

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

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

Proposed Amendments to the Code of the County of Fairfax, Virginia (County Code)
Re: Reorganization of the Department of Public Works and Environmental Services to Create the Department of Land Development Services and Assign Administration of Chapters of the County Code to the Director of the New Department and Administration of Chapter 119 of the County Code to the Director of the Department of Code Compliance

Authorization to Advertise	June 6, 2017
Planning Commission Hearing	June 29, 2017
Board of Supervisors Hearing	July 11, 2017
Prepared by:	Code Development and Compliance Division JAF (703) 324-1780 June 6, 2017

STAFF REPORT

A. Issue:

Proposed amendments to Chapters 1, 2, 4, 30, 61, 63, 68.1, 71, 101, 103, 104, 107, 112, 117, 118, 119, 122, and 124, and Appendices A and Q of the County Code are necessary due to the reorganization of the Department of Public Works and Environmental Services (DPWES). The proposed amendments will implement the reorganization and transfer administration of Chapters of the County Code to the Director of the new Department of Land Development Services (the “new department”) and the Director of the Department of Code Compliance (DCC).

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendments as set forth in this Staff Report dated June 6, 2017.

C. Timing:

Board of Supervisors authorization to advertise – June 6, 2017

Planning Commission Public Hearing – June 29, 2017

Board of Supervisors Public Hearing – July 11, 2017

Effective Date – July 12, 2017 at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by DPWES and coordinated with the Department of Planning and Zoning, DCC, Department of Health, and the Office of the County Attorney.

F. Background:

As a result of the Board of Supervisors’ adoption of the FY 2018 budget on May 2, 2017, the functions of the DPWES directly related to the land development process will be transferred to a new department created from the Land Development Services (LDS) operational unit of DPWES. The creation of this new department will enhance the County’s efforts to create a strong focus on the County’s regulatory functions and recognizes the critical role that land development services plays in

both the regulatory process and in supporting the Board's economic success strategy. LDS has been functioning as if it were a separate agency reporting directly to the Deputy County Executive for Planning and Development since June 2016. The proposed amendments to the County Code ensure continuity such that actions taken and decisions made prior to July 12, 2017, by Fairfax County officials affected by the reorganization remain in effect on and after July 12, 2017, as if such actions and decisions had been taken or made by the corresponding newly-named officials. The chapters of the County Code that will be administered by the Director of the new department align with current LDS operations. Administration of Chapter 119 (Grass or Lawn Area) is being transferred to the Director of the Department of Code Compliance who has been acting as the agent of the Director of DPWES in enforcing Chapter 119 since DCC's creation in 2010.

G. Proposed Amendments

The proposed amendments provide for the following:

- In Chapter 1 of the County Code, creates a new department separate from DPWES to perform LDS's current functions, and the new department is called the "Department of Land Development Services."
- Assigns administration of Chapters 2 (part), 63, 101, 102, 104, 107, 112 (part), 117, 118, 122, and 124 and Appendix Q of the County Code, and the Public Facilities Manual to the Director of the new department.
- Assigns administration of Chapters 61, 64, 65, 66, and 71 of the County Code to the Director of the new department through the Building Official whom he appoints.
- Assigns administration of Chapter 119 of the County Code to DCC.
- Replaces references to DPWES and the Director of DPWES in Chapters 2, 4, 30, 61, 63, 68.1, 71, 101, 102, 103, 104, 107, 112, 117, 118, 119, 122, 124 and Appendices A and Q of the County Code with references to the new department and its Director.
- In Chapter 2 of the County Code, replace a reference to the Department of Highways of the State with a reference to the Virginia Department of Transportation.
- In Chapter 61 of the County Code, adds employees of the new department to the list of County agencies whose employees cannot be a member of the Board of Building and Fire Prevention Code Appeals.
- In Chapter 103 of the County Code, adds the new department to the list of agencies notified during an air pollution episode.
- In Chapter 1 of the County Code, the Director of the new department, or the Director's designee(s), shall be the agent of the Board of Supervisors with approval authority over all documents, plats and plans related to the subdivision and site plan process, as provided in Chapter 22, Planning, Subdivision of Land and Zoning, Title 15.2 of the Virginia Code.
- In Chapter 1 of the County Code, the Director of the new department, or the Director's designee(s), may continue to execute and enforce all subdivision and

site plan documents, plats and plans, agreements, bonds, letters of credit, escrows and other performance guarantees in the name of the Director of the Department of Public Works and Environmental Services or the Director of the Department of Environmental Management.

- In Chapter 1 of the County Code, the Building Official of Fairfax County, Virginia shall be appointed by the Director of the new department.
- In Chapter 1 of the County Code, the reorganization of DPWES into DPWES and the new department shall not affect any act done, any penalty incurred or any right established, accrued or accruing on or before July 12, 2017, or any proceeding, prosecution, suit or action pending on that day.

H. Regulatory Impact:

None. No new regulations are proposed.

I. Fiscal Impact:

None. The reorganization and creation of the new department under the name LDS was included in the adopted FY2018 budget.

J. Attached Documents:

Attachment 2A – Amendments to Chapter 1 (General Provisions)
Attachment 2B – Amendments to Chapter 2 (Property Under County Control)
Attachment 2C – Amendments to Chapter 4 (Taxation and Finance)
Attachment 2D – Amendments to Chapter 30 (Minimum Private School and Child Care Facility Standards)
Attachment 2E – Amendments to Chapter 61 (Building Provisions)
Attachment 2F – Amendments to Chapter 63 (Excavation and Utility Line Installation)
Attachment 2G – Amendments to Chapter 68.1 (Individual Sewage Disposal Facilities)
Attachment 2H – Amendments to Chapter 71 (Expedited Building Plan Review)
Attachment 2I – Amendments to Chapter 101 (Subdivision Provisions)
Attachment 2J – Amendments to Chapter 102 (Streets and Sidewalks)
Attachment 2K – Amendments to Chapter 103 (Air Pollution Control)
Attachment 2L – Amendments to Chapter 104 (Erosion and Sedimentation Control)
Attachment 2M – Amendments to Chapter 107 (Problem Soils)
Attachment 2N – Amendments to Chapter 112 (Zoning Ordinance)
Attachment 2O – Amendments to Chapter 117 (Expedited Land Development Review)
Attachment 2P – Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance)
Attachment 2Q – Amendments to Chapter 119 (Grass or Lawn Area)
Attachment 2R – Amendments to Chapter 122 (Tree Conservation Ordinance)

Attachment 2S – Amendments to Chapter 124 (Stormwater Management Ordinance)

Attachment 2T – Amendments to Appendix A (Flood Plains)

Attachment 2U – Amendments to Appendix Q (Land Development Services Fee Schedule)

**PROPOSED AMENDMENTS
TO
CHAPTER 1 (GENERAL PROVISIONS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 1, General Provisions, Section 1-1-16, Reorganization of departments,**
2 **agencies and offices, by deleting paragraph (a)(5) and adding a new paragraph (b) to read**
3 **as follows:**

4
5 (a)(5) The Building Official of Fairfax County, Virginia shall be appointed by the Director of
6 the Department of Public Works and Environmental Services.

7
8 (b) Effective July 12, 2017, as a result of prior action by the Board of Supervisors, a new
9 agency to be named the Department of Land Development Services is hereby created from the
10 operational unit of the same name that was part of the Department of Public Works and
11 Environmental Services. It is the intention of the Board of Supervisors, by its adoption of this
12 section, to facilitate this reorganization and to ensure continuity such that actions taken and
13 decisions made prior to July 12, 2017, by Fairfax County officials affected by the reorganization
14 remain in effect on and after July 12, 2017, as if such actions and decisions had been taken or
15 made by the corresponding newly named officials. In furtherance thereof, the following shall
16 apply:

17 (1) All provisions of the Public Facilities Manual, that refer to the "Director of the
18 Department of Public Works and Environmental Services," the "Department of Public Works
19 and Environmental Services," its divisions, branches or sections, and officials thereof whose
20 positions shall be retitled or changed in the reorganization, shall mean the "Director of the
21 Department of Land Development Services," "Department of Land Development Services," and
22 the corresponding offices, divisions, branches or sections, as the case may be or if no
23 corresponding, specified as the reorganization and separation of part of the Department of Public
24 Works and Environmental Services into the Department of Public Works and Environmental
25 Services and the Department of Land Development Services.

26 (2) For all provisions in all chapters of this Code, the term "Land Development Services"
27 shall mean the "Department of Land Development Services." All actions taken and decisions
28 made on and after July 12, 2017, by the Director under the title of "Director of Land
29 Development Services" shall mean the "Director of the Department of Land Development
30 Services."

31 (3) The Director of Land Development Services, or the Director's designee(s), shall be
32 the agent of the Board of Supervisors with approval authority over all documents, plats and plans
33 related to the subdivision and site plan process, as provided in Chapter 22, Planning, Subdivision
34 of Land and Zoning, Title 15.2 of the Virginia Code.

35 (4) The Director of Land Development Services, or the Director's designee(s), may
36 continue to execute and enforce all subdivision and site plan documents, plats and plans,
37 agreements, bonds, letters of credit, escrows and other performance guarantees in the name of
38 the Director of the Department of Public Works and Environmental Services or the Director of

1 the Department of Environmental Management, as well as in the name of the Director of Land
2 Development Services, as applicable under the circumstances.

3 (5) The Building Official of Fairfax County, Virginia shall be appointed by the Director
4 of Land Development Services.

5 (6) The reorganization and separation of the Department of Public Works and
6 Environmental Services into the Department of Public Works and Environmental Services and
7 Land Development Services shall not affect any act done, any penalty incurred or any right
8 established, accrued or accruing on or before July 12, 2017, or any proceeding, prosecution, suit
9 or action pending on that day.

**PROPOSED AMENDMENTS
TO
CHAPTER 2 (PROPERTY UNDER COUNTY CONTROL)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 1, County Property, Section 2-1-1, Work or construction on land dedicated to public use; permit required; exceptions, to read as follows:

Section 2-1-1. Work or construction on land dedicated to public use; permit required; exceptions.

(a) No person shall do work or any construction within or on any land dedicated to public use or title to which is in the name of the Board of Supervisors or the County, unless and until a permit for such has been obtained from the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services or his agent, ~~of the County~~; provided, however, that this shall not apply to the right of way of any street or highway in any system of the ~~Department of Highways of the State~~ Virginia Department of Transportation.

(b) The Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services, or his agent, is hereby authorized to attach such conditions to any permits issued as are necessary to insure safe and proper construction and use of the rights of way or land.

Amend Article 1, County Property, Section 2-1-2, Work or construction on public property; application; plans and specifications, to read as follows:

Section 2-1-2. Work or construction on public property; application; plans and specifications.

No permit required by Section 2-1-1 shall be issued except upon a written application on forms as prescribed by the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services, or his agent, submitted together with such plans and specifications of the work or construction proposed to be done as the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services, or his agent, may require.

Amend Article 1, County Property, Section 2-1-5, Work or construction; conformity with standards and specifications adopted by Board of Supervisors required; exceptions, to read as follows:

Section 2-1-5. Work or construction; conformity with standards and specifications adopted by Board of Supervisors required; exceptions.

1 All work and construction done upon rights of way and land shall be done in conformity with
2 the standards and specifications heretofore and hereafter adopted by the Board of Supervisors for
3 such improvements, utilities or facilities, and such improvements, utilities or facilities shall be
4 inspected by the Director of ~~the Department of Public Works and Environmental Services~~ Land
5 Development Services, or his agent, to insure compliance with the approved plans and
6 specifications; provided, however, that the Director of ~~the Department of Public Works and~~
7 ~~Environmental Services~~ Land Development Services may permit construction of driveways and
8 other similar such improvements serving no more than three abutting properties when such
9 construction will not interfere with ultimate construction in accord with adopted standards, and
10 when he shall have obtained acknowledgment in writing in form appropriate for recordation of
11 the temporary nature of such less-than-standard improvement.

**PROPOSED AMENDMENTS
TO
CHAPTER 4 (TAXATION AND FINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 20, Payment of Taxes, Section 4-20-2, Payment of Department of Public**
2 **Works and Environmental Services fees and other fees associated with the development**
3 **process by credit card, by revising it to read as follows:**
4

5 Section 4-20-2. Payment of ~~Department of Public Works and Environmental Services~~ Land
6 Development Services fees and other fees associated with the development process by credit
7 card.
8

9 Pursuant to *Code of Virginia*, Section 58.1-3013, the Director of Finance is authorized to
10 accept payment of development related fees by use of a credit card. A sum not to exceed four (4)
11 percent (4%) of the amount of the fee will be added as a service charge for the acceptance of
12 such card. Such service charge will not exceed the percentage charged to the County by the
13 credit card company. Furthermore, if any credit card transaction is not paid by the credit card
14 company, the cardholder remains liable for the payment the same as if such credit card
15 transaction had not been tendered. The Director of Finance reserves the right to determine the
16 method of payment of any refunds.

**PROPOSED AMENDMENTS
TO
CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY
STANDARDS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

**Amend Article 2, Private Schools, Nursery Schools and Child Care Centers, Section 30-2-1
Annual permit to operate; application and requirements, by revising paragraph (c) to read
as follows:**

(c) No permit shall be issued or renewed for any private school, nursery school or child care center which has not obtained appropriate approvals from the Fairfax County Zoning Administrator, the Fairfax County Fire Marshal and the Fairfax County Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services; and no permit shall be issued or renewed for any such school, center or facility which is in violation of applicable County ordinances, County regulations or State law which may affect the health and safety of the children who may attend or be present at such school, center or facility.

**PROPOSED AMENDMENTS
TO
CHAPTER 61 (BUILDING PROVISIONS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 1, Administration and Standards, Section 61-1-2, Definitions, by revising the definition of *Building Official*, to read as follows:

Building Official shall mean that individual, or his duly appointed representative, appointed by the Director, ~~Department of Public Works and Environmental Services~~ of Land Development Services, charged with the administration and enforcement of the USBC, as the Code Official, and the Code of the County of Fairfax, Building, Electrical, Mechanical, Plumbing and Gas Provisions.

Amend Article 2, Fairfax County Board of Building and Fire Prevention Code Appeals, Section 61-2-3, Membership, paragraph (a) to read as follows:

(a) To the extent such persons may be available, the membership of the Board shall consist of individuals as follows:

1. A registered design professional who is an architect; or a builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.

2. A registered design professional with structural engineering or architectural experience.

3. A registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

4. A registered design professional with electrical engineering experience; or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

5. A registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

6. A property manager with at least five years experience.

No official, technical assistant, inspector or other employee of the Departments of Public Works and Environmental Services, Land Development Services, Planning and Zoning, or Fire and Rescue shall serve as a member of the Board.

**PROPOSED AMENDMENTS
TO
CHAPTER 63 (EXCAVATION AND UTILITY LINE INSTALLATION)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 1, In General, Section 63-1-7, Administration and enforcement, by revising**
2 **it to read as follows:**

3
4 **63-1-7. Administration and enforcement.**

5
6 This Chapter shall be administered and enforced by the Director of ~~the Department of Public~~
7 ~~Works and Environmental Services~~ Land Development Services or his designee who may cause
8 to be performed such tasks and inspections as he may deem reasonably necessary.
9

10 **Amend Article 3, The Operator, Section 63-3-1, Excavation requirements, paragraph (b) to**
11 **read as follows:**

12
13 (b) Horizontal location of utility lines at the site of excavation shall consist of a permanent
14 marking system approved by the Office of Pipeline Safety of the Department of Transportation,
15 or the State Corporation Commission of Virginia, or a temporary marking system approved by
16 the Director of ~~the Department of Public Works and Environmental Services~~ Land Development
17 Services, clearly and definitely indicating the horizontal location of the operator's facilities.

**PROPOSED AMENDMENTS
TO
CHAPTER 68.1 (INDIVIDUAL SEWAGE DISPOSAL FACILITIES)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 1, General Provisions, Section 68.1-1-5, Definitions, by revising the**
2 **definition of *Building Official* to read as follows:**

3
4 **68.1-1-5. Definitions.**

5
6 *Building Official* shall mean that individual, or his duly appointed representative, appointed by
7 the Director, ~~Department of Public Works and Environmental Services~~ of Land Development
8 Services, charged with the administration and enforcement of the Virginia Uniform Statewide
9 Building Code and the Code of the County of Fairfax, Building, Electrical, Mechanical, and
10 Plumbing and Gas Provisions.

**PROPOSED AMENDMENTS
TO
CHAPTER 71 (EXPEDITED BUILDING PLAN REVIEW)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Section 71-1-1, Purpose of Chapter, by revising it to read as follows:

Section 71-1-1. Purpose of Chapter.

The governing body of Fairfax County, Virginia, acting pursuant to the Virginia Code, § 36-105.2, hereby establishes an optional, separate processing procedure for the review of certain building plans. The procedure is called the Expedited Building Plan Review Program, and its purpose is to expedite the County's review of certain qualified building plans, provided such plans meet the requirements of the Virginia Uniform Statewide Building Code. Each component of a plan (i.e., architectural, structural, mechanical, plumbing, and electrical) shall be reviewed by a County-designated peer reviewer prior to submission of the building plan to the Fairfax County ~~Department of Public Works and Environmental Services~~ Land Development Services. Plans reviewed and recommended for submission by County-designated peer reviewers shall qualify for the separate processing procedure.

Amend Section 71-1-2, Definitions, paragraph (2) by revising it to read as follows:

(2) *Building Official* shall mean that individual, or his duly appointed representative, appointed by the Director of the ~~Department of Public Works and Environmental Services~~ Land Development Services, charged with the administration and enforcement of the Virginia Uniform Statewide Building Code (VUSBC) and the Code of the County of Fairfax, Building, Electrical, Mechanical, and Plumbing and Gas Provisions.

**PROPOSED AMENDMENTS
TO
CHAPTER 101 (SUBDIVISION PROVISIONS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-1, Procedure, paragraph (1)(B) Notice required, by revising subparagraph (i), to read as follows:

(i) Any person who submits a preliminary subdivision plat, a final subdivision plat when a preliminary subdivision plat and a construction plan are not required, or a construction plan when a preliminary subdivision plat is not required for approval under the provisions set forth in this Section shall submit written proof of notification of all owners of property wholly or partially within 500 feet of the parcel to be subdivided and at least one homeowners' or civic association within the immediate area as approved by ~~the Department of Public Works and Environmental Services~~ Land Development Services. Such notice shall include notice to owners of properties wholly or partially within 500 feet which lie in an adjoining county or municipality. This notification must be to a minimum of 25 property owners other than the owner of the parcel to be subdivided. If there are fewer than 25 different owners of property wholly or partially within 500 feet of the subject property, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than 25 properties.

Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-2, Minimum requirements, by revising the introduction to read as follows:

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

1 Comprehensive Plan. A lot shall not be eligible for a waiver of public street frontage
2 requirements unless:

3
4 1. The requirements of the Subdivision Ordinance pose an unusual hardship not
5 generally shared by other landowners, and

6 2. The waiver will result in a lot or lots that will be harmonious with and will not
7 adversely affect neighboring properties.
8

9 A waiver of public street frontage requirements shall allow no more than one additional lot to
10 be created. The waiver shall be recorded in the land records and shall state that further division
11 of the property by waiver of the public street frontage requirement is precluded.
12

13 A waiver of public street frontage requirements may be granted by the Board of Supervisors
14 only following a public hearing before the Planning Commission and the Board of Supervisors
15 and after comment by relevant public safety, land use, and transportation agencies. Notice of
16 such public hearings shall consist of certified letters, return receipt requested, postmarked at least
17 ten (10) working days prior to the Planning Commission public hearing, sent by the applicant to
18 all owners of property abutting and immediately across the street from the parcel to be
19 subdivided and which notice shall advise the recipient of the dates, times and location of the
20 public hearings. Such notice shall also be sent by the applicant to all owners of property on the
21 private street ("affected owners"), civic associations contiguous to affected owners and on file
22 with the Department of Public Works and Environmental Services Land Development Services,
23 and the appropriate district council as designated by the Department. The Planning Commission
24 will provide its recommendation on the proposed waiver to the Board of Supervisors within 60
25 days of the public hearing before the Planning Commission unless that time limit is waived by
26 the Board of Supervisors.
27

28 An application for a waiver or variance shall be deemed to be an acceptance by the applicant
29 that the time period within which the submitted subdivision plat must be acted upon will be
30 stayed until the decision on the pending application for waiver or variance has become final.
31 When a request to vary or waive a requirement of the Subdivision Ordinance is submitted, except
32 for requests to waive the public street frontage requirement, the recommendation of the Director
33 shall not be made for thirty (30) days after notice of the application has been provided pursuant
34 to Chapter 101, Section 101-2-2(19). Interested parties may file written comments which shall
35 become part of the record and considered by the Director prior to his recommendation to the
36 County Executive. The County Executive or the Board of Supervisors, as the case may be, may
37 require, as a condition of any variance or waiver pursuant to this Section, dedication of right-of-
38 way or construction of road improvements or an agreement to dedicate and/or construct such
39 improvements as may now or in the future be reasonably required to assure the adequate
40 provision of the requirements of this Section. Any person aggrieved by the County Executive's
41 decision to grant or deny a variance or waiver pursuant to this Section may appeal such decision
42 to the Board of Supervisors. Appeals of the County Executive's decision concerning any
43 amendment to a previously granted variance or waiver shall relate to that amendment only, and
44 shall not be brought with regard to any other decisions of the County Executive previously
45 subject to appeal. All appeals shall be brought within ten (10) working days of the decision at
46 issue and shall be made by submitting a written statement of appeal to the County Executive and

1 to the Clerk of the Board. All written statements of appeal shall include the following
2 information: The name(s) and address(es) of the appellant(s); the date of the County Executive's
3 decision; the date of the appeal; the interest of the appellant(s) in the action; and the statute,
4 ordinance, standard or requirement which the appellant(s) believe has been violated by the
5 County Executive.

6
7 **Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-**
8 **2, Minimum requirements, by revising paragraph (16) Soil Identification and Soil Report,**
9 **subparagraph (G) to read as follows:**

10
11 (G) The following note will be placed on the final subdivision plat where a soil report
12 was required. "Engineering geology and/or soil reports have been reviewed and approved by the
13 Director of ~~the Department of Public Works and Environmental Services~~ Land Development
14 Services for the property described herein and are available for review at ~~the Department of~~
15 ~~Public Works and Environmental Services~~ Land Development Services. Site conditions are of
16 such a nature that land slippage or foundation problem possibilities required the submittal of soil
17 reports. A copy of said soil report is available at ~~the Department of Public Works and~~
18 ~~Environmental Services~~ Land Development Services."

19
20 **Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-**
21 **2, Minimum requirements, by revising paragraph (19) Variance or waiver (notice**
22 **required) to read as follows:**

23
24 (19) *Variance or waiver (notice required).*

25
26 (A) Any person who submits a request for a variance or waiver of the minimum
27 requirements as set forth in this Section shall submit written proof of notification of all owners of
28 property abutting and immediately across the street from the parcels to be subdivided. This
29 notification must be to a minimum of five (5) property owners other than the owner of the parcel
30 to be subdivided, one (1) civic association within the immediate area as approved by ~~the~~
31 ~~Department of Public Works and Environmental Services (DPWES)~~ Land Development Services
32 (LDS) and to the appropriate district council as designated by ~~DPWES~~ LDS and will include
33 adjacent property owners where there are fewer than five (5) property owners abutting and across
34 the street. Notice shall be sent to the last known address of the owner(s) as shown in the current
35 Real Estate Assessment files. All written notice shall be sent by certified mail, return receipt
36 requested.

37
38 (B) The written notification required in Paragraph (A) shall include the tax map reference
39 number, the street address of the parcel, the preliminary subdivision plat, final subdivision plat,
40 or construction plan name and County identification number and shall state that: (1) A request
41 for a variance or waiver of the minimum requirements contained in Section 101-2-2 of the
42 Subdivision Ordinance of Fairfax County has been submitted to ~~the Department of Public Works~~
43 ~~and Environmental Services~~ Land Development Services and the nature of the variance or
44 waiver request (summarize the requested variance or waiver); (2) persons wishing to be notified
45 of the approval of the variance or waiver should submit a written request to that effect to the
46 County Office identified in the notice; (3) the address and telephone number of the County

Office where a copy of the variance or waiver request may be reviewed; (4) the variance or waiver request is subject to approval after the expiration of thirty (30) days after the postmark date of the notice unless releases are executed by all property owners, the local civic association, and the district council required to be notified; and (5) if releases are executed by all property owners, the local civic association, and the district council required to be notified, the waiver or variance may be approved sooner than thirty (30) days after the postmark date of the notice.

(C) No waiver or variance shall be approved within thirty (30) days following the postmark date on the white receipts for the certified mailings unless releases are executed by all property owners, the local civic association, and the district council required to be notified. If releases are executed by all property owners, the local civic association, and the district council required to be notified, the waiver or variance may be approved sooner than thirty (30) days after the postmark date on the white receipts for the certified mailings. The original executed releases shall be submitted to the Director on a standard form available from the Director.

Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-5, Final subdivision plat, by revising paragraph (c)(3) to read as follows:

(3) A boundary survey of the site, with a maximum permissible error of closure within the limit of one in 20,000, related to the Virginia Coordinate System of 1983 (VCS 83) North Zone. Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft. = 1200/3937 E+00 meters. Plats may be related to true north or meridian of record for properties located more than 1.24 miles (2.0 kilometers) from one or both of the two (2) nearest VCS 83 monuments, with distance measured along a straight line from each monument to the closest point on the property boundary. Plats for subdivisions creating no more than two (2) lots may be related to true north or meridian of record. Plats referenced to VCS 83 shall be annotated as follows: "The plat of the property shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary and horizontal control survey that ties this boundary to the Fairfax County Survey Monument (insert number and name of monument and show combined grid and elevation factor) or NOAA/NGS Survey Monument (insert PID number and designation with the combined scale factor)." It is the surveyor's responsibility to ascertain the existence of VCS 83 control monuments to be utilized in their surveys. Assistance will be provided by the ~~Land Survey Branch, Construction Management Division, DPWES~~ County Surveyor, Department of Public Works and Environmental Services, to the extent of granting access to ~~their~~ County records on VCS 83 control data. If using a GPS Static, or Virtual Reference System for deriving horizontal and/or vertical control, coordinates must be stated in VCS 83, North Zone, U.S. Survey Foot units, with NGVD 1929 vertical datum and so stated in the above format.

Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-5, Final subdivision plat, by revising paragraph (d)(6) to read as follows:

(6) The subdivider or developer shall be entitled to periodic partial releases and final complete release of any bond, escrow, letter of credit, or other performance guarantee required in support of the obligation to construct the facilities covered by such performance guarantee. For

1 purposes of partial and final complete releases, as provided for in *Virginia Code* §§ 15.2-851.1
2 and 15.2-2245 and the Public Facilities Manual, the designated administrative agency shall be
3 ~~the Department of Public Works and Environmental Services~~ Land Development Services and
4 all notices, requests and correspondence required under that statute shall be sent to the Director.

5
6 **Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-**
7 **6, Condominium conversion and cooperative conversion documents, by revising paragraph**
8 **(b) to read as follows:**

9
10 (b) *Notification to tenants.* The formal notice required to be given to tenants pursuant to
11 Sections 55-79.94(B) and 55-487(A), Virginia Code, 1950, as amended, shall include a statement
12 informing the tenants of the filing of the documents and information required by Sections 55-
13 79.89, and 55-498, Virginia Code, 1950, as amended, with the Virginia Real Estate Commission
14 and the Director of ~~the Department of Public Works and Environmental Services~~ Land
15 Development Services and that said documents and information are available for inspection
16 during normal business hours at such County offices as may be designated by the Director.

17
18 **Amend Article 3, Pro Rata Road Reimbursement Districts, Section 101-3-5, Initiation of**
19 **Pro Rata Road Reimbursement Districts by revising it to read as follows:**

20
21 **Section 101-3-5. Initiation of Pro Rata Road Reimbursement Districts.**

22
23 A Pro Rata Road Reimbursement District may be initiated pursuant to this Article either by
24 motion of the Board of Supervisors or by the filing of a petition with the Director, Department of
25 Transportation and a copy with the Director, ~~Department of Public Works and Environmental~~
26 ~~Services~~ Land Development Services by a subdivider or developer who has constructed
27 substantial public road improvements under permits issued after July 1, 1988, which serve an
28 area having related traffic needs. If initiated by motion of the Board, the initial subdivider or
29 developer who would receive the pro rata road reimbursement payments should a district be
30 adopted shall provide staff with the Submission Requirements contained in Section 101-3-7.

31
32 **Amend Article 3, Pro Rata Road Reimbursement Districts, Section 101-3-8, Calculation of**
33 **pro rata road reimbursement payments, by revising paragraph (i)(2) to read as follows:**

34
35 (2) The required pro rata road reimbursement payments for all uses within the District shall
36 be the sum of the adopted pro rata reimbursement rate, as adjusted above, multiplied by the
37 number of vehicle trips per day estimated to be generated for each use based upon the ITE Trip
38 Generation Manual, provided, however, that trip generation estimates which are lower than those
39 set forth in the ITE Trip Generation Manual may be used if the Director of the Department of
40 Transportation concludes that such lower trip generation rates more accurately reflect the traffic
41 expected to be generated by a particular use. Any such request shall be submitted by the owner
42 of the property which is the subject of a proposed subdivision or site plan at the time the
43 subdivision plat/site plan is filed with ~~the Department of Public Works and Environmental~~
44 ~~Services~~ Land Development Services, with the original of the request being submitted to the
45 Director of the Department of Transportation, and a copy being submitted to ~~the Department of~~
46 ~~Public Works and Environmental Services~~ Land Development Services with the subdivision

1 plat/site plan. Any such request shall also include evidence that such owner has provided the
2 initial subdivider or developer with a copy of the request, and has informed the initial subdivider
3 or developer that responses to the request must be filed with the Director of the Department of
4 Transportation and ~~the Department of Public Works and Environmental Services~~ Land
5 Development Services within thirty (30) days of the filing of the request.

6
7 **Amend Article 3, Pro Rata Road Reimbursement Districts, Section 101-3-9, Adoption of**
8 **Pro Rata Road Reimbursement Districts, by revising paragraph (a) to read as follows:**
9

10 (a) Upon receipt of a petition requesting the establishment of a Pro Rata Road
11 Reimbursement District including all submission requirements, staff of the Department of
12 Transportation will evaluate the request, assisted by staff of ~~the Department of Public Works and~~
13 ~~Environmental Services~~ Land Development Services, the Department of Planning and Zoning
14 and such other staff as may be necessary.
15

16 **Amend Article 3, Pro Rata Road Reimbursement Districts, Section 101-3-11, Payment of**
17 **pro rata road reimbursements, by revising paragraph (g) to read as follows:**
18

19 (g) In order to be entitled to continue to receive pro rata road reimbursement payments, the
20 initial subdivider or developer must give written notice by certified mail to the Directors of ~~the~~
21 ~~Department of Public Works and Environmental Services~~ Land Development Services and the
22 Department of Planning and Zoning of any change in his mailing or street addresses from the
23 date of adoption of the District. If the initial subdivider or developer has designated an agent for
24 the purposes of receiving pro rata road reimbursement payments and signing notarized
25 certifications pursuant to paragraph (b) above, then either the agent or the initial subdivider or
26 developer must give such written notice of any change in the mailing or street addresses of the
27 agent from the date of adoption of the District. Failure to give the written notice as required
28 herein within thirty (30) days of such change may cause the initial subdivider or developer to
29 forfeit pro rata road reimbursement payments collected or due after such change
30

31 **Amend Article 5, Definitions, Section 101-4-1, Definitions, by revising paragraph (4) to**
32 **read as follows:**
33

34 (4) Director shall mean the Director of ~~the Department of Public Works and Environmental~~
35 ~~Services~~ Land Development Services or his agent.

**PROPOSED AMENDMENTS
TO
CHAPTER 102 (STREETS AND SIDEWALKS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-1, Numbering of properties and buildings; uniform numbering system adopted, by revising it to read as follows:

Section 102-1-1, Numbering of properties and buildings; uniform numbering system adopted.

A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Official Street Names and Property Numbering Atlas," which is filed in the office of the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services, is hereby established. This atlas and all explanatory matters thereon is hereby adopted and made a part of this Article.

Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-2, Maintenance of numbering system, by revising it to read as follows:

Section 102-1-2, Maintenance of numbering system

The Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services shall be responsible for maintaining the numbering system, being guided by the provisions of Section 101-1-1.

Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-3, Assignment of numbers; compliance; separate number; posting, by revising paragraphs (a) and (e) to read as follows:

(a) All properties or parcels of land within the limits of the County shall hereafter be identified by reference to the uniform numbering system adopted by section 102-1-1; provided, all existing numbers of property and buildings not now in conformity shall be changed to conform to the system herein adopted within 30 days from the date of notification of nonconformity by the office of the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services.

.
. .

(e) Numbers will be assigned at intervals determined by the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services. Direction of streets will also be determined by the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services.

1 .
2 .
3 .
4
5 **Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-4,**
6 **Enforcement of numbering system, by revising paragraphs (a) and (c) to read as follows:**
7

8 (a) Whenever the Director of ~~the Department of Public Works and Environmental Services~~
9 Land Development Services has reason to believe that there has been a violation of any provision
10 of Section 102-1-3(a), (b) or (c), he may give notice of such violation to the person failing to
11 comply with any such provision and order said person to take such corrective measures as are
12 necessary within 30 days from the date of notification.
13 .
14 .
15 .

16 (c) If such person fails to comply with the order issued pursuant to this Section, the Director
17 of ~~the Department of Public Works and Environmental Services~~ Land Development Services
18 may initiate such actions as are necessary to terminate the violation, including obtaining criminal
19 warrants, applying to courts of competent jurisdiction for injunctive relief, or any other
20 appropriate action.
21

22 **Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-6,**
23 **Numbers to be assigned to each proposed lot, tract and subdivision lots, by revising it to**
24 **read as follows:**
25

26 **Section 102-1-6 Numbers to be assigned to each proposed lot, tract and subdivision lots.**
27

28 Numbers will be assigned to each proposed lot or tract on the Surveyor's and the County's
29 copies of preliminary subdivision plats by ~~the office of the Director of the Department of Public~~
30 ~~Works and Environmental Services~~ Land Development Services.
31

32 **Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-7,**
33 **Procurement of number prerequisite to issuance of building permit and final approval of**
34 **buildings under construction or repair, by revising it to read as follows:**
35

36 **Section 102-1-7 Procurement of number prerequisite to issuance of building permit and**
37 **final approval of buildings under construction or repair.**
38

39 No building permit shall be issued for any structure until the owner or developer has
40 procured from the Director of ~~the Department of Public Works and Environmental Services~~ Land
41 Development Services the official number of the premises. Final approval of any structure
42 erected or repaired after the effective date of this Section shall be withheld until permanent and
43 proper numbers have been affixed to such structure in accordance with the requirements of
44 Section 102-1-3.
45

1 **Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-8,**
2 **Records of assigned numbers, by revising it to read as follows:**

3
4 **Section 102-1-8 Records of assigned numbers.**

5
6 The ~~office of the Director of the Department of Public Works and Environmental Services~~ Land
7 Development Services shall keep a record of all numbers assigned under Section 102-1-3.

8
9 **Amend Article 1, Property and Building Numbers and Street Names, Section 102-1-9,**
10 **Street names; adoption; changes, by revising it to read as follows:**

11
12 **Section 102-1-8 Street names; adoption; changes.**

13
14 Street names as shown on the atlas identified by the title "Official street names and property
15 numbering atlas" are hereby declared the official names of such streets unless officially changed
16 by subsequent action of the Board of Supervisors after referral to ~~the office of the Director of the~~
17 ~~Department of Public Works and Environmental Services~~ Land Development Services.

18
19 **Amend Article 2, Definitions, Section 102-2-1, Definitions, Section 102-2-1 Street names;**
20 **adoption; changes, by revising paragraph (a)(1) it to read as follows:**

21
22 (1) ~~Director of the Department of Public Works and Environmental Services~~ shall mean
23 the Director of ~~the Department of Public Works and Environmental Services of Fairfax County,~~
24 ~~Virginia~~ Land Development Services, or his duly authorized agent.

**PROPOSED AMENDMENTS
TO
CHAPTER 103 (AIR POLLUTION CONTROL)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 3 Regulations, Section 103-3-12 Air pollution episode system, by revising**
2 **paragraph (b)(3)(B)(iii) to read as follows:**

3
4 (iii) The Director shall advise the County Executive who shall direct the Directors
5 of the Department of Public Works and Environmental Services, Land Development Services,
6 and the Department of Transportation and the Chief of the Police Department and the Fire
7 Marshal to take appropriate actions within their power, to help abate the level of air pollution.

**PROPOSED AMENDMENTS
TO
CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 1 Purpose and Administration, Section 104-1-7 Definitions, by revising**
2 **paragraph (i) to read as follows:**

3
4 (i) *Director* means the Director of ~~the Department of Public Works and Environmental~~
5 ~~Services,~~ Land Development Services or his/her agent.

6
7 **Amend Article 2 Debris Landfill, Section 104-2-3 Definitions, by revising paragraph (b) to**
8 **read as follows:**

9
10 (b) *Director* shall mean the Director of ~~the Department of Public Works and Environmental~~
11 ~~Services~~ Land Development Services or his/her agent.

12
13 **Amend Article 2 Debris Landfill, Section 104-2-4 Debris landfill permit, by revising**
14 **paragraph (d) to read as follows:**

15
16 (d) Any person who has received the appropriate Land Use approval for the operation of a
17 debris landfill, as that term is defined by Section 104-2-3 of this Code, shall submit a Design
18 Plan to the Director, in conformance with the standards defined in Article 1 of this chapter and
19 the *Public Facilities Manual*. The Director, after receiving the recommendations of the Health
20 Department and the Department of Public Works and Environmental Services shall approve or
21 disapprove, with reasons therefor, the Design Plan within forty-five (45) days of the date of
22 submission.

**PROPOSED AMENDMENTS
TO
CHAPTER 107 (PROBLEM SOILS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 2 Definitions, Section 107-2-1 Definitions, by revising paragraphs (a) and (j) to read as follows:

(a) *Director* means the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services or designated agent.

(j) *Problem Soils* shall mean landslide susceptible soils, shrinking and swelling soils, soils with high water table conditions, soils containing hazardous material, buried waste sites, uncompacted and undocumented man-placed fills, and earthen structures that would require special precautions for safety during and after construction activity. Problem soils include areas of Marumsco soils, "marine clays", Class III soils, and Class IV soils, as shown and/or identified on the official map adopted by the Board of Supervisors or any other soil as determined by the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services.

**PROPOSED ZONING ORDINANCE AMENDMENT
CHAPTER 112 OF THE FAIRFAX COUNTY CODE**

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of June 6, 2017, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 2, Interpretations, Sect. 20-200, Interpretations, by revising Par. 9 to read as follows:

For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

9. The terms 'Board of Supervisors', 'Planning Commission', 'Board of Zoning Appeals', 'County Executive', 'Director of ~~the Department of Public Works and Environmental Land Development~~ Services', 'Zoning Administrator', 'Health Officer' and other similar offices shall mean the respective Boards, Commissions, and Officers of Fairfax County and/or their duly authorized agents. The use of the term 'Board' shall always mean the Board of Supervisors; the use of the abbreviation 'BZA' shall always mean the Board of Zoning Appeals; the use of the term 'Director' shall always mean the Director of ~~the Department of Public Works and Environmental Land Development~~ Services or duly authorized agent; and the use of the abbreviation 'WMATA' shall always mean the Washington Metropolitan Area Transit Authority.

Amend Article 2, General Regulations, Part 8, Affordable Dwelling Unit Program, as follows:

- **Amend Sect. 2-803, Developments Exempt From the Affordable Dwelling Unit Program, by revising Par. 5 to read as follows:**

Notwithstanding the provisions of Sect. 802 above, the requirements of this Part shall not apply to the following:

5. Site plans filed and preliminary subdivision plats approved on or before July 31, 1990; provided such site plan is approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-110 of this Ordinance and provided further that the structure(s) is in fact constructed in accordance with such building permit(s); and provided such preliminary plat is

1 approved and a final plat is approved and recorded in accordance with the provisions of
2 Chapter 101 of The Code, Subdivision Ordinance.

3 Site plans filed or preliminary subdivision plats approved on or before July 31,
4 1990 for developments not exempt under Paragraphs 2, 3 or 4 above may, at the
5 owner's option, be revised or resubmitted, as the case may be, in order to comply with
6 the requirements of this Part. Such revision or resubmission shall be processed
7 expeditiously by ~~the Department of Public Works and Environmental~~ Land
8 Development Services in accordance with the provisions of Par. 4 of Sect. 802 above:
9

10 - **Amend Sect. 2-814, Affordable Dwelling Unit Advisory Board, by revising Par. 1C(4)**
11 **to read as follows:**
12

- 13 1. The Affordable Dwelling Unit (ADU) Advisory Board shall consist of nine (9) members
14 appointed by the Board of Supervisors. Members shall be qualified as follows:
15

16 C. Four members shall consist of:
17

- 18 (4) A representative from either the Fairfax County ~~Department of Public Works~~
19 ~~and Environmental~~ Land Development Services or the Department of Planning
20 and Zoning.
21

22
23 **Amend Article 7, Overlay and Commercial Revitalization District Regulations, Part 8,**
24 **Water Supply Protection Overlay District, Sect. 7-808, Use Limitations, by revising Par. 3**
25 **to read as follows:**
26

27 In addition to the use limitations presented in the underlying zoning district(s), the following use
28 limitations shall apply:
29

- 30 3. Such information shall be referred to ~~the Department of Public Works and Environmental~~
31 Land Development Services for review in accordance with the provisions of Chapter 67.1 of
32 The Code and other applicable laws and ordinances. When deemed appropriate, the Director
33 of ~~the Department of Public Works and Environmental~~ Land Development Services may
34 furnish a copy of the application and information to the Virginia Department of
35 Environmental Quality and other appropriate agencies.
36
37

38 **Amend Article 11, Off-street Parking and Loading, Private Streets, Part 2, Off-street**
39 **Loading, Sect. 11-202, General Provisions, by revising Par. 10 to read as follows:**
40

- 41 10. All off-street loading areas shall comply with such geometric design standards as may be
42 defined by ~~the Department of Public Works and Environmental~~ Land Development Services;
43 but in no event shall the required dimensions be less than fifteen (15) feet wide, twenty-five
44 (25) feet long and fifteen (15) feet high, except that where one (1) such loading space has
45 been provided, any additional loading space lying alongside, contiguous to, and not separated
46 from such first loading space need not be wider than twelve (12) feet.

1
2
3 **Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1,**
4 **Administration, Sect. 18-101, Enforcement of Ordinance, by revising Par. 2 to read as**
5 **follows:**
6

- 7 2. In the administration of the provisions of this Ordinance, the Zoning Administrator shall be
8 assisted by the following officers, departments, committees, agencies and boards:
9
10 A. ~~The Department of Public Works and Environmental~~ Land Development Services.
11
12 B. The boards, commissions, and committees as established in Article 19 or others as may
13 be created by the Board.
14
15 C. Such additional officers, departments, agencies, committees, and boards of the County,
16 State and Federal governments as shall be specified and referred to under the various
17 Sections of this Ordinance.
18
19

20 **Amend Article 19, Boards, Commissions, Committees, as follows:**
21

- 22 - **Amend Part 5, Tree Commission, Sect. 19-501, Purpose, to read as follows:**
23

24 The purpose of the Tree Commission shall be to provide advice to the Board of Supervisors,
25 based on an annual reevaluation of the experience of the administration and implementation
26 of the provisions set forth in Chapter 104 of The Code and Article 13 of this Ordinance
27 relating to vegetation preservation and planting; to provide leadership in developing an
28 understanding of the objectives and methods of tree conservation; and to assist the Urban
29 Forestry Branch of the Department of Public Works and Environmental Services and Land
30 Development Services in the development and maintenance of technical specifications and
31 guidelines.
32

- 33 - **Amend Part 6, Geotechnical Review Board, as follows:**
34

- 35 - **Amend Sect. 19-601, Purpose, to read as follows:**
36

37 The purpose of the Geotechnical Review Board shall be to analyze soils reports and
38 associated plans located within areas of problem soils and to give advice and
39 recommendations to the Director of ~~the Department of Public Works and~~
40 ~~Environmental~~ Land Development Services concerning these areas.
41

- 42 - **Amend Sect. 19-603, Membership, by revising Par. 3 to read as follows:**
43

- 44 3. Members of the GRB shall be compensated at the rate determined by the Board of
45 Supervisors for work performed in connection with the review of projects assigned
46 by the Director of ~~Public Works and Environmental~~ Land Development Services.

1
2 - **Amend Sect. 19-604, Officers, to read as follows:**

3
4 The Director of ~~Site Development~~ Land Development Services shall serve as Secretary
5 and shall be a non-voting member.
6

7 - **Amend Sect. 19-605, Meetings, to read as follows:**

8
9 Meetings shall be held at the request of the Director of ~~the Department of Public Works~~
10 ~~and Environmental~~ Land Development Services.
11

12 - **Amend Sect. 19-606, Records, to read as follows:**

13
14 The records and soils reports for all meetings and correspondence for the GRB shall be
15 maintained in the Office of the Director of ~~Site Development~~ Land Development
16 Services.
17

18 - **Amend Sect. 19-607, Powers and Duties, to read as follows:**

19
20 The GRB shall review reports, plans and specifications submitted to the Director of
21 ~~Public Works and Environmental~~ Land Development Services in accordance with the
22 provisions of Article 17 of this Ordinance, the Public Facilities Manual, and Chapters
23 101 and 107 of The Code. The GRB shall recommend approval, approval with
24 modifications or disapproval of said plans and specifications, which recommendations
25 shall not be binding upon the Director of ~~Public Works and Environmental~~ Land
26 Development Services. Its review shall be limited to geotechnical aspects and
27 foundation design.
28

**PROPOSED AMENDMENTS
TO
CHAPTER 117
(EXPEDITED LAND DEVELOPMENT REVIEW)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Section 117-1-2 Criteria for participation in Plans Examiner Program, by revising paragraph (b)(2) to read as follows:

(2) Board of Supervisor's specified program: Successful completion of an educational program conducted under the auspices of a state institution of higher education comprised of four college-level land development courses developed by the Engineers and Surveyors Institute (ESI), ~~the Department of Public Works and Environmental Services (DPWES)~~ Land Development Services (LDS), and the Virginia Department of Transportation (VDOT). The instructors in the educational program shall consist of persons in the private and public sectors who are qualified to prepare land development plans. The educational program shall include the comprehensive and detailed study of County ordinances and regulations relating to plans and how they are applied.

Amend Section 117-1-4 Procedure for expedited review, by revising it to read as follows:

Section 117-1-4. - Procedure for expedited review.

The separate processing system may include a review of selected or random aspects of plans as determined by the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services rather than a detailed review of all aspects; however, it shall also include periodic detailed review of plans prepared by persons who qualify for the system.

**PROPOSED AMENDMENTS
TO
CHAPTER 118
(CHESAPEAKE BAY PRESERVATION ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 1, General Provisions and Definitions, Section 118-1-6, Definitions, by revising paragraphs (b) and (h) to read as follows:

(b) *Applicant* means a person who has submitted a plan of development to ~~the Department of Public Works and Environmental Services~~ Land Development Services or an exception request to the Director.

(h) *Director* means the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services.

Amend Article 1, General Provisions and Definitions, Section 118-1-9, Chesapeake Bay Preservation Area boundaries, by revising paragraph (d)(1) to read as follows:

(1) RPAs shall include any land characterized by one or more of the following features:

Any person who submits an RPA boundary delineation study for the purpose of reclassifying a water body from perennial to intermittent shall submit written proof of notification (copy of written notification letter and white receipts for certified mailings) of all owners of property abutting and immediately across the street from the parcel(s) containing the water body being studied and a minimum of one homeowners' or civic association within the immediate vicinity as approved by ~~the Department of Public Works and Environmental Services~~ Land Development Services. Such notice shall include notice to owners of properties abutting and immediately across the street which lie in an adjoining county or municipality. This notification must be to a minimum of ten property owners other than the owner of the parcel for which the study is prepared. If there are fewer than ten different owners of property abutting and immediately across the street from the subject property, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than ten properties. Notice shall be sent to the last known address of the owner(s) as shown in the current Real Estate Assessment files. Notice to homeowners' or civic associations shall be sent to the registered address kept on file with the State Corporation Commission, or if none is on file, to the address kept on file by the County Office of Public Affairs. All written notice shall be sent by certified mail, return receipt requested.

Amend Article 1, General Provisions and Definitions, Section 118-1-9, Chesapeake Bay Preservation Area boundaries, by revising paragraph (d)(7)(i) to read as follows:

(i) A notice of intent to submit a study for a reclassification of a water body depicted on the County's map of Chesapeake Bay Preservation Areas from perennial to intermittent has been

submitted to ~~the Department of Public Works and Environmental Services~~ Land Development Services;

Amend Article 6, Exceptions, Section 118-6-3, Required Notice for Public Hearings, by revising paragraph (c) to read as follows:

(c) Written notice to adjacent property owners: For applications to be heard by the Exception Review Committee, the applicant shall send written notice to all owners of property abutting and immediately across the street from and within 500 feet of the subject property and one homeowner association or civic association within the immediate area as approved by ~~the Department of Public Works and Environmental Services~~ Land Development Services. Such notice shall include notice to owners of properties abutting and immediately across the street and within 500 feet of the subject property which lie in an adjoining county or city. If such notice does not result in the notification of five different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than five properties. Notice shall be sent to the last known address of the owner(s) as shown in the current Real Estate Tax Assessment files. Notice to homeowner associations or civic associations shall be sent to the registered office address kept on file with the State Corporation Commission. The applicant shall send a copy of the notification letter to the Board Member in whose district the subject property is located on the same date the abutting property owners are notified. All written notice shall be sent by certified mail, return receipt requested, and postmarked not less than 15 days prior to the hearing as evidenced by the postmark date on the white receipts for the certified mailings. Written notice shall include the tax map reference number, the street address of the parcel, the date, time and place of the hearing, and the nature of the matter before the Exception Review Committee. A party's actual notice of, or participation in, the proceedings for which the written notice is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required.

Amend Article 8, Appeals, Section 118-8-1, Procedures, by revising paragraphs (a) and (c) to read as follows:

(a) An applicant aggrieved by any decision of the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services or the Director of the Department of Health in the administration of this Chapter may, within 15 days of such decision, appeal the decision to the Board of Supervisors.

(c) Such appeal shall be filed with the Clerk to the Board of Supervisors and shall state with specificity the provisions of this Chapter which the applicant alleges to have been violated by the decision and the reasons therefore. A copy of the appeal shall also be delivered to the Director of ~~the Department of Public Works and Environmental Services~~ Land Development Services within such 30-day period.

**PROPOSED AMENDMENTS
TO
CHAPTER 119 (GRASS OR LAWN AREA)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 2, Definitions, Section 119-2-1, Definitions, by revising paragraph (c) to**
2 **read as follows:**

3
4 (c) *Director:* The word “Director” shall mean the Director of the Department of ~~Public Works~~
5 ~~and Environmental Services~~ Code Compliance or his designee.

**PROPOSED AMENDMENTS
TO
CHAPTER 122
(TREE CONSERVATION ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 1, General Provisions, Section 122-1-6, Administration, by revising it to**
2 **read as follows:**

3
4 The Director of the ~~Department of Public Works and Environmental Services~~ Land
5 Development Services shall be responsible for the administration and enforcement of this
6 Chapter.

**PROPOSED AMENDMENTS
TO
CHAPTER 124
(STORMWATER MANAGEMENT ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 1, General Provisions, Section 124-1-5, Definitions, by revising the following**
2 **definitions to read as follows:**

3
4 "Department" means ~~the Department of Public Works and Environmental Services~~ Land
5 Development Services.

6
7 "Director" means the Director of ~~the Department of Public Works and Environmental~~
8 Services Land Development Services or his designee.

**PROPOSED AMENDMENTS
TO
APPENDIX A
(FLOOD PLAINS)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend the introductory paragraph by revising it to read as follows:

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

**PROPOSED AMENDMENTS
TO
APPENDIX Q
(LAND DEVELOPMENT SERVICES FEE SCHEDULE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend introductory paragraph by revising it to read as follows:

This fee schedule establishes the fees charged, by Land Development Services,
~~Department of Public Works and Environmental Services~~ and the Fire Marshal, for building and
site development activities pursuant to the authority granted by §§ 15.2-2241(A) (9), 15.2-
2286(A)(6), 62.1-44.15:54(J), 36-98.3, 36-105, 62.1-44.15:28(A) and 62.1-44.15:29 of the Code
of Virginia and Chapters 2 (Property Under County Control), 61 (Building Provisions), 64
(Mechanical Provisions), 65 (Plumbing and Gas Provisions), 66 (Electrical Provisions), 101
(Subdivision Ordinance), 104 (Erosion and Sediment Control Ordinance), 112 (Zoning
Ordinance), and 124 (Stormwater Management Ordinance) of the Code of the County of Fairfax,
Virginia (the Code).