



July 25, 2018
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Pension Discussions Take an Unpleasant Turn

I have been leading an effort to address the county's unsustainable pension costs. The discussion took an unpleasant turn when the County's public employee unions presented petitions signed by all but one of the Democrat State Delegates and State Senators demanding that any changes to the pension plan be rejected and resorted to name calling and personal attacks on Chairwoman Bulova and me. Below is an update on the status.

Working to Save Lake Accotink

Later this year, we will be making an important decision regarding the future of Lake Accotink. It is highly likely that voters countywide will be weighing in at the ballot box on November 5, 2019 on the roughly \$50M in bond funding that will be required to save the lake. Below is a brief history of the issue, the options and my thoughts on why and how we should save Lake Accotink.

Tonight's Wednesday Night Concert Rescheduled Due to Rain

Tonight's (July 25) Springfield Night Summer Concert with The Johnny Artis Band at Burke Lake Park has been postponed to Wednesday, August 22nd at 7 pm.

Community Happenings

- Free Concerts in the Park - Wednesdays 7 pm at Burke Lake Park through Aug 22
- Henderson Road Closure - July 30 - August 2
- Lifelong Learning Opportunities for Older Adults Offered through GMU
- GMU Recreation Facilities Open to Community

Are STRs Coming to Your Neighborhood?

On Tuesday, July 31st the Board of Supervisors is scheduled to make a decision on whether and to what extent Short Term Rentals (STRs) will be allowed in our neighborhoods. STRs are the Air B&Bs, VRBO and other short term rental arrangements less than 30 days in length. The issue is a difficult one because there are many valid points on both sides of the issue ranging from property rights (you should be able to use your property as you see fit), to protecting our suburban neighborhoods, to the impact on Fairfax County of removing itself from this part of the new "shared economy". As I consider the direction I will take on this issue I wanted to get input from Herrity Report readers. Below I will provide a brief history on how we got to this point, summarize the issues as I see them, and let you know where I think I am heading. Your constructive thoughts would be helpful.

Brief History. STRs have existed for years in Fairfax County but have been increasing in popularity as acceptance of Air B&B, VRBO and other reputable online providers has grown. Cost, flexibility, and lodging type (home vs hotel) have driven much of the change on the rental side and the ability to earn money on your property has driven up the increase in availability. It is estimated that there are currently several thousand STR units in Fairfax County.

During the 2018 General Assembly session, localities in Virginia were given the authority to create a registry of STRs and begin collecting the hotel tax on STRs. Several of local jurisdictions (e.g. Loudoun and Arlington) have done just that while they develop land use regulations governing STR. These counties have been collecting tax while Fairfax County has been drafting regulations. The County has asserted that STRs are not a permitted use and regulations are necessary.

Draft regulations have been passed by the Planning Commission (with amendments). At its July 10th meeting, the Board of Supervisors heard testimony from about 50 speakers on STRs. The proposed regulations are intended to permit the use of STRs while balancing the interests of residents in protecting the character of our

neighborhoods. The draft regulations can be found at [this link](#). The Board is scheduled to vote on the regulations on Tuesday July 31.

The Arguments in Support of STRs

- There have been many STRs in Fairfax County for some time without many substantiated incidents. I am still waiting on an official analysis but it appears there have been 13 substantiated complaints over 2 years.
- A County conducted survey showed strong resident support for them. However, the survey did not indicate to what extent. Testimony in front of the Board was largely in support of STRs.
- STRs fill an important niche in the rental market-they serve people who are looking for a more inexpensive place to stay and a more authentic experience. They can also serve unique needs - a person/family of person recovering from illness in nearby hospital, family in town for a sports tournament, etc.
- The STR operators provide a room, some amenities and often act as ambassadors for the community and County, providing recommendations for places to eat and visit. They contribute to tourism and its economic benefits.
- Most STRs are well maintained, rented responsibly and self-regulated by the online providers. There are exceptions which we have other regulations to address.
- They provide an important source of income for owners (including seniors) that might not otherwise be able to afford to stay in their properties or pay their real estate taxes.
- STRs are an important component of the new economy and Fairfax will be left behind in tourism and economic growth if they are prohibited.
- STR taxes are a revenue source for the County.

The Arguments Against STRs

- The biggest is clearly the impact on suburban neighborhoods. Our residential districts are for residences and STRs (particularly ones owned specifically to be used as a STR full time) are businesses and do not belong in residential neighborhoods.
- Short-term tenants have little interest in the welfare of the local community, do not engage in activities that strengthen residential neighborhoods, and do not integrate into residential neighborhoods.
- Concern that enforcement and compliance would be nearly impossible.
- That STRs can disturb residential neighborhoods by creating excessive noise, accumulation of trash, trespassing, disorderly conduct, vandalism, traffic and parking issues. Unfortunately so can non-STR homeowners.
- That STRs will compete with the availability of affordable housing in the county.

- I understand why most homeowners would not want the house (or several houses) next door to them being occupied by a different group every day or week.

Other Factors

- Owner present - will we require the owner to be present during rentals or not
- Parking - will we require reserved or available off street parking
- Number of Lodgers - how many lodgers will we allow per residence
- Access to the home/home inspections
- Requirement to maintain a guest register
- Corporate Housing - in the Board's earlier discussions of STRs, I brought up the concern about the impact to our businesses of not being able house their employees on a short term basis in corporate housing. This will be addressed by the Board at a later date and is not included in these regulations.

My Initial Thoughts. While the STR topic is a difficult issue, I believe strongly in the following items:

- The County should monitor STRs and revisit this very difficult and fluid issue in a year
- Any homeowner should be able to rent his property for up to 21 days per year as an STR while they are away (vacation, work travel, etc.) with minimal requirements provided occupants comply with existing county occupancy, noise, parking, and other regulations.
- If the Board decides not to allow year round STRs where the owner is not present, (as the proposed ordinance is currently drafted) that we delay enforcement against existing STLs for a period of approximately six months while they determine what to do with their properties - sell, long term rental, etc. I believe most of these operators are responsible individuals and are in this situation unknowingly.

Below is where I am leaning on the rest of the STR issue. I am still formulating my position and it may change.

Operator/Owner Not Present During Rental Period. In my opinion STRs where the owner is a corporation, non-resident, co-op, or is not present for significant period of the rentals is operating a business and businesses change the residential character of the community. I am concerned about maintaining the quality of life and protecting the residential character of our suburban neighborhoods. On the other hand, I am struggling with the fact that many exist now with little impact. I also can see that in some tourist areas there are communities with high concentrations of STRs that are strong communities. I also worry about the impact to the population of renters these STRs are currently serving - tourists, etc. and the fact Fairfax County may be left behind here. I am currently not prepared to support full year non operator present STRs but believe the Board should defer action on them instead of prohibiting them.

When action is taken, if permitted they should be regulated, subject to approvals, and limited by number of occupants based on housing type and parking availability to protect the residential nature of our communities. I wish we could limit the number and location of STRs, however staff has advised this is not possible.

Owner Present During Rental Period. In my opinion, owners of STRs where the owner of the residence are present during the rentals is more vested in the community. They should be allowed subject to a simple permit process and limited by number of occupants based on housing type and parking availability to protect the residential nature of our communities. Like hotels, they should be required to keep guest registries and be subject to safety inspections. I believe owner occupied STRs address a need in the market and help seniors and others make their properties more affordable. As I stated above - this should be revisited in a year. Your input before Tuesday July 31 on this issue is appreciated.

Pension Discussions Take an Unfortunate Turn

As Herrity Report readers are aware, I have been leading an effort to address the county's unsustainable pension costs. Link to previous Herrity Report on Pensions is [here](#). The pension discussion took an unfortunate turn at our committee meeting on June 26, 2018, when the County's public employee unions presented [petitions](#) signed by all but one of the Democrat State Delegates and State Senators. The petitions asked that any changes to the pension plan be rejected and resorted to name calling and personal attacks on Chairwoman Bulova and me. The resolution cited the Democratic Party Platform but offered no solid reasoning to justify why the County should pay a retirement benefit to our general county employees more generous than surrounding jurisdictions as early as age 55. The petitions also did not give any rationale for why we should continue to offer the unheard of benefit of county-paid social security benefit payments as early as age 55 until the employee reaches social security age (with guaranteed 3% increases that actual social security does not even offer). Retirement benefits currently cost the county 30 cents on top of every payroll dollar.

Under pressure from the public employee unions, several proposed pension changes will not be moving forward, including the change with the greatest fiscal savings. There will not be a public hearing until after the Board decides which of the changes it will put through. It is important that members of the Board hear from residents on this issue. The three Retirement Board of Trustees will be considering the changes for approval in mid-late September and ultimately, the Board of Supervisors will take up pensions again at a public hearing, likely this November. If approved, changes would be implemented in July 2019.

Working to Save Lake Accotink

Later this year, the Park Authority and the Board of Supervisors will be making an important decision regarding the future of Lake Accotink. It is highly likely that voters countywide will have the ability to weigh in at the ballot box on November 5, 2019 on the roughly \$50M in bond funding that will be required to save the lake. The Park Authority is updating the options for the lake based on community feedback and some very good suggestions. Below is a brief history of the issue, the options on the table and my thoughts on why and how we should save Lake Accotink.

Brief History/the Problem. Lake Accotink is one of the Park Authority's three waterfront lakes. It was created in 1943 by the Federal Government as a water supply for Camp Humphries (now Ft. Belvoir). The lake has been a park since 1960 when it was declared surplus by the Army and the 242 acres (including the 100 acre lake) were purchased by Fairfax County for \$176K in 1965. When first built, the lake was 23 feet deep, but is now only 4 feet deep-- primarily due to silt flowing in from the older developments upstream. It will cease to exist as a lake by 2025 - i.e. completely filled in - if nothing is done. This is even after expensive dredges in the 1960s, 1984, and 2007. In 2014, the Board of Supervisors allocated funds to the Park Authority to study the issue and evaluate how best to deal with this long standing problem.

The Initial Options. Several initial options were proposed by the Park Authority, ranging from no direct management (let the lake fill in), continued regular dredging (every 10-15 years), dredging with the installation of upstream dams and forebays, or constructing a single channel river with a smaller lake. You can review those initial options at the [FCPA webpage for the project](#). I have attended most of the numerous public meetings that have been held over the last 18 months on these initial options. The community is passionate about the saving the lake but there are also financial considerations and significant community impact associated with some of the options that have been raised by residents. Hauling enough silt to fill in the stadium at Fed Ex Field through neighborhoods is a significant impact. The community input and questioning on the initial options has been crucial to finding the best answer and many of the community's creative suggestions will be incorporated into the final recommendations. Federal storm water requirements also factor into the decision. While we do not and have not received storm water credit for silt trapped by the lake, we will be required to remediate any impact from removing the dam - a very expensive remediation - a factor not known at the time of the initial Park Authority recommendations. The Park Authority is doing further analysis on the options and the comments and is expected to have recommendations later this year.

My Thoughts. Lake Accotink has been an integral part of our community for decades, providing residents a place to enjoy a variety of recreational opportunities ranging from biking and running, walking and hiking trails, kayaking, bird watching, family picnics, an ice cream parlor, and riding the carousel all in an ever-urbanizing Fairfax County. The lake also provides a rich habitat for a wide variety of wildlife, including bald eagles and herons. One of my childhood homes was at the corner of Highland and Hanover right down the street from the lake and I have many fond

childhood memories of my time at the lake. It is a Fairfax County asset that is worth saving - a decision made even easier by federal storm water regulations. We need to do more than a simple (yet expensive) dredge that would need to be redone within 10 to 15 years. To me, the best answer is going to be a revised version of the initial option C that would also create forebays to capture the silt that can be removed less expensively and periodically. I am hoping the revised Option C also includes residents' suggestion to have the dredged materials removed directly via Braddock Road rather than through residential neighborhoods.

Please let me know if you have any thoughts on this important issue.

Free Summer Concert Series: Springfield Nights



Tonight's concert has been postponed until Wednesday, August 22.

Are you ready for the energy Ruthie and the Wranglers will bring to Burke Lake Park next Wednesday, August 1 at 7 pm? She is headlining the third show of the Fairfax County Park Authority's and my [Springfield Nights](#) Summer Concert Series.

Ruthie & the Wranglers play rockin' American roots music (also known as FUN!). Famous for its original Americana country and rousing surf instrumentals, the group's clever lyrics, high energy and spritely hillbilly harmonies set them apart from the pack. The band has won more than 25 Washington Area Music Awards including Artist of the Year and Album of the Year.

Don't forget to mark your calendars for every Wednesday between now and August 22 for 7 pm at Burke Lake Park!

August 1 - [Ruthie & the Wranglers](#) (American Roots)

August 8 - [The Colin Thompson Band](#) (Blues/Rock)

August 15 - [Dr. FU](#) (Rock/Cover Band)

August 22 - [The Johnny Artis Band](#) (R&B)

A huge "thank you" to all of the sponsors that make this concert series possible! If your business or organization would like to be a featured sponsor next year, please don't hesitate to reach out!

I'd like to thank 2 Silos Brewery and Top Dog Texas Wieners for providing food and drinks for purchase at all of our concerts. I can't think of anything that defines "summertime" more than a cold beer, piping-hot frank, beautiful weather, and amazing music.

Henderson Road Closure July 30 - August 2

Henderson Road (Route 643) between Wolf Run Shoals Road (Route 610) and Hampton Road (Route 647) will be closed to through traffic from 8 a.m. Monday, July 30 to 5 p.m. Thursday, July August 2 for Stormwater pipe replacement, according to the Virginia Department of Transportation. Due to weather, this project was rescheduled from the original dates of July 23 - July 24. Residents and businesses within the closure area and emergency vehicles will have access to the closed portion of Henderson Road; however, they will not be able to go beyond the point of pipe replacement in either direction. Traffic will be detoured via Wolf Run Shoals Road, Clifton Road (Route 645) and Route 123 back to Henderson Road.

Are you an Older Adult interested in lifelong learning?

Mason provides numerous opportunities, including The Osher Lifelong Learning Institute (OLLI) with locations in Fairfax, Reston, and Sterling; Encore Learning, located in Arlington; and the Senior Tuition Waiver for the Non-degree Studies Program.

OLLI Mason is the premier destination for intellectual stimulation and finding your peer group in retirement. Summer 2018 offerings number over 100 courses. One annual fee pays for a full-year membership, including unlimited enrollment in all offerings, subject only to class size limitations. So many friends and so much fun await you at Olli Mason. Enjoy learning and living well every day! Phone: 703-503-3384; Web: <https://olli.gmu.edu/wp-content/uploads/2018/04/2018summerfinalproof.pdf>

Encore Learning provides high-quality lifelong learning and social opportunities for those over 50 in the DC area. Convenient Arlington locations and low cost membership and course fees make it unique. Members join for our daytime college-level, noncredit academic courses, our clubs and our special events - they stay for the intellectual stimulation, the cultural experiences and the friendships. Teach, learn, share, grow, explore with others 50+. Phone: 703-228-2144; Web: <https://encorelearning.net/>

Senior Tuition Waiver - Under the terms of the Senior Citizens Higher Education Act of 1974, eligible Virginia residents, 60 years or older with a taxable income not exceeding \$23,850 for Virginia income tax purposes, may enroll for credit in university courses through the Non-degree Studies Program without paying tuition. Senior citizens at least 60 years of age may register to audit courses for free regardless of income level. Phone: 703-993-2441; Web: <https://registrar.gmu.edu/swbrochure/>

Mason Recreation Sports Facilities Membership Open to the Community

Mason Recreation offers state-of-the-art facilities for the university and surrounding community. Fitness memberships that include access to all three recreation facilities- Aquatic and Fitness Center (AFC), the Recreation and Athletic Complex (RAC), and Skyline Fitness Center-are available to both university-affiliated and nonaffiliated individuals. Call to schedule a tour. Phone: 703-993-3939; Web: recreation.gmu.edu

The Aquatic and Fitness Center (AFC)

Web: recreation.gmu.edu/afc

The AFC offers a fitness gallery with 3,000 square feet of cardio and 5,000 square feet of weight-training equipment. Several group exercise and indoor cycling classes are offered at no additional cost. The AFC features a recreational pool, an Olympic-size competition pool and diving well, a 14-person hot tub, and a dry sauna. Private swim lesson packages are available for children and adults, as well as lifeguard certification, water safety instructor, and lifeguard instructor certification.

The Recreation and Athletic Complex (RAC)

Web: recreation.gmu.edu/rac

The RAC is a 120,000-square-foot facility that boasts three gymnasiums, two racquetball courts, two squash courts, a two-story fitness gallery that spans more than 15,000 square feet, and a refreshment center. An equipment checkout desk is available during normal operating hours and offers a wide variety of equipment for members, including camping gear. Semester-based passes may also be purchased for additional access to martial arts or yoga and Pilates classes.

Skyline Fitness Center

Web: recreation.gmu.edu/skyline-fitness

Centrally located on the Fairfax Campus, Skyline Fitness Center offers a variety of cardio and strength machines, free weight equipment, and a regulation-size basketball court during the fall and spring semesters.