<u>8,878372.00</u>	<u>9,303.508,8</u> 78.00	<u>9,671.50407</u> .00	<u>10,039.509,</u> 740.50	<u>10,591.5007</u> 4.00	<u>11,120.500,</u> 580.00
10,0 01 to 11,0 00	48. 85	<u>9,428.058,8</u> 90.70	<u>9,879.91428</u> .05	<u>10,270.719,</u> 989.83	<u>10,661.51,3</u> 43.99	<u>11,247.710,</u> 698.15	<u>11,809.4923</u> 5.50
11,0 01 to	51. 60	<u>9,958.80391</u> .20	<u>10,436.109,</u> 958.80	<u>10,848.9055</u> 2.20	<u>11,261.700,</u> 926.30	<u>11,880.9030</u> 0.40	<u>12,474.301,</u> 868.00

12,000							
12,001 to 13,000	54.60	<del>10,537.809,</del> 937.20	<del>11,042.850,</del> 537.80	<del>11,479.654,</del> 5.70	<del>11,916.455,</del> 1.55	<del>12,571.654,</del> 957.40	<del>13,199.552,</del> 558.00
13,001 to 14,000	57.40	<del>11,078.200,</del> 446.80	<del>11,609.150,</del> 8.20	<del>12,068.354,</del> 738.30	<del>12,527.554,</del> 54.45	<del>13,216.352,</del> 570.60	<del>13,876.452,</del> 2.00
14,001 to 15,000	60.00	<del>11,5800,920</del> .00	<del>12,135.004,</del> 580.00	<del>12,615270.0</del> 0	<del>123,09705.0</del> 0	<del>13,815.004</del> 0.00	<del>14,505.003,</del> 800.00

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163 NOTES:

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

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166 GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 202~~20~~

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Jill G. Cooper  
Clerk for the Board of Supervisors

Board Agenda Item  
April 12, 2022

4:00 p.m.

Public Hearing on the County Executive's Proposed FY 2023 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2023-2027 (CIP) (With Future Fiscal Years to 2032) and the Current Appropriation in the FY 2022 Revised Budget Plan

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the FY 2023 – FY 2027 Advertised Capital Improvement Program (With Future Fiscal Years to 2032) prior to the April 12, 2022, meeting.

Board Members are directed to the following budget documents available online at the links provided below:

1. *FY 2022 Third Quarter Review*  
<https://www.fairfaxcounty.gov/budget/fy-2022-third-quarter-review>
2. FY 2023 Advertised Budget Plan  
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>
3. FY 2023 – FY 2027 Advertised Capital Improvement Program (With Future Fiscal Years to 2032)  
<https://www.fairfaxcounty.gov/budget/fy-2023-fy-2027-advertised-capital-improvement-program-cip>

STAFF:

Bryan J. Hill, County Executive  
Christina Jackson, Chief Financial Officer  
Philip Hagen, Deputy Director, Department of Management and Budget