

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
September 12, 2023**

AGENDA

- 9:30 Presentations
- 10:00 Matters Presented by Board Members
- 10:00 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Streets into the Secondary System – Burnt Pine Estates (Mason District)
- 2 Streets into the Secondary System – Park Pointe (Springfield District)
- 3 Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Delia Drive (Franconia District)
- 4 Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Helena Drive and Providence Street (Providence District)
- 5 Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Dana Avenue (Franconia District)
- 6 Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Miller Heights Road and Miller Road (Providence District)
- 7 Authorization to Advertise a Public Hearing to Convey Board-Owned Property Identified as Tax Map No. 0504 01 0050B to the Fairfax County Redevelopment and Housing Authority (Mason District)
- 8 Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Outdoor Lighting Around Turner Farm Park Observatory (Dranesville District)
- 9 Authorization to Advertise a Public Hearing to Consider Adoption of the Proposed Affordable Housing Preservation Administrative Policy Guidelines

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
September 12, 2023**

**ADMINISTRATIVE
ITEMS
(continued)**

- 10 Authorization to Advertise a Public Hearing to Consider an Amendment to Section 65-6-6 of The Code of the County of Fairfax (County Code), Virginia Relating to Public Sanitary Sewer Availability
- 11 Authorization to Advertise a Public Hearing for the Creation of Holmes Run Area Sanitary District for Refuse/Recycling Collection Services (Mason District)
- 12 Authorization to Advertise a Public Hearing for the Enlargement of Dunn Loring Area 1 Sanitary District for Refuse/Recycling Collection Services (Providence District)
- 13 Authorization to Advertise a Public Hearing for the Enlargement of Springfield Park Area 1 Sanitary District for Refuse/Recycling and Vacuum Leaf Collection Services (Franconia District)
- 14 Authorization to Advertise a Public Hearing for the Enlargement of Stone Haven Area Sanitary District for Refuse/Recycling Collection Services (Braddock District)
- 15 Authorization to Advertise a Public Hearing for the Creations of Elmwood Estates Area 1, Reddfield Area 1, Swinks Mill Area 1 and Enlargements of Chesterbrook Estates Area 2, Lewinsville Heights Area 1, McLean Manor Area 3, River Oaks Area 1 and River Oaks Area 2 Sanitary Districts for Refuse/Recycling Collection Services (Dranesville District)
- 16 Supplemental Appropriation Resolution AS 24061 for the Health Department to Accept Funding from the Virginia Department of Health for Antimicrobial Stewardship for Long-Term Care Facilities
- 17 Authorization for the Department of Public Works and Environmental Services to Apply for and Accept Grant Funding from the U.S. Department of Defense Readiness and Environmental Protection Integration Program for the Pohick Stream Stabilization Project

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
September 12, 2023**

**ADMINISTRATIVE
ITEMS
(continued)**

- 18 Authorization for the Department of Public Safety Communications to Apply for and Accept Grant Funding from the Virginia Department of Emergency Management for the FY 2024 Public Safety Answering Point Staffing Recognition Grant Program

ACTION ITEMS

- 1 Approval of the Reciprocal Agreement Between the Town of Vienna and the Fairfax County Police Department (FCPD) Organized Crime and Narcotics (OCN) Division
- 2 Presentation of the Delinquent Tax List for Tax Year 2022 (FY 2023)
- 3 Resolution to Support the Abandonment of Portions of Acorn Ridge Road (Route 6556) and the Abandonment and Addition of Portions of Burning Bush Drive (Route 7200) (Sully District)
- 4 Endorsement of the Virginia Department of Transportation Secondary Six-Year Program for Fiscal Years 2024 - 2029
- 5 Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Public Safety Facilities

**INFORMATION
ITEMS**

- 1 Endorsement of Volume II District Design Guidelines for the McLean Community Business Center (Dranesville District)

CLOSED SESSION

Closed Session

**PUBLIC
HEARINGS**

- 3:30 Public Hearing on Proposed Plan Amendment 2021-II-V1 Pan Am Shopping Center, Located at the Southeast Quadrant of the Intersection of Route 29 and Nutley Street (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
September 12, 2023**

**PUBLIC
HEARINGS
(continued)**

- 3:30 Public Hearing on Proposed Plan Amendment 2020-III-UP1 Reston Area Comprehensive Plan Amendment (Hunter Mill District)
- 3:30 **Intent to Defer to
09/26/2023
at 3:30 p.m.** Public Hearing on RZ 2022-LE-00024 (6235 Brandon Avenue LLC) (Franconia District) (Associated with PA 2021-IV-FS1)
- 3:30 Public Hearing on RZ 2022-HM-00023 (Caliber Developments, L.C.) (Hunter Mill District)
- 3:30 Public Hearing on PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085) concurrent with PCA 2009-HM-019-03 (RZPA 2022-HM-00084) (Comstock Reston Station Holdings, LC) (Hunter Mill District)
- 4:00 Public Hearing on SE 2023-MV-00006 (Ashley E. Heineman and Gavin A. Dawson) (Mount Vernon District) (Associated with VC 2022-MV-00006)
- 4:00 Public Hearing on SE 2021-MV-00032 (Karlyn M. Davis, D/B/A Karlyn's Little Blessings) (Mount Vernon District)
- 4:00 Public Hearing on SE 2022-SP-00036 (Northern Virginia Electric Cooperative) (Springfield District)
- 4:00 Public Hearing on a Proposed Amendment to Appendix O of the Fairfax County Code to Create a Local Stormwater Management Assistance Fund and Enter into an Agreement with Northern Virginia Soil and Water Conservation District for Fund Administration
- 4:00 Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Merrifield Capacity Sanitary Sewer Upgrade (Providence District)
- 4:30 Public Hearing on SE 2022-MV-00033 (Nighat Iqbai, D/B/A Lorton Family Childcare) (Mount Vernon District)
- 4:30 Public Hearing on SE 2022-BR-00042 (Tiffany D. Santana) (Braddock District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
September 12, 2023

9:30 a.m.

PRESENTATIONS

- PROCLAMATION — To designate September 2023 as Childhood Cancer Awareness Month. Requested by Chairman McKay and Supervisors Lusk and Palchik.
- PROCLAMATION — To designate September 2023 as Suicide Awareness Month. Requested by Chairman McKay and Supervisors Walkinshaw and Smith.
- PROCLAMATION — To designate September 17-23, 2023 as Constitution Week in Fairfax County. Requested by Chairman McKay and Supervisor Gross.
- PROCLAMATION — To designate September 2023 as Emergency Preparedness Month. Requested by Supervisor Lusk.

STAFF:

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

Board Agenda Item
September 12, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
September 12, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
September 12, 2023

ADMINISTRATIVE – 1

Streets into the Secondary System – Burnt Pine Estates (Mason District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Burnt Pine Estates	Mason	Burnt Pine Court

TIMING:

Board approval is requested on September 12, 2023.

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Form for Board of Supervisors Resolution

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS</p> <p>REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 7761-SD-001</p> <p>SUBDIVISION PLAT NAME: Burnt Pine Estates</p> <p>COUNTY MAGISTERIAL DISTRICT: Mason</p>		
<p>VDOT PERMITS MANAGER: Robert H. Burton</p> <p>BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2023.06.15 10:45:28 -04'00'</small></p>	<p>FOR OFFICIAL USE ONLY</p> <p>VDOT INSPECTION APPROVAL DATE: <u>06/01/2023</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Burnt Pine Court	Existing Burnt Pine Court, Route 10003 - 371' NW CL River Downs Road, Route 10001	161' NW to End of Cul-de-Sac	0.03
NOTES:			TOTALS:
5' Concrete Sidewalk around the Cul-de-Sac to be maintained by VDOT			0.03

Board Agenda Item
September 12, 2023

ADMINISTRATIVE – 2

Streets into the Secondary System – Park Pointe (Springfield District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Park Pointe	Springfield	Swope Court

TIMING:

Board approval is requested on September 12, 2023.

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Form for Board of Supervisors Resolution - June 2005

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 5072-SD-001</p> <p>SUBDIVISION PLAT NAME: Park Pointe</p> <p>COUNTY MAGISTERIAL DISTRICT: Springfield</p>	
<p>ENGINEERING MANAGER: Robert H. Burton <small>Nadia N. Alphonse for Robert H. Burton Digitally signed by Nadia N. Alphonse for Robert H. Burton Date: 2023.06.16 15:06:46 -04'00'</small></p> <p>BY: <u>Burton</u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>06/05/2023</u></p>	
STREET NAME	LOCATION	LENGTH MILE
	FROM	TO
Swope Court	CL Gambrell Road, Route 640 - 370' N CL Ridge Road, Route 6997	623' E to End of Cul-de-Sac
NOTES:		TOTALS:
5' Concrete Sidewalk on the South Side and around the Cul-de-Sac (ending at Lot 9 driveway) to be maintained by VDOT.		0.12
5' Concrete Sidewalk on the North Side (outside the dedicated right-of-way) to be maintained by the HOA.		

Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 3

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Delia Drive (Franconia District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- One “Watch for Children” sign on Delia Drive (Franconia District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” sign as soon as possible.

TIMING:

Board action is requested on September 12, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for the installation of one or more “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign(s) will be effectively located and will not conflict with any other traffic control devices.

On June 5, 2023, FCDOT received verification from the Franconia District Supervisor’s Office confirming community support for one “Watch for Children” sign on Delia Road.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

Board Agenda Item
September 12, 2023

FISCAL IMPACT:

Funding in the amount of \$300 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

ENCLOSED DOCUMENTS:

None

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 4

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Helena Drive and Providence Street (Providence District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following roads:

- Helena Drive from Idylwood Road to its terminus (Providence District)
- Providence Street from Helena Drive to its terminus (Providence District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on September 12, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Helena Drive and Providence Street (Providence District) meet the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On July 11, 2023, FCDOT received verification from the Providence District Supervisor’s office confirming community support.

Board Agenda Item
September 12, 2023

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

FISCAL IMPACT:

For the "\$200 Additional Fine for Speeding" signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Helena Drive and Providence Street

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Helena Drive and Providence Street

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County of Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
HELENA DRIVE AND PROVIDENCE STREET
PROVIDENCE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 12, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Helena Drive from Idylwood Road to its terminus, and Providence Street from Helena Drive to its terminus. Such roads also being identified as a Local Roads; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Helena Drive and Providence Street.

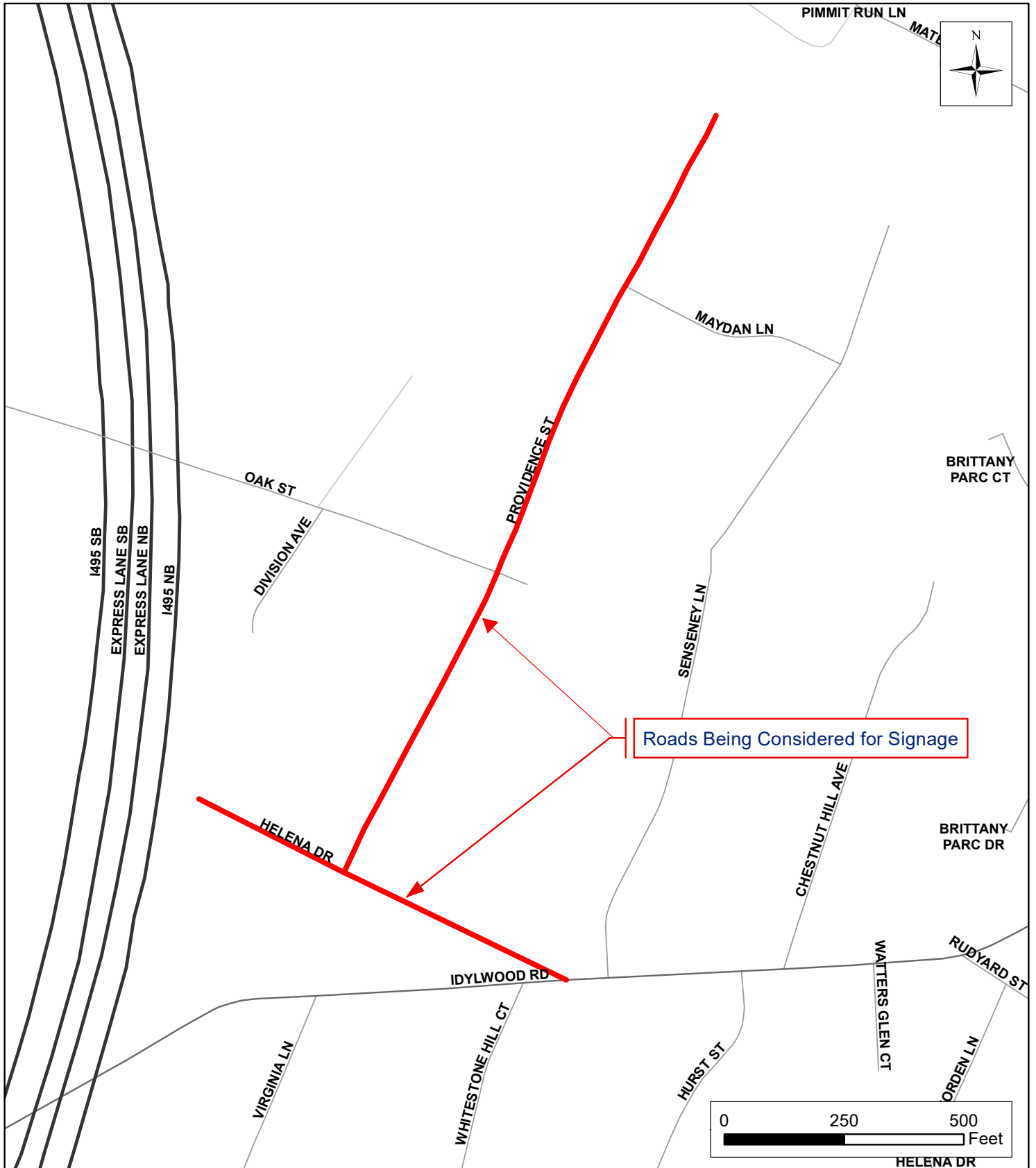
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Helena Drive from Idylwood Road to its terminus, and Providence Street from Helena Drive to its terminus.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 12th day of September, 2023.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 39-4

July 2023

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Helena Drive and Providence Street
 Providence District**



Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 5

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Dana Avenue (Franconia District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) endorsing a traffic calming plan for Dana Avenue (Attachment II) consisting of the following:

- Three speed humps on Dana Avenue (Franconia District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure(s) as soon as possible.

TIMING:

Board action is requested on September 12, 2023, to allow the proposed measure(s) to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

On June 23, 2023, FCDOT received verification from the Franconia District Supervisor's office confirming community support for the Dana Avenue traffic calming plan.

Board Agenda Item
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EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

FISCAL IMPACT:

Funding in the amount of \$38,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Dana Avenue

Attachment II: Traffic Calming Plan for Dana Avenue

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
DANA AVENUE
FRANCONIA DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 12, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Dana Avenue have requested the Franconia District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Dana Avenue; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Dana Avenue indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

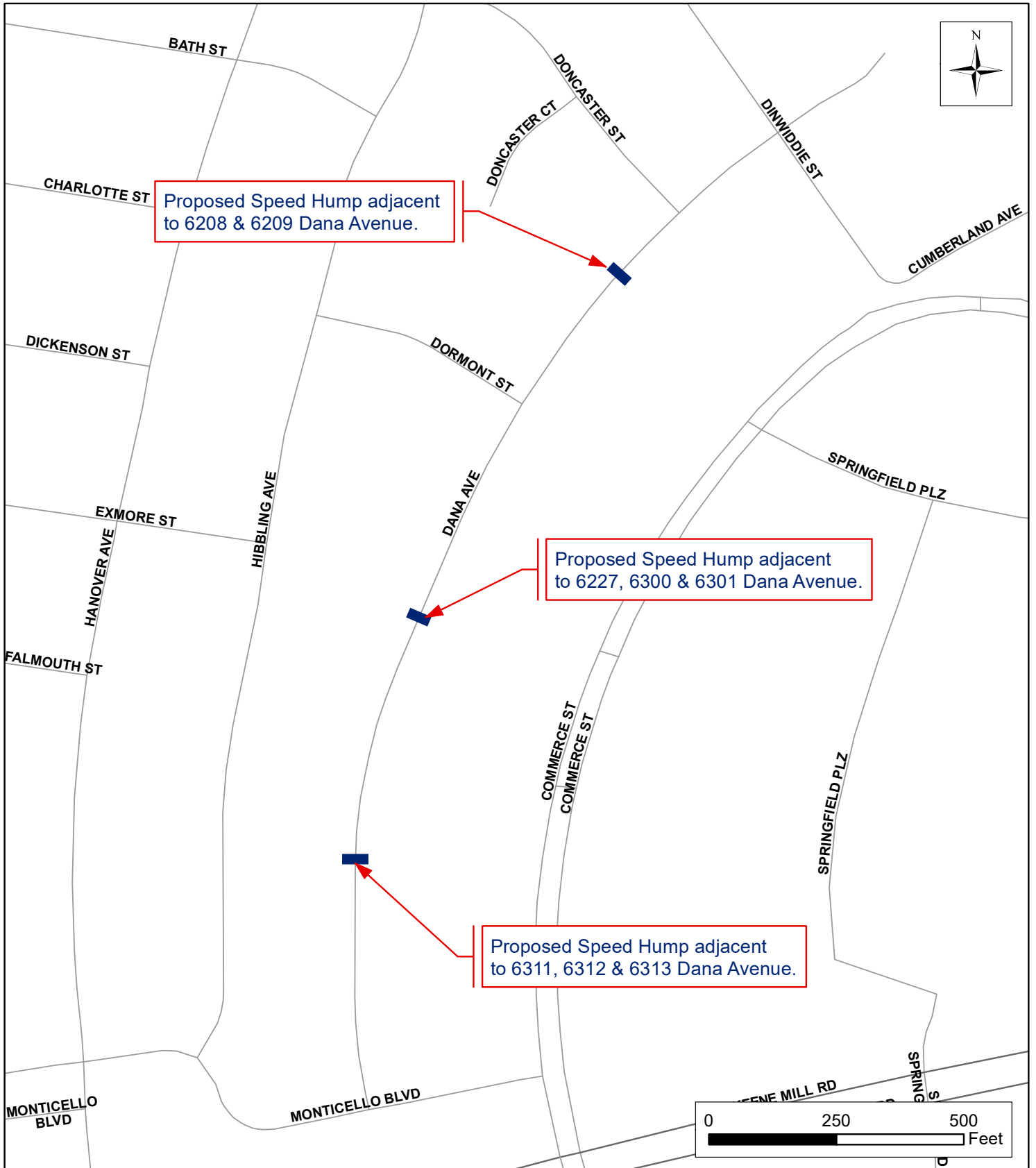
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Dana Avenue as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 12th day of September, 2023.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map:80-3

Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Traffic Calming Plan
 Dana Avenue
 Franconia District

July 2023



Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 6

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Miller Heights Road and Miller Road (Providence District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) endorsing a traffic calming plan for Miller Heights Road and Miller Road (Attachment II) consisting of the following:

- One raised plantable median island on Miller Heights Road (Providence District)
- One raised plantable median island on Miller Road (Providence District)
- Three speed tables on Miller Heights Road (Providence District)
- One speed hump on Miller Heights Road (Providence District)
- Change three existing speed humps to speed tables on Miller Heights Road (Providence District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure(s) as soon as possible.

TIMING:

Board action is requested on September 12, 2023, to allow the proposed measure(s) to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once

Board Agenda Item
September 12, 2023

the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

On June 26, 2023, FCDOT received verification from the Providence District Supervisor's office confirming community support for the Miller Heights Road/Miller Road traffic calming plan.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

FISCAL IMPACT:

Funding in the amount of \$210,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Miller Heights Road and Miller Road
Attachment II: Traffic Calming Plan for Miller Heights Road and Miller Road
Attachment III: Plantable Median Island Rendering – Miller Heights Road/Oakton Road
Attachment IV: Plantable Median Island Rendering – Miller Road/Miller Heights Road

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
MILLER HEIGHTS ROAD AND MILLER ROAD
PROVIDENCE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 12, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Miller Heights Road and Miller Road have requested the Providence District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Miller Heights Road and Miller Road; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Miller Heights Road and Miller Road indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

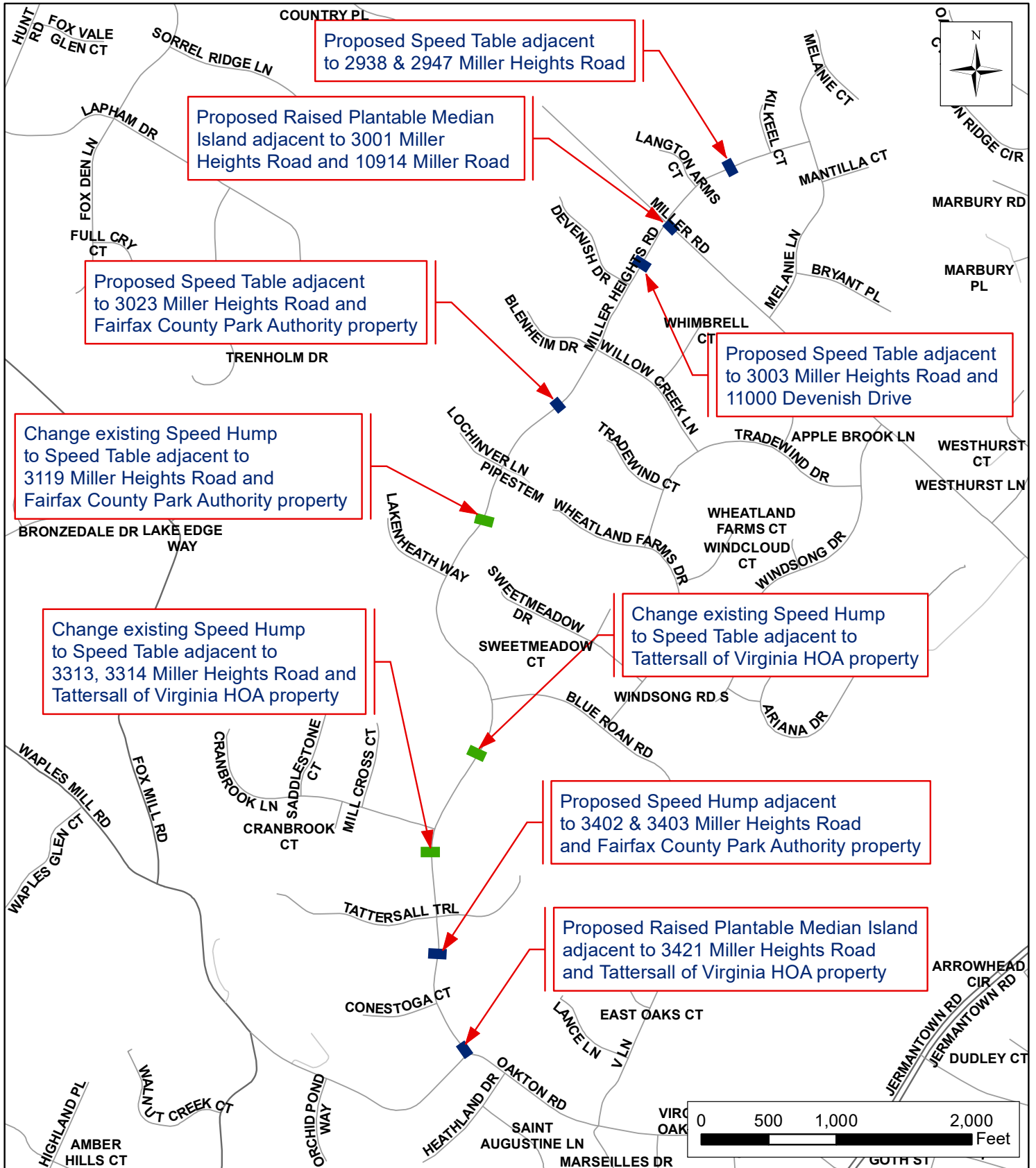
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Miller Heights Road and Miller Road as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 12th day of September, 2023.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



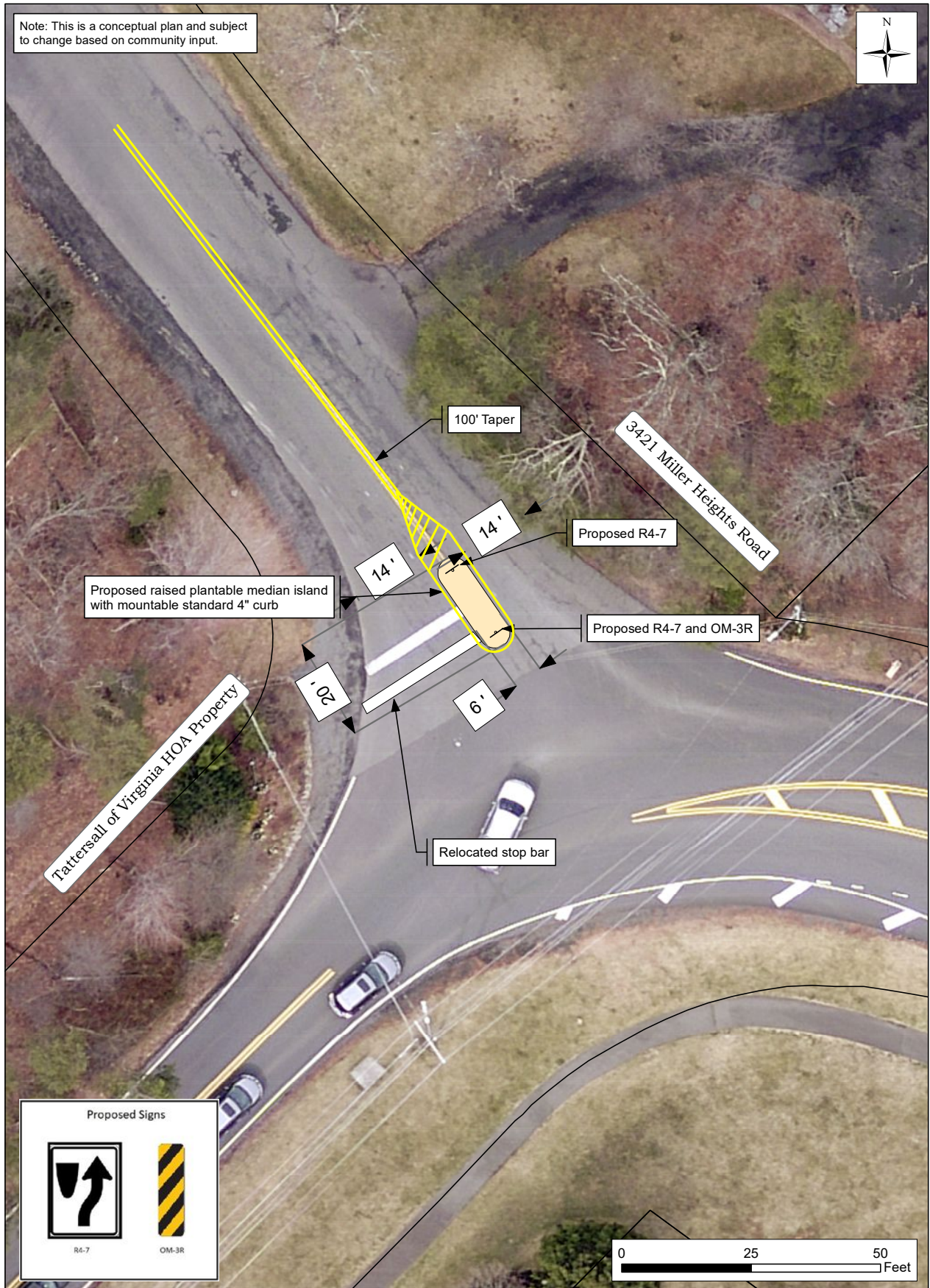
Tax Map: 36-4, 37-3, 46-2, 46-4, 47-1, 47-3

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Traffic Calming Plan
 Miller Heights Road and Miller Road
 Providence District**

July 2023

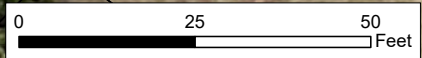


Note: This is a conceptual plan and subject to change based on community input.



Proposed Signs

R4-7 OM-3R



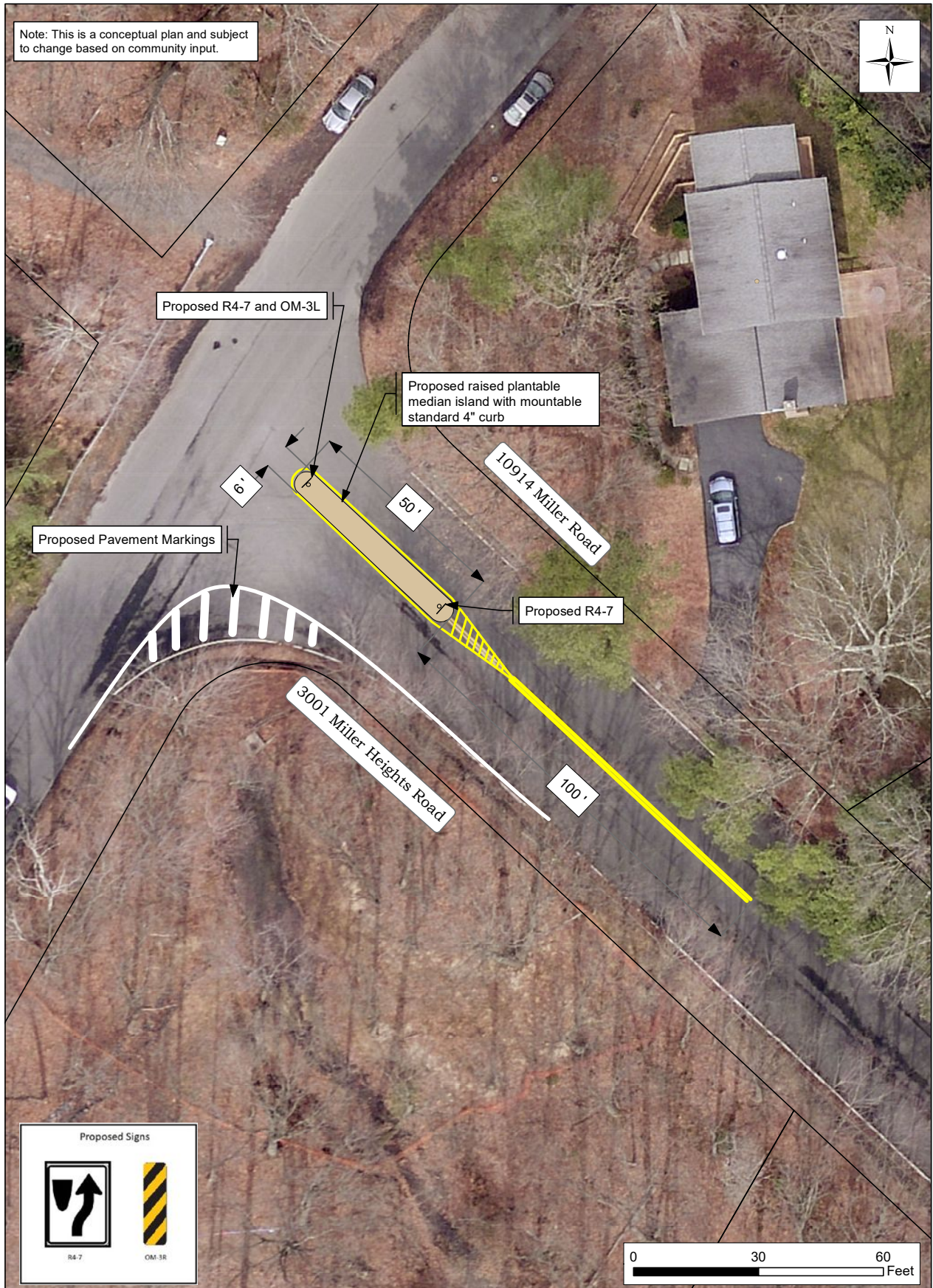
Tax Map: 47-1

August 2023



**Fairfax County Department of Transportation
Residential Traffic Administration Program
Raised Median Island & Pavement Markings
Miller Heights Road
Providence District**





Tax Map: 47-1

August 2023



Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Raised Median Island & Pavement Markings
 Miller Road
 Providence District



Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Convey Board-Owned Property Identified as Tax Map No. 0504 01 0050B to the Fairfax County Redevelopment and Housing Authority (Mason District)

ISSUE:

Authorization of the Board of Supervisors to advertise a public hearing regarding the conveyance of Board-owned property identified as Tax Map No. 0504 01 0050B to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of Board-owned property to the FCRHA.

TIMING:

Board action is requested on September 12, 2023, to provide sufficient time to advertise the proposed public hearing on October 10, 2023, at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of an approximately half-acre parcel of land located near the intersection of Annandale Road and School Lane and is identified as Tax Map No. 0504 01 0050B (the Property). The vacant parcel is currently part of the campus for the James Lee Community Center. Despite the best efforts of the County to maintain this land, the Property has frequently been used over the years as a dumping site for construction materials and household items.

There is a critical need in West Falls Church for the creation of housing opportunities for low- to moderate-income households. The FCRHA is evaluating measures to leverage the vacant Property by partnering with a private developer pursuant to the terms of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), to develop affordable homeownership units on the Property (the Project).

Since the Property was originally part of the Special Exception Amendment (SEA) application to allow for the renovation of the Community Center in 2004, the Project will require an amendment to allow for residential use of the Property rather than its current limitation to recreational and childcare uses. Other rezoning actions and/or amendments to the Comprehensive Plan that may be required for the Project will be

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submitted at the same time. These entitlement applications will be evaluated by County staff and reviewed at public hearings by both the Planning Commission and the Board. In addition, the public will be afforded several opportunities as part of the PPEA process to comment on the Project and its possible impacts on the surrounding communities.

Staff recommends that the conveyance of the Property to the FCRHA be subject to the condition that the parcel must be used in connection with the Project. If the FCRHA no longer pursues the Project, the FCRHA will transfer ownership of the Property back to the Board. Staff recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

Because *Virginia Code Ann. § 15.2-1800* requires a locality to hold a public hearing before it may dispose of any real property, staff recommends that the Board authorize staff to advertise a public hearing to convey the Property to the FCRHA.

EQUITY IMPACT:

The creation of affordable homeownership units on this site will add to the continuum of housing options being made available across the County to achieve the Board's goal of 10,000 new affordable housing units by 2034. While site constraints preclude a large multifamily development on the property, it is an excellent site to efficiently develop as a long-term affordable homeownership opportunity for County families. With Fairfax County's 2023 Area Median Income at \$152,100 for a family of four, implementing an affordable homeownership opportunity would provide crucial housing for low or moderate income working families within Mason District. Further, the location of the Project aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

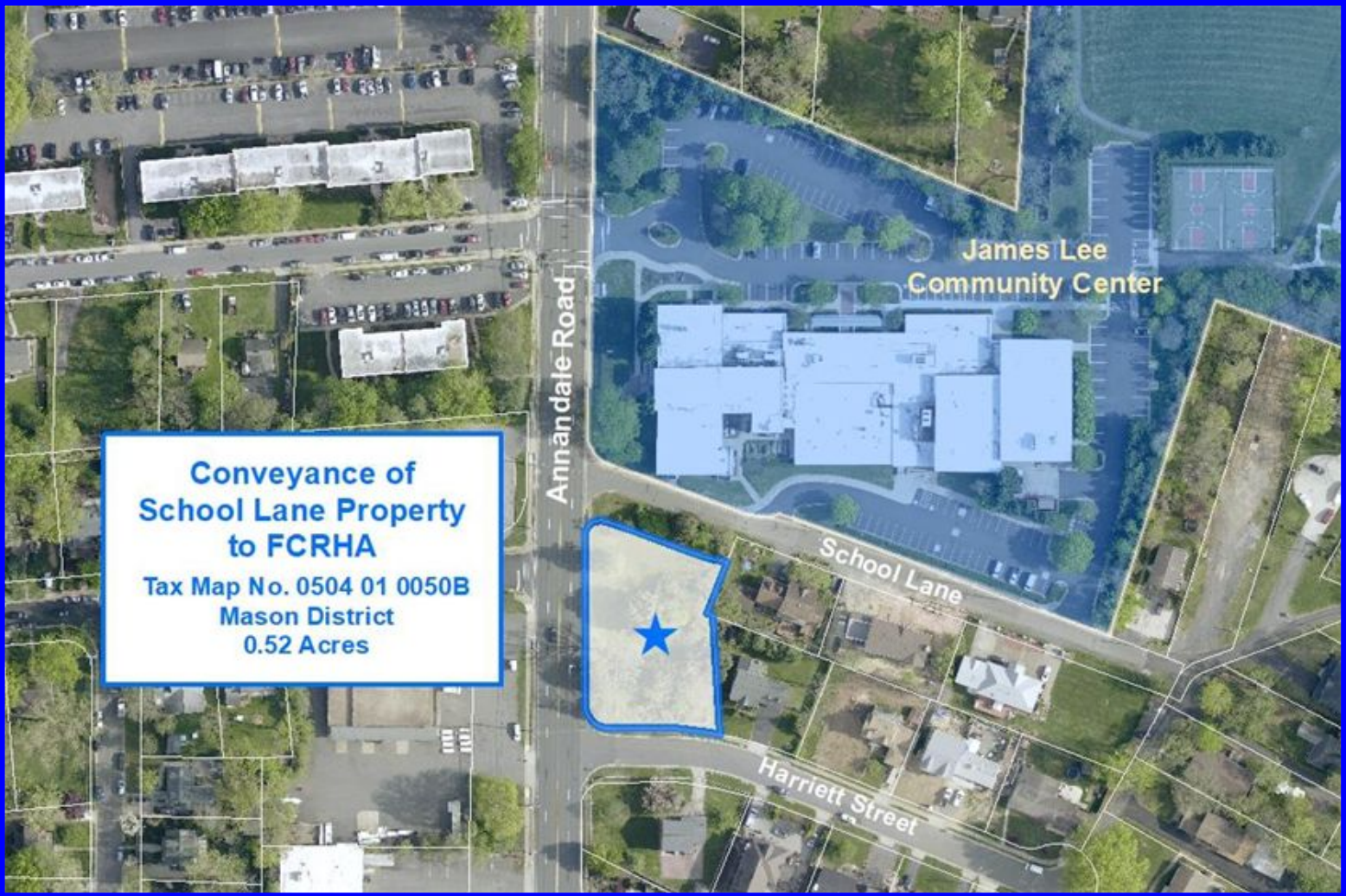
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STAFF:

Ellicia L. Seard-McCormick, Deputy County Executive
Christopher A. Leonard, Deputy County Executive
Thomas E. Fleetwood, Director, Housing and Community Development (HCD)
Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD
Mark Buenavista, Division Director, Design, Development, and Construction, HCD
José A. Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney
Susan Timoner, Assistant County Attorney



ADMINISTRATIVE – 8

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Outdoor Lighting Around Turner Farm Park Observatory (Dranesville District)

ISSUE:

The proposed Zoning Ordinance amendment supports dark skies around the Turner Farm Park Observatory (Observatory) by further limiting exemptions from outdoor lighting regulations for full cut-off lighting within one-half mile of the Observatory, while allowing for flexibility to keep and install lights for safety and nighttime visibility.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed Zoning Ordinance amendment by adopting the Resolution set forth in Attachment 1.

TIMING:

Board action is requested on September 12, 2023, to provide sufficient time to advertise the proposed Planning Commission public hearing on October 18, at 7:30 p.m., and the proposed Board of Supervisors public hearing on November 21, 2023, at 3:30 p.m.

BACKGROUND:

Section 5109 of the Zoning Ordinance requires most lights to be full cut-off fixtures and mounted horizontal to the ground, which is generally referred to as dark sky lighting. However, the Zoning Ordinance includes certain exemptions from those regulations. This amendment proposes to limit exemptions from outdoor lighting regulations for properties located within a one-half mile area of the Turner Farm Park Observatory. The Virginia Code allows localities to regulate outdoor lighting within one-half mile around astronomical facilities.

- The amendment proposes to reduce the maximum lumens for motion-activated lights on single-family lots from 4,000 lumens to 1,500 lumens, consistent with the maximum lumens for other exempt light fixtures.
- The amendment limits the exemption for all other lights with up to 1,500 lumens on single-family lots to those lights located near a door or garage. Landscape and decorative lighting up to 20 lumens would also be exempt.
- The amendment would add a limit of 300 lumens for uplights or spotlights.
- The amendment would allow legally existing lights to remain. The new regulations would apply to new or replaced fixtures.

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A more detailed discussion of these and other proposed changes is contained in the Staff Report (Attachment 2).

EQUITY IMPACT:

None.

REGULATORY IMPACT:

The proposed amendment revises existing and adds new regulations for certain types of outdoor lighting on properties located within one-half mile of the Turner Farm Park Observatory to further protect the night sky for the Observatory.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD
Carmen Bishop, Deputy Zoning Administrator, DPD

ASSIGNED COUNSEL:

Cherie Halyard Mack, Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on September 12, 2023, at which meeting a quorum was present, the following resolution was adopted:

WHEREAS, the purpose of the existing regulations for outdoor lighting is to reduce glare, light trespass, and light pollution, and promote safety, and energy conservation; and

WHEREAS, Va. Code §15.2-920 allows localities to regulate outdoor lighting around astronomical facilities; and

WHEREAS, to date the Turner Farm Park Observatory is the only astronomical facility subject to the Zoning Ordinance; and

WHEREAS, the amendment would further protect dark skies around the Observatory by limiting exemptions from certain outdoor lighting regulations and reducing or adding limits on lumens on properties located within one-half mile around the Observatory; and

WHEREAS, the amendment would allow lawfully existing outdoor lighting to remain; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Outdoor Lighting Around Turner Farm Park Observatory

September 12, 2023

Hearing Dates

Planning Commission: October 18, 2023

Board of Supervisors: November 21, 2023

Staff Contact

Carmen Bishop, Deputy Zoning Administrator



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).



Zoning Administration Division
Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314

www.fairfaxcounty.gov/planning-development

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Background

On February 11, 2020, as part of the adoption of a Zoning Ordinance amendment updating certain outdoor lighting provisions, the Board of Supervisors (Board) approved a follow-on motion directing staff to consider additional zoning regulations to protect dark skies around astronomical facilities. This motion was in response to comments received from the community and supported by the Planning Commission.

Turner Farm Park Observatory

The Board’s follow-on motion was based on Va. Code §15.2-920 which says:

“In addition to any other authority granted to localities by law, any locality may by ordinance regulate outdoor lighting within an area one-half mile around planetariums, astronomical observatories and meteorological laboratories. ...”

The only facility within the County that could be subject to such regulations is the Turner Farm Park Observatory (“Observatory”), located at the intersection of Georgetown Pike and Springvale Road within the Dranesville District. There is an additional observatory located at the Fairfax campus of George Mason University; however, the Zoning Ordinance does not apply on properties owned by the Commonwealth and used for the Commonwealth’s purposes.



Figure 1 - Telescope at Turner Farm Park Observatory

The Observatory consists of a roll-top observatory with multiple telescopes and a former National Defense Mapping Agency observation tower that will be converted to a remote access telescope observatory. The Observatory is part of a larger park complex that contains equestrian facilities, a playground, and a picnic area. The Observatory offers classes, summer camps, scout badges, and holds astronomy festivals. In addition to the for-fee activities, the Observatory is open for free to the public for viewing Friday nights, weather permitting. Volunteers from the Analemma

Society open the park for free viewing during astronomical events like eclipses and comets. The Observatory has served approximately 16,500 people in educational programs and viewing sessions since January of 2018. Currently, the Observatory is working toward becoming an

official Urban Night Sky Place from the International Dark Sky Association and hopes to become an education leader in dark sky preservation and value-centered lighting.

Proposed Changes

Proposed text is provided below. [Section 5109](#) of the Zoning Ordinance contains standards for outdoor lighting that apply countywide and are intended to reduce the impacts of glare, light trespass, and light pollution; promote safety and security; and encourage energy conservation. These regulations support dark skies by requiring most lights to be dark sky compliant (full cut-off and mounted horizontal to the ground). In accordance with the Virginia Code, the proposed amendment would further limit outdoor lighting on properties located within one-half mile of the Observatory. These properties are zoned residential and developed with single-family detached dwellings or recreation facilities. The area includes 525 lots and is shown below:

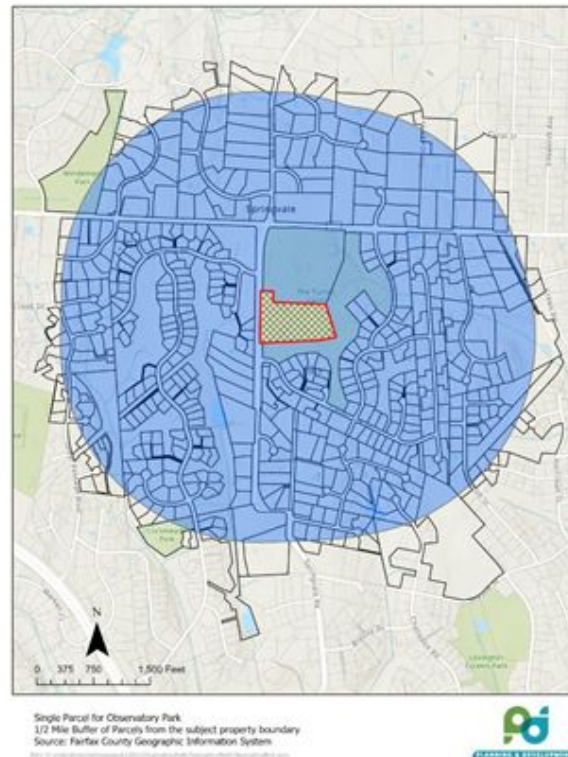


Figure 2 - One-Half Mile Area

Fairfax County is within an area of overall light pollution, but due to the scientific properties of light, lighting near the Observatory has a greater impact on the ability to engage in astronomical observation at the Observatory. For example, one light bulb located one-half mile from the Observatory would have approximately the same impact as four bulbs

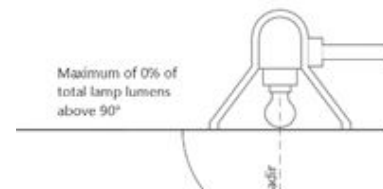


Figure 3 – Full cut-off fixture

located one mile away or almost 200 bulbs at Tysons, about seven miles away. However, to allow flexibility to install lighting for safety, security, and nighttime visibility, limits on (a) the number of lights per lot, and (b) the lumens for full cut-off lights, are not recommended. The Fairfax County Police Department has advised that proper lighting can be a deterrent for criminal activity, but overlighting is not needed to facilitate a safe environment.

In general, the proposed revisions allow for flexibility for outdoor lighting within one-half mile of the Observatory while preserving dark skies. The proposed regulations are summarized in the table below as compared to current countywide standards and are further discussed below.

Current Zoning Ordinance standards (countywide)	Proposed amendment for Observatory area
Previous amendments have allowed legally existing lights to remain until replaced.	Legally existing lights within one-half mile of the Observatory may remain until replaced.
Motion-activated lights on single-family lots: do not need to be full cut-off or meet the setback/shielding requirement (see footnote 2 below) if they are: (a) 4,000 lumens or less, (b) turn off within 5 minutes, and (c) are directed within the property.	No change to (b) or (c) but motion-activated lights must be 1,500 lumens or less (rather than 4,000 lumens). See below for more information about lumens.
Other lights on single-family lots: do not need to be full cut-off or meet the setback/shielding requirements if 1,500 lumens or less.	All lights need to be full cut-off and comply with the setback/shielding requirements, except for: <ul style="list-style-type: none"> - any lights 20 lumens or less, and - any number of lights at a door or garage, up to 1,500 lumens/fixture.
Uplights or spotlights (architectural features, flags, landscaping): any number allowed, but must be full cut-off or shielded to confine the light to the object.	Any number of fixtures allowed, with a maximum of 300 lumens/fixture.
Color temperature: Up to 3,000K.	Same.
Light trespass: No specific standard in the Zoning Ordinance, but there are standards for full cut-off fixtures and setback or shielding, and a prohibition on disability glare.	Same. The requirements above would reduce potential light trespass.



What are lumens? Lumens measure light output. This is different from watts, which measure electrical power consumption. Lumens can be converted from watts, but it depends on the efficiency of the bulb. The lumens are listed on light bulb packaging and sometimes on the bulb itself. Below are examples for comparing some typical light bulbs (based on <https://www.thecalculatorsite.com/energy/watts-lumens.php>):

<u>Incandescent Bulb Watts</u>	<u>Lumens</u>
250	3,000 – 4,500
100	1,200 – 1,800
60	720 – 1,080
25	300 – 450
1	12 – 18

- Previously existing lights:** As the outdoor lighting regulations have changed over time, lawfully existing lights in place prior to the effective date of the new regulations have been allowed to remain. Existing Applicability provisions are found in subsection 5109.1. Previous draft text for this amendment included two options for consideration – option 1 would have allowed lighting that was lawful when installed to remain until replaced, and option 2 would have required all lights to conform within five years. Based on community feedback, staff recommends allowing lawfully existing lights to remain until replaced (option 1 in the previous draft text). Therefore, the new regulations would apply only to new or replaced lighting fixtures. In accordance with subsection 5109.2.C, routine fixture maintenance, such as changing a light bulb or other components, does not constitute replacement if the changes do not result in a higher lumen output or a color temperature above 3,000K. Allowing existing light fixtures to remain indefinitely recognizes the financial investments of homeowners in lighting. New or replacement light fixtures that would comply with the proposed regulations are available at costs comparable to other light fixtures.
- Residential lighting:** Currently, lighting fixtures, such as porch lights, lamp posts, and landscape lighting, are not required to be full cut-off¹ or meet the setback/shielding requirement² if they are 1,500 lumens or less (about a 100-watt incandescent bulb). Over time, dark sky compliant lighting has become more available



¹ See subsection [5109.3.A\(1\)](#) which requires lights to be full cut-off and mounted horizontal to the ground.

² See subsection 5109.3.C(3) which requires lights abutting residentially zoned properties to be mounted at a height equal to or less than, $Height = 3 + (Distance\ from\ lot\ line)/3$ or have opaque shielding to reduce glare on

and can now be purchased in stores and online.³ Within the one-half mile area around the Observatory, the proposed amendment would require all lights to be full cut-off and meet the setback/shielding requirement. This requirement would not apply to: (a) any number of lighting fixtures located at exterior doors or garages with a maximum of 1,500 lumens; (b) other lights, such as string or landscape lights, with up to 20 lumens; (c) motion-activated lights as discussed below; and (d) uplights or spotlights as discussed below.

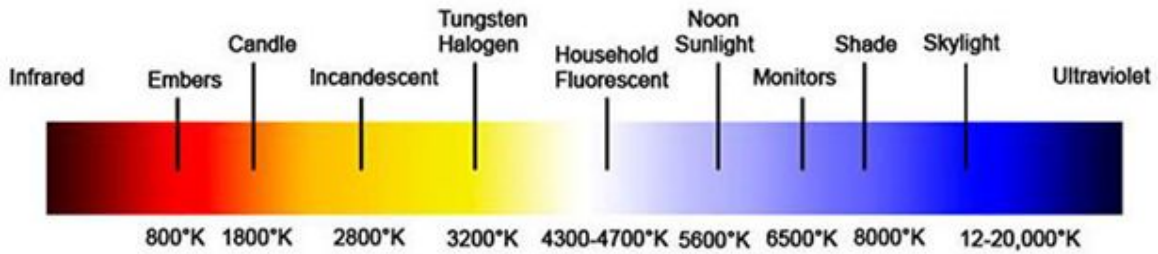
- **Motion-activated:** Motion-activated lights are not currently required to be full cut-off or meet the setback/shielding requirement if they: (a) are 4,000 lumens or less, (b) turn off within five minutes of the motion ceasing, and (c) are aimed so that illumination is directed within the property. Within the one-half mile area around the Observatory, the proposed amendment would lower the current maximum of 4,000 lumens (approximately a 250-watt incandescent bulb) to 1,500 lumens, consistent with the current exemption for other types of residential lighting.
- **Uplighting and spotlighting:** Currently, uplights and spotlights are allowed for flags, landscaping, signs, statues, architectural, and other features if the light is aimed and shielded to be confined to the object. Given the potential impacts on dark skies, in addition to the requirement for aiming and shielding, the amendment proposes to establish a maximum of 300 lumens per fixture. This is intended to allow flexibility in lighting design while reducing impacts on the night sky.

All other Zoning Ordinance outdoor lighting requirements would continue to apply, including maximum color temperature. Questions have been raised regarding whether the maximum allowed color temperature should be reduced within the one-half mile area. The countywide standard of 3,000K was adopted for streetlights in the Public Facilities Manual in 2019 and for private properties in the Zoning Ordinance in 2020. For reference, a typical incandescent bulb has a color temperature of approximately 2,600K to 3,000K. Color temperature impacts glare and bulbs with a lower color temperature, such as 2,700K, are now typically available. However, given the relatively recent adoption of the 3,000K standard and the limited difference between 2,700K and 3,000K, staff does not recommend revising the color temperature standard with this amendment.⁴

the abutting property. For example, a light located 20 feet from the lot line could be mounted no higher than 9.67 feet, unless it had shielding.

³ Images from homedepot.com

⁴ Image from <https://www.ledwatcher.com/what-is-light-bulb-color-temperature-and-how-it-is-measured/>



Community Outreach

Because the amendment would affect only the area surrounding the Turner Farm Park Observatory, outreach has been focused on and coordinated with the Great Falls community and the Dranesville district. The draft text was developed and revised based on feedback obtained at three town halls and through an online community survey. In general, feedback has been mixed, with some in favor of additional regulations, and some against. Information about the community outreach is available [online](#).

Summary

Overall, the proposed amendment would support dark skies around the Observatory while allowing for flexibility in lighting design for individual properties. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined.

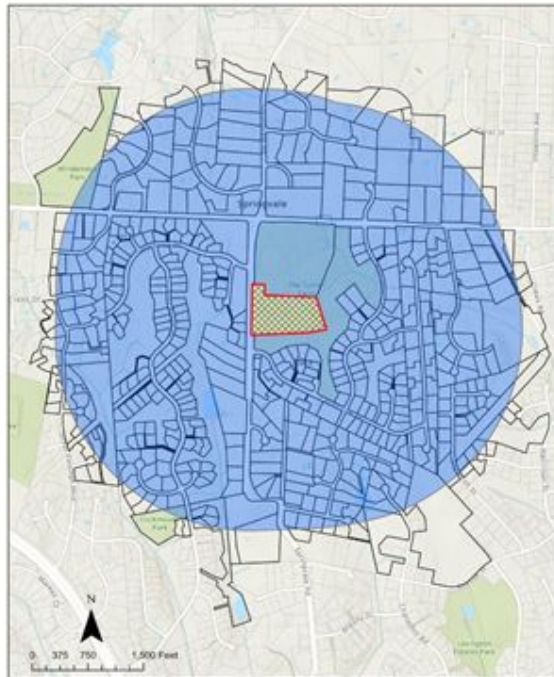
#1 INSTRUCTION: Add new subsection 5109.5, as shown below.

5. Lighting Standards Surrounding the Turner Farm Park Observatory

A. Applicability

In addition to the other standards of this Section, properties located within one-half mile around the Turner Farm Park Observatory, as shown in Figure 5109.5 below, are subject to this subsection 5109.5. The one-half mile area is measured from the lot identified by Tax Map reference 12-1 ((1)) 24 as of *(insert effective date of this amendment)*. If a lot is partially within the one-half mile area, these standards apply to the entire lot. The Applicability provisions in subsection 5109.1 also apply.

Figure 5109.5: Turner Farm Park Observatory Half-Mile Area



B. Lighting Fixtures and Mounting

- (1)** On lots developed with single-family dwellings, instead of the exemptions in subsections 5109.2.F and 5109.2.G, the following lighting fixtures do not need to be full cut-off and mounted horizontal to the ground as required by subsection 5109.3.A(1), or comply with the setback or shielding requirement in subsection 5109.3.C(3):

 - (a)** Motion activated lighting fixtures that:

 - 1.** Emit initial lighting levels of 1,500 lumens or less;
 - 2.** Are extinguished within five minutes upon cessation of motion; and
 - 3.** Are aimed to direct the illumination within the property boundary.
 - (b)** Lighting fixtures located at an exterior door or garage with initial lighting levels of 1,500 lumens or less per fixture. These fixtures must be located within three feet of and intended to illuminate the immediate area of the door or garage.
 - (c)** Lighting fixtures of 20 lumens or less.
- (2)** Uplights or spotlights in accordance with subsection 5109.3.A(4) are allowed with initial lighting levels of 300 lumens. The lights must be full cut-off and mounted horizontal to the ground or directionally shielded, aimed, and controlled to confine the light to the object intended to be illuminated. The setback or shielding requirement of subsection 5109.3.C(3) applies to these lights.

#2 INSTRUCTION: Revise the Applicability provisions of subsection 5109.1.B, as shown below.

1. Applicability

- A.** These outdoor lighting standards apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures, except as provided in subsection 2 below.
- B.** Previously existing lighting fixtures:

 - (1)** Outdoor lighting fixtures lawfully existing before June 17, 2003, that do not conform to the provisions of this section ~~are deemed to be a lawful nonconforming use and~~ may remain.
 - (2)** For the purpose of the provisions in subsections ~~3.A(2) (correlated color temperature), 5109.2.F (exemptions for motion activated light fixtures), and 5109.2.G (exemptions for lots developed with single-family dwellings), and 5109.3.A(2) (correlated color temperature),~~ outdoor lighting fixtures lawfully existing before February 12, 2020, ~~are deemed to be a lawful nonconforming use and~~ may remain. ~~A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture is no longer deemed nonconforming and must be in accordance with the provisions of this section.~~
 - (3)** For properties subject to subsection 5109.5, outdoor lighting fixtures lawfully existing before (insert effective date of this amendment), that do not conform to the provisions of subsection 5109.5 may remain.

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Consider Adoption of the Proposed Affordable Housing Preservation Administrative Policy Guidelines

ISSUE:

Authorization to advertise a public hearing to consider adoption of the proposed Affordable Housing Preservation Administrative Policy Guidelines (Administrative Guidelines).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing to consider adoption of the Affordable Housing Preservation Administrative Policy Guidelines on September 26, 2023, at 4:00 p.m.

TIMING:

Board action is requested on September 12, 2023, to provide sufficient time for advertisement of the public hearing on September 26, 2023, at 4:00 p.m.

BACKGROUND:

The proposed Administrative Guidelines set forth guidance and procedures for properties utilizing the Multifamily Affordable Housing Preservation Policy (Appendix 2 of the Housing Element of the Policy Plan within the Fairfax County Comprehensive Plan, as adopted March 21, 2023). The Preservation Policy establishes a goal of one-for-one replacement of existing affordable units that are proposed to redevelop. Under the Preservation Policy, property owners may seek additional density above Plan guidance without a Comprehensive Plan amendment when committing to preserve units during redevelopment. The Preservation Policy was developed in accordance with the report entitled "Affordable Housing Preservation Task Force Recommendations to the Fairfax County Board of Supervisors," dated April 6, 2021.

The proposed Administrative Guidelines provide implementation guidance on the Preservation Policy on the following topics:

- **Applicability of the Preservation Policy:** The applicability of the policy will depend on the presence of market or committed multifamily rental housing units existing on the property, as determined by the County. If the policy applies, this affordability assessment will inform the goal for preservation during

redevelopment. Property owners are encouraged to request a determination of applicability prior to any of the submission of a rezoning application or of a pre-application request, or the authorization of a comprehensive plan amendment.

- Review of Preservation Proposals: Property owners should present a Preservation Proposal to the County that includes information about the number and type of units proposed to be preserved and affordability levels relative to the existing affordability on the property, as well as an assessment of the additional density that would be needed to preserve the units. Supporting documents may be requested as needed. Staff from the Department of Housing and Community Development (HCD) and the Department of Planning and Development (DPD) will review Preservation Proposals and provide feedback to the property owner prior to and as part of a Comprehensive Plan Amendment or rezoning application.
- Replacement unit goals: Preservation Proposals should include plans to preserve units with comparable affordability levels and bedroom mixes to what exists on the site and should factor in the needs of the existing tenants.
- Administration of units that are preserved: Preserved Affordable Units (PAUs), when not subject to an affordability requirement and related administration process required by another local, state or federal program during the PAU affordability period, should utilize the Fairfax County Board of Supervisors' Countywide and Tysons Urban Center Workforce Dwelling Unit Administrative Policy Guidelines (WDU Guidelines)
- Off-site unit preservation: The Administrative Guidelines outline factors to consider when proposing to preserve units offsite, when necessary.
- Relocation Assistance Plans for existing tenants: Proposals utilizing the Preservation Policy should provide a Relocation Assistance Plan for review and approval. Relocation Assistance Plans should be crafted utilizing the Fairfax County Relocation Guidelines.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

The Administrative Guidelines, as well as background on the Preservation Policy, are available online at: <https://www.fairfaxcounty.gov/housing/affordable-housing-preservation>

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STAFF:

Christopher Leonard, Deputy County Executive

Rachel Flynn, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

Tracy Strunk, Director, Department of Planning and Development (DPD)

Anna Shapiro, Deputy Director, Real Estate, Finance, and Development, HCD

Meghan Van Dam, Director, Affordable Housing Development Division (AHD), HCD

Leanna O'Donnell, Director, Planning Division (PD), DPD

Brianne Fuller, Associate Director, Preservation, AHD, HCD

Kelly Atkinson, Assistant Planning Division Director, Development Review Branch Chief, PD, DPD

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Consider an Amendment to Section 65-6-6 of The Code of the County of Fairfax (County Code), Virginia Relating to Public Sanitary Sewer Availability

ISSUE:

Authorization to advertise a public hearing to consider an amendment to County Code Section 65-6-6, relating to public sanitary sewer availability for conformance with the County's Statement of Policy Regarding Sewage Disposal (Sewer Policy).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) authorize advertisement of a public hearing on September 12, 2023, for the public hearing to be held on September 26, 2023, at 4:00 p.m. to consider this ordinance amendment.

TIMING:

Board action is requested on September 12, 2023, to provide sufficient time to advertise the public hearing before the Board of Supervisors on September 26, 2023, at 4:00 p.m. If adopted by the Board, the amendment will become effective at 12:01 a.m. on September 27, 2023.

The proposed amendment has been prepared by the Department of Public Works and Environmental Services in coordination with Land Development Services and the Office of the County Attorney.

BACKGROUND:

Public sewer availability is governed by the County Code and the Sewer Policy.

Under Section 65-6-6 of the County Code, the County's sewer system is deemed available if a residential structure is within 300 feet of the County sewer and connection can be lawfully made. Public sewer is also available to all other types of structures that are within 500 feet of the County sewer. Section 65-6-6 is intended to apply to properties within the Approved Sewer Service Area (ASSA) boundary.

The Sewer Policy sets forth the policies used by DPWES for providing public sewer service to areas of the County. Relevant to this amendment, the Sewer Policy limits

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public sewer service to lots within the boundary of the ASSA and lots located within 400 feet of the ASSA to receive sewer service, but only if they meet the requirements listed in Section A-2 of the Sewer Policy.

PROPOSED AMENDMENT:

The proposed amendment to Section 65-6-6 of the County Code adds a reference to the Sewer Policy to clarify that availability of the public sewer service under Section 65-6-6 of the County Code is subject to the Board-adopted Policy.

A copy of the amendment is attached as Attachment I. A copy of the Sewer Policy is attached as Attachment II.

REGULATORY IMPACT:

The proposed change is editorial in nature. It amends the sewer availability provisions of Section 65-6-6 of the County Code by adding a reference to the Board's adopted policies that must be considered by designers and developers when considering whether public sewer is available on a site.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Chapter 65 (Plumbing and Gas Provisions) of the Code of the County of Fairfax, Virginia

Attachment II: Department of Public Works and Environmental Services Fairfax County, Virginia Statement of Policy Regarding Sewage Disposal (Sewer Policy)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

William D. Hicks, Director, Land Development Services

Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Management Divisions, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

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ASSIGNED COUNSEL:
Marc Gori, Assistant County Attorney

**Proposed Amendment to Chapter 65 (Plumbing and Gas Provisions)
of the
Code of the County of Fairfax, Virginia**

**Amend Chapter 65 (Plumbing and Gas Provisions), Article 6 (Sewer and Water Systems),
Section 65-6-6 (Public sanitary sewer and water availability) to read as follows:**

(a) *Single-Family Attached or Detached Dwelling Units:* [Subject to the Statement of Policy Regarding Sewage Disposal adopted by the Board of Supervisors, as amended, Aa](#) public water supply system and/or a public sewer system shall be deemed available to single-family attached or detached dwelling units if such structures are within three hundred (300) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(b) *All Other Structures:* [Subject to the Statement of Policy Regarding Sewage Disposal adopted by the Board of Supervisors, as amended, Aa](#) public water supply system and/or a public sewer system shall be deemed available to all structures other than single-family attached or detached dwelling units if such structures are within five hundred (500) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(c) Any extension of public sewer or water required hereby shall be made at the expense of the owner of the structures to be served. (15-95-65; 18-98-65.)

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES
FAIRFAX COUNTY, VIRGINIA

STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL

Adopted by the Board of Supervisors June 16, 1980

Revised February 2, 1981

Revised April 30, 2001

Revised June 17, 2002

Revised September 12, 2005

Revised February 2, 2016

Revised December 6, 2022

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SECTION A – GENERAL

A-1 The Fairfax County Integrated Sewage System (ISS) is operated and maintained by the Department of Public Works and Environmental Services (DPWES), to provide public sewer service to areas designated by the Fairfax County Board of Supervisors (Board) as the Approved Sewer Service Area (ASSA) in accordance with the adopted [Fairfax County Comprehensive Plan](#).

A-2 The ASSA boundary includes the immediately adjacent area which can be served by the smallest allowable gravity lines installed in accord with normal engineering practices that will result in the safest and most cost-effective operation. No extension of a gravity sewer line across the ASSA boundary may exceed a distance of 400 feet beyond the boundary nor have a manhole depth of more than 12 feet, unless approved by the Board. This is referred to as the “400-foot rule.” However, the 400-foot rule does not apply to those areas excluded from the ASSA by the Board.

A lot is eligible to be served by the public sewer system if (1) it is entirely or partially located within 400 feet of the ASSA or has a lot line touching the 400-foot boundary line and (2) is capable of being served by a gravity sewer lateral. For structures served by a gravity sewer lateral, an ejector pump may be used to pump sewage from one basement level in the structure to the gravity-flow lateral line, provided that the other floor(s) of the structure are served by the gravity-flow lateral line and the ejector pump is used to pump the sewage to such gravity-flow lateral line.

Under specified circumstances described below, an exception may be made to allow the use of a sewage pump when gravity lines cannot be used, if a lot meets all other 400-foot rule requirements. In such extensions of sewer lines across the drainage divide of the ASSA, owners may be allowed to pump the sewage generated by an existing structure, even in those areas where the Board has determined that the 400-foot rule does not apply, if all of the requirements set forth in either Paragraph 1 (subparagraphs 1(a) through 1(l) below) or Paragraph 2 (subparagraphs 2(a) through 2q) below are satisfied:

PARAGRAPH 1 REQUIREMENTS:

- 1(a) the applicable lot must already have an existing residential structure served by an onsite sewage disposal system;
- 1(b) the residence on the applicable lot must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;
- 1(c) the onsite sewage disposal system serving that residence must have been approved by the Fairfax County Health Department (FCHD) in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;
- 1(d) the FCHD must have concluded that the onsite sewage disposal system on the applicable lot is failing, constitutes a health hazard, and cannot reasonably be repaired or replaced;
- 1(e) the FCHD, in consultation with DPWES, must have determined that, other than a

connection to the public sewer with the use of a sewage pump, there is no reasonable alternative method of sewage disposal available to the residence with the failing onsite sewage disposal system;

- 1(f) the applicable lot cannot be located more than 400 feet from the boundary of the existing ASSA;
- 1(g) the lateral of the applicable residence cannot extend more than 300 feet from the connection to the public sewer;
- 1(h) the lateral and the sewage pump must be owned, maintained by, and remain the sole responsibility of the owner of the lot proposed to be served by such lateral and pump;
- 1(i) the applicable sewage pump must be located on the applicable lot;
- 1(j) the costs of extending a County sewer line to the applicable lot, including the cost of installing the sewage pump, laterals, and any other appurtenant devices, are the sole responsibility of the property owner;
- 1(k) the extension of a County sewer line, any laterals, and all appurtenant devices necessary to provide sewer service to the residence must be built and/or installed by the property owner in accordance with all of the applicable requirements of DPWES, the Fairfax County Department of Land Development Services (LDS), and the FCHD; and
- 1(l) the extension of a County sewer line must be dedicated to and accepted by the County for ownership and maintenance.

PARAGRAPH 2 REQUIREMENTS (as it relates to public road projects):

- 2(a) the applicable lot must have been developed with an existing residential structure served by an onsite sewage disposal system;
- 2(b) the residence on the applicable lot must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;
- 2(c) the onsite sewage disposal system serving that residence must have been approved by FCHD in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or the County;
- 2(d) the Virginia Department of Transportation (VDOT) and/or the Board must have concluded that a portion of the applicable lot is needed for the construction of a public road project and must be acquired by eminent domain or other means for use in that public road project;
- 2(e) the acquisition by eminent domain or other means by VDOT and/or the Board of a portion of the applicable lot and the construction of the public road project will

result in the incapacitation of the onsite sewage disposal system serving the residence on that lot;

- 2(f) the FCHD must have determined that the residence on the applicable lot at the time a portion of the lot is acquired by VDOT and/or the Board could no longer be served by the existing onsite sewage disposal system and that the incapacitation of the existing onsite sewage disposal system could not reasonably be repaired or replaced on the remaining portion of the applicable lot;
- 2(g) the provision of sanitary sewer to the impacted lot cannot and will not be used for the purpose of constructing any additional residences on that lot;
- 2(h) the FCHD, in consultation with DPWES, must have determined that, other than a connection to the public sewer with the use of a sewage pump, there is no reasonable alternative method of sewage disposal available to the residence with the incapacitated onsite sewage disposal system by the public road project;
- 2(i) the applicable lot to be served by the proposed sewer line cannot be located more than 400 feet from the boundary of the ASSA;
- 2(j) the lateral to be used by the applicable lot cannot extend more than 300 feet from the connection to the public sewer;
- 2(k) the lateral and sewage pump to be used by the applicable residence must be owned, maintained by, and remain the sole responsibility of the owner of the lot proposed to be served by such lateral and pump;
- 2(l) the applicable sewage pump must be located on the applicable lot;
- 2(m) the cost of extending the County sewer line to the applicable lot, including the cost of installing the sewage pump, laterals, and any other appurtenant devices, are the sole responsibility of the property owner, unless the County is solely responsible for designing, funding, and constructing the public road project that caused the incapacitation of the onsite sewage disposal system on such lot;
- 2(n) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the applicable residence must be built and/or installed by or on behalf of the property owner in accordance with all of the applicable requirements of DPWES, LDS, and FCHD;
- 2(o) the extension of a County sewer line must be dedicated to and accepted by the County for ownership and maintenance;
- 2(p) if a VDOT public road project, then a lot that satisfies all of the foregoing Paragraph 2 requirements will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that lot when VDOT certifies in writing to DPWES that the Commonwealth Transportation Board has taken formal action to award a construction contract for the work that is anticipated to incapacitate that system; and

2(q) if a County road project, then a parcel that satisfies all of the foregoing applicable Paragraph 2 requirements (2(a) through 2(p)) will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel if the DPWES certifies in writing to the Board that there is full funding for the public road project that will incapacitate that system.

A-3 Developers desiring sewerage service must apply to LDS and agree to perform all construction in accordance with plans and specifications approved by LDS and in accordance with all current standards of design and construction.

A-4 When required by DPWES, developers must provide enlarged sewage facilities to serve the area to be developed or redeveloped and upstream and downstream areas from the proposed development in accordance with general plans promulgated from time to time. Before construction of such enlarged sewage facilities, the developer may enter into an agreement with the County that provides partial reimbursement of the developer's costs, as set forth in Section D-2.

A-5 Betterments:

A-5.1 Developers are solely responsible for the cost of relocating existing sewage facilities to accommodate their development. If the relocated sewage facilities must also be enlarged to accommodate future sewage flows, the developers are eligible to enter into an agreement with the County for partial reimbursement, as set forth in Section D-2.

A-5.2 If developers must provide new sewage facilities to serve their development and these facilities will not convey sewage flows from existing customers but are sized beyond the developers' needs in order to accommodate future flows, then the developers are eligible to enter into an agreement with the County for partial reimbursement, as set forth in Section D-2.

A-6 All sewage facilities constructed by developers must be at their sole cost, be a minimum of 8 inches inside diameter, and be constructed in public rights-of-way or upon private land with recorded perpetual easements that provide free, unobstructed, uninterrupted rights-of-way with provisions for ingress and egress for inspection, operation, maintenance, enlargement, replacement, alteration, and extension of the sewage facility.

SECTION –B - POLICY REGARDING DEVELOPED COMMUNITIES

B-1 Existing developed communities that are not served by public sewage facilities may receive funding for these facilities by one or more of the following methods:

B-1.1 Sewer Revenue Bonds issued by the County based upon engineering and financial feasibility reports.

B-1.2 Fund Advancement by the community and/or individuals upon execution of agreement and deposit of sufficient funds to construct the facilities.

B-1.3 Extension and Improvement (E&I) Funds. After all requirements of the County's ISS have been met (i.e., operation and maintenance, debt service and required reserve),

funds may be budgeted for construction of extensions provided (a) the project is justifiable for the health and welfare of the area; (b) the finances of the ISS are such as to warrant the necessary expenditures; (c) at least one-half of the potential users of the facilities agree to connect to the ISS immediately upon completion of the facility, and to pay in cash in advance, the applicable availability charges.

B-1.4 County General Fund Contributions. If the purpose of the project is to abate a public health hazard, the General Fund of the County may, to the extent that the financial condition of the General Fund permits, contribute to the capital cost of such project in amounts up to a fraction thereof, the numerator of which being the number of potential users contributing to the public health hazard and the denominator of which being the total potential users of the project.

B-2 All properties within an E&I project area will be evaluated by FCHD's Division of Environmental Health and assigned into one of the following classes which are used in establishing the priority rating of a project.

Class-I - Properties in this class are presently served by onsite sewage disposal systems that are malfunctioning and creating an immediate hazard to the community.

Class -II - Properties in this class are served by onsite sewage disposal systems that have a history of problems, occasionally malfunction, are installed in poor soil conditions, or are otherwise not expected to function satisfactorily for any length of time. Sand filter systems are also included in this class since they do discharge effluent into streams and must be abandoned when public sewer is made available. Properties in this class are a potential hazard to the community.

Class III - Properties in this class are served by pit privies and pose no serious hazard to the community if maintained properly. However, these properties cannot be improved to accommodate disposal of water-carried human waste without the availability of public sewer.

B-3 All E&I projects will be installed in order of their priority rating. The Division of Environmental Health assigns preliminary priorities based on potential health hazards. These priorities are then reviewed jointly with DPWES, and adjustments are made taking into consideration the economic feasibility of the preliminary list.

SECTION -C - POLICY REGARDING REVENUES AND CHARGES

C-1 The ISS is organized and must operate on a basis designed to raise sufficient revenue to pay all costs and provide all appropriate reserves.

C-2 Sources of revenue of the County's ISS are (1) Availability Charges; (2) Connection Charges; (3) Lateral Spur Charges; (4) Service Charges; (5) Base Charges; and (6) Account Charges.

C-2.1 Availability Charge is a one-time charge collected from all users prior to connection to the system to cover in part the user's proportional share of the cost of facilities beyond the sewer lines with 8-inch inside diameter. Such facilities include sewer lines with greater than 8-inch inside diameter, pumping stations, force mains and treatment facilities.

C-2.1.1 The fundamental principle in determining the Availability Charge is: The needed total annual revenue requirements of the ISS collected from users and non-users (or by users and owners of properties) for whose use, need and benefit the sewage facilities are provided, in an amount that approximates the proportional cost of providing the use and the benefit of the sewerage facilities.

C-2.1.2 Availability Charge revenues may be used for construction of new capital facilities to the extent such facilities will benefit new subscribers to the system (new customers). Availability Charge revenues will not be used for improvements to the extent such improvements will only benefit existing customers of the system. Availability Charge revenues may be used to meet the cost of remedying significant operational emergencies, and provision will be made for the timing of reimbursement of the capital for any such emergency disbursements.

C-2.1.3 Separate accountability for Availability Charge revenues and capital expenditures will be maintained.

C-2.2 Connection Charge (Front Footage Charge) is a one-time charge collected from all users prior to connection to the system in those cases where service can be obtained from facilities entirely paid for by the County. It is levied as a partial repayment of the County's costs to construct sewage facilities. This charge does not apply to facilities paid for jointly by the County and persons, firms, or corporations other than the applicant.

C-2.3 Lateral Spur Charge is a one-time charge collected from all users who connect to the lateral spur. This charge must be paid prior to connection to the system and is levied as a partial repayment of the cost of a lateral spur, pursuant to VDOT requirements that all sanitary sewer facilities to be located within the right-of-way of public highways be installed at one time, and under a single permit.

C-2.4 Service Charges are continuing charges based upon water consumption at a cost per 1,000 gallons as established by the rate ordinance.

C-2.5 Base Charges are fixed charges on quarterly sewer bills to defray a portion of the cost of operating and maintaining the sewer system.

C-2.6 Account Charges are to defray the cost incurred by reason of special services rendered (repair of developer constructed facilities, temporary treatment, etc.) and agreements or regulatory requirements for which costs are not covered by other charges.

C-3 Review of all the above charges consistent with the principles set forth herein will occur periodically or may coincide with the County's budget cycle at which time these charges will be set by the Board of Supervisors.

C-4 Individual owners of properties located adjacent to or within reach of service by sewer lines paid for entirely by the County will be required to pay the applicable Availability, Connection, and Lateral Spur charges upon application for service.

SECTION –D - POLICY REGARDING REIMBURSEMENT AND FUNDS ADVANCED TO COUNTY

D-1 Sewage facilities will be constructed only after sufficient funds are advanced by others to finance construction of those facilities, or after the reserves of the ISS are adequate to finance said construction, or after the issue and sale of bonds.

D-1.1 Investments by developers in local sewage facilities to serve their respective development areas will not be refunded by, or become an obligation of, the County, as such investments are considered as accrued benefits to the improved property and will be recovered through the increase in value of the property.

D-2 Developers providing enlarged sewage facilities, as required by paragraphs A-4 and A-5, which are greater than required to serve the lots being developed or redeveloped, may be reimbursed for the cost differential as set forth in the reimbursement agreement according to the following policy:

D-2.1 The land disturbance permit for the development was issued after December 6, 2022.

D-2.2 The amount to be reimbursed for enlarged sewage facilities to convey existing, proposed, and future flows is determined by multiplying the costs of constructing the enlarged facilities by the quotient obtained by dividing the sum of the existing and future flows by total flow. Future flow will be estimated based on the County's Comprehensive Plan. Phasing of a large development does not reduce the developer's responsibility for the ultimate need of the larger development.

D-2.3 The amount to be reimbursed for Betterments is equal to the difference between the cost of the material only of the sewage facilities that would have satisfied the development's needs and the cost of the material only of the larger sewage facilities required by the County to serve future flows.

D-2.4 Developers are required to solicit at least three bids from licensed and bonded contractors for the construction of the sewage facilities eligible for reimbursement. The County will reimburse the developers based on the price of the lowest bid. However, the County has the authority to negotiate a reasonable reimbursement amount other than the bid amount.

D-2.5 Developers are required to submit a separate Public Improvement (PI) Plan for sewage facility improvements that include the enlarged sewage facilities to clearly separate the costs associated with these sewage facilities from the rest of the development. If no separate PI plan was submitted for projects designed prior to the effective date of this

policy, reimbursement will occur only after accurate and detailed documentation establishing the costs associated with only the enlarged sewer lines is submitted to and deemed sufficient by the County for purposes of determining the reimbursement amount. Plan type requirement may be waived at the discretion of DPWES Director.

D-2.6 Sewer lines with an internal diameter exceeding 8 inches will be considered enlarged sewers if they convey existing and future flows and flows from the proposed development.

D-2.7 Reimbursement payments will be made as provided in the reimbursement agreement. The reimbursement agreement must be executed between the developer and the County at the time of the submission of the engineering construction plans for the enlarged sewage facilities for review and approval by the County before the start of the construction. The agreement may need to be updated, if the time between the execution of the agreement and start of the construction exceeds one year, or for other justifiable reasons.

D-3 Extensions of sewer lines to the development boundary of subdivisions to facilitate service to adjoining properties will generally be constructed concurrent with the construction of facilities within the subdivision. Upon request, costs incurred by the developers for these extensions will be reimbursed from available E&I funds, which will be replenished by the Availability Charge paid by each adjoining property upon connection to the system.

D-4 Subject to execution of an application with the County, a property owner who privately funds extension of public sewage facility will be reimbursed under the following circumstances and according to the following policy:

- (a) The public sewage facility extension is available to and serves two or more single-family detached residential properties in a subdivision by direct connection and the applicant owns no more than two of such residential properties, one of which must be occupied by the applicant; and
- (b) Upon the County's receipt of a Surcharge, as described in D-4.c below, which shall be collected at the time any person files an application to connect to or contributes sewage to the privately funded sewage facility extension, such Surcharge shall be paid in January as partial reimbursement to the property owner funding the extension; and
- (c) The Surcharge amount equals the quotient obtained by dividing the cost of the sewage facility extension by the total number of single-family residential properties eligible to be served by the sewage facility extension or the County's current maximum Connection Charge for a single-family residential property, whichever is less. The cost of the sewage facility extension for purposes of determining the Surcharge is limited to installation costs (including, but not limited to, engineering, easement, permit, and construction costs) of that section of the sewage facility that is used jointly by the connecting single-family residential properties.
- (d) The applicant will forfeit any right to reimbursement under this policy in the event the applicant ceases to own at least one of the residential dwellings for which the extension of the sewage facility was constructed in the five-year period following the completion of the sewage facility extension. The applicant will also forfeit the right to

reimbursement if the applicant fails to maintain a valid mailing address with the County in accordance with the terms and conditions of the reimbursement application.

- (e) This policy applies only to lawful sewage facility extensions and connections that fully comply with all the provisions of the Board's adopted Statement of Policy Regarding Sewage Disposal.

SECTION E – LIMITATION OF STATEMENT OF POLICY

This statement of policy is published for the information of developers and the public as a guide to understanding the policy of DPWES in its administration of the Integrated Sewage System of Fairfax County. As such, no statement herein contained should be construed as binding upon the County.

ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing for the Creation of Holmes Run Area Sanitary District for Refuse/Recycling Collection Services (Mason District)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the creation of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, October 24, 2023, to consider the following change to Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Mason District (Holmes Run Area)	Create	Refuse & Recycling	Deny

TIMING:

Board of Supervisors' authorization to advertise on September 12, 2023, is required for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Board Agenda Item
September 12, 2023

Staff recommends that the authorization to advertise a public hearing for the creation of Holmes Run Area Sanitary District for refuse/recycling be denied. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map
(Holmes Run Area)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eric Forbes, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Create Holmes Run Area Sanitary District in DTA Local District 1B within Mason District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Create Holmes Run Area Sanitary District
DTA Local District 1B
Within the Mason District

Purpose: To provide County refuse/recycling collection services to Holmes Run Area.

- Petition requesting service initially received March 10, 2020; and petition process started on January 20, 2023.
- Petition Area: 74 Properties.
- 44 property owners in favor.
- 4 property owners opposed.
- 26 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be denied due to the Petition Coordinator not adjusting map, as requested by Staff, to avoid a negative environmental impact and to avoid higher collection cost due to above acceptable service time. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO CREATE HOLMES RUN AREA SANITARY DISTRICT IN
DTA LOCAL DISTRICT 1B
WITHIN MASON DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Holmes Run Area Sanitary District in DTA Local District 1B within Mason District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section *15.2-858*, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section *15.2-858*, as amended, to be known as Holmes Run Area Sanitary District in DTA Local District 1B within Mason District, Fairfax County, Virginia, which said creation of the sanitary

district shall be described as follows:

The creation of Holmes Run Area Sanitary District in DTA Local District 1B within Mason District located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Holmes Run Area Sanitary District in DTA Local District 1B within Mason District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Create Sanitary District for Refuse and Recycling Collection Services, 74 lots



Holmes Run HOA

Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing for the Enlargement of Dunn Loring Area 1 Sanitary District for Refuse/Recycling Collection Services (Providence District)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the enlargement of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, October 24, 2023, to consider the following change to Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 11 Within Providence District (Dunn Loring Area 1)	Enlarge	Refuse & Recycling	Approve

TIMING:

Board of Supervisors' authorization to advertise on September 12, 2023, is required for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Board Agenda Item
September 12, 2023

Staff recommends that the authorization to advertise a public hearing for the enlargement of Dunn Loring Area 1 Sanitary District for refuse/recycling collection be approved. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map
(Dunn Loring Area 1)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eric Forbes, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Enlarge Dunn Loring Area 1 Sanitary District in DTA Small District 11 within Providence District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Enlarge Dunn Loring Area 1 Sanitary District
DTA Small District 11
Within the Providence District

Purpose: To provide County refuse/recycling collection service to Dunn Loring Area 1.

- Petition requesting service initially received March 28, 2022; and petition process started on June 6, 2023.
- Petition Area: 2 Properties.
- 2 Property Owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE DUNN LORING AREA 1 SANITARY DISTRICT IN
DTA SMALL DISTRICT 11
WITHIN PROVIDENCE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known as Dunn Loring Area 1 in DTA Small District 11 within Providence District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Dunn Loring Area 1 in DTA Small District 11 within

Providence District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Dunn Loring Area 1 in DTA Small District 11 within Providence District located in the County of Fairfax, Virginia, and as shown on the attached map.

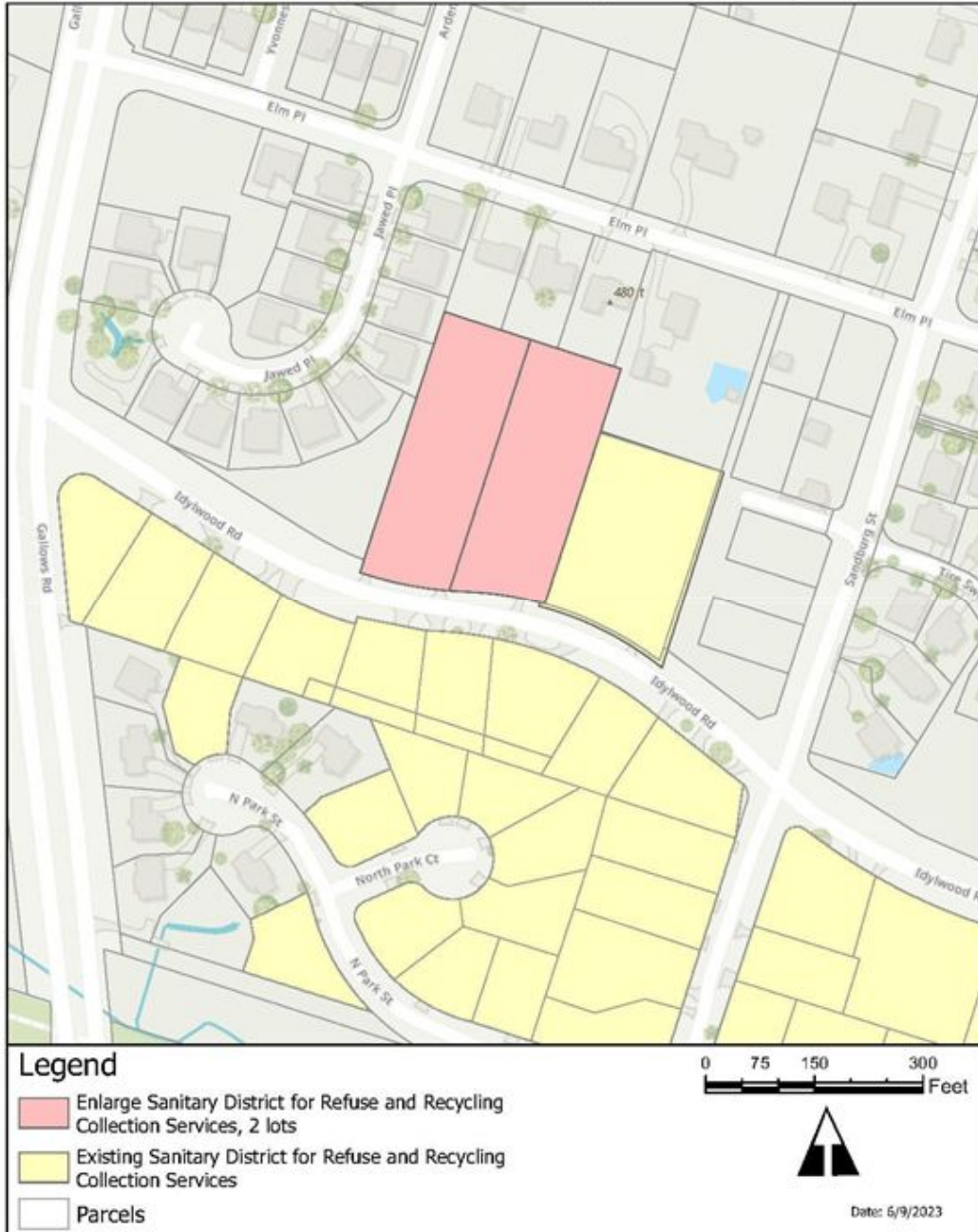
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Dunn Loring Area 1 in DTA Small District 11 within Providence District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Dunn Loring Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing for the Enlargement of Springfield Park Area 1 Sanitary District for Refuse/Recycling and Vacuum Leaf Collection Services (Franconia District)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the enlargement of Sanitary Districts for refuse/recycling and vacuum leaf collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, October 24, 2023, to consider the following change to Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Franconia District (Springfield Park Area 1)	Enlarge	Refuse, Recycling, & Vacuum Leaf	Approve

TIMING:

Board of Supervisors' authorization to advertise on September 12, 2023, is required for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

Board Agenda Item
September 12, 2023

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Staff recommends that the authorization to advertise a public hearing for the enlargement of Springfield Park Area 1 Sanitary District for refuse/recycling and vacuum leaf collection be approved. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Summary Sheet
Attachment 2: Data Sheet with Proposed Resolution and Map
(Springfield Park Area 1)

STAFF:
Rachel Flynn, Deputy County Executive
Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eric Forbes, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Enlarge Springfield Park Area 1 Sanitary District in DTA Local District 1B within Franconia District for the purpose of providing refuse, recycling, and vacuum leaf) collection services.

DATA SHEET
Enlarge Springfield Park Area 1 Sanitary District
DTA Local District 1B
Within the Franconia District

Purpose: To provide County refuse, recycling, and vacuum leaf collection services to Springfield Park Area 1.

- Petition requesting service initially received December 1, 2020; and petition process started on February 24, 2023.
- Petition Area: 4 Properties.
- 2 property owners in favor.
- 0 property owners opposed.
- 2 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE SPRINGFIELD PARK AREA 1 SANITARY DISTRICT IN
DTA LOCAL DISTRICT 1B
WITHIN FRANCONIA DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known as Springfield Park Area 1 in DTA Local District 1B within Franconia District for the purpose of providing for refuse, recycling, and vacuum leaf collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse, recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Springfield Park Area 1 in DTA Local District 1B within

Franconia District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The creation of Springfield Park Area 1 in DTA Local District 1B within Franconia District located in the County of Fairfax, Virginia, and as shown on the attached map.

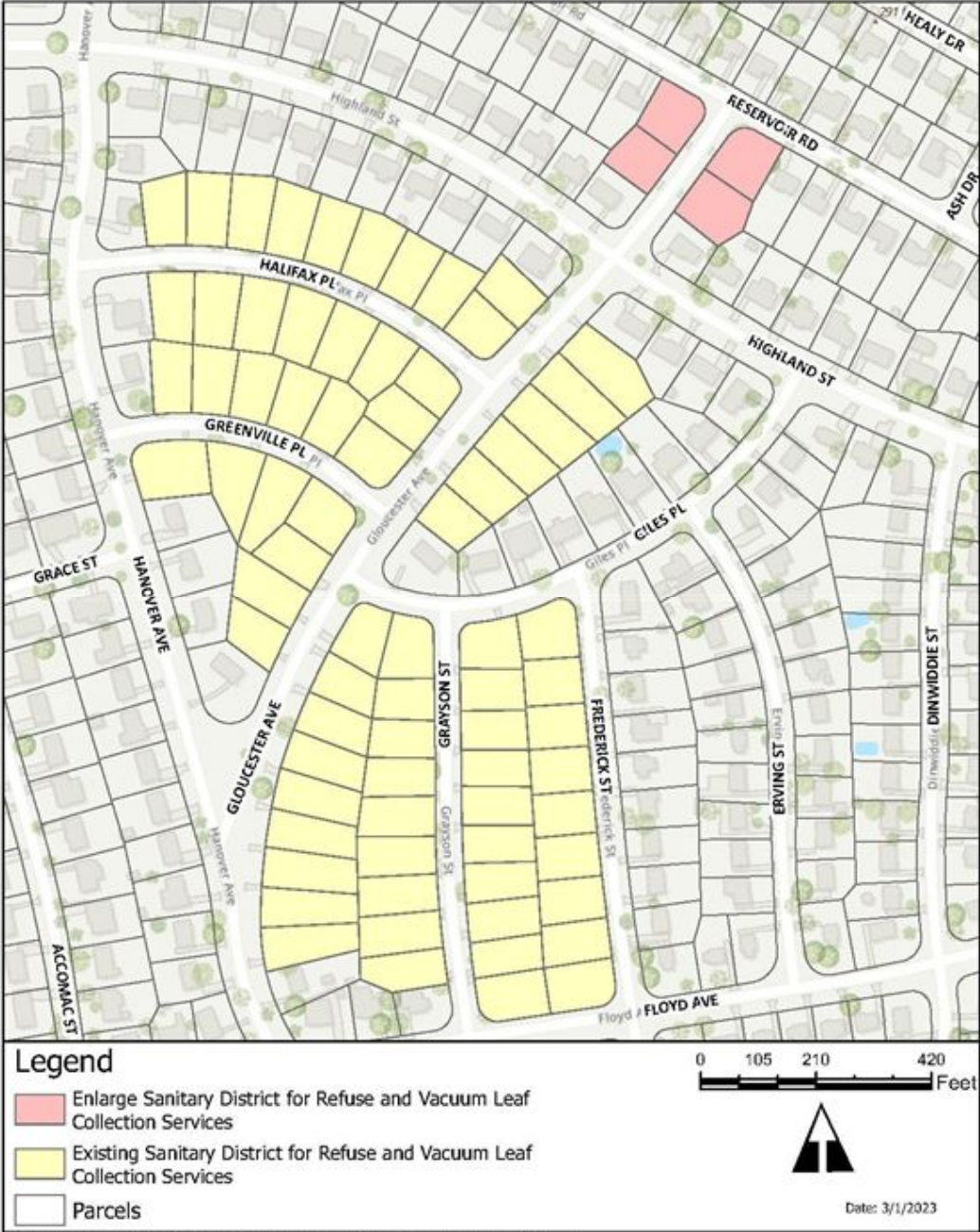
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Springfield Park Area 1 in DTA Local District 1B within Franconia District is hereby created to wit:

To provide refuse, recycling, and vacuum leaf collection services for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board Supervisors

Springfield Park Area 1 Sanitary District Map



Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 14

Authorization to Advertise a Public Hearing for the Enlargement of Stone Haven Area Sanitary District for Refuse/Recycling Collection Services (Braddock District)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the enlargement of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, October 24, 2023, to consider the following change to Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 3 Within Braddock District (Stone Haven Area)	Enlarge	Refuse & Recycling	Approve

TIMING:

Board of Supervisors' authorization to advertise on September 12, 2023, is required for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Board Agenda Item
September 12, 2023

Staff recommends that the authorization to advertise a public hearing for the enlargement of Stone Haven Area Sanitary District for refuse/recycling collection be approved. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map
(Stone Haven Area)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eric Forbes, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Enlarge Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Enlarge Stone Haven Area Sanitary District
DTA Small District 3
Within the Braddock District

Purpose: To provide County refuse/recycling collection services to Stone Haven Area.

- Petition requesting service initially received July 28, 2020; and petition process started on February 8, 2023.
- Petition Area: 102 Properties.
- 64 property owners in favor.
- 5 property owners opposed.
- 33 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE STONE HAVEN SANITARY DISTRICT IN
DTA SMALL DISTRICT 3
WITHIN BRADDOCK DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Stone Haven Area Sanitary District in DTA Small

District 3 within Braddock District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District located in the County of Fairfax, Virginia, and as shown on the attached map.

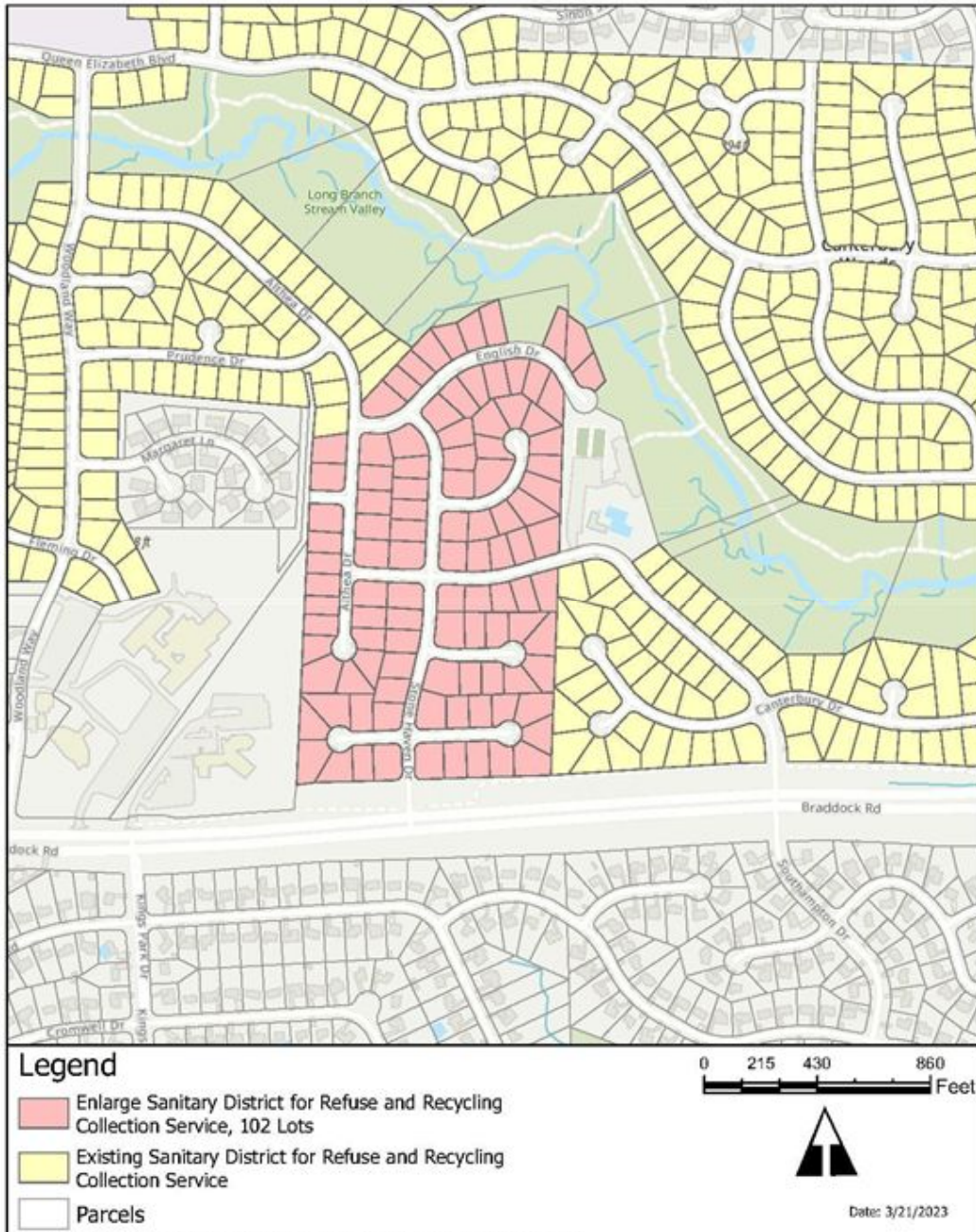
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board Supervisors

Stone Haven Sanitary District Map



ADMINISTRATIVE – 15

Authorization to Advertise a Public Hearing for the Creations of Elmwood Estates Area 1, Reddfield Area 1, Swinks Mill Area 1 and Enlargements of Chesterbrook Estates Area 2, Lewinsville Heights Area 1, McLean Manor Area 3, River Oaks Area 1 and River Oaks Area 2 Sanitary Districts for Refuse/Recycling Collection Services (Dranesville District)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the creations and enlargements of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, October 24, 2023, to consider the following change to Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1A2 Within Dranesville District (Elmwood Estates Area 1)	Create	Refuse & Recycling	Approve
DTA Local District 1B Within Dranesville District (Reddfield Area 1)	Create	Refuse & Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Swinks Mill Area 1)	Create	Refuse & Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Chesterbrook Estates Area 2)	Enlarge	Refuse & Recycling	Approve
DTA Small District 4 Within Dranesville District (Lewinsville Heights Area 1)	Enlarge	Refuse & Recycling	Approve

Board Agenda Item
September 12, 2023

DTA Local District 1A1 Within Dranesville District (McLean Manor Area 3)	Enlarge	Refuse & Recycling	Approve
DTA Small District 6 Within Dranesville District (River Oaks Area 1)	Enlarge	Refuse & Recycling	Approve
DTA Small District 6 Within Dranesville District (River Oaks Area 2)	Enlarge	Refuse & Recycling	Approve

TIMING:

Board of Supervisors' authorization to advertise on September 12, 2023, is required for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petitions have been reviewed, and it has been determined that the petitions should be submitted to the Board of Supervisors for approval.

Staff recommends that the authorization to advertise a public hearing for the creations of Elmwood Estates Area 1, Reddfield Area 1, Swinks Mill Area 1 and enlargements of Chesterbrook Estates Area 2, Lewinsville Heights Area 1, McLean Manor Area 3, River Oaks Area 1 and River Oaks Area 2 Sanitary Districts for refuse/recycling collection services be approved. If approved, the modifications will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

Board Agenda Item
September 12, 2023

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment 1: Summary Sheet
- Attachment 2: Data Sheet with Proposed Resolution and Map
(Elmwood Estates Area 1)
- Attachment 3: Data Sheet with Proposed Resolution and Map
(Reddfield Area 1)
- Attachment 4: Data Sheet with Proposed Resolution and Map
(Swinks Mill Area 1)
- Attachment 5: Data Sheet with Proposed Resolution and Map
(Chesterbrook Estates Area 2)
- Attachment 6: Data Sheet with Proposed Resolution and Map
(Lewinsville Heights Area 1)
- Attachment 7: Data Sheet with Proposed Resolution and Map
(McLean Manor Area 3)
- Attachment 8: Data Sheet with Proposed Resolution and Map
(River Oaks Area 1)
- Attachment 9: Data Sheet with Proposed Resolution and Map
(River Oaks Area 2)

STAFF:

Rachel Flynn, Deputy County Executive
Christopher S. Herrington, Director, Department of Public Works and Environmental
Services (DPWES)
Eric Forbes, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Create Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District for the purpose of providing refuse/recycling collection services.
2. Create Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District for the purpose of providing refuse/recycling collection services.
3. Create Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing refuse/recycling collection services.
4. Enlarge Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing refuse/recycling collection services.
5. Enlarge Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District for the purpose of providing refuse/recycling collection services.
6. Enlarge McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing refuse/recycling collection services.
7. Enlarge River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing refuse/recycling collection services.
8. Enlarge River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Create Elmswood Estates Area 1 Sanitary District
DTA Local District 1A2
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Elmswood Estates Area 1.

- Petition requesting service initially received December 11, 2020; and petition process started on March 1, 2023.
- Petition Area: 81 Properties.
- 51 property owners in favor.
- 16 property owners opposed.
- 14 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO CREATE ELMSWOOD ESTATES AREA 1 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A2
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District t, Fairfax County, Virginia, which said creation of

the sanitary district shall be described as follows:

The creation of Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

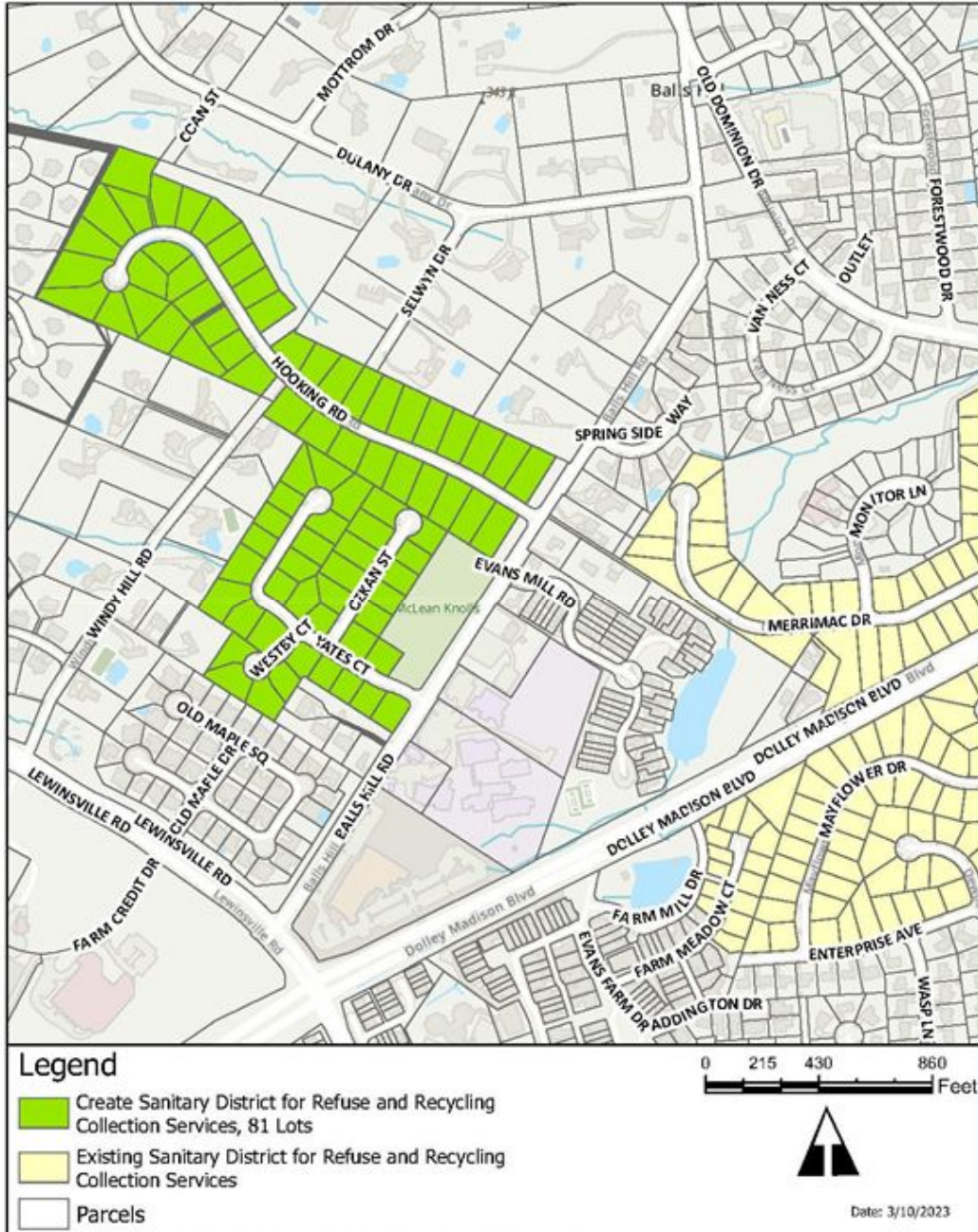
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board Supervisors

Elmwood Estates Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Create Reddfield Area 1 Sanitary District
DTA Local District 1B
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Reddfield Area 1.

- Petition requesting service initially received January 8, 2021; and petition process started on March 23, 2023.
- Petition Area: 59 Properties.
- 42 property owners in favor.
- 9 property owners opposed.
- 8 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO CREATE REDDFIELD AREA 1 SANITARY DISTRICT
DTA LOCAL DISTRICT 1B
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Reddfield Area 1 Sanitary District in DTA Local District 1B within

Dranesville District, Fairfax County, Virginia, which said creation of the sanitary district shall be described as follows:

The creation of Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

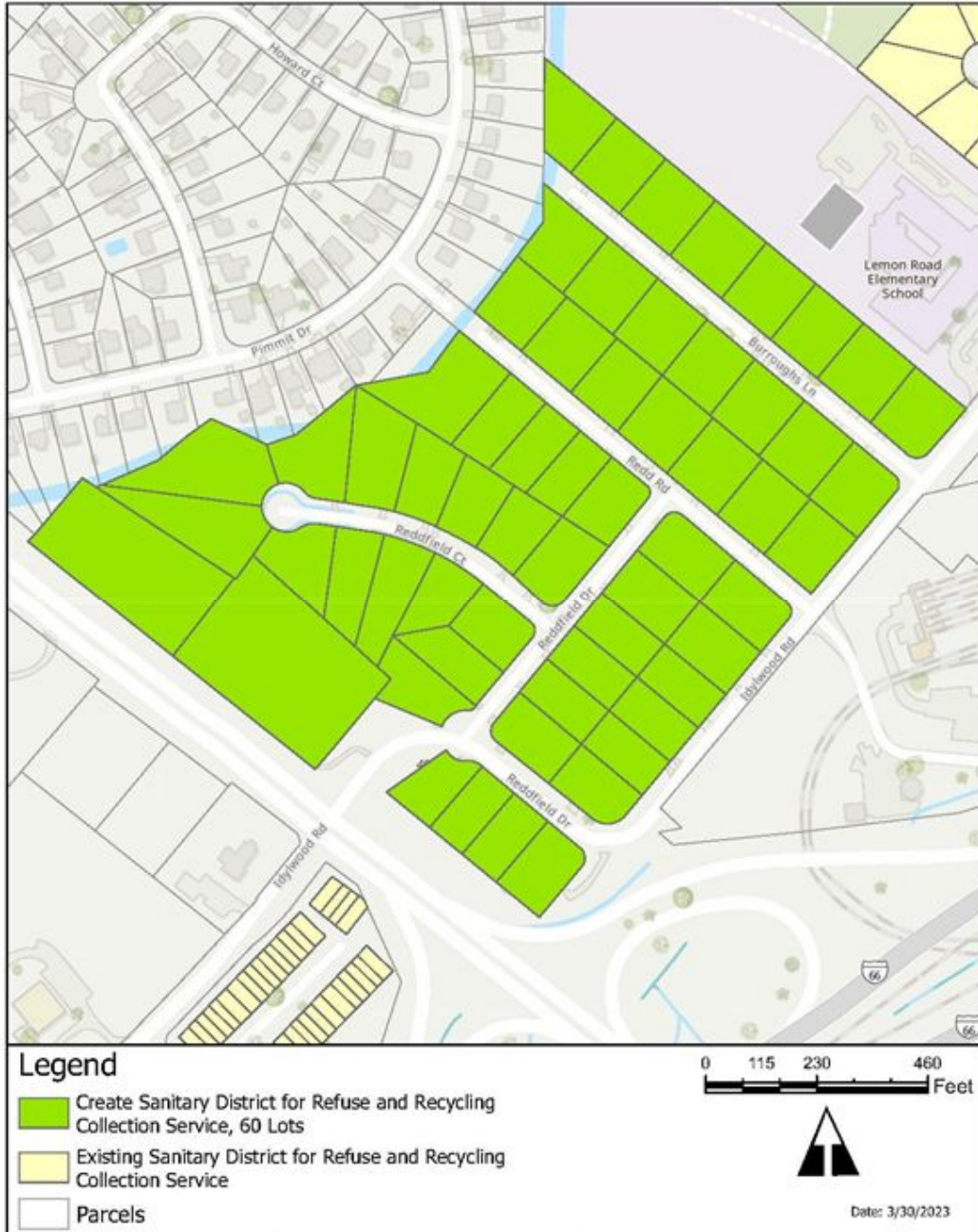
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Reddfield Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Create Swinks Mill Area 1 Sanitary District
DTA Local District 1A1
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Swinks Mill Area 1.

- Petition requesting service initially received December 17, 2020; and petition process started on March 1, 2023.
- Petition Area: 55 Properties.
- 30 property owners in favor.
- 18 property owners opposed.
- 7 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO CREATE SWINKS MILL AREA 1 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A1
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within

Dranesville District, Fairfax County, Virginia, which said creation of the sanitary district shall be described as follows:

The creation of Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

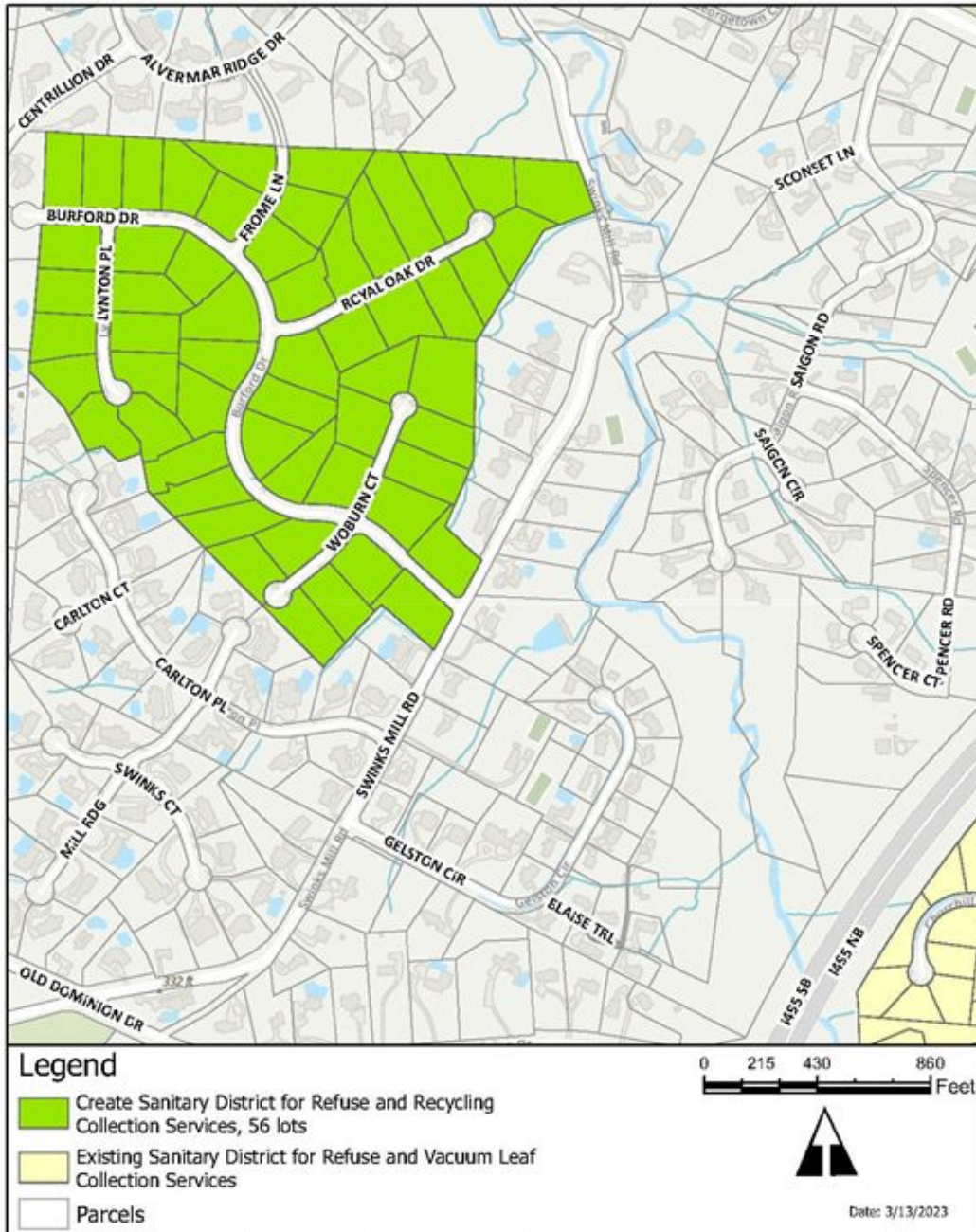
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Swinks Mill Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Enlarge Chesterbrook Estates Area 2 Sanitary District
DTA Local District 1A1
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Chesterbrook Estates Area 2.

- Petition requesting service initially received September 14, 2021; and petition process started on April 19, 2023.
- Petition Area: 19 Properties.
- 19 property owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE CHESTERBROOK ESTATES AREA 2 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A1
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known as Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Chesterbrook Estates Area 2 Sanitary District in DTA

Local District 1A1 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

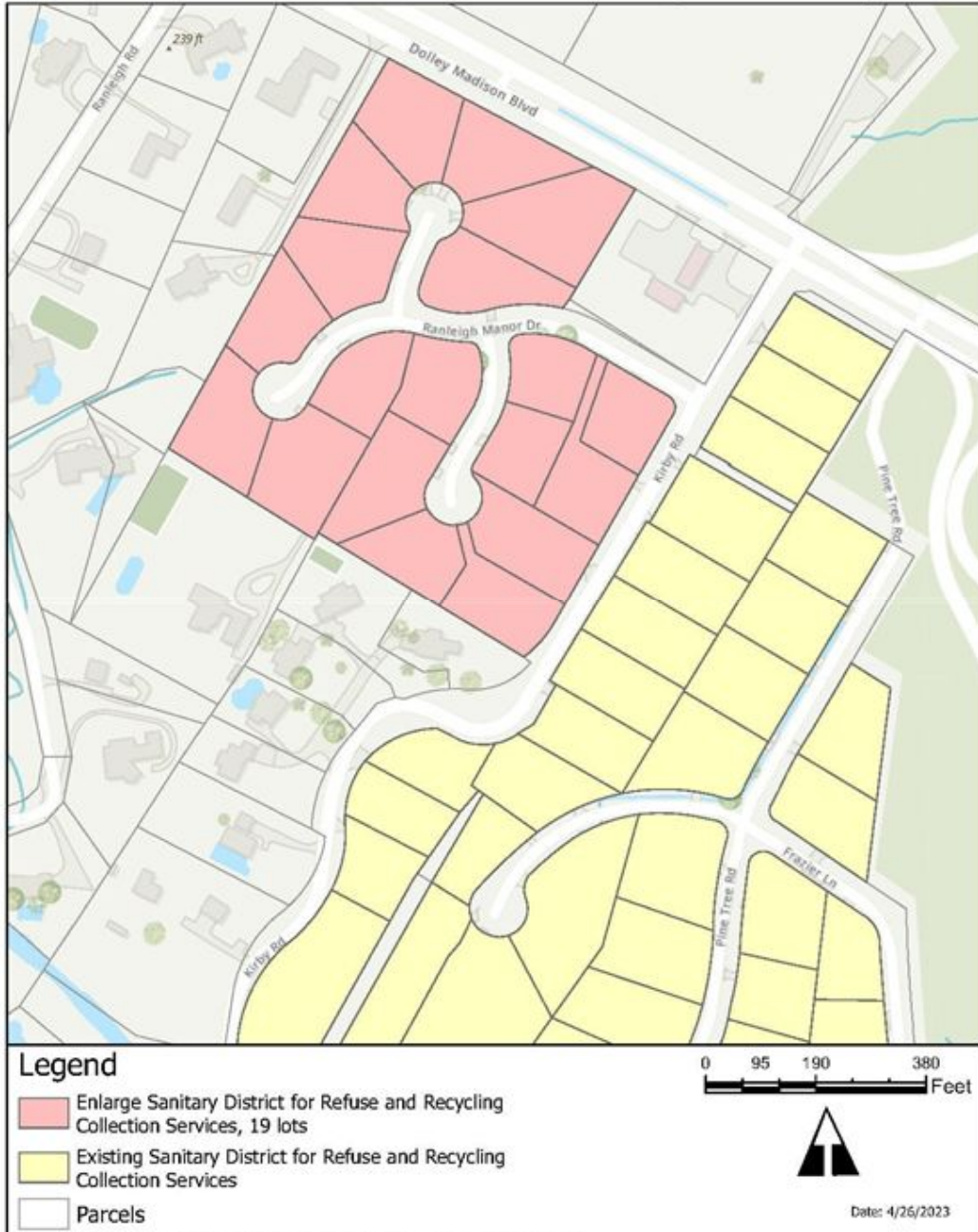
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Chesterbrook Estates Area 2 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Enlarge Lewinsville Heights Area 1 Sanitary District
DTA Small District 4
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Lewinsville Heights Area 1.

- Petition requesting service initially received March 31, 2021; and petition process started on January 23, 2023.
- Petition Area: 17 Properties.
- 11 property owners in favor.
- 3 property owners opposed.
- 3 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE LEWINSVILLE HEIGHTS AREA 1 SANITARY DISTRICT DTA
SMALL DISTRICT 4
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Lewinsville Heights Area 1 Sanitary District in DTA

Small District 4 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

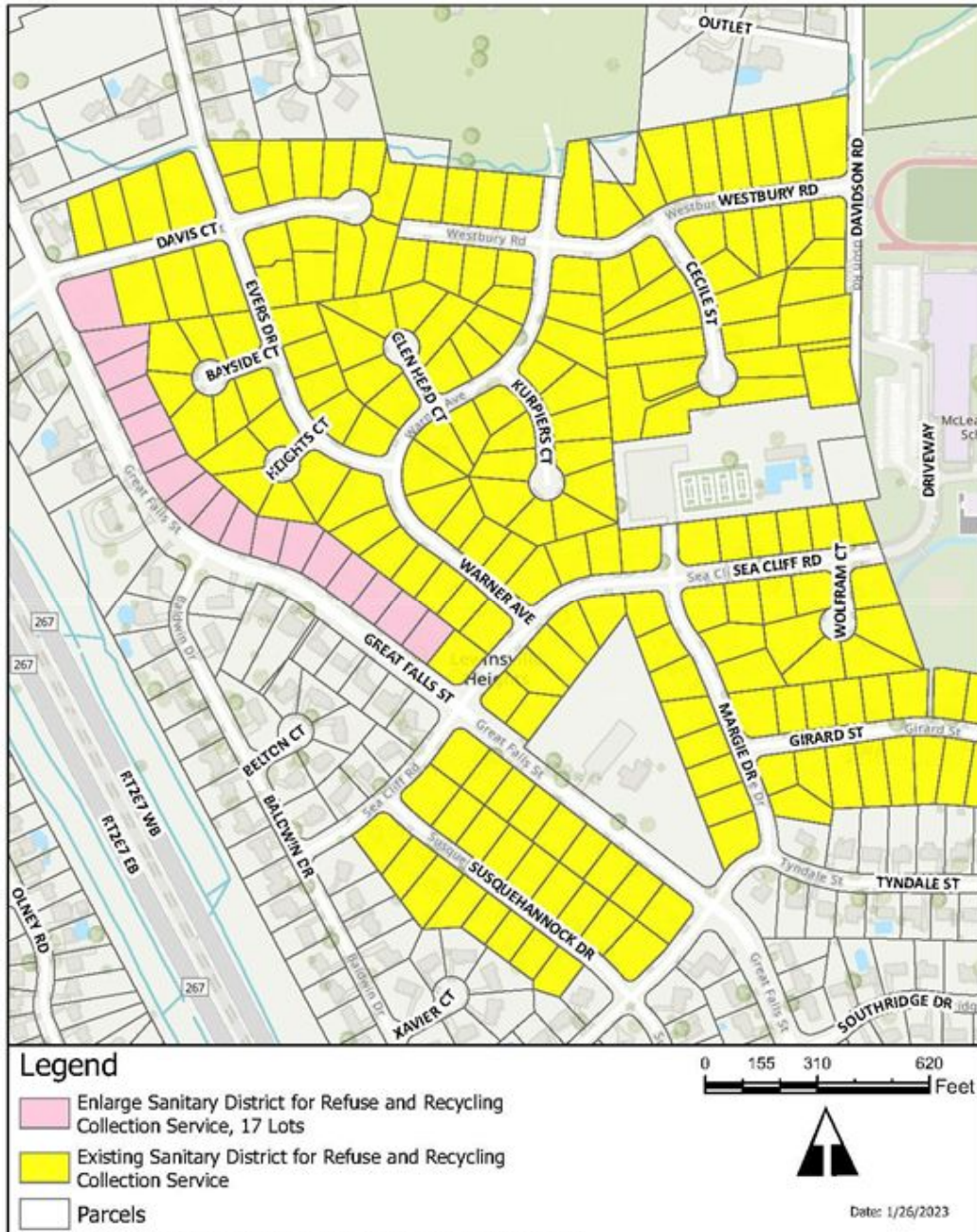
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Lewinsville Heights Area 1 Sanitary District Map



DATA SHEET
Enlarge McLean Manor Area 3 Sanitary District
DTA Local District 1A1
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to McLean Manor Area 3.

- Petition requesting service initially received July 23, 2020; and petition process started on January 26, 2023.
- Petition Area: 23 Properties.
- 12 property owners in favor.
- 2 property owners opposed.
- 9 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE MCLEAN MANOR AREA 3 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A1
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as McLean Manor Area 3 Sanitary District in DTA Local

District 1A1 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

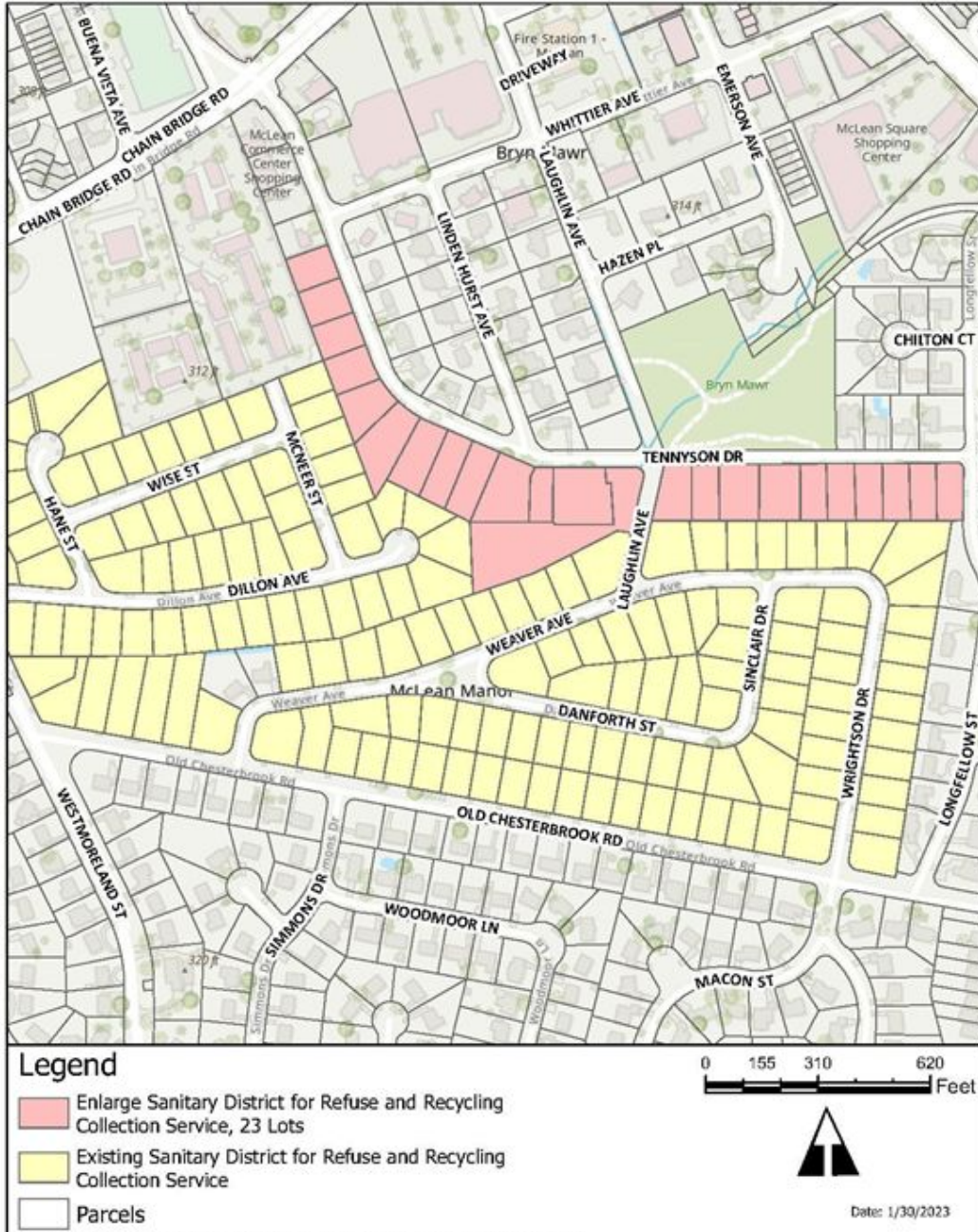
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

McLean Manor Area 3 Sanitary District Map



DATA SHEET
Enlarge River Oaks Area 1 Sanitary District
DTA Small District 6
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to River Oaks Area 1.

- Petition requesting service initially received January 22, 2021; and petition process started on March 28, 2023.
- Petition Area: 1 Property.
- 1 property owner in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE RIVER OAKS AREA 1 SANITARY DISTRICT
DTA SMALL DISTRICT 6
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as River Oaks Area 1 Sanitary District in DTA Small

District 6 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

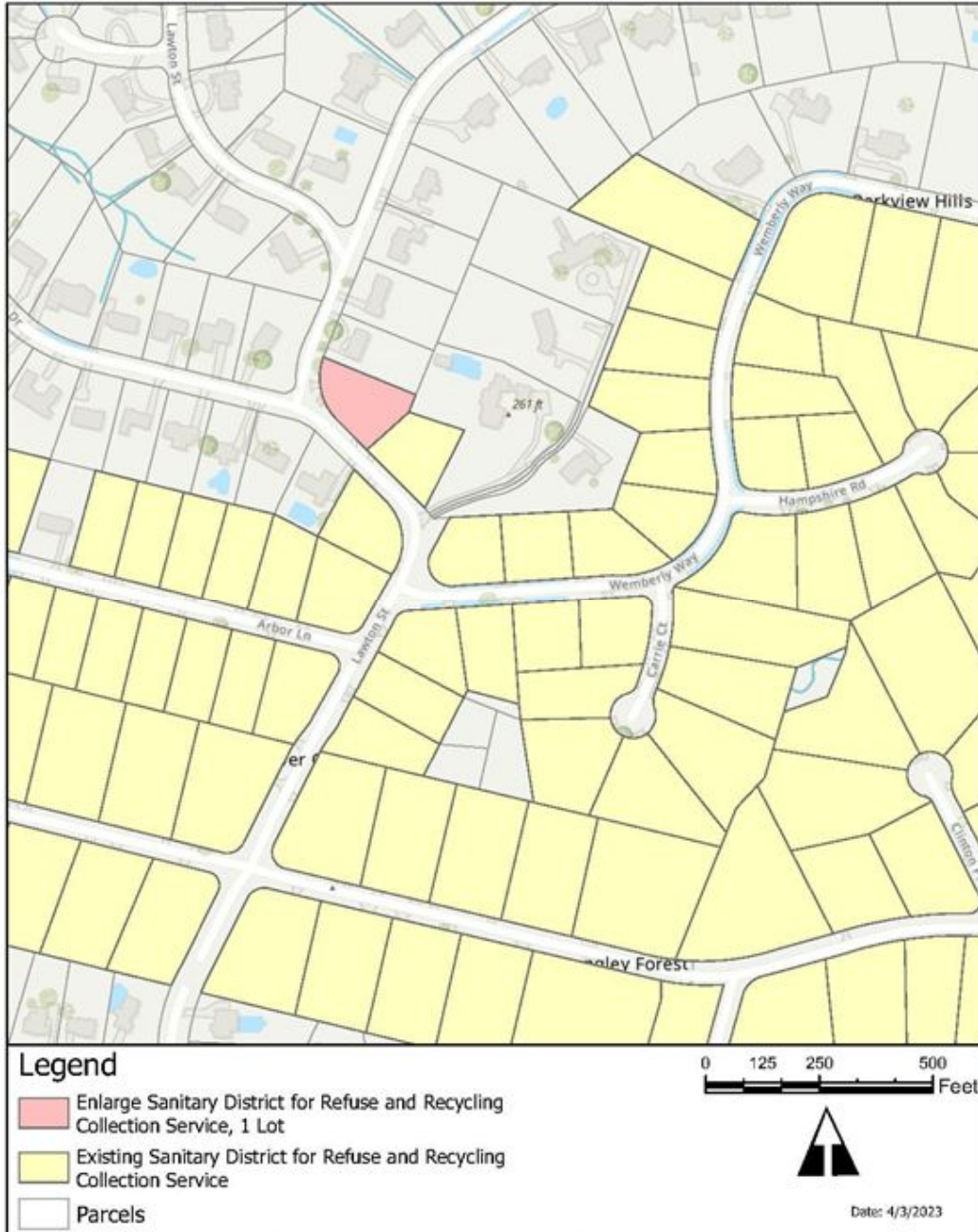
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

River Oaks Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Enlarge River Oaks Area 2 Sanitary District
DTA Small District 6
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to River Oaks Area 2.

- Petition requesting service initially received May 18, 2021; and petition process started on April 11, 2023.
- Petition Area: 2 Properties.
- 2 property owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO ENLARGE RIVER OAKS AREA 2 SANITARY DISTRICT
DTA SMALL DISTRICT 6
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District, Fairfax County, Virginia, which said

enlargement of the sanitary district shall be described as follows:

The enlargement of River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

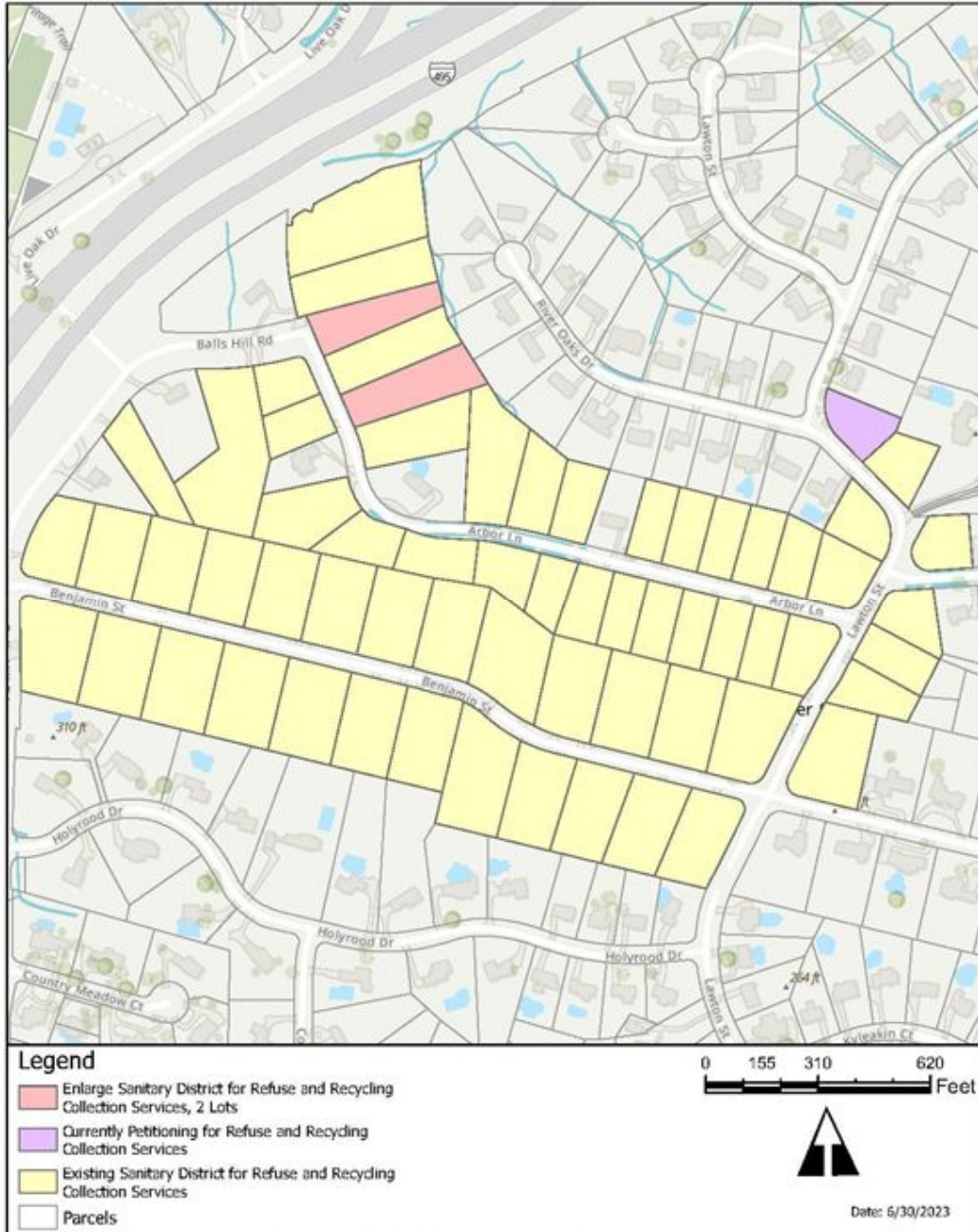
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this _____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

River Oaks Area 2 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

Board Agenda Item
September 12, 2023

ADMINISTRATIVE - 16

Supplemental Appropriation Resolution AS 24061 for the Health Department to Accept Funding from the Virginia Department of Health for Antimicrobial Stewardship for Long-Term Care Facilities

ISSUE:

Board of Supervisors approval of Supplemental Appropriation Resolution AS 24061 is requested for the Health Department to accept grant funding in the amount of \$612,500 from the Virginia Department of Health (VDH) to develop and implement a program that will strengthen antimicrobial stewardship programs of participating skilled nursing facilities and reduce drug resistant infections. Support will cover all program costs including consultants, materials, and incentive support for participating facilities. No Local Cash Match is required. The grant period is from June 30, 2023, through July 31, 2024. Given the timing of the award and the need to begin the work quickly, the Subrecipient Agreement has been fully executed (Attachment 1). When grant funding expires, the County is under no obligation to continue funding the program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 24061 in the amount of \$612,500 from VDH to support a program strengthening antimicrobial stewardship among participating Fairfax County skilled nursing facilities. There are no grant positions associated with this funding and no Local Cash Match is required. The County Executive also recommends the Board approve the execution of the Subrecipient Agreement between VDH and the County.

TIMING:

Board approval is requested on September 12, 2023.

BACKGROUND:

VDH received funding from the Centers for Disease Control and Prevention (CDC) through the Epidemiology and Laboratory Capacity grant to promote antimicrobial stewardship in acute care hospitals, outpatient settings, and skilled nursing facilities. Following conversations between VDH and Fairfax County Health Department (FCHD) staff to assess interest in implementing the skilled nursing facility segment of this program, VDH offered the resources for this program component to FCHD. Funding will

Board Agenda Item
September 12, 2023

be available through July 31, 2024. Antimicrobial resistance is an emerging health threat. Carbapenemase producing bacteria, such as *Klebsiella pneumoniae*, *E. coli*, and *Enterobacter*, are increasing nationwide and in Fairfax County, are resistant to most antimicrobial drugs, and have been associated with high mortality rates. Fungal pathogens, such as *Candida auris*, also are increasing and can be resistant to all classes of antifungal drugs. Widespread antimicrobial use provides the selective pressure that increases antimicrobial resistance among these and other pathogens. Skilled nursing facilities, due to a combination of widespread antimicrobial use and less ability to implement stringent infection control precautions than acute care hospitals, have the highest rates of infection and asymptomatic carriage of resistant pathogens. Due to frequent transfers between skilled nursing facilities, hospitals, and other healthcare settings, resistant pathogens pose a threat across the entire healthcare system. To slow the spread of resistance, the Centers for Medicare and Medicaid Services requires that all skilled nursing facilities and all hospitals implement antimicrobial stewardship programs to reduce unnecessary antimicrobial use and decrease selective pressure for resistance. In a 2021 survey of Fairfax County skilled nursing facilities, most reported meeting the Centers for Disease Control and Prevention's core elements for an antimicrobial stewardship program, having both the infrastructure and institutional support. The purpose of the proposed program would be to assist facilities, building on existing infrastructure, to better track antimicrobial use and resistance; to improve antimicrobial use for common conditions such as urinary tract infections; and to implement other proven strategies to reduce unnecessary antimicrobial use.

FISCAL IMPACT:

Funding from VDH in the amount of \$612,500 will be used to improve antimicrobial stewardship among Fairfax County skilled nursing facilities. No Local Cash Match is required. This grant does not allow the recovery of indirect costs. This action does not increase the expenditure level of Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF POSITIONS:

There will be no new positions created with this grant funding.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Department of Health Subrecipient Agreement FRXELC603-GY23

Attachment 2: Supplemental Appropriation Resolution AS 24061

Board Agenda Item
September 12, 2023

STAFF:

Christopher Leonard, Deputy County Executive

Gloria Addo-Ayensu, MD, MPH, Director, Health Department

Jessica Werder, Deputy Director for Public Health Operations, Health Department

Benjamin Schwartz, MD, Director, Division of Epidemiology and Population Health,
Health Department

Barbara Downes, MPH, Chief, Acute Communicable and Emerging Diseases Section,
Health Department



Healthy People in Healthy Communities
www.vdh.virginia.gov

VIRGINIA DEPARTMENT OF HEALTH
 OFFICE OF EPIDEMIOLOGY (OEPI)
 DIVISION OF
 109 GOVERNOR STREET
 RICHMOND, VIRGINIA 23219

SUBRECIPIENT AGREEMENT

SUBRECIPIENT Number: FRXELC603-GY23

- I. **PARTIES TO THE AGREEMENT:** This Subrecipient Agreement is entered into by Fairfax County Health Department, 10777 Main St, Fairfax, VA 22030, hereinafter called the "Subrecipient" and Commonwealth of Virginia through the Department of Health, Office of Epidemiology, Division of Clinical Epidemiology whose business address is 109 Governor Street, Richmond, Virginia 23219 hereinafter called the "Department."

WHEREAS, The Department desires to enter into an Agreement with the Subrecipient to provide antimicrobial stewardship services to long-term care facilities in Fairfax County and areas of northern Virginia and;

WHEREAS, The Subrecipient desires to perform such services;

THEREFORE, in consideration of their respective undertakings, the Department and the Subrecipient hereby execute this covenant and agree to the following terms

- II. **PERIOD OF PERFORMANCE:** From execution date of VDH signature to July 31, 2024, with no renewal.
- III. **PURPOSE:** The Subrecipient is partnering with the Department to provide access to stewardship expertise especially for long-term care facilities where inequities in stewardship support exist. Antibiotic stewardship activities prioritize patient safety and quality improvement through engagement with a variety of partners. Stewardship expertise will be critical to support long-term care facilities with the following activities in the context of COVID-19: implementing CDC Core Elements, tracking and reporting antibiotic use (AU), establishing and supporting antibiotic stewardship collaboratives and implementing stewardship activities to improve prescribing practices.

- IV. **SCOPE OF SERVICES:** Subrecipient will conduct the following activities as follows:

Subrecipient will work collaboratively with the VDH Antibiotic Stewardship Lead regarding scope, deliverables, and timeline for the below activities:

Activity 1: Engagement and support for individual long-term care facilities

Identify a LTC Antibiotic Stewardship Lead to provide guidance and support on implementation of AS policies and practice. This might include the following activities depending on facility engagement and identified needs:

- Support NHSN reporting, as needed
- Support development of individual facility stewardship improvement plans
- Support and strengthen AS committee meetings (e.g., use of a QI approach)

Activity 2: Conducting Baseline Assessment

Use previous antibiotic stewardship survey data or modify AHRQ Gap Analysis for Antibiotic Stewardship Programs in Long-Term Care to better understand antibiotic stewardship practices in these facilities. The following core elements should be assessed: Leadership commitment, Accountability, Drug expertise, Action, Tracking, Reporting, Education.

Activity 3: Tracking Antibiotic Use

Obtain access to available facility antibiotic use reports. Work with VDH AS Data Analyst to develop antibiotic use surveys for the purpose of benchmarking. Data might be used to track quality improvement initiatives.

Activity 4: Quality Improvement Collaboratives

Establish quality improvement collaboratives with interested facilities using the AHRQ Nursing Home Antimicrobial Stewardship Guide. Scope of activities will depend on facility engagement and identified needs but might include:

- Objective related to an antimicrobial use policy or practice (e.g., antibiotic time-out)
- Objective related to tracking and reporting antibiotic stewardship metrics
- Objective related to UTI diagnosis or management
- Objective related to respiratory disease diagnosis and management
- Objective related to educating residents and family members

Performance Indicators/Measures

As per CDC Performance Measures document released in 2022, the Subrecipient will be responsible for collecting and reporting against the following applicable metrics with the following frequency:

1. Number and types of staff leading and supporting antibiotic stewardship activities

Data Elements

1. Number of Antibiotic Stewardship Lead(s)
2. Number of staff supporting activities (other than the Antibiotic Stewardship Lead(s))
3. For each staff member, including the Antibiotic Stewardship Lead(s):
 - a. Job position or role: physician, pharmacist, nurse or nurse practitioner, health educator, epidemiologist, infection preventionist, behavioral scientist, other (please specify)

- b. Stewardship training, please specify (e.g., stewardship course or certification, work experience)
- c. Percent FTE or equivalent dedicated to stewardship
- d. Hiring mechanism: health department employee, individual Subrecipient
- e. Funding support: ELC G1, SHARP, other (please specify)
- f. Affiliations: full time health department employee, faculty at academic institution, affiliation with healthcare system, other (please specify)

Frequency

Once per year

Deadline

July 15

2. Number of facilities the subrecipient engaged to facilitate implementation of antibiotic stewardship core elements and other related activities, by facility type

Data Elements

1. Antibiotic Stewardship activity implemented (Yes/No). If Yes, list the number of activities and answer the following for each activity:
 - a. Title of activity
 - b. Stage of implementation: planning, ongoing, completed, evaluation
 - c. Type of activity:
 - i. Action
 - ii. Tracking & Reporting
 - iii. Education & Communication
 - iv. Other (please specify)
 - d. Number of facilities or healthcare professionals engaged
 - e. Type of partner(s) engaged (Check all that apply and provide brief summary of each partner role) :
 - i. Healthcare system or organization
 - ii. Payer
 - iii. Academic partner
 - iv. Local health department
 - v. Regulatory/licensing agency
 - vi. Local or national professional organization or association
 - vii. HIINs or QIN/QIOs
 - viii. Other (please specify)
 - f. Data, rationale, or identified need that led to activity: facility not meeting all core elements (e.g., NHSN annual survey, identified on infection control assessment or health department/regulatory agency survey), high or inappropriate antibiotic prescribing (e.g., NHSN AU option SAAR outlier, high facility or individual prescribing rates, non-adherence to guidelines), setting with unique barriers (e.g., priority condition, limited stewardship expertise, rural location), MDRO outbreak, other (please specify) (Check all that apply)
 - g. Health equity-related considerations for activity? (Yes/No) If Yes, health equity-related consideration:
 - i. Access to stewardship expertise
 - ii. Health equity related data elements (e.g., patient or clinician characteristics, geography, setting of care, high or inappropriate antibiotic prescribing rates, etc.) please specify:

Frequency

Once per year
Deadline
 July 15

See *Reporting Requirements* for the expected frequency and method of data submission.

Please note that if CDC modifies performance measures recommendations or requirements during the implementation of activities under this agreement, VDH reserves the right to request additional or modified metrics for reporting.

Reporting Requirements

Subrecipient’s primary Point of Contact (POC) at VDH in performance of this work shall be the AR/AS Coordinator, Shaina Bernard, shaina.bernard@vdh.virginia.gov, or her designee. She shall be the POC for technical deliverables and performance requirements.

Below is a table that details the documents frequency and due dates for required document submission to VDH. These deadlines will be ongoing for as long as the agreement is active.

Requirement	Frequency	Method of submission	Deadline
Check-in call with AR/AS Coordinator (Shaina Bernard)	Monthly, or as directed by VDH.	Phone call scheduled by VDH. Subrecipient should provide agenda items via email at least 72 hours in advance.	End of each calendar month
Invoices	Monthly	Via email to VDH Accounts Payable < sbs-pophealthap@vdh.virginia.gov >, with cc’ to < shaina.bernard@vdh.virginia.gov > and < Lindsey.Lambert@vdh.virginia.gov >.	Within 30 days following the month being invoiced
Quarterly Progress Reports	Quarterly	VDH REDCap Survey, https://redcap.vdh.virginia.gov/redcap/surveys/?s=DPDRFWJ4MP	July 15 October 15 January 15 April 15
Applicable CDC Performance Measures data (see <i>Reporting Requirements</i>)	Annually, or as required by CDC	Submitted via email, or as instructed, to Shaina Bernard (shaina.bernard@vdh.virginia.gov) or her designee.	August 15

- V. **COMPENSATION:** The Department will reimburse Subrecipient for actual expenditures as a result of services provided under the terms of the basic agreement. Any travel expenses will be reimbursed as per the current, state approved travel regulations available at <https://www.doa.virginia.gov/reference.shtml#CAPP> (Topic# 20335) Payments may be made for services rendered starting with grant funding period beginning on the date of the fully-executed agreement.

Contract Value: \$612,500 with no renewal.

Total Aggregate estimated to be: \$612,500.

Estimated Budget

Engagement and support for individual facilities:	
Make resources available to incentivize facility engagement	\$36,000
Make resources available (up to \$5,000 per facility) through a small grant program to meet QI collaborative needs for 5 facilities	\$25,000
Educational materials (design and print)	\$1,500
Personnel and Education Enhancement	
Physician (E-status, 30 hours/week) – Lead individual facility assessment and facility support; lead and support QI collaborative(s); lead evaluation and reporting; share information with other local health departments engaged in SNF QI Collaboratives (e.g., LA County DOH)	\$320,000
Epidemiologist (1 FTE) – Support facilities to establish/improve surveillance and linkage with NHSN; monitor completeness and quality of surveillance data; support facilities participating in the QI collaborative(s)	\$153,000
IT specialist (0.25 FTE) – Support facilities in technology and database needs to establish/improve surveillance and linkage with NHSN	\$36,000
Administrator (0.1 FTE) – Support scheduling, dissemination of materials, monitoring participation	\$8,000
Consultants: ID Physician and ID Pharmacist (2 hours/week)	\$30,000
ID Week Attendance (Conference registration, mileage (\$0.58/per mile.), and per diem for Physician	\$3,000
Total	\$612,500

If this agreement contains renewal options, the amount of the Department's allocation of funds to the Sub-Recipient shall be negotiated annually. Payments shall be made upon receipt and approval of the Department of required reports for services performed under the terms of this Agreement and invoices and acceptable supporting documentation from the Sub-Recipient. The reimbursement for services shall be based on the budget and on compliance with activities described in the proposal submitted by the Recipient and approved by the Department. The invoices, with supporting documentation acceptable to the Department, shall include a report of

expenditures that are itemized by budgeted line item with quarterly and year-to-date total expenditures per budget category. To be reimbursable, expenditures must adhere to the requirements detailed in the Commonwealth Accounting Policy and Procedure (CAPP) Manual which may be viewed at http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Main.cfm, included in the budget for this agreement, and, if applicable, in compliance with all federal guidance for the funding provided under this agreement. Supporting documentation shall include item level description of the purchase. Additional supporting documentation requirements are as follows:

- All Expenditures: a report from the Sub-Recipient's financial management information system must be provided.
- Personnel: payroll reports from the Sub-Recipient's financial management information system must be provided.
- Contractual: specific explanations of what expenditures were made, to whom the payment was made, date(s) of payment, and any other relevant information.
- Supplies, Miscellaneous, and Other: listing of the specific items and/or goods for which payment was made.
- Telephone/Mobile: if possible, a copy of the top page of the phone bill related to the request for reimbursement should be provided. If this is not possible, such as in cases where these charges are centrally allocated, an explanation of the charges must be provided.

All Subrecipients shall report the actual program income received and expended during the month or billing period on the invoice billing statement. The revenue and expenses shall be traceable through their financial system of record.

Subrecipients will bill The Department on a monthly basis electronically with supporting documentation. Billing will be due no later than 30 days following the end of each calendar month in which expenses are incurred.

As per state regulations (CAPP Manual topic 20310) it is state policy to pay invoices on the date which payment is due under the terms of a contract, or if such date has not been established, thirty days after receipt of the Subrecipient's invoice by the specified Accounts Payable desk or thirty days after receipt of the goods or services, as specified by the Accounts Payable date-stamped receiving report, whichever is later. Failure by Subrecipient to submit invoices within the prescribed period may forfeit its right to payment from the Department.

Send Invoices to:

SBS-pophealthAP@VDH.Virginia.gov (Non-PHI information **only**)

VDH Secure Portal (Invoices **including** PHI – Contact Contract Administrator)

Invoices **must** be submitted electronically. In order for invoices to be processed as presented for payment, the document must reference the current/active contract number.

Final reconciliation billing for this agreement along with any overpayments due to the Department, shall be submitted no later than August 31, 2024.

The Subrecipient agrees to ensure that all expenditures made under this Agreement are recorded correctly, are allowable, and are in support of the objectives of this Agreement. The Subrecipient shall ensure that payroll expenditures in support of this Agreement and as specified in this Agreement are charged accurately and that the employees paid under this Agreement submit Time and Effort (T&E) reports. These T & E Reports shall be maintained on site for VDH review during monitoring visits.

The Subrecipient shall maintain supporting documentation for all expenditures made under this Agreement and maintain such documentation for five years as per GAO/OMB regulations. Any expenditure recorded after this date will be attributed to the next budget period.

These funds may not be used to pay the salary of an individual at a rate in excess of the Executive Level II salary of the Federal Executive Pay Scale, as per Notice of Award.

CS T	COA	FUND	PROG	PROJ	TK	DOLLARS	GRANT PERIOD	EXP. DEADLINE
603	AA	10170	405005	0000120563		\$612,500	8/1/22- 7/31/24	7/31/2024

VI. FEDERAL REQUIREMENTS FOR SUBRECIPIENT CONTRACTS

FEDERAL AWARD INFORMATION:

Federal Award Identification Number: NU50CK000555
 Federal Award Date: 01/14/2021
 Amount of Sub-Award: \$612,500
 Sub-Award Obligation/Action Date: 07/01/2021
 Total Amount of Federal Award: \$50,589,334
 Name of Federal Grantor: Centers for Disease Control and Prevention
 CFDA Number & Name: 93.323 Epidemiology and Laboratory Capacity (ELC)
 Research & Development: Yes No
 Indirect Cost Rate: N/A

FEDERAL AWARD RESTRICTIONS: There are general Federal cost principles that are applicable to all Federal Awards. These general principles are outlined in Part 200 – Uniform Administrative Requirements, Cost Principles, and Subpart F. Audit Requirements for Federal awards (2 CFR Section 200.0 – 200.521). The local health districts are required to adhere to these principles while managing federal grant awards (specifically Subpart E – Cost Principles). The Electronic Code of Federal Regulations can be found at www.eCRF.gov.

General Provisions Sections:	200.400-200.401
Federal equipment	200.313
Procurement guidelines	200.318-200.326
Basic Considerations Sections:	200.402-200.411
Direct and Indirect (F&A) Costs Sections:	200.412 – 200.415
Special Considerations for States, Local Governments and Indian Tribes Sections:	200.416-200.417
General Provisions for Selected Items of Cost Sections:	200.420-200.475 (with exception of 200.424 and 200.475 as these are more applicable to Higher education Institution and other nonprofit organizations.

The Virginia Department of Health, Office of Epidemiology, as a pass-through entity for numerous federal grants, is responsible for ensuring certain activities occur with respect to monitoring of Subrecipients. The above requirements include, but are not limited to the following: Subrecipients receiving more than \$750,000 in federal funds, during the Subrecipient's fiscal year, from any and all sources are required to have a single audit performed in accordance with code (§200.501(a)). When required, the most recent copy of the audit must be provided to the assigned contract monitor within 30 days of the effective date on this Agreement. If any findings were noted in the audit report, corrective actions taken to fully resolved the finding must be provided. If an audit occurs during the term of this Agreement, a copy of that audit and response to any findings must be provided as well. The Subrecipient must provide a written statement if the organization did not receive more than \$750,000 in federal funds.

Federal Funding Accountability and Transparency Act (FFATA) Effective October, 2010, all entities that plan to apply for and ultimately receive a Federal grant/cooperative agreement or receive sub awards directly from recipients of those funds shall:

- Be registered in System for Award Management (SAM) prior to submitting an application or plan. The SAM is a Web-enabled government wide application that collects, validates, stores and disseminates business information about the federal government's trading partners in support of the contract award, grants and the electronic payment processes. SAM information must be updated at least every 12 months to remain active (for both grantees and Subrecipients),
- Have a UEI number,
- Provide address for primary Virginia service location including nine-digit zip code,

- Provide Executive compensation information for five most highly compensated officers if all of the following apply:
 - Organization receives 80% or more of its annual gross revenues in Federal awards,
 - Organization receives \$25,000,000 or more in annual gross revenues from Federal awards,
 - Executive compensation has not previously been reported to any Federal Agency through any other reporting system (If applicable)

Certifications regarding lobbying (2 CFR 200.450)

Certification Regarding Lobbying (2 CFR 200.450) By signing this agreement, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief, that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," to VDH. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Monitoring: The Department will monitor the Subrecipient to evaluate the progress and performance of the program. The Subrecipient shall furnish the Department on request information regarding payments claimed for services under this contract. The Department and Federal personnel shall be provided access to all program-related records and facilities under reasonable request.

The Subrecipient shall retain all books, accounts, reports, files and other records relating to the performance of the contract for a period of five years after its completion. All accounting records must be supported by source documentation and retained in order to show for what purpose funds were spent. All such records shall be made available and produced for inspection when required by the Department.

Should an audit by authorized state or federal official result in disallowance of amounts previously paid to the Subrecipient, the Subrecipient shall reimburse the Department upon demand.

Time and Effort Reporting: The Subrecipient shall comply with time and effort reporting as required by the Federal Office of Management and Budget (OMB) Circular A-87 (Cost Principles for State, Local and Indian Tribal Government). 2 CFR 200.430 Compensation-Personal Services. All employees paid in whole or in part from grant funds should prepare a timesheet indicating the

hours worked on each specific project for each pay period. Based on these time sheets and hourly payroll cost for each employee, a statement indicating the distribution of payroll charges should be prepared and placed in the appropriate files and shall be made available for inspection when required by the Department. The Subrecipient shall retain all books, reports, files and other records relating to time and effort reporting for a period of five years after completion.

Audit of Financial Records: The Subrecipient shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) Circular A-133 (Audits of States, Local Government and Non-Profit organizations) as applicable. The Subrecipient will, if total Federal funds expended are \$750,000 or more a year, have a single or program-specific financial statement audit conducted for the annual period in compliance with the General Accounting Office audit standards. A copy of the portion of the audit that affects the program will be submitted to the Commonwealth of Virginia. If there are no audit findings, a letter indicating no finds shall be submitted. The copy of the portion of the audit findings or the letter indicating no findings shall be sent to the Virginia Department of Health.

If total federal funds expended are less than \$750,000 for a year the Subrecipient must meet the above audit requirements or maintain financial records for such audit that are available for review by appropriate officials of the granting Federal agency, pass-through entity, and the General Accounting Office.

APPROPRIATIONS: The Subrecipient acknowledges the understanding that this Agreement is subject to appropriations and constraints by the State or the Federal government budget.


SMOKE FREE ENVIRONMENT: Public Law 103-277, also known as the Pro-Children Act of 1994, requires that smoking not be permitted in any portion of any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 for each violation **and/or the imposition of an administration compliance order on the responsible entity.**


SUBCONTRACTS: No portion of the work shall be subcontracted without prior written consent of the purchasing agency. In the event that the Subrecipient desires to subcontract some part of the work specified herein, the Subrecipient shall furnish the Departments names, qualifications and experience of their proposed Subrecipients and shall assure compliance with all requirements of the contract. Subcontracting with local health districts is not allowed.

INTEGRATION AND MODIFICATION: This Agreement constitutes the entire understanding of the parties as to the matters contained herein. No alteration, amendment or modification of this Agreement shall be effective unless in writing and signed by the duly authorized officials of both The Department and Subrecipient.

PRICE ADJUSTMENT: This is a cost reimbursement agreement that is negotiated prior to annual renewal each year depending on the approved budget. The Department approved, price adjustment may be allowed at any time during the term of this Agreement.

CONFIDENTIALITY OF PROPRIETARY INFORMATION, DUPLICATION AND DISCLOSURE: The Subrecipient agrees that proprietary information disclosed by the Department to the Subrecipient for the purpose of a Memorandum of Understanding shall be held in confidence and used only in the performance of the contract. No item designed for or by the Department shall be duplicated or furnished to others without prior written consent. All products and materials including but not limited to papers, data, reports, forms, records, materials, creations, or inventions relating to this contract are sole and exclusive property of the Department. All such materials shall be delivered to the Department in usable condition at any time requested by the Department.

DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (2 CFR 200.213 and 2 CFR 180) By initialing this box , the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief that neither the Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.213 and 2 CFR 180.

AUDIT AND ACCESS TO RECORDS PER 2 CFR 200.501- 200.521, by initialing this box , the Subrecipient certifies that it will provide notice of any adverse findings which impact this Sub award and will provide access to records as required by parts 2 CFR 200.336, 200.337, and 200.201 as applicable. If Subrecipient is not subject to the Single Audit Act, then Subrecipient will provide notice of the completion of any required audits and provide access to such audits upon request.

VII. METHOD OF PAYMENT: The Subrecipient will be paid monthly in arrears for services rendered upon receipt of a valid invoice by the Department. Department will pay the Subrecipient for actual expenditures as a result of services performed under the terms of this Agreement, consistent with approved budget. A valid invoice shall be submitted to the Department by the tenth (or designated date) of the month following the month of service. Payment will be made in accordance with the Prompt Payment Act of Virginia by check or EDI.

VIII. TERMS AND CONDITIONS:

A. AUDIT: The Subrecipient shall retain all books, records, and other documents relative to this agreement for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The Department, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period.

B. APPLICABLE LAWS AND COURTS: This contract shall be governed in all respects by the laws of the Commonwealth of Virginia, without regard to its choice of law provisions, and any litigation with respect thereto shall be brought in the circuit courts of the Commonwealth. The Department and the Subrecipient are encouraged to resolve any issues in controversy arising from the award of the contract or any contractual dispute using Alternative Dispute Resolution (ADR) procedures (*Code of Virginia, § 2.2-4366*). ADR procedures are described in Chapter 9 of the *Vendors Manual*. The Subrecipient shall comply with all applicable federal, state and local laws, rules and regulations.

- C. **AVAILABILITY OF FUNDS:** It is understood and agreed between the parties herein that the department shall be bound hereunder only to the extent that the legislature has appropriated funds that are legally available or may hereafter become legally available for the purpose of this agreement.
- D. **BACKGROUND CHECKS:**
1. The VDH may require a background check for Subrecipient staff assigned to any resulting agreement. The Subrecipient shall be required to pay for all background checks processed for staff assigned to any agreement resulting from this contract agreement at a rate of \$50.00. Fees are on a per background check basis and will be invoiced by VDH Accounting. The Subrecipient employees will be required to complete a form granting authority to release information. The Subrecipient shall allow the VDH access to review Subrecipient staff personnel and employment records.
 2. Background investigation results will be reviewed by the VDH, and are not releasable to the Subrecipient, however, can be provided to the individual of the investigation upon a written request.
 3. In the event agreement award is made prior to completion of background checks, any unfavorable results shall be subject to the terms and conditions of this contract agreement.
 4. In the event of any staff turnover or staff reassignments, the Subrecipient shall notify the VDH and shall submit the appropriate background history questionnaire, authority for release of information and have fingerprints obtained for any proposed new staff member. This shall be in addition to the requirement to provide the required credentials information. The VDH may remove any Subrecipient employee that the Contract Administrator feels threatens the health or safety of staff, security of the facility, or quality of the service provided by the Subrecipient.
- E. **CANCELLATION OF AGREEMENT:** The department reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the Subrecipient. In the event the initial contract period is for more than 12 months, the resulting contract may also be terminated by the Subrecipient, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve the Subrecipient of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.
- F. **CHANGES TO THE AGREEMENT:** The parties may agree in writing to modify the scope of the Subrecipient Agreement. An increase or decrease in the price to the Subrecipient Agreement resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the Subrecipient Agreement.

G. DRUG-FREE WORKPLACE: Applicable for all contracts over \$10,000:

During the performance of this contract, the Subrecipient agrees to (i) provide a drug-free workplace for the Subrecipient's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient that the Subrecipient maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each Subrecipient or vendor.

For the purposes of this section, "*drug-free workplace*" means a site for the performance of work done in connection with a specific contract awarded to a Subrecipient, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

H. IMMIGRATION REFORM AND CONTROL ACT OF 1986: Applicable for all contracts over \$10,000: By entering into a written contract with the Commonwealth of Virginia, the Subrecipient certifies that the Subrecipient does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

I. ANTI-DISCRIMINATION: By submitting this agreement Subrecipient certifies to the Commonwealth that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With

Disabilities Act and § 2.2-4311 of the *Virginia Public Procurement Act (VPPA)*. If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the contract on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. (*Code of Virginia, § 2.2-4343.1E*).

In every contract over \$10,000 the provisions in 1. and 2. below apply:

1. During the performance of this contract, the Subrecipient agrees as follows:
 - a. The Subrecipient will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subrecipient. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The Subrecipient, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, will state that such Subrecipient is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
 - d. If the Subrecipient employs more than five employees, the Subrecipient shall (i) provide annual training on the Subrecipient's sexual harassment policy to all supervisors and employees providing services in the Commonwealth, except such supervisors or employees that are required to complete sexual harassment training provided by the Department of Human Resource Management, and (ii) post the Subrecipient's sexual harassment policy in (a) a conspicuous public place in each building located in the Commonwealth that the Subrecipient owns or leases for business purposes and (b) the Subrecipient's employee handbook.
 - e. The requirements of these provisions 1. and 2. are a material part of the contract. If the Subrecipient violates one of these provisions, the Commonwealth may terminate the affected part of this contract for breach, or at its option, the whole contract. Violation of one of these provisions may also result in debarment from State contracting regardless of whether the specific contract is terminated.
 - f. In accordance with Executive Order 61 (2017), a prohibition on discrimination by the Subrecipient, in its employment practices, subcontracting practices, and delivery of goods or services, on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation,

disability, or veteran status, is hereby incorporated in this contract.

2. The Subrecipient will include the provisions of 1. above in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each Subrecipient or vendor.

J. **ANTITRUST:** By entering into an agreement, the Subrecipient conveys, sells, assigns, and transfers to the Commonwealth of Virginia all rights, title and interest in and to all causes of action it may now have or hereafter acquire under the antitrust laws of the United States and the Commonwealth of Virginia, relating to the particular goods or services purchased or acquired by the Commonwealth of Virginia under said agreement.

K. **PAYMENT:**

1. To Prime Subrecipient:

a. Invoices for items ordered, delivered and accepted shall be submitted by the Subrecipient directly to the payment address shown on the purchase order/contract. All invoices shall show the state contract number and/or purchase order number; social security number (for individual Subrecipients) or the federal employer identification number (for proprietorships, partnerships, and corporations).

b. Any payment terms requiring payment in less than 30 days will be regarded as requiring payment 30 days after invoice or delivery, whichever occurs last. This shall not affect offers of discounts for payment in less than 30 days, however.

c. All goods or services provided under this contract or purchase order, that are to be paid for with public funds, shall be billed by the Subrecipient at the contract price, regardless of which public agency is being billed.

d. The following shall be deemed to be the date of payment: the date of postmark in all cases where payment is made by mail, or when offset proceedings have been instituted as authorized under the Virginia Debt Collection Act.

e. **Unreasonable Charges.** Under certain emergency procurements and for most time and material purchases, final job costs cannot be accurately determined at the time orders are placed. In such cases, Subrecipients should be put on notice that final payment in full is contingent on a determination of reasonableness with respect to all invoiced charges. Charges which appear to be unreasonable will be resolved in accordance with *Code of Virginia*, § 2.2-4363 and -4364. Upon determining that invoiced charges are not reasonable, the Commonwealth shall notify the Subrecipient of defects or improprieties in invoices within fifteen (15) days as required in *Code of Virginia*, § 2.2-4351. The provisions of this section do not relieve a department of its prompt payment obligations with respect to those charges which are not in dispute (*Code of Virginia*, § 2.2-4363).

2. To Subrecipients:

- a. Within seven (7) days of the Subrecipient's receipt of payment from the Commonwealth, a Subrecipient awarded a contract under this solicitation is hereby obligated:
 - (1) To pay the Subrecipient(s) for the proportionate share of the payment received for work performed by the Subrecipient(s) under the contract; or
 - (2) To notify the department and the Subrecipient(s), in writing, of the Subrecipient's intention to withhold payment and the reason.
 - b. The Subrecipient is obligated to pay the Subrecipient(s) interest at the rate of one percent per month (unless otherwise provided under the terms of the contract) on all amounts owed by the Subrecipient that remain unpaid seven (7) days following receipt of payment from the Commonwealth, except for amounts withheld as stated in (2) above. The date of mailing of any payment by U. S. Mail is deemed to be payment to the addressee. These provisions apply to each sub-tier Subrecipient performing under the primary contract. A Subrecipient's obligation to pay an interest charge to a Subrecipient may not be construed to be an obligation of the Commonwealth.
3. Each prime Subrecipient who wins an award in which provision of a SWaM procurement plan is a condition to the award, shall deliver to the contracting department or institution, on or before request for final payment, evidence and certification of compliance (subject only to insubstantial shortfalls and to shortfalls arising from Subrecipient default) with the SWaM procurement plan. Final payment under the contract in question may be withheld until such certification is delivered and, if necessary, confirmed by the department or institution, or other appropriate penalties may be assessed in lieu of withholding such payment.
 4. The Commonwealth of Virginia encourages Subrecipients and Subrecipients to accept electronic and credit card payments.
- L. ASSIGNMENT OF AGREEMENT:** An agreement shall not be assignable by the Subrecipient in whole or in part without the written consent of the Commonwealth.
- M. DEFAULT:** In case of failure to deliver goods or services in accordance with the agreement terms and conditions, the Commonwealth, after due oral or written notice, may procure them from other sources and hold the Subrecipient responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the Commonwealth may have.
- N. INSURANCE:** Subrecipient is a local governmental body with AAA Bond rating, which self-insures with the following retention for the following coverage:
- Commercial General Liability \$2,000,000 self-insured retention.
 - Commercial Automobile Liability \$2,000,000 self-insured retention.
 - Public Officials' Liability \$2,000,000 self-insured retention.
 - Medical Professional Liability for amounts not less than the then current cap on damages in a medical professional liability claim or suit, as set forth in Virginia Code Section 8.01-581.15.
 - Commercial Property with a \$500,000 self-insured retention

- Workers' Compensation coverage for statutory limits with a \$3,000,000 self-insured retention.

This statement shall serve to certify both the accuracy of the foregoing information as well as the financial ability of the Subrecipient to meet the obligation imposed by the retention levels related to losses, claims, demands, actions, judgments, costs, expenses, and liabilities resulting in injuries to third parties, including bodily injury and personal injury resulting from action or operation under this agreement.

The Subrecipient is prescribed by law from extending its self-insurance to outside parties and prohibited from providing Additional Insured status and agreeing to Holding Harmless or Indemnifying any parties. The Subrecipient is also prohibited from agreeing to providing a waiver of subrogation provision to waive all rights of recovery under subrogation or otherwise against the Department.

In lieu of a Certificate of Insurance, the above stated information shall serve as an accurate reflection of the coverage in force and as evidence of insurance as of the date of issue below and will remain in force for the entire life of this Agreement.

If Subrecipient hires a contractor related to the work performed under this agreement, the County shall endeavor to have its contractor to provide a broad form contractual indemnity covering Department., and general liability insurance, including broad form contractual liability coverage, with minimum limits of one million dollars (\$1,000,000) combined single limit per occurrence for Bodily Injury and Property Damage Liability, which shall insure required indemnity obligation. The County shall require that contractor's policies be endorsed to be primary to any insurance maintained by or on behalf of Department. The Subrecipient shall also endeavor to require Department. to designate both Subrecipient and Department., as an additional insured.

Nothing with regards to the providing of insurance coverage shall be deemed a waiver of the sovereign immunity of the Subrecipient.

- O. **NONDISCRIMINATION OF SUBRECEIPIENTS:** A Subrecipient shall not be discriminated against in the solicitation or award of this contract because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, faith-based organizational status, any other basis prohibited by state law relating to discrimination in employment or because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest. If the award of this contract is made to a faith-based organization and an individual, who applies for or receives goods, services, or disbursements provided pursuant to this contract objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, the public body shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative provider.
- P. **WHISTLEBLOWER PROTECTIONS:** Congress has enacted the whistleblower protection statute 41 U.S.C. Section 4712 to encourage employees to report fraud, waste, and abuse without repercussions. This statute applies to all employees working for Subrecipients, grantees, Subrecipients, and sub grantees in accordance with this agreement. All

Subrecipients, grantees, sub grantees, and Subrecipients for federal grants and contracts are required to:

1. Inform their employees in writing of the whistleblower protections under 41 U.S.C. Section 4712 in the predominant native language of the workforce, to include the specific requirements of the statute, and
2. Include this term and condition in any agreement made with a Subrecipient or sub grantee.

The employees' rights under 41 U.S.C. Section 4712 shall survive termination of this agreement.

Q. AUTHORIZATION TO CONDUCT BUSINESS IN THE COMMONWEALTH: A Subrecipient organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the *Code of Virginia* or as otherwise required by law. Any business entity described above that enters into a contact with a public body pursuant to the *Virginia Public Procurement Act* shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be revoked or cancelled at any time during the term of the contract. A public body may void any contract with a business entity if the business entity fails to remain in compliance with the provisions of this section.

R. SERVICE ORGANIZATION CONTROLS: Service Organization Controls (SOC2) may be required for this contract. Please see link for requirements: http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Topics/10305.pdf

CERTIFICATION OF INTERNAL CONTROLS: The Subrecipient shall have clearly delineated processes and procedures for the internal control of sensitive data and processes, which are any data and processes of which the compromising of confidentiality, integrity, and/or availability could have a material adverse effect on Commonwealth of Virginia interests, the conduct of department programs, or to the privacy of which individuals are entitled, when such sensitive data or processes are related to the goods and/or services provided pursuant to this agreement.

The Subrecipient shall provide evidence of compliant and ongoing internal control of sensitive data and processes through a standard methodology, such as but without limitation the American Institute of Certified Public Accountant (AICPA) Service Organization Control (SOC) Reports. The evidence of compliance shall be contained in a report describing the effectiveness of the Subrecipient's internal controls. The most recent version of the report shall be provided to the purchasing office upon request. Trade secrets or proprietary information contained within the report shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the Subrecipient must invoke the protection of Code of Virginia, § 2.2-4342F, in writing, prior to or upon submission of the report, and must identify the data or other materials to be protected and state the reasons why protection is necessary.

If deficiencies in the Subrecipient's internal control processes and procedures are described in the most recent version of the report, the Subrecipient shall automatically

submit the report to the purchasing office within a timely manner and shall describe the corrective actions to be put into place by the Subrecipient to remedy the deficiencies. Failure to report and/or repair deficiencies in a timely manner shall be cause for the Commonwealth to make a determination of breach of contract.

The Subrecipient's obligations for certification of internal controls shall survive and continue after completion of this agreement unless the Subrecipient certifies the destruction of the sensitive data at the end of the contract term.

S. CONTINUITY OF SERVICES:

- a) The Subrecipient recognizes that the services under this contract are vital to the Department and must be continued without interruption and that, upon contract expiration, a successor, either the Agency or another Subrecipient, may continue them. The Subrecipient agrees:
 - (i) To exercise its best efforts and cooperation to effect an orderly and efficient transition to a successor;
 - (ii) To make all Department owned facilities, equipment, and data available to any successor at an appropriate time prior to the expiration of the contract to facilitate transition to successor; and
 - (iii) That the Department Contracting Officer shall have final authority to resolve disputes related to the transition of the contract from the Subrecipient to its successor.
- b) The Subrecipient shall, upon written notice from the Contract Officer, furnish phase-in/phase-out services for up to ninety (90) days after this contract expires and shall negotiate in good faith a plan with the successor to execute the phase-in/phase-out services. This plan shall be subject to the Contract Officer's approval.
- c) The Subrecipient shall be reimbursed for all reasonable, pre-approved phase-in/phase-out costs (i.e., costs incurred within the agreed period after contract expiration that result from phase-in, phase-out operations) and a fee (profit) not to exceed a pro rata portion of the fee (profit) under this contract. All phase-in/phase-out work fees must be approved by the Contract Officer in writing prior to commencement of said work.

- T. CIVILITY IN STATE WORKPLACES:** The Subrecipient shall take all reasonable steps to ensure that no individual, while performing work on behalf of the Subrecipient or any subSubrecipient in connection with this agreement (each, a "Contract Worker"), shall engage in 1) harassment (including sexual harassment), bullying, cyber-bullying, or threatening or violent conduct, or 2) discriminatory behavior on the basis of race, sex, color, national origin, religious belief, sexual orientation, gender identity or expression, age, political affiliation, veteran status, or disability.

The Subrecipient shall provide each Contract Worker with a copy of this Section and will require Contract Workers to participate in agency training on civility in the State workplace if Subrecipient's (and any subSubrecipient's) regular mandatory training programs do not already encompass equivalent or greater expectations. Upon request, the Subrecipient shall provide documentation that each Contract Worker has received such training.

For purposes of this Section, "State workplace" includes any location, permanent or temporary, where a Commonwealth employee performs any work-related duty or is representing his or her agency, as well as surrounding perimeters, parking lots, outside meeting locations, and means of travel to and from these locations. Communications are deemed to occur in a State workplace if the Contract Worker reasonably should know that the phone number, email, or other method of communication is associated with a State workplace or is associated with a person who is a State employee.

The Commonwealth of Virginia may require, at its sole discretion, the removal and replacement of any Contract Worker who the Commonwealth reasonably believes to have violated this Section.

This Section creates obligations solely on the part of the Subrecipient. Employees or other third parties may benefit incidentally from this Section and from training materials or other communications distributed on this topic, but the Parties to this agreement intend this Section to be enforceable solely by the Commonwealth and not by employees or other third parties.

IX. CONFIDENTIALITY TERMS AND CONDITIONS:

A. DATA PRIVACY

In accordance with § 2.2-2009 of the *Code of Virginia*, during the performance of this contract, Subrecipient is required at all times to comply with all applicable federal and state laws and regulations, including those pertaining to information security and privacy

B. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION: The Subrecipient assures that information and data obtained as to personal facts and circumstances related to patients or clients will be collected and held confidential, during and following the term of this agreement, and unless disclosure is required pursuant to court order, subpoena or other regulatory authority, disclosure will not be divulged without the individual's and the department's written consent, and only in accordance with federal law, including the HIPAA Privacy rule or the Code of Virginia.

Subrecipients who utilize, access, or store personally identifiable information (PII), protected health information (PHI), and electronic protected health information (ePHI), in performance of a contract, and in support of the HIPAA Privacy and Security regulations, are required to safeguard PII and PHI by:

- a. implementing appropriate safeguards to prevent unauthorized use or disclosure of the information, including implementing requirements of the HIPAA Security Rule with regard to ePHI,
- b. implementing appropriate safeguards to prevent unauthorized use or disclosure of the information, including implementing requirements of the HIPAA Security Rule with regard to ePHI,
- c. ensure that any sub-subrecipients the Subrecipient may engage on its behalf, and will have access to PHI, agrees to the same restrictions and conditions that apply to the business associate with respect to such information, and
- d. immediately notifies the department of any breach, or suspected breach, in the security of such information.

Subrecipients shall allow the department to both participate in the investigation of incidents and exercise control over decisions regarding external reporting. Subrecipients and their employees working on this project may be required to sign a confidentiality statement. The parties agree that the Subrecipient is a public body and nothing in the section will prohibit the Subrecipient from complying with its obligations under the Virginia Freedom of Information Act.

C. CONFIDENTIALITY OF HEALTH RECORDS:

By signature on this agreement, the Subrecipient agrees to comply with all applicable statutory provisions and regulations of the Commonwealth of Virginia and in the performance of this agreement (agreement) shall:

1. Not use or further disclose health records other than as permitted or required by the terms of this agreement or as required by law;
2. Use appropriate safeguards, as defined by HIPAA the Privacy and Security Rules to prevent use or disclosure of health records other than as permitted by this agreement;
3. Report to the Department of Health any use or disclosure of health records not provided for by this Agreement;
4. Mitigate, to the extent practicable, any harmful effect that is known to the Subrecipient of a use or disclosure of health records by the Subrecipient in violation of the requirements of this agreement;
5. Impose the same requirements and restrictions contained in this agreement on its subSubrecipients and agents;
6. Provide access to health records contained in its records to the Department of Health, in the time and manner designated by the Department of Health, or at the request of the Department of Health, to an individual in order to afford access as required by law;
7. Make available health records in its records to the Department of Health for amendment and incorporate any amendments to health records in its records at the Department of Health request; and
8. Document and provide to the Department of Health information relating to

disclosures of health records as required for the Department of Health to respond to a request by an individual for an accounting of disclosures of health records.

The Subrecipient shall provide evidence of compliant and ongoing internal control of sensitive and/or private data and processes through a standard methodology, including the Health Insurance Portability and Accountability Act (42 USC Sec. 1320D et seq., the federal rules adopted thereunder (45 CFR Parts 160, 162 and 164, as applicable), and the American Institute of Certified Public Accountant (AICPA) Service Organization Control (SOC) Reports. The evidence of compliance shall be contained in a report describing the effectiveness of the Subrecipient's internal controls. There shall be an appropriate separate instrument, i.e., a business associate agreement (BAA), executed between the parties further protecting the privacy and security of data."

X. **STATUS OF PERSONNEL:** Sarah Lineberger, or her designee, for the Program, has been designated as the Department administrator for this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby. This Subrecipient Agreement becomes effective on the date of the last signature.

FAIRFAX COUNTY, ACTING THROUGH THE FAIRFAX HEALTH DEPARTMENT: DocuSigned by: By: <i>Sue Ann Pender</i> Title: Director/Purchasing Agent Date: 2023 June 16 13:55:22 EDT	VIRGINIA DEPARTMENT OF HEALTH: DocuSigned by: By: <i>Roxanne Ehardt</i> Title: Office Director of Procurement and General Services Date: 6/30/2023 10:33:51 AM EDT
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UEI: W2ZUFMBDM378 (Required)

Note: This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, sexual orientation, gender identity, political affiliation, or veteran status or any other basis prohibited by state law relating to discrimination in employment.

FOR COMPLETION BY SUBRECIPIENT:

Legal Name Fairfax County
City and Zip+4 (ZIP plus four lookup https://tools.usps.com/go/ZipLookupAction_input) Fairfax, 22035
Is the organization registered in SAM? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If no, see Section V IFederalIAward Information, page 9). To remain active complete the registration and update at least every 12 months at https://www.sam.gov/SAM/ .
1. In the preceding fiscal year did your organization: <ul style="list-style-type: none"> a. Receive 80% or more of annual gross revenue from federal contracts, subcontracts, grants, loans, subgrants, and/or cooperative agreements; and b. \$25,000,000 or more in annual gross revenues from federal contracts, subcontracts, grants, loans, subgrants, and/or cooperative agreements; and c. The public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(a) or 15(d) of the Securities and

Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

NO

YES (The names and total compensation of the top 5 highly compensated officials must be reported to VDH. *(Total compensation includes cash and non-cash value earned during the past fiscal year including salary and bonus; awards of stock, stock options and stock appreciation rights; and severance and termination payments, and value of life insurance paid on behalf of the employee, and applicable OMB guidance).*)

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 24061

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on September 12, 2023, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2024, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7171, Health Department	
Grants:	1CV7117-2023, Antibiotic Stewardship of Long-Term Care Facilities – COVID-19	\$612,500

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$612,500
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Department of Health, \$612,500

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ADMINISTRATIVE - 17

Authorization for the Department of Public Works and Environmental Services to Apply for and Accept Grant Funding from the U.S. Department of Defense Readiness and Environmental Protection Integration Program for the Pohick Stream Stabilization Project

ISSUE:

Board of Supervisors (Board) authorization is requested for the Department of Public Works and Environmental Services (DPWES) to apply for and accept grant funding, if received, from U.S. Department of Defense (DOD) Readiness and Environmental Protection Integration (REPI) Program in the amount of \$510,000, including \$255,000 in Local Cash Match (LCM). Grant funds will be used to evaluate and design the stabilization of a portion of Pohick Creek located along the boundary of the Noman M Cole, Jr., Pollution Control Plant (NMCJPCP) in Lorton, Virginia. The 50 percent LCM requirement is available in Fund 69300, Sewer Construction Improvements. The grant period is from January 2024 to January 2027. When grant funding expires, Fairfax County (County) is under no obligation to continue funding the program. No new positions are associated with the funding. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per the Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the DPWES to apply for and accept grant funding, if received, from the DOD REPI Program in the amount of \$510,000, including \$255,000 in LCM, for the Pohick Stream Stabilization Project. No new positions are associated with this grant. The County Executive also recommends that the Board authorize the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
September 12, 2023

TIMING:

Board action is requested on September 12, 2023. Due to the grant application deadline of August 14, 2023, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn. The Board was also notified via email of the department's intent to apply for this grant prior to the application due date.

BACKGROUND:

The DOD Readiness and Environmental Protection Integration Program preserves military missions by supporting cost-sharing agreements between the Military Services, other federal agencies, state and local governments, and private conservation organizations to avoid land use conflicts near military installations, address environmental restrictions that limit military activities, and increase resilience to climate change. The program's goals align with the Fairfax County Countywide Strategic plan "Environment and Energy" and "Safety and Security" community outcome areas.

The NMCJPCP receives and treats approximately 40 percent of the wastewater generated in the southeastern part of the County and nearby jurisdictions. A portion of the facility is located within the 100-year storm boundary. A section of the Pohick Creek runs adjacent to the eastern and southern portion of the facility. Grant funds will supplement the funding required for the evaluation and design of solutions for stream restoration and riverine flooding abatement along this portion of Pohick Creek. Solutions are expected to reduce the likelihood and impact of flooding near the facility, reduce long-term encroachment of the stream upon the facility, and protect the facility's ability to provide uninterrupted wastewater treatment.

Once study and design are complete, a construction phase to implement solutions is anticipated. While funding is anticipated to be available through the sewer funds, additional grant funding may be pursued through the DOD Defense of Critical Infrastructure Program (DCIP) to supplement the use of funds.

EQUITY IMPACT:

The Pohick Creek Stream Stabilization project has no equity impact. Untreated wastewater has severe adverse human health and environmental impacts, and this project is an essential part of the County's wastewater infrastructure capital renewal program to minimize the release of untreated sewage. The additional grant funding provides a benefit to all Fairfax County wastewater ratepayers.

Board Agenda Item
September 12, 2023

Any inaction or delay on this project could result in partially or fully untreated wastewater discharges from NMCJPCP. Untreated wastewater causes diseases to proliferate, including hepatitis, tetanus, typhoid, cholera, enterovirus, and others, that thrive in untreated human sewage. Untreated wastewater also ruins water quality and kills aquatic life. The United States Environmental Protection Agency (EPA) has identified inequitable nationwide trends where communities “allow continued discharges of raw sewage into waters used for drinking, recreation, and/or ecological habitat—depending on the ability of a wastewater system and its customers to pay for necessary infrastructure upgrades.”

Attachment 1 shows the County’s Approved Sewer Service Area (ASSA) in comparison to the Vulnerability Index scores. It also shows the location of the NMCJPCP location where the project is located.

FISCAL IMPACT:

Grant funding in the amount of \$510,000 is being requested from the DOD REPI Program to support the Pohick Creek Stream Stabilization Project. The \$255,000 Local Cash Match requirement is available in Fund 69300, Sewer Construction Improvements. This grant does not allow the recovery of indirect costs. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Sewer Service Area in Vulnerable Communities

Attachment 2: FY 2024 REPI Challenge Full Proposal Form

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

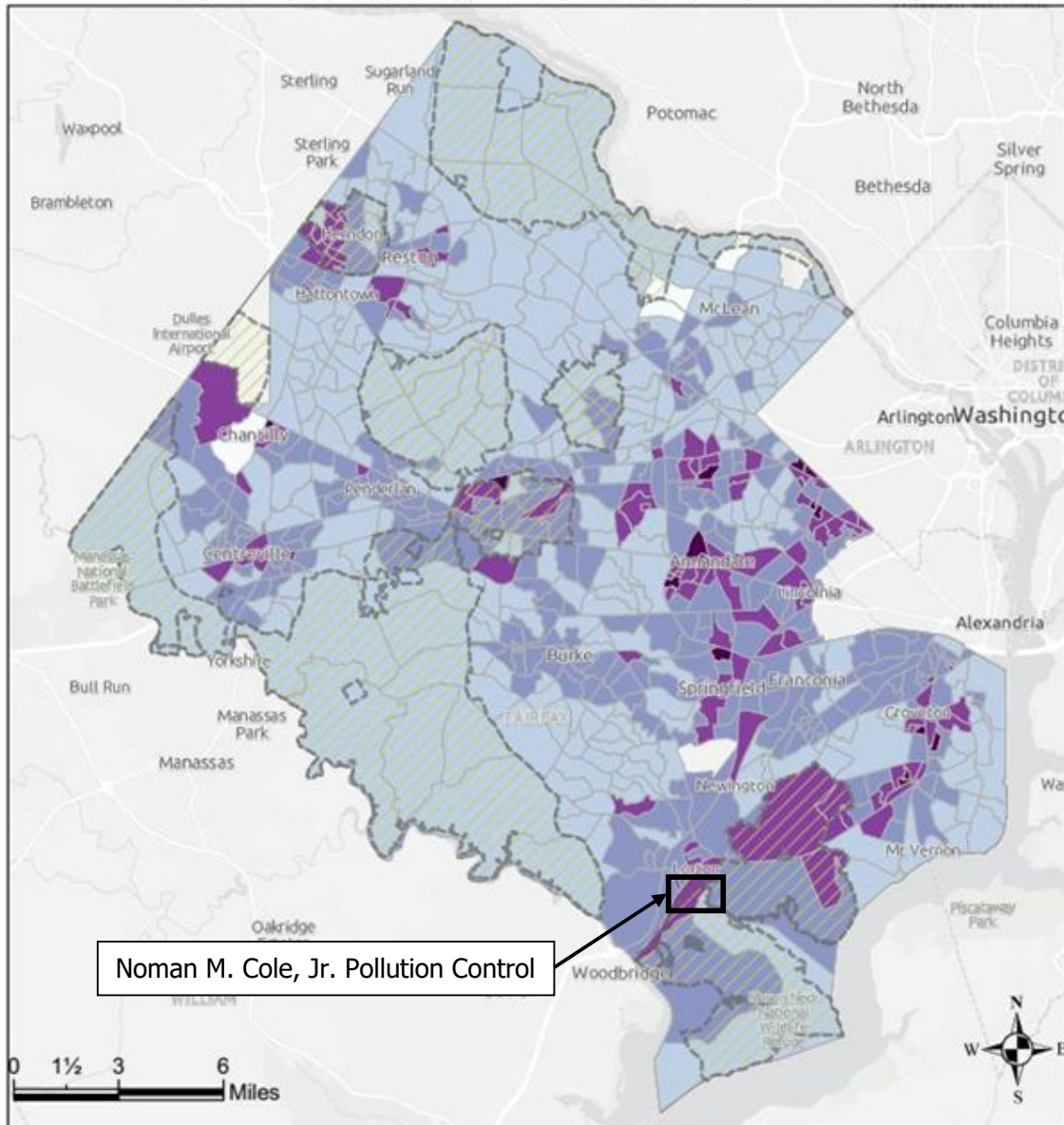
Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Divisions, DPWES

Michael McGrath, Director, Wastewater Treatment Division, DPWES

Hong Yin, Engineering Support Branch Chief, Wastewater Treatment Division, DPWES

Sarah Motsch, Engineer V, Wastewater Treatment Division, DPWES

Sewer Service Area in Vulnerable Communities



Noman M. Cole, Jr. Pollution Control

Legend

Outside ASSA

Vulnerability Index	# of households inside the ASSA	# of households outside of the ASSA	Total # of households
0 - 1	1,501	181	1,682
1 - 2	133,782	21,021	154,803
2 - 3	133,687	5,299	138,986
3 - 4	34,169	4,684	38,853
4 - 5	2,037	0	2,037
Total	305,176	31,185	336,361



Date: 3/3/2023

Path: G:\pub\DPWES\WWM\ServiceRequests\Vulnerable Areas Vs Sewer Service Area\VulnerableAreas_SewerServiceArea\VulnerableAreas_SewerServiceArea.aprx



REPI

UNITED STATES DEPARTMENT OF DEFENSE
READINESS AND ENVIRONMENTAL
PROTECTION INTEGRATION PROGRAM

FY 2024 REPI CHALLENGE FULL PROPOSAL FORM



Deadline: Monday, August 14, 2023; 8 p.m. ET

Submit proposal electronically through the REPI Challenge Online Proposal Builder App: repi.osd.mil

Project Name: Pohick Creek Stream Improvement Planning

Partner organization(s): Northern Virginia Regional Commission, Fairfax County Department of Public Works and Environmental Services, Commonwealth of Virginia, Noman M. Cole, Jr. Pollution Control Plant

Partner submitting proposal and point of contact information:

Name: Sarah Motsch

Organization: Fairfax County, Noman M Cole, Jr. Pollution Control Plant

Phone: 571-595-9600

Email: sarah.motsch@fairfaxcounty.gov

Other participating organizations:

Fairfax County Department of Public Works and Environmental Services
Commonwealth of Virginia
Noman M. Cole, Jr. Pollution Control Plant
Northern Virginia Regional Commission

Installation(s): Fort Belvoir

Installation Point of Contact:

Name: Sybille Vega

Organization: Directorate of Public Works

Phone: 703 806-0020

Email: sybille.r.vega.civ@army.mil

A. Project Executive Summary

The purpose of this section is to give the REPI office a snapshot of the proposed project. Briefly describe the problem(s) and summary of proposed actions to resolve the problem(s) identified. Specifically address the project's proposed actions, what issue(s) those actions will solve, and the desired outcomes of the project that will indicate success. (5,000 character limit)

The Northern Virginia Regional Commission (NVRC) has completed a Military Installation Resiliency Review (MIRR) funded by the Office of Local Defense Community Cooperation (OLDCC) for the Northern Virginia bases. Multiple resilience strategies have been identified adjacent to US Army Garrison Fort Belvoir in Fairfax County. The requirements identified include responses to challenges that are off base but impact the mission of the base: impacts to the Noman M. Cole, Jr. Pollution Control Plant (NMCCPCP). This REPI Challenge proposal would evaluate solutions off-site that impact missions on base, such as flooding of the NMCCPCP by Pohick Creek. A planning analysis of Pohick Creek is proposed to

address the flooding issues adjacent to the Pollution Control Plant. A stream survey would evaluate the potential to realign the stream and move it away from the plant.

NMPCPCP receives and treats approximately 40% of the wastewater generated in the southeastern part of Fairfax County, including that of the nearby US Army Garrison Fort Belvoir Installation, which is provided through a utility service contract (Contract No. DACA31-76-C-0003). The NMPCPCP is in Lorton, Virginia, much of which is identified as a community with a high to medium Vulnerability Index score. A portion of the facility is located within the FEMA 100-year storm boundary. A section of Pohick Creek runs adjacent to the eastern and southern portions of the facility. An onsite bridge spans Pohick Creek and carries process water between facilities on either side of the creek. In April 2022, a routine bridge inspection identified a scour hole at the base of one of the bridge's piers. This finding initiated further evaluation and the establishment of the Pohick Creek Stream Stabilization Project.

Pohick Creek poses a flooding hazard to the NMPCPCP facility. If realized, the flooding would negatively impact the facility's ability to provide uninterrupted 24-hour wastewater service. Encroachment on Pohick Creek could cause damage to the infrastructure of NMPCPCP. Damage would potentially result in reduced or complete loss of service, which would result in significant human health and environmental impacts, including wastewater backing up into homes and businesses and the release of human waste into Pohick Creek, a tributary of the Chesapeake Bay. The interruption would negatively impact US Army Garrison Fort Belvoir, which can only operate for 72 hours without wastewater collection and treatment services. The Alexander T. August Military Medical Center, located on base, can only operate for 48 hours without wastewater collection. The relocation of close to 8,000 base residents and 32,000 base employees would be necessary to avoid health effects. Activities on base include multiple Army mission sets as well as recreational ones like golfing, fishing, and boating that would suffer from the impact.

Solutions identified during the study and evaluation phases of the project will mitigate the likelihood of flooding, reinforce the protections of the piers of the onsite bridge, and protect NMPCPCP's ability to provide wastewater treatment services. The design and construction of stream realignment and flooding reduction are anticipated to follow this phase of the project.

The planning study is necessary to prepare a shovel-ready project to be fully funded with follow-on grants for implementing construction. The completion of 15-35% of the design will indicate a successful outcome for this REPI Challenge. This project contains innovative solutions that could be duplicated elsewhere in the region, the state, or other locations in the USA, as well as providing a solution for both sides of the fence. We have the support of the base, the state, and the local jurisdiction to see the project through to completion. The NVRC will partner with Fairfax County and the Commonwealth of Virginia to assess natural infrastructure solutions to creek flooding adjacent to the NMPCPCP in Fairfax County.

B. Project Focus Area and Regulatory Authority(ies)

This year's Challenge has three distinct focus areas with different response criteria. The below focus areas were pre-populated based on your selections upon adding this project. You may select more than one focus area; however, please attempt to clearly describe how each focus area will be addressed via this project and identify if one area is of higher priority to the installation(s). (1,000 character limit)

- **Focus Area A Climate Resilience**

Briefly describe how proposed off-base nature-based solution(s) will maintain or improve installation resilience (e.g., increased water supply, strengthened shoreline defenses, hazardous fuels reduction) to impacts of climate

change and extreme weather events (e.g., wildfire, drought, and permafrost thawing). If selected, specify which phase(s) of this focus area will be addressed through the project.

Phases addressed: Phase 1: Capacity Building and Planning, Phase 2: Site Assessment and Design

The natural infrastructure solutions to be evaluated are off-site to reduce flooding off-base adjacent to the Noman M. Cole, Jr. Pollution Control Plant. The solutions identified will minimize impacts on the wastewater treatment system on the installation and its missions. This project will focus on Phases 1 (Capacity building and planning) and 2 (Site assessment and design).

Regulatory Authority(ies) leveraged for this project:

- **Habitat Preservation-IGSA authority (10 U.S.C. § 2679)**

C. Encroachment Threat

Based on the project focus area(s) selected and summarized in the previous section, describe the specific encroachment threat(s) to the military mission that your proposed project will address, and how the proposed efforts outlined in the executive summary fit into a coordinated and comprehensive approach to preventing or managing encroachment. Encroachment is defined as factors that negatively affect DOD's ability to effectively test, train, and operate, and may include the current/potential impacts from climate change and/or extreme weather events. (5,000 character limit)

Encroachment of Pohick Creek could cause damage to the infrastructure of NMCP. Damage would potentially result in a reduced or complete loss of service, which would result in significant human health and environmental impacts, including wastewater backing up into homes and businesses and the release of human waste into Pohick Creek, a tributary of the Chesapeake Bay watershed. The interruption would negatively impact US Army Garrison Fort Belvoir, which can only operate for 72 hours without wastewater collection and treatment services.

In addition, flooding onsite at NMCP would occur concurrently with upstream flooding, which could potentially impact the local community and cause flooding across Richmond Highway (Route 1), a highway that services Ft. Belvoir. Improved routing and stabilization of the Pohick Creek will reduce the threat of flooding and associated damage to NMCP, Fort Belvoir, and the surrounding community. Previous encroachment efforts include a 2013 Flood Mitigation Analysis and the implementation of a coordinated set of recommendations, including the expansion of an existing floodwall and stabilization of three areas along Pohick Creek on the facility site. The Pohick Creek Stream Stabilization Project will build upon previous efforts by redirecting the stream and providing renewed protection for the onsite bridge.

D. Strategic Benefits and Outcomes

Describe how the proposed solution provides a strategic benefit to the military by supporting key mission capabilities, highly significant geographies, or other priorities referenced on page 2 of the RFP or other DOD strategic planning documents. Provide specifics, including quantitative data and sources, on restrictions and workarounds this project will help prevent, reduce, or mitigate, and outline the projected timeframe for anticipated benefits to military activities as appropriate. (5,000 character limit)

Implementation of the Pohick Creek Stream Stabilization Project will protect the infrastructure of NMCP, with the key benefit being the continued uninterrupted operation of the Fort Belvoir Garrison and its associated activities. In addition, the project will protect the surrounding local community and sensitive environmental areas.

In the absence of this project, there is an increased risk of the reduction or cessation of wastewater treatment services at NMCP. This interruption would impact base activities by necessitating 1) the acquisition of emergency wastewater services and/or 2) cessation of or interruptions to key mission activities to include the Missile Defense Agency, the

National Geospatial-Intelligence Agency, the Defense Logistics Agency, the United States Legal Services Administration, the Office of the Chief of the Army Reserve, Garrison operations, and Aerospace Data Facility East. The 50,000 personnel that work on the installation and the 200,000 personnel that use facilities on the installation would all be impacted by the reduction or cessation of wastewater treatment services.

E. Detailed Description of the Finances for this Project

Provide a detailed description of the finances based on the type of project proposed. Provide the anticipated ratio of partner contributions to total costs for the proposed action, including an overview of funds secured and plans for raising the outstanding balance. Provide the financial and in-kind contributions, including possible land exchanges, technical assistance, outreach activities, etc, from each committed partner, as appropriate. Describe the accounting of in-kind services, to include values where possible, and support with how those contributions are factored and tracked. Include roles and costs associated with any natural resource management or nature-based solutions that are part of this project, if applicable. Include information if the proposed project is scalable; can it be funded in phases and what might those phases look like? (10,000 character limit)

An Architectural and Engineering (A&E) firm will be hired to conduct a stream survey of Pohick Creek and design natural infrastructure solutions for the flooding in Pohick Creek adjacent to the Noman M. Cole Jr. Pollution Control Plant. The cost for A&E services is \$510K. Project management will be handled by Fairfax County and the Pollution Control Plant at no cost. Fairfax County and the Commonwealth of Virginia will provide matching funds in the form of cash. The Commonwealth funds will be cash from the Virginia Military Community Infrastructure Grant Program and Fund (2022 HB 354). During the implementation and monitoring phases, construction is anticipated to cost approximately \$3.4 million. It is anticipated that an application to the Defense Community Infrastructure Pilot Program (DCIP) will be submitted contingent upon the continuation of the DCIP program.

F. Estimated Project Size

Total Acres of Project	51.60
Total Easement Acreage (if applicable)	0.00
Total Natural Resources Management Acreage (if applicable)	0.00
Fee Title/Easement (if applicable)	Neither
Acquisition Cost	\$0.00
Fair Market Value of Property (for easement, if applicable)	\$0.00
Target Closing Date/Completion Date	January 1, 2027

G. Estimated Use of FY 2024 REPI Challenge Funds

Acquisition Cost	\$0.00
Transaction Costs (appraisal, survey, title, etc.)	\$0.00
Reserve/Endowment Funding for Stewardship and Management Cost	\$0.00
Legal Costs	\$0.00
Fundraising Costs	\$0.00
Natural Resource Management Costs	\$0.00
Natural Infrastructure Improvement Costs (Phase 1: Capacity Building and Planning)	\$55,000.00
Natural Infrastructure Improvement Costs (Phase 2: Site Assessment and Design)	\$175,000.00
Natural Infrastructure Improvement Costs (Phase 3: Final Design and Permitting)	\$25,000.00
Natural Infrastructure Improvement Costs (Phase 4: Implementation and Monitoring)	\$0.00
Target Closing Date/Completion Date	January 1, 2027
Other	\$0.00
Total Use of Funds	\$255,000.00

H. Sources of Funds

Source	In hand/Pledged	Anticipated	Total
Cash Reserves*	\$0.00	\$0.00	\$0.00
*			
Seller Donation	\$0.00	\$0.00	\$0.00
Private Fundraising	\$0.00	\$0.00	\$0.00
Other Partner Contributions**	\$0.00	\$0.00	\$0.00
**			
Other Partner Contributions***	\$0.00	\$127,500.00	\$127,500.00
*** Fairfax County DPWES Wastewater Management Program			
Subtotal: Partner Contributions	\$0.00	\$127,500.00	\$127,500.00
Military Service Funds	\$0.00	\$0.00	\$0.00
FY 2024 REPI Challenge Request		\$255,000.00	\$255,000.00
Other Contribution (specify sources)	\$0.00	\$127,500.00	\$127,500.00
Funds from Commonwealth of Virginia, HB345ER			
Total Sources of Funds	\$0.00	\$510,000.00	\$510,000.00

I. Agreement Details and Environmental Planning

Coordinated Plan to Address Encroachment:

Describe how the partner and installation have coordinated the proposed action with multiple stakeholders and using multiple tools. Include information about ongoing installation partner and involvement in community, regional, and state planning forums or exercises; existence of a compatible use plan and/or various installation planning documents (range planning, master plans, resilience-related plans such as military installation reviews, water or natural resource management plans); zoning; regulatory mitigation efforts; outreach and engagement; technical assistance, etc. (2,000 character limit)

This proposal is for the study and evaluation phases of the Pohick Stream Stabilization Project. At this early stage of the project, there are no permitting requirements for the work. As the design progresses, all permitting requirements will be identified, and efforts initiated as appropriate for the stage of work. The permitting requirements are anticipated to include environmental planning and compliance activities such as National Environmental Protection Act (NEPA) and Section 106

National Historic Preservation Act (NHPA) requirements. Activities would include searches for endangered and threatened species and the resulting additional requirements, as applicable. Before construction, permitting activities through the Commonwealth of Virginia Marine Resources Commission, the Virginia Pollutant Discharge Elimination System, and the Corps Nationwide programs are anticipated.

Agreement Details and Environmental Plan:

Provide the following: The status of partner agreement with the Military Service (Indicate if it is in place/anticipated, and include the timeframe for completing the agreement in order to accept funds), the status of negotiations and closing schedule (if applicable), the status of legal due diligence (title exam, appraisal, survey, planning, permitting, etc. as appropriate), the status of environmental planning and compliance activities (e.g., National Environmental Protection Act (NEPA) or Section 106 National Historic Preservation Act (NHPA), as appropriate), the plans for permanent protection, stewardship and management, monitoring, and crediting. (1,000 character limit)

A Military Service agreement is not necessary for the project to proceed.

Estimated Project Schedule:

Provide the estimated project schedule, to include interim milestones from project award through completion. (1,000 character limit)

Evaluation and study are scheduled to begin in January 2024 with an expected duration of six months completion by July 2024.

Design shall start in August 2024 with an expected duration of ten months and completion by June 2025.

The construction bid will be awarded in July 2025, with an expected construction duration of 18 months and completion in January 2027.

ADMINISTRATIVE - 18

Authorization for the Department of Public Safety Communications to Apply for and Accept Grant Funding from the Virginia Department of Emergency Management for the FY 2024 Public Safety Answering Point Staffing Recognition Grant Program

ISSUE:

Board of Supervisors (Board) authorization is requested for the Department of Public Safety Communications (DPSC) to apply for and accept grant funding, if received, from the Virginia Department of Emergency Management in the amount of \$527,500. Funding will be used to help address the staffing crisis experienced by Virginia's public safety answering points (9-1-1 centers). Funding will enable the County to recognize employees who serve as a full-time or part-time 9-1-1 dispatcher/telecommunicator, as well as any Public Safety Answering Point (PSAP) employees who are certified and actively work on the 9-1-1 operations floor. There is no Local Cash Match associated with this award. The grant period is from September 14, 2023, through June 30, 2024. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding the program. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Public Safety Communications to apply for and accept grant funding, if received, from the Virginia Department of Emergency Management, FY 2024 PSAP Staffing Recognition Grant Program in the amount of \$527,500. Funding will enable the County to recognize 9-1-1 dispatcher/telecommunicator employees, as well as any PSAP employees who are certified and actively work on the 9-1-1 operations floor. No new positions will be created, and no Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

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TIMING:

Board approval is requested on September 12, 2023. Due to the application deadline of August 15, 2023, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Virginia PSAP Grant Program has been established in the Code of Virginia, §56-484.17(D), and acts to financially assist primary PSAPs. The PSAP Staffing Recognition Grant Program was requested by Virginia PSAPs to help address the staffing crisis experienced by Virginia PSAPs. The PSAP Staffing Recognition Grant Program awards are a one-year grant and are not eligible for grant award extensions. Funding amounts are \$2,500 per each eligible full-time employee and \$1,250 per each eligible part-time employee.

Fairfax County's DPSC is the biggest 9-1-1 center in Virginia and one of the largest centers in the nation. Coming out of the pandemic, DPSC has seen a consistent decline in application submissions for open entry level positions. With a vacancy rate over 20 percent, it has become increasingly difficult to stave off exits, resignations and retirements without strains on the remaining telecommunicators; and allowing DPSC to continue providing the highest level of service to the community and its public safety partners in the Fairfax County Police Department, Fire and Rescue Department, and Office of the Sheriff. Maintaining consistency and retaining personnel in this stressful, fast paced, and rapidly changing industry remains one of DPSC's goals. As DPSC looks to return to the pre-pandemic workload, it is imperative to recognize those telecommunicators who continue to provide continuity of 9-1-1 emergency communications service within the jurisdiction that has been the linchpin of public safety services. Funding is being requested to recognize eligible dispatchers/telecommunicators and staff that actively work on the 9-1-1/operations floor. An award focused on staffing recognition will send telecommunicators a clear message that their continued investment in DPSC, and their profession, goes hand-in-hand with the County's ongoing recruitment efforts. Additionally, a staffing recognition award demonstrates to all personnel that they are valued for their commitment and loyalty to the agency's mission.

FISCAL IMPACT:

Grant funding in the amount of \$527,500 is being requested to demonstrate the department's support for the 9-1-1 community by providing one-time funding to help recognize and retain eligible telecommunicators. No Local Match is required and this grant does not allow the recovery of indirect costs. This action does not increase

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the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 - Application FY 2024 PSAP Staffing Recognition Grant Program

STAFF:

Tom Arnold, Deputy County Executive

Scott L. Brillman, Director, Department of Public Safety Communications (DPSC)

Ed Falcon, Assistant Director of Support Services, DPSC

Lorraine Jackson, Assistant Director of Operations, DPSC

Eric Mills, Finance Chief, DPSC

**APPENDIX A: FY24 PSAP GRANT APPLICATION FOR THE STAFFING
RECOGNITION FUNDING PROGRAM**

Send completed grant applications to the PSAPGrants@vdem.virginia.gov electronic mailbox. An email receipt notification will be sent to the email address listed on the application. After the close of the application cycle, a Grant ID will be assigned and sent to the email address listed on the application received. Incomplete applications will not be accepted for consideration.

Application

PSAP/HOST PSAP NAME: Fairfax County Department of Public Safety
Communications

PSAP Region (1-7): 7

CONTACT TITLE: Assistant Director-Ops, Fairfax County DPSC/9-1-1

CONTACT FIRST NAME: LORRAINE

CONTACT LAST NAME: JACKSON

ADDRESS 1: 4890 Alliance Drive

ADDRESS 2: Suite 2401

CITY: Fairfax

ZIP CODE: 22030

CONTACT EMAIL: lorraine.jackson@fairfaxcounty.gov

CONTACT PHONE NUMBER: 571-350-1728

Describe your staffing recognition project plan and timeline:

The Department of Public Safety Communications (DPSC), also known as Fairfax County 9-1-1, is a nationally recognized public safety communications center, the largest in the Commonwealth of Virginia and one of the ten largest in the United States. Annually, DPSC receives over 1 million calls requesting public safety service per year and dispatches units of the Fairfax County [Police Department](#), [Fire and Rescue Department](#) and Sheriff's Office.

In addition to Fairfax County, DPSC is the designated 9-1-1 public safety answering point (PSAP) for the towns of [Herndon](#) and [Vienna](#) and the [City of Fairfax](#) located in the County.

Outside of day-to-day operations, DPSC would positively benefit from being able to issue a one-time staffing recognition award as a “thank you” to all telecommunicators working in one of the most difficult professions in the Commonwealth; and continuing to do so despite continued staffing constraints.

Coming out of the pandemic, Fairfax County DPSC has seen a consistent decline in application submissions for open entry level positions. As such, it has become increasingly difficult to stave off exits, resignations and retirements without strains on the remaining telecommunicators. Maintaining consistency and retaining personnel in this stressful, fast paced, rapidly changing industry has always been one of DPSC’s goals. As DPSC looks to return to the pre-pandemic workload, it is imperative to recognize those telecommunicators that have provided the continuity of service within our jurisdiction that has been the linchpin of public safety services.

An award focused on staffing recognition would send our telecommunicators a clear message that their continued investment in our agency, and profession, goes hand -in-hand with our ongoing recruitment efforts. Additionally, a staffing recognition award would demonstrate to all personnel that they are valued for their commitment and loyalty to the agency’s mission.

DPSC’s staffing recognition award would assume the following timeline: identifying those eligible, award amounts and suspense dates for actions:

1. October 6, 2023- confirmation of all DPSC full and part-time telecommunicators
2. December 1, 2023- delivery of staffing recognition award to all qualifying telecommunicators.
3. December 15, 2023- confirmation from CFO that all listed telecommunicators received payment.

The employees of DPSC are truly the ***First of the First Responders*** and proud to serve the citizens of Fairfax County and the County's other public safety departments. The tagline of DPSC is ***Fairfax County 9-1-1...always there...always ready...24/7/365.***

List the number of agency authorized employees for each category, funding amount requested for each category, and total funding amount requested, in the following table:

Category	Eligible employee count	Funding per employee	Subtotal
A. Authorized full-time 9-1-1 dispatcher/ telecommunicator positions	162	\$2,500	\$405,000
B. Approved full-time 9-1-1 dispatcher/ telecommunicator over-hire positions	20	\$2,500	\$50,000
C. Authorized full-time PSAP managers, supervisors, and administrative employees who are certified and actively work on the 9-1-1/ operations floor	25	\$2,500	\$62,500
D. Authorized part-time 9-1-1 dispatcher/ telecommunicator position	8	\$1,250	\$10,000
E. Authorized full-time VSP #77 dispatcher/ telecommunicator positions, supervisors, and administrative employees who are certified and actively work on the VSP dispatch operations floor	n/a	\$2,500	\$
F. Authorized part-time VSP #77 dispatcher/ telecommunicator positions	n/a	\$1,250	\$
G. Authorized local law enforcement dispatch positions that receive Wireless E-911 funding through the Office of Administrative Compensation Board that are not already eligible for this grant opportunity by inclusion with a primary PSAP	n/a	\$2,500	\$
		Total funding requested:	\$ 527,500

By checking this box, I acknowledge that I have read and understand the program requirements and that I understand the program metrics and requirements for reimbursement.

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ACTION – 1

Approval of the Reciprocal Agreement Between the Town of Vienna and the Fairfax County Police Department (FCPD) Organized Crime and Narcotics (OCN) Division

ISSUE:

Board approval of a Reciprocal Agreement Between the Town of Vienna and the FCPD OCN. One Town of Vienna Police Department detective will be assigned to the FCPD OCN on a full-time basis. The detective will be detailed to and work out of an FCPD office.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Chief of Police to sign the Reciprocal Agreement Between the Town of Vienna and the FCPD.

TIMING:

Board action is requested on September 12, 2023.

BACKGROUND:

Recognizing the regionality of illegal drug distribution, in July of 1990, the Fairfax County Police Department entered into a reciprocal agreement with the Town of Vienna to provide a detective to our narcotics unit. The Vienna detective reported directly to the FCPD Narcotics Unit Supervisor for daily operations and under the command of the FCPD Organized Crime and Intelligence Bureau Commander. Staffing constraints in 2021 caused the Town of Vienna to be unable to participate in activities with the FCPD. This new agreement re-establishes the previous agreement between the Town of Vienna and the FCPD.

The parties wish to maintain the integrity and independence of their respective police forces, however; they wish to enter into this Reciprocal Agreement which will provide mutual aid for more efficient enforcement of laws prohibiting narcotics and vice crimes. These crimes have a substantial and detrimental effect on the health and welfare of our communities and the cooperative effort between the Town of Vienna Police Department and FCPD would be advantageous in disrupting illicit activities.

Any Town of Vienna police officer, while on assignment to OCN for the enforcement of laws concerning controlled drugs and vice crimes in Fairfax County and any Fairfax County police officer while on assignment with the Organized Crime and Narcotics

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Division of the Fairfax County Police Department for the performance of his/her duties associated with the enforcement of laws concerning controlled drugs and vice crimes in the Town of Vienna, shall operate with the same powers, rights, benefits, privileges and immunities, including, but not limited to, the authority to make arrests, as the police officer has within his or her respective jurisdiction to enforce laws designed to control or prohibit the use or sale of controlled drugs as defined in the *Drug Control Act (Va. Code Ann. § 54.1-3401), or laws contained in Article 3, Chapter 8 of Title 18.2 (Va. Code Ann. § 18.2-346, et seq.) of the Code of Virginia*. Similar and consistent with other jurisdictions who currently provide a detective to participate with the narcotics unit but are not FCPD employees the day to day supervision and operational oversight are maintained by FCPD leadership. FCPD leadership ensures all unit members, including those from other jurisdictions, abide by FCPD and Fairfax County policy, procedures and values. Furthermore, this agreement includes a statement that the assigned Vienna Detective will adhere to the Fairfax County Trust Policy while assigned to the unit.

Sharing of forfeited assets shall be distributed based on the amount of work performed by each detective on any given case as determined by the Commander of OCN. The minimum amount that the Town of Vienna Police Department will receive shall be 5% of all asset sharing requests processed by the Fairfax County Police Department's OCN. The maximum amount that the Town of Vienna Police Department will receive shall be no more than 70% of all asset sharing requests processed by the FCPD.

This Reciprocal Agreement may be terminated at any time by either party by giving thirty (30) days prior written notice of the desire to terminate this agreement to the respective Chiefs of Police.

Chief Davis has reviewed the MOU and has made a written finding, in accordance with the Trust Policy, that:

The terms and conditions requiring the potential sharing of confidential and/or personal information contained in the proposed Reciprocal Agreement between the Town of Vienna Police Department and the Fairfax County Police Department are required to fulfill the mission and/or obligations of the Fairfax County Police Department and disclosure of such information is limited to the extent required to fulfill such mission or obligation.

EQUITY IMPACT:

None.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Reciprocal Agreement Between the Town of Vienna and the County of Fairfax.

STAFF:

Thomas Arnold, Deputy County Executive

Kevin Davis, Chief of Police, Police Department

Karol Escalante, Director of Immigrant Community Affairs, Office of the County Executive

ASSIGNED COUNSEL:

Robert Hardy, Assistant County Attorney

RECIPROCAL AGREEMENT

BETWEEN

THE TOWN OF VIENNA, VIRGINIA
AND
THE COUNTY OF FAIRFAX, VIRGINIA

FOR THE ENFORCEMENT OF LAWS AND DESIGNED TO CONTROL OR PROHIBIT THE USE OR SALE OF CONTROLLED DRUGS AS DEFINED IN THE DRUG CONTROL ACT AND THE ENFORCEMENT OF LAWS CONTAINED IN ARTICLE 3, CHAPTER 8 OF TITLE 18.2 (§ 18.2-344 *et seq.*) OF THE CODE OF VIRGINIA

By the virtue of the authority contained in Article 2, Chapter 17 of Title 15.2 of the Code of Virginia, 1950, as amended, this Reciprocal Agreement between The Town of Vienna, and the County of Fairfax, Virginia for the enforcement of laws designed to control or prohibit the use or sale of controlled drugs as defined in the Drug Control Act (Va. Code Ann. § 54.1-3401) and enforcement of laws contained in Article 3, Chapter 8 of Title 18.2 (Va. Code Ann. § 18.2-346, *et seq.*) of the Code of Virginia ("Reciprocal Agreement") is entered into this ____ day of _____ 2023, by and between the Town of Vienna and the County of Fairfax.

WITNESSETH:

WHEREAS, pursuant to Va. Code Ann. § 15.2-1724, narcotics detectives and vice detectives are authorized to go or be sent beyond the territorial limits of the Town of Vienna and/or County of Fairfax on a routine, non-emergency basis for the enforcement of laws designed to control or prohibit the use or sale of controlled drugs as defined in the Drug Control Act (Va. Code Ann. § 54.1-3401), or laws contained in Article 3, Chapter 8 of Title 18.2 (Va. Code Ann. § 18.2-346, *et seq.*) of the Code of Virginia (vice crimes); and

WHEREAS, pursuant to Va. Code Ann. § 15.2-1726, the Town of Vienna and the County of Fairfax (partner agencies) may enter into a reciprocal agreement with each other for joint cooperation in the furnishing of police services; and

WHEREAS, Town of Vienna and County of Fairfax agree that illegal narcotics trafficking and vice crimes have a substantial and detrimental effect on the health and welfare of their communities and that cooperative effort between the Town of Vienna Police Department and County of Fairfax Police Department would be advantageous in disrupting illicit drug activities and vice crimes; and

WHEREAS, any Town of Vienna Police narcotics detective, while on assignment with the Organized Crime and Narcotics Division, Fairfax County Police Department, in the interest of safe and efficient law enforcement practices, needs the ability to exercise police authority and jurisdiction while in the performance of duties associated with the enforcement of laws concerning controlled drugs and vice crimes in Fairfax County; and

WHEREAS, any member of the Fairfax County Police, while on assignment with the

Organized Crime and Narcotics Division, Fairfax County Police Department, in the interest of safe and efficient law enforcement practices, needs the ability to exercise police authority and jurisdiction while in the performance of duties associated with the enforcement of laws concerning controlled drugs and vice crimes in the Town of Vienna.

NOW, THEREFORE, the parties hereto jointly resolve and agree:

1. The parties wish to maintain the integrity and independence of their respective police forces, however; they wish to enter into this Reciprocal Agreement which will provide mutual aid for more efficient enforcement of the above-referenced laws prohibiting narcotics crimes and vice crimes.
2. Any Town of Vienna police officer, while on assignment to the Organized Crime and Narcotics Division of the Fairfax County Police Department for the performance of duties associated with the enforcement of laws concerning controlled drugs and vice crimes in Fairfax County and any Fairfax County police officer while on assignment with the Organized Crime and Narcotics Division of the Fairfax County Police Department for the performance of his/her duties associated with the enforcement of laws concerning controlled drugs and vice crimes in the Town of Vienna, shall operate with the same powers, rights, benefits, privileges and immunities, including, but not limited to, the authority to make arrests, as the police officer has within his or her respective jurisdiction to enforce laws designed to control or prohibit the use or sale of controlled drugs as defined in the Drug Control Act (Va. Code Ann. § 54.1-3401), or laws contained in Article 3, Chapter 8 of Title 18.2 (Va. Code Ann. § 18.2-346, *et seq.*) of the Code of Virginia.
3. Any Town of Vienna police narcotics detective assigned to the Organized Crime and Narcotics Division of the Fairfax County Police Department shall report to the Commander of the Fairfax County Organized Crime and Narcotics Division or his designee.
4. Any Town of Vienna police narcotics detective assigned to the Organized Crime and Narcotics Division of the Fairfax County Police Department remains subject to their own department's policies and procedures. In addition, during their assignment with the Fairfax County Police Department, the Town of Vienna Detective will adhere to the Fairfax County Trust Policy.
5. The Town of Vienna and the County of Fairfax shall provide for the salary of their respective narcotics detectives performing duties pursuant to the terms of this Reciprocal Agreement regardless of the jurisdiction where the detectives or police officers are performing such duties. Pursuant to Va. Code Ann. §§ 15.2-1724 and 15.2-1726 all immunities from liability and exemptions from laws, ordinances and regulations and all pensions, relief, disability, workers' compensation and other benefits enjoyed by said officers while performing their duties in their respective jurisdictions shall extend to any services such officer performs under this Reciprocal Agreement outside of their respective jurisdictions.
6. The services rendered under this Reciprocal Agreement shall be deemed for public and governmental purposes and all immunities from liability enjoyed by the Town of Vienna or County of Fairfax within its boundaries shall extend to the Town of Vienna or Fairfax County's participation in rendering police aid outside its boundaries under the terms of this Reciprocal Agreement.
7. It is the intent and purpose of this Reciprocal Agreement that there be the fullest cooperation

between the Fairfax County Police Department and the Town of Vienna Police Department. The respective Chiefs of Police mutually shall agree upon the number of narcotics detective(s) to be exchanged. The equipment required under the terms of this Reciprocal Agreement shall be provided by the Fairfax County Police Department. All detectives assigned to the Organized Crime and Narcotics Division must be provided a vehicle.

8. No amendment or enlargement of this Reciprocal Agreement shall be effective unless executed in writing and agreed to by the parties hereto. This Reciprocal Agreement shall not supersede or modify prior agreements between the Town of Vienna and the County of Fairfax concerning the provisions of police services not otherwise addressed by this Reciprocal Agreement.
9. The terms and conditions requiring the potential sharing of confidential and/or personal information contained in the proposed Reciprocal Agreement between the Town of Vienna Police Department and the Fairfax County Police Department are required to fulfill the mission and/or obligations of the Fairfax County Police Department and disclosure of such information is limited to the extent required to fulfill such mission or obligation.

Both parties HEREBY AGREE that all property seized by the Fairfax County Police Department and the Town of Vienna Police law enforcement personnel in accordance with the asset forfeiture statutes of Virginia, Va. Code Ann. § 19.2-386.1 *et seq.*, will be shared after a proper court order has been entered and after all expenses have been paid, in accordance with this agreement. Of the monies returned by DCJS following the deduction of the DCJS statutory share and the agreed 20% to Fairfax County Office of the Commonwealth's Attorney, it is agreed that the parties shall abide by the following asset-sharing and cost-sharing provisions:

(1) Sharing of forfeited assets shall be distributed based on the amount of work performed by each detective on any given case as determined by the Commander of the Organized Crime and Narcotics Division. The minimum amount that the Town of Vienna Police Department will receive shall be 5% of all asset sharing requests processed by the Fairfax County Police Department's Organized Crime and Narcotics Division, Narcotics Section. The maximum amount that the Town of Vienna Police Department will receive shall be no more than 70% of all asset sharing requests processed by the Fairfax County Police Department's Organized Crime and Narcotics Division, Narcotics Section. In addition, the following factors will be taken into consideration to determine percentage assignments:

- a) 70% to be returned to the Town of Vienna Police Department involving those cases investigated by the assigned Fairfax County Police, Organized Crime and Narcotics Division, Narcotics Section Detective of the Town of Vienna Police Department within the territorial limits of the Town of Vienna.

OR:

- b) 27.5% to be returned to the Town of Vienna Police Department involving those cases investigated by the assigned Fairfax County Police, Organized Crime and Narcotics Division, Narcotics Section Detective of the Town of Vienna Police Department within the territorial limits of Fairfax County.

OR:

c) 5% to be returned to the Town of Vienna Police Department involving those cases investigated by any law enforcement personnel currently assigned to the Fairfax County Police, Organized Crime and Narcotics Division, Narcotics Section while a Town of Vienna Detective is assigned to Fairfax County.

(2) Seized vehicles will be distributed on a case-by-case basis as determined by the Commander of the Organized Crime and Narcotics Division. Information summaries on seized vehicles will be provided to the Town of Vienna Police Department on a regular basis to ensure equitability.

(3) Each partner agency will make application for inclusion in the equitable sharing programs of the Virginia DCJS, U.S. Department of Justice, and U.S. Department of the Treasury. The administrative and financial requirements of each of the sharing programs will be met by the respective agencies involved.

(4) All shared assets will be deposited directly to the participating partner agencies by DCJS. Fairfax County will not be involved in the actual distribution of shared assets.

(5) Exceptions may be made on a case-by-case basis by mutual agreement of all parties involved.

This Reciprocal Agreement may be terminated at any time by either party hereto by giving thirty (30) days prior written notice of the desire to terminate this Reciprocal Agreement to the respective Chiefs of Police.

IN WITNESS WHEREOF, the Town Manager and Police Chief of the Town of Vienna and the Police Chief of Fairfax County have executed this Reciprocal Agreement, all being duly authorized to do so by their respective governing bodies.

Town of Vienna

Fairfax County

By: _____
Mercury Payton
Town Manager

By: _____
James Morris, Chief
Town of Vienna Police Department

By: _____
Kevin Davis, Chief
Fairfax County Police Department

ACTION – 2

Presentation of the Delinquent Tax List for Tax Year 2022 (FY 2023)

ISSUE:

Presentation to the Board of the annual list of delinquent real estate, personal property, and business, professional, occupational license (BPOL) taxes; presentation of the annual list of small uncollectable accounts. Review of delinquent collection program.

RECOMMENDATION:

The County Executive recommends that (1) staff continue to pursue the collection of delinquent taxes found in Attachment A and continue the collection of non-tax delinquencies; and (2) the Board removes certain small uncollectable overdue accounts listed in Attachments B and C pursuant to *Virginia Code § 58.1-3921*.

TIMING:

Board action is requested on September 12, 2023.

BACKGROUND:

In accordance with the Virginia Code, the Department of Tax Administration (DTA) has prepared a list of delinquent taxpayers for tax year 2022 (FY 2023) for Board consideration (Attachment A). DTA and its agents will continue to pursue the collection of all taxes and other charges due that are within the statute of limitations in accordance with *Virginia Code §§ 58.1-3933 and 58.1-3940*.

Presented below is a summary of delinquent taxes still outstanding for Tax Year 2022, as of June 30, 2023:

	<u>Tax Year 2022 (FY 2023)</u>	
	<u>Accounts</u>	Local <u>Tax Amount</u>
Real Estate	2,355	\$ 10,387,528
Personal Property – Vehicles	44,219	\$ 13,317,389
Business Personal Property	2,546	\$ 3,756,353
Public Service Corp. Properties	0	\$ 0
BPOL	<u>1,298</u>	<u>\$ 5,340,012</u>
Total	50,418	\$ 32,801,282

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The list being presented to the Board is a "snapshot" of outstanding delinquent taxes as of June 30, 2023. This includes delinquent taxpayers who may already be on a payment plan and delinquencies of taxpayers in bankruptcy.

For perspective, the total amount of all unpaid current year taxes, or \$32.8 million, represents less than 1% of the levy for Tax Year 2022 (FY 2023). Of the \$13,317,389 in delinquent vehicle taxes, \$2,929,339 is from business owned and used vehicles and \$10,388,050 is from personal property taxes on personally owned and used vehicles.

With outstanding support from the Sheriff's Office, the Police Department, and the Office of the County Attorney, DTA and its collection agents utilized a broad array of collection tools throughout FY 2023 to pursue delinquent accounts. Among other things, these tools include the use of computer-generated letters, telephone calls, statutory summons authority, payment plans, bank and wage liens, set-offs against income tax refunds, booting and towing of vehicles, and the seizure of equipment.

In accordance with Virginia law, DTA also has an agreement with the Virginia Department of Motor Vehicles (DMV) whereby vehicle registrations are withheld from citizens who have delinquent personal property taxes. A total of 54,724 accounts with DMV holds were successfully collected in FY 2023.

As noted, DTA engages in major outsourcing for delinquent collections. Pursuant to Virginia Code § 58.1-3958 and by prior Board action, the private collection agents are compensated by a 20% fee added to the total delinquency, enabling the County to reduce program expenditures. Although DTA still provides substantial account research, reconciliation, adjudication, and oversight in support of the collection efforts, outsourcing the bulk of collections continues to be a very productive and successful partnership.

The collection agent for personal property taxes, BPOL taxes, and parking tickets is a Fairfax County company, Nationwide Credit Corporation (NCC). NCC collected \$26 million in delinquent personal property taxes and vehicle registration fees and \$2.5 million in delinquent BPOL revenue in FY 2023 on behalf of DTA.

These results were achieved through a robust collection program that included more than 564,267 telephone calls using automated outbound dialing technology. In addition, NCC sent 84,438 dunning letters and issued approximately 28,865 bank and wage liens.

In addition to delinquent taxes, parking ticket collections are also outsourced. United Public Safety, a division of T2 Company, handles the front-end ticket processing and

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current collections for DTA. NCC pursues the collection of delinquent parking tickets. Ticket collections totaled approximately \$1.5 million in FY 2023.

The private law firm Taxing Authority and Consulting Services (TACS), based in Henrico Virginia, handles the County’s collection of delinquent real estate accounts. With coordination and oversight from DTA, TACS collected approximately \$13 million in delinquent real estate taxes for Fairfax County in FY 2023. Of this amount, \$890,558 came as a result of litigation being initiated and/or from the non-judicial sale of properties at auction. TACS also collected \$67,112 in zoning violation fees.

Although the Office of the County Attorney is now only rarely involved in collection actions that have been likewise outsourced to TACS, the Office of the County Attorney continues to handle all collection matters before the bankruptcy courts. A total of 90 new bankruptcy collection cases were opened in FY 2023, and \$1.14 million was collected from all bankruptcy matters.

Thanks to these combined efforts, the County collected more than \$57 million in net delinquent taxes in FY 2023 for all prior tax years. Strong collection efforts are also reflected in the current year tax collection rates:

	<u>FY 2023</u>
Real Estate	99.64 %
Personal Property (local share)	96.76 %
BPOL	97.77 %

Under the non-tax delinquent collection program, DTA works with agencies to improve billing operations, clarify the potential collection actions to be taken, and standardize the use of Set-Off Debt opportunities and referrals to NCC. The individual agencies, and in some cases DTA, pursue initial collection efforts. After the statutory period of 90 days, delinquent accounts are referred to NCC. Working together, DTA and its agents collected approximately \$1.28 million in FY 2023.

Finally, Virginia Code §§ 58.1-3921 and 58.1-3924 state that upon submission to the Board of a list of small tax amounts for which no bills were sent (Attachment B) and a list of small uncollected balances of previously billed taxes (Attachment C), credit shall be given for these uncollected taxes. The lists presented in Attachments B and C average \$2.00 per account:

	<u>Accounts</u>	<u>Dollars</u>
Real Estate	4,020	\$ 854
Personal Property	<u>7,004</u>	<u>\$ 20,328</u>
TOTAL	11,024	\$ 21,182

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FISCAL IMPACT:

None. Collection agents collect their fee directly from the delinquent taxpayers, not to exceed 20% of the amount collected plus administrative costs as specified by law.

ENCLOSED DOCUMENTS:

Attachment A - Delinquent Taxpayers for Tax Year 2022 (FY 2023)

Attachment B - Tax Year 2022 accounts valued less than \$5 that were not billed

Attachment C - Tax Year 2022 "balance due" accounts of less than five dollars

(Attachments A, B, and C listed above are computer printouts which will be made available in the Board Conference Room on September 12, 2023, from 9:00 A.M. - 4:30 P.M.)

STAFF:

Christina Jackson, Chief Financial Officer

Jaydeep "Jay" Doshi, Director, Department of Tax Administration (DTA)

Gregory A. Bruch, Director, Revenue Collection Division, DTA

Kimberly Seburnia, Assistant Director, Revenue Collection Division, DTA

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney

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ACTION - 3

Resolution to Support the Abandonment of Portions of Acorn Ridge Road (Route 6556) and the Abandonment and Addition of Portions of Burning Bush Drive (Route 7200) (Sully District)

ISSUE:

Board adoption of the attached resolution (Attachment I) supporting the Virginia Department of Transportation's (VDOT) abandonment of portions of Acorn Ridge Road (Route 6556) and the abandonment and addition of portions of Burning Bush Drive (Route 7200) north of the intersection of Fairfax County Parkway (Route 286) and Route 50.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution supporting the abandonment of portions of Acorn Ridge Road and the abandonment and addition of portions of Burning Bush Drive.

TIMING:

Board action is requested on September 12, 2023, so that VDOT has the support of the Board to finalize the abandonments and addition in the State maintenance inventory.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) received a request from VDOT on the abandonment of Acorn Ridge Road (Route 6556) and the abandonment and addition of portions of Burning Bush Drive (Route 7200). The abandonments and addition are located on Tax Map number 45-2.

VDOT has requested the support of the County by a Board Resolution, pursuant to *Section 33.2-912 of the Code of Virginia*, to abandon portions of Acorn Ridge Road and Burning Bush Drive; and, pursuant to *Section 33.2-705 of the Code of Virginia*, to add a portion of Burning Bush Drive. The subject portions of Acorn Ridge Road and Burning Bush Drive were realigned due to the improvements associated with VDOT Construction Project # R000-029-249, C507 for the Fairfax County Parkway (Springfield Bypass from Route 50 to Stringfellow Road, see Attachment II). VDOT is pursuing this request to remove the previously realigned portions of Acorn Ridge Road and Burning Bush Drive from the Virginia Highway System, as well as to add the previously constructed portion of Burning Bush Drive into the Virginia Highway System.

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EQUITY IMPACT:

An Equity Impact Assessment is not required for this item as this is a statutory process following *Sections 33.2-912 and 33.2-705 of the Code of Virginia*.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution
Attachment II: VDOT Project #R000-029-249, C507 Plan Sheets
Attachment III: Routes 6556/7200 Realignment Sketch
Attachment IV: Routes 6556/7200 Realignment Link Sheet
Attachment V: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Division Chief, Site Analysis & Transportation Planning Division, FCDOT
Gregory Fuller, Jr., Section Chief, Site Analysis Section (SAS), FCDOT
Brittany Nixon, Transportation Planner IV, SAS, FCDOT
Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, September 12, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Virginia Department of Transportation has completed the Project #R000-029-249 C-507 which improved Fairfax County Parkway (Springfield Bypass From Route 50 To Stringfellow Road); and

WHEREAS, the project sketch and link sheet, attached and incorporated herein as attachments, defines adjustments required in the Secondary System of State Highways as a result of Project #R000-029-249 C-507; and

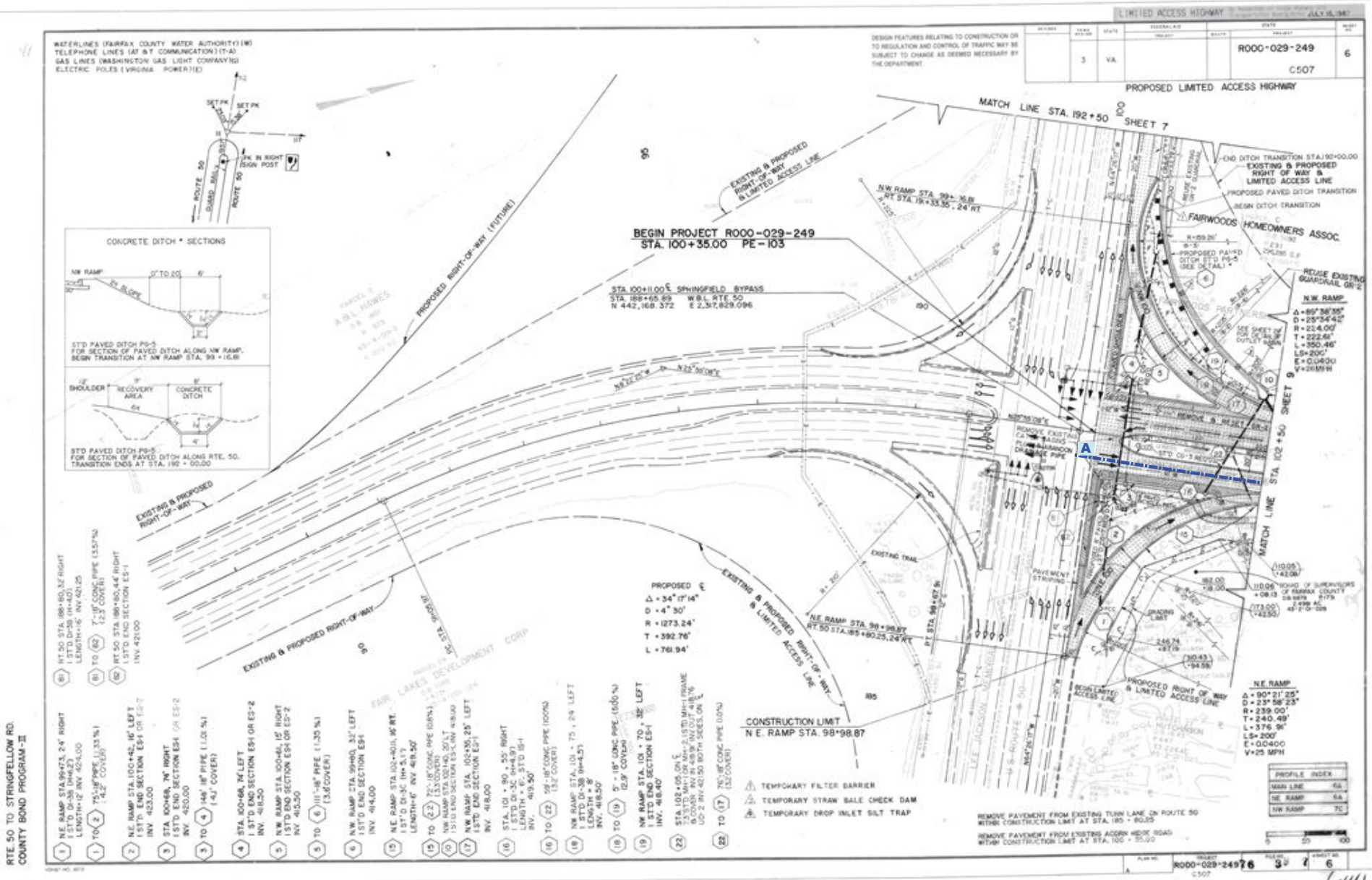
WHEREAS, the old alignment of Burning Bush Drive (Route 7200), identified on the project sketch and link sheet be abandoned, and the new alignment be added due to the improvement project of Fairfax County Parkway; and

WHEREAS, the old alignment of Acorn Ridge Road (Route 6556), identified on the project sketch and link sheet be abandoned, due to the improvement project of Fairfax County Parkway;

NOW THEREFORE, BE IT RESOLVED, that this Board hereby supports the Virginia Department of Transportation request to abandon the old alignment of Route 7200, identified as segments B to B1, and E to E1 on the project sketch and link sheet, and to abandon the old alignment of Route 6556, identified as segments A to B, B to C, and C to D, from the Secondary System of State Highways, pursuant to §33.2-912 of the Code of Virginia, and to add the new alignment of Route 7200, identified as segment E to F on the project sketch and link sheet, to the Secondary System of State Highways, pursuant to §33.2-705 of the Code of Virginia. A copy of this resolution will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

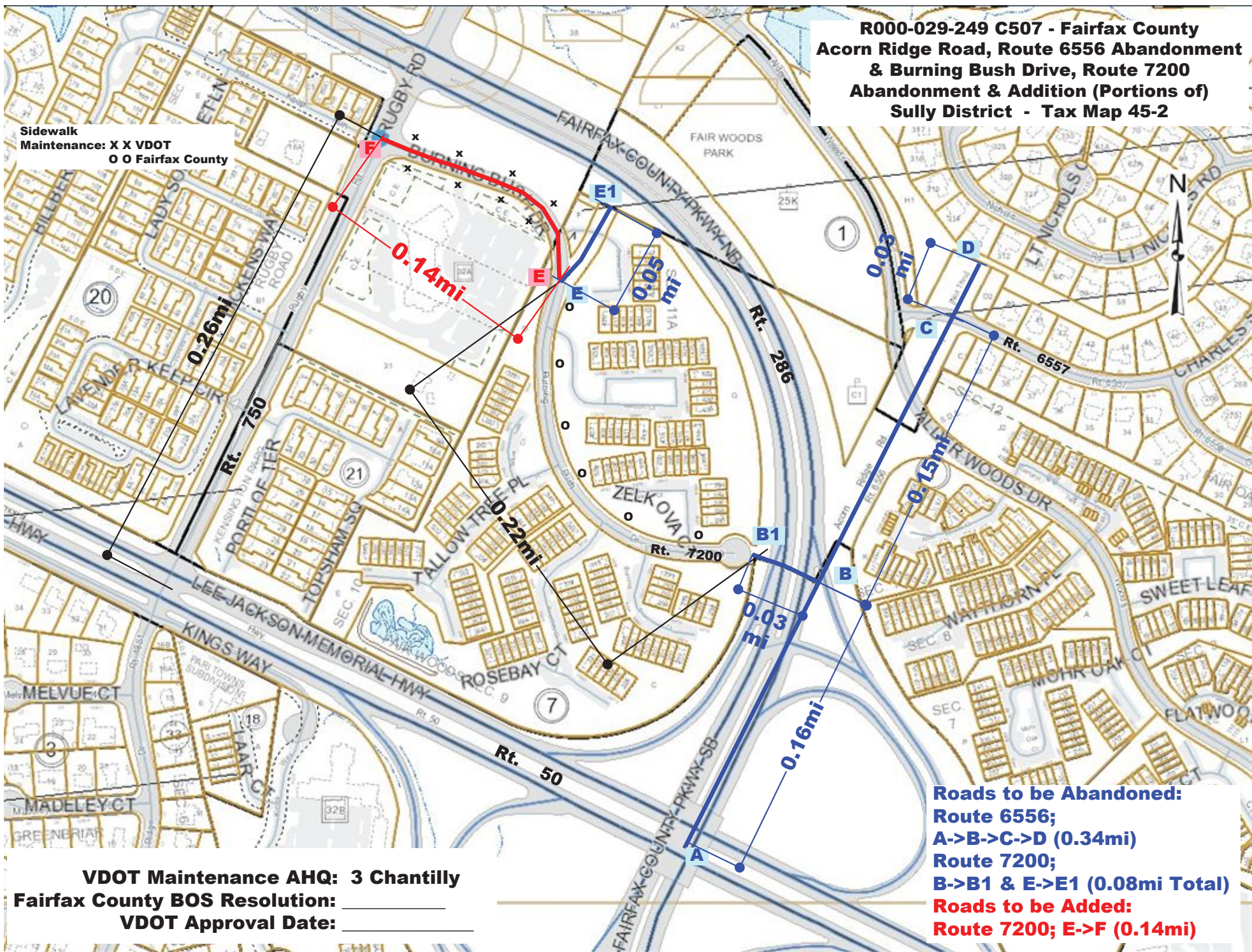
A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



**R000-029-249 C507 - Fairfax County
Acorn Ridge Road, Route 6556 Abandonment
& Burning Bush Drive, Route 7200
Abandonment & Addition (Portions of)
Sully District - Tax Map 45-2**

Sidewalk
Maintenance: X X VDOT
O O Fairfax County

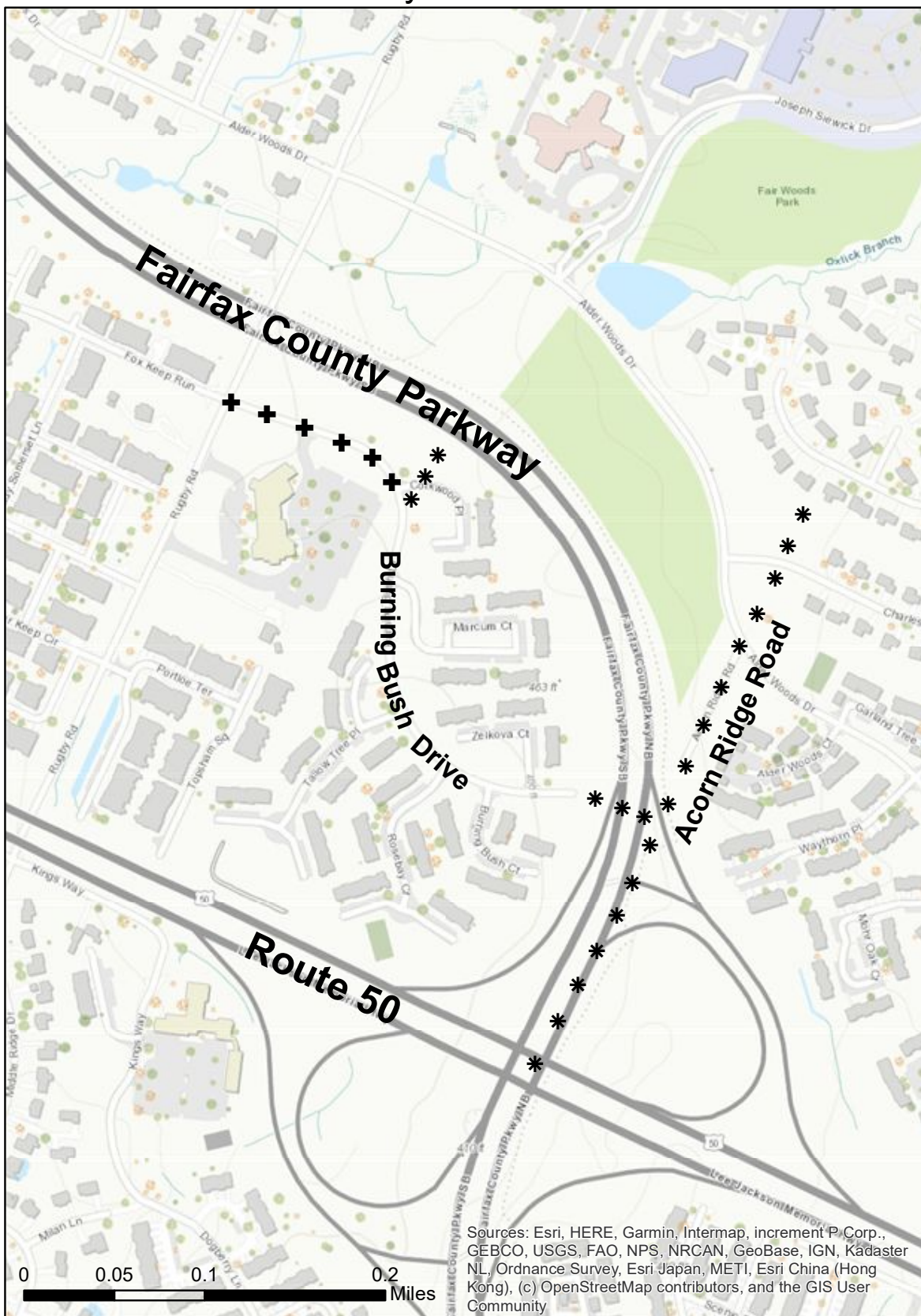


Roads to be Abandoned:
Route 6556;
A->B->C->D (0.34mi)
Route 7200;
B->B1 & E->E1 (0.08mi Total)
Roads to be Added:
Route 7200; E->F (0.14mi)

VDOT Maintenance AHQ: 3 Chantilly
Fairfax County BOS Resolution: _____
VDOT Approval Date: _____

<p style="text-align: center;">R000-029-249 C507</p> <p style="text-align: center;">Acorn Ridge Road, Route 6556 Abandonment &</p> <p style="text-align: center;">Burning Bush Drive, Route 7200 Abandonment & Addition (Portions of)</p> <p style="text-align: center;">Sully District – Tax Map 45-2</p>						
Segment	Street Name/Route #	Addition	Abandonment	Discontinuance	From	To
A -> B	Acorn Ridge Road, Route 6556	--	-0.16 mi	--	CL Arlington Boulevard, Route 50 (A)	0.16 mi N to Intersection of CL Burning Bush Drive, Route 7200 (eliminated) (B)
B -> C	Acorn Ridge Road, Route 6556	--	-0.15 mi	--	Intersection of CL Burning Bush Drive, Route 7200 (eliminated) (B)	0.15 mi N to Intersection of CL Charles Stewart Drive, Route 6557 (eliminated) (C)
C -> D	Acorn Ridge Road, Route 6556	--	-0.03 mi	--	Intersection of CL Charles Stewart Drive, Route 6557 (eliminated) (C)	0.03 mi N to End of State Maintenance (D)
B -> B1	Burning Bush Drive, Route 7200	--	-0.03 mi	--	Intersection of CL Acorn Ridge Drive, Route 6556 (eliminated) (B)	0.03 mi W to End of Cul-de-Sac (B1)
E -> E1	Burning Bush Drive, Route 7200	--	-0.05 mi	--	CL Burning Bush Drive, Route 7200; 0.22 mi NW End of Cul-de-Sac (E)	0.05 mi NE to End of State Maintenance (E1)
E -> F	Burning Bush Drive, Route 7200	0.14 mi	--	--	CL Burning Bush Drive, Route 7200; 0.22 mi NW End of Cul-de-Sac (E)	0.14 mi W to CL Rugby Road, Route 750; 0.26 mi NE CL Arlington Boulevard, Route 50 (F)

Abandonment of Portions of Acorn Ridge Road and Abandonment and Addition of Portions of Burning Bush Drive Sully District



Tax Map 45-2

- * Denotes Areas to be Abandoned
- + Denotes Area to be Added

Board Agenda Item
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ACTION - 4

Endorsement of the Virginia Department of Transportation Secondary Six-Year Program for Fiscal Years 2024 - 2029

ISSUE:

Board endorsement of the Virginia Department of Transportation (VDOT) Secondary Six-Year Program (SSYP) for Fiscal Years (FY) 2024 - 2029.

RECOMMENDATION:

The County Executive recommends that the Board endorse the attached SSYP for FY 2024 - 2029 (Attachment 1) and approve the resolution (Attachment 2) required by VDOT.

TIMING:

The Board is requested to act on this item on September 12, 2023, so that endorsement of the plan can be provided to VDOT per *Section 33.2-331 of the Code of Virginia*.

BACKGROUND:

Section 33.2-331 of the Code of Virginia provides that the governing body of each county may, jointly with VDOT, prepare a six-year plan for improvements to the secondary state highway system in that county. As roadway funding in Virginia is now largely allocated through the Commonwealth's Smart Scale and State of Good Repair programs, the secondary road fund has been shrinking and only nominal secondary road funds are expected in the future. This year's SSYP allocation for Fairfax County is \$39,778. Table 1 below shows the funding levels for the County, starting from the FY 2003 – 2008 program through the current (FY 2024 – 2029) program.

The Commonwealth Transportation Board (CTB) approved the SSYP (FY 2024 – 2029) in June 2023. The FY 2024 – 2029 SSYP for the County was prepared by VDOT and is an update of the previous program, which the Board endorsed on June 28, 2022. Section 33.2-331 requires a public hearing on the SSYP when a new funding allocation is greater than \$100,000. As this update is below that threshold, Board endorsement of the SSYP is considered sufficient.

Table 1. Secondary Program Comparison

2003-2008	\$138,335,526	2014-2019	\$25,680
2004-2009	\$153,442,084	2015-2020	\$51,480
2005-2010	\$113,686,186	2016-2021	\$33,275
2006-2011	\$131,445,086	2017-2022	\$36,860
2007-2012	\$78,270,291	2018-2023	\$41,750
2008-2013	\$119,121,972	2019-2024	\$43,073
2009-2014	\$10,994,320	2020-2025	\$43,600
2010-2015	\$1,443,761	2021-2026	\$43,393
2011-2016	\$11,798	2022-2027	\$46,822
2012-2017	\$19,591	2023-2028	\$54,199
2013-2018	\$11,382	2024-2029	\$39,778

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as this is a statutory process following *Section 33.2-331 of the Code of Virginia*. Additionally, the County does not formally request allocation of these funds to specific projects.

FISCAL IMPACT:

There is no impact to the General Fund. As individual projects are constructed, the County may send VDOT any related funds that have been collected for a particular project by the County through proffers, construction escrows, and/or other local funds.

ENCLOSED DOCUMENTS:

Attachment 1: Secondary Six-Year Program for FY 2024 - 2029

Attachment 2: Secondary Six-Year Program Endorsement Resolution

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Stevenson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Noelle Dominguez, Chief, Coordination and Funding Division (CFD), FCDOT

Ray Johnson, Chief, Funding Section, CFD, FCDOT

Smitha Chellappa, Senior Transportation Planner, CFD, FCDOT

Secondary System
Fairfax County
Construction Program
Estimated Allocations

Fund	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	Total
TeleFee	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$11,724	\$8,270	\$4,946	\$4,946	\$4,946	\$4,946	\$39,778
Total	\$11,724	\$8,270	\$4,946	\$4,946	\$4,946	\$4,946	\$39,778

Board Approval Date:

Residency Administrator

Date

County Administrator

Date

District: Northern Virginia
 County: Fairfax County
 Board Approval Date:

2024-25 through 2028-29

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Traffic Count Scope of Work FHWA # Comments
4008 100373 NOT APPLICABLE S 0000.04	1204008 COUNTYWIDE RIGHT OF WAY ENGR. VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$0 CN \$0 Total \$0 3/1/2011	0 Right of Way 16016 USE WHEN IMPARTICAL TO OPEN A PROJECT: ATTORNEY FEES and ACQUISITION COST.
0638 5559 RAAP CONTRACT STP Migration 0002.03	ROLLING ROAD 0638029156 ROLLING ROAD - RTE 638 - WIDEN TO 4 LANES - PH II 0.369 MI. N. RTE. 286 (FAIRFAX COUNTY PARKWAY) 1.879 Mi. N. RTE 286 (FAIRFAX COUNTY PARKWAY) 1.4	PE \$8,490,000 RW \$22,428,783 CN \$43,477,579 Total \$74,396,362 5/14/2024	18000 Reconstruction w/ Added Capacity 44003
0000 -26200 NOT APPLICABLE 9999.99	000096A656 NOVA Secondary Allocations	PE \$0 RW \$0 CN \$0 Total \$0	_____
9999 -25341 NOT APPLICABLE 9999.99	9999029545 FAIRFAX COUNTY - FUTURE UNPAVED SECONDARY FUNDING	PE \$0 RW \$0 CN \$0 Total \$0	_____
9999 -11514 NOT APPLICABLE 9999.99	999996A441 District Closeout Balance Entry - Northern Virginia	PE \$0 RW \$0 CN \$0 Total \$0	_____
R000 11680 RAAP CONTRACT NH/STPBD PRIMARY - ONE HEARING DESIGN 9999.99	FAIRFAX CO. PKWY R000029249 FAIRFAX COUNTY PARKWAY - CONSTRUCT 4 & 6 LANES 0.417 MILE NORTH OF BARON CAMERON AVENUE 0.436 MILE SOUTH OF ROUTE 7 (WBL) 2.5	PE \$0 RW \$4,314,556 CN \$21,808,384 Total \$26,122,940 8/4/1998	New Construction Roadway 4A101 Construction complete - awaiting financial closure. Balance to be redistributed.

District: Northern Virginia

County: Fairfax County

Board Approval Date:

2024-25 through 2028-29

Route	Road Name	Estimated Cost	Traffic Count
PPMS ID	Project #		Scope of Work
Accomplishment	Description		FHWA #
Type of Funds	FROM		Comments
Type of Project	TO		
Priority #	Length	Ad Date	
0193	Georgetown Pike	<i>PE</i> \$290,135	
60337	0193029123	<i>RW</i> \$90,850	Scenic or Historic Highway Programs
NON VDOT	RTE 193 - GEORGETOWN PIKE MULTI-USE	<i>CN</i> \$683,016	4H130
SB	STONE SURFACED TRL,	<i>Total</i> \$1,064,001	\$380,000 in federal EN funds received from
NO PLAN, NON-SECONDARY	Falls Chase Court (Rte 10157)		#52041 per the County's request (12/14).
9999.99	Utterback Store Road (Rte 717)	9/29/2014	Additional \$77,000 received from #52041 per County request (9/15)
	0.4		
0095		<i>PE</i> \$1,864,918	
96259	0095029890	<i>RW</i> \$0	Environmental Only
NOT APPLICABLE	Engineering Studies for I-95 NB Ramps & Rolling Rd. Loop Ramp	<i>CN</i> \$0	_0120
NH/S		<i>Total</i> \$1,864,918	
9999.99			

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 12, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

SECONDARY SIX-YEAR PROGRAM ENDORSEMENT RESOLUTION

WHEREAS, Section 33.2-331 of the Code of Virginia provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, the Commonwealth Transportation Board (CTB) approved the Six-Year Plan for Secondary Roads (FY2024 through FY2029) in June 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County Virginia, endorses CTB approval of the Secondary Six-Year Plan (FY2024 through FY2029), and authorizes the County Executive to execute the approved Secondary Six-Year Plan (FY2024 through FY2029).

ADOPTED this 12th day of September, 2023, Fairfax, Virginia.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
September 12, 2023

ACTION – 5

Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Public Safety Facilities

ISSUE:

Board approval of a resolution requesting the Circuit Court to order an extension of time for issuance of County general obligation bonds for public safety facilities.

RECOMMENDATION:

The County Executive recommends Board approval of the enclosed resolution requesting the Circuit Court to order a two-year extension of the period for issuance of County bonds for public safety facilities authorized on November 3, 2015, from eight years to ten years. This recommendation is consistent with the extension of the 2014 Transportation bonds approved by the Board of Supervisors on September 13, 2022.

TIMING:

Board action is requested on September 12, 2023.

BACKGROUND:

In 1991, the Virginia Code was amended to include a limitation on the authorization time period for local government bonds approved by referendum after 1991. More specifically, *Virginia Code Section 15.2-2611* states in pertinent part:

Bonds authorized by a referendum may not be issued by a locality more than eight years after the date of the referendum; however, this eight-year period may, at the request of the governing body of the locality, be extended to up to ten years after the date of the referendum by order of the circuit court of the locality, ... entered before the expiration of the eight-year period. The court shall grant such extension unless the court is shown by clear and convincing evidence that the extension is not in the best interests of the locality.

At the regular election on November 3, 2015, Fairfax County voters approved the issuance of bonds totaling \$151 million for public safety facilities. These bonds were authorized for the purposes of providing funds for the construction, reconstruction, enlargement, renovation, and equipment of civil and criminal justice facilities, police training facilities and stations, and fire and rescue training facilities and stations.

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As set forth in a 2015 explanatory pamphlet, the Board intended to use the bonds to address renovation or replacement of the Merrifield, Reston, Penn Daw, Woodlawn, and Edsall fire stations. The same explanation detailed the Board's intent to use the bonds to fund two new police stations, a police station co-located with the South County Animal Shelter and the Franconia District Station, as well as specialized operational facilities, including the Operations Support Bureau, a heliport, and a motorcycle squad facility integrated with the Police Tactical Operations Facility.

Each of the above projects is either underway or complete, and as of this writing, \$83.39 million of the general obligation bonds authorized in the 2015 Public Safety Facilities Bond Referendum have been sold. The remaining, unissued \$67.61 million in bonds authorized would be sold as part of the County's anticipated general obligation bond sales in January 2024 and January 2025.

As part of the FY 2024 budget process, staff provided a Budget Question & Answer (Attachment 2) that discussed some of the projects and timeline challenges associated with projects currently being funded by the bonds authorized in the 2015 Public Safety Facilities Bond Referendum. As a result of such challenges, several projects remain in process and require funding. These projects include completion of the South County Police Station and Animal Shelter, Franconia Police Station, Operations Support Bureau, and Penn Daw Fire Station.

The South County Police Station and Animal Shelter required, at the request of the community, exploration of additional sites and the creation of a community steering committee that met once a month for over a year providing input on the design phase, as well as extended coordination with VDOT and FCDOT for an additional median cut on Lorton Road. While the facility is nearing completion, the additional design and construction time extended the project's timeline.

The Franconia Police Station is now part of the consolidated Kingstowne complex, which also includes the Franconia District Supervisor's Office, the Franconia Museum, the Kingstowne Library and Active Adult Center. The new combined facility will allow the residents of the Kingstowne area to gather and have access to County services in one central location but will require additional time for design and construction.

The Operations Support Bureau project evaluation resulted in a change in scope to build a new facility on the same site instead of renovating the existing 1960s school building. This change created the need for a phased construction plan so that the existing facility could remain operational while the new building was under construction. In addition, an extensive community outreach program was conducted, and community input was incorporated into the design.

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The Penn Daw Fire Station scope and location underwent extensive evaluation, which resulted in the selection of the Hybla Valley Nursery site and will require additional design and construction time.

The two-year extension of the period to issue the general obligation bonds authorized in the 2015 Public Safety Facilities Bond Referendum will ensure funding is available to address the aforementioned items for each of the respective projects.

FISCAL IMPACT:

Staff recommends selling the remaining \$67.61 million in bonds authorized by the 2015 Public Safety Facilities Bond Referendum balance as part of the County's anticipated general obligation bond sales in January 2024 and January 2025. The corresponding debt service costs have been incorporated into the County's long-term debt ratio projections and are referenced in the FY 2024 – FY 2028 Adopted Capital Improvement Program (With Future Fiscal Years to 2033).

ENCLOSED DOCUMENTS:

Attachment 1: Extension Resolution

Attachment 2: Budget Question & Answer No. C-51

STAFF:

Rachel Flynn, Deputy County Executive

Christina Jackson, Deputy County Executive / Chief Financial Officer

Chris Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Carey Needham, Deputy Director, DPWES

Tiya Raju, Director, Building Design and Construction Division, DPWES

Phil Hagen, Director, Department of Management and Budget

Joseph LaHait, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

John A. Dorsey, Assistant County Attorney

1 At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the
 2 Board Room in the Fairfax County Government Center at Fairfax, Virginia, on September 12,
 3 2023, at which meeting a quorum was present and voting, the following resolution was adopted:
 4

5 **A RESOLUTION REQUESTING THE CIRCUIT COURT**
 6 **OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN**
 7 **EXTENSION FOR ISSUANCE OF THE COUNTY'S**
 8 **PUBLIC SAFETY FACILITIES BONDS AUTHORIZED AT**
 9 **REFERENDUM ON NOVEMBER 3, 2015, FROM EIGHT**
 10 **YEARS TO TEN YEARS FROM THE DATE OF SUCH**
 11 **REFERENDUM AUTHORIZING THE BONDS**
 12

13 WHEREAS, the Board of Supervisors of Fairfax County, Virginia adopted a resolution
 14 on June 2, 2015, requesting the Circuit Court of Fairfax County, Virginia, to order a special
 15 election on the question of contracting a debt, borrowing money and issuing capital improvement
 16 bonds in the maximum aggregate principal amount of \$151,000,000 for the purposes of
 17 providing funds, in addition to funds from public safety facilities bonds previously authorized, to
 18 finance, including reimbursement to the County for temporary financing for, the costs of public
 19 safety facilities, including the construction, reconstruction, enlargement, renovation and
 20 equipment of civil and criminal justice facilities, police training facilities and stations, fire and
 21 rescue training facilities and stations, including fire and rescue stations owned by volunteer
 22 organizations, and the acquisition of necessary land; and
 23

24 WHEREAS, such resolution was duly filed with the Circuit Court of Fairfax County,
 25 Virginia pursuant to the provisions of the Public Finance Act of 1991, Chapter 26, Title 15.2,
 26 Code of Virginia, 1950, as amended; and
 27

28 WHEREAS, on June 15, 2015, the Circuit Court of Fairfax County, Virginia, entered an
 29 order requiring the regular election officers of Fairfax County, Virginia, to open the polls on
 30 November 3, 2015, at all the voting places in the County to take the sense of the qualified voters
 31 of Fairfax County, Virginia, on the question whether the Board of Supervisors would be
 32 authorized to issue bonds in the maximum aggregate principal amount of \$151,000,000 for the
 33 purposes of providing funds, in addition to funds from public safety facilities bonds previously
 34 authorized, to finance, including reimbursement to the County for temporary financing for, the
 35 costs of public safety facilities, including the construction, reconstruction, enlargement,
 36 renovation and equipment of civil and criminal justice facilities, police training facilities and
 37 stations, fire and rescue training facilities and stations, including fire and rescue stations owned
 38 by volunteer organizations, and the acquisition of necessary land (“2015 Authorized Public
 39 Safety Facilities Bonds”); and
 40

41 WHEREAS, on November 3, 2015, the referendum was conducted in accordance with
 42 the order of the Court, and on November 6, 2015, the Fairfax County Electoral Board certified
 43 that 138,471 votes were counted for the question, and 47,345 votes were counted against the
 44 question; and
 45

46 WHEREAS, pursuant to Virginia Code § 15.2-2611, bonds authorized by a referendum
 47 may not be issued by a locality more than eight years after the date of the referendum; however
 48 by order of the circuit court, the eight-year period may, at the request of the governing body of
 49 the locality, be extended to up to ten years after the date of the referendum, which extension shall
 50 be granted unless clear and convincing evidence is provided showing that such extension is not
 51 in the best interests of the locality; and

52
 53 WHEREAS, and as set forth in a 2015 explanatory pamphlet, the Board intended to use
 54 the bonds to address renovation or replacement of the Merrifield, Reston, Penn Daw, Woodlawn,
 55 and Edsall fire stations; and

56
 57 WHEREAS, the same explanation detailed the Board’s intent to use the bonds to fund
 58 two new police stations, a police station co-located with the South County Animal Shelter and
 59 the Franconia District Station, as well as specialized operational facilities, including the
 60 Operations Support Bureau, a heliport, and a motorcycle squad facility integrated with the Police
 61 Tactical Operations Facility; and

62
 63 WHEREAS, the South County Police Station and Animal Shelter required, at the request
 64 of the community, exploration of additional sites and the creation of a community steering
 65 committee to provide input on the design phase, as well as extended coordination with VDOT
 66 and FCDOT for an additional median cut on Lorton Road, all of which extended the project’s
 67 timeline; and

68
 69 WHEREAS, the Franconia Police Station is now part of the consolidated Kingstowne
 70 complex, which also includes the Franconia District Supervisor’s Office, the Franconia Museum,
 71 the Kingstowne Library and Active Adult Center, and the new combined facility will allow the
 72 residents of the Kingstowne area to gather and have access to County services in one central
 73 location but will require additional time for design and construction; and

74
 75 WHEREAS, the Operations Support Bureau project evaluation resulted in a change in
 76 scope to build a new facility on the same site instead of renovating the existing 1960s school
 77 building, creating the need for extensive community outreach and input in the design, and a
 78 phased construction plan; and

79
 80 WHEREAS, the Penn Daw Fire Station scope and location underwent extensive
 81 evaluation, which resulted in the selection of the Hybla Valley Nursery site and will require
 82 additional design and construction time; and

83
 84 WHEREAS, the balance of \$67.61 million principal amount of the 2015 Authorized
 85 Public Safety Facilities Bonds is available to fund the remaining projects; and

86
 87 WHEREAS, an extension from eight to ten years will ensure funding is available to
 88 address the remaining projects, and such extension is in the best interests of the County by
 89 allowing it to make use of bond funding authorized by Fairfax County voters in lieu of
 90 alternative, more costly forms of financing; now, therefore,
 91

92 BE IT RESOLVED by the Board of Supervisors of Fairfax County Virginia:
93

94 Section 1. For the reasons stated above, the Fairfax County Board of Supervisors
95 hereby requests the Circuit Court of Fairfax County to enter an order to extend for a period of
96 two years the time within which the remaining authorized but unissued 2015 Authorized Public
97 Safety Facilities Bonds may be issued.
98

99 Section 2. The Board hereby directs the County Attorney to present a petition to the
100 Circuit Court setting forth this request.
101

102 A copy teste.
103

104 GIVEN under my hand this _____ day of _____, 2023.
105
106

107 _____
108 Jill G. Cooper
109 Clerk for the Board of Supervisors
110 Department of Clerk Services
111

Response to Questions on the FY 2024 Budget

Request By: Supervisor Gross

Question: Please provide an update on the status of the Bond Program.

Response:

The table below is provided to the Board of Supervisors when bonds are sold annually and is also included in the Capital Improvement Program (CIP) each year. The table highlights the year of General Obligation bond voter approval and the bonds authorized by the voters but not yet sold. Actual bond sales are based on cash needs in accordance with Board policy. Staff reviews cashflow needs identified by each agency, identifies expenditures to date, reviews previous years' expenditure levels, identifies equity in pooled cash accounts (available cash balances) for each area, and projects the bond sale amounts needed to support project expenditures for the fiscal year. In general, leftover bond funds at the completion of a project are reallocated to the Fund contingency and used to offset increased costs in other similar projects. In recent years, any surplus bond funding has been used to offset construction escalation occurring in most project contract awards.

The total balance of County (\$704,960,000) and Schools (\$519,260,000) authorized but unissued bonds is \$1,224,220,000.

Most Recent Bond Issues Approved by Voters	Year	Amount (\$ mil)	Sold (\$ mil)	Authorized but Unissued (\$ mil)
County Parks	2016	94.70	70.63	24.07
	2020	100.00	0.00	100.00
No Va Regional Park Authority	2020	12.00	9.00	3.00
Human Services/ Community Development	2016	85.00	27.10	57.90
	2020	79.00	0.00	79.00
Public Safety	2015	151.00	83.39	67.61
	2018	182.00	0.00	182.00
Transportation (Roads/Pedestrian/Bike)	2014	100.00	74.86	25.14
Library Facilities	2020	90.00	0.00	90.00
Transportation (WMATA)	2020	160.00	83.76	76.24
Public Schools	2019	360.00	200.74	159.26
	2021	360.00	0.00	360.00
Total		\$1,773.70	\$549.48	\$1,224.22

The County has also benefitted from bond premium generated by the annual issuance of General Obligation bonds, which was driven by market conditions in years past. The County utilizes a bond sale methodology whereby bond proceeds (par + premium) are sufficient to cover project costs and cash flow needs. Based on Bond Counsel review, bond premium does not reduce the authorized but unissued amounts by referendum category. Rather, only the par amount of the bonds reduces the authorized but unissued balance and correspondingly extends the time it takes to reduce the balance of the authorized but unissued amounts to zero.

The bond program has been experiencing several challenges in recent years that have led to a backlog in unsold bonds. This backlog is based on several factors including limits on bond sales timeframes (8 years with a possible 2-year extension), restrictions on annual bond sale amounts, changes in project scopes after voter approval, higher Metro contribution requirements, project delays associated with colocation opportunities, supply chain issues, and COVID. Other project-specific factors that have contributed to a delay in bond sales since voter approval include redevelopment/zoning issues, exploration of alternative site locations, addressing community input, revised project scopes, projects constructed in phases, and occupied facility renovations. Specific project details are included in each program area below.

County Parks

On November 8, 2016, the voters approved a Park bond in the amount of \$94.7 million. An amount of \$24.07 million remains authorized but not sold from the 2016 referendum. The 2016 bonds were proposed for improvements and facilities identified in the Needs Assessment study used to evaluate the County's recreational needs over the next 10 years. The bonds were to support: improvements and facilities related to natural and cultural resources, such as ecological restorations and historic site preservation projects at Colvin Run Mill and Sully Historic Site; land acquisition to serve park-deficient areas and protect resources; countywide renovation and upgrades of aging community park facilities, such as playgrounds, courts, infrastructure and trails; the renovation of Mount Vernon Rec Center; and new and expanded facilities to improve service delivery. In addition, on November 3, 2020, the voters approved a Parks bond in the amount of \$100.0 million. Again, based on the 2016 Needs Assessment, projects proposed for the 2020 Parks bond balanced priority needs, equity throughout the County, reinvestment in aging facilities, investments in land, natural and cultural resource protection, advancement of phased projects, and improving the park experience.

Although the original schedule for Park bond sales was estimated at \$25.0 million per year, bond sales have averaged \$18.75 million since these bonds were first sold in 2019. Bond sales are based on actual cash needs and estimated based on cash on hand, expenditures to date and projected expenditures for each fiscal year. Bonds have not yet been sold from the 2020 referendum resulting in a total authorized but unissued amount of \$124.07 million for Parks. All of the unsold bonds are associated with projects that are in various stages of development. Many of those projects have been planned for some time with funding pieced together from several bond cycles. Much of the \$124.07 million in unsold bonds is associated with major projects such as Mount Vernon Rec Center, Patriot Park North, and Sully Stewardship Education Center.

In preparation for each bond referendum cycle, Park Authority staff develop a list of priorities for the upcoming bond. The overarching priorities are pared down to the most urgent needs in the system. There is normally a mixture of larger facility projects and other capital needs and due to the size, complexity, and expense of the larger projects, often the design and construction costs are spread across bond cycles so as not to take too much of the available funds for one single project. Bond spending spikes in some years when large renovations occur. Construction of the Mount Vernon Rec Center has begun, which will result in higher expenditures system-wide during the years of construction. With aging Rec Center facilities, the Park Authority is projecting major project expenditures in each of the future bond cycles to renovate and replace these facilities as necessary.

The Department of Management and Budget and Parks staff are working together to develop cash-flow estimates and project bond sales within the County's overall capacity limits. In order to meet the expected needs of the Park Authority, annual sales may need to exceed planned amounts and may impact the availability of bond funds for other County projects. Staff is also working to prioritize General Fund funding available at both the Third Quarter and Carryover Reviews to support the Parks Capital Program and specifically the planned Rec Center renovations. The County's commitment to Parks capital needs is further evident by the \$5 million allocation as part of the *FY 2022 Carryover Review* and an additional \$5 million recommended as part of the *FY 2023 Third Quarter Review*.

Northern Virginia Regional Park Authority (NOVA Parks)

On November 3, 2020, the voters approved a Park bond referendum in the amount of \$12.0 million to sustain the County's capital contribution to NOVA Parks for four years beginning in FY 2021 and providing a level contribution of \$3.0 million per year through FY 2024. There is no backlog of bonds associated with the NOVA Park bonds. As part of the FY 2023 CIP, staff proposed moving this portion of the bond program to the General Fund to allow more flexibility to provide the requested per capita contribution amount, avoid financing costs, and redirect these bond dollars to other programs in future years.

Human Services/Community Development

On November 8, 2016, the voters approved a Human Services/Community Development bond in the amount of \$85.0 million. This referendum included \$48.0 million to renovate, expand or replace the Patrick Henry, Embry Rucker, Eleanor Kennedy, and Baileys Shelters. These four shelters could no longer meet "crisis/emergency" needs of homeless individuals and families in the community. The remaining \$37.0 million was approved for the Sully Community Center and the Lorton Community Center, which were both completed in September and October 2022, respectively. These two new community centers were designed to provide programming for older adults, while also having the capacity to meet other community needs, such as after-school programming for children and teens, and health and wellness programs for youth and adults.

On November 3, 2020, the voters approved a bond referendum in the amount of \$79.0 million to support Health and Human Services facilities including the Joseph Willard Health Center and the Crossroads Residential Treatment facility. The Joseph Willard Health Center is a joint development with the City of Fairfax to include program needs for its Sherwood Community Center. Crossroads is a residential substance abuse treatment and rehabilitation facility serving individuals with substance use disorders or co-occurring substance use and mental health disorders. Typically, there are 50-60 individuals on the waitlist to receive treatment at Crossroads. The facility has significant mold issues and renovation is needed to upgrade outdated equipment, HVAC, plumbing, electrical and mechanical systems. The renovation would include improvements to the facility layout in order to meet changing care standards, improve operational efficiency, provide ADA accessible programming space, and reduce waitlists.

Bonds have not yet been sold from the 2020 referendum resulting in a combined authorized but unissued amount of \$136.9 million for Human Services facilities. It is important to note that 1) Embry Rucker Shelter is part of the redevelopment of the Reston Town Center North area resulting in approval and zoning delays with extensive public outreach and input; 2) Patrick Henry Shelter is part of a condominium complex which must be demolished, and the property purchased to rebuild a new shelter requiring many levels of authorizations, attorney negotiations, and a Proffer Condition Amendment zoning action; 3) Eleanor Kennedy Shelter was subject of a recently completed review of site location options and planned colocation of other county facilities, including a new Penn Daw fire station and supportive and affordable housing; and 4) Sully Community Center required a project scope change to accommodate an additional gymnasium in partnership with the Park Authority, a new Federally Qualified Health Clinic and the Health

Department's Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), creating a colocation opportunity of several agencies, but adding time to the project schedule. All of these factors have led to a delay in cash required and as a result a delay in human services bond sales.

Public Safety

On November 3, 2015, the voters approved a \$151.0 million Public Safety bond. This referendum included the South County Police Station/Animal Shelter, the Police Heliport, the Emergency Vehicle Operations Center (currently on hold), the Franconia Police Station, and the Penn Daw, Woodlawn, Reston, Edsall and Merrifield Fire Stations. It should be noted that the 2015 Public Safety bond referendum was an interim referendum, outside of the previously scheduled 4-year cycle of programming. On November 6, 2018, the voters approved a \$182.0 million Public Safety bond which included the Mount Vernon, Gunston, Fairview, Seven Corners and a future volunteer Fire Station transfer to the County, the Police Evidence Storage Facility, the Criminal Justice Academy, Mason Police Station, Adult Detention Center, and additional Courtroom renovations.

It is important to note that 1) the South County Police Station and Animal Shelter required, at the request of the community, exploration of additional sites and the creation of a community steering committee that met once a month for over a year providing input into the design phase, as well as extended coordination with VDOT and FCDOT for the additional median cut on Lorton Road; 2) the Penn Daw Fire Station scope and location have undergone extensive evaluation which resulted in the selection of the Hybla Valley Nursery site; 3) the Mount Vernon Fire Station is currently being considered for a colocation with the Mt. Vernon Police Station and Supervisor's Office. Consideration for the Sherwood Library colocation is also being evaluated; 4) the Police Evidence Storage is now part of the Judicial Center Redevelopment project and is proposed to be collocated with the other court functions in the proposed Building One; 5) the Operational Support Bureau project evaluation resulted in a change in scope to build a new facility on the same site instead of renovating the existing 1960's school building; 6) the Adult Detention Center project is a large capital renewal project involving an occupied facility that must remain operational 24/7. Little disruption can also occur pertaining to the inmates. Due to these complexities, it was designed to be phased over many years; and 7) Courtroom Renovations must be done in phases as the Courts can only have 3 to 4 courtrooms out of operation at a time. Construction work can also only be implemented during the night hours when courts are not in session to not disrupt the operations. All of these factors have led to a delay in cash required and as a result a delay in public safety bond sales.

Roads/Pedestrian/Bicycle Improvements

On November 4, 2014, the voters approved a Transportation bond referendum in the amount of \$100.0 million. This referendum included approximately \$16.0 million for spot roadway improvements, \$78.0 million for pedestrian improvements and \$6.0 million for bicycle and trail improvements throughout the County. The spot roadway improvement projects increase capacity, reduce congestion, improve safety for vehicles and pedestrians, and improve transit access for users. The pedestrian improvements and the bicycle/trail improvements are designed to enhance safety and complete missing links that provide connectivity between neighborhoods, schools, activity centers, parks, and transit facilities.

To date, \$74.86 million has been sold to support project expenditures and \$25.14 million remains authorized by the voters but not yet sold.

This bond referendum included 86 bicycle, pedestrian, and spot roadway improvement projects. Of the 86 approved projects, approximately 55 projects, amounting to approximately \$56.5 million, have been completed. The balance of approximately \$25.14 million is fully allocated to the remaining projects and will be sold in its entirety before the bond authorization expires. Many of the pedestrian and bicycle projects require more time to be completed due to the nature of the work and potential need for easements and/or

right of way acquisition, coordination with VDOT, and utility relocation. Typical sidewalk/trail projects can take anywhere from 3-5 years or more to complete depending on complexity. In 2014, FCDOT, in conjunction with Board offices, developed timelines for the projects supported by this bond referendum. The timelines included staggering the start of the projects over six years. This was done to reflect staff resources, and well as cashflow.

Libraries

On November 3, 2020, the voters approved a bond referendum in the amount of \$90.0 million to support George Mason, Kingstowne, Patrick Henry, and Sherwood libraries. To date, no 2020 bond funds have been sold, as the colocation and joint development approaches have altered the original cashflows. In addition, approximately \$10.0 million remains from the 2012 Library bond referendum which was planned for the Reston Regional Library and was to be used in concert with the larger Reston Town Center North development. Options for procurement and development concepts for the County facilities continue to be reviewed, and minimal expenses to date have been incurred for the Library. The wording of the 2012 and 2020 Library bond referenda provides broad flexibility for improvements to County library facilities. As procurement and development concepts for Reston Town Center North remain ongoing with a community task force, the 2012 Library bond funds can be utilized toward the 2020 Library bond projects. Funding needs for the Reston Regional Library could then be earmarked from 2020 Library bond funds.

Some reasons contributing to the delay in bond sale timing include: 1) the Lorton Community Center and Library were slated to be located on the current site of the Library but due to community input many additional sites were also investigated. A community steering committee met once a month for over a year providing input into the design of the park and parking lot; and 2) the Kingstowne Consolidated Facility, which just recently broke ground on March 9, 2023, includes the Franconia Police Station, Lee District Supervisor's Office, Kingstowne Library, Active Adult Center, Franconia Museum, and childcare. The Franconia Police Station project was approved in the 2015 Public Safety bond referendum while the Library was approved in the 2020 bond referendum, so the majority of the construction expenses were delayed to align with colocation approvals.

WMATA

The latest Washington Metropolitan Area Transit Authority (WMATA) bond referendum was approved by the voters on November 3, 2020 in the amount of \$160.0 million. These bonds are being used to pay Fairfax County's share of WMATA's Capital Improvement Program (CIP), under the Regional Compact. This level of funding will sustain the County's capital contribution to WMATA for four years at \$40.0 million per year. There is no backlog of bonds associated with the WMATA bonds.

The WMATA capital requirement in future years are projected to increase to over \$40.0 million per year, with further incremental increases in the out years. Staff has proposed \$180.0 million for the next Metro bond referendum in 2024.

Fairfax County Public Schools (FCPS)

On November 5, 2019 and November 2, 2021, the voters approved two referenda each for \$360 million in School bonds. All school bonds are anticipated to be expended by FY 2026.

Conclusion:

The above analysis of the current program and the challenges facing both the pace of bond sales and construction timelines indicates that bonds associated with referenda planned in the next several years would likely not be sold for 3 to 5 years after voter approval. Asking for voter approval on projects that would not be able to be supported by bond sales for several years would set unrealistic expectations.

Therefore, staff recommended that the bond program be slowed for a period of time to catch up with bond sales, more appropriately time future referenda and move forward more realistically. Staff is also exploring the development of future referendum questions that are more flexible and will allow for voter approval of colocation projects or County complexes with multiple users in one building/complex. These initiatives could change the Bond Referendum Plan in the future and the plan will need to be re-evaluated annually as part of the CIP analysis and review.

INFORMATION - 1

Endorsement of Volume II District Design Guidelines for the McLean Community Business Center (Dranesville District)

Excellence in urban design is a critical component in achieving the vision established in the Comprehensive Plan for many of the mixed-use activity centers within the County. To implement this goal, urban design guidelines have been created for Tysons, the Reston Transit Station Areas, and the County's Commercial Revitalization Districts/Areas (CRDs/CRAs). The Urban Design Guidelines for the CRDs and CRAs are organized into two volumes. Volume I contains urban design best practices for streets, streetscapes, parks, landscaping, parking, and building exteriors. It includes material that is generally pertinent to all of the CRDs and CRAs and is provided in a single volume to avoid repetition in each district volume. The Board endorsed these guidelines on November 20, 2018. The Volume II District Guidelines for an individual CRD or CRA serves as a companion document to Volume I by providing character, design, and placemaking ideas that are specific to that area.

On June 22, 2021, in a Follow-on Motion to the McLean Community Business Center (CBC) Comprehensive Plan amendment [PA 2018-II-M1], the Board of Supervisors directed staff to prepare Urban Design Guidelines for McLean. The Volume II District Design Guidelines for McLean (Guidelines) apply to development proposals for all properties located within the McLean CBC. The Guidelines are not regulatory and are not intended to control or dictate a particular architectural style or site design solution. They are to be used by landowners and their consultants in the design of projects and by staff, the Planning Commission, the Board of Supervisors, and the community in the evaluation of such projects. They are a complementary document to the Comprehensive Plan, Zoning Ordinance, and the Public Facilities Manual. The Guidelines provide detailed recommendations for elements such as streetscapes, planting strategies, building mass, and architectural form, emphasizing high quality design concepts while allowing the flexibility for applicants to create their own distinct character within their projects or to devise alternative strategies for achieving the design intent of these elements.

The Guidelines were developed by the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD). Staff from various county departments participated throughout the process, including but not limited to the Department of Transportation (DOT), the Department of Public Works and Environmental Services (DPWES), Land Development Services (LDS), the Park Authority, the Health Department, and Urban Forest Management. Significant community outreach and engagement on drafts of the Guidelines was conducted.

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Outreach included an advisory group consisting of twelve representatives from McLean area organizations, a public workshop and two online surveys, and a large open house held in a vacant storefront in McLean. Throughout the process regular updates were provided to area organizations, and announcements were sent to community organizations, listservs, newsletters, and through NextDoor. The community outreach provided multiple opportunities for stakeholders to provide input on the Guidelines. CRS incorporated the feedback received, as appropriate, to produce the final documents.

Unless otherwise directed by the Board, staff will use the Volume II District Design Guidelines for McLean in its review of development applications and will provide them to interested parties as a resource for addressing the Comprehensive Plan's urban design guidance and streetscape standards in this area.

EQUITY IMPACT:

The Guidelines address implementation of urban design, streetscape, and urban park recommendations in the Comprehensive Plan for the McLean CBC. The Guidelines have the effect of creating consistency in the public realm which contributes to placemaking and economic development. The two most applicable One Fairfax Policies are number 11, "A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people." and number 14, "A multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health". Residents living in the McLean CBC trend older (a median age of 49 vs. countywide median age of 38) and are less likely to own a vehicle (for example, 23.55% of households in one CBC census tract do not have a vehicle available). These population disparities elevate the need for consistent pedestrian infrastructure that is safe and comfortable. The Guidelines have the potential to advance equity by creating standards for a consistent and quality public realm that form a walkable, socially cohesive community.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Volume II District Design Guidelines for McLean, file can be accessed at
<https://www.fcrevite.org/mclean/design-guidelines>

STAFF:

Rachel M. Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Chris Caperton, Deputy Director, DPD
Elizabeth Hagg, Section Director, Community Revitalization, DPD
JoAnne Fiebe, Senior Revitalization Program Manager, DPD

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).
 - 1. *Wesley Shifflett v. Bryan J. Hill*, Case No. CL-2023-0008048 (Fx. Co. Cir. Ct.)
 - 2. *Wesley Shifflett v. Bryan J. Hill and Fairfax County, Virginia*, Case No. (pending) (Va. Ct. App.)
 - 3. *Tyson's Corner Hotel Plaza LLC v. Fairfax County*, Case No. CL-2021-0017755 (Fx. Co. Cir. Ct.) (Providence District)
 - 4. *Pomeroy Investments, Inc., and The Pomeroy Companies (Inc.) v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2022-0010184 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 5. *AM Worldgate Owner LLC v. Board of Supervisors of Fairfax County, Virginia, et al.*, Case Nos. CL-2023-0010812 and CL-2023-0010813 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *AM Worldgate Owner LLC v. Board of Supervisors of Fairfax County, Virginia, et al.*, Case Nos. CL-2023-0010787 and CL-2023-0010803 (Fx. Co. Cir. Ct.) (Dranesville District)

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7. *Mohamad Idlibi v. West Springfield Police Station*, Case No. 1:23-cv-920 (E.D. Va.)
8. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
9. *In the Matter of a Petition Filed by Joseph Glean and Petitioners, Seeking an Audit of Certain Sewer Fund Accounts*, Case No. CL-2019-0013070 (Fx. Co. Cir. Ct.)
10. *Claudette Gama-Salazar v. Katharine M. Follot Layton*, Case No. GV23-000660 (Fx. Co. Gen. Dist. Ct.)
11. *Alma Catin v. Jason Abitz and Fairfax County*, Case No. GV23-05800 (Fx. Co. Gen. Dist. Ct.)
12. *Marcus Burke, by Government Employees Insurance Company, subrogee v. Harold Wolf*, Case No. GV23-010863 (Fx. Co. Gen. Dist. Ct.)
13. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Adolfo Parina Sandi*, Case No. CL-2021-0007932 (Fx. Co. Cir. Ct.) (Providence District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Jong Hun An*, Case No. CL-2022-0004318 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennet Mofor*, Case No. GV23-009477 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Irene Castillo*, Case No. CL-2022-0015404 (Fx. Co. Cir. Ct.) (Franconia District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Honeida A. Manzano Cueva and Maria D. Cueva*, Case No. CL-2023-0004612 (Fx. Co. Cir. Ct.) (Franconia District)
18. *Jay Riat, Building Official for Fairfax County, Virginia v. Demetria N. Elosiebo*, Case No. CL-2023-0009661 (Fx. Co. Cir. Ct.) (Franconia District)
19. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Robert James Toney*, Case No. GV23-009206 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

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20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yi Yang and Xiaohui Wang*, Case No. CL-2022-0015556 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyung Nim Kong Revocable Trust U/A dated December 10, 2021*, Case No. GV23-012545 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Reston Brewing Company, LLC c/o Melissa Romano*, Case No. GV23-015344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Rosa E. Coreas.*, Case No. CL-2022-0004588 (Fx. Co. Cir. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Robert P. Beck*, Case No. CL-2023-0005409 (Fx. Co. Cir. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Hien Phong Dang*, Case No. CL-2023-0009668 (Fx. Co. Cir. Ct.) (Mason District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Kevin Gonzalez and Antoinette Marie Gonzalez*, Case No. GV23-005110 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Ashraf Khalid Mustafa Alshajrawi*, Case No. GV23-005187 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Ernesto Pinto Sejas, Martha Cecilia Morales, and Juan Carlos Morales Escobar*, Case No. GV23-008515 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Susan L. Taylor*, Case No. GV23-015345 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Hausenfleck and Susan Brassfield-Hausenfleck*, Case No. CL-2019-0014369 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Armstrong Green and Embrey, Inc.*, Case No. CL-2022-0004793 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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32. *Jay Riat, Building Official for Fairfax County, Virginia v. Viraj David*, Case No. CL-2023-0009667 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Nhlen-Phuong Khoi Lu*, Case No. GV23-011444 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. George K. Combs*, Case No. GV23-011975 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-015905 (Fx. Co. Cir. Ct.) (Providence District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Andreas M. Brandt*, Case No. GV23-006553 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Nicholas A. Nikzad and Pamela L. Nikzad*, Case No. CL-2022-0001864 (Fx. Co. Cir. Ct.) (Sully District)

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3:30 p.m.

Public Hearing on Proposed Plan Amendment 2021-II-V1 Pan Am Shopping Center,
Located at the Southeast Quadrant of the Intersection of Route 29 and Nutley Street
(Providence District)

ISSUE:

Plan Amendment (PA) 2021-II-V1 considers an amendment to the V1-Lee Community Planning Sector of the Comprehensive Plan for Tax Map Parcel 48-4 ((1)) 12F. The property is currently planned for community retail uses up to 0.35 Floor Area Ratio (FAR) and is developed with one story shopping center buildings and associated surface parking lots. The amendment proposes a mixed-use redevelopment option recommending up to 585 multifamily residential units with ground floor retail use. Transportation recommendations for the Sector are also proposed to change.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held public hearings on the proposed amendment on June 28, 2023, and July 27, 2023. On July 27, 2023, the Planning Commission voted 10 to 0 (Commissioners Carter and Murphy absent), to recommend adoption of the Staff recommendation, as modified in the Planning Commission handout dated July 27, 2023 (Attachment I).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Board of Supervisors' action is requested on September 12, 2023.

BACKGROUND:

On December 7, 2021, the Board of Supervisors (Board) authorized PA 2021-II-V1 for Tax Map Parcel 48-4 ((1)) 12F located at 3001 Nutley Street, Fairfax, 22031. The site is developed with the Pan Am Shopping Center with approximately 230,000 square feet of commercial uses, including a grocery store, restaurants, retail, a free-standing bank, and a gas station.

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The Plan amendment proposes a mixed-use redevelopment option up to 0.72 FAR, consisting of up to 585 multifamily dwelling units, the retention of 140,000 square feet (SF) of existing retail uses, and the addition of 47,000 SF of new retail uses in the ground floor of the new residential buildings and in standalone retail buildings. The plan amendment includes recommendations related to the integration of new uses with the existing shopping center, urban parks, affordable housing, streetscape and urban design, building heights and neighborhood compatibility, multimodal connectivity, tree retention, stormwater management, and other topics that seek to guide redevelopment.

The review of the Plan amendment is concurrent with Rezoning application RZ 2022-PR-00009 submitted by the property owner to rezone the subject property from C-6 Community Retail District to PDC Planned Development Commercial District. As of May 8, 2023, the rezoning application proposes 585 dwelling units and 187,000 square feet (SF) of commercial use, inclusive of 140,000 SF of existing commercial use, which reflects the land use mix and density under consideration with the Plan amendment. Hearings for the rezoning have not been scheduled at this time. Any recommendation for the subject Plan amendment should not be construed as a favorable recommendation on the proposed zoning application by the Board, the Planning Commission, or staff, and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards.

EQUITY IMPACT:

The Plan amendment supports One Fairfax Policy Area of Focus #2 “Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county...” by providing the option for a mixed-use redevelopment proposal that would include up to 585 dwelling units, including the provision of Workforce Dwelling Units, publicly-accessible open space, and enhanced pedestrian and bicycle infrastructure. The Plan amendment was reviewed by the community in two community meetings, one held in-person at the site, the other held virtually, both of which were well-attended and provided opportunities for site users and neighbors to provide feedback and engage in the land use process.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment I - Planning Commission Handout, dated July 27, 2023

The Planning Commission Meetings Video Archive is available online at:
[Planning Commission Meetings Video Archive - Fairfax County, Virginia](#)

The Staff Report dated June 7, 2023, has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/pan-am-shopping-ctr/2021-ii-v1-staff-report.pdf>

STAFF:

Tracy Strunk, Director, Department of Planning and Development (DPD)

Leanna O'Donnell, Director, Planning Division (PD), DPD

Graham Owen, Chief, Policy & Plan Development Branch, DPD

Aaron Klibaner, Planner II, Policy & Plan Development Branch, PD, DPD

ATTACHMENT I

**RECOMMENDED MODIFICATIONS
PLANNING COMMISSION HANDOUT
Plan Amendment 2021-II-V1
Pan Am Shopping Center
July 27, 2023**

The following proposed text is based on the Staff Report for Plan Amendment 2021-II-V1, dated June 7, 2023, Recommendation section.

Draft modifications to the staff report recommendation are shown in **bold with underline and yellow highlight** for proposed additions and ~~bold with double strike-throughs~~ for proposed deletions.

ADD: Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, amended through 2-23-2021, V1-Lee Community Planning Sector, Transportation, page 47.

“Operational and safety considerations **for vehicles, pedestrians, and cyclists** should be evaluated and provided as development or capital projects occur taking into consideration critical intersections, such as Nutley Street and Route 29, **and Nutley Street and Route 50, and to facilitate pedestrian and cyclist connectivity to transit.**”

ADD: Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, amended through 2-23-2021, V1-Lee Community Planning Sector, Recommendations, Land Use #3, page 42.

“3. Pan Am Shopping Center, located north of Providence Hall apartments, west of Covington/Hampton Court townhouses, and east of Hunters Branch is planned for community-serving retail uses up to 0.35 FAR. Any development or improvements should respect the adjacent Thompson Cemetery (Tax Map 48-4((1))13A) as well as the floodplain.

As an option, mixed-use redevelopment up to 0.72 Floor Area Ratio that integrates residential and commercial uses **with the shopping center** through a logical **site design, pedestrian** circulation pattern, **with and consolidated**, useable open spaces may be appropriate subject to the following conditions:

- Redevelopment should consist of multifamily residential uses **up to 609,000 square feet (consisting of ~~with a maximum of~~ up to 585 dwelling units), inclusive of affordable and workforce housing and bonus density**, with activated ground floor uses such as retail. In order to **reflect the importance of and** maintain the viability of the shopping center as a **community asset and** destination that provides community-serving retail uses to the surrounding neighborhoods, **a minimum of ~~approximately~~ 140,000 square feet of retail uses should be retained. Existing retail should be updated to maintain a high-quality retail presence on the site, and may be expanded.** Up to 47,000 square feet of new retail uses, **for a total of 187,000 square feet**, should be provided with the residential uses and in stand-alone retail buildings. **Additional retail use above 187,000 square feet for the site may be considered with a commensurate reduction in proposed residential uses in order to maintain the overall recommended intensity level.**
- Residential development should comply with the County’s Affordable Dwelling Unit (ADU) Ordinance and/or the Workforce Dwelling Unit (WDU) policy, as applicable.
- New development should include high-quality and distinctive architecture consistent with Volume 1 of the Urban Design Guidelines for Commercial Revitalization Districts and Areas, including window treatments, ground-floor unit entrances, building articulation, landscape design, and pedestrian amenities. **Wayfinding signage and gateway architecture should be provided at the northwest and southwest corners of the site along Nutley Street to invite visitors into the subject property.** Parking structures should be wrapped with residential units and/or include architectural treatments. Structures should not include blank facades facing the street or surrounding uses.
- Building heights **for residential buildings should be limited to 80 feet along the Nutley Street frontage of the property and to 70 feet along the eastern property line. Building heights** and setbacks should be designed to ensure compatibility with surrounding uses and to mitigate the visual impact of new buildings on the apartments and townhouses to the south and east respectively. **Grading and landscape screening and street trees should also be utilized along the Nutley Street frontage to define the pedestrian realm and open spaces, and reduce the visual impact of taller building heights. Utility and service connections should be relocated to the maximum extent possible to limit conflicts with landscape.**
- Existing transitional screening should be maintained, and adequate buffering and screening landscaped with year-round vegetation should

be provided. **The forested area on the eastern edge of the property should be actively managed as a preserved natural buffer to the greatest extent possible with minimal land disturbing activities. Buffer areas should be supplemented with appropriate native, evergreen and deciduous trees, and understory vegetation to provide year-round screening. Removal of invasive species and regeneration of the vegetated understory should be implemented as deemed appropriate in coordination with the county. An existing interparcel pedestrian connection in the southeast corner should be maintained and enhanced through appropriate paving, lighting, and seating as a potential location for a context-appropriate urban park.**

- The multi-modal connectivity of the site should be enhanced through the addition of sidewalks, streetscaping, and bicycle facilities that create logical development blocks. Safe pedestrian and bicycle connections should provide access to transit, parks, amenities and retail uses and the design of these facilities should avoid conflicts between different modes of travel within the site and on exterior roadways. ~~Existing pedestrian connections to surrounding neighborhoods should be maintained and enhanced through appropriate paving and lighting, and missing sidewalk segments should be addressed.~~ Vehicular and/or bicycle and pedestrian interparcel access between the subject area and the apartments to the south should be provided.
- Connected, well designed, and appropriately **located and** sized publicly accessible urban park(s), **including at least one consolidated, common green that can provide flexible open spaces and accommodate a broad spectrum of active recreation and leisure activities and integrate the new uses with the existing shopping center,** should be included to create a sense of place and provide recreational opportunities for residents and visitors, per the guidance found in the Urban Parks Framework.
- Additional landscaping and pedestrian amenities should be added to integrate commercial and residential uses and create a comfortable, north-south pedestrian connection from Route 29 to the south end of the site. **Wherever feasible, consideration should be given to reducing the amount of impervious surface in favor of additional park and open spaces, landscaping, and pedestrian walkways. Opportunities to enhance the appearance and stormwater function of the surface parking field through the use of landscape strips with trees and other plantings should be considered.**

- A **contiguous**, off-road, combined bicycle and pedestrian facility with appropriate street buffers and tree shading is recommended along the entire site frontage on the east side of Nutley Street.
- Bus shelters should be provided along the periphery of the site along Route 29 and Nutley Street.
- Those areas subject to land disturbances should provide stormwater quality and quantity management controls to reduce runoff to good-forested conditions and minimize impacts to Accotink Creek. If the attainment of good-forested conditions is demonstrated not to be fully achievable, all available measures should be implemented to the extent practical in order to support this goal. The identification of partnership opportunities with Fairfax County is encouraged to provide additional or enhanced stormwater management facilities to address the Accotink Creek Total Maximum Daily Loads.
- ~~Opportunities to enhance the appearance and stormwater function of the surface parking field through the use of landscape strips with trees and other plantings should be considered. (SECTION MOVED)~~
- A survey using ground penetrating radar should be conducted on the surrounding driveways and parking areas adjacent to the Thompson Cemetery where existing conditions are being disturbed.

COMPREHENSIVE LAND USE PLAN MAP

The Comprehensive Land Use Plan Map will not change.

COUNTYWIDE TRANSPORTATION PLAN MAP

The Countywide Transportation Plan Map will not change.

Board Agenda Item
September 12, 2023

3:30 p.m.

Public Hearing on Proposed Plan Amendment 2020-III-UP1 Reston Area
Comprehensive Plan Amendment (Hunter Mill District)

ISSUE:

Plan Amendment (PA) 2020-III-UP1 proposes to amend the Comprehensive Plan guidance for all the area within the planned community of Reston (~ 8,400 acres inclusive of roads).

PLANNING COMMISSION RECOMMENDATION:

On June 14, 2023, the Planning Commission voted 10-0 to defer the decision only for PA 2020-III-UP1 to a date certain of June 28, 2023, with the record remaining open for written comments. On June 28, 2023, the Planning Commission voted 8-0 to defer the decision only for PA 2020-III-UP1 to a date certain of July 12, 2023, with the record remaining open for written comments. On July 12, 2023, the Planning Commission voted 12-0 to defer consideration of PA 2020-III-UP1, for an additional public hearing on July 19, 2023. On July 19, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the adoption of PA 2020-III-UP1.

RECOMMENDATION:

The County Executive recommends the Board adopt PA 2020-III-UP1 as recommended by the Planning Commission.

TIMING:

Planning Commission public hearing – June 14, 2023
Planning Commission decision-only – June 28, 2023
Planning Commission decision-only – July 12, 2023
Planning Commission additional public hearing – July 19, 2023
Board of Supervisors public hearing – September 12, 2023, at 3:30 pm.

BACKGROUND:

On January 14, 2020, the Board of Supervisors (Board) authorized PA 2020-III-UP1 to initiate a process for study and community input on the Comprehensive Plan recommendations for Reston. On January 24, 2023, the Board amended the original authorization for PA 2020-III-UP1 to expand the scope of the authorization to include

additional topics such as Equity, Community Health, Heritage Resources, and Economic Development, and proposed land use and intensity changes for specific areas within Reston.

The Plan Amendment proposes to update Comprehensive Plan guidance for the entirety of the Reston community, and focuses on the following areas:

- Planning Principles
- Land Use
- Transportation
- Housing
- Parks and Open Space
- Environmental Stewardship
- Heritage Resources
- Public Facilities
- Public Art
- Equity
- Community Health
- Economic Development

The Plan Amendment proposes guidance for Reston that was initially developed by the Reston Task Force in coordination with County staff. The staff proposed Plan recognizes, protects, and guides harmonious development, and extends the legacy of outstanding New Town Planning in Reston. The proposed Plan includes guidance to maintain the existing residential density in the Village Centers (Hunters Woods, South Lakes, and North Point), continue to focus higher intensity mixed-use development in the Reston Transit Station Areas (TSAs), and continue to protect, maintain, and provide transitions to the surrounding residential neighborhoods.

The proposed guidance balances future land uses with necessary transportation infrastructure and services, encourages the production of new affordable housing in Reston, and emphasizes the benefits of and necessity for human interaction with nature. The proposed plan guidance continues to focus redevelopment within the Reston TSAs, while maintaining the existing residential neighborhood character in the developed areas of Reston.

Reston's Village Centers are planned to reflect the land uses that currently exist, except for Lake Anne Village Center which already has detailed planning guidance to guide future redevelopment and is the subject of a separate ongoing study. The proposed Village Center guidance removes the residential redevelopment option for the current non-residential portions of the Village Centers and would require an amendment to the Comprehensive Plan to exercise a residential option in those areas, with the exception of Lake Anne and Tall Oaks. The Plan states that any future amendment would limit residential development in those areas to a maximum density of 20 dwelling units per acre.

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The proposed transportation vision for Reston includes a multimodal system intended to provide safe, efficient, attractive, and dependable travel options in an equitable way for all current and future Reston residents, employees, and visitors.

The proposed housing guidance includes targeted household income tiers (Area Median Income or AMI) for rental Workforce Dwelling Units (WDUs) within Reston which are consistent with the Countywide WDU Policy, and maintains the recommendation for the provision of a minimum of 12 percent WDUs, and maintains the sliding scale for percentage of WDUs currently included in the adopted Reston Comprehensive Plan.

The proposed Parks and Open Space guidance recognizes the existing parks, recreation, and open space system in Reston as one of the most outstanding features in Reston and includes several large open spaces, forest and stream conservation areas, lakes, and stream valley parks. The proposed guidance retains the list of public parks that serve Reston in the currently adopted plan, and retains flexibility for the equivalent of 12 athletic fields of varying sizes including the provision of unprogrammed open space for sports and activities.

The proposed Environmental Stewardship guidance specifies an environmental vision and the associated planning principles expected to guide development in Reston. The proposed guidance offers insight into environmental issues, describes the challenges facing the community, and offers specific recommendations to address Reston's challenges.

The Heritage Resources recommendations address the need to identify, evaluate, protect, and support both known and potential heritage resources in Reston to retain a decisive link for interpreting Reston's history. The proposed guidance includes language to ensure that the current and planned public facilities will adhere to the principles identified in the Reston Comprehensive Plan.

The Public Art recommendations were updated to ensure developers coordinate public art projects with Public Art Reston early in the design process; work with locally and nationally recognized artists and arts organizations to successfully integrate public art into proposed developments, and to ensure that there is transparency in the Public Art Reston review of public art proposals.

The proposed Comprehensive Plan provides a focus on the equity, community health, and economic development elements that are key to establishing and maintaining a complete community by highlighting key guidance found in other chapters of the proposed Plan, and providing a vision for Equity, Community Health and Economic Development in Reston.

EQUITY IMPACT:

The Reston Comprehensive Plan Amendment proposes new guidance for Reston that is intended to recognize, protect, and guide harmonious development, and extend the legacy of outstanding New Town Planning in Reston. The proposed Plan includes guidance intended to maintain the existing residential densities in the Village Centers, continue to focus higher intensity mixed-use development to the Reston TSAs, and continue to protect, maintain, and provide transitions to the surrounding residential neighborhoods. The proposed Plan highlights the vision and actions to address equity, community health, and economic development for Reston, which was strongly encouraged by the Reston Task Force. The proposed Reston Comprehensive Plan Amendment aligns with the following One Fairfax Policy areas of focus:

1. Community and economic development policies and programs that promote wealth creation and ensure fair access for all people. The Economic Development vision underscores the impact that coordinated planning activities may have on the economic objectives of the county, consistent with the recommendations of the County Policy Plan for Economic Development, and that sustained economic health for Reston plays an important role in addressing equity as described in the Fairfax County Policy for “One Fairfax.”
2. Housing policies that enable all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county, most notably in those mixed-use areas that are accessible to multiple modes of transport. The affordable housing guidance aims to maintain and preserve existing market rate and committed affordable housing throughout Reston, increase the production of new affordable units, provide affordable housing for vulnerable populations, and provide affordable senior housing.
3. Workforce development pathways that provide all residents with opportunity to develop knowledge and skills to participate in a diverse economy and earn sufficient income to support themselves and their families. The economic development vision acknowledges the importance of supporting local access to a comprehensive range of high-quality educational opportunities and supporting workforce development pathways, such as apprenticeship and mentorship programs to benefit the economic well-being of the Reston community.
4. A vibrant food system where healthy, accessible, and affordable food is valued as a basic human necessity. The community health vision highlights that access to food markets and grocery stores is essential for serving a growing population, and that the vision for Healthy Food Infrastructure includes, farmers markets, smaller facilities such as healthy convenience food stores or small format food outlets, and emerging strategies, including rooftop farming, community gardens, urban farms, and urban beekeeping.

5. A built and natural environment that accommodates growth and change in an economically, socially, and environmentally sustainable and equitable manner. This environment includes land use mixes that protect existing stable neighborhoods and green spaces, support sustainability and a high quality of life, and promote employment opportunities, housing, amenities, and services for all people. The proposed Plan includes guidance to maintain the existing residential density in the Village Centers, continue to focus higher intensity mixed-use development in the Reston Transit Station Areas, and continue to protect, maintain, and provide transitions to the surrounding residential neighborhoods. These guidelines balance future land uses with supporting transportation infrastructure and services, increases the production of new affordable housing in Reston, and emphasize the benefits and necessity of human interaction with nature.
6. A healthy and quality environment to live and work in that reflects the need to breathe clean air, to drink clean water now and for future generations. The Plan describes the environmental challenges facing the community and offers specific recommendations to address them.
7. A parks and recreation system that is equitable and inclusive by providing quality facilities, programs, and services to all communities. The proposed Plan recommends additions and improvements to Reston's parks, recreation, and open space system to maximize usage of high-quality, publicly accessible parks and recreation facilities for all users.
8. A multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health. The transportation vision for Reston includes a multimodal system intended to provide safe, efficient, attractive, and dependable travel options in an equitable way for all current and future Reston residents, employees, and visitors.

The proposed Plan Amendment includes an Equity subsection which highlights Reston's long-standing commitment to promoting racial and social equity, to removing barriers that perpetuate injustice, and to uniting Reston around a shared set of goals for its future. The Equity subsection includes the vision for an equitable community for Reston and provides a list of actions to help achieve that vision. The proposed Plan Amendment covers all the planned community of Reston, and the proposed recommendations have the potential to advance equity in Reston and Fairfax County. The Plan Amendment highlights that the equity vision and actions are more than aspirational goals for the Reston community and are foundational to the development of the Reston community. The Plan also highlights that to achieve the goals will require

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building on foundational planning principles related to fairness in a data and community informed approach to identifying vulnerable populations and geographic areas, ensuring equitable protection from hazards, and the equitable distribution of amenities.

The Reston Comprehensive Plan Amendment community engagement process was a more than three-year process which was particularly robust with over 60 public meetings occurring both virtually and in-person, allowing for participation from all interested stakeholders, in addition to the required public hearings. Comments were received through a variety of means and considered as part of the proposed Comprehensive Plan Amendment.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: The Staff Report for PA 2020-III-UP1, dated May 24, 2023, was previously furnished and is available online at: [Staff Report for Plan Amendment 2020-III-UP1 \(Reston Comprehensive Plan Study\) - Fairfax County, VA](#)

Attachment II: The Addendum to the Staff Report for PA 2020-III-UP1, dated June 12, 2023, was previously furnished and is available online at: [Staff Report Addendum 2020-III-UP1 \(Reston Comprehensive Plan Study\) - Fairfax County, VA](#)

Attachment III: Additional Staff Proposed Modifications, dated July 12, 2023, was previously furnished and is available online at: [Reston Comprehensive Plan Amendment - Staff Recommended Modifications \(fairfaxcounty.gov\)](#)

Attachment IV: Supervisor Alcorn's Markup of Planning Commission's Recommended Reston Comprehensive Plan Amendment, dated September 1, 2023, was previously furnished and is available online at: [Proposed Reston Comprehensive Plan Markup \(fairfaxcounty.gov\)](#)

STAFF:

Tracy Strunk, Director, Department of Planning and Development (DPD)

Chris Caperton, Deputy Director, DPD

Leanna H. O'Donnell, Director, Planning Division (PD), DPD

St. Clair D. Williams, Planner III, Urban Centers Section (UCS), DPD

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3:30 p.m.

Public Hearing on RZ 2022-LE-00024 (6235 Brandon Ave LLC) to Rezone from C-6, SC, HC, and CRD Districts to PDC, SC, HC, and CRD Districts to Permit a Hotel and Self-Storage Facility with an Overall Density of 1.35 FAR, and Approval of the Conceptual and Final Development Plan, Located on Approximately 4.34 Acres of Land (Franconia District) (Associated with PA 2021-IV-FS1)

This property is located on the E. side of Brandon Ave., N. side of Commerce St., and W. side of Augusta Dr. Tax Map 80-4 ((1)) 5C1 and 5C2.

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2023, the Planning Commission voted 10-0 (Commissioners Jimenez and Clarke were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2022-LE-00024 and the associated Conceptual Development Plan, subject to the execution of proffered conditions dated July 18, 2023;
- That the site stormwater management remain consistent with the run-off reduction and water quality performance shown on Sheet C-9;
- Approval of Parking Reduction Request pursuant to subsection 3102.3.E.2.B of the Zoning Ordinance based on the advancement of revitalization goals for the Commercial Revitalization District, as set forth in the Comprehensive Plan, including economic vitality, appearance, and function;
- Modification of subsection 2105.4.C.1.A.2 of the Zoning Ordinance to allow the gross floor area of the other secondary uses to exceed 25 percent of the development in accordance with the uses as shown on the CDP/FDP and as proffered;
- Modification of subsection 5100.2.D.8.A.2 of the Zoning Ordinance to permit a commercial building to be constructed closer than 75 feet from the right of way of an interstate highway; and
- Modification of Section 6101.3 of the Zoning Ordinance to reduce the number of loading spaces for the self-storage facility from five to three spaces and the number of loading spaces for the hotel use from two to one space.

Intent to Defer to
09/26/2023 at 3:30 p.m.

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In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Clarke were absent from the meeting) to approve FDP 2022-LE-00024, subject to the Board of Supervisors' approval of RZ 2022-LE-00024.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zach Fountain, Planner, DPD

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3:30 p.m.

Public Hearing on RZ 2022-HM-00023 (Caliber Developments, L.C.) to Rezone from R-1 to R-3 to Permit Three New Single-Family Detached Dwellings with a Total Density of 2.63 Dwelling Units Per Acre, Located on Approximately 1.14 Acres of Land (Hunter Mill District)

This property is located on the W. side of Creek Crossing Rd. and S. side of Ridge Ln. Tax Map 28-4 ((4)) 1.

PLANNING COMMISSION RECOMMENDATION:

On June 28, 2023, the Planning Commission voted 8-0 (Commissioners Murphy, Clarke, Bennett, and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors approval of RZ 2022-HM-00023, subject to the execution of proffered conditions consistent with those dated June 23, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Kevin McMahan, Planner, DPD

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3:30 p.m.

Public Hearing on PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085) (Comstock Reston Station Holdings, LC) to Amend the Proffers and Conceptual Development Plan, for RZ 2016-HM-035, Previously Approved for a Mixed Use Development, to Permit Modifications to Proffers and Site Design at a 4.44 Floor Area Ratio Inclusive of Bonus Density, Located on Approximately 7.64 Acres of Land (Hunter Mill District) (Concurrent with PCA 2009-HM-019-03 (RZPA 2022-HM-00084))

and

Public Hearing on PCA 2009-HM-019-03 (RZPA 2022-HM-00084) (Comstock Reston Station Holdings, LC) to Amend the Proffers for RZ 2009-HM-019, Previously Approved for a Mixed Use Development with a Gross Floor Area at a 3.01 Floor Area Ratio Inclusive of Bonus Density, Located on Approximately 9.91 Acres of Land (Hunter Mill District) (Concurrent with PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085))

This property is located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of Reston Station Blvd. Tax Map 17-4 ((1)) 20A.

This property is located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of the Dulles Airport Access Rd. Tax Map 17-4 ((24)) 3 and 17-4 ((1)) 17E, 17L1, 17L2, 17L3, 17L4, 17L5, 17L6, 17L7.

PLANNING COMMISSION RECOMMENDATION:

On June 28, 2023, the Planning Commission voted 8-0 (Commissioners Murphy, Clarke, Bennett, and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of PCA 2009-HM-019-03, subject to the execution of proffered conditions consistent with those dated June 21, 2023;
- Approval of PCA 2016-HM-035-02, subject to the execution of proffered conditions consistent with those dated June 21, 2023;
- Approval of CDPA 2016-HM-035-02;
- Approval of a modification of subsection 2105.4(C)1(a)1 to permit the gross floor area of residential uses to exceed 50 percent of the gross floor area of principal uses (office) in the PDC District for PCA/CDPA/FDPA 2016-HM-035-02;

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- Reaffirmation of a modification of subsection 5100.2.D.4.c of the Zoning Ordinance on the Use Limitations on Corner Lots to permit the proposed buildings, landscaping, and sign locations within sight triangles formed by streets along the corner lot as shown on the CDPA/FDPA and as proffered;
- Reaffirmation of a modification of subsection 5108.6 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of the landscaping shown on the CDPA/FDPA;
- Reaffirmation of a modification of subsection 6101 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on the CDPA/FDPA;
- Reaffirmation of a modification of subsection 8100.7.E (4) of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on the CDPA/FDPA and in the proffers;
- Reaffirmation of a modification of Public Facility Manual Standards 0310.4E(5) to permit a reduction of the minimum eight-foot planting width requirement as shown on the CDPA/FDPA and as proffered;
- Reaffirmation of a waiver of the 75-foot setback requirement for non-residential uses abutting principal arterial highways as required by subsection 5100.2.D(8)(a) of the Zoning Ordinance;
- Reaffirmation of a modification of subsection 6101 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on CDPA/FDPA 2009-HM-019;
- Reaffirmation of a modification of subsection 5108.6 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of the landscaping shown on the CDPA/FDPA 2009-HM-019; and
- Reaffirmation of a modification of subsection 8100.7.E(4) of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on CDPA/FDPA 2009-HM-019 and in the proffers.

In a related action, the Planning Commission voted 8-0 (Commissioners Murphy, Clarke, Bennett, and Ulfelder were absent from the meeting) to approve FDPA 2016-HM-035-02, subject to the development conditions dated June 13, 2023.

Board Agenda Item
September 12, 2023

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Katie Quinn, Planner, DPD

Board Agenda Item
September 12, 2023

4:00 p.m.

Public Hearing on SE 2023-MV-00006 (Ashley E. Heineman and Gavin A. Dawson) to Permit Uses in a Floodplain, Located on Approximately 7,000 Square Feet of Land (Mount Vernon District) (Associated with VC 2022-MV-00006)

This property is located at 6417 14th St., Alexandria, 22307. Tax Map 83-4 ((2)) (26) 15.

PLANNING COMMISSION RECOMMENDATION:

On July 12, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2023-MV-00006, subject to the proposed development conditions consistent with those dated June 27, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Phillip Isaiah, Planner, DPD

Board Agenda Item
September 12, 2023

4:00 p.m.

Public Hearing on SE 2021-MV-00032 (Karlyn M. Davis, D/B/A Karlyn's Little Blessings) to Permit a Home Day Care Facility, Located on Approximately 22,120 Square Feet of Land (Mount Vernon District)

This property is located at 8850 Creekside Way, Springfield, 22153. Tax Map 97-4 ((4)) 651.

PLANNING COMMISSION RECOMMENDATION:

On July 12, 2023, the Planning Commission voted 11-0-1 (Commissioner Jimenez abstained from the vote) to recommend to the Board of Supervisors approval of SE 2021-MV-00032, subject to the proposed development conditions consistent with those dated June 29, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Curtis Rowlette, Planner, DPD

Board Agenda Item
September 12, 2023

4:00 p.m.

Public Hearing on SE 2022-SP-00036 (Northern Virginia Electric Cooperative) to Permit a New 95 Foot Tall Transmission Pole with Attached Facilities Within the Existing NOVEC'S Moore Electric Substation, Located on Approximately 34,848 Square Feet of Land (Springfield District)

This property is located at 12465a Henderson Rd., Clifton, 20124. Tax Map 85-2 ((1)) 59.

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2023, the Planning Commission voted 10-0 (Commissioners Jimenez and Clarke were absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of SE 2022-SP-00036, subject to the to the development conditions dated July 13, 2023; and
- Approval of the transitional screening modification and waiver of barrier requirements to that shown on the SE Plat.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Damaris Martinez, Planner, DPD

Board Agenda Item
September 12, 2023

4:00 pm

Public Hearing on a Proposed Amendment to Appendix O of the Fairfax County Code to Create a Local Stormwater Management Assistance Fund and Enter into an Agreement with Northern Virginia Soil and Water Conservation District for Fund Administration

ISSUE:

The Department of Public Works and Environmental Services (DPWES) has developed a program to deliver financial assistance and technical guidance to private property owners and common interest communities (CICs) for the repair of privately-owned stormwater management facilities. To implement the program, Fairfax County (County) must adopt an ordinance, create a Local Stormwater Management (SWM) Assistance Fund (Fund), and enter into an agreement with Northern Virginia Soil and Water Conservation District (NVSWCD) to implement grant programs under the Fund.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) approve the proposed amendment as set forth in Attachment 1. DPWES prepared the proposed amendment in coordination with Land Development Services and the Office of the County Attorney.

The County Executive also recommends that the Board authorize the Chairman of the Board, the County Executive, or a designee appointed by the County Executive to enter into an agreement with NVSWCD to implement the Private SWM Facility Assistance Grant Program to disburse grants from the Fund (Attachment 2).

TIMING:

Board action is requested on September 12, 2023. The Board authorized advertisement of public hearings on June 27, 2023. If adopted by the Board, the amendment will become effective at 12:01 a.m. on September 13, 2023.

BACKGROUND:

Under *Va. Code § 15.2-2114.01*, localities may adopt an ordinance to create a Local SWM Assistance Fund to grant money to private property owners or CICs that can be used for (i) the construction, improvement, or repair of SWM facilities; (ii) erosion and sediment control; (iii) or flood mitigation and protection measures. On October 4, 2022, DPWES presented the Local SWM Assistance Fund (see Attachments 3 and 4) to the

Board Agenda Item
September 12, 2023

Environmental Committee. The amendment would create the Fund as a project under the Stormwater Service District, establish what the grants may be used for, and require Board approval of policies and procedures for distributing grants from the Fund. On April 25, 2023, staff presented a framework for implementing the Private SWM Facility Assistance Grant Program (see Attachment 5) to the Environmental Committee. DPWES recommends entering into an agreement with NVSWCD to administer the Private SWM Facility Assistance Grant Program given its experience and success in implementing the Virginia Conservation Assistance Program (VCAP) and the local Conservation Assistance Program (CAP).

EQUITY IMPACT:

Equity is incorporated in the development and implementation of the Private SWM Facility Assistance Grant Program. DPWES and NVSWCD will apply the County's Vulnerability Index in the program implementation phase. Eligibility for the grant program will focus on non-functioning SWM facilities identified in the formal DPWES Maintenance and Stormwater Management Division private facility inspection process and to situations where the County lacks the tools to enforce compliance. Existing data shows that approximately 20 percent of private facilities are in areas identified as 'High to Very High' Vulnerability Areas in the County's Vulnerability Index (CVI). Staff will include relevant socioeconomic data from the CVI to identify areas of overlap with its facility data and grant program participation. During the initial implementation phase, DPWES will seek to better understand where disparities may exist and adjust the program accordingly. If language is a barrier, staff will provide interpretation and translation services as needed. Training and technical resources will also be available in multiple languages.

FISCAL IMPACT:

DPWES recommends allocating \$250,000 for the first year of the grant program from funds available in Project SD-000031, Stream and Water Quality Improvements, Fund 40100, Stormwater Services. Allocation of funds in future years for this program will be identified as a separate line item in the Stormwater budget. Only projects in the County, Town of Herndon, Town of Vienna, and Town of Clifton will be eligible, because each is a contributor to the County's Stormwater Service District.

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Board Agenda Item
September 12, 2023

- Attachment 1 - Proposed Amendment to Appendix O of the County Code
- Attachment 2 - Memorandum of Understanding between the Board and NVSWCD for the Local Stormwater Management Assistance Fund
- Attachment 3 - Local SWM Assistance Fund and Assistance to Private SWM Facility Owners and Operators staff report
- Attachment 4 - Local SWM Assistance Fund presentation to the October 4, 2022, Board Environmental Committee
- Attachment 5 - Local SWM Assistance Fund Update and Recommendation presentation to the April 25, 2023, Board Environmental Committee

STAFF:

- Rachel Flynn, Deputy County Executive
- Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
- Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Divisions, DPWES
- Chad Crawford, Director, Maintenance and Stormwater Management Division, DPWES
- Craig Carinci, Director, Stormwater Planning Division, DPWES
- Willie Woode, Executive Director, Northern Virginia Soil and Water Conservation District

ASSIGNED COUNSEL:

- Marc Gori, Assistant County Attorney

**MEMORANDUM OF UNDERSTANDING BETWEEN
FAIRFAX COUNTY BOARD OF SUPERVISORS AND
NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT
FOR THE LOCAL STORMWATER MANAGEMENT ASSISTANCE FUND**

This Memorandum of Understanding (“MOU”), entered into as of the date of last execution below, is between the Fairfax County Department of Public Works and Environmental Services (“DPWES”) and Northern Virginia Soil and Water Conservation District (“NVSWCD”) (together known as “the Parties”).

RECITALS

WHEREAS, The Fairfax County Board of Supervisors (“the Board”) has created a Local Stormwater Management Assistance Fund (“the Fund”) under Va. Code § 15.2-2114.01;

WHEREAS, moneys allocated to the Fund by DPWES, as approved by the Board, may be used for the construction, improvement, or repair of a stormwater management facility, erosion and sediment control, or flood mitigation and protection measures that are part of a comprehensive water quality or flood mitigation and protection plan adopted by Fairfax County,

WHEREAS, NVSWCD is a political subdivision of the Commonwealth of Virginia which provides advisory, technical, and educational assistance to County residents, County agencies, and other partners, to promote interest in the general improvement of the environment in Fairfax County; and

WHEREAS, NVSWCD is an independent, separate, legal entity apart from the County; and

WHEREAS, the Board is authorized under Virginia Code §§15.2-940 and 15.2-953 to make contributions to organizations such as NVSWCD; and

WHEREAS, it is in the mutual interest of the County and NVSWCD to use the available legal authority, expertise, and resources to promote stormwater management, erosion and sediment control, and flood mitigation within the County;

AGREEMENT

NOW THEREFORE, in consideration of the above, both the County and NVSWCD agree as follows:

1. **Incorporation of Recitals.** The Recitals above are incorporated into and made a part of this MOU as if set forth in their entirety.
2. **The County’s Obligations.** The County will:

- a. Manage the Fund for stormwater management, erosion and sediment control, and flood mitigation in accordance with the policies for implementation of the Fund as approved by the Board of Supervisors pursuant to Appendix O of the Code of Fairfax County.
- b. Provide funding to NVSWCD sufficient to cover the grant awards under the Fund, and any reasonable costs incurred by NVSWCD related to the services it performs to implement the Fund.
- c. Maintain records for all grant awards under the Fund.

3. **NVSWCD's Obligations.** NVSWCD will:

- a. Administer the Funds for stormwater management, erosion and sediment control, and flood mitigation in accordance with the policies for implementation of the Fund as approved by the Board of Supervisors pursuant to Appendix O of the Code of Fairfax County.
- b. Collect all documentation necessary to award grants under the Fund.
- c. Act as the technical lead and project manager for any approved grants under the Fund.
- d. Issue grant awards to approved applicants and send notification to DPWES of those awards and upon disbursement of the funds; and
- e. Maintain standard accounting and recordkeeping sufficient to provide DPWES with an annual report that includes the number of grants awarded, the total grant funds disbursed, grant program costs, and remaining balance of any amount approved by the Board for the Fund.

4. **Contributions.** The County, from time to time and in its sole discretion, may make contributions to NVSWCD in furtherance of the purposes of this MOU. The obligation of the County to make any contribution to NVSWCD under this MOU or any other payment obligations is subject to appropriations by the Board during each fiscal year to satisfy payment of such obligations. The County will provide NVSWCD with written notice of non-appropriation of funds within thirty (30) calendar days after action is completed by the Board. However, the County's failure to provide such notice will not cause this MOU to be extended into a fiscal year in which sufficient funds have not been appropriated.

5. **Notices.** Notices pursuant to this MOU must be given in writing as follows:

If to the County:

Director
Maintenance and Stormwater Management Division

Department of Public Works and Environmental Services
10635 West Drive
Fairfax, Virginia 22030

If to NVSWCD:

Chairman, Board of Directors
Northern Virginia Soil and Water Conservation District
12055 Government Center Parkway, Suite #905
Fairfax, Virginia 22035

Every such notice is deemed to have been given on the date on which it is received or refused by the Party to whom it is sent.

6. **Additional Provisions.**

- a. NVSWCD must abide by any conditions imposed by the Commonwealth of Virginia or the United States of America with respect to any contribution to NVSWCD.
- b. This MOU may not be changed or modified without the written consent of NVSWCD and the County.
- c. This MOU will remain in effect until either Party gives the other Party 90 days' notice seeking to terminate the MOU. Should any funding or permitting contemplated within this MOU terminate, the Parties shall review this MOU and make any necessary revisions to it or terminate it at their discretion. In any event, the County and NVSWCD shall review the MOU at least as often as every five years to determine whether any changes to it are desired.
- d. NVSWCD must make available all financial information or permit the review of such information upon reasonable request from the County or its auditors.
- e. Nothing in this MOU waives the sovereign immunity of the County of Fairfax.
- f. Nothing in this MOU creates any personal liability on behalf of any official, employee, agent, or representative of the County or member or employee of the NVSWCD.
- g. Nothing in this MOU creates in the public, or in any person or entity other than the Parties, any right as a third-party beneficiary hereunder, or authorizes any person or entity, not a party hereto, to maintain any action for personal injury, property damage, or breach of contract pursuant to the terms of this MOU or otherwise.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed as of the date appearing by their signatures.

FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

By: _____
Bryan J. Hill,
County Executive

Date: _____

NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT

By: _____
Gerald O. Peters
Chairman, Board of Directors
Northern Virginia Soil and Water Conservation District

Date: _____




County of Fairfax, Virginia

MEMORANDUM

DATE: September 28, 2022

TO: Board of Supervisors

FROM: Bryan J. Hill
County Executive 

SUBJECT: Local Stormwater Management Assistance Fund and Assistance to Private Stormwater Management Facility Owners and Operators

Introduction:

This recommended program would deliver financial assistance and technical guidance to private property owners and common interest communities (CICs) for the repair of privately-owned stormwater management (SWM) facilities. To establish the program, Fairfax County (County) will need to create a local SWM fund (Fund) by adoption of an ordinance. This recommended program follows onto the County's Board of Supervisors (Board) direction to augment the existing Northern Virginia Soil and Water Conservation District (NVSWCD) conservation assistance program, given at the [July 20, 2021, Environmental Committee meeting](#).

Background:

Under [Va. Code § 15.2-2114.01](#), localities may create, by ordinance, a Fund to assist private property owners or CICs with: (1) the construction, improvement, or repair of SWM facilities; (2) erosion and sediment control; (3) or flood mitigation and protection measures.

Program Overview

The County's SWM system is an interconnected network of infrastructure managed by both public and private entities, making SWM a shared responsibility. The County is responsible for maintaining most dry ponds in the County easements that are located on private property residential communities; wet regional stormwater ponds; and stormwater infrastructure on public land (land owned by the Board, Fairfax County Public Schools, Fairfax County Park Authority, and Fairfax County Redevelopment and Housing Authority). Private property owners are responsible for maintenance of SWM facilities that are not maintained by the County. Importantly, the County has a regulatory obligation under its Municipal Separate Storm Sewer System Permit to ensure the long-term functionality of these privately maintained facilities. Therefore, an effective partnership between the County and private property owners is critical to ensure proper operation and maintenance of the County's SWM program.

Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 711, Fax 703-324-3956
www.fairfaxcounty.gov

Board of Supervisors

Local Stormwater Management Assistance Fund and Assistance to Private Stormwater Management Facility Owners and Operators

Page 2 of 2

To promote long-term functionality of the County's SWM system, DPWES and NVSWCD propose a three-pronged approach to the implementation of the Fund: (1) establish the Fund by amending the County code; (2) develop a program framework document to administer the grant program; and (3) implement the grant program.

1. The Fund will be created by amending [Appendix O](#) (Fairfax County Stormwater Service District) of the County Code. The amendment creates the Fund as a project under the Stormwater Service District, establishes what the grants may be used for, and provides for Board approval of policies and procedures for distributing the grants. Although staff is recommending that initial grants be used for private SWM facility repair only, the amendment would allow grant funds to be issued for erosion and sediment control and flood mitigation and protection measures.
2. Staff will create a program framework document detailing the purpose, partner roles, responsibilities, eligibility criteria, consideration of equity under One Fairfax, and program details to support grant distribution to private SWM facility owners and operators. Promoting sustainable communities is a key initiative for the County. To aid in the resiliency of the County's interconnected SWM network, DPWES and NVSWCD will provide technical assistance to educate private owners of their responsibilities, including long-term budget planning for SWM infrastructure. Resources may include information about routine inspection and repair practices, troubleshooting problems, and long-term financial planning.
3. Staff will implement the grant program. The grants will be funded by the County SWM Program through the Stormwater Service District and administered and managed by NVSWCD. DPWES recommends assigning an initial funding of \$250,000 for the first year. DPWES anticipates this amount will cover approximately five small repair projects each year, plus NVSWCD program administrative costs. DPWES will track how the funds are disbursed and then recommend future annual budgets based on the findings. The amount of money for grant distribution will be approved through the budget process.

DPWES intends to present the staff recommendation to create the Fund by amending Appendix O of the County Code to the Board at the upcoming Environmental Committee on October 4, 2022.

cc: Rachel Flynn, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Willie Woode, Acting Executive Director, Northern Virginia Soil and Water Conservation District
Eleanor Ku Coddling, Deputy Director, DPWES, Stormwater and Wastewater Divisions
Craig Carinci, Director, DPWES, Stormwater Planning Division
Chad Crawford, Director, DPWES, Maintenance and Stormwater Management Division
Marc Gori, Assistant County Attorney, Office of the County Attorney
Martha Reed, Capital Programs Coordinator, Department of Management and Budget
Jennifer Miller, Financial Specialist IV, DPWES, Wastewater and Stormwater Management

Local Stormwater Management Assistance Fund

A Grant Funding Opportunity to Promote Sustainable Communities



A Fairfax County, VA, publication
October 4, 2022



Create a Local Stormwater Management (SWM) Fund

Seeking Board recommendation to pursue creation of a fund

Localities may create, by ordinance, a fund to assist private property owners or Common Interest Communities (CICs) with:

- The construction, improvement, or repair of SWM facilities
- Erosion and sediment control
- Flood mitigation and protection measures

(2021 Va. Code § 15.2-2114.01)



Develop a Private SWM Facility Assistance Grant Program

- Partner with private owners to support the long-term functionality of the SWM program
- Deliver financial assistance and technical guidance to private property owners and CICs for the repair of privately owned SWM facilities
- Administered by Northern Virginia Soil and Water Conservation District (NVSWCD)
- Initial funding of \$250,000 for the first year



This Grant Builds on Two Existing SWM Facility Programs



Conservation Landscaping



Millwood Wet Pond

- Conservation Assistance Program Supplement
 - Approved by the Board in 2021
 - Supplements the NVSWCD Conservation Assistance Program
 - Provides cost-share and technical assistance for the voluntary installation of stormwater best management practices by individual private property owners
- Private to Public Pond Pilot Program
 - Initiated by Board direction in 2017
 - Pilot program to move selected private dry and wet ponds to public maintenance



Grant Limited to SWM Facilities That Meet Specific Criteria

Eligibility criteria for why the facility failed:

- Design/construction flaws
- Defunct and/or purged Homeowners Association (HOA)
 - Require reestablishment as a part of the grant
- No private maintenance agreement (PMA)
 - Require PMA as part of grant
- “Other” category for programmatic discretionary use of funds to capture unique situations
 - Example- HOA increases dues but is still lacking funds to maintain facility



Private to Public Pilot Status

Property Values in Millwood Pond Subdivision



(image source: www.zillow.com)

Four pilots moved forward:

- Millwood – Complete
 - No capital funding required
- VA Center – Construction Underway
 - Estimated project cost 1.5M, County Share = 97%; HOA Share 3%
- Green Trails – Construction Planned for CY23
 - Estimated project cost 550k, County Share = 46%; HOA Share 54%
- Gunston Corner – Agreement Under Negotiation
 - Estimated project cost 750k, County Share = 75%; HOA Share 25%

Note: If maintenance is needed at the time of application, the community is responsible for a fractional share of the maintenance costs based on the drainage area served by the community and the county pays for the offsite drainage area portion.



Private to Public Pilot Comparison

	Private to Public	SWM Fund *
Maintenance agreement (frequently includes cost share)	Yes	No
Grant agreement	No	Yes
Permanent easements	Yes	No
Limited to wet ponds and detention basins that serve residential areas	Yes	No
Meet minimum PFM requirements for public maintenance (e.g. safety improvements, permanent access, etc.)	Yes	No
Facility must be functional	Yes	Yes
Significant Capital Investment	Yes	TBD
Significant amount time to go through the process	Yes	No

* These are anticipated and would be determined after further development of a program.



Recommendations

- Create the Fund by amending Appendix O (Fairfax County Stormwater Service District) of the County Code
- Continue 'Private to Public' pilot and share the results with the Board



Next Steps

If the Board approves the creation of the Fund, staff will:



Prepare an amendment to Appendix O for the Board's consideration



Develop a program framework document to support grant distribution to private SWM facility owners and operators



Present the program framework document to the Board in Spring 2023



Additional Information

For additional information, please contact

Chad Crawford

703-877-2864

chad.crawford@fairfaxcounty.gov

www.fairfaxcounty.gov/publicworks





Local Stormwater Management Assistance Fund

Update & Recommendation

Chad Crawford, Director
Maintenance and Stormwater Management Division
Department of Public Works and Environmental Services

April 25, 2023



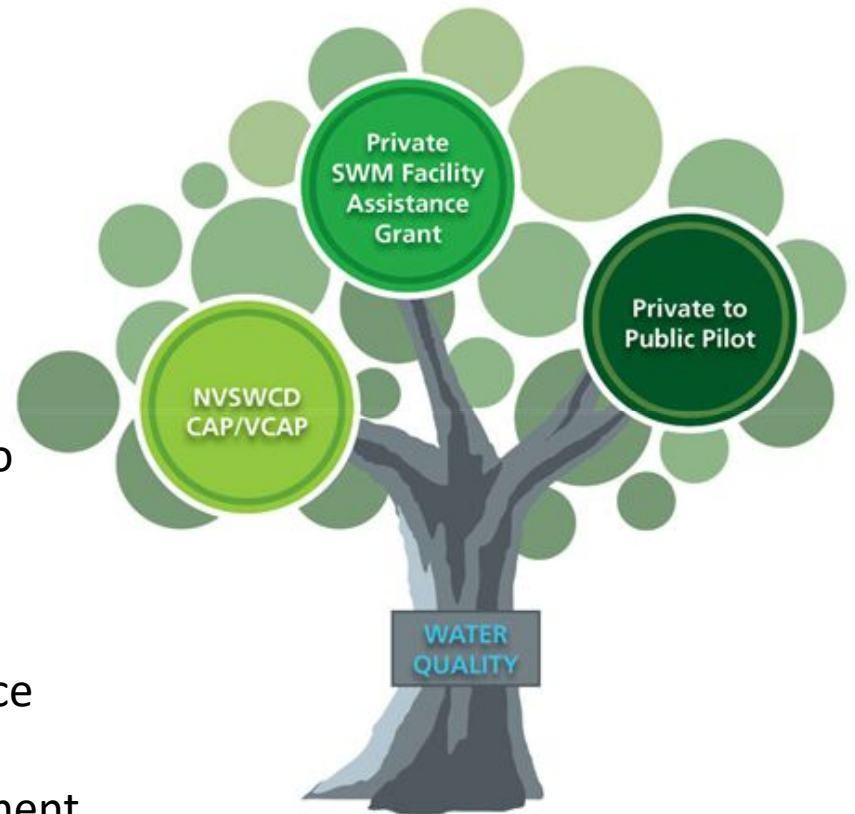
OVERVIEW: Northern Virginia Soil and Water Conservation District Conservation Assistance Program/Virginia Conservation Assistance Program



UPDATE: Pilot project for four privately-maintained residential ponds receiving offsite drainage to move into public maintenance



RECOMMENDATION: Maintenance grant program for privately-maintained stormwater management facilities





Conservation Assistance Program (CAP) Virginia CAP (VCAP)



Various needs met



NVSWCD oversees and administers the program



State (VCAP) and local (CAP) funding



Private to Public Program Eligibility



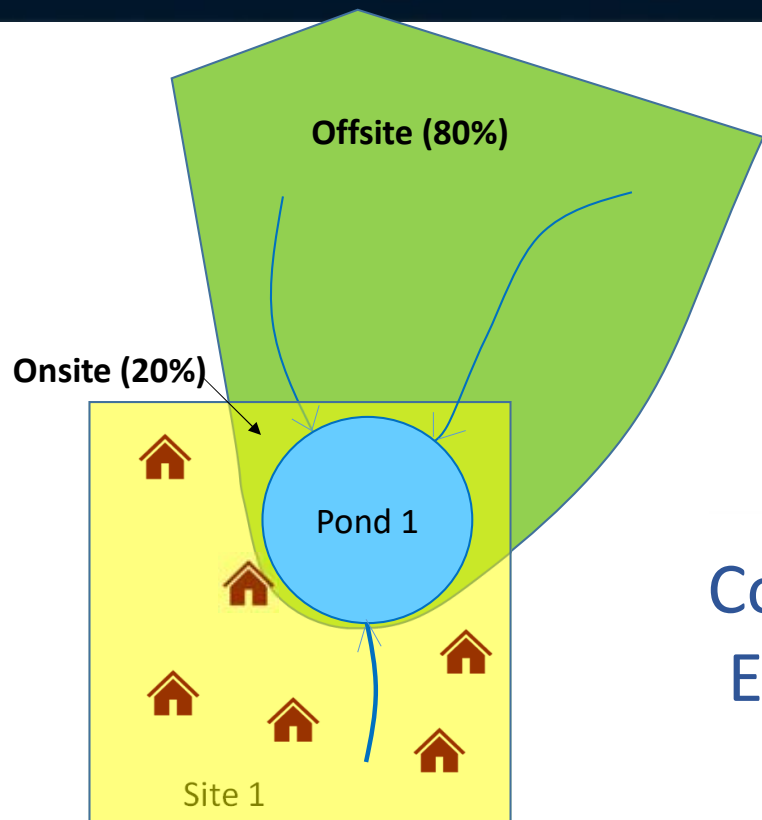
Wet and dry ponds serving residential areas



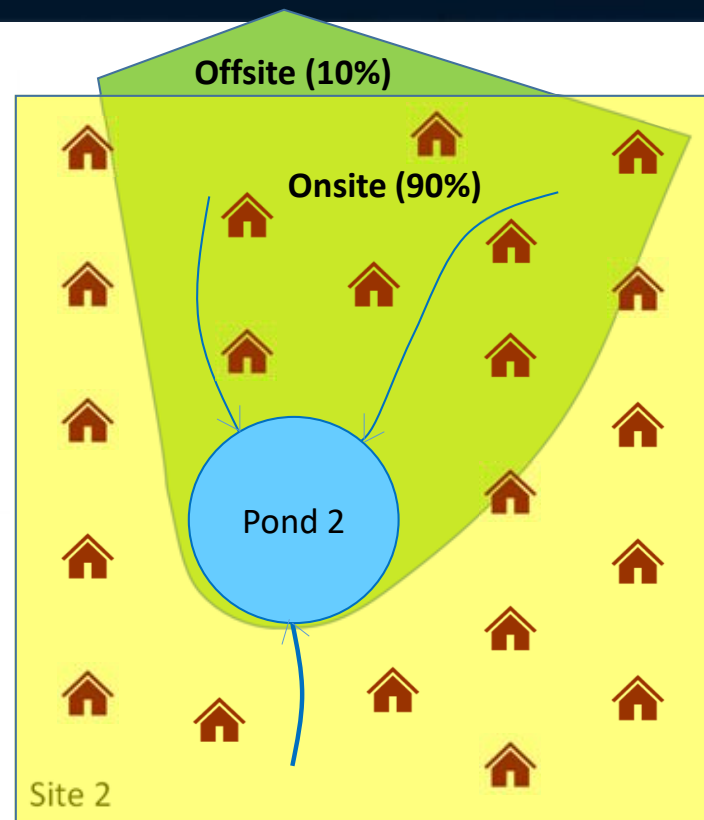
“Near” as-built condition



Cost share maintenance based on % onsite (community)
vs offsite (County) drainage



Cost-Share Examples



Pond 1:
80% of drainage is from offsite sources
County pays 80% of project costs

Pond 2:
10% of drainage is from offsite sources
County pays 10% of project costs



Pilot Communities - Update

	Share (%) County/HOA	Est. Project Total (\$)	County Cost (\$)	Status
Millwood Pond (2073WP)	N/A	0	0	Complete No land acquisition needed No maintenance needed Agreement signed No cost-share required
Virginia Center [Nutley Pond] (2154WP)	97 / 3	1.5M	1.47M	Complete Land acquisition needed Complex maintenance project required Agreement signed Cost-share complete
Green Trails (2153WP)	46 / 54	287k	132k	FY23 Construction No land acquisition needed Complex maintenance project required Agreement signed
Gunston Corner (S0453/WP0132)	75 / 25	750k	563k	Negotiations Land acquisition needed Complex maintenance project required Agreement NOT signed Turnover in COA and Mgmt Representation
Estimated Total			\$2.17M	



Next Steps

Finish the pilot program then return to committee meeting with a program recommendation

- Evaluate quantitative and qualitative data
 - Vulnerability Index
 - Disproportionate Impact
 - Number of homes
 - Average home value
 - Percent (%) offsite drainage

Proposed Maintenance Grant Program Eligibility



Non-functional and meets one of the following criteria:
No Private Maint. Agmt., Defunct HOA/COA, Design/Construction Flaw, etc.



Provides technical support to all private facility owners



Open to all types of individual property owners, including commercial, condo and homeowner associations, and houses of worship



Provides a one-time financial reimbursement per SWM facility



Covers up to 80% of total eligible maintenance or replacement costs up to \$7,000

Cost-Share Program Comparisons

	CAP/VCAP	Private to Public Pilot	SWM Fund
Supports existing stormwater facility?	X	✓	✓
Cost-share?	✓	✓	✓
Long-term maintenance agreement?	NVSWCD only	✓	✓
Technical assistance & outreach?	✓	✓	✓
Permanent easements required?	X	✓	X
Assists all facility types?	Limited	X	✓
Facility must be functional for program assistance?	N/A	✓	X
Significant capital investment?	X	✓	X
Significant timeline?	X	✓	X
Program administrator?	NVSWCD	DPWES	DPWES & NVSWCD



Recommendation

Approval to create a Local Stormwater Management (SWM) Fund under Appendix O of the County Code

Approval to establish a Private SWM Facility Assistance Grant Program

- Initial budget is \$250k

Questions?



Board Agenda Item
September 12, 2023

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Merrifield Capacity Sanitary Sewer Upgrade (Providence District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of the Merrifield Capacity Sewer Upgrade in Project WW-000032-009, Gravity Sewer Capacity Improvements, Fund 69300, Sewer Construction Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On July 25, 2023, the Board authorized advertisement of a public hearing to be held on September 12, 2023, commencing at 4:00 p.m.

BACKGROUND:

This project consists of construction of a new 20-inch PVC DR 14 gravity sewer pipe via micro tunneling with a 30-inch steel casing to provide approximately 563 linear feet of upgraded sewer as well as new manholes 058A, 059A, and 060A in the Merrifield area between the U.S. Postal Service Facility and Eskridge Road. The existing 12-inch line from manhole 058 to 060 or 563 linear feet shall be abandoned, and existing laterals will be connected to the new gravity sewer.

Land rights for these improvements are required on seven properties, one of which has been acquired by the Land Acquisition Division (LAD). Land rights for three properties will be signed prior to the September 12, 2023, Public Hearing. The remaining three properties are still required for this project. The construction of this project requires the acquisition of Sanitary Sewer Easements, Temporary Access Easements, and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers on certain parcels (see List of Affected Properties) to commence construction of this project on schedule. These powers are

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conferred upon the Board by statute, namely, *Va. Code Ann. Sections 15.2-1901 through 15.2-1905* (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:

The Merrifield Gravity Sewer Capacity Upgrades project originated due to Wastewater Planning and Monitoring Division's identification that a series of pipes were at risk for Sanitary Sewer Overflows (SSOs) into nearby buildings and the environment due to the current average daily flows and the current pipe size. The goal of the project is to alleviate this public health risk concern and provide additional capacity to account for the growing population size upstream of the pipes in the Merrifield area.

The project area is located in a Low Vulnerability Index block, with a vulnerability index of 2.13, where 9.92 percent of the renter population is severely burdened, and 16.57 percent of the population is in a low-income occupation. The project aligns with multiple focus areas of the One Fairfax Policy. Construction of the proposed sanitary sewer capacity upgrade supports focus area 6, safely protecting the health of residents from sanitary sewer overflows into buildings and the environment that are currently at risk due to the current average daily flows in the existing pipes. Improved sanitary sewer capacity ensures that focus area 10's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained sanitary sewer system serving the neighborhood. The overall goal of the project aligns with focus area 11's guidance to protect the environment and accommodate the anticipated growth in population that will result in higher sanitary sewer flows and thereby allow economic and social development, while maintaining the protection of the environment, private property and public health from sanitary sewer overflows. The incorporation of additional capacity in the project, that allows for additional development ensures meeting Focus area 11's prosperity goals of Fairfax County and provides access for development that is based on the principles associated with sustainability, and protecting community health. Finally, the project promotes focus area 12's goal of providing a healthy and quality environment to live and work in for current and future generations.

The LAD's project locations are chosen by other departments, resulting in the Division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. As a result of both the risk to public health and the environment, project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

Board Agenda Item
September 12, 2023

FISCAL IMPACT:

Funding is currently available for the construction of the Merrifield Capacity Sewer Upgrade in Project WW-000032-009, Gravity Sewer Capacity Improvements, Fund 69300, Sewer Construction Improvements. This project is included in the FY 2024-FY2028 Adopted Capital Improvement Program (With Future Fiscal Years to FY 2033). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 3A).

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Carey F. Needham, Deputy Director, Capital Facilities, DPWES

Magdi Imbabi, Director, Wastewater Design & Construction Division, DPWES

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



MERRIFIELD CAPACITY UPGRADE

Project: WW-000032-009
Providence District

Tax Map: 049-3

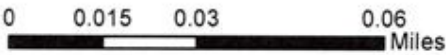
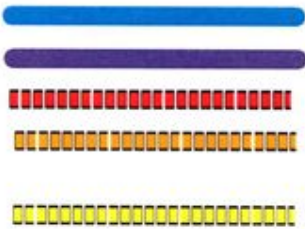
Affected Properties:

Existing Sewer:

Proposed Sewer Easement:

Temporary Access Easement:

Grading Agreement &
Temp Const. Easement:



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, September 12, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Project WW-000032-009, Merrifield Capacity Sewer Upgrade, Gravity Sewer Construction Improvements previously had been approved by the Board of Supervisors; and

WHEREAS, to implement the project, acquisition of the necessary property rights to do so, including if necessary by eminent domain, requires authorization by the Board following a public hearing pursuant to advertisement of notice; and

WHEREAS, the Board today has held such a public hearing after the required notice; and

WHEREAS, the property interests that are necessary to be acquired have been identified in the Board Package submitted by Staff, specifically property interests on Tax Map parcels 049-3-01-0095, -0096, and -0098; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than October 27, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 3A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, this Board hereby declares it necessary to acquire the said property and property interests for the purpose of construction of an important new 20-inch PVC DR 14 gravity sewer pipe via micro tunneling with a 30-inch steel casing to provide approximately 563 linear feet of upgraded sewer as well as new manholes in the Merrifield area between the U.S. Postal Service Facility and Eskridge Road, including the acquisition of Sanitary Sewer Easements, Temporary Access Easements, and Grading Agreement and Temporary Construction Easements, and any other easements as may be needed; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after October 13, 2023, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, the appropriate certificates of take in accordance with the requirements of the Code of Virginia, to acquire the necessary property interests from such property owners and be it further

RESOLVED, that the County Attorney is hereby authorized to institute the necessary legal proceedings to acquire indefeasible title to the property interests identified in the certificates by condemnation proceedings.

LISTING OF AFFECTED PROPERTIES
Project WW-000032-009 – Merrifield Capacity Sewer Upgrade
(Providence District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. ROV Eskridge Rd LLC SOT Eskridge Rd LLC WRO Eskridge Rd LLC JMO Eskridge Rd LLC PEO Eskridge Rd LLC Address: 2926 Eskridge Rd Fairfax, VA 22031	049-3-01-0095
2. ROV Eskridge Rd LLC SOT Eskridge Rd LLC WRO Eskridge Rd LLC JMO Eskridge Rd LLC PEO Eskridge Rd LLC Address: 2920 Eskridge Rd Fairfax, VA 22031	049-3-01-0096
3. CJC Associates Address: 8315 Route 29 Fairfax, VA 22031	049-3-01-0098

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 049-3-01-0095

Street Address: 2926 Eskridge Rd Fairfax, VA 22031

OWNER(S): ROV Eskridge Rd LLC
SOT Eskridge Rd LLC
WRO Eskridge Rd LLC
JMO Eskridge Rd LLC
PEO Eskridge Rd LLC

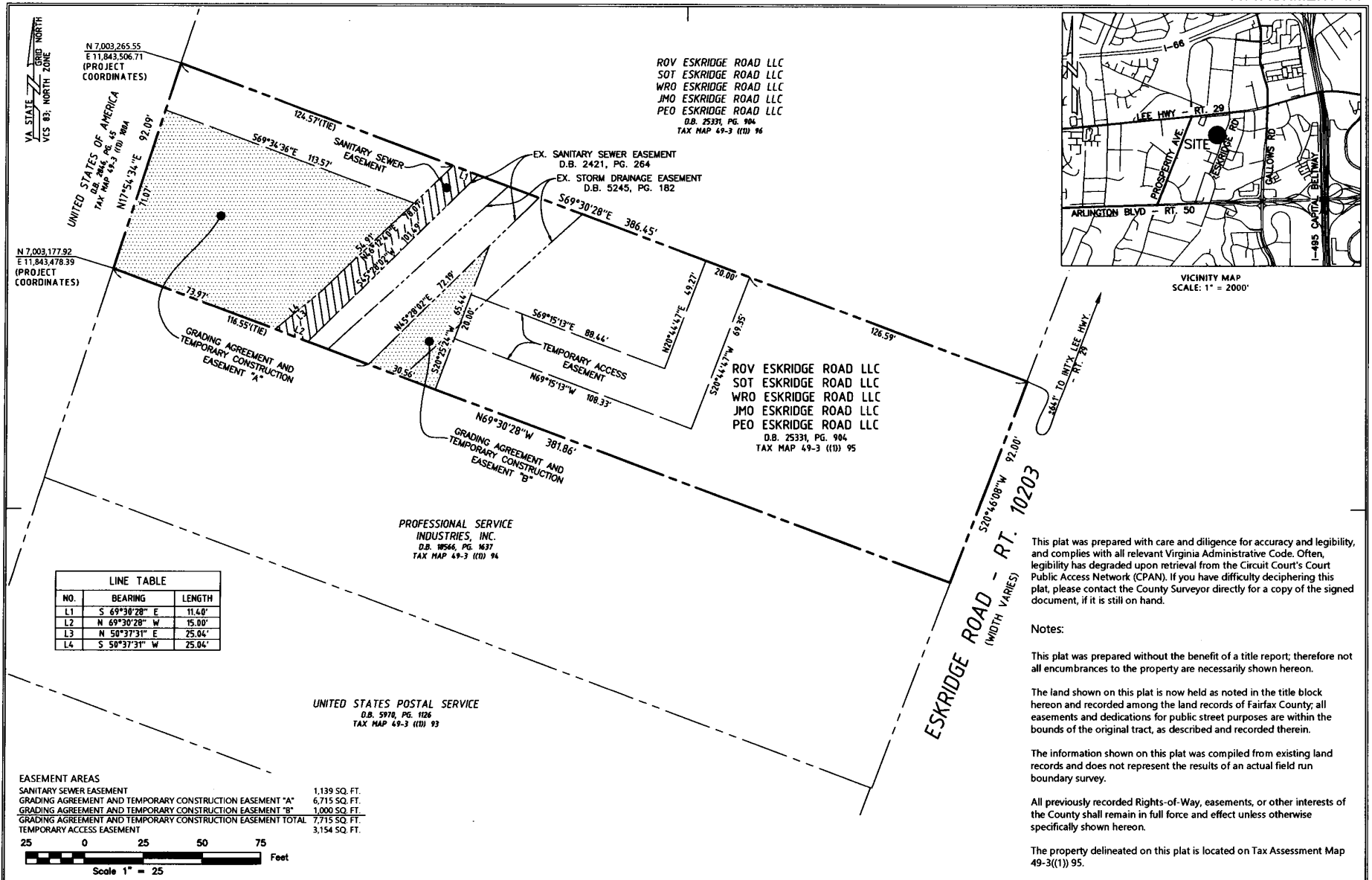
INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Sanitary Sewer Easement – 1,139 sq. ft.
Grading & Temporary Easement- 7,715 sq. ft.
Temporary Access Easement-3,154 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED SIXTEEN THOUSAND TWO HUNDRED DOLLARS
(\$116,200.00)



This plat was prepared with care and diligence for accuracy and legibility, and complies with all relevant Virginia Administrative Code. Often, legibility has degraded upon retrieval from the Circuit Court's Court Public Access Network (CPAN). If you have difficulty deciphering this plat, please contact the County Surveyor directly for a copy of the signed document, if it is still on hand.

Notes:

This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.

The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County; all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

The property delineated on this plat is located on Tax Assessment Map 49-3((1)) 95.

PLAT SHOWING SANITARY SEWER EASEMENT, GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT AND TEMPORARY ACCESS EASEMENT THROUGH THE PROPERTY BEING IN THE NAME OF

**ROV ESKRIDGE ROAD LLC
SOT ESKRIDGE ROAD LLC
WRO ESKRIDGE ROAD LLC
JMO ESKRIDGE ROAD LLC
PEO ESKRIDGE ROAD LLC**

PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA
D.B. 25331, PG. 904



COUNTY OF FAIRFAX VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA



MERRIFIELD CAPACITY UPGRADE
WW-000032-009

DRAWN BY: KIL DATE: 12/20/21 SCALE: 1" = 25' SHEET 1 OF 1

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 049-3-01-0096

Street Address: 2920 Eskridge Rd Fairfax, VA 22031

OWNER(S): ROV Eskridge Rd LLC
SOT Eskridge Rd LLC
WRO Eskridge Rd LLC
JMO Eskridge Rd LLC
PEO Eskridge Rd LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Sanitary Sewer Easement -1,227 sq. ft.
Temporary Access Easement- 4,211 sq. ft.

VALUE

Estimated value of interests and damages:

SIXTY THOUSAND TWO HUNDRED DOLLARS
(\$60,200.00)

ATTACHMENT 3

AFFECTED PROPERTY

Tax Map Number: 049-3-01-0098

Street Address: 8315 Route 29 Fairfax, VA 22031

OWNER(S): CJC Associates

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Sanitary Sewer Easement – 777 sq. ft.
Grading & Temporary Easement- 4,265 sq. ft.
Temporary Access Easement-7,948sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED SEVENTY-FOUR THOUSAND ONE HUNDRED DOLLARS
(\$174,100.00)

Board Agenda Item
September 12, 2023

4:30 p.m.

Public Hearing on SE 2022-MV-00033 (Nighat Iqbal, D/B/A Lorton Family Childcare) to Permit a Home Day Care Facility, Located on Approximately 3,400 Square Feet of Land (Mount Vernon District)

This property is located at 9914 East Hill Dr., Lorton, 22079. Tax Map 113-2 ((8)) 43.

PLANNING COMMISSION RECOMMENDATION:

On July 26, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2022-MV-00033, subject to the proposed development conditions consistent with those dated July 11, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Cathy Lewis, Branch Chief, DPD

Board Agenda Item
September 12, 2023

4:30 p.m.

Public Hearing on SE 2022-BR-00042 (Tiffany D. Santana) to Permit a Congregate Living Facility, Located on Approximately 12,133 Square Feet of Land (Braddock District)

This property is located at 5252 Pumphrey Dr., Fairfax, 22032. Tax Map 68-4 ((9)) 1543.

PLANNING COMMISSION RECOMMENDATION:

On June 21, 2023, the Planning Commission voted 10-0 (Commissioners Murphy and Ulfelder were absent from the meeting) to defer the decision only for SE 2022-BR-00042 to a date certain of July 12, 2023, with the record remaining open for written comments. On July 12, 2023, the Planning Commission voted 12-0 to defer consideration of SE 2022-BR-00042 for an additional public hearing on July 27, 2023.

On July 27, 2023, the Planning Commission voted 10-0 (Commissioners Murphy and Carter were absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of SE 2022-BR-00042, subject to the development conditions consistent with those dated July 27, 2023; and
- Approval of a waiver of the transitional screening and barrier requirements along all boundaries of the property in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Brent Krasner, Planner, DPD