FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 24, 2025

AGENDA

9:30	Presentations
9:30	Presentation of the A. Heath Onthank Award
9:30	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:00	Matters Presented by Board Members
10:00	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approval of Streets into the Secondary System – Willow Hill (Hunter Mill District)
2	Additional Time to Establish Use or Commence Construction for Special Exception Amendment SEA-83-A-026, Capital Services, Inc. d/b/a Ravensworth Shell (Braddock District)
3	Authorization for the Fairfax County Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2025 Safe Streets and Roads for All Discretionary Grant Program
4	Supplemental Appropriation Resolution AS 25280 for the Department of Information Technology to Accept the Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency for the Responder to Responder Program
5	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 2026 Public Safety Answering Point Grant Program

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 24, 2025

ACTION ITEMS

1		Adoption of a Resolution for the Bailey's Crossroads Volunteer Fire Department Fire and Rescue Equipment Financing (Mason District)
2		Approval of the One-Year Action Plan for the Use of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funds in FY 2026
3		Authorization of Fall 2025 School Bond Referendum
4		Annual Adoption of the Board's Policy Governing Remote Participation of Board Members in Public Meetings

CONSIDERATION ITEMS

1		Fairfax County Police Civilian Review Panel Amended Bylaws
2		Approval of Revisions to the Bylaws of the Reston Transportation Service District Advisory Board (Dranesville and Hunter Mill Districts)

INFORMATION ITEMS

1		Update to Tysons Public Facilities Cash Contribution Amount (Providence and Hunter Mill Districts)

CLOSED SESSION

Closed Session

PUBLIC HEARINGS

3:30	.	Public Hearing on PCA 2006-LE-010 (RZPA 2023-FR-00103) (Ramada Family LLC) (Franconia District)
3:30		Public Hearing on SE 2024-FR-00026 (HANIMP JV SPRINGFIELD VA LLC) (Franconia District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 24, 2025

PUBLIC HEARINGS (continued)

3:30	Public Hearing on Proposed Plan Amendment SSPA 2023-III-2BR (A&A Contracting, Inc.) (Sully District)
3:30	Public Hearing on RZ 2020-SU-005 (A&A Contracting, Inc.) (Sully District)
4:00	Public Hearing to Convey Certain Land Rights in Board-Owned Property to the Virginia Department of Transportation for the Vienna Metro Station Bicycle and Pedestrian Improvements Project (Providence District)
4:00	Public Hearing to Grant and Terminate Easements on County-Owned Property at 8914 Little River Turnpike to Global Signal Acquisitions IV LLC (Mason District)
4:00	Public Hearings on a Proposed Zoning Ordinance Amendment Re: Secondary Uses in Planned Development Housing and Planned Development Commercial Districts, and Submission Requirements for Final Development Plan
4:00	Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-9 and 7-2-13 to Divide and Create a Precinct in Mount Vernon District; Relocate a Polling Place in the Franconia District; Rename a Polling Place in Franconia District; and Adjust Two Precincts' Boundaries in Providence District (Franconia, Mount Vernon and Providence Districts)
4:00	Public Hearing to Consider an Ordinance Establishing the Edison Residential Permit Parking District, District 50 (Franconia District)
4:00	Public Hearing to Consider an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)
4:30	Public Hearing on a Proposal to Vacate and Abandon Portions of Hillview Court (Franconia District)
4:30	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 24, 2025

PUBLIC HEARINGS (continued)

4:30		Public Hearing to Consider Amendments to the Code of the County of Fairfax – Chapter 5, Relating to Possession of Alcoholic Beverages
4:30		Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments
4:30		Public Hearing on Appendix Q of the Code of the County of Fairfax, Proposed Amendments
4:30	To be Deferred to 10/14/2025 at 4:00 p.m.	Public Hearing Under Virginia Code § 15.2-934 to Seek Comment on the Advisability of the County Providing Garbage, Trash or Refuse Collection Service and to Consider Displacement of Private Waste Companies to Enable Formation of a Unified Sanitary District(s)
4:30		Public Comment

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
June 24, 2025

9:30 a.m.

PRESENTATIONS

RESOLUTION — To honor Rose Chu for her exceptional service to the Fairfax County Health Care Advisory Board. Requested by Chairman McKay and Supervisor Jimenez.

PROCLAMATION — To recognize June 19, 2025, as Juneteenth in Fairfax County. Requested by Chairman McKay.

PROCLAMATION — To designate June 2025 as Gun Violence Awareness Month in the County. Requested by Chairman McKay.

PROCLAMATION — To designate June 2025 as Fatherhood Awareness Month in Fairfax County. Requested by Chairman McKay, Supervisor Alcorn, Supervisor Bierman, Supervisor Jimenez, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck and Supervisor Walkinshaw.

PROCLAMATION — To designate July 3, 2025, as Greatest American Cleanup Kickoff Day in Fairfax County. Requested by Chairman McKay and Supervisor Herrity.

STAFF:
Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs
Imtiaz Ali, Office of Public Affairs

Board Agenda Item
June 24, 2025

9:30 a.m.

Presentation of the A. Heath Onthank Award

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
John Townes, Commissioner, Civil Service Commission
Paul Davis, Chairman, A. Heath Onthank Committee
Shelley Scianna, Deputy Director, Department of Human Resources
Jeffrey McKay, Chairman, Board of Supervisors
Bryan J. Hill, County Executive

Board Agenda Item
June 24, 2025

9:30 a.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard June 24, 2025

STAFF:
Jill G. Cooper, Clerk for the Board of Supervisors

NOTE: This document is current as of June 16, 2025. The final document – as approved by the Board of Supervisors - will be included in the final board package that is posted to the website the day following the meeting.

APPOINTMENTS TO BE HEARD JUNE 24, 2025
(ENCOMPASSING VACANCIES PROJECTED THROUGH JULY 2, 2025)
(Unless otherwise noted, members are eligible for reappointment)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (1-year term)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Clifford L. Fields; appointed 2/09-1/20 by Bulova) Term exp. 1/21 *Resigned*	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 2/24 by Bierman) Term exp. 1/25	Dranesville District Representative		Bierman	Dranesville

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ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Noah Abraham; appointed 5/23-11/24 by McKay) Term exp. 9/28 *Resigned*	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Ben Zuhl; appointed 12/21 by Foust) Term exp. 9/25 *Resigned*	Dranesville District Representative		Bierman	Dranesville

CONFIRMATION NEEDED:

- Mr. Andre Lee as the City of Fairfax Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13-6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large

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AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)
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Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by James Francis Carey; appointed 5/06 by Connolly) Term exp. 5/10 *Resigned*	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year Terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Kerrie Wilson (Appointed 6/21 by McKay) Term exp. 6/25	Co-Chair #1 Representative		McKay	At-Large Chairman
Jeremy Allen (Appointed 6/23 by Gross) Term exp. 6/25	Mason District Representative		Jimenez	Mason
VACANT (Formerly held by Keary Kincannon; appointed 6/23 by Storck) Term exp. 6/25 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon

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AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year Terms)
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Incumbent History	Requirement	Nominee	Supervisor	District
Marcie Foster (Appointed 5/24 by Palchik) Term exp. 6/25	Providence District Representative		Palchik	Providence
Barfonce Baldwin (Appointed 3/24 by Herrity) Term exp. 6/25	Springfield District Representative		Herrity	Springfield
Dominic Taddeo (Appointed 10/23 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

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ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP) (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Ronald Boggio (Appointed 5/22 by McKay) Term exp. 10/23	At-Large #1 Representative		By Any Supervisor	At-Large
Grant J. Nelson (Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96-5/01 by Hanley; 6/04-10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Richard Bolger; appointed 1/21 by McKay) Term exp. 10/23 *Resigned*	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Perlstein; appointed 11/22 by Alcorn) Term exp. 10/25 *Resigned*	At-Large #6 Representative		By Any Supervisor	At-Large

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ARCHITECTURAL REVIEW BOARD (3-year terms)

NOTE: Members shall be appointed by the Board as follows: At least two (2) members shall be certified architects; one member shall be a landscape architect authorized to practice in Virginia; one member shall be a lawyer with membership in the Virginia Bar; six (6) members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.

Incumbent History	Requirement	Nominee	Supervisor	District
Kaye Orr (Appointed 6/18-9/21 by Gross) Term exp. 9/24	Related Professional Group #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Ali Akbar Sohanghpurwala; appointed 9/23 by Smith) Term exp. 9/24 *Resigned*	Related Professional Group #2 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Marc Fernandes; appointed 10/20-1/22 by McKay) Term exp. 12/23 *Resigned*	Diversity-At-Large Principal Representative		By Any Supervisor	At-Large
Marcia Daniels (Appointed 6/23 by Walkinshaw) Term exp. 6/25	Braddock District Principal Representative		Walkinshaw	Braddock
Mark O'Meara (Appointed 6/23 by Herrity) Term exp. 6/25	Braddock District Alternate Representative		Walkinshaw	Braddock

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ATHLETIC COUNCIL (2-year terms)
Continued from previous page

Incumbent History	Requirement	Nominee	Supervisor	District
Ian Harper (Appointed 10/23 by Foust) Term exp. 3/25	Dranesville District Principal Representative		Bierman	Dranesville
Brian Luwis (Appointed 7/19-6/21 by Foust) Term exp. 3/23	Dranesville District Alternate Representative		Bierman	Dranesville
Scott Anderson (Appointed 1/24 by Jimenez) Term exp. 6/25	Mason District Principal Representative		Jimenez	Mason
VACANT (Formerly held by Thomas Fitzpatrick; appointed 3/24 by Storck) Term exp. 3/25 *Resigned*	Mount Vernon District Alternate Representative		Storck	Mount Vernon
Mark Heilbrun (Appointed 6/23 by Herrity) Term exp. 6/25	Springfield District Alternate Representative		Herrity	Springfield
VACANT (Formerly held by Hillary Richardson; appointed 9/20-6/22 by Alcorn) Term exp. 6/24 *Resigned*	Women's Sports Alternate Representative		By Any Supervisor	At-Large

CONFIRMATIONS NEEDED:

- Mr. Ted Hollingsworth as the Football Council Principal Representative
- Mr. Michael Warbel as the Football Council Alternate Representative

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BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Ken Balbuena; appointed 7/20-8/22 by McKay) Term exp. 6/23 *Resigned*	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kimber Hayes Pollard (Appointed 10/24 by Walkinshaw) Term exp. 6/25	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/21 *Resigned*	Dranesville District Representative		Bierman	Dranesville
Brendan Crane (Appointed 2/25 by Lusk) Term exp. 6/25	Franconia District Representative		Lusk	Franconia
Marie Colturi (Appointed 9/20-6/24 by Alcorn) Term exp. 6/25	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Nancy Hall; appointed 6/24 by Jimenez) Term exp. 6/25 *Resigned*	Mason District Representative		Jimenez	Mason

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BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)
Continued from previous page

Incumbent History	Requirement	Nominee	Supervisor	District
Roberta Paul (Appointed 7/24 by Storck) Term exp. 6/25	Mount Vernon District Representative		Storck	Mount Vernon
Emilie F. Miller (Appointed 7/20-6/24 by Palchik) Term exp. 6/25	Providence District Representative		Palchik	Providence
Kim S. Farington (Appointed 1/19-6/24 by Herrity) Term exp. 6/25	Springfield District Representative		Herrity	Springfield
Diana Maria Rhodes (Appointed 7/23-6/24 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)
NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 *Resigned*	Alternate #1 Representative		By Any Supervisor	At-Large

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BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)
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Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Amado Fernandez; appointed 6/16-2/23 by Smith) Term exp. 2/27 *Resigned*	Alternate #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Michael Sanio; appointed 2/23 by Alcorn) Term exp. 2/27 *Resigned*	Alternate #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by John Bradley; appointed 7/23 by McKay) Term exp. 2/25 *Resigned*	Design Professional #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daren Shumate; appointed 2/16-7/20 by Gross) Term exp. 2/24 *Resigned*	Design Professional #5 Representative		By Any Supervisor	At-Large

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BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE) (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Robert Mansker; appointed 9/06-10/22 by Gross) Term exp. 12/24 *Resigned*	At-Large #3 Representative		By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Lisa Hviding; appointed 9/23 by Alcorn) Term exp. 4/24 *Resigned*	Fairfax County #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Darlena Ricks; appointed 6/20-3/22 by Alcorn) Term exp. 4/24 *Resigned*	Fairfax County #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Nahom Sewenet; appointed 10/22 by Alcorn) Term exp. 4/24 *Resigned*	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

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CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2-year terms- limited to 3 full terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Anna Fay Dixon; appointed 12/21-9/24 by Lusk) Term exp. 9/26 *Resigned*	At-Large #1 Representative		By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Anne Kanter; appointed 9/11-10/18 by Bulova) Term exp. 9/23 *Resigned*	At-Large #1 Representative		McKay	At-Large Chairman's
VACANT (Formerly held by David W. Schnare; appointed 11/10-9/23 by Herrity) Term exp. 9/27 *Resigned*	Springfield District Representative		Herrity	Springfield

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CHILD CARE ADVISORY COUNCIL (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Janet M. Reimer; appointed 2/20-2/22 by McKay) Term exp. 2/24 *Resigned*	At-Large Chairman's Representative		McKay	At-Large Chairman's
Valerie Inman (Appointed 1/18-9/22 by Foust) Term exp. 9/24	Dranesville District Representative		Bierman	Dranesville
VACANT (Formerly held by Sangeeta Sarkar; appointed 2/24-2/25 by Smith) Term exp. 2/27 *Resigned*	Sully District Representative		Smith	Sully

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CIVIL SERVICE COMMISSION (2-year terms)
NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Deborah Woolen; appointed 12/20-9/23 by Lusk) Term exp. 12/24 *Resigned*	At-Large #2 Representative		By Any Supervisor	At-Large
Jason Fong (Appointed 1/20-12/21 by McKay) Term exp. 12/23	At-Large #4 Representative		By Any Supervisor	At-Large
Thomas Garnett (Appointed 1/20-3/22 by Lusk) Term exp. 12/23	At-Large #6 Representative		By Any Supervisor	At-Large
Patrick Morrison (Appointed 2/20-11/21 by McKay) Term exp. 12/23	At-Large #7 Representative		By Any Supervisor	At-Large

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COMMISSION FOR WOMEN (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Dana Hines; appointed 5/24 by McKay) Term exp. 10/27 *Resigned*	At-Large Minority Representative		By Any Supervisor	At-Large
NEW POSITION	Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Pamela Montesinos; appointed 10/22 by Smith) Term exp. 10/25 *Resigned*	Sully District Representative		Smith	Sully

COMMISSION ON AGING (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Catherine Cole (Appointed 5/23 by McKay) Term exp. 5/25	At-Large Chairman's Representative		McKay	At-Large Chairman's
Joseph Heastie (Appointed 5/23 by Palchik) Term exp. 5/25	Providence District Representative		Palchik	Providence
James R. Kirkpatrick (Appointed 5/23 by Herrity) Term exp. 5/25	Springfield District Representative		Herrity	Springfield

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COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Matthew Bell (Appointed 2/22 by Storck) Term exp. 2/25	Mount Vernon District Representative		Storck	Mount Vernon
Kevin Hickerson (Appointed 3/22 by Smith) Term exp. 2/25	Sully District Representative		Smith	Sully

CONFIRMATIONS NEEDED:

- Ms. Juana Cruz as the Elected Central Target Area #2 Representative
- Ms. Lisa Washington as the Elected North Target Area #2 Representative

CONSUMER PROTECTION COMMISSION (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Triston O'Savio; appointed 8/22 by Foust) Term exp. 7/24 *Resigned*	Fairfax County Resident #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Harold G. Belkowitz; appointed 7/08-7/24 by Herrity) Term exp. 7/27 *Resigned*	Fairfax County Resident #8 Representative		By Any Supervisor	At-Large

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COORDINATING COUNCIL ON AGING AND ADULTS WITH DISABILITIES (CCAAD) (2-year terms)

CONFIRMATION NEEDED:

- Ms. Minerva Orozco as the Long Term Care Providers #23 Representative

CONTINUUM OF CARE BOARD (CoC) (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	Dranesville District Representative		Bierman	Dranesville
VACANT (Formerly held by Connie Johnson; appointed 9/23 by Lusk) Term exp. 6/25 *Resigned*	Franconia District Representative		Lusk	Franconia
Kameron Wilds (Appointed 9/23 by Storck) Term exp. 6/25	Mount Vernon District Representative		Storck	Mount Vernon
Pamela Michelle (Appointed 9/23 by Palchik) Term exp. 6/25	Providence District Representative		Palchik	Providence
Ruth Pearson (Appointed 9/23 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

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CONTINUUM OF CARE BOARD (CoC) (2-year terms)
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Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	City of Falls Church Representative		Confirmed by the Board	Confirmation

CONFIRMATIONS NEEDED:

- Ms. Adrianne Hosein as the Northern Virginia Family Service (ESG) Representative
- Ms. Claudia McDowell as the Fairfax County Public Schools Representative
- Mr. Randy Shusman as the Pathway Homes (CoC) Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Herbert Kemp (Appointed 12/21 by Foust) Term exp. 11/24	Dranesville District Representative		Bierman	Dranesville
Ricardo E. Coleman (Appointed 9/16-3/21 by Gross) Term exp. 3/24	Mason District Representative		Jimenez	Mason

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DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 *Resigned*	At-Large #6 Representative		By Any Supervisor	At-Large

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Richard Fernicola (Appointed 1/22 by McKay) Term exp. 1/24	BOS At-Large #6 Representative		By Any Supervisor	At-Large

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ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Linnie Haynesworth (Appointed 6/21 by McKay) Term exp. 7/25	At-Large #5 Citizen Representative		By Any Supervisor	At-Large
Catherine Lange (Appointed 6/21 by McKay) Term exp. 7/25	At-Large #7 Citizen Representative		By Any Supervisor	At-Large
Jermaine Johnson (Appointed 7/23 by McKay) Term exp. 7/25	At-Large #8 Citizen Representative		By Any Supervisor	At-Large
Pallabi Saboo (Appointed 9/21 by McKay) Term exp. 7/25	At-Large #9 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 *Resigned*	Citizen #4 Representative		By Any Supervisor	At-Large

CONFIRMATION NEEDED:

- Mr. Austin Gastrell as the Department of Planning and Development Representative

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ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Richard Weisman (Appointed 6/22 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

CONFIRMATION NEEDED:

- Ms. Nishka Shah as the Student Representative

FAIRFAX AREA DISABILITY SERVICES BOARD
(3-year terms - limited to 2 full terms)

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Courtney Cezair Mayers; appointed 6/21 by Foust) Term exp. 11/24 *Resigned*	Dranesville District Representative		Bierman	Dranesville
Deborah K. Hammer (Appointed 3/16-1/20 by Storck) Term exp. 11/22 ***Not eligible for reappointment***	Mount Vernon District Representative		Storck	Mount Vernon
Michael Ritter (Appointed 6/22 by Herrity) Term exp. 11/24	Springfield District Representative		Herrity	Springfield

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FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Latriece Prince-Wheeler; appointed 10/23 by Lusk) Term exp. 6/27 *Resigned*	Franconia District Representative		Lusk	Franconia
VACANT (Formerly held by Michael R. Frey; appointed 10/21 by Smith) Term exp. 6/27 *Resigned*	Sully District Representative		Smith	Sully

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD (3-year terms - limited to 2 full terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Cherylyn LeBon (Appointed 8/22 by Walkinshaw) Term exp. 6/25 ***Not eligible for reappointment***	Braddock District Representative		Walkinshaw	Braddock
Jo LaBrecque-French (Appointed 8/22 by Foust) Term exp. 6/25	Dranesville District Representative		Bierman	Dranesville
Julie Almacy (Appointed 12/24 by Storck) Term exp. 6/25	Mount Vernon District Representative		Storck	Mount Vernon

DRAFT

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD
(3-year terms – limited to 3 full terms)

NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Ann Whipple; appointed 2/20-6/22 by McKay) Term exp. 6/25 *Resigned*	At-Large #1 Representative		By Any Supervisor	At-Large
Sheila Jonas (Appointed 6/22 by Gross) Term exp 6/25 ***Not eligible for reappointment***	Mason District Representative		Jimenez	Mason
VACANT (Formerly held by Ron Fitzsimmons; appointed 10/24 by Storck) Term exp. 6/25 *Resigned*	Mount Vernon District Representative	**Alisha Keirstead** *(Nomination announced on March 18, 2025)*	Storck	Mount Vernon
Daniel Sherrange (Appointed 6/22 by Smith) Term exp. 6/25	Sully District Representative	**Daniel Sherrange** *(Nomination announced on March 18, 2025)*	Smith	Sully

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HEALTH CARE ADVISORY BOARD (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Kelly Green Kahn (Appointed 12/21 by Foust) Term exp. 6/25	Dranesville District Representative		Bierman	Dranesville
Shikha Dixit (Appointed 6/21 by Storck) Term exp. 6/25	Mount Vernon District Representative		Storck	Mount Vernon

HEALTH SYSTEMS AGENCY BOARD (3-year terms - limited to 2 full terms)
NOTE: Members may be reappointed after 1 year break

Incumbent History	Requirement	Nominee	Supervisor	District
Lydia Lawrence (Appointed 2/22 by Foust) Term exp. 6/24	Consumer #5 Representative		By Any Supervisor	At-Large
Bridget M. Jennison (Appointed 5/22 by Walkinshaw) Term exp. 6/24	Provider #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Magalie Emile-Backer; appointed 1/19-6/21 by Storck) Term exp. 6/24 ***Not eligible for reappointment*** *Resigned*	Provider #2 Representative		By Any Supervisor	At-Large

Continued on next page

HEALTH SYSTEMS AGENCY BOARD (3-year terms - limited to 2 full terms)
NOTE: Members may be reappointed after 1 year break
Continued from previous page

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/25 *Resigned*	Provider #4 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3-year terms)
NOTE: The Commission shall include at least one member who is a resident from each District.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Joseph Imamura; appointed 7/23 by McKay) Term exp. 12/24 *Resigned*	Architect Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carmen Powell; appointed 9/23 by Foust) Term exp. 6/24 *Resigned*	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Russell Brooks; appointed 2/23 by Lusk) Term exp. 12/25 *Resigned*	At-Large #3 Representative		By Any Supervisor	At-Large

Continued on next page

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HISTORY COMMISSION (3-year terms)
NOTE: The Commission shall include at least one member who is a resident from each District.
Continued from previous page

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Elise Murray; appointed 1/23 by Alcorn) Term exp. 12/25 *Resigned*	Citizen #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Steve Sherman; appointed 9/21 by Lusk) Term exp. 12/23 *Resigned*	Citizen #9 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Esther McCullough; appointed 1/22 by Bulova) Term exp. 12/24 *Resigned*	Citizen #10 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Lynne Garvey-Hodge; appointed 12/21 by Gross) Term exp. 12/24 *Resigned*	Historian #1 Representative		By Any Supervisor	At-Large

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HUMAN RIGHTS COMMISSION (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Jimez Ashby (Appointed 5/22 by McKay) Term exp. 9/24	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Emanuel Solon; appointed 9/95-7/01 by Connolly; 9/04-9/19 by Smyth) Term exp. 9/22 *Resigned*	At-Large #5 Representative		By Any Supervisor	At-Large
Meena Bhinge (Appointed 9/21 Walkinshaw) Term exp. 9/24	At-Large #10 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Glenda Blake; appointed 2/24 by Alcorn) Term exp. 9/26 *Resigned*	At-Large #12 Representative		By Any Supervisor	At-Large

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HUMAN SERVICES COUNCIL (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Terry Lavoie; appointed 2/24 by Jimenez) Term exp. 7/26 *Resigned*	Mason District #1 Representative		Jimenez	Mason
VACANT (Formerly held by Tianja Grant; appointed 1/20-7/21 by Palchik) Term exp. 7/25 *Resigned*	Providence District #2 Representative		Palchik	Providence
William Kogler (Appointed 10/20 by Herrity) Term exp. 9/24	Springfield District #1 Representative		Herrity	Springfield
Steven Lam (Appointed 11/20 by Herrity) Term exp. 11/24	Springfield District #2 Representative		Herrity	Springfield
VACANT (Formerly held by Edward Yost appointed 3/23 by Smith) Term exp. 7/27 *Resigned*	Sully District #2 Representative		Smith	Sully

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INDUSTRIAL DEVELOPMENT AUTHORITY (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Leigh Anne Arnold; appointed 10/23 by Alcorn) Term exp. 10/27 *Deceased*	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Glaser; appointed 11/21 by Alcorn) Term exp. 10/25 *Resigned*	At-Large #4 Representative		By Any Supervisor	At-Large

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Crystopher Herrera (Appointed 2/22 by Foust) Term exp. 1/24	Dranesville District Representative		Bierman	Dranesville
Joleane Dutzman (Appointed 1/23 by Storck) Term exp. 1/25	Mount Vernon District Representative		Storck	Mount Vernon
Sean Wright (Appointed 1/20-2/22 by Palchik) Term exp. 1/24	Providence District Representative		Palchik	Providence

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NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD
(4-year terms- limited to 2 full terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Catherine A. Novelli (Appointed 6/21 by McKay) Term exp. 6/25	Fairfax County #3 Representative		By Any Supervisor	At-Large

POLICE CIVILIAN REVIEW PANEL (3-year terms- limited to 2 full terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Pratik Kharat; appointed 2/25 by McKay) Term exp. 2/28 *Resigned*	Seat #7 Representative		By Any Supervisor	At-Large
Michael Lau (Appointed 1/23 by McKay) Term exp. 2/25	Seat #8 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Brendan D. Harold (Appointed 5/05-11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Citizen At-Large #2 Representative		By Any Supervisor	At-Large

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REDEVELOPMENT AND HOUSING AUTHORITY (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Susan Vachal (Appointed 7/24 by McKay) Term exp. 4/25	At-Large #2 Representative		By Any Supervisor	At-Large

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Angela E. Roberts; appointed 9/21 by Alcorn) Term exp. 9/25 *Resigned*	Apartment or Rental Owner Associations Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Margaret Parker; appointed 10/1 by Alcorn) Term exp. 9/25 *Resigned*	Commercial or Retail Ownership #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Karen Mantyla; appointed 6/21 by Alcorn) *Resigned*	Residential Owners and HOA/Civic Association #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jose Da Cunha; appointed 2/25 by Alcorn) Term exp. 9/25 *Resigned*	Reston Town Center Association Resident Member Representative		By Any Supervisor	At-Large

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SMALL BUSINESS COMMISSION (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Tracey Wood; appointed 12/21 by McKay) Term 12/24 *Resigned*	At-Large #3 Representative		By Any Supervisor	At-Large
Khalid Mekki (Appointed 2/24 by Jimenez) Term exp. 12/24	Mason District Representative		Jimenez	Mason

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Alexander Rough; appointed 1/24 by Alcorn) Term exp. 1/26 *Resigned*	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by James Albright; appointed 2/24 by Jimenez) Term exp. 1/26 *Resigned*	Mason District Representative		Jimenez	Mason

CONFIRMATION NEEDED:

- Mr. Bryan Scrafford as the Fairfax Area Disability Services Board Representative

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TREE COMMISSION (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Perry E. Rhodes (Appointed 6/22 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

CONFIRMATION NEEDED:

- Mr. Bryan Campbell as the Environmental Quality Advisory Council Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Linda Colbert (Appointed 5/23 by McKay) Term exp. 2/25	Adjacent Community Member #1 Representative		By Any Supervisor	At-Large
Cory Scott (Appointed 2/23 by Palchik) Term exp. 2/25	Commercial or Retail Ownership #2 Representative		By Any Supervisor	At-Large

VOLUNTEER FIRE COMMISSION (2-year terms)

CONFIRMATIONS NEEDED:

- Mr. Jeffrey A. Snow as the At-Large Representative
- Mr. Michael G. Wendt as the Zone III Representative
- Mr. Michael J. Masciola as the Zone IV Representative
- Mr. Shawn P. Stokes as the Volunteer Fire Chief's Association Representative

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WATER AUTHORITY (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Cheryl Ginyard-Jones (Appointed 6/22 by Foust) Term exp. 6/25	Dranesville District Representative		Bierman	Dranesville
Nancy Colleton (Appointed 6/22 by Alcorn) Term exp. 6/25	Hunter Mill District Representative		Alcorn	Hunter Mill
Richard Dotson (Appointed 6/22 by Palchik) Term exp. 6/25	Providence District Representative		Palchik	Providence
Philip Alin (Appointed 6/22 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

WETLANDS BOARD (5-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kimberly Larkin; appointed 12/22 by Storck) Term exp. 12/27 *Resigned*	At-Large #1 Representative		By Any Supervisor	At-Large

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YOUNG ADULTS ADVISORY COMMITTEE
(2-year terms - limited to 2 full terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Emma Heisey; appointed 5/22 by McKay) Term exp. 1/24 *Resigned*	At-Large #2 Chairman's Representative		McKay	At-Large Chairman's
Eddy Sandoval (Appointed 9/21 by Smith) Term exp. 1/24	Sully District Representative		Smith	Sully

NEW BOARD

COUNCIL FOR ECONOMIC OPPORTUNITY (CEO)
(3-year terms - limited to 2 full terms for Voting Members)

Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	At-Large #11 Representative		By Any Supervisor	At-Large
NEW POSITION	At-Large #12 Representative		By Any Supervisor	At-Large

VETERANS AND MILITARY FAMILIES COMMISSION (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	Department of Housing and Community Development Representative		Confirmed by the Board	Confirmation

DRAFT

Board Agenda Item
June 24, 2025

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
June 24, 2025

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
June 24, 2025

ADMINSTRATIVE – 1

Approval of Streets into the Secondary System – Willow Hill (Hunter Mill 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:

Subdivision	District	Street
Willow Hill	Hunter Mill	Bright Willow Lane

TIMING:
Board approval is requested on June 24, 2025.

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

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form for Board of Supervisors Resolution

STAFF:
Jennifer Miller, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Attachment 1

Print Form

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA	VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS
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.	REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. **PLAN NUMBER:** 25278-SD-001 **SUBDIVISION PLAT NAME:** Willow Hill **COUNTY MAGISTERIAL DISTRICT:** Hunter Mill
VDOT PERMITS MANAGER: ROBERT H. BURTON **BY:** Robert H. Burton	**FOR OFFICIAL USE ONLY** **VDOT INSPECTION APPROVAL DATE:** 05/12/2025

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Bright Willow Lane	CL Hunter Station Road, Route 677 - 208' S CL Roundhouse Road, Route 6758	691' E to End of Cul-de-Sac	0.13
NOTES:		**TOTALS:**	0.13

Board Agenda Item
June 24, 2025

ADMINISTRATIVE – 2

Additional Time to Establish Use or Commence Construction for Special Exception Amendment SEA-83-A-026, Capital Services, Inc. d/b/a Ravensworth Shell (Braddock District)

ISSUE:
Board consideration of additional time to establish use or commence construction for SEA-83-A-026, pursuant to the provisions of subsection *8100.3.D.(6) of the Zoning Ordinance.*

RECOMMENDATION:
The County Executive recommends that the Board approve 12 months additional time for SEA-83-A-026, to establish the use or commence construction, to April 25, 2026.

TIMING:
Board action is requested on June 24, 2025. The expiration date was April 25, 2025.

BACKGROUND:
Under subsection *8100.3.D.(6) of the Zoning Ordinance*, if the use is not established or if construction is not commenced within the time specified by the Board of Supervisors, an approved special exception amendment shall automatically expire without notice unless the Board approves additional time. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception amendment. This particular request was filed on April 18, 2025, prior to the expiration date of April 25, 2025. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

The subject site is located at the corner of Port Royal and Braddock Roads and is part of the 14.6-acre Ravensworth Shopping Center. The 0.91-acre SEA area is zoned C-6, and located in the northeast corner of the shopping center [Tax Map 70-4 ((10)) 12] (See locator map, Attachment 1). On October 25, 2022, the Board of Supervisors approved Special Exception Amendment SEA-83-A-026, subject to development conditions (See Clerk's letter, Attachment 2). The application was filed in the name of Capital Services, Inc. d/b/a Ravensworth Shell LLC, to request an approval of an amendment to Special

Board Agenda Item
June 24, 2025

Exception SE 83-A-026, previously approved for a vehicle fueling station with light vehicle repair and maintenance to remove and replace the existing four vehicle service bays with an accessory convenience retail store; add a second floor with 200 sq. ft. of accessory office space; reconfigure the two site entrances from Port Royal Road; install landscape islands in the parking lot; and, reconfigure and restripe the drive aisles around the site. SEA-83-A-026 was approved with a condition requiring that the use be established, or construction be commenced and diligently prosecuted, within 30 months of the approval date unless the Board grants additional time. The Special Exception Amendment would have expired, without notice, on April 25, 2025. On April 18, 2025, the Department of Planning and Development (DPD) received a letter, from Faheem Darab, agent for the Applicant, requesting 12 months of additional time (See Attachment 3).

Mr. Darab states additional time is necessary to commence construction and establish the use because the Applicant has been unable to fully complete the site plan and bonds and agreements process. Mr. Darab also states that the details of an existing and proposed easement issue are currently being finalized between the Applicant, VDOT, and the County Attorney's Office. The aforementioned issues have created unforeseen delay, and Mr. Darab is requesting an additional 12 months to ensure the special exception amendment approval remains valid and allow the Applicant to commence construction.

Staff has reviewed SEA-83-A-026 and has determined that the proposal is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a vehicle fueling station within the C-6 zoning district. Further, staff knows of no change in land use circumstances which should require the filing of a new special exception amendment application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the special exception amendment. Finally, the conditions associated with the Board's approval of SEA-83-A-026 are still appropriate and remain in full force and effect. The applicant has demonstrated that they are pursuing development of the property in good faith, and (as noted) are in the process of receiving site plan and permitting approvals. Staff believes that approval of the request for 12 months additional time is in the public interest and recommends that it be approved.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None

Board Agenda Item
June 24, 2025

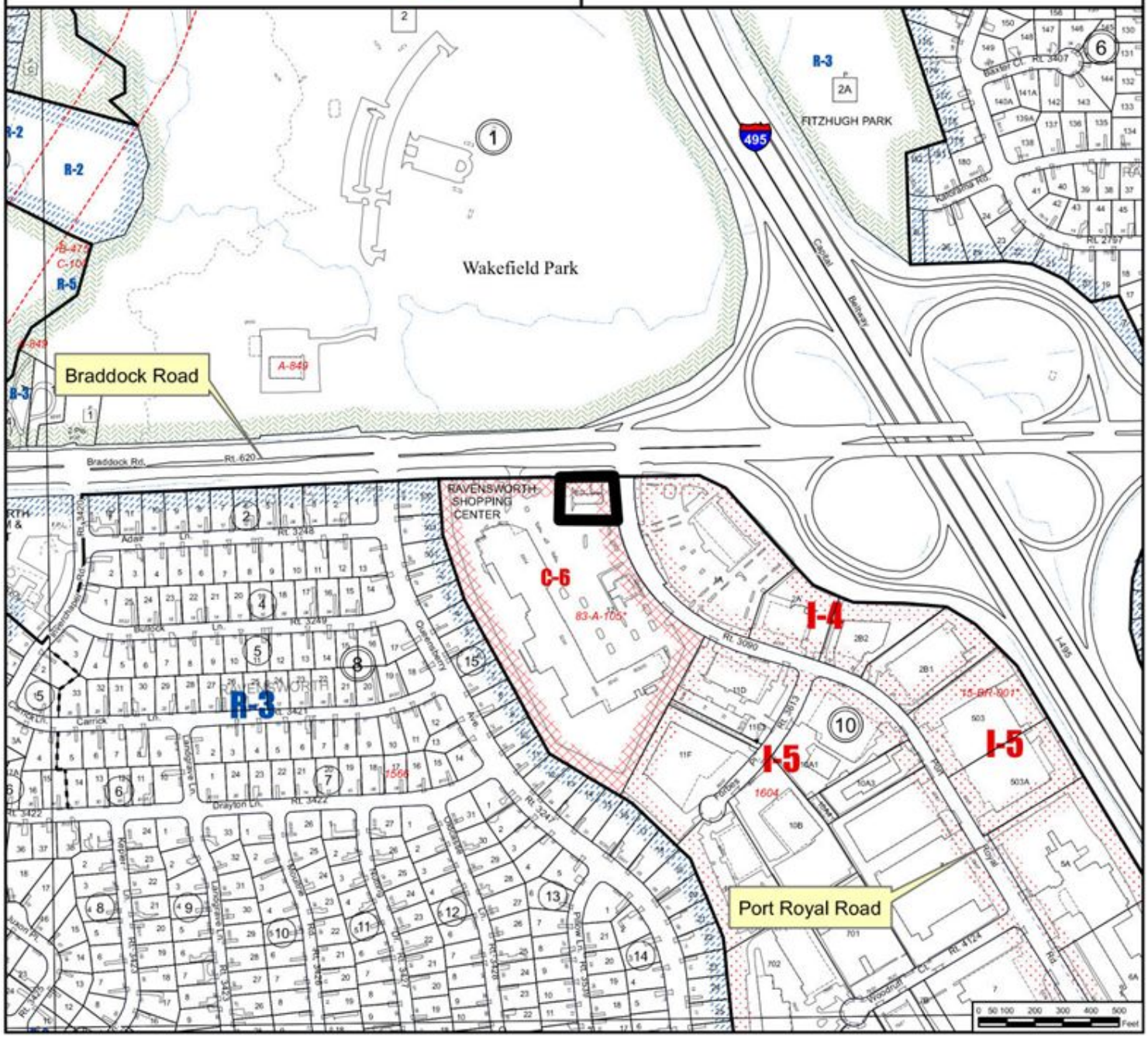
ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Clerk's Letter dated November 1, 2022, to David R. Gill
Attachment 3: Letter dated April 18, 2025, to Leslie Johnson

STAFF:
Jennifer Miller, Deputy County Executive
Tracy D. Strunk, Director, Department of Planning and Development (DPD)
Suzanne Wright, Director, Zoning Evaluation Division (ZED), DPD
Cathy Belgin, Chief, Conformance Review & Acceptance Branch, ZED, DPD
Ryan Johnson, Staff Coordinator, ZED, DPD

Special Exception Amendment
SEA 83-A-026



Applicant:	CAPITAL SERVICES, INC., D/B/A RAVENSWORTH SHELL
Accepted:	01/03/2022
Proposed:	SERVICE STATION WITH CONVENIENCE STORE
Area:	0.91 AC; DISTRICT - BRADDOCK
Located:	SOUTHWEST QUADRANT OF THE INTERSECTION OF BRADDOCK ROAD WITH PORT ROYAL ROAD
Zoning:	C-6
Overlay District:	
Map Ref Num:	070-4-/10/ /0012(pt.)



County of Fairfax, Virginia

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

November 1, 2022

David R. Gill
Wire Gill LLP
1818 Library Street, Suite 500
Reston, Virginia 20190

RE: Special Exception Amendment Application SEA 83-A-026 - Capital Services, Inc. DBA Ravensworth Shell
Braddock District

Dear Mr. Gill:

At a regular meeting held on October 25, 2022, the Board of Supervisors approved Special Exception Amendment Application SEA 83-A-026, subject to the following development conditions dated October 21, 2022:

1. This Special Exception Amendment (SEA) is granted for and runs with the land indicated in the application and is not transferable to other land.

2. This Special Exception Amendment (SEA) is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.

3. A copy of this Special Exception MUST BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property.

4. This Special Exception Amendment is subject to the provisions of Article 8, Site Plans, as may be determined by the Director of Land Development Services (LDS). Any plan submitted pursuant to this Special Exception Amendment must be in substantial conformance with the approved Special Exception Amendment Plat, entitled "Ravensworth Shell Station, Special Exception Amendment, SEA 83-A-026," and prepared by Gordon Engineering, which is dated December 1, 2021, as revised through September 20, 2022, and these conditions. Minor modification to the approved Special Exception Amendment may be permitted pursuant to subsection 8100.5 of the Zoning Ordinance.

5. The northern curb cut on Port Royal Road must be designed and marked right turn entry only, no exit.

Department of Clerk Services
Clerk for the Board of Supervisors
12000 Government Center Parkway, Suite 552
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 711
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

6. The final architectural design must be in substantial conformance with the general type, quality and proportion of materials depicted in building perspectives shown on the SEA Plat.

7. Wrecked, inoperative, or abandoned vehicles must not be stored on the site.

8. The accessory outdoor storage and display area for goods offered for sale must not exceed 50 square feet. The outdoor display of goods must not impede the sidewalk for pedestrians or conflict with ADA access requirements.

9. The maximum gross floor area devoted to retail sales of food, beverages, and other frequently needed items for household consumption must not exceed 2,500 square feet.

10. The preparation of food is limited to that allowed in a Limited Food-Service Establishment in accordance with Chapter 43.2 of the County Code or the use of microwave ovens by customers for purchased food items.

11. The applicant must install a bicycle rack capable of accommodating a minimum of four bicycles within 50 feet of the main entrance.

12. Landscape Planting Plan: As part of the first and all subsequent plan submissions, the applicant must include a natural landscape planting plan comprised of non-invasive, locally native species of trees, shrubs, grasses, and groundcovers which must be in conformance with the SEA Plat and specifications for review and approval by UFMD. Selective plantings of non-invasive annuals are permitted to supplement the natural landscaping.

13. Invasive Plant Species Management: Areas containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present must be the subject of an invasive plant species management plan. At the time of site plan submission, the applicant must provide a management plan for review and approval by UFMD specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential reforestation as needed.

14. Landscape Planting Pre-installation Meeting: Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the applicant must coordinate a pre-installation meeting on the site with the landscape contractor, UFMD staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan must be reviewed and must be approved by UFMD staff prior to planting. The installation of plants not approved by UFMD may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release. The applicant must submit a landscape plan that shows, at a minimum, landscaping as depicted on the Special Exception Amendment (SEA) Plat, with the first

submission, and all subsequent submissions, of the site plan for review and approval by the Urban Forest Management Division (UFMD), DPWES. All landscaping must be installed prior to the issuance of the first Non-RUP on the property, or as determined by UFMD for a particular project, but no later than bond release.

15. Soil Remediation: Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, must be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The applicant must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by UFMD.

16. Inspection of mulch beds for conformance with the approved site plan must be conducted at the time that the first Non-RUP is issued on the property. After mulch areas have been accepted, they will become the responsibility of the property owner who must not be precluded from managing or planting these areas according to their preference.

17. Pursuant to subsection 4102 of the Zoning Ordinance, this Special Exception will automatically expire, without notice, thirty months after the date of approval unless the convenience store accessory use has been established, as evidenced by issuance of a Non-Residential Use Permit, or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

18. The site must be designed in a manner to accept sheetflow to the vegetated buffer area along Braddock Road through flush curb and/or scuppers. As identified on the SEA Plat, the vegetated buffer areas and landscape islands must contain non-invasive, locally native species of trees, shrubs, grasses, and groundcovers, and may be selectively supplemented with non-invasive, non-native annual plantings.

19. Stormwater management measures must be provided in substantial conformance with the SEA Plat, to include inlet filters for stormwater enhancement on two stormwater curb inlets located in the northwest drainage of the SEA area and the landscape buffer to accept sheetflow from the fueling area, as depicted on Sheet 6 of the SEA Plat. In the event the proposed inlet filters located within existing or future VDOT right-of-way are not permitted at site plan or the design or location of inlets serving the facility is changed by the property owner or VDOT, the applicant must incorporate an alternate Low Impact Development (LID) stormwater enhancement in consultation with LDS. A stormwater enhancement can include site design that promotes sheetflow to a vegetated buffer or landscaped island, additional enhanced vegetated areas, or devices that at a minimum provide additional filtering/treatment comparable to the proposed

inlet filters. If inlet filters are permitted, any relocation of the storm structures due to the VDOT right-of-way future projects must also include the inlet filters. The applicant must maintain the stormwater enhancements. The applicant is responsible for maintaining the proposed stormwater enhancements and devices in a manner acceptable to LDS.

20. Outdoor lighting must comply with Section 5109 of the Zoning Ordinance.

21. Anticipating the future Braddock Road Multimodal Improvement Project within the existing right of way along Braddock Road, upon the request of the County, the applicant will grant temporary construction easements along the SEA frontage.

22. The applicant must provide one loading space in compliance with Article 11 of the Zoning Ordinance. Loading operations must not block parking spaces or drive aisles or impede vehicle circulation entering or existing the shopping center.

23. At the time of site plan, if UFMD determines the trees proposed to be planted adjacent to the Braddock Road right-of-way as shown on the SEA Plat should be relocated to increase their survivability due to the planned Braddock Road frontage improvements, adjustments to the tree species and locations within the SEA area are permitted with approval from UFMD and provided the quantity and quality of trees and total area dedicated to landscaping remains in substantial conformance with the SEA Plat.

24. Prior to the issuance of a non-RUP for the convenience store, the applicant must demonstrate that space and infrastructure has been provided on the SEA site to accommodate a minimum of one (1) Level 2 electric vehicle (EV) charging stations. "Electric-vehicle-ready" means the provision of space, conduit banks, conduits, and access points allowing for the easy installation of vehicle charging stations in the future, and does not include the installation of transformers, switches, wiring, or charging stations.

25. At the time of the first and all subsequent Site Plan submissions, the applicant must indicate that the roof system is designed to accommodate the potential inclusion of roof-mounted solar equipment.

26. The approved site plan must show the installation of an alternative header curb design along the edge of the concrete pad of the fuel islands to shift the curb and gutter outside the Braddock Road right of way as shown on the SEA Plat, subject to review and approval by VDOT and FCDOT.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the required Non-Residential Use Permit through established procedures.

The Board also:

- Waived the minimum required lot area to that shown on the SEA Plat

For additional information, please go to https://plus.fairfaxcounty.gov/CitizenAccess/ or contact the Zoning Evaluation Division at (703) 324-1290.

Sincerely,

Jill G. Cooper
Clerk for the Board of Supervisors

Cc: Supervisor James R. Walkinshaw, Braddock District
Thomas Reed, Director, Real Estate Division, Dept. of Tax Administration
Tracy D. Strunk, Director, Zoning Evaluation Division, Dept. of Planning and Development
Drew Hushour, Deputy Zoning Administrator, Dept. of Planning and Development
Michael Liddle, Director, GIS Services, Department of Information Technology
Jeff Hermann, Section Chief, Transportation Planning Division
Samantha Hudson, Park Planning Branch Manager, FCPA
Abdi Hamud, Program Administrator, DHCD/Design Development Division
Jessica Gillis, Coordinator, Facilities Planning, Fairfax County Public Schools
Michael Guarino, Chief Capital Projects Sections, Dept. of Transportation
Morgan Wolfe, Chief, Bonds & Agreements, Land Development Services

WIRE GILL LLP

Faheem Darab
fdarab@wiregill.com
703-362-7793

April 18, 2025

Leslie Johnson, Zoning Administrator
Zoning Administration Division
Department of Planning and Development
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035

VIA PLUS

Re: Extension Request to Establish Use for SEA 83-A-026 Capital Services, Inc. (the "SEA")

Dear Leslie,

We represent the Applicant, Capital Services, Inc., and we are requesting a 12-month extension of time on the approved SEA referenced above, in order to establish the use. The SEA was adopted by the Board of Supervisors on 10/25/2022, and a number of Development Conditions were adopted as part of that approval (please see Board Clerk's letter and Development Conditions attached to this request letter. In particular, Development Condition #17 states in part that the SE will expire 30 months after approval, unless extended by the Zoning Administrator. On 04/11/25, Ryan Johnson of Fairfax County Department of Planning and Development contact us to inform the Applicant that the SEA was approaching its expiration date.

The Applicant, after SEA approval, has been diligently working to establish the uses through the Site Plan, Building Permits, and Bonds and Agreements processes with the County. We have encountered several issues during Site Plan review, and Bonds and Agreements that have required additional work and time to resolve. These include an existing and proposed easement issue that had to be resolved between the Applicant, VDOT, and the County Attorney's Office. In addition, working through VDOT and County Bonds and Agreements has taken longer than anticipated.

We believe that an extension of 12 months will enable us to complete Bonds and Agreements, receive the required Building Permits, and begin construction, thus establishing the use.

Please let us know if you have any questions or need more information from us.

Kindest Regards,

Faheem Darab

Faheem Darab

Board Agenda Item
June 24, 2025

ADMINISTRATIVE – 3

Authorization for the Fairfax County Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2025 Safe Streets and Roads for All Discretionary Grant Program

ISSUE:
Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for, and accept, if received, grant funding from the United States Department of Transportation's (USDOT) FY 2025 Safe Streets and Roads for All (SS4A) Discretionary Grant Program. FCDOT plans to apply for $4.56 million for supplemental planning and demonstration projects, based on Fairfax County's Safe Streets for All Program Recommendations endorsed by the Board of Supervisors in May 2022 (Attachment 1). There is a Local Cash Match (LCM) requirement of $1.14 million, which has been identified in Fund 30050, Transportation Improvements, and would be taken from the $100 million the Board of Supervisors has committed for active transportation projects. Total funding available for this project will be $5.7 million.

The proposed supplemental planning and demonstration funding would assist FCDOT's work to further develop a Safety Action Plan, as well as provide funding for quick build (turn calming and pedestrian improvements), green bike lanes, and "Neighborhood Greenway" demonstration projects. The funding would also be used to provide consultant support to complete these efforts. A list of the projects recommended for submission to the 2025 SS4A program is included in Table 1. All proposed projects are countywide.

Table 1: Proposed Projects for SS4A Funding

Project/Request	Grant Funding	LCM	Total
Safety Action Plan	$240,000	$60,000	$300,000
Staff Augmenting Consultant (part-time)	$2,400,000	$600,000	$3,000,000
Turn Calming Demonstration	$480,000	$120,000	$600,000
Quick Build Demonstration	$480,000	$120,000	$600,000
Green Bike Lanes Demonstration	$480,000	$120,000	$600,000
Neighborhood Greenway Demonstration	$480,000	$120,000	$600,000
Supplemental Planning & Demonstration Grant Subtotal	***$4,560,000***	***$1,140,000***	***$5,700,000***

The grant submission date is June 26, 2025, and awards should be announced by the end of 2025. 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 Director of the Fairfax County Department of Transportation (FCDOT), or designee, to enter into the grant agreement(s), subsequent amendments, and any related agreements (including, but not limited to Federal Subaward Agreements), on behalf of the County.

The project application requires a project endorsement resolution from the local governing body; therefore, Board approval of Attachment 2 is also requested.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the following:

- FCDOT to apply for, and accept, if received, grant funding from the USDOT in the amount of $4.56 million through the FY 2025 SS4A Discretionary Grant Program. The grant requires $1.14 million in LCM; therefore, the overall funding will be $5.7 million for the list of demonstration projects shown in Table 1.
- The Director of FCDOT, or designee, to enter into the grant agreement(s), subsequent amendments, and any related agreements (including, but not limited to, Federal Subaward Agreements), on behalf of the County.
- Approval of the project endorsement resolution for the project application (substantially in the form of Attachment 2).

TIMING:
Board approval is requested on June 24, 2025, to meet the FY 2025 SS4A submission deadline of June 26, 2025.

BACKGROUND:
The SS4A Grant Program is a grant opportunity offered under the Bipartisan Infrastructure Law (BIL) enacted in 2021. The program helps communities around the country work toward reducing or eliminating roadway fatalities and serious injuries through development of a Safety Action Plan (SAP) and implementation of infrastructure, behavioral or observational activities. The program focuses on all roadway users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micro-mobility users, and commercial vehicle operators. Just over $982 million in funding is available for this funding round.

The FY 2025 SS4A Planning and Demonstration Grants provide funds to develop, complete, or supplement a comprehensive SAP. The goal of a SAP is to develop a holistic, well-defined strategy for the prevention of roadway fatalities and serious injuries in a locality. Planning and Demonstration Grants also fund supplemental planning and/or demonstration activities that either inform the development of a new or existing SAP or conduct supplemental planning. SS4A Planning and Demonstration grant applications will be evaluated based on the following criteria: safety impact, focus on underserved communities, reasonable budget costs, locations with high fatality rates, and prior Safe Streets for All grant awards. USDOT is encouraging applicants to consider how the projects can improve safety for all road users.

Based on program criteria and information provided by USDOT, County staff is recommending submitting an application for a $4.56 million Planning and Demonstration Grant to: support the further development of a SAP, develop and implement several safety demonstration projects, and fund a part-time staff augmenting consultant position (for up to five years) to administer the safety pilot projects and refine and coordinate implementation of the SAP. Except for the Turn Calming Demonstration Project, these projects have not been previously approved as part of the Transportation Priorities Plan or as part of the $100 million for Active Transportation Projects.

The proposed application advances the following recommendations from Fairfax County's Safe Streets for All Program Recommendations (Attachment 1):

- Development of strategies that prioritize active transportation safety in planning and funding efforts using data, targets, and metrics.
- Collection of race, ethnicity, and disability data of pedestrian and bicycle crash victims and analyze data for disparities.
- Reduction of operational vehicle speeds on roadways that provide direct access to residential, commercial, institutional, recreational, or civic land uses and transit stations, and along bus transit and high-risk corridors.
- Consistent application of design solutions that simplify and narrow intersections, reduce conflicts for all users, and prioritize the safety of active transportation users.
- Identification of a pilot high-risk corridor to implement a safety study that analyzes crashes, engages stakeholders and residents, identifies appropriate countermeasures and implements quick-build strategies. This pilot will serve as a guide to refine the project delivery process and test the durability of quick-build solutions.
- Development of a policy that would reduce the speed limit on local streets in residential and business districts to 15 mph on the state-maintained network.

- Creation of engaging public outreach experiences, through temporary street and intersection redesigns that develop community awareness of the benefits of road safety interventions.
- Identification of multi-modal road safety performance measures and set short, medium, and long-term targets.
- Identification of the most common factors (e.g., alcohol, time of day, speeding, turning, distracted drivers, land use, type of available infrastructure) related to pedestrian, bicycle, and vehicular crashes and the most affected populations (e.g., age, race).
- Evaluation of the effectiveness of transportation safety improvements before and after implementation.

EQUITY IMPACT:
A comprehensive Safety Action Plan and the provision of safety pilot projects are essential to implementing equity-driven safety measures, ensuring all community members—particularly those who are most vulnerable—can safely navigate the County's streets and trails. Inclusion of the consultant position will help staff to implement these measures in a timely fashion. As such, this effort can help to directly address inequities in transportation access and safety, ultimately fostering a more inclusive and safe transportation network for all.

FISCAL IMPACT:
Grant funding in the amount of $4.56 million is being requested from USDOT to support the further development of a Safety Action Plan, including consultant support and several safety pilot projects. There is an LCM requirement of $1.14 million, which will be met utilizing funding from the $100 million for Bicycle and Pedestrian Access project for new Active Transportation Projects in Fund 30050, Transportation Improvements. Total funding available for this project will be $5.7 million. Indirect cost recovery is allowed but FCDOT is not requesting the recovery of indirect costs in order to maximize funds available to accomplish the objectives of the project. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated awards.

CREATION OF POSITIONS:
No new positions will be created by this grant.

Board Agenda Item
June 24, 2025

ENCLOSED DOCUMENTS:
Attachment 1 – 2022 Safe Streets for All Program Recommendations
Attachment 2 – Resolution of Endorsement for FY2025 United States Department of Transportation SS4A Grant Program Applications

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Coello, Deputy Director, FCDOT
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Laura Ghosh, Chief, Active Transportation Section, FCDOT



FAIRFAX COUNTY

Safe Streets for All Program Recommendations

Endorsed May 2022

ActiveFAIRFAX TRANSPORTATION PLAN

Contents

Introduction 3

Prioritizing Safety 3

Principles of a Safe Streets for All Approach 6

Program Recommendations 7

Glossary of Abbreviations 7
Funding + Staff Capacity Building. 8
Policy + Planning 10
Street Design + Traffic Engineering 12
Equity + Social Justice 14
Education + Traffic Safety Culture 15
Monitoring + Evaluation 16

The Fairfax County Board of Supervisors endorsed the Safe Streets for All Program on May 10, 2022.

Introduction

This document provides a framework for a Fairfax County Safe Streets for All Program designed to address systemic transportation safety issues with a focus on active transportation users and equity on roads in Fairfax County. The framework includes proposed education, policy, planning, programmatic and design strategies that can be implemented in a phased approach Some of the strategies could be implemented as pilots; others require close coordination and support from stakeholder agencies, or will need one-time or recurring funding. Implementation will occur in a phased approach as staff capacity and resources allow.

Potential strategies are presented within the following framework:

- **Proposed Program Recommendations** – A list of potential strategies that would help advance active transportation safety in Fairfax County.

- **Stakeholders** – Key stakeholders that the Fairfax County Department of Transportation will need to coordinate with to implement the recommendation.

- **Implementation Cost** – Recommendations are assigned a likely implementation cost depending on complexity, construction needs and stakeholder buy-in.

The strategies are not presented in order of priority.

Key Stakeholders

BOS – Board of Supervisors

CTB – Commonwealth Transportation Board

DEI – Department of Economic Initiatives

DMB – Department of Management and Budget

DPD – Department of Planning and Development

DPWES – Department of Public Works and Environmental Services

CEX – Office of the County Executive

FCDOT – Department of Transportation

FCPA – Park Authority

FCPD – Police Department

FCPS – Public Schools

HD – Health Department

LDS – Land Development Services

NCS – Neighborhood Community Services

NPS – National Park Service

OPA – Office of Public Affairs

VDOT – Virginia Department of Transportation



Prioritizing Safety

Complete streets aim to prioritize safety for all users, regardless of mode of transportation, age, race, income, or ability. While the status quo accepts traffic deaths and injuries as inevitable, safe streets programs work towards eliminating traffic injuries and fatalities through a combination of engineering, education, policy, and planning. Reducing traffic-related deaths in Fairfax County will require a data-driven approach to project implementation and prioritization of investments.

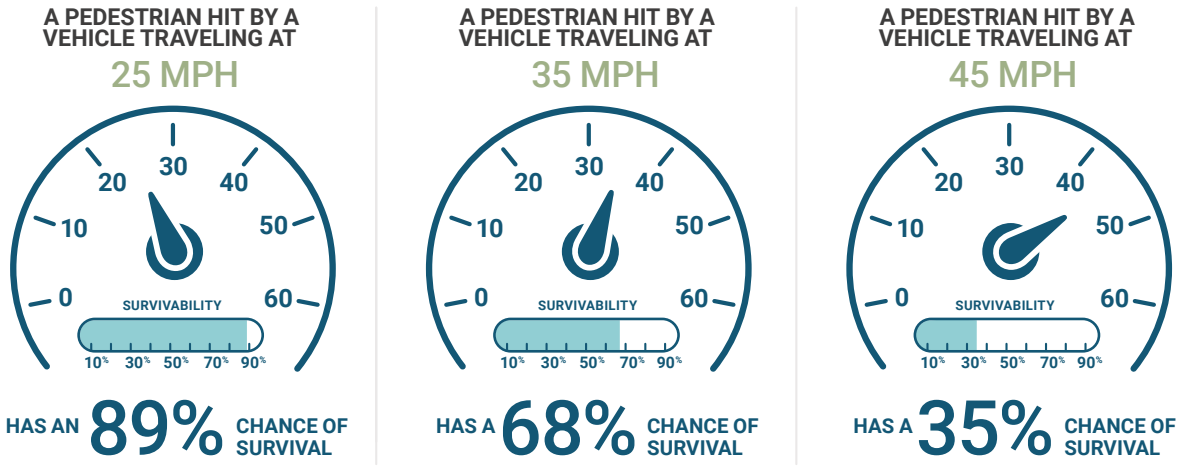
Nationally, pedestrians and bicyclists are more likely to be involved in a traffic collision that results in a severe or fatal injury. Communities of color and low-income communities experience traffic crashes disproportionately.

In Fairfax county, during the five-year study period, from 2014 – 2018, there was an average of 189 pedestrian crashes and 68 cyclist crashes per year.

The maps on the following pages show the distribution of all pedestrian and bicycle crashes throughout Fairfax county, highlighting where clusters and fatal crashes occurred.

Speed is a factor in many of these instances. The one recorded fatal cyclist collision occurred on a road with a speed limit between 36 and 50 miles per hour. For pedestrian collisions, roadways with a speed limit of 25 miles per hour or lower had the lowest rate of fatal or severe crashes. This is consistent with findings that suggest that speed is one of the most significant determinates of severe and fatal collisions involving pedestrians. At 25 miles per hour, nearly nine in ten pedestrians will survive the collision. At 40 miles per hour, only 35% of pedestrians will survive.

Furthermore, the perception of safety by the public can be a significant barrier in encouraging



Tefft, B. C. Impact speed and a pedestrian's risk of severe injury or death. Accident Analysis & Prevention 50 (2013) 871-878.

active transportation. People who choose to drive might have otherwise walked or biked, but felt that the current infrastructure prioritizes people who travel in cars, and puts active transportation users at risk. Complete streets not only directly addresses unsafe street design, but can indirectly address traffic safety by reducing the number of motor vehicles on the road.

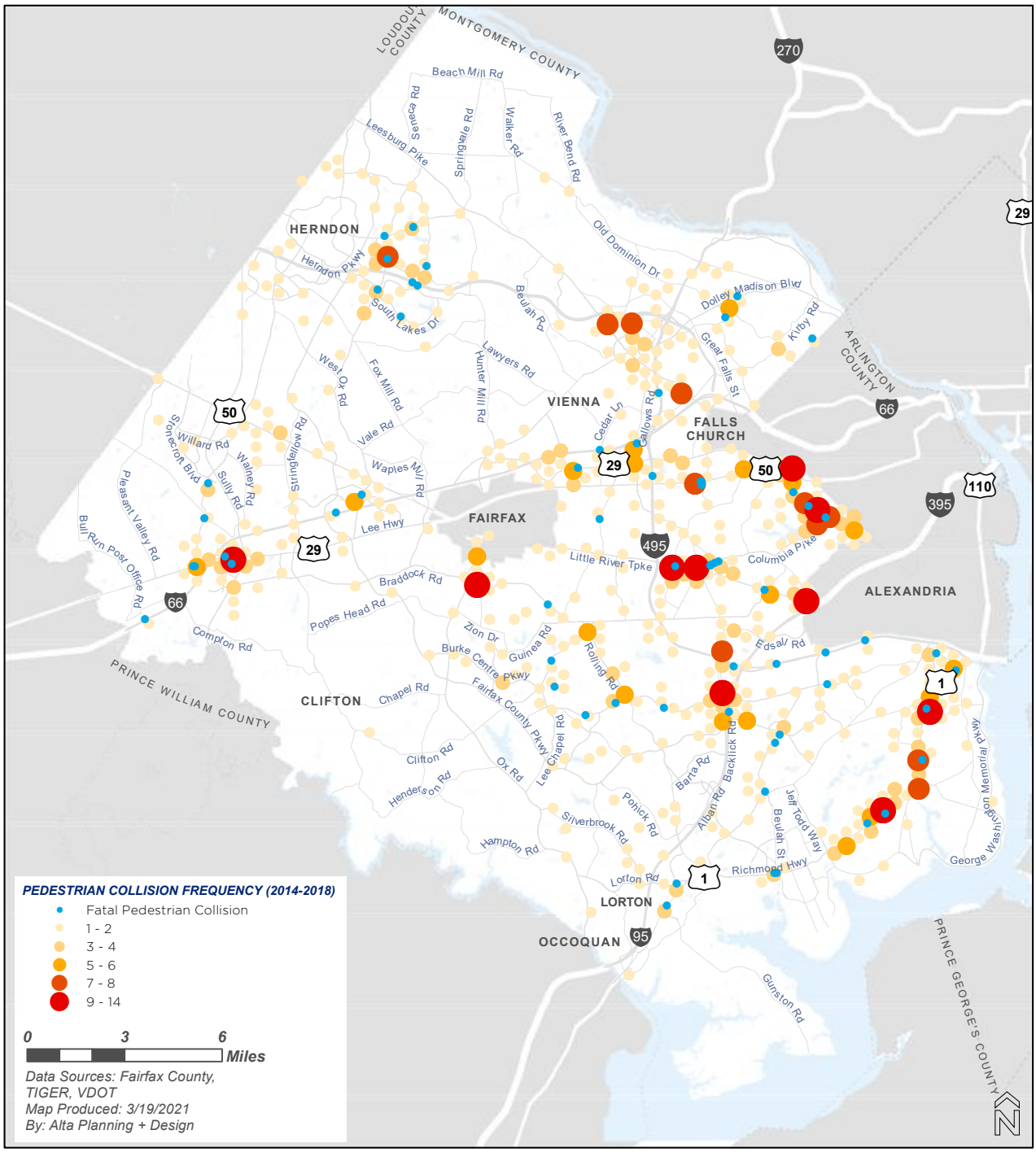


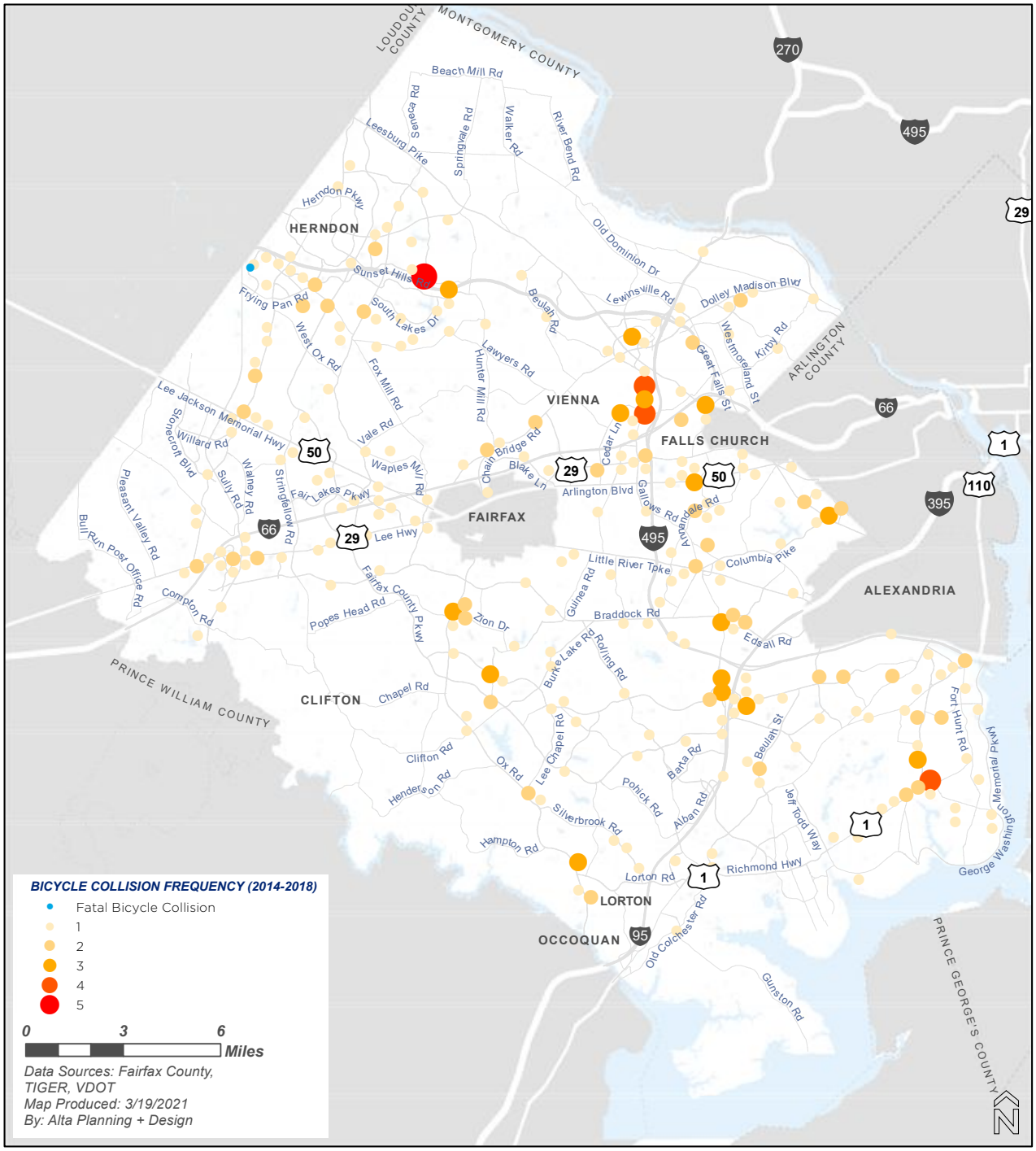
When asked to describe their experience using active transportation in Fairfax county, 27% of public survey respondents (265 of 999) stated that the current active transportation network feels unsafe.

The following comments are a sample of responses to the ActiveFairfax public survey that asked users to describe their experience walking, or riding a bike, scooter or another small vehicle in Fairfax County.

- I purposely chose my neighborhood because of its sidewalks. I can walk to the grocery stores, library, bus stops, church, etc.
- "I tried biking in my area, but I gave up because I don't feel that it's safe. Walking is fairly safe, but drivers seldom yield to pedestrians even when pedestrians are in the crosswalk and have the right of way."
- "It is frustrating and dangerous. Even with marked, dedicated bike lanes and sharrows vehicles do not yield/acknowledge bicycles. And I am not referring to just distracted drivers: at least six drivers in the past year have deliberately targeted me on my bicycle with harassment and physical threats."




PEDESTRIAN COLLISION FREQUENCY (2014-2018)
Fatal Pedestrian Collision
1 - 2
3 - 4
5 - 6
7 - 8
9 - 14
0
3
6
Miles
Data Sources: Fairfax County, TIGER, VDOT
Map Produced: 3/19/2021
By: Alta Planning + Design
HERNDON
VIENNA
FAIRFAX
FALLS CHURCH
ALEXANDRIA
CLIFTON
LORTON
OCCOQUAN
MONTGOMERY COUNTY
PRINCE WILLIAM COUNTY
ARLINGTON COUNTY
PRINCE GEORGE'S COUNTY
LOUDOUN COUNTY
Beach Mill Rd
Leesburg Pike
Springvale Rd
Walker Rd
River Bend Rd
Old Dominion Dr
Herndon Pkwy
South Lakes Dr
Beulah Rd
Dolley Madison Blvd
Kirby Rd
Great Falls St
West Ox Rd
Fox Mill Rd
Lawyers Rd
Hunter Mill Rd
Cedar Ln
Gallows Rd
Vale Rd
Waples Mill Rd
Stringfellow Rd
Willard Rd
Stonecroft Blvd
Sully Rd
Walney Rd
Pleasant Valley Rd
Bull Run Post Office Rd
Lee Hwy
Braddock Rd
Little River Tpke
Columbia Pike
Popes Head Rd
Compton Rd
Zion Dr
Guinea Rd
Burke Centre Pkwy
Rolling Rd
Edsall Rd
Chapel Rd
Fairfax County Pkwy
Clifton Rd
Ox Rd
Lee Chapel Rd
Henderson Rd
Backlick Rd
Barta Rd
Alban Rd
Pohick Rd
Silverbrook Rd
Hampton Rd
Jeff Todd Way
Beulah St
Richmond Hwy
Lorton Rd
George Washington Memorial Pkwy
Gunston Rd
270
29
50
66
395
110
495
1
95


BICYCLE COLLISION FREQUENCY (2014-2018)
Fatal Bicycle Collision
1
2
3
4
5
0
3
6
Miles
Data Sources: Fairfax County, TIGER, VDOT
Map Produced: 3/19/2021
By: Alta Planning + Design
HERNDON
VIENNA
FALLS CHURCH
FAIRFAX
CLIFTON
LORTON
OCCOQUAN
ALEXANDRIA
ARLINGTON COUNTY
MONTGOMERY COUNTY
PRINCE WILLIAM COUNTY
PRINCE GEORGE'S COUNTY
LOUDOUN COUNTY
Beach Mill Rd
Leesburg Pike
Herndon Pkwy
Sunset Hills Rd
Frying Pan Rd
South Lakes Dr
West Ox Rd
Fox Mill Rd
Lee Jackson Memorial Hwy
Willard Rd
Stonecroft Blvd
Sully Rd
Walney Rd
Stringfellow Rd
Pleasant Valley Rd
Bull Run Post Office Rd
Compton Rd
Vale Rd
Waples Mill Rd
Fair Lakes Pkwy
Lee Hwy
Popes Head Rd
Fairfax County Pkwy
Zion Dr
Chapel Rd
Clifton Rd
Henderson Rd
Ox Rd
Lee Chapel Rd
Burke Lake Rd
Rolling Rd
Silverbrook Rd
Hampton Rd
Old Dominion Dr
Lewinsville Rd
Dolley Madison Blvd
Beulah Rd
Lawyers Rd
Hunter Mill Rd
Chain Bridge Rd
Blake Ln
Arlington Blvd
Cedar Ln
Great Falls St
Westmoreland St
Kirby Rd
Gallows Rd
Annandale Rd
Little River Tpke
Columbia Pike
Guinea Rd
Braddock Rd
Edsall Rd
Beulah St
Banna Rd
Pohick Rd
Alban Rd
Jeff Todd Way
Richmond Hwy
Lorton Rd
Old Colchester Rd
Gunston Rd
Fort Hunt Rd
George Washington Memorial Pkwy
270
495
29
50
66
1
110
395
95

Principles of a Safe Streets for All Approach

- Traffic deaths and serious injuries are avoidable and should not be accepted.
- Protecting human life is the highest priority.
- The people who design, build, and manage roads have a shared responsibility to prevent crashes that result in serious injury or death.
- All road users have a shared responsibility to prevent crashes that result in serious injury or death.
- Rather than waiting for crashes to occur and reacting, a proactive approach should be taken to make the transportation system safe for all users including pedestrians, cyclists, and people traveling in vehicles.
- A safe system means a system that is designed for all ages and abilities, including youth and elders, and individuals with physical, visual, or cognitive disabilities.
- Lack of safety should not be a trade-off for faster mobility. Pedestrians and cyclists are particularly vulnerable, and speed is a fundamental predictor of crash survival. Rather, the transportation system should be both safe and efficient for all users.



Funding + Staff Capacity Building

Proposed Program Recommendations	Stakeholders	Implementation Cost
Establishment of a Safe Streets for All program focused on the implementation of the proposed recommendations below.	FCDOT; BOS; CEX; DEI; VDOT	$$
Establishment of an interdisciplinary Task Force to provide oversight of the Safe Streets for All Program.	Various agencies and community organizations	$
Creation of at least one staff position to run the Safe Streets for All Program and monitor performance. Grow staff capacity as needed.	FCDOT; BOS; DMB	$$
Allocation of adequate funding and maintenance of safety related equipment, marking and signage such as Rapid Flashing Beacons, Pedestrian Hybrid Beacons, crosswalk markings, Yield to Pedestrian signage, street and walkway lighting, etc.	FCDOT; VDOT; DPWES; BOS; DMB	$$
Requirement of every transportation-related project (studies, capital projects, comprehensive plan amendments; etc.) to include an active transportation expert on the consultant team.	FCDOT; VDOT	$
Prioritization of maintenance and active transportation capital improvements along high-risk pedestrian and bicycle corridors and to provide access to major activity centers.	FCDOT; DPWES; BOS; VDOT	$
Allocation of dedicated funding for the Safe Streets for All Program for implementation of pilot projects, studies and other safety-related non-capital efforts such as educational campaigns.	FCDOT; BOS	$$

Funding + Staff Capacity Building, cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a locally funded Safe Routes to School program in partnership with FCPS. Creation of at least one staff position to run the Safe Routes to School Program serving students K-12 and provision of dedicated funding for programming and studies. Scale up staff capacity as needed.	FCDOT; FCPS; BOS; NCS; HD; DMB	$$
Development of a Safe Routes to Parks, Trails and Community Services program in partnership with FCPA, NOVA Parks and NPS, NCS, and the HD.	FCDOT; FCPA; NOVA Parks; NPS; BOS; NCS; HD	$$
Determination of maintenance responsibility for all sidewalk and trail segments. Allocation of adequate funding, staffing and equipment to clear sidewalks, bikeways and transportation trails of hazards, debris and obstructions.	FCDOT; VDOT; BOS; DPWES; DMB ; FCPA; NOVA Parks; FCPD; General Assembly, CTB	$$
Allocation of adequate funding for sidewalks, bikeways and transportation trails for resurfacing, restriping and reconstruction.	FCDOT; BOS; DPWES; DMB; FCPA; NOVA Parks; NPS; VDOT; General Assembly, CTB	$$
Development of an inclusive Slow Streets Program to supplement the Traffic Calming Program and provide dedicated funding.	FCDOT; DMB; VDOT; BOS	$$
Allocation of adequate funding to expedite building out the active transportation network.	FCDOT; BOS; FCPA; NOVA Parks; NPS	$$$



Policy + Planning

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a Safe Streets for All Policy that prioritizes the protection of human life in the planning, design, and operation of Fairfax County's roadway network. Set short-, medium- and long-term targets.	FCDOT; VDOT; FCPD; HD; BOS; DPD; LDS	$
Development of a comprehensive Complete Streets Policy to provide the transportation and land use connection.	FCDOT; VDOT; DPD; BOS; LDS	$
Development of strategies that prioritize active transportation safety in planning and funding efforts using data, targets, and metrics.	FCDOT; VDOT; DPD; BOS	$$
Development of a policy that encourages public and private sector employers to provide safe and convenient access for active transportation users and transit riders to their main building entrance from the public street, sidewalk or trail, as well as secure bike parking.	FCDOT; DEI; Employers	$
Identification of potential updates to the Comprehensive Plan Transportation Plan Map and the Transportation Policy Plan Transportation Element to reflect a Safe Streets for All approach.	FCDOT; VDOT; DPD; BOS	$$
Development of a walkway maintenance and snow/ice removal regulation, adopt a sidewalk, and a trail maintenance and snow/ice removal policy that directs property owners to keep sidewalks and trails along roads in front of their property free of debris, vegetation, snow and ice. Provide a needs-based waiver system for low-income residents and develop a plan to do the maintenance work at these locations.	FCDOT; VDOT; DPWES; NPS; OCA; BOS	$$
Development of a county-wide lighting plan based on equity, environmental and safety factors.	FCDOT; VDOT; DPWES; FCPA; NOVA Parks; NPS; BOS	$$

Policy + Planning , cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a policy that would reduce the speed limit on local streets in residential and business districts to 15 mph on the state-maintained network.	VDOT; FCDOT; BOS; General Assembly; CTB	$
Completion of an active transportation safety audit within a mile of each public school and provide adequate funding for safety improvements, prioritizing high risk/high traffic areas.	FCDOT; FCPS; NCS; HD; DMB	$$$
Completion of an active transportation safety audit within a mile of each public park, community service location, and high capacity transit route. Provide adequate funding for safety improvements, prioritizing high risk/high traffic areas.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DMB; VRE; WMATA	$$$
Pursue revisions of Virginia state laws and policies related to multi-modal transportation safety including policies addressing topics such as distracted driving, 15mph speed limit, reduction of vehicle miles traveled, in-vehicle safety technology, and storage of snow/ice on walkway, bikeways and ramps.	FCDOT; VDOT; DPD; DEI; OCA; BOS; Advocates; General Assembly; CTB	$
Development of a policy that would require new developments (rezoning and by-right) to provide adequate and safe access to their property for active transportation users, including improvements to the closest safe street crossing.	FCDOT; VDOT; LDS; DPD; DEI; General Assembly	$



Street Design + Traffic Engineering

Proposed Program Recommendations	Stakeholders	Implementation Cost
Consistent application of design solutions that simplify and narrow intersections, reduce conflicts for all users, and prioritize the safety of active transportation users.	FCDOT; DPD; DEI; VDOT	$
Consistent implementation of planned active transportation facilities and any streetscaping requirements including providing crosswalks on all four legs of an intersection. Ensure that streetscaping does not encroach on active transportation facilities.	FCDOT; VDOT; DPD; LDS; DEI; Development Community; BOS; FCPS; DPWES; FCPA; NOVA Parks; NPS	$
Design of new active transportation facilities prioritizing safety, comfort and convenience for facility users, using acomplete streets design approach (narrow medians, travel lanes and/ or reduce number of travel/turn lanes before reducing the recommended widths of the planned active transportation facility).	FCDOT; DPD; VDOT; BOS	$
Design of new and improved existing public facilities such as schools, parks and community services to prioritize safety, comfort and convenience for people accessing the facility using active transportation. If applicable, provide access from several directions.	FCDOT; DPWES; FCPS; FCPA; LDS; NCS; NOVA Parks; VDOT	$
Implementation of technological innovations to address traffic safety issues.	FCDOT; VDOT; DEI	$$
Reduction of posted speed limits and operational vehicle speeds on roadways that provide direct access to residential, commercial, institutional, recreational, or civic land uses and transit stations, and along bus transit and high-risk corridors.	FCDOT; VDOT; General Assembly	$$
Development of a county-wide Complete Streets Design Guide that reflects best practices in Safe Streets for All design, context sensitive design (transportation-land use connection), active transportation facility design, and placemaking principles. Incorporation of guidance on how to implement the county-wide trail network in a variety of land use contexts and quick-build interim implementation strategies.	FCDOT; VDOT; DPD; DEI; HD	$$

Street Design + Traffic Engineering , cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Review of bus stop locations to ensure that they can be safely accessed from both sides of the street. Relocation of bus stops as needed and construction of sidewalks or trails to bus stops from surrounding neighborhoods. Implementation of amenity improvements such as lighting, shelters, benches, trash cans, and bike racks to high ridership bus stops.	FCDOT; VDOT; WMATA	$$$
Identification of a pilot high-risk corridor to implement a safety study that analyzes crashes, engages stakeholders and residents, identifies appropriate countermeasures and implements quick-build strategies. This pilot will serve as a guide to refine the project delivery process and test the durability of quick-build solutions.	FCDOT; VDOT; DPD; DEI ; NCS	$$
Design of new roads with design speeds not to exceed the target operational speeds, which should be informed by the land use context, potential left turn conflicts and pedestrian activity in the area.	FCDOT; VDOT	$
Application of design techniques to control speeds on collectors and arterials, prioritizing high-risk corridors, residential areas and commercial areas.	FCDOT; VDOT	$$$
Review of VDOT Road Design Manual for opportunities to improve design standards to better meet active transportation needs and Safe Streets for All principles, and work with VDOT to make updates as needed.	FCDOT; VDOT	$$
Establishment of grade separated or signalized crossings for trails at uncontrolled interchange ramps.	FCDOT; VDOT	$$$



Equity + Social Justice

Proposed Program Recommendations	Stakeholders	Implementation Cost
Collection of race, ethnicity, and disability data of pedestrian and bicycle crash victims and analyze data for disparities.	FCDOT; FCPD; DMV	$$
Prioritization of maintenance and capital improvements in high need areas in close partnership with the affected community, especially the most at-risk populations.	FCDOT; VDOT; FCPS; FCPA; NOVA Parks; NCS; HD; DPWES	$
Prioritization of engagement of people experiencing vulnerabilities and groups disproportionately impacted by bicycle and pedestrian crashes in community engagement efforts, including studies and capital projects. Development of measures to assess impact.	FCDOT; VDOT; FCPS; NCS; HD	$$
Creation of walk and bicycle audits in partnership with communities, especially the most at-risk populations, to determine community-identified safety concerns and develop solutions. Allocation of adequate funding to implement recommendations.	FCDOT; VDOT; FCPS; NCS; HD; FCPA ; FCPD	$$

Education + Traffic Safety Culture

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development and implementation of a communications strategy for the Safe Streets for All program.	FCDOT	$
Provision of staff training on planning and design approach to Safe Streets for All best practices, including active transportation accommodations through work zones.	FCDOT; VDOT; LDS; DPWES	$
Creation of regular and targeted campaigns in multiple languages using culturally appropriate strategies to educate the public about traffic safety and safe travel behaviors, especially as related to the highest collision factors.	FCDOT; WMATA; COG; FCPS; NCS; FCPA; NPS; NOVA Parks; OPA; HD; FCPD; VDOT	$$
Encouragement of private and public sector employers to provide road safety education to all employees.	FCDOT; Employers	$
Creation of multi-modal traffic safety education to students K-12 (as part of the curriculum or through special events).	FCDOT; FCPS; Private Schools	$$
Creation of multi-modal traffic safety education to adults through subsidized classes. Evaluation multi-modal safety education in Drivers Ed courses and Driving Schools, providing additional guidance if necessary, and monitoring implementation.	FCDOT; FCPA; NCS; DMV; Community Partners	$$
Creation of a web page on the Fairfax County website that serves as an interactive “clearinghouse” for road safety information.	FCDOT; OPA	$
Creation of engaging public outreach experiences, through temporary street and intersection redesigns that develop community awareness of the benefits of road safety interventions.	FCDOT; Community Groups; FCPS; VDOT; DPD	$$
Implementation of speed feedback signage at high collision locations, along high-risk corridors, and in school zones.	FCDOT; VDOT; FCPD	$



Monitoring + Evaluation

Proposed Program Recommendations	Stakeholders	Implementation Cost
Identification of multi-modal road safety performance measures and set short, medium and long term targets.	FCDOT; VDOT; FCPD	$
Identification of the most common factors (i.e. alcohol, time of day, speeding, turning, distracted drivers, land use, type of available infrastructure, etc.) related to pedestrian, bicycle, and vehicular crashes and the most affected populations (i.e. age, race, etc.)	FCDOT; FCPD; VDOT; HD	$
Collection and review of multi-modal near-miss and minor crash data to identify potential crash locations.	FCDOT; Community Organizations	$
Establishment of an interactive web map to systematically collect transportation safety concerns from residents. Consider a corresponding hot line.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DIT	$
Development of active transportation performance measures that are appropriate for the county and also for specific projects (safety, comfort, convenience).	FCDOT; HD; DPD;	$
An Annual Safe Streets for All Report Card.	FCDOT	$
Installation of additional permanent automated counters at key locations to track active transportation facility usage over time.	FCDOT; VDOT	$
Establishment of manual or automated spot counts of active transportation users at a defined set of locations to identify and track gender gaps over time.	FCDOT	$
Take advantage of technological innovations such as AI cameras or private vehicle sensors to analyze traffic safety or maintenance issues and monitor effectiveness of countermeasures after implementation.	FCDOT; VDOT	$$
Evaluation of the effectiveness of transportation safety improvements before and after implementation.	FCDOT; VDOT; FCPD; DPWES; HD ; FCPD	$







May 2022

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). To request this information in an alternate format, contact FCDOT at 703-877-5600, TTY 711.

Attachment 2

RESOLUTION

PROJECT ENDORSEMENT 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, June 24, 2025, at which a quorum was present and voting, the following resolution was adopted:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves a submission to the United States Department of Transportation's FY 2025 Safe Streets and Roads for All (SS4A) Discretionary Grant Program for $4,560,000 in funding for a Safety Action Plan, safety demonstration projects, and staff augmenting consultant.

ADOPTED this 24th day of June, 2025.

A Copy Teste:

_____

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
June 24, 2025

ADMINISTRATIVE – 4

Supplemental Appropriation Resolution AS 25280 for the Department of Information Technology to Accept the Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency for the Responder to Responder Program

ISSUE:
Board of Supervisors approval of Supplemental Appropriation Resolution AS 25280 in the amount of $185,000 for Fairfax County to accept funding from Department of Homeland Security (DHS) FY 2023 Urban Areas Security Initiative (UASI) Responder to Responder (R2R) program from the State Administrative Agency (SAA). This award is made available by DHS through the District of Columbia, which is serving as the State Administrative Agency. Funding will support coordinated multi-jurisdictional response operations between law enforcement, fire, EMS and rescue personnel and emergency communicators. This project will aid tactical situational awareness and coordination during responses to large-scale multi-jurisdictional fire and rescue responses to terroristic events in the National Capital Area Region. The grant period for this subgrant award is May 1, 2025, through August 31, 2026. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding the program; however, the grantor has indicated that funding will be ongoing.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 25280 in the amount of $185,000. Funding will be used to perform essential activities toward creating a platform for mapping, sharing, and analyzing both real-time and archived individual responder location. 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.

TIMING:
Board approval is requested on June 24, 2025.

BACKGROUND:
The Homeland Security Grant Program (HSGP) provides Urban Areas Security Initiative (UASI) funds from the Department of Homeland Security as financial assistance to high-risk urban areas, as defined in legislation, to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population, and other relevant criteria. Grant awards are given to the identified urban area authorities through State Administrative Agencies. The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs, and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group (SPG) then reviewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. To effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a subgrant award to handle all the financial management, audit, procurement, and payment provisions of the subgrant award and grant program. Fairfax County has agreed to act as the subgrantee for the R2R program and has requested that its Department of Information Technology (DIT) be the lead agency to handle fiscal-related matters associated with this award. The award documentation is attached to support requested acceptance.

The R2R program was initiated by the RESF Fire Chiefs committee to create and maintain a regional system of sharing individual public safety responder locations in a 3-D geospatial data feed. A complement to the CAD2GIS initiative that shares CAD-911 event and vehicle locations, R2R will support better real-time tactical coordination as well as post-event analyses.

Board Agenda Item
June 24, 2025

EQUITY IMPACT:
None.

FISCAL IMPACT:
Grant funding in the amount of $185,000 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to create an organized platform for sharing detailed 3-D individual responder locations that the current methods of radio monitoring cannot accomplish. This action does not increase the expenditure level in the Federal-State Grant Fund as funds are held in reserve for unanticipated awards. Indirect costs are not recoverable. No Local Cash Match is required.

CREATION OF NEW POSITIONS:
No new positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1 – Grant Award Documentation
Attachment 2 – Supplemental Appropriation Resolution AS 25280

STAFF:
Thomas Arnold, Deputy County Executive
Elicia Seard-McCormick, Deputy County Executive
Matthew Harrison, Director, Department of Information Technology

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Muriel Bowser
Mayor

Clint Osborn
Director

SUBAWARD

PROGRAM
FY 2023 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Department of Information Technology

SUBAWARD TITLE
Responder to Responder Program

SUBAWARD ID
23UASI583-04

AWARD AMOUNT
$185,000.00

SUBAWARD PERFORMANCE PERIOD
5/1/2025 - 8/31/2026

SUBRECIPIENT UEI
W2ZUFMBDM378

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2023-SS-00056

FEDERAL AWARD DATE
9/11/2023

FEDERAL AWARDING AGENCY
U.S. Department of Homeland Security
Federal Emergency Management Agency

CFDA
97.067 Homeland Security Grant Program

STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY
District of Columbia Homeland Security and Emergency Management Agency

As the duly authorised representative of the above-listed organization, you hereby accept the subaward and certify that you have read and understand the terms and conditions presented in the following documents:

- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- HSEMA Subrecipient Handbook
- FY 2023 District of Columbia Homeland Security and Emergency Management Agency Terms and Conditions
- FY 2023 FEMA Preparedness Grants Manual
- FY 2023 DHS Standard Terms and Conditions
- FY 2023 DHS Homeland Security Grant Program Agreement Articles
- FY 2023 Homeland Security Grant Program Notice of Funding Opportunity

AWARDING OFFICIAL
Clint Osborn
Director

Signature _____ Date 5/5/2025

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Department of Information Technology

Signature _____ Date _____

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 25280

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 June 24, 2025, 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 2025, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7070, Department of Information Technology	
Grant:	1HS0094-2023, Responder to Responder Program Grant	$185,000

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	$185,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: DC Homeland Security and Emergency Management Agency, $185,000

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
June 24, 2025

ADMINISTRATIVE – 5

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 2026 Public Safety Answering Point Grant Program

ISSUE:
Board of Supervisors 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 (VDEM), FY 2026 Public Safety Answering Point (PSAP) Grant Program, for three projects totaling $5,834,208. The Virginia PSAP Grant Program financially assists primary PSAPs through funding projects that fall within the programmatic areas identified in the guidelines for a fiscal year. DPSC is applying for the following grants:

Project	Amount
Next Generation 911 PSAP Support	$896,258
Regional Alternate Backup Center	$4,384,750
Interoperability Testing	$553,200
Total	$5,834,208

The grant period for all three projects is from July 1, 2025, to June 30, 2026. No new positions are associated with the funding. It is anticipated that funding will be awarded for each individual project listed above; therefore, the County may receive one, two or three awards. If any of the actual awards received are significantly different from the application amounts, Board approval will be requested prior to appropriating grant funds. Otherwise, staff will process the awards 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(s) 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 DPSC to apply for and accept grant funding, if received, from the VDEM in the amount of $5,834,208 for three projects in the FY 2026 PSAP Grant Program. No Local Cash Match is required. 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
June 24, 2025

TIMING:
Board approval is requested on June 24, 2025. Due to rolling application deadline of June 30, 2025, and projects having a higher likelihood of obtaining funding by applying earlier, the grant applications were submitted pending Board approval. The Board was notified at the Safety and Security Committee Meeting on May 20, 2025 of the DPSC's intent to apply for these grants. If the Board does not approve this request, the applications will be immediately withdrawn.

BACKGROUND:

1. Next Generation 911 PSAP Support ($896,258)
   This grant (Attachment 1) will be used to pay for call taking and dispatch equipment, public safety communicator training, and support services for the Department of Public Safety Communications (9-1-1). The funding is intended to assist the agency with its transition to its Next Generation 9-1-1 (NG9-1-1) system.

2. Regional Alternate Backup Center ($4,384,750)
   This grant request (Attachment 2) supports Regional Alternate Center Furnishings - workstation consoles and equipment to support NG9-1-1 monitors and other equipment. The Regional Alternate Center will support 911 call-taking and dispatch operations across multiple jurisdictions, handling emergency and non-emergency calls, radio traffic, and the deployment of law enforcement, fire, and EMS units. Additionally, the facility will be used for staff training on new technologies and testing mission-critical systems to enhance regional interoperability.

3. Interoperability Testing ($553,200)
   This grant request (Attachment 3) supports the upcoming necessity to perform interoperability evaluations as the effort to recompete the existing Next Generation Core Services (NGCS) ESInet contract that Fairfax County, the Commonwealth of Virginia, and other local states and other jurisdictions are using. There will be a more rigorous interoperability and cyber readiness approach to selecting RFP award recipients by having selected vendors place their proposed solutions through an independent third-party testing regimen, coordinated through Fairfax County DPSC.

EQUITY IMPACT:
None.

FISCAL IMPACT:
Funding in the amount of $5,834,208 for the three projects outlined above from VDEM will support projects to enhance operational efficiency and capabilities by supporting the use of shared systems and services as well as providing funding for NG9-1-1 recurring costs. Funding will be allocated across up to three grants as previously listed. No Local Cash Match is required. These grants do not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

CREATION OF NEW POSITIONS:
There are no new grant positions associated with this funding.

ENCLOSED DOCUMENTS:
Attachment 1: Next Generation 911 PSAP Support Program Guidelines
Attachment 2: Request for Regional Alternate Backup Center
Attachment 3: Request for Interoperability Testing

STAFF:
Thomas Arnold, Deputy County Executive
Scott Brillman, Director, Department of Public Safety Communications (DPSC)
Ed Falcon, Assistant Director of Support Services, DPSC
Eric Mills, Finance Chief, DPSC

Virginia Department of
Emergency Management

PSAP Grant Program

Additional Next Generation 9-1-1 Funding Guidelines

February 2025

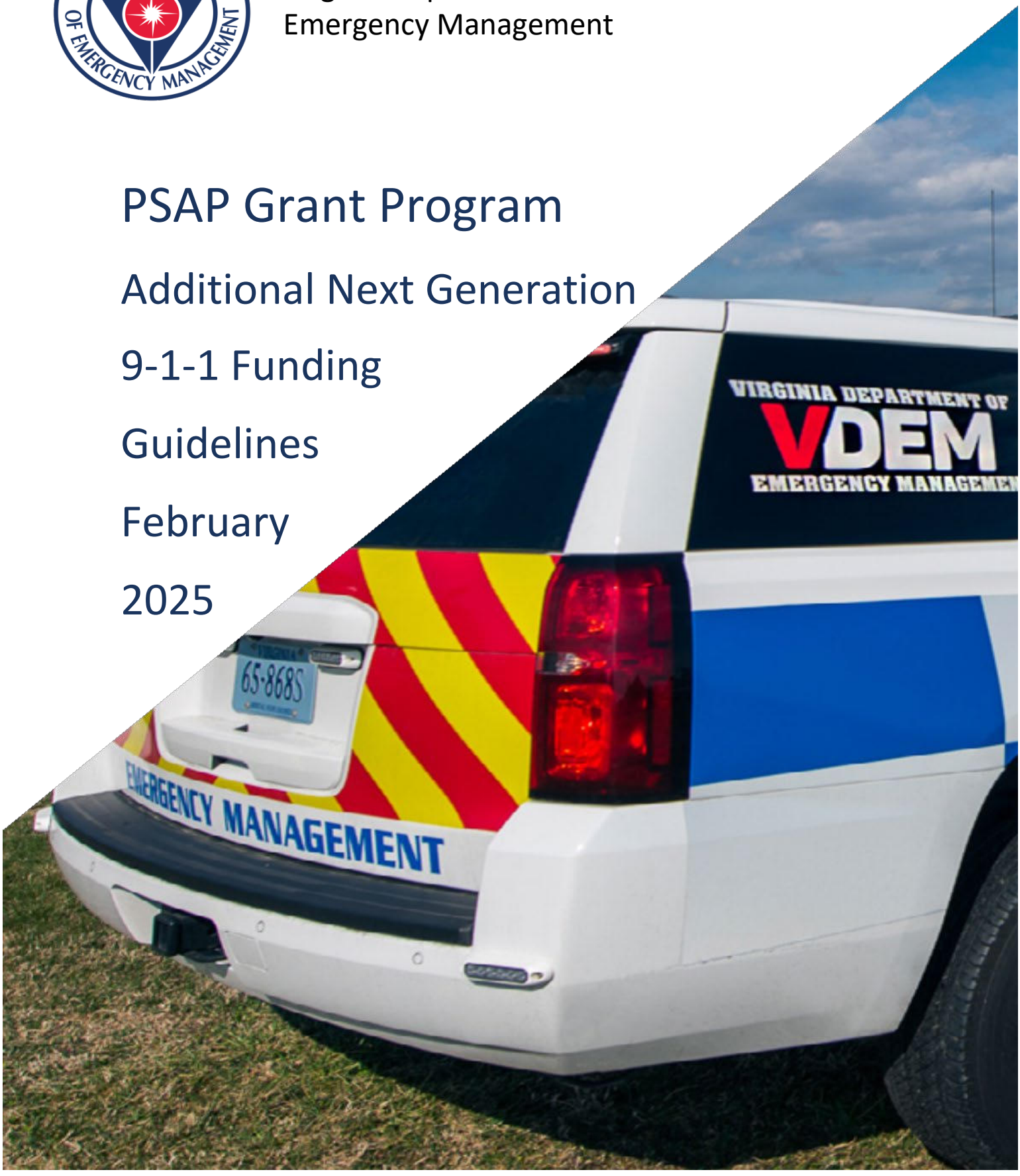


TABLE OF CONTENTS

Contents

INTRODUCTION 4

PSAP Grant Committee (PGC) 4

Auditing 5

Errors 5

Definitions 6

ADDITIONAL NEXT GENERATION 9-1-1 FUNDING 6

Program Concept and Purpose 6

Funding Amounts 7

Eligibility 7

Grant Cycle, Applications, and Awards 7

Grant Award Amendments 8

Grant Progress Reports 8

Grant Award Extension 8

Payment Request Process 8

Grant Award Closure 9

Termination or Suspension of Grant 9

INTRODUCTION

Virginia PSAP Grant Programs financially assist primary PSAPs. Funding is made available through the Code of Virginia and administered by the Board. Funding is limited to those projects that fall within the programmatic areas identified in the guidelines for a fiscal year. As a result, requests from PSAPs for exceptions to the guidelines are discouraged.

The PSAP Grant Program has been established in the Code of Virginia, §56-484.17(D):

> Wireless E-911 Fund; uses of Fund; enforcement; audit required:
>
> … 40 percent of the Fund shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and payment schedule; however, priority shall be given to grants that support the deployment and sustainment of NG9-1-1.

PSAP Grant Committee (PGC)

The Board chair makes appointments to the PSAP Grant Program's Grant Committee. Membership to the PGC is staggered and appointments are made for three-year terms. Members can be reappointed for only one additional consecutive term. Committee members serve at the discretion of the Board's chairperson. At all times, the Grant Committee membership shall consist of at least two Board members.

Members of the Grant Committee should adequately represent the geographic diversity of the Commonwealth, the varied operational capacities of Virginia primary PSAPs, and public safety professional organizations. Accordingly, a nine-person Grant Committee is established consisting of the following individuals:

- Two Board members (one of which will chair the committee)
- Four primary PSAP representatives (two of which will represent APCO and NENA)
- Three at-large members

Members with the same organizational affiliation will have different reappointment and replacement schedules:

- Replacement/Reappointment Schedule 1:
  - one Board member (co-chair)
  - two primary PSAP representatives (one of which will represent APCO)
  - and two at-large members
- Replacement/Reappointment Schedule 2:
  - one Board member (chair)
  - two primary PSAP representatives (one of which will represent NENA)
  - and one at-large member

Each year, in anticipation of the upcoming grant application cycle, the Grant Committee recommends grant guidelines and funding priorities. The Grant Committee will also make recommendations to the Board regarding the development of any criteria for awarding grants, and the proposal of any necessary changes to the administration of the PSAP Grant Program.

The Grant Committee will meet multiple times a year to evaluate all complete and eligible applications. Furthermore, the committee has the discretion to make case by case evaluations and recommendations for approval or disapproval of all submitted applications.

Auditing

The Board shall audit funding received by all recipients to ensure that it was utilized in accordance with the award requirements. If it is determined that the funding was misused, or if the guidelines were not adhered to, the Commonwealth may take appropriate action to the extent permitted by law, including, but not limited to, requiring the return of the funds. Additionally, past audit experience will be taken into account in connection with any future funding requests. If previous audit findings indicate unresolved issues or non-compliance, the Board reserves the right to reject funding requests until the appropriate corrective actions have been taken and verified.

Errors

If NGS staff discovers that a funding or grant award is not consistent with Board action, NGS staff will notify the PSAP by email about the error and take corrective action.

Definitions

Primary Public Safety Answering Point – means a PSAP that receives the initial wireless E-911 call as recognized by the Virginia 9-1-1 Services Board as eligible to receive wireless funding. Only these specific PSAPs may participate in the PSAP Grant Program.

Public Safety Answering Point (PSAP) – A facility equipped and staffed on a 24-hour basis to receive and process E9-1-1 calls or that intends to receive and process E9-1-1 calls and has notified commercial mobile radio service (CMRS) providers in its jurisdiction of its intention to receive and process such calls.

Wireless E-911 Fund – A dedicated fund consisting of all moneys collected pursuant to the Wireless E-911 surcharge, as well as any additional funds otherwise allocated or donated to the Wireless E-911 Fund.

ADDITIONAL NEXT GENERATION 9-1-1 FUNDING

Program Concept and Purpose

The deployment of Next Generation 9-1-1 (NG9-1-1) across Virginia is a more than $50M project that transforms the landscape of public safety for those that live, work, and visit Virginia. Virginia's investment in connectivity, software, services, data, and training reduces the time between a 9-1-1 call and the dispatch of an appropriate response.

Since 2018, the 9-1-1 Services Board has been singularly focused on the deployment of this new technology and providing funding to PSAPs to support these efforts. Recurring NG9-1-1 network costs are higher than legacy 9-1-1 recurring costs for most Virginia's PSAPs. The Board's Next Generation 9-1-1 Migration Funding program provided two years of "delta payments" to cover the cost increases for a period of 24 months after deployment is complete. After 24 months, the entire cost of NG9-1-1 is the responsibility of each PSAP, along with the recurring maintenance costs for PSAP equipment and maintaining and transferring GIS data. Delta costs for a year range from about $6,000 to nearly $900,000.

In recent 9-1-1 town halls, PSAP community members shared that their centers have a number of immediate operational gaps that need to be addressed in addition to recurring NG9-1-1 network costs. This grant program has been expanded to provide funding for NG9-1-1 recurring costs **and/or** other immediate operational needs. Grant funds are to be used to supplement the portion of local governments' budgets, nor to supplant funds.

The following is a non-exhaustive list of these allowable operational items:

- Redundant connectivity (FirstNet/Starlink)
- PSAP Equipment (CAD/Recorder/Netclock/Map Displays/Additional Data Repositories)
- Back-up 9-1-1 centers
- Recruitment/retention/wellness
- CAD to CAD
- Training/professional development
- Consoles/chairs
- Cybersecurity

If there are questions as to whether a planned project or expense is eligible under this program, it is encouraged to seek clarification from staff via the psapgrants@vdem.virginia.gov email before spending funds. Staff will reply within 3 business days but may request additional information or a meeting to better understand intent. Expenses must comply with FCC rules regarding the

allowable use of 9-1-1 fees.

Funding Amounts

Each primary PSAP is eligible to receive a maximum $150K for recurring NG9-1-1 network costs and/or other immediate operational needs, with the exception of the following 8 PSAPs who are eligible for additional funding since their current recurring ESInet NG9-1-1 network cost increases are in excess of $150K:

- Stafford $161,784.96
- Henrico $184,479.36
- Spotsylvania $193,162.92
- Chesapeake $195,369.84
- Chesterfield $358,008.00
- Loudoun $405,958.44
- Prince William $518,134.80
- Fairfax $896,257.80

Eligibility

Any civilian Virginia PSAP connected to Next Generation Core Services with a service URI is eligible to apply for this grant program. Eligible entities appears on the maps and lists on the Virginia Next Generation 9-1-1 Deployment Dashboard.

Grant Cycle, Applications, and Awards

Grant programs are available in an award period that runs consistent with the Commonwealth of Virginia's fiscal year. All applications, awards, and reimbursement requests are through vdem.emgrants.com. Contact PSAPGrants@vdem.virginia.gov for assistance.

- The grant application cycle begins on March 1 and will remain open until 5:00 pm on June 30. Apply by completing the application available on the PSAP Grants website and in vdem.emgrants.com, checking all applicable boxes, filling out necessary information for organizations and/or GIS service providers, and submitting form and any required materials through EM Grants.
- A detailed project plan and/or line-item budget of allowable operational items for the proposed Additional Next Generation 9-1-1 Funding project should be included with the application.

- Applications will be reviewed by the PSAP Grant Committee, and approved by the 9-1-1 Services Board.
- Notification of awards will occur in July via EM Grants.
- The award period is July 1, 2025 to June 30, 2026.
- All grant funds must be expended by the end of the grant award period. The Additional Next Generation 9-1-1 Funding grant program grants are not eligible for extensions.

Grant Award Amendments

Funding award amendments are not typically issued. If there is a need to change the focus of the project from its original intended use, the PSAP can work with the Program Manager for review. NGSB staff may administratively approve changes to the scope of work after the approval process, up to the amount of the award. If the grantee's request for an amendment to the scope of work is denied, the grantee may appeal the decision to the PSAP Grant Committee for further review. The appeal must be submitted in writing within 30 days of the denial notification.

Grant Progress Reports

The Additional Next Generation 9-1-1 Funding grant program awards do not require progress reports.

Grant Award Extension

The Additional Next Generation 9-1-1 Funding grant program award is a one-year grant. A grant award extension does not apply.

Payment Request Process

The program uses a cost recovery method of funding. The grantee will pay the costs of allowable expenses and request reimbursement via vdem.emgrants.com.

During the grant award period, in order to receive reimbursement, the grantee must submit itemized invoices as documentation. Non-itemized invoices are not acceptable. Neither are agency or fiscal or financial system documentation of payment, purchase orders, or contract quotes acceptable.

To the extent practical, a single reimbursement request should be submitted for the program.

In the event that additional documentation is required from the grantee to process the payment reimbursement request, the Program Manager shall make the first contact with the grantee to request the information. Generally, such requests will be made by email but can be made by telephone if easier with an email to follow for documentation. The Outreach Manager for the locality will be copied on the request and follow up emails. The payment request will be held until the additional information is provided and not be partially paid, unless requested by the PSAPs.

- If the required information is not received from the grantee within ten (10) business days of the request for additional information, the Program Manager will alert the Outreach Manager for that locality to follow up with the grant recipient. The Outreach Manager will contact the grant recipient to determine the cause of the delay in response and work with the Program Manager to determine a path forward to getting the required information or rejecting the request.
- If the required information is not received by the Program Manager within twenty (20) business days of the request for additional information, the Program Manager will alert the PSC Coordinator. The PSC Coordinator will determine if additional action is necessary.
- If the required information is not received by the Program Manager within thirty (30) business days of the request for additional information, the Program Manager will summarily reject the payment reimbursement request with an email to the grantee, copying the responsible Outreach Manager, asking them to resubmit the request when the request when all of the require information is available.

Reimbursement payment requests received without all requires receipts will be considered null submissions after 30 business days of notification and non-receipt of required documents.

Grant Award Closure

Additional Next Generation 9-1-1 Funding grant program awards will close after disbursement.

Termination or Suspension of Grant

If the submitted scope of work is not completed as outlined in the approved

grant proposal, the 9-1-1 Services Board reserves the right to require the return of all or part of the disbursed funds. Should the grantee fail to implement the project as agreed, or if the project is abandoned or delayed beyond the award period, the 9-1-1 Services Board may initiate a process to recover the funds. The grantee will be notified in writing of the requirement to return the funds, with repayment due within a timeframe established by the 9-1-1 Services Board. Failure to comply may result in the Commonwealth taking appropriate legal action, including but not limited to, the recovery of the funds.

FY26 PSAP GRANT APPLICATION FOR THE CONSOLIDATION, REGIONAL ENHANCEMENT, AND NG911 ADDITIONAL FUNDING GRANT PROGRAM

Check the boxes to apply for the programs. Submit the completed grant application and supporting documentation to **vdem.emgrants.com**. Contact **PSAPGrants@vdem.virginia.gov** for assistance. Incomplete applications will not be accepted for consideration

Application

PSAP/HOST PSAP NAME: Fairfax County DPSC

Select one of the following:

○ Consolidation ◉ Regional Enhancement ○ Additional NG9-1-1 Funding

List a general description of the type of expense requested and estimated cost. Examples may include: consultant, architecture and design, furniture, hardware, a specific software, net clock, recruitment/retention, delta costs. Reference each guideline for examples and details.

General Description	Est. Cost
Regional Alternate Center Furnishings - workstation consoles and equipment to support NG911 monitors and other equipmen	$ 4,384,750.00
Total amount requested:	$ 4,384,750.00

These programs require additional documentation. In a separate document, provide responses to the following items related to the type of project for which you are seeking funding and submit it with this application:

Consolidation

- Indicate how a consolidation would take place and improve services.
- How would the consolidated PSAP be organized and staffed?
- What services will the consolidated PSAP perform?
- Indicate how consolidated PSAP policies should be made and changed.
- What changes or improvements should be made to inter-communications among the local governments participating in the consolidation in order to better support operations?
- Discuss the sustainability of the consolidation project during the proposed term of the project and for the foreseeable future.
- Describe how this consolidation project helps participating PSAPs to meet the minimum 9-1-1 capabilities and services defined in Virginia's 9-1-1 standards document.

Regional Enhancement

- What is the relationship of the participating PSAPs to the proposed enhancement project?
- Identify intended collaborative efforts between participating PSAPs.
- Identify how resource sharing will take place.
- How does the enhancement project impact the operational or strategic plans of the participating PSAPs?
- Describe how this project helps participating PSAPs to meet the minimum 9-1-1 capabilities and services defined in Virginia's 9-1-1 standards document.

Additional NG9-1-1 Funding

- PSAP Equipment
- Recruitment/retention/wellness
- CAD to CAD
- Training/professional development
- Refer to Guidelines for more information

☑ 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.

NG911 Additional Funding – Regional Alternate Center

Fairfax County seeks grant funding to establish a regional Alternate Center for Fairfax County, the City of Alexandra, Metropolitan Washington Airports Authority (MWAA), Fairfax County secondary PSAPs, and likely other PSAPs such as Arlington County. This proposed space that Fairfax County is arranging for long term lease will serve as DPSC's Alternate 911 Communications Center for Fairfax County and multiple 911 Communications Centers within Northern Virginia jurisdictions. The facility, located at 460 Springpark Place in Herndon, Virginia, was previously occupied by Equinix (one of the world's largest data center providers) staff before the COVID-19 pandemic.

The selected site provides approximately 20,000 square feet across two floors and is strategically positioned at an appropriate geographic distance from the primary 911 Center at PSTOC (4890 Alliance Drive, Fairfax, VA) and other jurisdictions. This Alternate Center is essential for ensuring Continuity of Operations (COOP) in the event of an emergency or major disruption at any of the jurisdictions who will be a part of the regional effort. Several of the jurisdictions participating in this Regional Alternate Center concept do not have a long-term viable alternate center location for 911. Fairfax County and the mentioned jurisdictions highly recommend that VDEM fund this initiative as a key new strategic effort to improve 911 redundancy and resilience across the commonwealth regions.

Regional Enhancement Grant Application Questions

- What is the relationship of the participating PSAPs to the proposed enhancement project?
    - Each of the proposed PSAPs participating in this grant would have a relationship to this enhancement as they would have a well-equipped alternate center to relocate their 911 operations should something unforeseen happen to their existing primary center.

- Identify intended collaborative efforts between participating PSAPs.
    - The collaboration efforts that arise from this enhancement involve the increased ability to provide direct support to one another when located in the Regional Center. The staff would be co-located, facilitating direct communication, enhanced training opportunities, shared use of workstation and computer equipment, and other collaborative efforts such as peer support.

- Identify how resource sharing will take place.
    - Resource sharing would take place under this grant as the workstation furniture and accessories provided by the grant would allow PSAPs to share operations floor workstation positions. The workstations provided under this grant would provide close proximity for different PSAPs to work and provide interoperability support.

- How does the enhancement project impact the operational or strategic plans of the participating PSAPs?
    - The ability to have a solid and viable Continuity of Operations Plan (COOP) is central toa PSAP support 911. Having this Regional Operations Alternate Center would be a very resilient capacity that would provide a strong foundation for the

strategic and operational plans of the PSAPs participating in the Regional Alternate Center. The Center would have a very secure and resilient path to internet connectivity due to its proximity and interconnections to regional data centers, which is an essential component of a solid strategic plan for operational resiliency.

- Describe how this project helps participating PSAPs to meet the minimum 9-1-1 capabilities and services defined in Virginia's 9-1-1 standards document.

    - With a Regional Alternate Center, the participating jurisdictions will be able to answer all 9-1-1 calls in a timely manner
    - With a Regional Alternate Center, the participating PSAPs increase their ability to have a technical environment to continue operations in accordance with the National Emergency Number Association i3 standards for deployment of Next Generation 9-1-1 (NG9-1-1) core services (NGCS) and an Emergency Services IP Network (ESInet)
    - With a Regional Alternate Center, the ability to have multiple PSAPs use shared or interconnected Call Handling Equipment and CAD systems is greatly increased as the equipment and workstations in the Center can be configured for use by any participating PSAPs.
    - With a Regional Alternate Center, the planned installation of backup radio equipment that can support PSAPs is enhanced as the Regional Center is located in a secure and highly resilient facility that supports radio operations.
    - With this Regional Alternate Center, the participating PSAPs would have excellent physical security of the PSAP and any other location(s) housing PSAP equipment.

Other Considerations for the Regional Alternate Center

When activated, the Regional Alternate Center will support 911 call-taking and dispatch operations across multiple jurisdictions, handling emergency and non-emergency calls, radio traffic, and the deployment of law enforcement, fire, and EMS units. Additionally, the facility will be used for staff training on new technologies and testing mission-critical systems to enhance regional interoperability.

The current DPSC alternate center at the Richard A. King - Pine Ridge Center ("Pine Ridge") in Annandale, VA, has become obsolete and will become unavailable within the next several years. Despite repeated funding requests over the past five years, necessary infrastructure improvements at Pine Ridge are not part of the County's long-term plans for the Pine Ridge facility. Key challenges at the existing facility include:

- Unreliable power supply, located at the end of a Virginia Power transmission line
- Obsolete heating and cooling systems, making temperature regulation difficult and workplace conditions inconsistent
- Inadequate support infrastructure, limiting operational reliability

The 460 Springpark Place facility meets mission-critical requirements by offering a unique

combination of characteristics combining equipment compatibility with sufficient flex office space that:

- Enhance operational continuity for emergency communications staffing should unforeseen environmental events impact the primary operating site at PSTOC
- Cost efficiency for office flex space at very competitive rates with organic redundancy and resiliency capabilities.
- Robust infrastructure from a power and network access standpoint that given the nexus to Inet demarcation points in Herndon to allow the 24/7 support emergency operations for public safety
- Regional connectivity and interoperability benefiting the public due to enhanced failover services with regional 911 centers, transportation agencies, and public safety communications within the National Capital Region (NCR).

This site uniquely fulfills the County and regional partner needs, providing the necessary infrastructure, geographic separation, and cost-effective deployment to justify as a Regional Alternate Center.

Public Safety Communications Centers (PSCCs) like DPSC are governed by strict industry standards, including the National Fire Protection Association (NFPA) 1221, which outlines best practices for the installation, maintenance, and operation of emergency services communication systems. These standards dictate that building infrastructure, electrical systems, mechanical components, and communications networks be held to significantly higher reliability and resilience standards than conventional commercial buildings.

The survivability of communications systems—both at DSPC's primary and alternate centers—is critical to maintaining emergency operations during crises. Essential infrastructure elements include:

- Reliable primary and backup power sources to prevent service disruptions
- Robust grounding and lightning protection systems to safeguard critical equipment
- Mission-critical radio systems and tower sites integrated into the facility design
- Uninterruptible Power Supply (UPS) systems as a key component of electrical resilience.

To remain effective, an alternate center must meet these specialized requirements, ensuring continuous 911 call-taking and emergency dispatch operations during any event that disrupts the primary center.

Additional Detail on why this facility uniquely meets County and Regional requirements

- **Adequate Space for Multi-Jurisdictional Use**
  The facility provides approximately 20,000 square feet, allowing multiple local jurisdictions to use it as an alternate 911 center for call-taking and dispatch. This flexibility enhances regional cooperation and emergency response effectiveness. Additionally, it replaces the existing alternate backup center at Pineridge, which is nearing obsolescence due to HVAC and power deficiencies.

- **Existing Network and Fiber Connectivity**
  The Herndon site is already integrated with NCR NET and I-NET, two regional high-speed fiber networks that support secure data and voice communications between government agencies, 911 centers, and transportation agencies. This pre-existing connectivity eliminates the need for costly fiber installations and allows for immediate interoperability with regional public safety systems. Furthermore, the site requires only minimal fiber extensions to a nearby meet-me point within three blocks, avoiding the substantial costs of laying new fiber over long distances.

- **Cost Efficiency and Reduced Overhead**
  The sole source space is estimated to be 50% less expensive than full commercial rent, allowing for better allocation of public funds while ensuring a high-quality facility for emergency operations. The use of pre-existing infrastructure further reduces procurement costs by eliminating the need for additional connectivity, data center construction, and radio system upgrades.

- **Backup Power and Continuity of Operations**
  The facility is equipped with three backup generators and an uninterruptible power system (UPS), ensuring uninterrupted service during power outages. These features eliminate the need for costly infrastructure upgrades while providing immediate redundancy to critical systems. The hardened data center infrastructure further ensures operational resilience against both natural and man-made disasters.

- **Strategic Location and Regional Integration**
  The Herndon location is strategically positioned within the NCR, making it an ideal regional hub for public safety communications. Existing fiber and radio system connectivity between Herndon Data Center and other regional sites facilitates seamless backup and failover operations. The site's geographic diversity from primary emergency centers reduces the risk of localized threats while maintaining accessibility via major transportation corridors.

- **Operational Readiness and Immediate Deployment**
  The facility is fully equipped with essential data center co-location facilities, eliminating delays associated with retrofitting or constructing a new commercial space. Pre-existing radio frequency connectivity, high-speed fiber, and institutional network integration ensure rapid deployment and cost-effective implementation. The immediate operational readiness of this facility significantly enhances regional emergency preparedness.

Based on these considerations, we recommend proceeding with Equinix as the provider for required DPSC 9-1-1 Alternate Communications Center services and support.

The requested amount for the Workstation/Furniture Regional Alternat Center Grant item is $4,384,750. The other line items shown below are estimates and will be funded with other sources of funds once more specific details are available as to the amounts needed. The grant will be used to assist in preparing the Regional Alternate Center with various items as shown below:

FY26 PSAP GRANT APPLICATION FOR THE CONSOLIDATION, REGIONAL ENHANCEMENT, AND NG911 ADDITIONAL FUNDING GRANT PROGRAM

Check the boxes to apply for the programs. Submit the completed grant application and supporting documentation to **vdem.emgrants.com**. Contact **PSAPGrants@vdem.virginia.gov** for assistance. Incomplete applications will not be accepted for consideration

Application

PSAP/HOST PSAP NAME: Fairfax County DPSC

Select one of the following:

○ Consolidation ◉ Regional Enhancement ○ Additional NG9-1-1 Funding

List a general description of the type of expense requested and estimated cost. Examples may include: consultant, architecture and design, furniture, hardware, a specific software, net clock, recruitment/retention, delta costs. Reference each guideline for examples and details.

General Description	Est. Cost
Provide for performing cybersecrity and interoperability testing and evaluation of systems solutions proposed for the refresh of	$ 553,200.00
Total amount requested:	$ 553,200.00

These programs require additional documentation. In a separate document, provide responses to the following items related to the type of project for which you are seeking funding and submit it with this application:

Consolidation

- Indicate how a consolidation would take place and improve services.
- How would the consolidated PSAP be organized and staffed?
- What services will the consolidated PSAP perform?
- Indicate how consolidated PSAP policies should be made and changed.
- What changes or improvements should be made to inter-communications among the local governments participating in the consolidation in order to better support operations?
- Discuss the sustainability of the consolidation project during the proposed term of the project and for the foreseeable future.
- Describe how this consolidation project helps participating PSAPs to meet the minimum 9-1-1 capabilities and services defined in Virginia's 9-1-1 standards document.

Regional Enhancement

- What is the relationship of the participating PSAPs to the proposed enhancement project?
- Identify intended collaborative efforts between participating PSAPs.
- Identify how resource sharing will take place.
- How does the enhancement project impact the operational or strategic plans of the participating PSAPs?
- Describe how this project helps participating PSAPs to meet the minimum 9-1-1 capabilities and services defined in Virginia's 9-1-1 standards document.

Additional NG9-1-1 Funding

- PSAP Equipment
- Recruitment/retention/wellness
- CAD to CAD
- Training/professional development
- Refer to Guidelines for more information

☑ 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.

Additional NG9-1-1 Funding Application – NGCS Recompete with Interoperability Testing Support

This grant request supports the upcoming necessity to perform interoperability evaluations as the effort to recompete the existing Next Generation Core Services (NGCS) ESInet contract that Fairfax County, the Commonwealth of Virginia and other local states and other jurisdictions are using. The intent for this renewed competition of the existing NGCS contract is to refresh the NG9-1-1 service with updated capabilities and to allow for the award of at least two contracts for the Commonwealth of Virginia and other interested public safety jurisdictions. Awarding at least two contracts will maximize competition, introduce redundancy, and provide flexibility for jurisdictions to interoperate with the NGCS of their choice with their jurisdiction Call Handling Systems (CHS).

The intended award from this RFP process for NGCS will obtain pricing for all Commonwealth of Virginia jurisdictions to provide a transition contract beyond the current Fairfax County contract that expires in 2027. Likewise, the pricing obtained will incorporate other local metropolitan jurisdictions such as the District of Columbia and Maryland jurisdictions.

This grant request supports a more rigorous interoperability and cyber readiness approach to selecting RFP award recipients by having selected vendors place their proposed solutions through an independent third-party testing regimen, coordinated through Fairfax County DPSC. The intent is to gather a view of the proposed solution's capability against requested NG9-1-1 and cybersecurity standards. The proposed approach is to use the Interoperability lab of Netmaker Communications a Winchester, VA Corporation. More information on the Netmaker Interoperability Lab is available in the Presswire press release here.

In summary the overview of the lab is described below:

> ***"Netmaker Communications, LLC, a recognized leader in Next Generation 9-1-1 (NG9-1-1) solutions and a member of the National Emergency Number Association (NENA), has officially opened its NG9-1-1 Interoperability Lab in Winchester, Virginia. This cutting-edge facility will provide independent testing of commercial NG9-1-1 technologies, ensuring compliance with interoperability and cybersecurity standards critical to modern public safety communications.***
>
> ***The lab will operate under a fee-for-service model, allowing NG9-1-1 vendors to submit their technologies for rigorous independent evaluation. Netmaker Communications will assess these technologies against NENA i3 interoperability standards and the National Institute of Standards and Technology (NIST) Cybersecurity Framework within a dedicated NG9-1-1 testbed. This environment includes 9-1-1 call handling systems, Computer-Aided Dispatch (CAD) technology, Geospatial Information Systems (GIS) data stores, Location Information Systems (LIS) technology, Next Generation Core Services (NGCS), and VoIP telephony solutions.***

Netmaker Communications will provide confidential test results to vendors, equipping them with essential insights into their products' interoperability and security performance. Additionally, key government stakeholders evaluating NG9-1-1 technologies will have access to these findings, helping inform acquisition and deployment decisions. To promote transparency and industry collaboration, the company will maintain a publicly available NG9-1-1 product list, featuring technologies that meet NENA i3 interoperability standards and demonstrate compliance with NIST Cybersecurity Framework controls."

The intent of this Interoperability Testing grant is to allow the RFP issuing jurisdiction (Fairfax County DPSC along with the selected stakeholder Selection Committee) to pay Netmaker Communications the fees necessary to conduct rigorous independent evaluations of the proposed solution to the Fairfax County/Commonwealth/State RFP for NGCS and ESInet services. Instead of paying the vendors Fairfax County proposes to reimburse Netmaker Communications for tests conducted on a per test basis, to encourage vendors to perform the interoperability testing without having to pay a fee to the lab.

The RFP will require proposed vendors to coordinate the testing of their NGCS solutions (primarily for CyberSecurity adherence to appropriate NIST and i3 standards and also to test the ESRP and ECRF functional elements of the vendor's NGCS/ESInet solution) in the Netmaker Interoperability lab. Netmaker has established an estimated fee of $92,200 per vendor interoperability test for NGCS/ESInet. The results of the test performed by Netmaker Communications per vendor will provide the RFP evaluation committee with a confidential scorecard for CyberSecurity and interoperability conformance to the NENA i3 standard. Although the scorecard is a definitive measure, it is not the only definitive criteria for use in evaluating the vendor solutions. The scorecard will provide some specific independent evaluation of the NGCS software solution being proposed which is often difficult to assess when evaluating proposal materials that are submitted during an RFP. This interoperability and cybersecurity scorecard ,along with the other vendor supplied proposal information and presentations reviewed by the Selection Committee for the RFP, will make a more fully informed decision.

The grant request is submitted for $553,200 to allow the possibility of having up to six vendors solutions for coordinated testing through the Netmaker Communications Interoperability Lab (6 x 92,200 = 553,200). If fewer vendors submit proposals to the RFP, or if certain of the vendor submissions do not propose a viable solution to the RFP Selection Committee, fewer interoperability tests would be conducted, and the balance of the grant funds would be returned to the grant sponsor (VDEM).

Regional Enhancement Grant Application Questions

- What is the relationship of the participating PSAPs to the proposed

enhancement project?

- o This grant supports the evaluation of solutions that are being proposed for use by every PSAP in the Commonwealth of Virginia. Every PSAP in Virginia soon will have cut over to the use of the existing NGCS/ESInet solution provided by AT&T. The awardee(s) of the RFP this grant will be utilized by every PSAP in the Commonwealth as the RFP effort is looking to refresh the system solutions the Commonwealth is using for 911 call delivery. This grant request is supportive of every region within the Commonwealth due to the nature of the award(s) that will be made by the RFP.

- Identify intended collaborative efforts between participating PSAPs.

  - o The collaboration efforts that arise from this enhancement include the stated purpose of the grant effort is to test the cybersecurity and interoperability capabilities of the new solutions that will be awarded from the RFP effort. The intent of the testing is to do a more rigorous testing of the security and system capabilities prior to making a contract award (or multiple awards) so that all 124 PSAPs in the state gain benefit from the NGCS technology refresh.

- Identify how resource sharing will take place.

  - o Resource sharing would take place under this grant as the testing that will be performed intends to do an end -to-end interoperability test using call handling and NGCS solutions that approximate the technology landscape found within the Commonwealth of Virginia. The sharing of the resources is gained by doing this testing in an up-front manner on behalf of all the Commonwealth PSAPs and to minimize separate testing efforts by individual PSAPs.

- How does the enhancement project impact the operational or strategic plans of the participating PSAPs?

  - o The level of confidence that this interoperability testing grant will provide to the Commonwealth supports the need that every PSAP has to incorporate a technically sound, interoperable, and resilient NGCS call delivery platform so that the strategic operations of the PSAP for public safety can be met. This testing grant provides a layer of third-party assurance that the systems selected for NGCS/ESInet delivery meet all the operational and strategic needs of the PSAPs within the Commonwealth.

- Describe how this project helps participating PSAPs to meet the minimum 9-1-1 capabilities and services defined in Virginia's 9-1-1 standards document.

- With an interoperability testing and cybersecurity evaluation process built into the evaluation of a technology refresh, the participating jurisdictions will be able to answer all 9-1-1 calls in a timely manner with a high degree of assurance as they migrate into a refreshed 911 call delivery platform.
- With an interoperability testing and cybersecurity evaluation process, the participating PSAPs increase their ability to have a technical environment to continue operations in accordance with the National Emergency Number Association i3 standards for deployment of Next Generation 9-1-1 (NG9-1-1) core services (NGCS) and an Emergency Services IP Network (ESInet)
- With an interoperability testing and cybersecurity evaluation process, the ability to have multiple PSAPs use shared or interconnected Call Handling Equipment and CAD systems is greatly increased as the equipment and workstations in the Center will have had an additional level of technical evaluation for security and interoperability.

The information which follows outlines an overview of the Testing process and some details on the criteria that would be evaluated.

Interoperability Test Requirements

Introduction

The National Emergency Number Association (NENA) i3 "standard" for Next Generation 9-1-1 (NG9-1-1) requirements has been ratified by the American National Standards Institute (ANSI) and is largely recognized internationally as the single standard for NG9-1-1. NENA has been developing non-proprietary, consensus-based, universally used, and universally recognized 9-1-1 standards for more than thirty years.

Because vendors interpret the i3 standard differently, one NG911 i3-compliant system may not be able to interoperate with another. Currently, there are few/no tests to certify the conformance of a single system to the i3 standard, interoperability of two NG911 solutions, and end-to-end interoperability of multiple platforms.

Due to the complexities associated with the integration of multiple NG9-1-1 technologies required to establish "enterprise" solutions, it is germane to the successful delivery of any

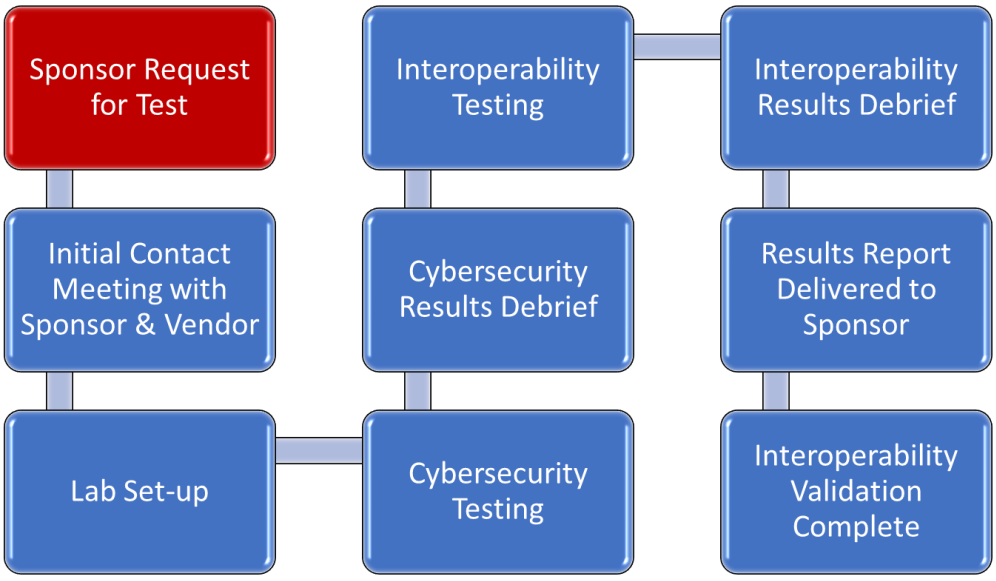
enterprise based NG9-1-1 solution that interoperability be independently verified and validated before these technologies are actually procured and deployed into an operational environment.

Charter

Interoperability testing will be completed by an independent interoperability lab to test both cybersecurity readiness and interoperability. As an independent lab, the lab shall have no direct and/or indirect ownership affiliation with any technology vendor tested. As part of such interoperability testing, the independent lab will complete testing, adjudicate test results with all parties concerned, and provide validation interoperability capabilities as appropriate. As an artifact of the testing, the independent lab shall produce a results test report to include cybersecurity findings to Fairfax County.

Process

The following diagram outlines the interoperability testing process:



Testing Artifacts

As an output to the testing, the independent lab will deliver to the sponsor a cybersecurity test results report that captures all found findings associated with the technology under test. Cybersecurity testing will be baselined on National Institute of Standards and Test (NIST)

baseline for cybersecurity testing, and as recognized by the Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) for PSAP cybersecurity requirements.

With successful cybersecurity testing, interoperability testing will commence, and the independent lab will produce an interoperability test results report that captures all found findings as it pertains to the system under test and its association with the NG9-1-1 testbed. Test plans are based on validating functional capabilities as specified in the NENA i3 standard.

Conclusion

For any State jurisdiction, mitigating risk associated with the acquisition and fielding of NG9-1-1 capabilities must be a priority. Accountability of how grant money is being spent and being able to deliver with some degree of confidence that systems/technologies being acquired will interoperate when fielded. This, in turn, allows the jurisdiction to acquire new NG9-1-1 systems/technologies without having to account for schedule delays and cost overruns to deal with interoperability & cybersecurity issues at the time of fielding.

Board Agenda Item
June 24, 2025

ACTION – 1

Adoption of a Resolution for the Bailey's Crossroads Volunteer Fire Department Fire and Rescue Equipment Financing (Mason District)

ISSUE:
Adoption of a resolution as required by federal tax law to permit the Bailey's Crossroads Volunteer Fire Department (BXRVFD) to borrow up to $600,000 from a private lender on a tax-exempt interest rate for the purchase of fire and rescue equipment.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution as required by federal tax law to permit the BXRVFD to borrow up to $600,000 from a private lender on a tax-exempt interest rate for the purchase of fire and rescue equipment.

TIMING:
Board action is requested on June 24, 2025, so BXRVFD can close on the equipment purchase at the most favorable rate offered by its private lender.

BACKGROUND:
BXRVFD proposes to borrow up to $600,000 from a private lender to purchase fire and rescue equipment. Under the federal tax code, qualified volunteer fire departments like BXRVFD can borrow from private lenders at a lower, tax-exempt interest rate for fire and rescue equipment if the elected body of the locality in which the volunteer fire department provides service adopts a resolution approving the tax-exempt financing. As required by federal tax law, BXRVFD conducted a public hearing on June 5, 2025, at the BXRVFD at 3601 Firehouse Lane, Falls Church, Virginia.

EQUITY IMPACT:
This action item aligns with the One Fairfax Policy. Funding for Police and Fire stations aligns with focus area 6 to provide public safety services that are responsive to all residents so that everyone feels safe to live, work, learn, and play in any neighborhood of the County.

FISCAL IMPACT:
The BXRVFD loan will not constitute a debt obligation of the County or the Board and therefore there is no impact on the County's financial statements. The tax-exempt loan from the private lender will be payable solely by the BXRVFD.

ENCLOSED DOCUMENTS:
Attachment 1: Resolution of the Board of Supervisors
Attachment 2: Form of Certificate of BXRVFD Public Hearing

STAFF:
Christina Jackson, Deputy County Executive/Chief Financial Officer
Philip Hagen, Director, Department of Management and Budget
Joseph LaHait, Deputy Director, Department of Management and Budget
Michael Graff, Bond Counsel to Bailey's Crossroads Volunteer Fire Department

Attachment 1

RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF FAIRFAX, VIRGINIA

RECITALS

A. The Board of Supervisors (the "Board of Supervisors") of the County of Fairfax, Virginia (the "County") has considered the request of Bailey's Crossroads Volunteer Fire Department, a Virginia nonstock, non-profit corporation (the "VFD"), to approve, for federal tax law purposes only, the incurrence by the VFD of a not to exceed $600,000 tax-exempt loan from a private lender selected by the VFD (the "Loan") to finance the acquisition of two F-550 4x4 ultramedic rescue trucks and additional configuration fire and rescue equipment (the "Project") to be based at the VFD's station house located at 3601 Firehouse Lane, Falls Church, Virginia 22041, and to be used by the VFD in providing rescue and firefighting services to the Bailey's Crossroads area of the County.

B. Section 150(e)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), treats any obligations of the VFD, the interest on which is intended to be exempt from federal income taxation, as private activity bonds requiring public approval in accordance with Section 147(f) of the Code.

C. Section 147(f) of the Code requires, as a condition to qualifying the interest on private activity bonds for federal tax exemption, the approval, following a public hearing, of the governmental unit having jurisdiction over the issuer of the private activity bonds and over the area in which any facility financed with the proceeds of the private activity bonds will be located.

D. The Project will be located in the County and the Board of Supervisors constitutes the elected legislative body of the County.

E. The Project and the Loan have been described to the Board of Supervisors, and the VFD has conducted a public hearing in connection therewith on June 5, 2025, as required by Section 147(f) of the Code. The VFD has certified to the Board of Supervisors that no one appeared at the public hearing in opposition to the Loan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA AS FOLLOWS:

1. The Board of Supervisors approves, for the purpose of Section 147(f) of the Code only, the incurrence of the Loan to assist the VFD in financing the Project with the proceeds of tax-exempt obligations.

2. The approval of the Loan does not constitute an endorsement to the lender of the creditworthiness of the Project or the VFD.

3. The approval of the Loan in no way commits the County to expend any funds on the Project or to pay the debt service on the Loan. The Loan will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, including the County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the County, will be pledged to the

payment of the Loan. The Loan will be payable solely by the VFD and the security pledged by the VFD to its private lender.

4. This Resolution will take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fairfax, Virginia this 24th day of June, 2025.

_____
Clerk, County of Fairfax, Virginia

(SEAL)

Attachment 2

June 5, 2025

Board of Supervisors of the County of Fairfax, Virginia
12000 Government Center Parkway
Fairfax, Virginia 22035

Certificate of Public Hearing Regarding Proposed Tax-Exempt Financing

Bailey's Crossroads Volunteer Fire Department, a Virginia non-stock, non-profit corporation (the "VFD") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), proposes to obtain a $600,000 tax-exempt loan from a private lender to finance the purchase of fire and rescue equipment (the "Loan").

The VFD has conducted a public hearing (the "Public Hearing") on the proposed Loan and has requested that the Board of Supervisors approve the Loan as required by Section 147(f) of the Code.

The Public Hearing was held by the VFD on June 5, 2025, at 7:00 p.m. at the offices of the VFD at 3601 Firehouse Drive, Falls Church, Virginia. The Public Hearing was open to the public. The time of the Public Hearing and the place at which the Public Hearing was held provided a reasonable opportunity for persons of differing views to appear and be heard.

Notice of the Public Hearing was published in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice") seven (7) days prior to the Public Hearing as required by Section 147(f) of the Code. A copy of the Notice is attached as Exhibit A.

Representatives of the VFD and McGuireWoods LLP, bond counsel, appeared at the Public Hearing. No one appeared in opposition to the proposed Loan.

BAILEY'S CROSSROADS VOLUNTEER FIRE DEPARTMENT

By:_____
Name:_____
Title:_____

Exhibit A—Publication Certificate

Board Agenda Item
June 24, 2025

ACTION – 2

Approval of the One-Year Action Plan for the Use of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funds in FY 2026

ISSUE:
Final action by the Fairfax County Board of Supervisors (Board) on the One-Year Action Plan for FY 2026 (the Plan).

RECOMMENDATION:
The County Executive recommends the Board (1) adopt the Plan with funding allocations outlined below; (2) authorize signature of the Plan certifications and federal funding application forms (SF-424s); and (3) authorize submission of the Plan with the certifications and SF-424s by July 11, 2025, as required by the U.S. Department of Housing and Urban Development (HUD).

TIMING:
Board action is required on June 24, 2025, to maintain the schedule for the One-Year Action Plan process, which is included in the Grantee Unique Appendices section of the Plan, and to ensure timely submission of the Plan to HUD.

BACKGROUND:
The Plan contains the proposed uses of funding for three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG). In accordance with federal requirements, the Plan includes several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements. If the Board approves this item and the Plan, each of the certifications will be signed by the County Executive.

Funding levels previously described in the Plan and released for public comment were based on FY 2025 funding levels, because the County had not yet received notification from HUD of the actual grant levels at the time the Consolidated Community Funding Advisory Committee (CCFAC) released the document. HUD notified the County of the actual grant levels on May 14, 2025, and the funding levels incorporated into the Plan are based on the actual funding levels. The $8,301,799 actual total entitlement funding

recommended in this item for the three programs is $39,198 less than estimated in the draft Plan when released for public comment. The $5,768,750 actual CDBG funding is $35,327 less than estimated; the $2,022,942 actual HOME funding is $14,549 less than estimated; and the $510,107 actual ESG funding is $10,678 more than estimated. The Plan also includes estimates of $1,811,090 in CDBG program income and $564,284 in HOME program income.

In accordance with the Board-adopted Citizen Participation Plan for the Consolidated Plan process, the draft Plan was made available and circulated for review and comment by residents, service providers, and other interested parties during the formal public comment period, which ended with a public hearing held by the Board on March 18, 2025. Following the public comment period, all comments were considered and summarized in the Plan. Pursuant to this item, the CCFAC now forwards the Plan to the Board with a recommendation for final approval on June 24, 2025.

EQUITY IMPACT:
The planned investment of federal funds across the 13 projects identified in the One-Year Action Plan for FY 2026 not only meets the critical housing, human services, and community development needs but also aligns with multiple focus areas of the One Fairfax policy:

- Community and economic development policies and programs that promote wealth creation and ensure fair access for all people.
- 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.
- A health and human services system where opportunities exist for all individuals and families to be safe, be healthy and realize their potential through the provision of accessible, high quality, affordable and culturally appropriate services.

The Virginia Center for Housing Research at Virginia Tech (VCHR) estimated Fairfax County's housing affordability gap as summarized in the FY 2022–2026 Consolidated Plan is increasing. Finding affordable housing is becoming more difficult, especially for low-income households. There are not enough affordable units in the county to accommodate extremely low- and very low-income households. Housing costs (both owner costs and gross rent) also increased. Cost burden is more severe among extremely low- and very low-income households. The number of extremely low- and very low-income cost-burdened renter and owner households has increased since 2011.

A disproportionately high number of minority, non-white households pay more than 30 percent of their household income for housing. This disproportionality is greatest among Black/African Americans and Hispanics. Hispanic households experience cost burden most frequently, and approximately 44 percent of Hispanic households are cost-burdened.

The Five-Year Consolidated Plan for FY 2022 – FY 2026 (the Consolidated Plan) identifies the shortages of housing affordable to low-income, disabled, homeless and senior populations as priority needs. The One-Year Action Plan for FY 2026 implements the fifth and final year of the Consolidated Plan by funding programs and activities that address the priorities and thereby increase the housing opportunities for those priority individuals and families to live in the county. The Plans also promote the long-term economic health of the county by supporting the provision of an adequate supply of housing that is affordable to essential workers who provide critical services to all residents.

FISCAL IMPACT:
Total grant award funding of $8,301,799 has been recommended in this item:

- $5,768,750 in CDBG (Fund 50800, Community Development Block Grant),
- $2,022,942 in HOME (Fund 50810, HOME Investment Partnerships Program), and
- $510,107 in ESG (Fund 50000, Federal-State Grant Fund).

In addition, estimated project balances totaling $9,252,825 to include $5,891,873 in CDBG (Fund 50800) and $3,360,952 in HOME (Fund 50810) funds, will be recommended to be carried forward for ongoing CDBG and HOME activities. An estimated $2,375,374 in FY 2025 program income will be available for use in FY 2026, including $1,811,090 in CDBG (Fund 50800) and $564,284 in HOME (Fund 50810). Funding amounts will be finalized at the end of the fiscal year and final amounts will be included in the *FY 2025 Carryover Review*.

CREATION OF NEW POSITIONS:
None. No positions will be added as a result of this action.

ENCLOSED DOCUMENT:
Attachment 1: One-Year Action Plan for FY 2026 with Appendices available online at https://bit.ly/43AV4ZB

Board Agenda Item
June 24, 2025

STAFF:
Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Anna Shapiro, Deputy Director, Real Estate Development and Finance, HCD
Callahan Seltzer, Real Estate & Community Development Finance, HCD
Laura O. Lazo, Associate Director, Grants Management (GM), HCD
Sherryn Craig, Program Manager, GM, HCD

ASSIGNED COUNSEL:
Ryan A. Wolf, Senior Assistant County Attorney

Board Agenda Item
June 24, 2025

ACTION – 3

Authorization of Fall 2025 School Bond Referendum

ISSUE:
The Board of Supervisors' approval of a Fairfax County Public Schools bond referendum totaling $460,000,000, as requested by the School Board, and adoption of the enclosed resolution requesting the Circuit Court to order a referendum on November 4, 2025, on the issuance of such bonds. A schedule of events is included as Attachment 1.

RECOMMENDATION:
The County Executive recommends that the Board adopt the enclosed resolution (Attachment 2) directing the County Attorney to petition the Circuit Court to order a school bond referendum on November 4, 2025.

TIMING:
Board authorization is requested on June 24, 2025, to provide sufficient time to obtain a court order and prepare for the referendum. Attachment 1 is the proposed fall 2025 bond referendum schedule of events. Staff will return to the Board with a Board Item on July 15, 2025, for authorization to print and distribute an explanatory County bond referendum statement (known as the "Plain Language Statement").

BACKGROUND:
On June 12, 2025, the Fairfax County School Board adopted a resolution for a school bond referendum in the amount of $460,000,000 (Attachment 3). Details of the projects expected to be funded are included in the Fairfax County Public Schools' Adopted 2026-2030 Capital Improvement Program (FCPS CIP), available at https://www.fcps.edu/capital-improvement-program The School Board sizes the referendum to include the full cost of new construction and renovation projects with spending anticipated to occur over the course of a multi-year period. The referendum and bond sales have been accounted for within the FY 2026 – FY 2030 Adopted Capital Improvement Program (With Future Fiscal Years to FY 2035), as approved by the Board of Supervisors on May 6, 2025.

In Virginia, a referendum can be put on the ballot for consideration by the voters only if the referendum is ordered by the Circuit Court. The attached resolution directs the

County Attorney to provide a certified copy of the adopted Resolution to the Circuit Court and to petition it to order the referendum on the question as stated in Section 1 of the resolution. The law requires the Court to enter the order if the request is found to be "in proper order." Upon entry of the order, the Clerk of Court is required to send copies to the State Board of Elections. The Fairfax County Electoral Board and General Registrar will then prepare the ballots in time to make them available to voters, beginning with absentee voting on September 19, 2025.

It is important to note that while the projects listed in the FCPS CIP represent the current proposals regarding what projects to fund, the ballot question is phrased more generally. This allows the Board flexibility as to which projects to fund with the bond proceeds, so long as the projects are within the uses described in the ballot question.

EQUITY IMPACT:
This action item aligns with the One Fairfax Policy. Specifically, bond funding for FCPS promotes focus area 5 to invest in educational facilities that are available to County children to prepare them for success in school and life.

FISCAL IMPACT:
The school bond sale will be maintained in the annual amount of $230 million as part of the County's FY 2026 General Obligation bond sale and beyond. Future debt service payments associated with the current and increased school bond sales have been incorporated into the County's long term debt ratio projections and are referenced in the FY 2026 - FY 2030 Adopted Capital Improvement Program (With Future Fiscal Years to FY 2035).

ENCLOSED DOCUMENTS:
Attachment 1 – Schedule of Events
Attachment 2 – Board of Supervisors Resolution Requesting an Order for a Referendum on the Issuance of Bonds in the Amount of $460,000,000 for Schools
Attachment 3 – Resolution Adopted by the School Board on June 12, 2025, Requesting a Bond Referendum

STAFF:
Christina Jackson, Deputy County Executive/Chief Financial Officer
Philip Hagen, Director, Department of Management and Budget
Andy Mueck, Chief Operating Officer, Fairfax County Public Schools (FCPS)
Joseph LaHait, Deputy Director, Department of Management and Budget

Board Agenda Item
June 24, 2025

ASSIGNED COUNSEL:
Martin Desjardins, Assistant County Attorney, Office of the County Attorney

Attachment 1

Proposed Schedule of Events
Fall 2025 Bond Referendum – Schools

Date	Item
March 25, 2025	Budget Committee review of the FY 2026 - FY 2030 Capital Improvement Program
May 6, 2025	FY 2026 Budget Markup and Approval of the FY 2026 - FY 2030 Capital Improvement Program
May 13, 2025	FY 2026 Budget Adoption
June 12, 2025	Fairfax County School Board Adopts School Bond Referendum Resolution
June 24, 2025	Board of Supervisors Adopts School Bond Referendum Resolution
NLT July 8, 2025	Petition filed with Fairfax County Circuit Court for School Bond Referendum
July 15, 2025	Board of Supervisors Approval of Explanatory Bond Referendum Statement for School Bonds (Plain Language Explanation)
August 1, 2025 (est.)	Circuit Court orders School Bond Referendum
August 15, 2025	Deadline for entry of Court Order (81 days prior to election, per § 24.2-682)
August 18, 2025	Schools mail out Bond Pamphlets to residents
September 18, 2025	Deadline for publication of notice of election
September 19, 2025	Absentee voting begins
November 4, 2025	Election Day; referendum held
November 14, 2025 (est.)	Referendum results certified by the County Electoral Board

Resolution to Request the Fairfax County Circuit Court to Order an Election on the Question of Whether Fairfax County, Virginia, Should be Authorized to Contract a Debt, Borrow Money, and Issue Bonds in the Maximum Aggregate Principal Amount of $460,000,000 to Finance the Cost of School Improvements

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 June 24, 2025, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code § 15.2-2640 provides that before the governing body of a county can adopt a resolution asking the circuit court to order an election on the question of contracting debt and issuing bonds for school purposes, the local school board must, by resolution, request the governing body of the county to take such action; and

WHEREAS, on June 12, 2025, the Fairfax County School Board (the "School Board") adopted a resolution requesting the Board of Supervisors of Fairfax County, Virginia, to adopt a resolution asking the Fairfax County Circuit Court to order an election on the question of contracting a debt, borrowing money, and issuing capital improvement bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of $460,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding, and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the School Board has provided a certified copy of that resolution to the Clerk of the Board of Supervisors; and

WHEREAS, the Board of Supervisors concurs in the determinations and the request of the School Board as set forth in its resolution; and

WHEREAS, Virginia Code §§ 15.2-2610, 15.2-2611, and 24.2-684 provide the Fairfax County Circuit Court with the authority to issue an order for the conduct of an election; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia:

Section 1. That the Circuit Court of Fairfax County, Virginia, is hereby requested to order a referendum on November 4, 2025, on the following question:

> Shall Fairfax County, Virginia, contract a debt, borrow money, and issue capital improvement bonds in the maximum aggregate principal amount of $460,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding, and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system?

Section 2. That the County Attorney is hereby directed to provide the Fairfax County Circuit Court with a certified copy of this resolution and the resolution of the School Board, which was adopted on June 12, 2025, and to petition the Fairfax County Circuit Court for an order to conduct such a referendum as a special election in conjunction with the general election on November 4, 2025.

Section 3. That the members, officers, legal counsel, agents, and employees of the Board of Supervisors and the County are hereby authorized and directed to do all acts and things required of them under Virginia law to ensure that the referendum will be held as a special election in conjunction with the general election on November 4, 2025.

Given under my hand on this _____ day of _____, 2025

_____
Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

FAIRFAX COUNTY SCHOOL BOARD
BOND REFERENDUM RESOLUTION

June 12, 2025

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, TO ASK THE CIRCUIT COURT FOR THE COUNTY TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY AND ISSUING CAPITAL IMPROVEMENT BONDS OF THE COUNTY IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $460,000,000 FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COSTS OF IMPROVEMENTS FOR THE SCHOOL SYSTEM.

WHEREAS, the Fairfax County School Board of Fairfax County, Virginia, has determined that certain school improvements should be financed including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the School Board has determined that, for the purpose of providing funds to pay the cost of such public school improvements and the cost of such public school property, Fairfax County should contract a debt, borrow money and issue bonds in the aggregate principal amount of $460,000,000; and

BE IT RESOLVED by the School Board that:

Section 1. The Board of Supervisors of Fairfax County, Virginia, is hereby requested to ask the Circuit Court of Fairfax County, Virginia, to order an election on the question of contracting a debt, borrowing money, and issuing capital improvement bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of $460,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

Section 2. The Board of Supervisors is hereby advised that it is the desire of the School Board that the proposed referendum be scheduled for November 4, 2025.

Section 3. The Clerk of the School Board is hereby authorized and directed to file two certified copies of this resolution with the Board of Supervisors of Fairfax County, Virginia.

Given under my hand this 17 day of June, 2025.

Christina Setlow
Clerk, Fairfax County School Board

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Board Agenda Item
June 24, 2025

ACTION – 4

Annual Adoption of the Board's Policy Governing Remote Participation of Board Members in Public Meetings

ISSUE:
Virginia Code § 2.2-3708.3 authorizes the remote participation of members of public bodies in public meetings under certain conditions. The Board adopted its most recent Policy for Remote Participation in Meetings ("Policy") on June 25, 2024. Virginia Code § 2.2-3708.3 requires a public body to adopt a policy at least once annually prior to allowing its members to use remote participation. There were no legislative changes to Virginia Code § 2.2-3708.3 in 2025, so the Board's existing Policy can be readopted without changes.

RECOMMENDATION:
That the Board readopt its existing Policy for Remote Participation in Meetings (Attachment 1).

TIMING:
Board action is requested on June 24, 2025, to readopt the Board's Policy allowing remote participation of Board members in public meetings.

BACKGROUND:
The Virginia Freedom of Information Act (FOIA) generally prohibits meetings of public bodies, including the Board of Supervisors, from being conducted through telephonic, video, electronic, or other electronic communication means where the members of the public body are not physically assembled to discuss or transact public business. Va. Code § 2.2-3707(C). There are two exceptions to this prohibition that are applicable to the Board. First, while under a State of Emergency, the Board may conduct a meeting entirely through electronic means if it is impracticable or unsafe to assemble a quorum in a single location. Va. Code § 2.2-3708.2. Second, individual members may participate remotely in the Board's in-person meetings if they meet the requirements of the Board's Policy. Va. Code § 2.2-3708.3(B).

The Policy allows individual members to participate remotely if:

- A quorum of the public body is physically assembled at a primary meeting location;
- The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary location; and
- The member of the public body requesting remote participation is unable to attend the meeting either due to (1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; (2) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability prevents the member's physical attendance; (3) a personal matter that is identified with specificity; or (4) the member's principal residence is more than 60 miles from the meeting location.

Public bodies are required to adopt their remote participation policies annually. Va. Code § 2.2-3708.3(D). Because the Board's Policy was last adopted on June 25, 2024, readopting the Board's Policy is recommended at this time.

EQUITY IMPACT:
This Policy amendment aligns with the One Fairfax Policy to advance equity in Fairfax County by allowing individual members of the Board who have disabilities or who are caretakers for individuals with disabilities to fully participate in the Board's meetings as if they were physically present.

FISCAL IMPACT:
There is no anticipated fiscal impact.

ENCLOSED DOCUMENTS:
Attachment 1 – Policy for Remote Participation in Meetings

Board Agenda Item
June 24, 2025

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Jill G. Cooper, Clerk for the Board of Supervisors

ASSIGNED COUNSEL:
Sarah L. Annear, Assistant County Attorney

THE FAIRFAX COUNTY BOARD OF SUPERVISORS' POLICY FOR REMOTE PARTICIPATION IN MEETINGS

1. AUTHORITY AND SCOPE.

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or this Board. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

c. This policy must be reviewed and readopted annually. Va. Code § 2.2-3708.3(D).

d. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. See Va. Code § 2.2-3708.3(D).

2. DEFINITIONS.

a. "**Board**" means the Fairfax County Board of Supervisors, and any committee or subcommittee of the Board.

b. "**Member**" means any member of the Board.

c. "**Remote participation**", "**remotely participate**", or "**participate remotely**" mean participation by a member of the Board via telephonic, video, or other audio or combined audio and video electronic communication method where the member is not physically assembled with the other members of the Board.

d. "**Meeting**" means a meeting as defined by Va. Code § 2.2-3701.

e. "**Notify**" or "**notifies**," for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

f. **"Person with a disability"** means a person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.

g. **"Caregiver"** means an adult related by blood, marriage, or adoption or the legally appointed guardian of the person with a disability for whom he is caring.

Adopted June 24, 2025

3. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a. A quorum of the Board must be physically assembled at the primary or central meeting location;

b. For purposes of determining whether a quorum is physically assembled, an individual member of the Board who is either a person with a disability or who must act as a caregiver at the time of the meeting for a person with a disability, and is thus prevented from physically attending the meeting and who thus uses remote participation, will count toward the quorum as if the individual was physically present;

c. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely; and

d. A statutorily conforming policy must be adopted by the Board at least once annually.

4. PROCESS TO REQUEST REMOTE PARTICPATION

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair), or their designee that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the Clerk of the Board of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely due to (i) a temporary or permanent disability or

other medical condition, or (ii) that of a family member that requires the member to provide care, or (iii) if their principal residence is more than 60 miles from the meeting location.

d. The requesting member is not obligated to provide independent verification regarding the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

e. For purposes of establishing a quorum, the requesting member shall verify whether the requesting member is requesting remote participation due to his disability or need to act as caregiver for a person with a disability, pursuant to 3(b) above.

f. The Chair (or the Vice-Chair if the requesting member is the Chair) or their designee shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. RECORDING IN MINUTES:

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes (1) the Board's approval of the member's remote participation; and (2) the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

Adopted June 24, 2025

7. CLOSED SESSION

If the Board goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

This policy shall also apply to the Board's committees and shall replace any prior policies.

The Clerk of the Board or Board Chair shall ensure the request is documented and maintain the member's request to participate remotely as required by records retention laws, regulations, and policies.

Adopted June 24, 2025

Board Agenda Item
June 24, 2025

CONSIDERATION – 1

Fairfax County Police Civilian Review Panel Amended Bylaws

ISSUE:
Approval of an amendment to the Bylaws for the Police Civilian Review Panel (Panel) to establish the role of the Panel Liaison and codify the Panel's independence from the Office of the Independent Police Auditor.

RECOMMENDATION:
Staff recommends approval of the requested amendment to the Panel's Bylaws.

TIMING:
Board action is requested on June 24, 2025.

BACKGROUND:
The Board of Supervisors last amended the Panel Bylaws on July 19, 2022. After that amendment, the Office of the Police Civilian Review Panel was established and staffed by the Executive Director and an Analyst. In March 2024 the Executive Director's position was replaced with a Liaison. The Liaison, with the approval and vote of the Panel, amended the Bylaws to reflect the Panel's independence from the Office of the Independent Police Auditor. The amendments to the Bylaws also reflect the responsibilities of the Panel Liaison. The amendment also clarifies other administrative responsibilities and processes to be handled by Panel staff and changes the number of days Fairfax County Police must complete investigations of complaints from 60 days to 90 days.

EQUITY IMPACT:
The Fairfax County Board of Supervisors established the Police Civilian Review Panel (Panel) to enhance police legitimacy and to build and maintain public trust between the Fairfax County Police Department (FCPD), the Board of Supervisors, and the public. The Panel accomplishes this by reviewing completed FCPD investigations into complaints containing allegations of abuse of authority or serious misconduct to ensure accuracy, completeness, thoroughness, objectivity, and impartiality. Abuse of authority or serious misconduct may include use of abusive racial, ethnic, or sexual language or gestures; and harassment or discrimination based on race, color, sexual

orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.

The work of the Panel is directly in line with One Fairfax's goal of achieving community and public safety that are responsive to all residents. One Fairfax's Equity Driver of Community Safety and Justice states, "All people in Fairfax County are entitled to expect that their law enforcement and other public safety departments provide service consistent with the roles defined for them through community involvement and input, and that they should to do so in a manner that is fully transparent and accountable to the public, ensures through implicit bias and cultural competency training that all persons are treated equally and that racial, cultural or other profiling does not occur." The Panel's work also aligns with the Countywide Strategic Plan community outcome area of Safety & Security.

After the creation of the Panel, the Board of Supervisors created the Office of the Police Civilian Review Panel (OPCRP) as its own agency to maintain its independence from the Office of the Independent Police Auditor (OIPA). Prior to the creation of the OPCRP the Panel was supported by the OIPA and had no permanent staff of its own. The establishment of the OPRCP with its own full-time staff amplifies the work the Panel does to further equity in the community. The full-time staff supports measures like increased training for Panel members, focused outreach to the community, and continuous discussion with FCPD, particularly as it relates to bias-related complaints by community members.

FISCAL IMPACT:
There is no fiscal impact associated with this item.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Amendment to the Panel's Bylaws with Track Changes
Attachment 2: Proposed Amendment to the Panel's Bylaws without Track Changes

STAFF:
Thomas Arnold, Deputy County Executive
Craig A. Miles, Police Civilian Review Panel Liaison

ASSIGNED COUNSEL:
Kimberly Baucom, Deputy County Attorney

BYLAWS OF THE FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL

Approved by the Board of Supervisors on July 11, 2017
Accepted by the Police Civilian Review Panel on August 3, 2017
Amendments Approved by the Board of Supervisors on October 16, 2018, November 19, 2019, December 1, 2020, February 23, 2021, July 27, 2021, July 19, 2022, and June 24, 2025

ARTICLE I. NAME[1]

The name of this organization is the **Fairfax County Police Civilian Review Panel (also known as the PCRP or the Panel).**

ARTICLE II. PURPOSE

The Board of Supervisors, pursuant to Virginia law, established the Panel on December 6, 2016, to enhance police legitimacy and to build and maintain public trust between the Fairfax County Police Department (FCPD), the Board of Supervisors and the public. The Panel will:

A. Review certain Investigations to ensure the thoroughness, completeness, accuracy, objectivity, and impartiality of the Investigations;

B. Provide an independent process for commencing an Initial Complaint against the FCPD or its officers; and

C. Make recommendations on law enforcement policies, practices, and procedures to assist the FCPD Chief of Police (Chief) and Board of Supervisors in policy review.

The Panel shall report directly to the Board of Supervisors.

ARTICLE III. COMPOSITION OF THE PANEL AND TERM OF OFFICE FOR PANEL MEMBERS

A. Composition and Qualifications.

1. The Board of Supervisors shall appoint each Panel Member.

2. The Panel shall be comprised of nine Fairfax County residents with expertise and experience relevant to the Panel's responsibilities. At least one Panel Member shall have

[1] Certain terms used in these Bylaws are defined in the attached Exhibit A incorporated herein by this reference.

prior law enforcement experience other than as a member of the FCPD or the Fairfax County Sheriff's Office (FCSO).

3. The Board of Supervisors shall endeavor to create an independent and fair body, giving due consideration to the following factors, among others: community and civic involvement; diversity; law enforcement and/or criminal investigative experience; reputation in the community; geographical representation; and other factors designated to ensure a balanced Panel representative of Fairfax County.

4. No Panel Member may be a current employee of Fairfax County, a current or former member of the FCPD or the FCSO, have a relative (i.e., an immediate or extended family member) who is a member of the FCPD or FCSO, hold public office, or be a candidate for public office.

B. Terms of Service.

1. Panel Members shall be appointed for three-year terms, except for the inaugural Panel (which shall have terms as described below) and may be appointed to no more than two consecutive terms.

2. Panel Member terms shall be staggered.

3. With respect to the inaugural Panel, three Panel Members shall be appointed for three-year terms, three Panel Members shall be appointed for two-year terms, and three Panel Members shall be appointed to a one-year term.

4. The Panel Members of the inaugural Panel are eligible to be appointed to a second three-year term upon expiration of the Panel Member's initial term.

C. Resignations, Removals and Vacancies.

1. Panel Members serve at the pleasure of the Board of Supervisors.

2. The Chair or Panel Liaison shall notify the Board of Supervisors if a Panel Member is absent from three consecutive Panel meetings or is absent from five Panel meetings in any calendar year (unless the absence is for good reason as determined by the Chair).

3. Any Panel Member may resign from the Panel at any time by delivering written notice of termination to the Board of Supervisors with a copy to the Chair. The resignation will be effective upon receipt, unless an effective date of the resignation is specified in the notice.

4. The Board of Supervisors may appoint a new Panel Member for the unexpired Panel Member term resulting from a vacancy that occurs for any reason. If the Chair position

becomes vacant prior to the end of the Chair's term, the Vice-Chair shall become the Chair for the remainder of the previous Chair's term and then for one year after that.

ARTICLE IV. CHAIR, VICE CHAIR, OTHER OFFICERS, AND COMMITTEES

A. The Initial Chair and Vice-Chair.

The Board of Supervisors may choose to designate one of the Panel Members as the initial Chair. At a time agreed upon by the Panel Members, the Panel shall elect the initial Vice-Chair.

B. Succession, Annual Election of Officers, and Vacancies.

1. Unless the Panel Members agree otherwise by majority vote, the Vice-Chair shall succeed to the Chair position upon expiration of the Chair's term.

2. Panel Members shall elect the Vice-Chair and other officers (as determined by the Panel Members) who shall be responsible for those functions as assigned by the Panel and the Chair.

3. All Panel officers shall be elected at the first meeting of each calendar year. Unless the Panel Members agree otherwise by majority vote, terms of office for Panel Officers shall be for one-year, effective March 1st of each calendar year.

4. No Panel Member may serve successive terms as Chair.

5. If the Vice-Chair position becomes vacant prior to the end of the Vice-Chair's term, the Panel may elect a replacement ~~officer~~ Vice-Chair at any time after the vacancy occurs to serve the balance of the unexpired term.

6. If the Chair position becomes vacant prior to the end of the Chair's term, the Vice-Chair shall become the Chair for the remainder of the previous Chair's term and then ~~one~~ for one year after that.

7. Before the election of any replacement officer, the Chair or Vice-Chair shall provide the Panel Members with at least two weeks written notice (electronic or otherwise) of the proposed election before the meeting at which the replacement is to be elected.

8. Election of Panel officers must take place in a meeting duly called as provided for in Article V.

C. Duties of the Chair and Vice-Chair.

1. The Chair shall:

(a) Preside over all Panel meetings at which the Chair is present;

(b) Act in concert with the Panel ~~a~~ Liaison as a ~~liaison~~ connection between the Panel and (i) the Board of Supervisors, (ii) the FCPD, and (iii) the Auditor, as needed;

(c) Serve as the Panel's official spokesperson;

(d) Oversee the preparation of the Panel's Annual Report described in Article IX.B;

(e) Perform any other duties as the Panel may delegate; and

(f) Delegate any of these duties to other Panel Members.

2. The Vice-Chair shall:

(a) Preside over Panel meetings in the absence of the Chair; and

(b) Perform any other responsibilities delegated by the Chair or requested by the Panel.

3. Panel Committees:

(a) The Panel may establish as many committees as the Panel deems necessary to perform the Panel's duties. All Panel committee meetings shall comply with the notice and other requirements of the Virginia Freedom of Information Act (VFOIA).

ARTICLE V. QUORUM, VOTING, AND MEETINGS

A. Quorum.

At any Panel meeting, the presence of five Panel Members shall constitute a quorum. Any Panel meeting may be adjourned from time to time by a majority of the votes cast upon the question, whether or not a quorum is present, and the meeting may be held as adjourned without further notice.

B. Voting.

The vote of a majority of Panel Members present at a meeting with a quorum is necessary for the Panel to take action. Notwithstanding the previous sentence, the affirmative vote of a majority of ~~all~~ the appointed Panel Members is required to approve Panel Findings and the Annual Report. All votes of Panel Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All Panel Members who are present at a meeting, including the Chair, may vote at any meeting.

C. Meetings.

1. The Panel shall meet as often as necessary to conduct Panel business.

2. All Panel Meetings shall be conducted in accordance with VFOIA, and, except for closed sessions, all Panel Meetings shall be open to the public.

3. All Panel Meetings shall be preceded by a Panel Meeting Notice, and, except for Emergency Panel Meetings, a Panel Meeting Notice shall be published at least three working days before the Panel Meeting. Notice, reasonable under the circumstances for emergency Panel Meetings, shall be given contemporaneously with the notice provided to Panel Members.

4. Panel Meeting Notices shall be posted by Office of the Police Civilian Review (OPCRP) staff:

   (a) On the Panel's official public government website;

   (b) ~~placed A~~at a prominent public location at which notices are regularly posted; and ~~where notices of other public notices are posted and by the Office of the Police Civilian Review Panel~~.

   ~~(b)~~(c) Outside the office of the Police Civilian Review Panel.

5. All Panel Meetings shall be conducted in:

   (a) places that are accessible to persons with disabilities;

   (b) public buildings whenever practical; and

   (c) accordance with Robert's Rules of Order, Newly Revised (except as otherwise provided by Virginia law or these Bylaws). Other accommodation and/or language translation services will be provided with reasonable advanced notice to the Panel.

6. Except as specifically authorized by VFOIA, no Panel Meeting shall be conducted through telephonic, video, electronic, or other communication means where the Panel Members are not all physically assembled to discuss or transact public business.

7. At any Panel Meeting, at least one copy of the agenda and, unless exempt from disclosure under VFOIA, all materials furnished to Panel Members shall be made available for public inspection at the same time the documents are furnished to the Panel Members.

8. Any person may photograph, film, record, or otherwise reproduce any portion of a Panel Meeting required to be open, but no person broadcasting, photographing, filming, or recording any open Panel Meeting may interfere with any of the proceedings.

9. The Panel shall keep minutes of its Panel Meetings, and those minutes shall include:

(a) the date, time, and location of each meeting;

(b) the Panel Members present and absent;

(c) a summary of the discussion on matters proposed, deliberated, or decided; and

(d) a record of any votes taken.

10. The Panel meeting minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

11. The Panel may solicit and receive public comment and answer questions about any matter related to law enforcement policies, practices, and procedures up to six times annually. As long as applicable VFOIA requirements are followed, the Panel may solicit, receive, and respond to such public comment in up to six public meetings annually, sponsored by the Panel or others, where the public is invited to comment.

ARTICLE VI. PANEL AUTHORITY TO REVIEW INVESTIGATIONS AND REVIEW PROCEDURES

A. Scope of Panel Review Authority.

1. The Panel shall review Investigations and their findings to ensure their thoroughness, completeness, accuracy, objectivity, and impartiality where (1) the subject matter of an Investigation is an allegation of "abuse of authority" or "serious misconduct" by an FCPD officer, and (2) a Review Request is filed. The Panel shall not review:

(a) alleged misconduct that is subject to the exclusive review by the Auditor;

(b) any Complaint related to an incident that occurred before December 6, 2016;

(c) an Initial Complaint that is filed more than one (1) year after the date of the incident that is the subject of the Investigation (unless the Panel determines that there is good cause to extend the filing deadline);

(d) a Review Request filed more than ninety (90) days after the date of the FCPD notice sent to the complainant that informs the complainant of the completion of the FCPD's investigation of the complainant's Initial Complaint (unless the Panel determines that there is good cause to extend the filing deadline); or

(e) a Complaint concerning matters that are subject of a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding; or any complaints from Fairfax County employees that are subject to any process, proceeding or appeal as set forth in the County's Personnel Regulations or that are subject to the Police Department's General Orders 310 or 311.

2. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel shall not act on any Review Request that is the subject of an administrative proceeding until any administrative appeals are resolved.

3. Where a Complaint alleges misconduct within both the Panel's scope of authority and the Auditor's scope of authority, the Panel and the Auditor shall each conduct a review of the Investigation within their requisite scope of authority. The Auditor and Panel Liaison shall coordinate the work of the Panel and Auditor to ensure efficient use of resources and avoid duplication of effort. If the matter cannot be divided between the Auditor and the Panel in an efficient manner, then the Auditor shall conduct the review of all portions of the investigation.

4. If there is a conflict in the scope of authority between the Auditor and the Panel, then the matter shall be resolved by the Auditor and the Panel Liaison, in consultation with the Panel Chair and Vice-Chair.

B. Definition of "Abuse of Authority" or "Serious Misconduct".

For purposes of determining the Panel's authority to review an Investigation, "Abuse of Authority" or "Serious Misconduct" by an FCPD police officer includes:

1. the use of abusive racial, ethnic or sexual language or gestures;
2. harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;
3. acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense;
4. reckless endangerment of detainee or person in custody;
5. violation of laws or ordinances; or
6. other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, which may occur both on- or off-duty.

C. The Complaint.

1. Content and Filing of a Complaint.

(a) An Initial Complaint and a Review Request shall be in writing and shall be deemed filed when delivered or emailed to the Office of the Police Civilian Review Panel (OPCRP) or the Office of the Independent Police Auditor (OIPA).

(b) A Complaint shall contain:

(i) identifying information for the person filing the Complaint and a statement of whether the complainant wishes to remain anonymous;

(ii) a statement describing the reasons for the Review Request, unless the Complaint is an Initial Complaint;

(iii) the specific details concerning police behavior;

(iv) a description of the incident in which the behavior occurred; and

(v) a list of the names, addresses and phone numbers of all witnesses to, or people with knowledge of the incident known by the complainant.

(c) The Panel shall immediately forward an Initial Complaint to the FCPD for investigation. The FCPD shall complete its investigation and provide the OPCRP and Panel access to the FCPD Investigative File within ninety (90) days of receipt of the complaint. The Panel shall extend the 90-day period upon request of the Chief to protect an ongoing criminal or internal administrative investigation, or for other good cause, with notice to the complainant and the Board of Supervisors.

D. Initial Review and Disposition.

1. Initial Review.

(a) The Panel will determine if it has authority to review the subject Investigation, taking into account whether the underlying Complaint:

(i) is timely filed; or

(ii) is a Review Request of alleged misconduct that is subject to exclusive review of the Auditor.

(b) The Panel shall conduct an Initial Review of each Review Request which may be conducted by the Panel as a whole or by subcommittee.

2. Initial Review Subcommittee Authority and Composition.

(a) The OPCRP may designate subcommittees (Initial Review Subcommittee) comprised of Panel Members to conduct Initial Reviews of Review Requests filed by community members with the Panel.

(b) An Initial Review Subcommittee shall be comprised of at least three Panel Members (with rotating membership).

(c) The OPRCP shall designate one Panel Member as chair of the Initial Review Subcommittee.

(d) The Subcommittee shall conduct, in accordance with written duties established by the Panel, an initial review of the subject Complaint to determine whether the

Complaint meets the minimum criteria for review and consideration by the full Panel.

3. Initial Review Subcommittee Process and Report to the Panel.

   (a) The Subcommittee shall review a Complaint to determine whether:

      (i) The Complaint alleges Serious Misconduct or Abuse of Authority as defined in these Bylaws; and

      (ii) The evidence contained in, or absent from, the investigative file could lead a reasonable Panel Member to conclude that there is sufficient basis for a Full Panel Review.

   (b) A unanimous Subcommittee vote shall be required to determine that a Complaint does not meet the criteria set forth in these Bylaws, and thus recommends that the Complaint not be considered by the full Panel.

   (c) A member of the Subcommittee, designated by the Subcommittee chair, shall provide a summary of the Subcommittee's deliberations and recommendation at such time as the Panel considers the subject Complaint.

   (d) The full Panel will consider the recommendation from the Subcommittee and vote to determine whether it accepts the Review Request and will conduct a Full Panel Review Meeting.

   (e) At the request of the Panel, or if the Complainant attends and requests an opportunity to be heard during the Initial Review process, the Complainant may speak to the Panel, or a subcommittee thereof, during any meeting where their Complaint is on the agenda. The Complainant, or their representative, shall have the opportunity to state the reasons for filing the Review Request, and the Panel, or a subcommittee thereof, may ask questions of the Complainant regarding those reasons.

   (f) The Panel may not accept new evidence or testimony from the Complainant.

   (g) The Complainant's statement may not exceed fifteen (15) minutes, except with permission of the Subcommittee Chair.

   (h) Panel members who are not members of the Subcommittee may also have an opportunity to review the investigative file.

4. Initial Disposition Notice.

   (a) Within 30 days of the Panel's vote on whether the Complaint qualifies for review by the full Panel, the Panel shall send an Initial Disposition Notice to the

complainant with the Panel's determination of its authority to undertake a review of the subject Investigation.

(b) If the Panel determines that the Panel does not have authority to review the subject Investigation, the Initial Disposition Notice shall state the reasons for the Panel's decision.

(c) Where the Panel finds that a review of the subject Investigation is warranted, the Initial Disposition Notice shall include a description of the review process, a deadline for completion of the review, and a date for the Panel Review Meeting.

(d) If the underlying Complaint alleges police misconduct that requires the Auditor's review, the OPCRP shall (i) promptly forward the matter to the Auditor and (ii) send an Initial Disposition Notice to the complainant explaining the reasons for the referral.

E. Pending Proceedings.

1. If at any point in the review process the Panel learns that the matters of a Review Request are the subject of pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding, the Panel shall:

   (a) Immediately suspend its review;

   (b) defer the review pending resolution of the criminal, civil, or administrative proceeding;

   (c) notify the complainant and the Board of Supervisors, in writing, of any deferrals; and

   (d) track any deferred matter and notify the complainant and the Board of Supervisors once the proceedings are closed and the request for review may proceed.

2. The panel may request assistance of Counsel, the Panel Liaison, the Chief, or the County Attorney in making its determination that matters of a Review Request are the subject of pending proceedings.

3. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel shall not act on any Review Request that is the subject of administrative proceedings until all administrative appeals are resolved.

F. Panel Review Meetings to Review Investigations.

1. Additional Requirements for Panel Review Meetings.

In addition to the requirements for Panel Meetings generally set forth in Article V.C., Panel Review Meetings shall be conducted as follows:

(a) If the Panel determines it has authority to review an Investigation under Article VI.A.1, the Panel shall convene a Panel Review Meeting to review an Investigation as to which a Review Request has been submitted within ninety (90) days of the Panel's vote to review.

(b) The Panel Review Meeting Notice shall not only comply with Article V.C.4., but shall also include a statement inviting any person with information about the Investigation or the incident that is the subject of the Panel Review Meeting to submit the information in writing to the Chief or the OPCRP.

(c) Notwithstanding Article V.C.4, Panel Review Meeting Notices shall be published and sent to Panel Members, the Auditor, the FCPD Internal Affairs Office, the County Attorney's Office, the Panel's Counsel, and the Complainant at least fourteen (14) days before the Review Meeting.

(d) The Panel may conduct as many Panel Review Meetings as the Panel deems necessary to complete the requested review.

(e) The Panel shall not take testimony or receive evidence.

(f) At the request of the Panel or if the Complainant attends and requests an opportunity to be heard at the Panel Review Meeting, the Complainant or their representative shall have the opportunity to state the reasons for filing the Review Request, and the Panel may ask questions of the Complainant or their representative regarding those reasons. The Panel shall submit to the FCPD contact information for those persons who were not interviewed with a request for further investigation of the matters under review.

(g) At the request of the Panel Chair, an FCPD representative knowledgeable of the Investigation under review shall appear before the Panel at a Panel Review Meeting (as determined by the Panel) to review and answer questions from the Panel about the Investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not.

(h) At the Panel's discretion, it may request further investigation by the FCPD, and the FCPD shall, within 90 days, conduct further investigation and provide to the Panel a supplemental report that details the findings of the additional investigation.

(i) Translation services will be provided for a complainant or other person who needs translation assistance to present to the Panel or respond to questions from Panel Members.

2. Closed Sessions and Confidential Matters During Panel Review Meetings.

(a) The Panel may conduct portions of any Panel Meeting (including Panel Review Meetings) in closed session, so long as the purpose for and conduct of the closed session is consistent with VFOIA.

(b) Any statement made by a FCPD police officer to the FCPD that the FCPD required under the provisions of *Garrity v. New Jersey*, 385 U.S. 493 (1967), shall not be disclosed in public. The Panel shall have confidential access to the entire statement for its review. Unless the FCPD officer consents to the public release of the entire statement given during an Investigation, the FCPD representative(s) presenting information to the Panel on a Complaint may publicly state only that the officer admitted or denied the allegation.

(c) Panel Members shall not reveal the identity of (i) any juvenile, or (ii) victim of sexual assault (unless authorized to do so by the victim in writing).

(d) Each Panel Member who reviews a FCPD officer's personnel record or a FCPD internal administrative investigative case file shall sign a Notice of Confidentiality affirming that an officer's personnel record and those portions of the investigative case file reflecting officer discipline, other officers, confidential informants, victims, or witnesses, personal information including names, social security numbers, dates of birth, driver's license numbers, agency-issued identification numbers, student identification numbers, criminal or employment records, shall not be disclosed or disseminated unless the information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia Law.

(e) Portions of records of law-enforcement agencies, including the FCPD, that contain specific tactical plans or investigative procedures, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public, shall also not be disclosed or disseminated unless such information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia law.

(f) If information subject to the Panel's review concerns an identifiable juvenile, the requested information shall first be forwarded to the County Attorney's Office for redaction in conformance with Code of Virginia §16.1-301, as amended.

G. Disposition of Review Requests.

1. Timely Completion.

(a) The Panel shall complete the review of an Investigation and issue a public written report detailing the Panel Findings (defined below) within ninety (90) days of the investigative file being made available to the Panel.

(b) The Panel may extend the deadline for completion for good cause. The Chair shall report all deadline extensions (and the reason for the extension) to the Board of Supervisors. The Panel shall send written notice to the complainant, if the deadline for completion is extended. The notice shall include an approximate date for completion.

2. Panel Findings.

(a) Upon completing a requested Investigation review, the Panel shall reach one of the following Panel Findings:

(i) Concur with the findings and determination detailed in the FCPD Investigative file;

(ii) Advise the Board of Supervisors that the findings are not supported by the information reasonably available to the FCPD and recommend further review and consideration by the Chief; or

(iii) Advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.

(b) If the Panel Finding is either (ii) or (iii) above, the Board of Supervisors may direct the Chief to take further action as the Board of Supervisors deems appropriate.

(c) A majority of the appointed Panel Members must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel.

(d) The Chair may assign to one or more Panel Members concurring in the conclusions of the Panel Findings or the Panel Liaison the responsibility for drafting the Panel's final review report that shall be sent to the complainant, the Board of Supervisors, the Chief and the Auditor.

ARTICLE VII. RECOMMENDATIONS FOR REVISIONS TO FCPD POLICIES, TRAINING, AND PRACTICES

A. Review of Law Enforcement Policies and Practices.

1. The Panel may recommend to the Chief and the Board of Supervisors revisions to FCPD policies, practices, and procedures that the Panel concludes are needed.

2. The Panel may conduct up to six Public Comment Meetings annually, where it solicits and receives public comments or answers questions about any matter relating to law enforcement policies, practices, and procedures. Such public meetings may be sponsored by the Panel or by others, and they must meet applicable VFOIA requirements.

B. Meetings with the Auditor.

The Panel may meet periodically with the Auditor concerning the findings and recommendations of the Auditor as to use of force cases so that the Panel can provide the Panel's view to the Board of Supervisors and the Chief as to changes in policies and practices that may be warranted.

ARTICLE VIII. OTHER DUTIES OF PANEL MEMBERS

A. Training.

All Panel Members shall complete all training mandated by the Board of Supervisors, which may include police ride alongs. The Panel shall determine the calendar for the presentation and completion of the required training. The Panel shall conduct other training as it determines would be helpful.

B. Confidentiality.

Each Panel Member shall maintain the confidentiality of all confidential or privileged information that Panel Members receive during service on the Panel.

C. Conflicts of Interest.

Panel Members shall avoid conflicts of interest with the provisions of Chapter 31 – State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100, *et seq.* A Panel Member shall consult with counsel to the Panel if the Panel Member believes that the Panel Member has or may have a conflict of interest with respect to a matter that the Panel will consider. A Panel Member with a conflict of interest shall not participate in or vote on the matter.

D. Communications.

1. Only the Chair or the Chair's designee shall make public statements on behalf of the Panel. The primary means for the Panel to communicate to the public shall be the Panel's written reports that are approved by a majority of the Panel Members.

2. Except as expressly authorized by the Chair in furtherance of a Panel Member's duties, Panel Members shall make diligent efforts to avoid individual discussion of a matter before the Panel with any person with an interest in the matter, including but not limited to a complainant, a witness to events giving rise to a complaint, or an FCPD officer that is the subject of a Complaint. The Panel Member shall inform the Chair if any interested party communication occurs and provide the Chair with any information about the communication that the Chair requests.

3. Each panel member shall receive a Fairfax County email address by which to conduct Panel business and communications. All Panel-related communications must be maintained according to VFOIA.

E. Review of FCPD Investigative File.

1. All Panel Members shall review FCPD Investigative case files prior to panel meetings to review investigations associated with those case files.

2. Panel members who have not reviewed case files shall not participate in Panel discussions or vote on matters involving cases they have not reviewed.

ARTICLE IX. RECORDKEEPING; ANNUAL REPORT

A. Recordkeeping.

1. All Panel meetings, including Panel Review Meetings and Public Comment Meetings, but excluding closed sessions within a Panel Meeting, shall be recorded and records maintained in accordance with the Library of Virginia Records Retention and Disposition Schedule.

2. The OPCRP shall maintain a copy of all Complaints together with the reports detailing the disposition of each Complaint.

B. The Annual Report.

1. The Panel Liaison shall prepare the Annual Report describing the Panel's activities for the reporting year, including any recommendations to the Board of Supervisors, Auditor, and the Chief for revisions to FCPD policies, training, and practices that the Panel concludes are needed.

2. The Annual Report must be approved by a majority of the appointed Panel Members before the Annual Report is released publicly.

3. The Panel shall deliver the Annual Report to the Board of Supervisors through the Panel Liaison and the Chair from the previous calendar year to the Chair of the Board's Safety and Security Committee. The Annual Report shall then be released to the public.

4. The initial Annual Report of the Panel shall be due on March 31, 2018. Subsequent Annual Reports shall be published in accordance with this section no later than March 1st of each year.

ARTICLE X. COMPLIANCE WITH LAW AND COUNTY POLICY; CONFLICTS OF LAW AND POLICY; PANEL IMMUNITY

A. Compliance with Law and County Policy.

The Panel, each Panel Member, and the Panel Liaison shall comply with all Virginia laws, including, but not limited to, VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 through 2.2-3131, as amended, all County ordinances, the Panel Code of Ethics and with all County policies concerning the activities of its boards, authorities, and commissions.

B. Conflicts of Law and Policy.

These Bylaws are not intended to conflict with Laws or policies of the Board of Supervisors. To the extent there is a conflict between any Law or any other resolution or matter passed by the Board, and these Bylaws, the Law or Board action shall govern.

C. Panel Immunity.

Panel Members and Panel Liaison shall enjoy the protection of sovereign immunity to the extent allowed and provided under Virginia law whether common law or statutory, including, but not limited to, the Virginia State Government Volunteers Act, Virginia Code §§ 2.2-3600, *et seq.,* and the provisions of Virginia Code § 15.2-1405.

ARTICLE XI. DUTIES OF THE COUNTY EXECUTIVE AND BOARD OF SUPERVISORS

A. The County Executive.

1. The County Executive shall cause the attendance of any County employee, other than the involved officer(s), at any Panel meeting whose appearance is requested by the Panel, unless the required attendance violates a statutory or constitutional right of the employee.

2. The County Executive shall cause the submission (from any County agency including the FCPD) of any relevant documents or other relevant materials requested by the Panel,

including the full FCPD internal administrative investigative case file, unless legal privilege to withhold exists and is not waived.

B. The Board of Supervisors.

1. The Board of Supervisors may conduct a review of the Panel at any time, except that the initial review shall be conducted within six months of receipt of the Panel's first annual report.

2. The Board of Supervisors shall ensure the Panel and Panel Members, as necessary, have the benefit of legal counsel.

3. The Board of Supervisors shall appoint a Panel Liaison for the Panel.
Among other duties as assigned, the Panel Liaison will:

a. Act as a liaison between the Panel and (i) the Board of Supervisors, (ii) the FCPD, and (iii) the Auditor, as needed;

b. Plan and organize the work of the Police Civilian Review Panel, advise the Chair and its members, and carry out its directives;

c. Serve as the Panel's spokesperson when necessary, with the approval of the Chair;

d. Prepare the Panel's Annual Report described in Article IX.B;

e. Train new Panel members in the Bylaws and provide clarification to the Panel as required on matters related to these items;

f. Review FCPD investigative files pertaining to complaints and summarize the investigations and findings for the Panel;

g. Recommend training opportunities for Panel members;

h. Ensure Panel member participation meets the expected conduct as defined in Bylaws; and

i. Assess Panel member activities to maintain compliance with Bylaws, Code of Ethics, and general expectations.

ARTICLE XII. EFFECTIVE DATE OF THE BYLAWS; AMENDMENT OF THE BYLAWS

A. Effective Date of the Bylaws.

The Bylaws shall become effective upon approval by the Board of Supervisors.

B. Amendment of the Bylaws.

These Bylaws may be amended by the Panel by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to the Bylaws shall become effective upon approval of the Board of Supervisors.

Exhibit A

DEFINED TERMS

The following terms used in these Bylaws of the Fairfax County Police Civilian Review Panel mean the following:

Abuse of Authority has the meaning assigned to the term in Article VI.B.

Annual Report means the written annual report the Panel shall deliver to the Board of Supervisors as described in Article IX.B.1.

Auditor means the Fairfax County Independent Police Auditor.

Board of Supervisors means the Board of Supervisors of Fairfax County.

Bylaws means the Bylaws of the Fairfax County Police Civilian Review Panel.

Chief means the FCPD Chief of Police.

Complaint means collectively, unless the context otherwise indicates, an Initial Complaint and a Review Request.

Counsel means the legal counsel that the Board of Supervisors designates to support the Panel.

FCPD means the Fairfax County Police Department.

FCSO means the Fairfax County Sheriff's Office.

Initial Complaint means a complaint from any person about the FCPD or its officers that has been first submitted to the Panel and not the FCPD.

Initial Disposition Notice means the notice that the Panel sends to a complainant detailing the Panel's disposition of the Review Request after the Initial Review described in Article VI.D.

Initial Review means the process when the Panel considers whether the full Panel should review the subject investigation based on the allegations made and whether there is substantiation in the file to support the allegations.

Investigation(s) means an FCPD internal administrative investigation.

Investigative File means the Investigation report, together with all correspondence, interviews, memoranda, audio and video recordings and any other materials compiled by FCPD and part of its investigation of a Complaint.

Laws means collectively any Virginia or Fairfax County law, ordinance, regulation, resolution, or other Fairfax County policy duly authorized by the Board of Supervisors.

Majority **-** means **a** simple majority of Panel Members with the following two exceptions. A majority of the **appointed** Panel Members, not a simple majority, must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel. The Annual Report must be approved by a majority of the appointed Panel Members, not a simple majority, before the Annual Report is released publicly. This is outlined in Article V.B., Article VI.G.2.(c),and Article IX.B.2.

Meeting(s) has the meaning assigned to the term in VFOIA and includes work sessions, when sitting physically, or through telephonic or video equipment, as defined in VFOIA, as a body or entity, or as an informal assemblage of (i) as many as three Panel Members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

Panel means the Fairfax County Police Civilian Review Panel.

Panel Findings means those conclusions that the Panel can adopt in response to a Review Request that are delineated in Article VI.F.2(a).

Panel Meeting means a meeting of the Panel.

Panel Meeting Notice means the written notice stating the date, time, and location of a Panel Meeting.

Panel Member(s) means each of the persons that the Board of Supervisors appoints to the Panel.

Panel Review Meeting means a Panel Meeting where a Review Request is reviewed by the full Panel, including a Panel Meeting where a complainant or FCPD representative is present to discuss an Investigation.

Panel Review Meeting Notice means the Panel Meeting Notice for a Panel Review Meeting.

Public Comment Meeting(s) means a Panel Meeting open to the public conducted on issues within the Panel's jurisdiction and on law enforcement policies and practices where the public is invited to comment on such issues and policies and practices.

Review Request means a person's request for the Panel to review an Investigation.

Serious Misconduct has the meaning assigned to the term in Article VI.B.

VFOIA means the Virginia Freedom of Information Act, as amended from time to time.

BYLAWS OF THE FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL

Approved by the Board of Supervisors on July 11, 2017
Accepted by the Police Civilian Review Panel on August 3, 2017
Amendments Approved by the Board of Supervisors on October 16, 2018, November 19, 2019, December 1, 2020, February 23, 2021, July 27, 2021, July 19, 2022, and June 24, 2025

ARTICLE I. NAME[1]

The name of this organization is the **Fairfax County Police Civilian Review Panel (also known as the PCRP or the Panel).**

ARTICLE II. PURPOSE

The Board of Supervisors, pursuant to Virginia law, established the Panel on December 6, 2016, to enhance police legitimacy and to build and maintain public trust between the Fairfax County Police Department (FCPD), the Board of Supervisors and the public. The Panel will:

A. Review certain Investigations to ensure the thoroughness, completeness, accuracy, objectivity, and impartiality of the Investigations;

B. Provide an independent process for commencing an Initial Complaint against the FCPD or its officers; and

C. Make recommendations on law enforcement policies, practices, and procedures to assist the FCPD Chief of Police (Chief) and Board of Supervisors in policy review.

The Panel shall report directly to the Board of Supervisors.

ARTICLE III. COMPOSITION OF THE PANEL AND TERM OF OFFICE FOR PANEL MEMBERS

A. Composition and Qualifications.

1. The Board of Supervisors shall appoint each Panel Member.

2. The Panel shall be comprised of nine Fairfax County residents with expertise and experience relevant to the Panel's responsibilities. At least one Panel Member shall have

[1] Certain terms used in these Bylaws are defined in the attached Exhibit A incorporated herein by this reference.

prior law enforcement experience other than as a member of the FCPD or the Fairfax County Sheriff's Office (FCSO).

3. The Board of Supervisors shall endeavor to create an independent and fair body, giving due consideration to the following factors, among others: community and civic involvement; diversity; law enforcement and/or criminal investigative experience; reputation in the community; geographical representation; and other factors designated to ensure a balanced Panel representative of Fairfax County.

4. No Panel Member may be a current employee of Fairfax County, a current or former member of the FCPD or the FCSO, have a relative (i.e., an immediate or extended family member) who is a member of the FCPD or FCSO, hold public office, or be a candidate for public office.

B. Terms of Service.

1. Panel Members shall be appointed for three-year terms, except for the inaugural Panel (which shall have terms as described below) and may be appointed to no more than two consecutive terms.

2. Panel Member terms shall be staggered.

3. With respect to the inaugural Panel, three Panel Members shall be appointed for three-year terms, three Panel Members shall be appointed for two-year terms, and three Panel Members shall be appointed to a one-year term.

4. The Panel Members of the inaugural Panel are eligible to be appointed to a second three-year term upon expiration of the Panel Member's initial term.

C. Resignations, Removals and Vacancies.

1. Panel Members serve at the pleasure of the Board of Supervisors.

2. The Chair or Panel Liaison shall notify the Board of Supervisors if a Panel Member is absent from three consecutive Panel meetings or is absent from five Panel meetings in any calendar year (unless the absence is for good reason as determined by the Chair).

3. Any Panel Member may resign from the Panel at any time by delivering written notice of termination to the Board of Supervisors with a copy to the Chair. The resignation will be effective upon receipt, unless an effective date of the resignation is specified in the notice.

4. The Board of Supervisors may appoint a new Panel Member for the unexpired Panel Member term resulting from a vacancy that occurs for any reason. If the Chair position

becomes vacant prior to the end of the Chair's term, the Vice-Chair shall become the Chair for the remainder of the previous Chair's term and then for one year after that.

ARTICLE IV. CHAIR, VICE CHAIR, OTHER OFFICERS, AND COMMITTEES

A. The Initial Chair and Vice-Chair.

The Board of Supervisors may choose to designate one of the Panel Members as the initial Chair. At a time agreed upon by the Panel Members, the Panel shall elect the initial Vice-Chair.

B. Succession, Annual Election of Officers, and Vacancies.

1. Unless the Panel Members agree otherwise by majority vote, the Vice-Chair shall succeed to the Chair position upon expiration of the Chair's term.

2. Panel Members shall elect the Vice-Chair and other officers (as determined by the Panel Members) who shall be responsible for those functions as assigned by the Panel and the Chair.

3. All Panel officers shall be elected at the first meeting of each calendar year. Unless the Panel Members agree otherwise by majority vote, terms of office for Panel Officers shall be for one-year, effective March 1st of each calendar year.

4. No Panel Member may serve successive terms as Chair.

5. If the Vice-Chair position becomes vacant prior to the end of the Vice-Chair's term, the Panel may elect a replacement Vice-Chair at any time after the vacancy occurs to serve the balance of the unexpired term.

6. If the Chair position becomes vacant prior to the end of the Chair's term, the Vice-Chair shall become the Chair for the remainder of the previous Chair's term and then for one year after that.

7. Before the election of any replacement officer, the Chair or Vice-Chair shall provide the Panel Members with at least two weeks written notice (electronic or otherwise) of the proposed election before the meeting at which the replacement is to be elected.

8. Election of Panel officers must take place in a meeting duly called as provided for in Article V.

C. Duties of the Chair and Vice-Chair.

1. The Chair shall:

(a) Preside over all Panel meetings at which the Chair is present;

(b) Act in concert with the Panel Liaison as a connection between the Panel and (i) the Board of Supervisors, (ii) the FCPD, and (iii) the Auditor, as needed;

(c) Serve as the Panel's official spokesperson;

(d) Oversee the preparation of the Panel's Annual Report described in Article IX.B;

(e) Perform any other duties as the Panel may delegate; and

(f) Delegate any of these duties to other Panel Members.

2. The Vice-Chair shall:

(a) Preside over Panel meetings in the absence of the Chair; and

(b) Perform any other responsibilities delegated by the Chair or requested by the Panel.

3. Panel Committees:

(a) The Panel may establish as many committees as the Panel deems necessary to perform the Panel's duties. All Panel committee meetings shall comply with the notice and other requirements of the Virginia Freedom of Information Act (VFOIA).

ARTICLE V. QUORUM, VOTING, AND MEETINGS

A. Quorum.

At any Panel meeting, the presence of five Panel Members shall constitute a quorum. Any Panel meeting may be adjourned from time to time by a majority of the votes cast upon the question, whether or not a quorum is present, and the meeting may be held as adjourned without further notice.

B. Voting.

The vote of a majority of Panel Members present at a meeting with a quorum is necessary for the Panel to take action. Notwithstanding the previous sentence, the affirmative vote of a majority of the appointed Panel Members is required to approve Panel Findings and the Annual Report. All votes of Panel Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All Panel Members who are present at a meeting, including the Chair, may vote at any meeting.

C. Meetings.

1. The Panel shall meet as often as necessary to conduct Panel business.

2. All Panel Meetings shall be conducted in accordance with VFOIA, and, except for closed sessions, all Panel Meetings shall be open to the public.

3. All Panel Meetings shall be preceded by a Panel Meeting Notice, and, except for Emergency Panel Meetings, a Panel Meeting Notice shall be published at least three working days before the Panel Meeting. Notice, reasonable under the circumstances for emergency Panel Meetings, shall be given contemporaneously with the notice provided to Panel Members.

4. Panel Meeting Notices shall be posted by Office of the Police Civilian Review (OPCRP) staff:

   (a) On the Panel's official public government website;

   (b) At a prominent public location at which notices are regularly posted; and .

   (c) Outside the office of the Police Civilian Review Panel.

5. All Panel Meetings shall be conducted in:

   (a) places that are accessible to persons with disabilities;

   (b) public buildings whenever practical; and

   (c) accordance with Robert's Rules of Order, Newly Revised (except as otherwise provided by Virginia law or these Bylaws). Other accommodation and/or language translation services will be provided with reasonable advanced notice to the Panel.

6. Except as specifically authorized by VFOIA, no Panel Meeting shall be conducted through telephonic, video, electronic, or other communication means where the Panel Members are not all physically assembled to discuss or transact public business.

7. At any Panel Meeting, at least one copy of the agenda and, unless exempt from disclosure under VFOIA, all materials furnished to Panel Members shall be made available for public inspection at the same time the documents are furnished to the Panel Members.

8. Any person may photograph, film, record, or otherwise reproduce any portion of a Panel Meeting required to be open, but no person broadcasting, photographing, filming, or recording any open Panel Meeting may interfere with any of the proceedings.

9. The Panel shall keep minutes of its Panel Meetings, and those minutes shall include:

   (a) the date, time, and location of each meeting;

   (b) the Panel Members present and absent;

(c) a summary of the discussion on matters proposed, deliberated, or decided; and

(d) a record of any votes taken.

10. The Panel meeting minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

11. The Panel may solicit and receive public comment and answer questions about any matter related to law enforcement policies, practices, and procedures up to six times annually. As long as applicable VFOIA requirements are followed, the Panel may solicit, receive, and respond to such public comment in up to six public meetings annually, sponsored by the Panel or others, where the public is invited to comment.

ARTICLE VI. PANEL AUTHORITY TO REVIEW INVESTIGATIONS AND REVIEW PROCEDURES

A. Scope of Panel Review Authority.

1. The Panel shall review Investigations and their findings to ensure their thoroughness, completeness, accuracy, objectivity, and impartiality where (1) the subject matter of an Investigation is an allegation of "abuse of authority" or "serious misconduct" by an FCPD officer, and (2) a Review Request is filed. The Panel shall not review:

   (a) alleged misconduct that is subject to the exclusive review by the Auditor;

   (b) any Complaint related to an incident that occurred before December 6, 2016;

   (c) an Initial Complaint that is filed more than one (1) year after the date of the incident that is the subject of the Investigation (unless the Panel determines that there is good cause to extend the filing deadline);

   (d) a Review Request filed more than ninety (90) days after the date of the FCPD notice sent to the complainant that informs the complainant of the completion of the FCPD's investigation of the complainant's Initial Complaint (unless the Panel determines that there is good cause to extend the filing deadline); or

   (e) a Complaint concerning matters that are subject of a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding; or any complaints from Fairfax County employees that are subject to any process, proceeding or appeal as set forth in the County's Personnel Regulations or that are subject to the Police Department's General Orders 310 or 311.

2. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel

shall not act on any Review Request that is the subject of an administrative proceeding until any administrative appeals are resolved.

3. Where a Complaint alleges misconduct within both the Panel's scope of authority and the Auditor's scope of authority, the Panel and the Auditor shall each conduct a review of the Investigation within their requisite scope of authority. The Auditor and Panel Liaison shall coordinate the work of the Panel and Auditor to ensure efficient use of resources and avoid duplication of effort. If the matter cannot be divided between the Auditor and the Panel in an efficient manner, then the Auditor shall conduct the review of all portions of the investigation.

4. If there is a conflict in the scope of authority between the Auditor and the Panel, then the matter shall be resolved by the Auditor and the Panel Liaison, in consultation with the Panel Chair and Vice-Chair.

B. Definition of "Abuse of Authority" or "Serious Misconduct".

For purposes of determining the Panel's authority to review an Investigation, "Abuse of Authority" or "Serious Misconduct" by an FCPD police officer includes:

1. the use of abusive racial, ethnic or sexual language or gestures;
2. harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;
3. acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense;
4. reckless endangerment of detainee or person in custody;
5. violation of laws or ordinances; or
6. other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, which may occur both on- or off-duty.

C. The Complaint.

1. Content and Filing of a Complaint.

(a) An Initial Complaint and a Review Request shall be in writing and shall be deemed filed when delivered or emailed to the Office of the Police Civilian Review Panel (OPCRP) or the Office of the Independent Police Auditor (OIPA).

(b) A Complaint shall contain:

(i) identifying information for the person filing the Complaint and a statement of whether the complainant wishes to remain anonymous;

(ii) a statement describing the reasons for the Review Request, unless the Complaint is an Initial Complaint;

(iii) the specific details concerning police behavior;

(iv) a description of the incident in which the behavior occurred; and

(v) a list of the names, addresses and phone numbers of all witnesses to, or people with knowledge of the incident known by the complainant.

(c) The Panel shall immediately forward an Initial Complaint to the FCPD for investigation. The FCPD shall complete its investigation and provide the OPCRP and Panel access to the FCPD Investigative within ninety (90) days of receipt of the complaint. The Panel shall extend the 90-day period upon request of the Chief to protect an ongoing criminal or internal administrative investigation, or for other good cause, with notice to the complainant and the Board of Supervisors.

D. Initial Review and Disposition.

1. Initial Review.

(a) The Panel will determine if it has authority to review the subject Investigation, taking into account whether the underlying Complaint:

(i) is timely filed; or

(ii) is a Review Request of alleged misconduct that is subject to exclusive review of the Auditor.

(b) The Panel shall conduct an Initial Review of each Review Request which may be conducted by the Panel as a whole or by subcommittee.

2. Initial Review Subcommittee Authority and Composition.

(a) The OPCRP may designate subcommittees (Initial Review Subcommittee) comprised of Panel Members to conduct Initial Reviews of Review Requests filed by community members with the Panel.

(b) An Initial Review Subcommittee shall be comprised of at least three Panel Members (with rotating membership).

(c) The OPRCP shall designate one Panel Member as chair of the Initial Review Subcommittee.

(d) The Subcommittee shall conduct, in accordance with written duties established by the Panel, an initial review of the subject Complaint to determine whether the Complaint meets the minimum criteria for review and consideration by the full Panel.

3. Initial Review Subcommittee Process and Report to the Panel.

(a) The Subcommittee shall review a Complaint to determine whether:

(i) The Complaint alleges Serious Misconduct or Abuse of Authority as defined in these Bylaws; and

(ii) The evidence contained in, or absent from, the investigative file could lead a reasonable Panel Member to conclude that there is sufficient basis for a Full Panel Review.

(b) A unanimous Subcommittee vote shall be required to determine that a Complaint does not meet the criteria set forth in these Bylaws, and thus recommends that the Complaint not be considered by the full Panel.

(c) A member of the Subcommittee, designated by the Subcommittee chair, shall provide a summary of the Subcommittee's deliberations and recommendation at such time as the Panel considers the subject Complaint.

(d) The full Panel will consider the recommendation from the Subcommittee and vote to determine whether it accepts the Review Request and will conduct a Full Panel Review Meeting.

(e) At the request of the Panel, or if the Complainant attends and requests an opportunity to be heard during the Initial Review process, the Complainant may speak to the Panel, or a subcommittee thereof, during any meeting where their Complaint is on the agenda. The Complainant, or their representative, shall have the opportunity to state the reasons for filing the Review Request, and the Panel, or a subcommittee thereof, may ask questions of the Complainant regarding those reasons.

(f) The Panel may not accept new evidence or testimony from the Complainant.

(g) The Complainant's statement may not exceed fifteen (15) minutes, except with permission of the Subcommittee Chair.

(h) Panel members who are not members of the Subcommittee may also have an opportunity to review the investigative file.

4. Initial Disposition Notice.

(a) Within 30 days of the Panel's vote on whether the Complaint qualifies for review by the full Panel, the Panel shall send an Initial Disposition Notice to the complainant with the Panel's determination of its authority to undertake a review of the subject Investigation.

(b) If the Panel determines that the Panel does not have authority to review the subject Investigation, the Initial Disposition Notice shall state the reasons for the Panel's decision.

(c) Where the Panel finds that a review of the subject Investigation is warranted, the Initial Disposition Notice shall include a description of the review process, a deadline for completion of the review, and a date for the Panel Review Meeting.

(d) If the underlying Complaint alleges police misconduct that requires the Auditor's review, the OPCRP shall (i) promptly forward the matter to the Auditor and (ii) send an Initial Disposition Notice to the complainant explaining the reasons for the referral.

E. Pending Proceedings.

1. If at any point in the review process the Panel learns that the matters of a Review Request are the subject of pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding, the Panel shall:

   (a) Immediately suspend its review;

   (b) defer the review pending resolution of the criminal, civil, or administrative proceeding;

   (c) notify the complainant and the Board of Supervisors, in writing, of any deferrals; and

   (d) track any deferred matter and notify the complainant and the Board of Supervisors once the proceedings are closed and the request for review may proceed.

2. The panel may request assistance of Counsel, the Panel Liaison, the Chief, or the County Attorney in making its determination that matters of a Review Request are the subject of pending proceedings.

3. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel shall not act on any Review Request that is the subject of administrative proceedings until all administrative appeals are resolved.

F. Panel Review Meetings to Review Investigations.

1. Additional Requirements for Panel Review Meetings.
   In addition to the requirements for Panel Meetings generally set forth in Article V.C., Panel Review Meetings shall be conducted as follows:

   (a) If the Panel determines it has authority to review an Investigation under Article VI.A.1, the Panel shall convene a Panel Review Meeting to review an Investigation as to which a Review Request has been submitted within ninety (90) days of the Panel's vote to review.

(b) The Panel Review Meeting Notice shall not only comply with Article V.C.4., but shall also include a statement inviting any person with information about the Investigation or the incident that is the subject of the Panel Review Meeting to submit the information in writing to the Chief or the OPCRP.

(c) Notwithstanding Article V.C.4, Panel Review Meeting Notices shall be published and sent to Panel Members, the Auditor, the FCPD Internal Affairs Office, the County Attorney's Office, the Panel's Counsel, and the Complainant at least fourteen (14) days before the Review Meeting.

(d) The Panel may conduct as many Panel Review Meetings as the Panel deems necessary to complete the requested review.

(e) The Panel shall not take testimony or receive evidence.

(f) At the request of the Panel or if the Complainant attends and requests an opportunity to be heard at the Panel Review Meeting, the Complainant or their representative shall have the opportunity to state the reasons for filing the Review Request, and the Panel may ask questions of the Complainant or their representative regarding those reasons. The Panel shall submit to the FCPD contact information for those persons who were not interviewed with a request for further investigation of the matters under review.

(g) At the request of the Panel Chair, an FCPD representative knowledgeable of the Investigation under review shall appear before the Panel at a Panel Review Meeting (as determined by the Panel) to review and answer questions from the Panel about the Investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not.

(h) At the Panel's discretion, it may request further investigation by the FCPD, and the FCPD shall, within 90 days, conduct further investigation and provide to the Panel a supplemental report that details the findings of the additional investigation.

(i) Translation services will be provided for a complainant or other person who needs translation assistance to present to the Panel or respond to questions from Panel Members.

2. Closed Sessions and Confidential Matters During Panel Review Meetings.

(a) The Panel may conduct portions of any Panel Meeting (including Panel Review Meetings) in closed session, so long as the purpose for and conduct of the closed session is consistent with VFOIA.

(b) Any statement made by a FCPD police officer to the FCPD that the FCPD required under the provisions of *Garrity v. New Jersey*, 385 U.S. 493 (1967), shall not be disclosed in public. The Panel shall have confidential access to the entire statement for its review. Unless the FCPD officer consents to the public release of the entire

statement given during an Investigation, the FCPD representative(s) presenting information to the Panel on a Complaint may publicly state only that the officer admitted or denied the allegation.

(c) Panel Members shall not reveal the identity of (i) any juvenile, or (ii) victim of sexual assault (unless authorized to do so by the victim in writing).

(d) Each Panel Member who reviews a FCPD officer's personnel record or a FCPD internal administrative investigative case file shall sign a Notice of Confidentiality affirming that an officer's personnel record and those portions of the investigative case file reflecting officer discipline, other officers, confidential informants, victims, or witnesses, personal information including names, social security numbers, dates of birth, driver's license numbers, agency-issued identification numbers, student identification numbers, criminal or employment records, shall not be disclosed or disseminated unless the information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia Law.

(e) Portions of records of law-enforcement agencies, including the FCPD, that contain specific tactical plans or investigative procedures, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public, shall also not be disclosed or disseminated unless such information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia law.

(f) If information subject to the Panel's review concerns an identifiable juvenile, the requested information shall first be forwarded to the County Attorney's Office for redaction in conformance with Code of Virginia §16.1-301, as amended.

G. Disposition of Review Requests.

1. Timely Completion.

(a) The Panel shall complete the review of an Investigation and issue a public written report detailing the Panel Findings (defined below) within ninety (90) days of the investigation file being made available to the Panel.

(b) The Panel may extend the deadline for completion for good cause. The Chair shall report all deadline extensions (and the reason for the extension) to the Board of Supervisors. The Panel shall send written notice to the complainant, if the deadline for completion is extended. The notice shall include an approximate date for completion.

2. Panel Findings.

   (a) Upon completing a requested Investigation review, the Panel shall reach one of the following Panel Findings:

      (i) Concur with the findings and determination detailed in the FCPD Investigative file;

      (ii) Advise the Board of Supervisors that the findings are not supported by the information reasonably available to the FCPD and recommend further review and consideration by the Chief; or

      (iii) Advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.

   (b) If the Panel Finding is either (ii) or (iii) above, the Board of Supervisors may direct the Chief to take further action as the Board of Supervisors deems appropriate.

   (c) A majority of the appointed Panel Members must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel.

   (d) The Chair may assign to one or more Panel Members concurring in the conclusions of the Panel Findings or the Panel Liaison the responsibility for drafting the Panel's final review report that shall be sent to the complainant, the Board of Supervisors, the Chief and the Auditor.

ARTICLE VII. RECOMMENDATIONS FOR REVISIONS TO FCPD POLICIES, TRAINING, AND PRACTICES

A. Review of Law Enforcement Policies and Practices.

1. The Panel may recommend to the Chief and the Board of Supervisors revisions to FCPD policies, practices, and procedures that the Panel concludes are needed.
2. The Panel may conduct up to six Public Comment Meetings annually, where it solicits and receives public comments or answers questions about any matter relating to law enforcement policies, practices, and procedures. Such public meetings may be sponsored by the Panel or by others, and they must meet applicable VFOIA requirements.

B. Meetings with the Auditor.

The Panel may meet periodically with the Auditor concerning the findings and

recommendations of the Auditor as to use of force cases so that the Panel can provide the Panel's view to the Board of Supervisors and the Chief as to changes in policies and practices that may be warranted.

ARTICLE VIII. OTHER DUTIES OF PANEL MEMBERS

A. Training.

All Panel Members shall complete all training mandated by the Board of Supervisors, which may include police ride alongs. The Panel shall determine the calendar for the presentation and completion of the required training. The Panel shall conduct other training as it determines would be helpful.

B. Confidentiality.

Each Panel Member shall maintain the confidentiality of all confidential or privileged information that Panel Members receive during service on the Panel.

C. Conflicts of Interest.

Panel Members shall avoid conflicts of interest with the provisions of Chapter 31 – State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100, *et seq.* A Panel Member shall consult with counsel to the Panel if the Panel Member believes that the Panel Member has or may have a conflict of interest with respect to a matter that the Panel will consider. A Panel Member with a conflict of interest shall not participate in or vote on the matter.

D. Communications.

1. Only the Chair or the Chair's designee shall make public statements on behalf of the Panel. The primary means for the Panel to communicate to the public shall be the Panel's written reports that are approved by a majority of the Panel Members.

2. Except as expressly authorized by the Chair in furtherance of a Panel Member's duties, Panel Members shall make diligent efforts to avoid individual discussion of a matter before the Panel with any person with an interest in the matter, including but not limited to a complainant, a witness to events giving rise to a complaint, or an FCPD officer that is the subject of a Complaint. The Panel Member shall inform the Chair if any interested party communication occurs and provide the Chair with any information about the communication that the Chair requests.

3. Each panel member shall receive a Fairfax County email address by which to conduct Panel business and communications. All Panel-related communications must be maintained according to VFOIA.

E. Review of FCPD Investigative File.

1. All Panel Members shall review FCPD Investigative case files prior to panel meetings to review investigations associated with those case files.

2. Panel members who have not reviewed case files shall not participate in Panel discussions or vote on matters involving cases they have not reviewed.

ARTICLE IX. RECORDKEEPING; ANNUAL REPORT

A. Recordkeeping.

1. All Panel meetings, including Panel Review Meetings and Public Comment Meetings, but excluding closed sessions within a Panel Meeting, shall be recorded and records maintained in accordance with the Library of Virginia Records Retention and Disposition Schedule.

2. The OPCRP shall maintain a copy of all Complaints together with the reports detailing the disposition of each Complaint.

B. The Annual Report.

1. The Panel Liaison shall prepare the Annual Report describing the Panel's activities for the reporting year, including any recommendations to the Board of Supervisors, Auditor, and the Chief for revisions to FCPD policies, training, and practices that the Panel concludes are needed.

2. The Annual Report must be approved by a majority of the appointed Panel Members before the Annual Report is released publicly.

3. The Panel shall deliver the Annual Report to the Board of Supervisors through the Panel Liaison and the Chair from the previous calendar year to the Chair of the Board's Safety and Security Committee. The Annual Report shall then be released to the public.

4. The initial Annual Report of the Panel shall be due on March 31, 2018. Subsequent Annual Reports shall be published in accordance with this section no later than March 1st of each year.

ARTICLE X. COMPLIANCE WITH LAW AND COUNTY POLICY; CONFLICTS OF LAW AND POLICY; PANEL IMMUNITY

A. Compliance with Law and County Policy.

The Panel, each Panel Member, and the Panel Liaison shall comply with all Virginia laws, including, but not limited to, VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 through 2.2-3131, as amended, all County ordinances, the Panel Code of Ethics and with all County policies concerning the activities of its boards, authorities, and commissions.

B. Conflicts of Law and Policy.

These Bylaws are not intended to conflict with Laws or policies of the Board of Supervisors. To the extent there is a conflict between any Law or any other resolution or matter passed by the Board, and these Bylaws, the Law or Board action shall govern.

C. Panel Immunity.

Panel Members and Panel Liaison shall enjoy the protection of sovereign immunity to the extent allowed and provided under Virginia law whether common law or statutory, including, but not limited to, the Virginia State Government Volunteers Act, Virginia Code §§ 2.2-3600, *et seq.,* and the provisions of Virginia Code § 15.2-1405.

ARTICLE XI. DUTIES OF THE COUNTY EXECUTIVE AND BOARD OF SUPERVISORS

A. The County Executive.

1. The County Executive shall cause the attendance of any County employee, other than the involved officer(s), at any Panel meeting whose appearance is requested by the Panel, unless the required attendance violates a statutory or constitutional right of the employee.

2. The County Executive shall cause the submission (from any County agency including the FCPD) of any relevant documents or other relevant materials requested by the Panel, including the full FCPD internal administrative investigative case file, unless legal privilege to withhold exists and is not waived.

B. The Board of Supervisors.

1. The Board of Supervisors may conduct a review of the Panel at any time, except that the initial review shall be conducted within six months of receipt of the Panel's first annual report.

2. The Board of Supervisors shall ensure the Panel and Panel Members, as necessary, have the benefit of legal counsel.

3. The Board of Supervisors shall appoint a Panel Liaison for the Panel. Among other duties as assigned, the Panel Liaison will:

    a. Act as a liaison between the Panel and (i) the Board of Supervisors, (ii) the FCPD, and (iii) the Auditor, as needed;

    b. Plan and organize the work of the Police Civilian Review Panel, advise the Chair and its members, and carry out its directives;

    c. Serve as the Panel's spokesperson when necessary, with the approval of the Chair;

    d. Prepare the Panel's Annual Report described in Article IX.B;

    e. Train new Panel members in the Bylaws and provide clarification to the Panel as required on matters related to these items;

    f. Review FCPD investigative files pertaining to complaints and summarize the investigations and findings for the Panel;

    g. Recommend training opportunities for Panel members;

    h. Ensure Panel member participation meets the expected conduct as defined in Bylaws; and

    i. Assess Panel member activities to maintain compliance with Bylaws, Code of Ethics, and general expectations.

ARTICLE XII. EFFECTIVE DATE OF THE BYLAWS; AMENDMENT OF THE BYLAWS

A. Effective Date of the Bylaws.

The Bylaws shall become effective upon approval by the Board of Supervisors.

B. Amendment of the Bylaws.

These Bylaws may be amended by the Panel by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to the Bylaws shall become effective upon approval of the Board of Supervisors.

Exhibit A

DEFINED TERMS

The following terms used in these Bylaws of the Fairfax County Police Civilian Review Panel mean the following:

Abuse of Authority has the meaning assigned to the term in Article VI.B.

Annual Report means the written annual report the Panel shall deliver to the Board of Supervisors as described in Article IX.B.1.

Auditor means the Fairfax County Independent Police Auditor.

Board of Supervisors means the Board of Supervisors of Fairfax County.

Bylaws means the Bylaws of the Fairfax County Police Civilian Review Panel.

Chief means the FCPD Chief of Police.

Complaint means collectively, unless the context otherwise indicates, an Initial Complaint and a Review Request.

Counsel means the legal counsel that the Board of Supervisors designates to support the Panel.

FCPD means the Fairfax County Police Department.

FCSO means the Fairfax County Sheriff's Office.

Initial Complaint means a complaint from any person about the FCPD or its officers that has been first submitted to the Panel and not the FCPD.

Initial Disposition Notice means the notice that the Panel sends to a complainant detailing the Panel's disposition of the Review Request after the Initial Review described in Article VI.D.

Initial Review means the process when the Panel considers whether the full Panel should review the subject investigation based on the allegations made and whether there is substantiation in the file to support the allegations.

Investigation(s) means an FCPD internal administrative investigation.

Investigative File means the Investigation report, together with all correspondence, interviews, memoranda, audio and video recordings and any other materials compiled by FCPD and part of its investigation of a Complaint.

Laws means collectively any Virginia or Fairfax County law, ordinance, regulation, resolution, or other Fairfax County policy duly authorized by the Board of Supervisors.

Majority - means a simple majority of Panel Members with the following two exceptions. A majority of the **appointed** Panel Members, not a simple majority, must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel. The Annual Report

must be approved by a majority of the appointed Panel Members, not a simple majority, before the Annual Report is released publicly. This is outlined in Article V.B., Article VI.G.2.(c),and Article IX.B.2.

Meeting(s) has the meaning assigned to the term in VFOIA and includes work sessions, when sitting physically, or through telephonic or video equipment, as defined in VFOIA, as a body or entity, or as an informal assemblage of (i) as many as three Panel Members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

Panel means the Fairfax County Police Civilian Review Panel.

Panel Findings means those conclusions that the Panel can adopt in response to a Review Request that are delineated in Article VI.F.2(a).

Panel Meeting means a meeting of the Panel.

Panel Meeting Notice means the written notice stating the date, time, and location of a Panel Meeting.

Panel Member(s) means each of the persons that the Board of Supervisors appoints to the Panel.

Panel Review Meeting means a Panel Meeting where a Review Request is reviewed by the full Panel, including a Panel Meeting where a complainant or FCPD representative is present to discuss an Investigation.

Panel Review Meeting Notice means the Panel Meeting Notice for a Panel Review Meeting.

Public Comment Meeting(s) means a Panel Meeting open to the public conducted on issues within the Panel's jurisdiction and on law enforcement policies and practices where the public is invited to comment on such issues and policies and practices.

Review Request means a person's request for the Panel to review an Investigation.

Serious Misconduct has the meaning assigned to the term in Article VI.B.

VFOIA means the Virginia Freedom of Information Act, as amended from time to time.

Board Agenda Item
June 24, 2025

CONSIDERATION – 2

Approval of Revisions to the Bylaws of the Reston Transportation Service District Advisory Board (Dranesville and Hunter Mill Districts)

ISSUE:
Approval of revised bylaws for the Reston Transportation Service District Advisory Board (RTSDAB).

TIMING:
Board of Supervisors' consideration is requested on June 24, 2025, so the revised bylaws (Attachment 1) can become effective.

BACKGROUND:
The RTSDAB was established by the Board of Supervisors on April 4, 2017. The Board further clarified the membership of the RTSDAB on May 2, 2017. On February 10, 2020, the Clerk to the Board of Supervisors (Clerk) distributed a copy of updated model bylaws for use by Boards, Authorities, and Commissions to comply with all Virginia laws, County ordinances, and County policies. The RTSDAB reviewed the model bylaws provided by the Clerk and approved minor revisions at the fall RTSDAB meeting held on November 16, 2020. Subsequently, the Board of Supervisors approved those revised bylaws on July 27, 2021, and those current bylaws are included as Attachment 2 for the Board's reference.

Since the bylaws were last approved, Virginia Freedom of Information Act (VFOIA) provisions related to remote participation and all-virtual meetings have changed. As such, revisions were provided to the bylaws that incorporate the updated VFOIA provisions. There are also minor changes to ensure consistency with the bylaws of other Boards, Authorities, and Commissions. The RTSDAB approved the updated bylaw language on April 9, 2025. The revised bylaws are included as Attachment 1 for consideration.

EQUITY IMPACT:
Staff conducted an equity impact assessment and determined this Board Item has the potential to advance equity. Virtual meeting options can help reduce barriers for individuals with time constraints, transportation challenges, or caregiving responsibilities. They also ease participation for people with disabilities, who may find

in-person attendance difficult. Expanding access for public meetings promotes more equitable representation by enabling a broader, more diverse group of county residents to engage in public decision-making without being penalized by structural or personal barriers.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed RTSDAB Bylaws
Attachment 2: Current RTSDAB Bylaws

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Coello, Deputy Director, FCDOT
Noelle Dominguez, Chief, Coordination and Funding Division (CFD), FCDOT
Ray Johnson, CFD, FCDOT
Smitha Chellappa, CFD, FCDOT

ASSIGNED COUNSEL:
John A. Dorsey, Assistant County Attorney

BYLAWS OF THE RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Draft of April 9, 2025

ARTICLE I – NAME

The name of this organization is the Reston Transportation Service District Advisory Board, hereinafter referred to as the "Advisory Board." These bylaws are effective as of XXXX, XX, 20XX.

ARTICLE II – PURPOSE

The Advisory Board has been established by the Board of Supervisors of Fairfax County, Virginia ("Board of Supervisors"), pursuant to Virginia law ~~Code § 15.2-1411~~, for the purpose of providing input to the Board on: the annual tax rate for the Reston Transportation Service District; the transportation project priorities funded all or in part by the Reston Transportation Service District tax; and project implementation schedules.

These bylaws replace and supersede the Advisory Board bylaws adopted on July 27, 2021, and are effective as of XXXX, XX, 20XX.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the Advisory Board shall be made by the Board of Supervisors, and members shall serve for such term or terms as established by the Board of Supervisors, currently two years. The Advisory Board must include representation from both Dranesville and Hunter Mill magisterial districts, as well as include a cross section of stakeholders in the Reston area. The Advisory Board will consist of 14 members as follows:

- One member from the Dranesville District;
- Two members from the Hunter Mill District;
- Three members to represent residential owners and homeowner/civic associations;
- One member to represent apartment or rental owner associations;
- Three members to represent commercial or retail ownership interests;
- One member from the Reston Chamber of Commerce to represent lessees of non-residential space;
- One member from the Reston Association;
- One member from the Reston Town Center Association.
- One homeowner member from the Reston Town Center Association.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the chairperson, the clerk or the secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The Advisory Board shall be served by three officers: a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson shall be elected in accordance with the voting provisions of Article V by the Advisory Board members annually and such election shall be scheduled at the first meeting of each calendar year. At the meeting prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve as Chairperson of the Advisory Board. At the election meeting, the Chairperson shall be elected from among the willing nominees in accordance with the voting provisions of Article V. At the meeting immediately following the election of the Chairperson, the Chairperson shall nominate the Vice Chairperson and Secretary. After nomination, each candidate shall be polled on his or her willingness and ability to serve as an officer of the Advisory Board. The Vice Chairperson and Secretary shall then be elected from among the willing nominees in accordance with the voting provisions of Article V.

Chairperson. The Chairperson presides over meetings of the Advisory Board and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to Advisory Board members and to request assistance from the County staff supporting the Advisory Board.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-Chairperson is available, the member present with the longest tenure on the Advisory Board shall act as Chairperson.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V – MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.,* as amended ("VFOIA"). ~~Pursuant to Virginia Code § 2.23701~~, "Meeting" or "meetings" means the meetings as defined by the VFOIA, including work sessions, when sitting physically, or through electronic communication means pursuant to ~~§ 2.2-3708.2~~ the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The Advisory Board may hold public hearings and report its findings to the Board of Supervisors on Advisory Board issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to the Advisory Board members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All in person and remote participation meetings shall be conducted in public places that are accessible to persons with disabilities. Public access via electronic communications must be provided for all-virtual public meetings.

Frequency. The Advisory Board shall meet at least annually or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the Advisory Board's members, and at a place arranged by the staff of the supporting County department.

Voting. A quorum is necessary for a vote. A majority of the membership of the Advisory Board shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of Advisory Board members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes of Advisory Board members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA or other applicable Virginia law, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to Advisory Board members shall be made available for public inspection at the same time such documents are

furnished to the Advisory Board members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any Advisory Board proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the Advisory Board, and advice provided in closed session by legal counsel to the Advisory Board, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the Advisory Board to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the Advisory Board's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any Advisory Board member who misses three consecutive meetings, or who fails to participate in the work of the Advisory Board without good cause acceptable to a majority of the other Advisory Board members may be subject to removal from the Advisory Board.

ARTICLE VII - REMOVAL

Any Advisory Board member(s) may be recommended to the Board of Supervisors for removal from the Advisory Board for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all of the Advisory Board members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the Advisory Board as provided by law.

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a Chairperson for each with the consent of a majority of the Advisory Board members present and voting.

Special. The Chairperson may appoint special committees and a Chairperson for each with the consent of a majority of the Advisory Board members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – ANNUAL REPORT

The Advisory Board shall prepare an annual written recommendation to the Board of Supervisors for the Reston Transportation Service District tax rate for the subsequent fiscal year. This recommendation shall be provided prior to the close of public hearings for the subsequent fiscal year Adopted Budget Plan, and to the Clerk for the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The Advisory Board shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the Advisory Board by adopting the proposed amendment or amendments by a two-thirds (2/3) vote of those present and voting and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors. Prior to any vote by the Advisory Board, notice of the proposed changes must be given to each member in writing, which can include notice by email, no less than seven days before the meeting at which the changes are considered.

These Bylaws were approved by the Fairfax County Board of Supervisors during a public meeting held on the 24th day of June, 2025.

GIVEN under my hand this _____ day of _____, 2025.

_____
Jill G. Cooper
Clerk for the Board of Supervisors

229 **Department of Clerk Services**
230

BYLAWS OF THE RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

ARTICLE I – NAME

The name of this organization is the Reston Transportation Service District Advisory Board, hereinafter referred to as the "Advisory Board." These bylaws are effective as of July 27, 2021.

ARTICLE II – PURPOSE

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ARTICLE HI – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the Advisory Board shall be made by the Board of Supervisors, and members shall serve for such term or terms as established by the Board of Supervisors, currently two years. The Advisory Board must include representation from both Dranesville and Hunter Mill magisterial districts, as well as include a cross section of stakeholders in the Reston area. The Advisory Board will consist of 14 members as follows:

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- Three members to represent residential owners and homeowner/civic associations;
- One member to represent apartment or rental owner associations;
- Three members to represent commercial or retail ownership interests;
- One member from the Reston Chamber of Commerce to represent lessees of non-residential space;
- One member from the Reston Association;
- One member from the Reston Town Center Association.
- One homeowner member from the Reston Town Center Association.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the chairperson, the clerk or the secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to

another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

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Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

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as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The Advisory Board may hold public hearings and report its findings to the Board of Supervisors on Advisory Board issues that affect the public interest.

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Frequency. The Advisory Board shall meet at least annually or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the Advisory Board's members, and at a place arranged by the staff of the supporting County department.

Voting. A quorum is necessary for a vote. A majority of the membership of the Advisory Board shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of Advisory Board members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes of Advisory Board members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

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ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The Advisory Board shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the Advisory Board by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

These Bylaws were approved by the Fairfax County Board of Supervisors during a public meeting held on 27th day of July, 2021.

ADOPTED this 27th day of July, 2021.

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
June 24, 2025

INFORMATION – 1

Update to Tysons Public Facilities Cash Contribution Amount (Providence and Hunter Mill Districts)

Developer contributions toward public facilities are a key component to realize the vision for Tysons described in the Comprehensive Plan (Plan). The unique nature of transforming Tysons from primarily office use into a mixed-use urban community requires adding residential uses that drive public facility needs well beyond what was previously planned. While many redevelopments in Tysons commit to construct or provide public facility space as part of their entitlement, there are cases where a monetary contribution is appropriate to address Plan goals. Not every redevelopment site is appropriate for or can accommodate a public facility; therefore, having the flexibility for developments to mitigate their impact either through the construction of facilities and/or monetary contributions provides a pathway for the applicant to mitigate their impacts and meet public facility needs.

The Department of Planning and Development (DPD) is tasked with periodically evaluating the contribution formula for public facilities in the Tysons Urban Center and making recommendations for suggested contribution rate adjustments. While this was done on an ad hoc basis in the past, to better align the adjustment of the public facility suggested rate with the timing of Board adoption of Road Fund rates, DPD has committed to evaluate the public facility rate and provide recommended changes to the Board in June.

Annual rate adjustments, if any, are made to compensate for inflation in project construction costs, in accordance with the Consumer Price Index for all urban consumers (CPI-U), as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with *Virginia Code Section 15.2-2303.3(B)*. The suggested rate adjustments are commensurate with adjustments to the Tysons-wide Road Fund rates for residential and non-residential development, which are approved annually by the Board.

In 2010, the base contribution formula of $1.50 per square foot (PSF) of Gross Floor Area (GFA) was derived from the average PSF cost to construct a fire station as part of the Spring Hill Demonstration Project (RZ 2010-PR-014A, B, D, and E), the first entitlement case reviewed under the new Plan.

DPD periodically evaluates the rate to capture escalation and ensure that there is equity in the suggested contribution amount. For example, a developer who proffered to a

base contribution of $1.50 PSF with an escalation clause in 2010 would be contributing more (in 2025) than a developer proffering the same base of $1.50 PSF in 2025, which highlights the need to annually revisit the suggested base rate.

The suggested PSF of GFA contribution amount for public facilities was last updated in December 2024, with an increase from $2.15 to $2.22. Based on the CPI-U and commensurate with the approved 2025 Tysons-wide Road Fund Rates, the updated public facility suggested contribution rate is $2.28 PSF of GFA. While it has only been approximately 6 months, as noted DPD intends to align this assessment with the updating of the road funds, which occurred on May 13, 2025.

Unless otherwise directed by the Board of Supervisors, public facility contribution amounts in Tysons will be at a suggested rate of $2.28 PSF of GFA, beginning July 1, 2025, for all new rezoning applications. In-process applications will utilize the suggested rate in effect at the time the application was accepted for review.

EQUITY IMPACT:
Staff conducted an Equity Impact Assessment and determined that the populations in the Tysons Urban Center and the immediately surrounding communities rate “low” or “very low” on the vulnerability index. While it is possible that increasing suggested developer contribution rates may result in some costs passed on via increased rent and land prices, the equity assessment for the 2025 suggested public facility rate adjustment lacks sufficient data to determine an adverse equity impact. Given best available current data, no adverse impact is anticipated.

FISCAL IMPACT:
Utilizing the suggested revised rates will increase developer contributions that support the development of public facilities needed in the Tysons Urban Center.

ENCLOSED DOCUMENTS:
None.

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Chris Caperton, Deputy Director, DPD
Suzie Battista, Urban Centers Section Director, DPD

Board Agenda Item
June 24, 2025

ASSIGNED COUNSEL:
Laura Gori, Senior Assistant County Attorney

Board Agenda Item
June 24, 2025

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. *Tysons Corner Hotel Plaza LLC v. Fairfax County,* Record No. 1655-23-4 (Va. Sup. Ct.) (Providence District)

2. *Nechelle Lemagne, Administrator of the Estate of the late Brandon Lemagne v. Kenyatta Momon, Kevin Davis, Bryan Hill, and Fairfax County, VA,* Case No. 1:25-cv-783 (E.D. Va.)

3. *Filsan Duale v. Colonel Edwin C. Roessler Jr., Fairfax County Police* Department*, Sgt. Joe Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5,* Case No. CL-2019-0017251 (Fx. Co. Cir. Ct.); Y*asmine Djama, by next friend Moustapha Djama v. Fairfax County, Board of Supervisors of Fairfax County, Edwin C. Roessler Jr., Fairfax County Police Officers 1-5,* Case No. CL-2023-0007942 (Fx. Co. Cir. Ct.); *Amran Djama, by next friend Moustapha Djama v. Fairfax County, Borad of Supervisors of Fairfax County, Edwin C. Roessler Jr., Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5,* Case No. CL-2023-0007941 (Fx. Co. Cir. Ct.); *Ibrahim Djama, by next friend Moustapha Djama v. Fairfax County, Borad of Supervisors of Fairfax County, Edwin C. Roessler Jr., Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5,* Case No. CL-2023-0007925 (Fx. Co. Cir. Ct.); *Samira*

Djama, by next friend Moustapha Djama v. Fairfax County, Borad of Supervisors of Fairfax County, Edwin C. Roessler Jr., Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5, Case No. CL-2023-0007940 (Fx. Co. Cir. Ct.); and *Kareem Bashir v. Colonel Edwin C. Roessler Jr., Fairfax County Police Department, Sgt. Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5,* Case No. CL-2022-0012442 (Fx. Co. Cir. Ct.)

4. *Jacqueline R. Humphries v. Haden, JLB McLean, LLC et al.,* Record No. 25-1426 (U.S. Ct. of App. for the Fourth Cir.)

5. *Orayl Ingram v. Commonwealth of Virginia; City of Fairfax, Virginia; Fairfax County Department of Child Protective Services; Fairfax County Police Department; Fairfax County Commonwealth's Attorney's Office; Commonwealth of Virginia Department of Social Services; Richard Mullins; Jonathan Ortiz; Angie Combs; Steve Descano; Elizabeth Carter; and County of Fairfax, Virginia*, Case No. 24-7182 (U.S. Ct. of App. for the Fourth Cir.)

6. *State Farm Mutual Automobile Insurance Company as subrogee of Sean V v. Jeffrey Werth*, Case No. GV25-009385 (Fx. Co. Gen. Dist. Ct.)

7. *Jay Riat, Fairfax County Building Official v. Nyumba, LLC,* Case No. GV24-027556 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

8. *Jay Riat, Building Official for Fairfax County, Virginia v. Jacqueline Sandra Guzman, Edgar Gusman and Lucia Albarracin,* Case No. GV25-006864 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

9. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Wanda C. Hill,* Case No. GV24-024532 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

10. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Anthuan Solution, LLC,* Case No. GV24-0283858 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gloria Elaine Henson, Trustee of the Gloria Elaine (Busby) Henson Revocable Trust dated December 27, 1995,* Case No. GV25-011091 (Fx. Co. Gen. Dist. Ct.) (Mason District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Willian Almanza Corrales,* Case No. GV25-14781 (Fx. Co. Gen. Dist. Ct.) (Mason District)

13. *Jay Riat, Building Official for Fairfax County, Virginia v. Willian Almanza Corrales,* Case No. GV25-014788 (Fx. Co. Gen Dist. Ct.) (Mason District)

14. *Jay Riat, Building Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Collective Investment Holdings 4 LLC,* Case No. CL-2025-0003860 (Fx. Co. Cir. Ct.) (Mount Vernon District)

15. *Jay Riat, Building Official for Fairfax County, Virginia v. Timothy E. Rizer and Barbara J. Rizer, Co-Trustees of the Timothy E. Rizer Revocable Trust and the Barbara J. Rizer Revocable Trust,* GV24-013659 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

16. *Jay Riat, Building Official for Fairfax County, Virginia v. Rina K. Bodiford and James D. Bodiford,* Case No. GV25-001590 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

17. *Jay Riat, Building Official for Fairfax County, Virginia v. Charbel Charles Makhoul, Trustee, the Charbel Charles Makhoul Revocable Trust and Rita Douaihy, Trustee, the Rita Douaihy Revocable Trust,* Case No. GV25-001511 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

18. *Jay Riat, Building Official for Fairfax County, Virginia v. Hao Ngoc Nguyen and Anna Thi Nguyen,* Case No. CL-2022-0006184 (Fx. Co. Cir. Ct.) (Providence District)

19. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Elaine N. Oliver, Trustee of the Elaine N. Oliver Trust,* Case No. CL-2025-0001237 (Fx. Co. Cir. Ct.) (Providence District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. TDA Investment, LLC,* Case No. GV24-012508 (Fx. Co. Gen. Dist. Ct.) (Providence District)

21. *Sidney Tobias Harris v. Leslie B. Johnson, Fairfax County Zoning Administrator,* Record No. 1363-23-4 (Va. Ct. of Appeals) (Springfield District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mecimore Living Trust,* Case No. CL-2025-006904 (Fx. Co. Cir. Ct.) (Springfield District)

23. *Jay Riat, Building Official for Fairfax County, Virginia v. Fair Oaks at Lincoln Way, LLC,* Case No. GV25-008775 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

24. *Jay Riat, Building Official for Fairfax County, Virginia v. Harshaka Anthony Perera and Niya Ancheva Todorova,* Case No. GV25-009692 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
June 24, 2025

3:30 p.m.

Public Hearing on PCA 2006-LE-010 (RZPA 2023-FR-00103) (Ramada Family LLC) to Amend the Proffers for RZ 2006-LE-010 Previously Approved for Office and Related Accessory Uses to Permit a Child Care Center and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.24, Located on Approximately 43,554 Square Feet of Land (Franconia District)

This property is located on the S.W. side of Grovedale Dr., S. of Franconia Rd. and W. of Beulah St.

PLANNING COMMISSION RECOMMENDATION:
On April 9, 2025, the Planning Commission voted 11-0 (Commissioner Spain was absent from the meeting) to recommend to the Board of Supervisors approval of PCA-2006-LE-010, subject to the execution of proffers consistent with those dated March 25, 2025.

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 (ZED), Department of Planning and Development (DPD)
Kevin McMahan, Planner, ZED, DPD

Board Agenda Item
June 24, 2025

3:30 p.m.

Public Hearing on SE 2024-FR-00026 (HANIMP JV SPRINGFIELD VA LLC) to Permit Sign Modifications, Located on Approximately 4.87 Acres of Land (Franconia District)

This property is located at Tax Map 90-2 ((16)) A1 (pt.), B, E (pt.), C1.

PLANNING COMMISSION RECOMMENDATION:
On June 4, 2025, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2024-FR-00026, subject to the development conditions consistent with those dated May 21, 2025.

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 (ZED), Department of Planning and Development (DPD)
St. Clair Williams, Planner, ZED, DPD

Board Agenda Item
June 24, 2025

3:30 p.m.

Public Hearing on Proposed Plan Amendment SSPA 2023-III-2BR (A&A Contracting, Inc.) (Sully District)

and

Public Hearing on RZ 2020-SU-005 (A&A Contracting, Inc.) to Rezone from I-3 (Light Intensity Industrial), Airport Noise Impact Overlay (ANOID) and Water Supply Protection Overlay (WSPOD) Districts to the I-5 (General Industrial), ANOID and WSPOD Districts. The proposed rezoning would permit the development of either a contractor's office and shop, new vehicle storage, vehicle storage/ impoundment yard, a storage yard or any combination of these uses. (Concurrent with Plan Amendment SSPA 2023-III-2BR)

This property is located approximately 1000 feet north of Route 50 and does not have an address. Tax Map Parcel 33-2 ((1)) 1.

ISSUE:
Plan Amendment SSPA 2023-III-2BR proposes to amend the Comprehensive Plan recommendations for Land Unit F-1 of the Dulles Suburban Center for Tax Map Parcel 33-2 ((1)) 1 to recommend additional industrial uses for the site up to a 0.35 Floor Area Ratio (FAR). This change does not propose to increase the planned Floor Area Ratio or the overall planned limits of development in the Dulles Suburban Center. The adopted Plan recommends high-quality campus-style office and industrial/flex use up to a maximum intensity of 0.35 FAR.

A rezoning application (RZ-2020-SU-005) was reviewed concurrently with this Plan amendment.

There will be one public hearing for both the Plan Amendment and the Rezoning.

PLANNING COMMISSION RECOMMENDATION:
On May 21, 2025, the Planning Commission voted 10-0 (Commissioners Landgraf and Wang were not present for the vote) to recommend to the Board of Supervisors the following actions:

- Adoption of SSPA 2023-III-2BR, as shown in Appendix 4 of the staff report;

- Approval of RZ 2020-SU-005 subject to the execution of proffered conditions consistent with those dated May 19, 2025; and
- Approval of a modification of subsection 5108.5 of the Zoning Ordinance requiring transitional screening and barriers on the eastern property line in favor of the existing landscaping

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – May 14, 2025
Planning Commission decision only – May 21, 2025
Board of Supervisors public hearing – June 24, 2025

BACKGROUND:
On April 11, 2023, the Board of Supervisors ("Board") authorized the consideration of a Plan amendment for Tax Map Parcel 33-2 ((1)) 1 to consider warehouse or surface parking for vehicle storage up to 0.35 FAR, with specific considerations related to the environment, stormwater and interparcel access. This site was nominated for consideration as part of the 2022-2023 Site-Specific Plan Amendment (SSPA) process. On December 3, 2024, the Board of Supervisors expanded the authorization at the applicant's request to include additional uses, limiting the contractor's office and shop up to 10,000 square feet of gross floor area. The authorization was further amended on February 18, 2025, to increase the intensity for the potential contractor's office and/or shop to up to a maximum of 0.35 FAR. This Plan amendment was reviewed concurrently with rezoning application RZ-2020-SU-005 which proposes either a contractor's office and shop, new vehicle storage, vehicle storage/ impoundment yard, a storage yard or any combination of these uses. Three site layout options are proposed to allow for flexibility with two options depicting 20,000 square feet (sf.) of potential buildable area and one option showing only vehicle storage. The maximum proposed gross square footage (gsf.) on-site would be 20,000 sf., equating to a 0.05 FAR.

EQUITY IMPACT:
None. The proposed Plan amendment is not anticipated to have an equity impact. The Plan amendment was reviewed by the Sully District Council Land Use and Transportation Committee on February 20, 2025.

Board Agenda Item
June 24, 2025

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
The Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

The Planning Commission Action:
Planning Commission Actions 2025 | Planning Commission.

The Staff Report for SSPA 2023-III-2BR and RZ 2020-SU-005 has been previously furnished and is available online at:
https://plus.fairfaxcounty.gov/CitizenAccess/urlrouting.ashx?type=1001&ID1=20HS5&ID2=00000&ID3=003U3&agency=FFX&SeqNo=5632446

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Kelly Atkinson, Director, Planning Division (PD), DPD
Sophia Fisher, Planner, Public Facilities and Development Review Branch, PD, DPD
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), (DPD)
Sharon Williams, Planner, ZED, DPD

Board Agenda Item
June 24, 2025

4:00 p.m.

Public Hearing to Convey Certain Land Rights in Board-Owned Property to the Virginia Department of Transportation for the Vienna Metro Station Bicycle and Pedestrian Improvements Project (Providence District)

ISSUE:
Public hearing to consider the conveyance of certain land rights in Board-owned property identified by Tax Map Parcel No. 0482 01 0002 to the Virginia Department of Transportation (VDOT) for the Vienna Metro Station Bicycle and Pedestrian Improvements Project (Project).

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to convey certain property rights in Board-owned property to VDOT for the Project.

TIMING:
On March 18, 2025, the Board authorized an advertisement of a public hearing. The original public hearing for the proposed conveyance was scheduled for May 13, 2025, but on that date, the Board deferred the proposed public hearing to June 24, 2025, at 4:00 p.m.

BACKGROUND:
The Board of Supervisors is the owner of a four-acre parcel of land located between Virginia Center Boulevard and I-66 and identified as Tax Map Parcel No. 0482 01 0002 (Property). The Property is improved with a portion of the North Commuter Parking Lot for the Vienna/Fairfax-GMU Metro Station. The remainder of the parking lot lies on land to the west owned by the Washington Metropolitan Area Transportation Authority.

VDOT is in the process of acquiring land for the Project, which involves the construction of a 10-foot-wide, paved shared-use path along Blake Lane and Sutton Road and the creation of a 5,000-foot-long, two-way cycle track with an adjacent sidewalk along Country Creek Road/Virginia Center Boulevard. To enhance the Property's access to this new cycle track, VDOT requires the County to convey 1,943 square feet of land in fee simple and dedicate permanent drainage and temporary construction easements of 1,424 square feet and 3,593 square feet, respectively. The construction schedule for the Project will be phased to ensure that the Metro parking lot remains open for the duration of the Project.

On July 19, 2022, the Board endorsed the design plans and authorized the funding for the Project. Given the significant financial commitment of local funds to the Project, the County supports donating the needed property rights to VDOT in lieu of requiring minor compensation.

EQUITY IMPACT:
The donation of the land rights to VDOT for incorporation into the project promotes focus area 14 of the One Fairfax Policy, which is associated with the advancement of a multi-modal transportation system that supports the economic growth, public health, and congestion mitigation goals of Fairfax County.

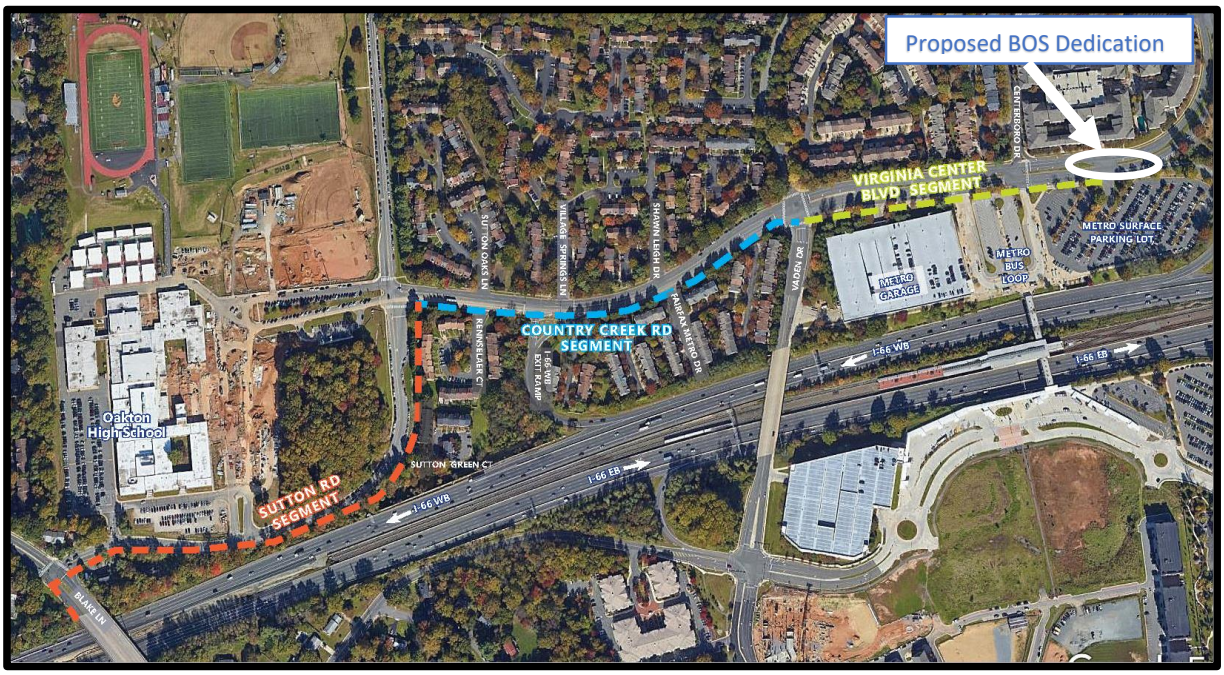
FISCAL IMPACT:
None.

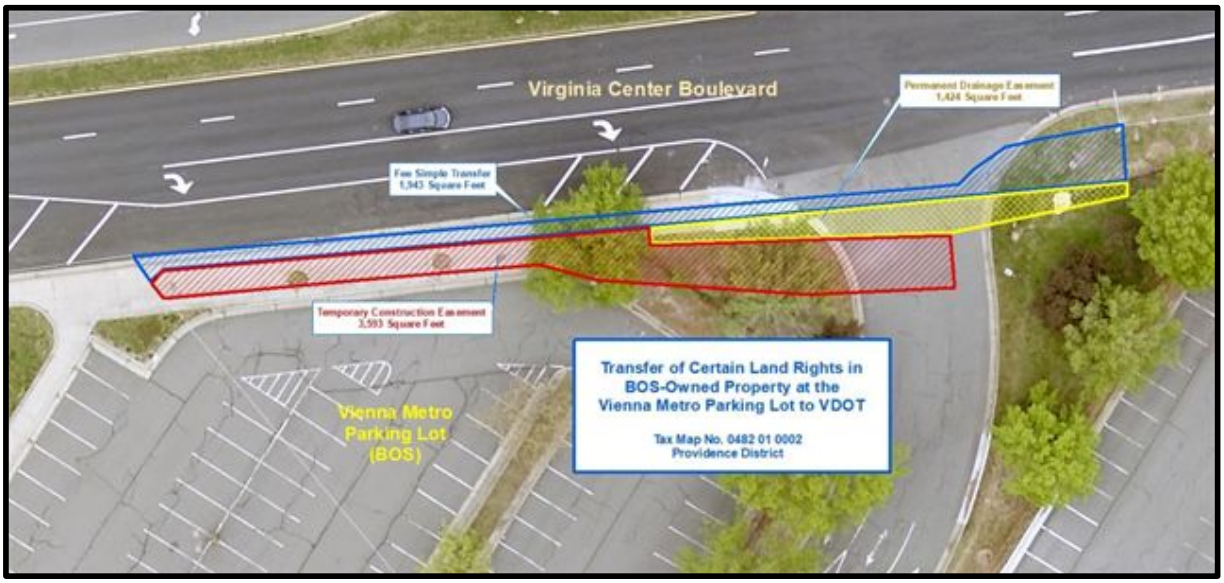
ENCLOSED DOCUMENTS:
Attachment 1 - Maps

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Department of Transportation (DOT)
José Comayagua, Director, Facilities Management Department (FMD)
Mike Lambert, Assistant Director, FMD
Jim Strayhorne, Transportation Planner IV, DOT

ASSIGNED COUNSEL:
F. Hayden Codding, Assistant County Attorney

ATTACHMENT 1





Board Agenda Item
June 24, 2025

4:00 p.m.

Public Hearing to Grant and Terminate Easements on County-Owned Property at 8914 Little River Turnpike to Global Signal Acquisitions IV LLC (Mason District)

ISSUE:
Public hearing regarding the execution of a Telecommunications Site Relocation Agreement (Agreement) with Global Signal Acquisitions IV LLC d/b/a Crown Castle (GSA IV) that includes the reconfiguration of telecommunications-related easements on County-owned property at the West Annandale Volunteer Fire Station located at 8914 Little River Turnpike.

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to execute the Agreement.

TIMING:
On May 13, 2025, the Board authorized the advertisement of a public hearing to consider the execution of the Agreement with GSA IV for June 24, 2025, at 4:00p.m.

BACKGROUND:
Formed in 1940, the Annandale Volunteer Fire Department (AVFD) operates the West Annandale Fire Station located at 8914 Little River Turnpike on property identified as Tax Map No. 0584 01 0062 (Property). Because the current station building was constructed in 1970, AVFD and the Board of Supervisors (BOS) determined that the facility had exceeded its useful life cycle and that a new fire station with female living facilities and expanded space for support functions was necessary.

When the County is considering building a new fire station on property owned by a volunteer fire department, the typical practice is for the County and the volunteer fire department to enter into an agreement under which the volunteer fire department transfers its fire station property to the BOS in exchange for a commitment from the BOS to construct a new facility. With this Property, however, the County and AVFD first had to seek a modification of certain restrictions imposed by an existing telecommunications agreement that prevented the County from assuming ownership of the Property.

AVFD had entered into a deed of easement (Deed) with GSA IV that provided GSA IV with an easement for the installation of a flag monopole near the front of the building, as well as easements for the co-location of equipment cabinets (Equipment Easement) and permanent access and utilities (Access and Utility Easements). This Deed, which would remain in effect following a transfer of the Property to the County, contained several provisions that the County could not legally accept. Furthermore, to accommodate the proposed new fire station, the equipment cabinets and the Equipment Easement would have to be moved to the back of the Property and the Access and Utility Easements would need to be reconfigured; the monopole itself could remain in place.

On February 3, 2020, the BOS, AVFD and GSA IV entered into an amendment to the Deed (First Amendment) that modified the problematic provisions in the Deed and enabled the County to accept the Property. The First Amendment also provided the BOS with a one-time right to have GSA IV relocate its telecommunications equipment in accordance with a design that was mutually agreeable to the County and GSA IV. In return, the BOS would reimburse GSA IV up to $500,000 for the costs of relocation, with the funding to come from Fund 30070, Public Safety Construction, Project FS-000057, West Annandale Volunteer Fire Station - 2018. With this First Amendment in place, the BOS voted to approve a memorandum of agreement with the AVFD on March 10, 2020, that transferred the Property to the BOS and provided for the construction of a new fire station.

The attached Telecommunications Site Relocation Agreement establishes a framework for implementing the arrangement outlined in the First Amendment. GSA IV has up to two (2) years to reposition the equipment cabinets, although staff anticipates that this project will be completed in a much shorter timeframe given the contemporaneous access GSA IV will have to the site during the construction of the new fire station. All relocation expenses in excess of the $500,000 reimbursement limit will be borne by GSA IV. Finally, a second amendment to the Deed will be recorded in the Land Records that memorializes the new locations of the Equipment Easement and Access and Utility Easements.

EQUITY IMPACT:
The reconfiguration of site easements to accommodate an expanded fire station facility broadly supports the Board’s goal of making public safety services available and responsive to all County residents and communities.

FISCAL IMPACT:
The relocation agreement could cost up to $500,000 of the funding earmarked in Fund 30070, Public Safety Construction, Project FS-000057, West Annandale Volunteer Fire Station - 2018. There will be no impact to the General Fund.

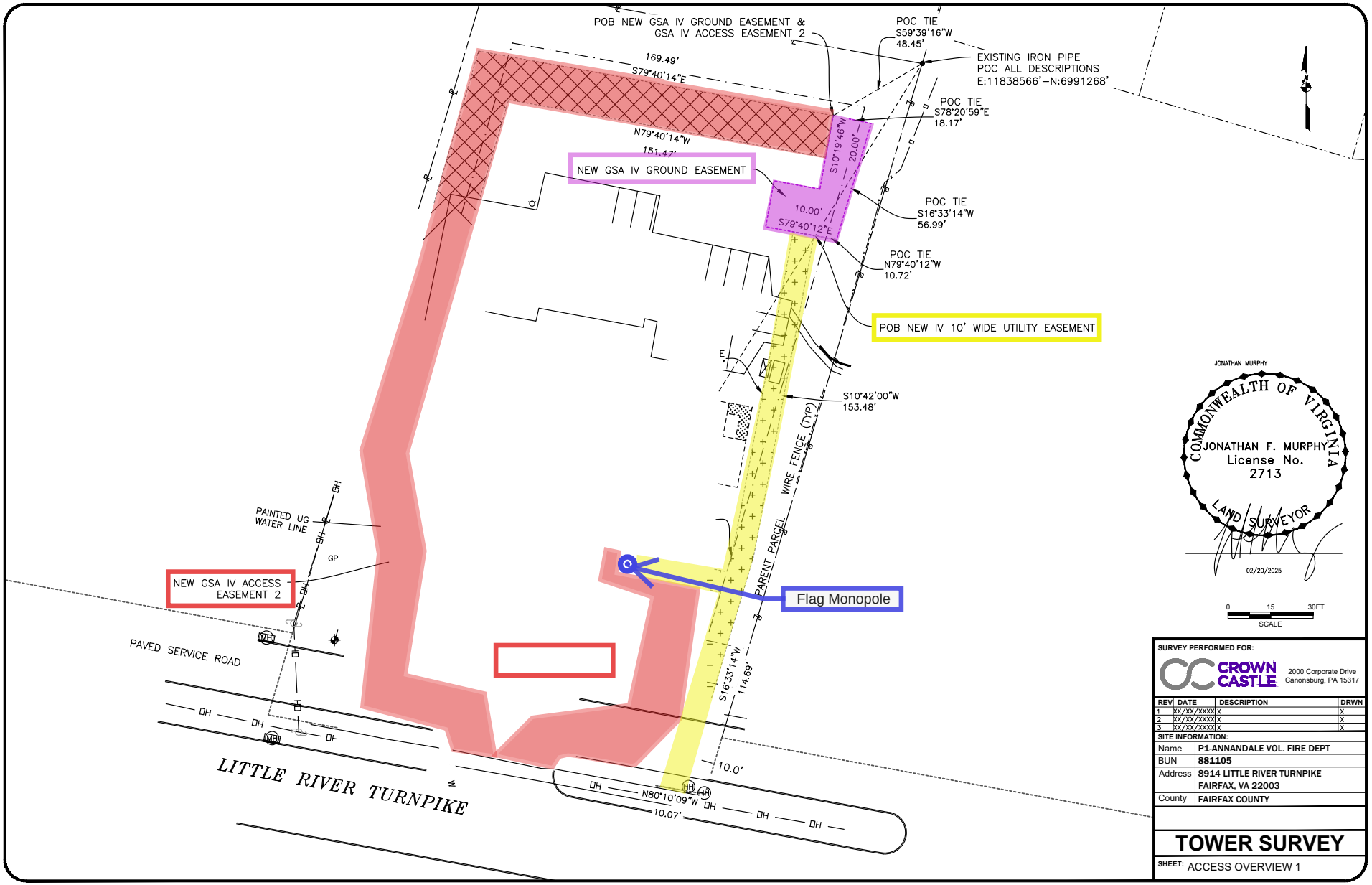
Board Agenda Item
June 24, 2025

ENCLOSED DOCUMENTS:
Attachment 1 – Easement Plat
Attachment 2 – Draft Agreement

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Thomas Arnold, Deputy County Executive
Jennifer Miller, Deputy County Executive
Tiya Raju, Director, Department of Public Works and Environmental Services
Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department
José Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
John Burton, Senior Assistant County Attorney

ATTACHMENT 1



JONATHAN MURPHY
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No.
2713
LAND SURVEYOR
02/20/2025

0 15 30FT
SCALE

SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317

REV	DATE	DESCRIPTION	DRWN
1	XX/XX/XXXX	X	X
2	XX/XX/XXXX	X	X
3	XX/XX/XXXX	X	X

SITE INFORMATION:

Name	P1-ANNANDALE VOL. FIRE DEPT
BUN	881105
Address	8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County	FAIRFAX COUNTY

TOWER SURVEY

SHEET: ACCESS OVERVIEW 1

TELECOMMUNICATIONS SITE RELOCATION AGREEMENT

THIS TELECOMMUNICATIONS SITE RELOCATION AGREEMENT (this "Agreement"), dated as of _____, 2025 (the "**Effective Date**"), by and between the Board of Supervisors of Fairfax County, Virginia ("**Owner**") with a mailing address of 12000 Government Center Parkway, Fairfax, Virginia 22035 and Global Signal Acquisitions IV LLC, a Delaware limited liability company ("**GSA IV**") with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317.

RECITALS

A. Owner is the owner of the property identified on the Fairfax County Tax Maps as 0584 01 0062 having the address described as 8914 Little River Turnpike, Fairfax, Virginia ("**Property**"), legally described on the attached **Exhibit A**; and

B. Annandale Volunteer Fire Department ("**Original Owner**") and GSA IV made and entered into that certain Deed of Easement and Assignment of Lease dated May 10, 2016 ("**Original Easement**"), a copy of which was recorded in the Land Records of Fairfax County, Virginia ("**Land Records**") on May 26, 2016, in Book 24584, Page 1027, and is incorporated herein by reference, in which Original Owner agreed to (1) grant and convey to GSA IV an easement interest in a portion of the Property (such area, the **"Easement Area"**), which area includes a tower easement containing a monopole antennae (**"Tower Easement"**), an equipment easement containing base station equipment ("**Equipment Easement**"), and various access and utility easements ("**Access and Utility Easements**") (such space on the Property as depicted on **Exhibit B** attached hereto), and (2) assign to GSA IV all right, title and interest of Original Owner in and to various leases (**"Leases"**); and

C. Original Owner, Owner and GSA IV entered into that certain that First Amendment to Deed of Easement and Assignment of Lease dated February 3, 2020 ("**First Amendment to Easement"** and, collectively with the Original Easement, hereinafter the **"Easement Agreement**"), which was recorded in the Land Records on February 11, 2020, in Book 26080, Page 1833, and is incorporated herein by reference, providing to Owner a one-time right to relocate all or a portion of the Easement Area and equipment therein, all at the sole cost and expense of Owner up to a maximum of $500,000; and

D. Original Owner conveyed all its right, title and interest to the Property, subject to the Easement Agreement to Owner pursuant to that certain Deed of Gift dated March 10, 2020, and recorded in the Land Records on March 11, 2020, in Book 26123, Page 0741; and

E. Owner provided notice to GSA IV exercising the right to relocate a portion of the Easement Area pursuant to that letter dated April 13, 2023 and, subject to the provisions herein, Owner and GSA IV have agreed to (1) relocate the Equipment Easement to a new location on the Property (the "**New Equipment Easement**"), and (2) relocate the Access and Utility Easements as may be required to allow access and utility service to the New Equipment Easement (collectively the foregoing shall hereinafter be referred to as the "**Relocation**"). The Relocation shall not include moving the Tower Easement. The parties have agreed to make and enter into this Agreement to set forth the agreement, process, and requirements related to and required to complete the Relocation as well as the payment by Owner of all fees, costs, expenses and amounts actually incurred by GSA IV in connection with the Relocation up to the Relocation Cost Cap (as defined below).

AGREEMENT

In consideration of mutual benefits of this Agreement, Owner and GSA IV agree as follows:

1. Incorporation of Recitals. The Recitals set forth herein are incorporated as part of this Agreement.

2. New Equipment Easement; Permits.

a. Owner has designed the New Building setting forth the location of the New Equipment Easement on the Property as described in that certain Letter of Determination with attachments dated June 23, 2020 attached hereto as **Exhibit C**. The approximate location of the New Equipment Easement is attached hereto as **Exhibit D.** Exhibit D will be updated by the Survey (as defined below).

b. Within a reasonable time following the full execution of this Agreement, GSA IV shall procure from the licensed engineering professionals acceptable to GSA IV, proposed layouts and requirements for the provision of ingress, egress, and access to the New Equipment Easement and the location of lines, cables, conduit, pipes, poles and appurtenant telephone, fiber optic, cable and electricity service and access to the New Equipment Easement. GSA IV, its agents and independent contractors, together with its tenants, subtenants and licensees shall have the unrestricted right to access the Property and complete inspections, surveys, tests, and other investigations as may be reasonably required to complete the Relocation.

c. Owner shall be responsible for all costs and fees associated with the Relocation, including the costs to design and permit, together with all costs of construction of the New Equipment Easement and the costs of the installation within the New Equipment Easement of all lines, cables, conduit, fiber, electrical and telephone lines as may be reasonably necessary by GSA IV and it tenants for the use and operation of its equipment within the New Equipment Easement, up to a maximum of $500,000 (the "**Relocation Cost Cap**"). GSA IV shall be responsible for all costs and fees that exceed the Relocation Cost Cap. Up to such Relocation Cost Cap, Owner shall reimburse GSA IV for any and all costs, expenses, charges, amounts or other fees actually incurred by GSA IV directly related to or as a result of the Relocation, including any actual fees or costs for (i) construction of the New Equipment Easement, (ii) the installation of equipment that is substantially similar to the Existing Equipment (the "**New Equipment**") and any lines, cables, conduit, fiber optic, electrical or telephone installations or improvements necessary for the installation and operation of the foregoing, (iii) the relocation and installation of the New Equipment within the New Equipment Easement, (iv) reasonable project management fees up to a maximum of fifteen percent (15%) of the estimated cost of the relocation provided in writing by GSA IV prior to the Relocation as set forth in Section 5, third party consulting fees, outside attorneys' fees and costs associated with the negotiation and drafting this Agreement (including the exhibits attached hereto), and (v) third party reports, inspections, investigations and analyses as may be deemed necessary or advisable by GSA IV in its reasonable discretion.

d. GSA IV agrees to use commercially reasonable efforts to complete the Relocation within twenty-four (24) months following the latest to occur of (i) the date GSA IV receives notice from Owner that the Fairfax County Board of Supervisors has appropriated funding for the full Relocation Cost Cap; or (ii) the date GSA IV receives notice from Owner that this Agreement has been approved in a public meeting; however, GSA IV shall have the option to extend the Relocation for two (2) additional periods of ninety (90) days each in the event of delays outside the control of GSA IV. GSA IV shall advise Owner in writing of any such delays and include a detailed explanation of any such delays.

e. GSA IV shall keep an accurate account of all of its costs and expenses incurred related to this Agreement and the performance of its obligations herein for which reimbursement or payment by Owner is to be made and shall make such accounting and supporting invoices and documentation available to Owner upon request at reasonable times and intervals (the "**Work Costs**"). The Work Costs shall include costs and expenses incurred prior to the Effective Date if and to the extent the cost is of a type described in this Agreement. GSA IV will provide a detailed written itemization of the estimated Relocation costs and expenses prior to the Relocation. Owner shall pay the Relocation costs to GSA IV as follows:

(i) At intervals determined by GSA IV in its sole discretion after GSA IV has incurred Work Costs, but in no event more frequently than one time per three (3) calendar months, GSA IV shall prepare and deliver to Owner a draw request (a "**Draw Request**") which sets forth a reasonably detailed breakdown of the actual cost of each component of the Work performed up to the date of the Draw Request, the Administration Fee, and the total amount to be paid, including all applicable transaction privilege taxes payable to the various taxing authorities, and includes copies of invoices or other supporting documentation for the Work Costs included in the Draw Request, and properly executed interim lien waivers (or final lien waivers upon final payment) from all contractors, subcontractors and material suppliers performing Work or supplying materials for the component of the Work subject to the Draw Request. Within ten (10) business days following delivery of a Draw Request, Owner shall pay the Draw Request, unless Owner delivers written notice to GSA IV within such ten (10) business day period objecting to all or any portion of such Draw Request, in which event, Owner shall pay the portion of the Draw Request not subject to any good faith dispute to GSA IV and hold the disputed portion in escrow until such dispute is resolved.

(ii) Upon completion of the Relocation, GSA IV shall submit a final Draw Request, which shall include the balance of all Work Costs including any remaining Administration Fee to be paid. On or before thirty (30) days after payment of the final Draw Request, GSA IV shall deliver copies of unconditional final lien waivers executed by providers of labor and materials paid for pursuant to the final Draw Request.

(iii) Any undisputed amount payable under this Agreement that is not paid on or before the due date thereof as specified in this Agreement shall bear interest at the rate of 12% per annum, commencing on the date that is five (5) business days after written notice thereof and ending when such amount (together with such interest) is paid in full.

f. Within a reasonable time following the full execution of this Agreement, GSA IV shall, at its cost and expense, apply for and take all necessary steps to obtain all zoning, building, and other approvals (including, if applicable, the Federal Aviation Administration and the Federal Communications Commission) and permits from the County of Fairfax and all other governmental or quasi-governmental entities necessary for removal of the Existing Equipment from the Equipment Easement, the construction of the New Equipment Easement, and the installation of all of the New Equipment in the New Equipment Easement, including the installation of lines, cables, conduit, pipes, telephone, electric and fiber optic services as may be deemed reasonably necessary or advisable by GSA IV. GSA IV shall provide copies of such approvals or permits to Owner. GSA IV shall comply in all material respects with the terms, conditions, agreements and requirements of all permits, approvals and authorizations obtained by or issued to GSA IV related to the Relocation. Owner agrees to cooperate with GSA IV in making or executing any applications, filings, or other submissions necessary for GSA IV to complete such applications or obtain such permits, approvals, clearances, or concurrences.

g. Within a reasonable time following the full execution of this Agreement, GSA IV shall verify whether any application or approval is needed for its tenants' use of the New Equipment Easement, separate from the development by Owner of the Property and the construction of the New Equipment Easement, pursuant to the Federal Aviation Administration, the Federal Communications

Commission, or any other governmental authority, together with any other approvals, consents or authorizations that may be deemed necessary or advisable by GSA IV for the construction and operation of the New Equipment Easement, and shall thereafter make and diligently pursue application therefore. Owner agrees to cooperate with GSA IV in making or executing any applications, filings, or other submissions necessary for GSA IV to complete such applications or obtain such permits, approvals, clearances, or concurrences.

h. It is understood and agreed that GSA IV's rights and obligations hereunder are contingent upon GSA IV obtaining, after full execution of this Agreement all of the certificates, permits and other approvals (collectively, the "**Governmental Approvals**") that may be required by any Federal, State or local authorities to permit GSA IV to relocate its facilities and equipment to the New Equipment Easement. Owner shall reasonably cooperate with GSA IV in any efforts to obtain the Governmental Approvals. If any such applications for any Governmental Approvals should not be initially obtained, the parties shall work diligently and cooperatively to address the reasons for any such denial, and resubmit necessary information to such governmental authorities until such approvals are obtained. If any of such applications for any Governmental Approvals cannot be obtained, GSA IV may terminate this Agreement. Owner shall be responsible for the Relocation costs up to the date of such termination, which Owner shall pay GSA IV within thirty (30) days of the date of termination. Thereafter, neither party will have any further rights or obligations under the terms of this Agreement except for Owner's payment for the Relocation work up to the date of termination, and the Easement Agreement shall continue in full force and effect as though this Agreement had not been made.

i. Prior to any construction of the New Equipment Easement or the installation of any telephone, fiber optic, cable and electricity service and access thereto, Owner shall provide the design of the New Building and the New Equipment Easement ("**New Building Plans**") and the layout and configuration of the New Equipment Easement to GSA IV for its review and approval, which shall not be unreasonably withheld, conditioned or delayed. Any approval or objection to the New Building Plans shall be provided by GSA IV in writing.

3. Location of Temporary Premises and Temporary Equipment. Owner and GSA IV agree that the Relocation will not require the construction or use of a temporary premises. The Premises and all equipment therein will be moved directly to the New Equipment Easement.

4. Construction of New Equipment Easement.

a. Following the receipt of all development approvals, zoning approvals, building permits and other authorizations necessary for the construction and development of the New Equipment Easement, GSA IV shall commence and continue construction of the New Equipment Easement in material compliance with all applicable laws, rules and ordinances pertaining thereto. GSA IV shall be responsible for all means and methods of construction.

b. As part of the Relocation, and included within the reimbursable costs, GSA IV will promptly obtain, after completion of the Relocation, a survey ("Survey") specifically describing the New Equipment Easement and any access and utility easements associated therewith. Provided GSA IV has transmitted the Survey to Owner and Owner has not provided any reasonable objection within fifteen (15) days of the date it is sent to Owner, the Survey shall be deemed approved.

5. General Provisions; Reimbursement of Costs.

a. Owner shall allow GSA IV and its respective contractors unrestricted access to the New Equipment Easement and across land owned by Owner to the New Equipment Easement for the

purpose of performing the obligations and installations permitted to be completed by GSA IV pursuant to this Agreement. Except in the event of an emergency or other exigent circumstance, GSA IV or their respective contractors shall use reasonable efforts to contact Owner's representative at Fire.facilites@fairfaxcounty.gov, of their intended entry onto the Property at least 24 hours prior to such entry. Notwithstanding any other provision of this Agreement, no activity undertaken by GSA IV pursuant to this Agreement shall compromise Owner's public safety activities on the Property.

b. Notwithstanding any other provisions of this Agreement, the parties agree that Owner's entrance into this Agreement is not a waiver of Owner's sovereign immunity and no provision of this Agreement shall be construed to or have the effect of requiring Owner to indemnify or hold harmless GSA IV or any other entity for the acts or omissions of any person, party or entity. All financial obligations of Owner under this Agreement are subject to annual appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations. This Agreement will automatically terminate if the Fairfax County Board of Supervisors has not appropriated funding sufficient to cover the entire Relocation Cost Cap within six (6) months of the date of this Agreement.

6. Transactional Documents. Simultaneously with the execution of this Agreement, the parties will execute and deliver, or cause to be executed and delivered to GSA IV, the following documents (collectively, the "**Transaction Documents**"):

a) An amendment to the Easement Agreement in the form attached hereto as **Exhibit E**, which shall include the Survey and related legal descriptions.

b) A Consent, Nondisturbance and Attornment Agreement in form reasonably acceptable to the parties from the holder of any mortgage or deed of trust that encumbers all or a portion of the Property, including the Relocation Site (the "**NDA**").

GSA IV will record the Transaction Documents in the official records of Fairfax County upon receipt.

7. Termination.

a. By Owner. Owner shall have the right to terminate this Agreement prior to the commencement of construction activities by GSA IV in its sole discretion; provided, however, that in the event of such termination, Owner shall reimburse GSA IV for all actual, reasonable costs, expenses, fees, and amounts which Owner is obligated to pay under this Agreement and that are incurred by GSA IV prior thereto as well as those actual, reasonable fees, costs or expenses which Owner is obligated to pay under this Agreement and that are incurred after the date of termination to the extent that GSA IV could not reasonably avoid such amounts after the date of termination. The actual, reasonable costs, expenses fees and amounts payable by Owner pursuant to this section are subject to the Relocation Cost Cap.

b. Effect of Termination. In the event of any such termination, this Agreement and the obligations of Owner and GSA IV shall terminate, be void and of no further force and effect. The First Amendment to Deed of Easement shall remain in full force and effect, except that Section 9 of the Easement shall be of no further force and effect.

8. Notices. All notices required or permitted in this Agreement shall be valid only if in writing and delivered or tendered either in person or by mailing via either (a) certified United States mail, return receipt requested, postage prepaid, or (b) Federal Express or UPS courier service, addressed as follows:

To Owner: County of Fairfax
Facilities Management Department
12000 Government Center Parkway

Attn: Real Estate Services

To GSA IV: Global Signal Acquisitions IV LLC
c/o Crown Castle USA, Inc.
Attention: Land Management
Re: Cell Site #: 6881105
2000 Corporate Drive
Canonsburg, Pennsylvania 15317

or such other address as such party shall hereafter have specified by notice given by the same means. Any notices shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the third day after mailing if mailed as provided above, provided, that a notice not given as above shall, if it is in writing, be deemed given if and when actually received by a party.

9. Miscellaneous.

a. This Agreement (including the exhibits attached hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous understandings, if any, with respect thereto.

b. Except as expressly set forth in this Agreement, this Agreement may not be cancelled, modified, changed or supplemented, nor may any obligation hereunder be waived, except by written instrument signed by both parties hereto.

c. The parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto and their respective permitted successors or assigns.

d. "TIME IS OF THE ESSENCE" with respect to all provisions of this Agreement. In the event either party shall be delayed or hindered in or prevented from the performance of any act required to be performed by such party pursuant to this Agreement by reason of acts of God, delays by governmental entities, strikes, lockouts, unavailability of materials, unforeseeable underground conditions, failure of power, prohibitive governmental laws or regulations, riots, insurrections, the act or failure to act of the other party (including such other party's failure to make funds available as otherwise required herein in connection with the performance of such act), adverse weather conditions preventing the performance of work as certified to by an architect or engineer, casualty, war or other reason beyond such party's reasonable control, then the time for performance of such act shall be extended for a period equivalent to the period of such delay. Lack of adequate funds or financial inability to perform shall not be deemed to be a cause beyond the control of either party.

e. Provided Owner has fully and faithfully performed the obligations of Owner set forth in this Agreement, effective upon (1) the completion of the New Building and (2) the complete installation of the equipment within the New Equipment Easement, and (3) the payment by Owner of all sums and amounts due and payable to GSA IV pursuant to this Agreement, GSA IV hereby acknowledges that the terms and conditions of this Agreement constitute a full and final release of Owner from all and any matters in dispute with respect to the activities contemplated and performed pursuant to this Agreement.

f. This Agreement shall extend to and be binding upon the successors, assigns, legal representatives, heirs, executors, administrators and assigns of the parties hereto. Upon any assignment of the Lease or the Purchase Agreement, this Agreement shall continue to bind GSA IV. Owner may assign all of its rights under this and obligations under Agreement, provided that in all such assignments the assignee assumes in all obligations of Owner under this Agreement.

g. This Agreement shall be governed by, interpreted under, and construed and enforced in accordance with, the laws of which the Property is located. Venue for any claim under this Agreement shall be in the state courts of Fairfax County, Virginia, or the United States District Court for the Eastern District of Virginia, Alexandria Division. This Agreement shall be construed in accordance with its plain meaning and without reference to any maxim or rule of interpretation providing that a writing should be construed against the party responsible for the drafting thereof.

h. This Agreement may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute one and the same instrument.

i. The headings used herein are provided only as a matter of convenience and for reference and in no way define, limit, or describe the scope of this Agreement nor the intent of any provision hereof.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK
SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the parties have made and entered into this Agreement as of the date set forth above.

OWNER: County of Fairfax

By:_____
Name: _____
Title: _____
Date: _____

GSA IV: GSA IV LLC, a Delaware limited liability company

By:_____
Name: _____
Title: _____
Date: _____

Exhibit A
Property

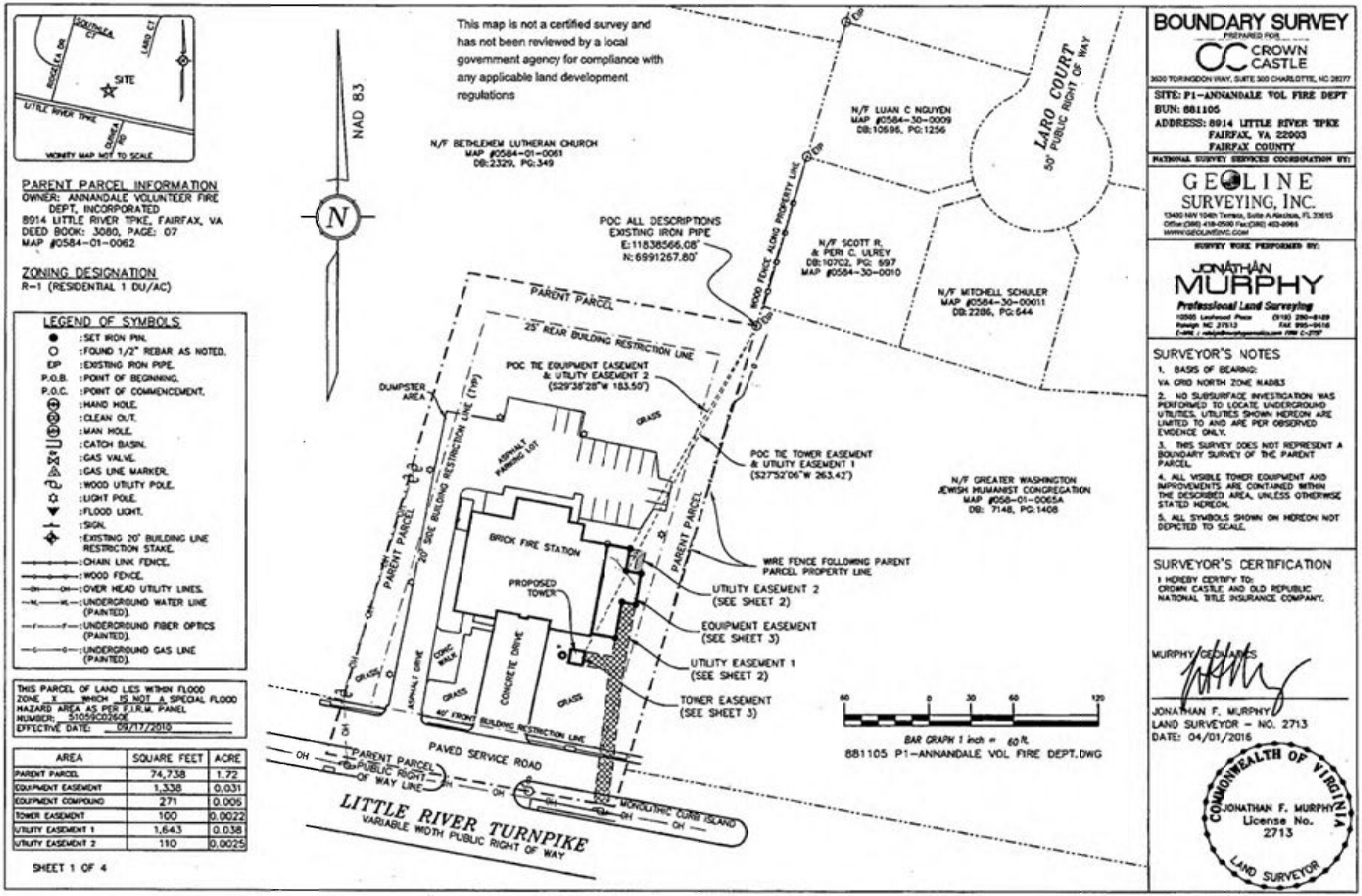
SITUATED IN THE COUNTY OF FAIRFAX, STATE OF VIRGINIA:

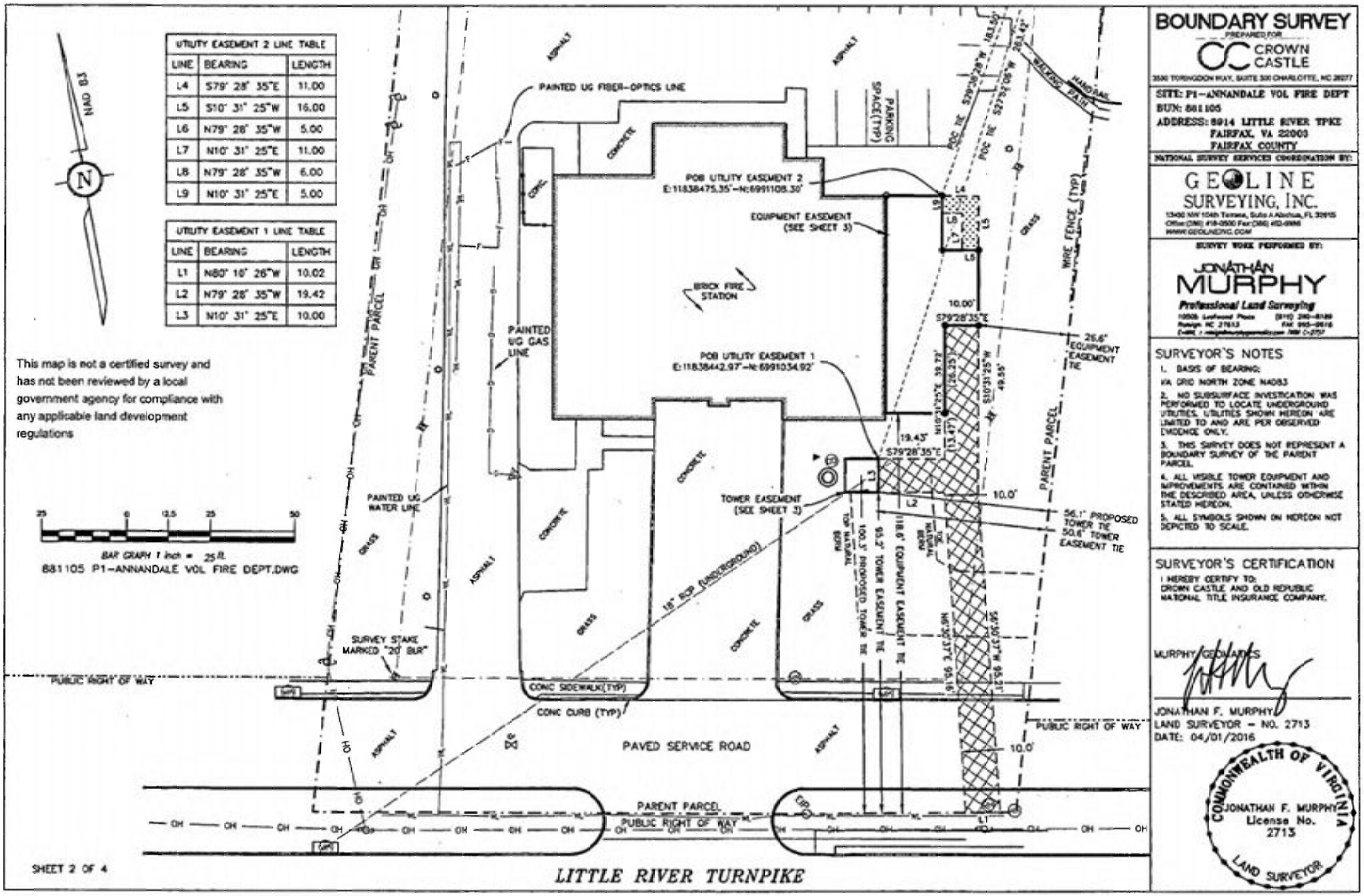
PARENT PARCEL:
BEGINNING AT A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF LITTLE RIVER TURNPIKE, STATE ROUTE 236, SAID POINT BEING THE SOUTHWEST CORNER OF THE ARGYLE INVESTMENT CORP. PROPERTY, AS RECORDED IN DEED BOOK 2329, AT PAGE 349, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA; THENCE DEPARTING SAID POINT AND RUNNING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 236 N 78° 22' 10" W- 61.97 FEET AND N 77° 44' 40" W - 146.75 FEET TO A POINT A CORNER COMMON TO MOLLIE M. MILLER AND THE BETHLEHEM LUTHERAN CHURCH PROPERTY; THENCE DEPARTING STATE ROUTE 236 AND RUNNING WITH THE LINES COMMON TO MOLLIE M. MILLER AND THE BETHLEHEM LUTHERAN CHURCH PROPERTY N 18° 21' 30" E - 358.37 FEET AND S 77° 52' 30" E - 208.70 FEET TO A POINT IN THE WESTERLY LINE OF THE AFOREMENTIONED ARGYLE INVESTMENT CORP. PROPERTY; THENCE RUNNING WITH A PORTION OF SAID WESTERLY BOUNDARY S 18° 21' 30" W - 358.17 FEET TO THE POINT OF BEGINNING, AS MORE PARTICULARLY DESCRIBED ON THE PLAT PREPARED BY COLDWELL, SHREVE & KEYES, C. L. S., DATED AUGUST, 1965.

TAX I.D. NUMBER: 0584 01 0062

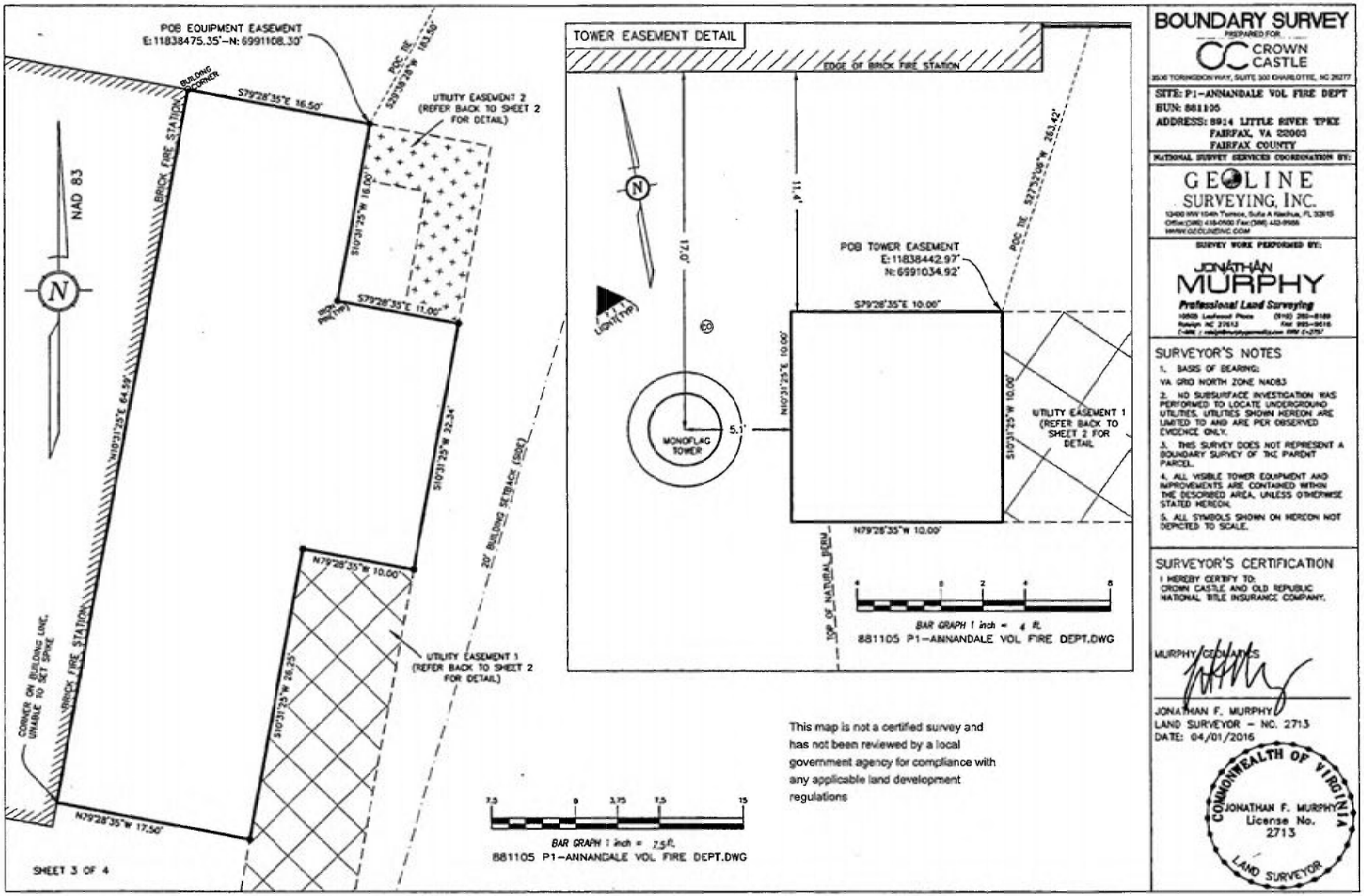
BEING THE SAME PROPERTY CONVEYED TO ANNANDALE VOLUNTEER FIRE DEPARTMENT, INC., A VIRGINIA CORPORATION, GRANTEE, FROM ELDON J. MERRITT AND FLOYD B. MOYE, TRUSTEES, GRANTOR, BY DEED RECORDED 09/09/1968, AS BOOK 3080, PAGE 7 OF THE FAIRFAX COUNTY RECORDS.

Exhibit B
Existing Easement Area


This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations
VICINITY MAP NOT TO SCALE
SITE
LITTLE RIVER TPKE
DANIEL RD
ROSELEA DR
LARO CT
NAD 83
N
PARENT PARCEL INFORMATION
OWNER: ANNANDALE VOLUNTEER FIRE DEPT, INCORPORATED
8914 LITTLE RIVER TPKE, FAIRFAX, VA
DEED BOOK: 3080, PAGE: 07
MAP #0584-01-0062
ZONING DESIGNATION
R-1 (RESIDENTIAL 1 DU/AC)
LEGEND OF SYMBOLS
:SET IRON PIN.
:FOUND 1/2" REBAR AS NOTED.
EIP :EXISTING IRON PIPE.
P.O.B. :POINT OF BEGINNING.
P.O.C. :POINT OF COMMENCEMENT.
:HAND HOLE.
:CLEAN OUT.
:MAN HOLE.
:CATCH BASIN.
:GAS VALVE.
:GAS LINE MARKER.
:WOOD UTILITY POLE.
:LIGHT POLE.
:FLOOD LIGHT.
:SIGN.
:EXISTING 20' BUILDING LINE RESTRICTION STAKE.
:CHAIN LINK FENCE.
:WOOD FENCE.
:OVER HEAD UTILITY LINES.
:UNDERGROUND WATER LINE (PAINTED).
:UNDERGROUND FIBER OPTICS (PAINTED).
:UNDERGROUND GAS LINE (PAINTED).
THIS PARCEL OF LAND LIES WITHIN FLOOD ZONE X WHICH IS NOT A SPECIAL FLOOD HAZARD AREA AS PER F.I.R.M. PANEL NUMBER: 51059C0276F
EFFECTIVE DATE: 09/17/2010
AREA | SQUARE FEET | ACRE
PARENT PARCEL | 74,738 | 1.72
EQUIPMENT EASEMENT | 1,338 | 0.031
EQUIPMENT COMPOUND | 271 | 0.006
TOWER EASEMENT | 100 | 0.0022
UTILITY EASEMENT 1 | 1,643 | 0.038
UTILITY EASEMENT 2 | 110 | 0.0025
SHEET 1 OF 4
N/F BETHLEHEM LUTHERAN CHURCH MAP #0584-01-0061 DB:2329, PG:349
N/F LUAN C NGUYEN MAP #0584-30-0009 DB:10596, PG:1256
LARO COURT 50' PUBLIC RIGHT OF WAY
N/F SCOTT R. & PERI C. ULREY DB:10702, PG: 597 MAP #0584-30-0010
N/F MITCHELL SCHULER MAP #0584-30-00011 DB: 2286, PG:644
N/F GREATER WASHINGTON JEWISH HUMANIST CONGREGATION MAP #058-01-0065A DB: 7148, PG:1408
POC ALL DESCRIPTIONS EXISTING IRON PIPE E:11838566.08' N:6991267.80'
WOOD FENCE ALONG PROPERTY LINE
PARENT PARCEL
25' REAR BUILDING RESTRICTION LINE
POC TIE EQUIPMENT EASEMENT & UTILITY EASEMENT 2 (S29°38'28"W 183.50')
POC TIE TOWER EASEMENT & UTILITY EASEMENT 1 (S27°52'06"W 263.42')
DUMPSTER AREA
20' SIDE BUILDING RESTRICTION LINE (TYP)
ASPHALT PARKING LOT
GRASS
BRICK FIRE STATION
PROPOSED TOWER
CONC. WALK
ASPHALT DRIVE
CONCRETE DRIVE
40' FRONT BUILDING RESTRICTION LINE
WIRE FENCE FOLLOWING PARENT PARCEL PROPERTY LINE
UTILITY EASEMENT 2 (SEE SHEET 2)
EQUIPMENT EASEMENT (SEE SHEET 3)
UTILITY EASEMENT 1 (SEE SHEET 2)
TOWER EASEMENT (SEE SHEET 3)
PAVED SERVICE ROAD
PARENT PARCEL PUBLIC RIGHT OF WAY LINE
MONOLITHIC CURB ISLAND
LITTLE RIVER TURNPIKE
VARIABLE WIDTH PUBLIC RIGHT OF WAY
60 0 30 60 120
BAR GRAPH 1 inch = 60 ft.
881105 P1-ANNANDALE VOL FIRE DEPT.DWG
BOUNDARY SURVEY
PREPARED FOR:
CROWN CASTLE
3500 TORINGDON WAY, SUITE 300 CHARLOTTE, NC 28277
SITE: P1-ANNANDALE VOL FIRE DEPT
SUN: 881105
ADDRESS: 8914 LITTLE RIVER TPKE FAIRFAX, VA 22003 FAIRFAX COUNTY
NATIONAL SURVEY SERVICES COORDINATION BY:
GEOLINE SURVEYING, INC.
SURVEY WORK PERFORMED BY:
JONATHAN MURPHY
Professional Land Surveying
SURVEYOR'S NOTES
1. BASIS OF BEARING: VA GRID NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE STATED HEREON.
5. ALL SYMBOLS SHOWN ON HEREON NOT DEPICTED TO SCALE.
SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY TO: CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
MURPHY/GEOLINE
JONATHAN F. MURPHY
LAND SURVEYOR - NO. 2713
DATE: 04/01/2016
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No. 2713
LAND SURVEYOR


UTILITY EASEMENT 2 LINE TABLE
LINE | BEARING | LENGTH
L4 | S79° 28' 35"E | 11.00
L5 | S10° 31' 25"W | 16.00
L6 | N79° 28' 35"W | 5.00
L7 | N10° 31' 25"E | 11.00
L8 | N79° 28' 35"W | 6.00
L9 | N10° 31' 25"E | 5.00
UTILITY EASEMENT 1 LINE TABLE
LINE | BEARING | LENGTH
L1 | N80° 10' 26"W | 10.02
L2 | N79° 28' 35"W | 19.42
L3 | N10° 31' 25"E | 10.00
NAD 83
This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations
BAR GRAPH 1 inch = 25 ft.
881105 P1-ANNANDALE VOL FIRE DEPT.DWG
PAINTED UG FIBER-OPTICS LINE
POB UTILITY EASEMENT 2 E:11838475.35'-N:6991108.30'
EQUIPMENT EASEMENT (SEE SHEET 3)
BRICK FIRE STATION
PAINTED UG GAS LINE
POB UTILITY EASEMENT 1 E:11838442.97'-N:6991034.92'
PAINTED UG WATER LINE
TOWER EASEMENT (SEE SHEET 3)
SURVEY STAKE MARKED "20' BUR"
PUBLIC RIGHT OF WAY
CONC SIDEWALK (TYP)
CONC CURB (TYP)
PAVED SERVICE ROAD
PARENT PARCEL
PUBLIC RIGHT OF WAY
LITTLE RIVER TURNPIKE
SHEET 2 OF 4
BOUNDARY SURVEY
PREPARED FOR:
CROWN CASTLE
3500 TORINGDON WAY, SUITE 300 CHARLOTTE, NC 28277
SITE: P1-ANNANDALE VOL FIRE DEPT
BUN: 881105
ADDRESS: 8914 LITTLE RIVER TPKE
FAIRFAX, VA 22003
FAIRFAX COUNTY
NATIONAL SURVEY SERVICES COORDINATION BY:
GEOLINE SURVEYING, INC.
SURVEY WORK PERFORMED BY:
JONATHAN MURPHY
Professional Land Surveying
SURVEYOR'S NOTES
1. BASIS OF BEARING:
VA GRID NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE STATED HEREON.
5. ALL SYMBOLS SHOWN ON HEREON NOT DEPICTED TO SCALE.
SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY TO:
CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
MURPHY GEOLINES
JONATHAN F. MURPHY
LAND SURVEYOR - NO. 2713
DATE: 04/01/2016
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No. 2713
LAND SURVEYOR

ATTACHMENT 2



LEGAL DESCRIPTION: TOWER EASEMENT (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 27° 52' 06" W FOR A DISTANCE OF 263.42 FEET TO THE POINT OF BEGINNING, HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838442.97' -AND- N:6991034.92';

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING CONTAINING 100 SQFT -AND- 0.0022 ACRES.

LEGAL DESCRIPTION: EQUIPMENT EASEMENT (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 29° 38' 28" W FOR A DISTANCE OF 183.50 FEET TO THE POINT OF BEGINNING, HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838475.35' -AND- N:6991108.30';

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 16.00 FEET TO A POINT;

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 11.00 FEET TO A POINT;

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 22.34 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 26.25 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 17.50 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 64.59 FEET TO A POINT;

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING CONTAINING 1,338 SQFT -AND- 0.031 ACRES.

LEGAL DESCRIPTION: UTILITY EASEMENT 1 (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 27° 52' 06" W FOR A DISTANCE OF 263.42 FEET TO A POINT ON A 100 SQUARE FOOT TOWER EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838442.97' -AND- N:6991034.92';

THENCE DEPARTING SAID TOWER EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 19.43 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 13.47 FEET TO A POINT ON A 1,338 SQUARE FOOT EQUIPMENT EASEMENT, AND CONTINUING ALONG SAID EQUIPMENT EASEMENT FOR 26.25 FEET, FOR A TOTAL DISTANCE OF 39.72 FEET TO A POINT;

THENCE ALONG SAID EQUIPMENT EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE DEPARTING SAID EQUIPMENT EASEMENT, S 10° 31' 25" W FOR A DISTANCE OF 49.55 FEET TO A POINT;

THENCE, S 06° 30' 37" W FOR A DISTANCE OF 95.21 FEET TO A POINT ON THE NORTHERN PUBLIC RIGHT OF WAY OF LITTLE RIVER TURNPIKE;

THENCE ALONG SAID RIGHT OF WAY, N 80° 10' 26" W FOR A DISTANCE OF 10.02 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT OF WAY, N 06° 30' 37" E FOR A DISTANCE OF 95.16 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 19.42 FEET TO A POINT ON AFOREMENTIONED TOWER EASEMENT;

THENCE ALONG SAID TOWER EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,643 SQFT -AND- 0.038 ACRES.

LEGAL DESCRIPTION: UTILITY EASEMENT 2 (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 29° 38' 28" W FOR A DISTANCE OF 183.50 FEET TO A POINT ON A 1,338 SQUARE FOOT EQUIPMENT EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838475.35' -AND- N:6991108.30';

THENCE DEPARTING SAID EQUIPMENT EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 11.00 FEET TO A POINT;

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 16.00 FEET TO A POINT ON SAID EQUIPMENT EASEMENT;

THENCE ALONG SAID EQUIPMENT EASEMENT, N 79° 28' 35" W FOR A DISTANCE OF 5.00 FEET TO A POINT;

THENCE DEPARTING SAID EQUIPMENT EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 11.00 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 6.00 FEET TO A POINT ON SAID EQUIPMENT EASEMENT;

THENCE ALONG SAID EQUIPMENT EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING CONTAINING 110 SQFT -AND- 0.0025 ACRES.

SHEET 4 OF 4

BOUNDARY SURVEY

PREPARED FOR:
CROWN CASTLE
3530 TORINGDON WAY, SUITE 300 CHARLOTTE, NC 28277

SITE: P1-ANNANDALE VOL FIRE DEPT
BUN: 881105
ADDRESS: 8914 LITTLE RIVER TPKE
FAIRFAX, VA 22003
FAIRFAX COUNTY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE SURVEYING, INC.
13400 NW 104th Terrace, Suite A Alachua, FL 32615
Office: (386) 418-0400 Fax: (386) 462-9988
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

JONATHAN MURPHY
Professional Land Surveying
10205 Lochmere Place (919) 280-8189
Raleigh NC, 27613 FAX 800-9518
(1-888) / info@jonathanmurphysurveying.com (24hr 1-370)*

SURVEYOR'S NOTES

1. BASIS OF BEARING:
VA GRID NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE STATED HEREON.
5. ALL SYMBOLS SHOWN ON HEREON NOT DEPICTED TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO:
CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

MURPHY COMPLIES

JONATHAN F. MURPHY
LAND SURVEYOR - NO. 2713
DATE: 04/01/2016

COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No.
2713
LAND SURVEYOR

Exhibit C
Letter of Determination with attachments

DocuSign Envelope ID: 5F1054F3-E489-44B9-AF90-2BB42DD437F9

County of Fairfax, Virginia

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

April 18, 2023

VIA CERTIFIED MAIL

Global Signals Acquisitions IV LLC
d/b/a Crown Castle
Attn: Legal – Real Estate Department
2000 Corporate Drive
Canonsburg, PA 15317

RE: Notice of Exercise of Relocation Right
Annandale Volunteer Fire Station, 8914 Little River Turnpike
Tax Map No. 0584 01 0062
Business Unit #: 881105

Dear General Counsel:

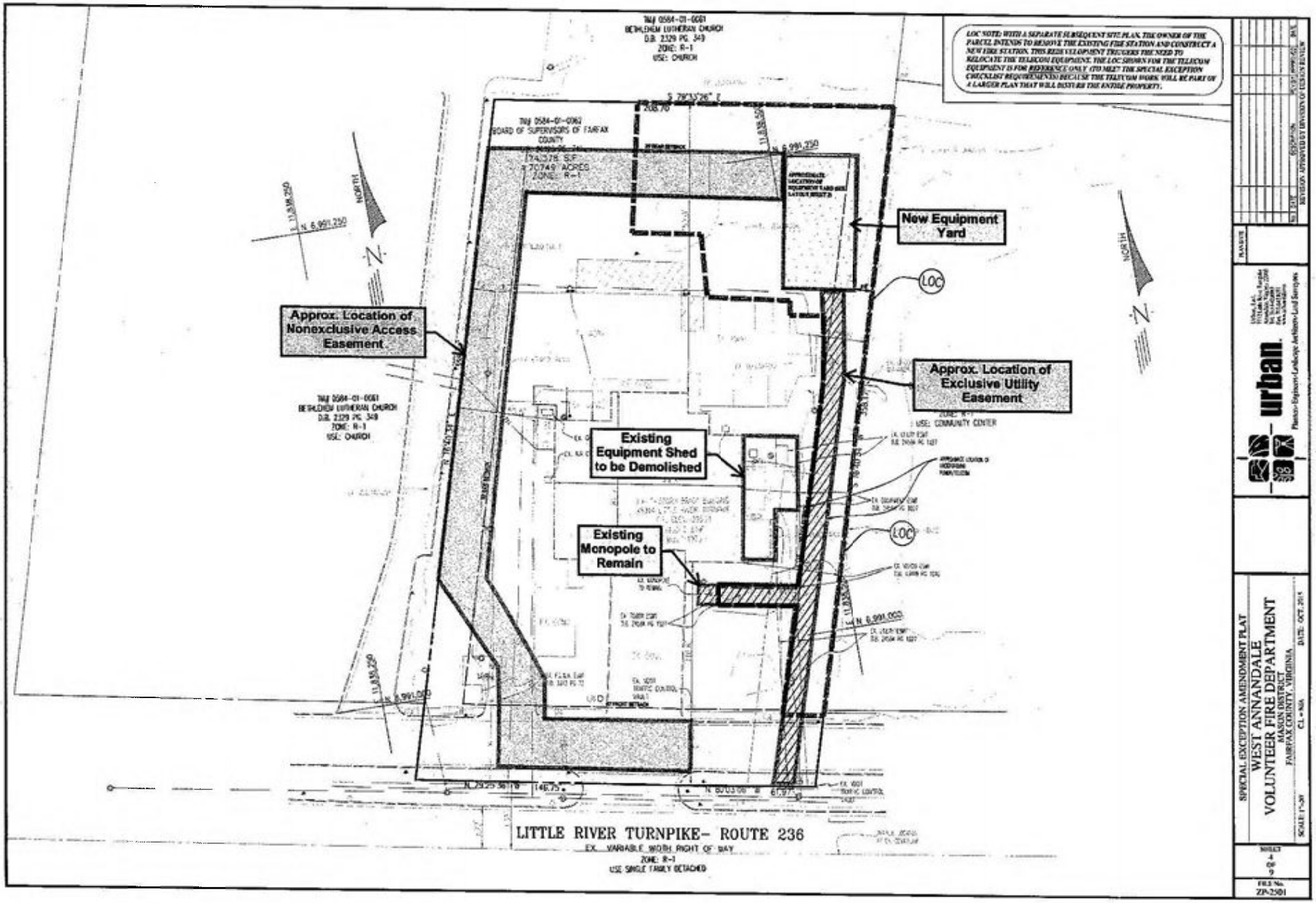
On May 10, 2016, Crown Castle entered into the Deed of Easement and Assignment of Lease ("Easement') with Annandale Volunteer Fire Department ("Annandale VFD") that provided Crown Castle with various easements to enable the construction of a telecommunications "flagpole" ("Monopole") and fenced equipment yard ("Existing Equipment Yard") at the West Annandale Volunteer Fire Station ("Property"). Subsequently, on February 3, 2020, Crown Castle signed the First Amendment of Deed of Easement and Assignment of Lease ("Amendment," and together with the Easement, the "Agreement") with the Annandale VFS and Board of Supervisors of Fairfax County, Virginia ("County") which allowed the County, after transfer of the Property from Annandale VFD to the County, to exercise a one-time right to relocate the Monopole and/or Existing Equipment Yard and reconfigure the easement areas to accommodate the expansion of the fire station building.

The conceptual plans for the new fire station require the demolition of the Existing Equipment Yard but allow the Monopole to remain in place. The County hereby gives notice to Crown Castle pursuant to Section 9 of the Amendment that it is exercising its right to reposition the Existing Equipment Yard to the section labeled as "New Equipment Yard" on the plat that is attached hereto as Exhibit A ("Plat") and shift the ancillary utility and access easements to the approximate areas that are also shown on the Plat. With this notice, Crown Castle has sixty (60) days in which to evaluate the proposed relocation site for the New Equipment Yard and respond in writing whether this alternative area is satisfactory. If Crown Castle does deem the site acceptable, the parties will proceed to draft an amendment to the Agreement which will address the schedule for and costs of the construction of the New Equipment Yard.

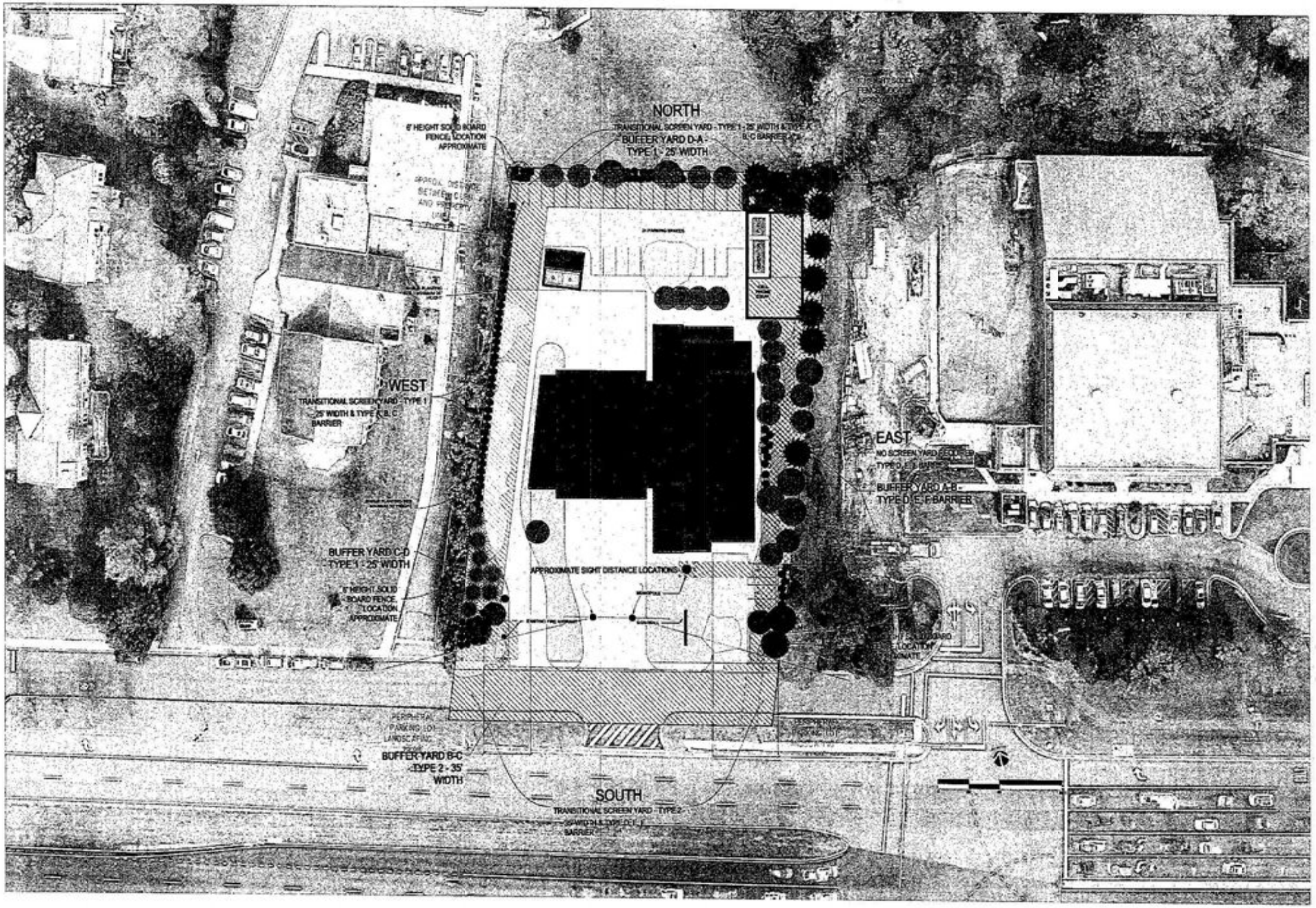
Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 771, Fax 703-324-3956
www.fairfaxcounty.gov

ATTACHMENT 2

ATTACHMENT 1

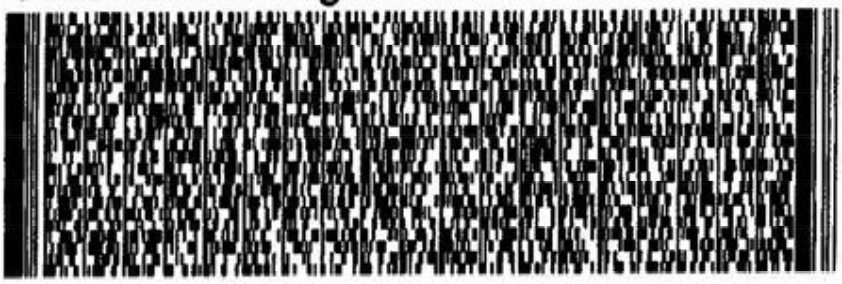


ATTACHMENT 2



Fairfax Circuit Court Coversheet Generator

Cover Sheet Page 1 of 1



Consideration		**Consideration/Actual Value %**	100		
Actual/Assessed	**Tax Exemption**	NC	**Amount Not Taxed**		
Code Section	58.1-809				
DEM Number					
Original Book	24584	**Original Page**	1027		
Title Company	COUNTY ATTORNEY		**Title Case**	143487.002	
Property Descr.	LEE JACKSON HWY		**Multiple Lots?**	NO	
Return To Party Name:	JOHN BURTON, ASSISTANT COUNTY ATTORNEY	**Address:**	BOX 1 12000 GOVERNMENT CENTER PARKWAY SUITE 549 FAIRFAX, VA 22035		
No. of Certified Copies	0 **No. of Non-certified Copies**	0	**Page Range**	1-9	

Document Type(s)

EASEMENT CORRECTION, LEASE ASSIGNMENT

Grantor(s)

ANNANDALE VOLUNTEER FIRE DEPARTMENT_F_N, THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA_F_N

Grantee(s)

GLOBAL SIGNAL ACQUISITIONS IV LLC_F_N

Tax Map Number

058-4- -01- -0062-00

the duration of time the County owns the Property, in accordance with the terms and provisions more particularly set forth below.

NOW THEREFOR WITNESSETH that for and in consideration of the sum of Five Dollars ($5.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner, the County, and Global Signal hereto agree that the Easement shall automatically be amended as set out below upon the conveyance of the Property by Owner to the County, and that such amendments shall remain in full force and effect for so long as the County or any political subdivision thereof remains the fee simple owner of the Property:

1. The provisions of Sections 13 and 32 of the Easement shall have no effect.

2. Notwithstanding any contrary provisions in the Easement, including, but not limited to Sections 8(b), 8(c) and 17, neither party shall have any obligation to indemnify, hold harmless or defend the other party under the Easement for any reason.

3. During the term of the Easement, notwithstanding Section 9, the County and Global Signal shall each maintain, at their sole expense, insurance which may be required by any federal, state or local statute or ordinance of any governmental body having jurisdiction in connection with the Easement Area and Commercial General Liability coverage in an amount not less than $3,000,000 per occurrence and $6,000,000 in the aggregate. The required limits recited herein may be met by primary and excess or umbrella policies. County shall have the right to fulfill its requirements under this Section 3 through self-insurance. Each party shall provide other party with a copy of the certificate of insurance evidencing this insurance coverage upon the other party's request.

4. Notwithstanding any contrary provisions in the Easement, including, but not limited to Sections 5, 26, and 31, except as expressly provided in this Section 4 below the County does not appoint Global Signal as the County's attorney in fact and Global Signal shall not act as the County's attorney for any reason. Notwithstanding the foregoing, if Global Signal requests the County sign documents pursuant to Section 5, and the Grantor fails to do so and return same to Global Signal within forty-five (45) days from receipt of such request, then Grantor shall be deemed to have granted to Global Signal a limited power of attorney to sign such documents on the County's behalf. Nothing in this Amendment shall be construed as limiting the discretion of the Fairfax County Board of Supervisors to approve or deny any land use applications, permits or licenses in accordance with applicable law.

5. Notwithstanding any contrary provisions in the Easement, including, but not limited to Section 26 of the Easement, Global Signal shall not sell, assign, or otherwise transfer its interest in the Easement without the Grantor's prior consent, which consent shall not be unreasonably withheld, conditioned, delayed or denied; provided, however, that no Grantor consent will be required if Global Signal assigns, sells or otherwise transfers its interest in this Easement to an affiliate, subsidiary or parent entity or to any entity that acquires all or substantially all of Global Signal's assets or that merges with or into Global Signal, or if Global Signal provides documentation to Grantor demonstrating to Grantor that the net worth of the assignee is greater than or equal to Ten Million And 00/100 Dollars ($10,000,000.00) at the time of such assignment. Where such consent is required above, failure by Grantor to respond to Global

technological feasibility of the proposed relocation site, obtaining written approval of the telecommunications carriers currently located on the tower. If Global Signal fails to approve the proposed relocation site in writing within said sixty (60)-day period, Global Signal will be deemed to have not approved such proposed relocation site. If Global Signal does not approve such relocation site, County may then propose another relocation site by Notice to Global Signal in the manner set forth above. If Global Signal does not approve a relocation site, upon request by County, Global Signal will provide County with evidence supporting the reason for such disapproval. Any relocation site which County and Global Signal agree upon in writing is referred to hereinafter as the "Relocation Site". If County and Global Signal agree to the proposed alternate site set forth in the Notice, both parties will enter into a written agreement between the parties concerning the location and dimensions of the Relocation Site. If Global Signal agrees to said relocation, County acknowledges that Global Signal will be required to obtain all required approvals of affected governmental agencies, including, but not limited to, the FAA and local zoning authorities. If all governmental requirements, including local, state and federal, are met, Global Signal will use its commercially reasonable efforts to complete the relocation of the new telecommunications facility and the removal of the existing tower compound within a commercially acceptable timeframe not to exceed twenty-four (24) months from execution of the written agreement ("Relocation Phase"). Notwithstanding the foregoing, Global Signal will have an option to extend the Relocation Phase for two (90 day) extensions if there are delays which are out of the control of the Global Signal.

C. Upon relocation of the communications facility of Global Signal, or any part thereof, to the Relocation Site, all references to the Easement Area in the Easement will be deemed to be references to the Relocation Site. County and Global Signal hereby agree that the Relocation Site (including the access and utility right of way) may be surveyed by a licensed surveyor at the sole cost of County, and such survey will then replace the previous survey and become a part hereof and will control or describe the leased premises. County and Global Signal hereby agree that in no event will the relocation of the communications facility of Global Signal, or any part thereof, under Section 9A above, affect, alter, modify or otherwise change any of the terms and conditions and of the current lease as may be amended, unless changes are agreed to in writing by both parties.

10. The amendments to the Easement provided for in Sections 1 through 9 of this Amendment shall only be effective and enforceable during the time that the County or any political subdivision thereof is the fee simple owner of the Easement Area. Until such time as that occurs, or upon the subsequent transfer of the Easement Area to any other party by the County or its political subdivision, the amendments to the Easement provided for in this Amendment shall be of no force or effect.

11. Miscellaneous.

(a) This Amendment was negotiated between the undersigned (together the "Signers" and individually a "Signer") and shall be construed without regard to any presumption or other rule requiring construction against any Signer causing this Amendment to be drafted.

(b) The recitals set forth at the beginning of this Amendment are incorporated herein by this reference and deemed a substantive part hereof.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

OWNER:
ANNANDALE VOLUNTEER FIRE DEPARTMENT
A Virginia not for profit corporation

By: _____ (Seal)
Name: ROGER WALLER
Title: PRESIDENT, AVFD

7128 Columbia Pike
Annandale, Virginia 22003
Telephone: 703 407 0680
Fax: 703 256 5097

COMMONWEALTH OF VIRGINIA)
) to-wit:
COUNTY OF FAIRFAX)

Subscribed and sworn to before me by ROGER WALLER (name), PRES. AVFD (title), of the Annandale Volunteer Fire Department, a Virginia not for profit corporation this 7 day of FEBRUARY, 2020.

_____
Notary Public

My Commission expires: May 31, 2022

TRACY ANN DOAN
COMMONWEALTH OF VIRGINIA
#7804078
COMMISSION EXPIRES
05/31/2022
NOTARY PUBLIC

GLOBAL SIGNAL:
GLOBAL SIGNAL ACQUISITIONS IV LLC,
A Delaware limited liability company

By: Melanie Webb
Name: Melanie Webb
Title: Senior Transaction Manager

2000 Corporate Drive
Canonsburg, PA 15317
Telephone:
Fax:

STATE OF Texas)
) to-wit:
COUNTY OF Harris)

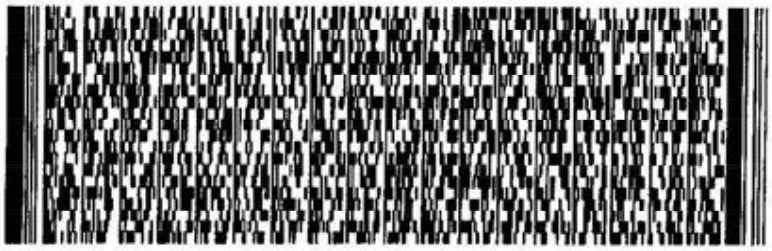
Subscribed and sworn to before me by Melanie Webb (name) Senior Transaction Manager (title), of Global Signal Acquisitions IV LLC, a Delaware limited liability company, this 3 day of February 2020.

Nicole Arlette Benton
Notary Public
Nicole Arlette Benton

My Commission expires: _____

NICOLE ARLETTE BENTON NOTARY PUBLIC STATE OF TEXAS ID 13093009 EXP. 12-13-2020

Fairfax County Circuit Court
DMZ Cover Sheet Application v2.2



Consideration	86000.00		**Consideration/Actual Value %**	100	
Actual/Assessed	0 **Tax Exemption**			**Amount Not Taxed**	
Code Section					
DEM Number			**Tax Map Number**	058-4- -01- -0062-	
Original Book	3080		**Original Page**	7	
Title Company	OLD REPUBLIC TITLE			**Title Case**	
Property Descr.	8914LITTLE RIVER TPKE			**Mutilple Lots?**	NO
Return To Party Name:	OLD REPUBLIC TITLE COMMERCIAL DEPARTMENT		**Address:**	530 S. MAIN ST. SUITE 1031, AKRON, OHIO 44311	
Certified	NO **Copies**		0	**Page Range**	

Instruments

EASEMENT, ASSIGNMENT

Grantor(s)

ANNANDALE VOLUNTEER FIRE DEPARTMENT, INC_I_N

Grantee(s)

GLOBAL SIGNAL ACQUISITIONS IV LLC_I_N

DEED OF EASEMENT AND ASSIGNMENT OF LEASE

THIS DEED OF EASEMENT AND ASSIGNMENT OF LEASE (this "Deed of Easement") is made effective this 10th day of MAY, 2016, by and between **ANNANDALE VOLUNTEER FIRE DEPARTMENT, INC.**, a Virginia corporation ("Grantor"; to be indexed as grantor), and **GLOBAL SIGNAL ACQUISITIONS IV LLC**, a Delaware limited liability company ("Grantee"; to be indexed as grantee).

1. **Description of Grantor's Property**. Grantor is the owner of that certain land and premises in Fairfax, County of Fairfax, Commonwealth of Virginia, by grant or conveyance described in the Fairfax County Clerk's Office ("Clerk's Office") in Book 3080, Page 7. The description of said property is attached hereto as Exhibit "A" (hereinafter "Grantor's Property").

2. **Description of Easement**. For $10.00 and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, Grantor grants and conveys unto Grantee, its successors and assigns, an exclusive easement for use of a portion of Grantor's Property, that portion being shown as the "Tower Easement" and the "Equipment Easement" in the survey attached hereto as Exhibit "B" and described as the "Tower Easement" and as the "Equipment Easement" by metes and bounds in Exhibit "C" attached hereto (hereinafter the Tower Easement and Equipment Easement shall be collectively referred to as the "Easement Area" unless stated to the contrary). The Easement Area shall also include (a) a nonexclusive right-of-way over and across Grantor's Property for ingress and egress, seven (7) days per week, twenty-four (24) hours per day, on foot or motor vehicle, including trucks, to and from the nearest public right-of-way and the Easement Area, together with the right to install, replace and maintain utility wires, poles, cables, conduits and pipes on, over, under, through and across Grantor's Property for the provision of services to the exclusive Easement Area (the "Access Easement") (hereinafter the term "Easement Area" shall be deemed to also include the Access Easement unless stated to the contrary); (b) an exclusive right-of-way for the installation, replacement, and maintenance of utility wires, poles, cables, conduits and pipes (the "Utility Easement"), in those locations more particularly shown as "Utility Easement 1" and "Utility Easement 2" in the survey attached hereto as Exhibit "B" and described as "Utility Easement 1" and "Utility Easement 2" by metes and bounds in Exhibit "C" (hereinafter the term "Easement Area" shall be deemed to also include the Access Easement and Utility Easement unless stated to the contrary); and (c) any portion of Grantor's Property on which communications facilities exist on the date of this Deed of Easement (even if not described in the Lease Agreements as that term is defined in Section 3 of this Deed of Easement). In the event Grantee or any public utility is unable or unwilling to use the easement described in subsection (a) above, Grantor hereby agrees to grant an additional right-of-way, in form satisfactory to Grantee, to Grantee or at Grantee's request, directly to a public utility, at no cost and in a location acceptable to Grantee.

3. **Assignment of Lease Agreements**. The parties hereby acknowledge (a) that certain PCS Site Agreement dated April 4, 2002, by and between APC Realty and Equipment Company, LLC, as lessee, and Grantor, as lessor, a memorandum of which is recorded in the Clerk's Office in Book 12869, Page 235 (as amended, the "APC Realty Lease"). The APC Realty Lease was amended by that Amendment to PCS Site Agreement dated June 18, 2003, and by that Second Amendment to PCS Site Agreement dated March 5, 2010, a memorandum of which is recorded

arising prior to, on, or after the date hereof. Without limiting the generality of the foregoing, Grantor shall: (a) fully, faithfully and timely perform all covenants to be performed by the Grantor under the Lease Agreements; (b) promptly pay all mortgages, loans, liens, judgments and all real estate, personal income and other taxes that may become due with respect to Grantor's Property; (c) promptly execute, without any additional consideration, all letters of authorizations, permits, applications or other documents required for Grantee to fully enjoy this Deed of Easement or the Lease Agreements; (d) not suffer or allow any breach, default or event of default by the Grantor to occur under the Lease Agreements; and (e) not take any action for the purpose of, or with the effect of, inducing or causing the Lessees not to exercise a right to renew or extend the Lease Agreements. Failure to comply, in whole or in part with this Section shall constitute a default by Grantor of the terms hereof and entitle Grantee to the remedies provided in Section 14 of this Deed of Easement.

5. **Permitted Uses**. The Easement Area shall be used for constructing, maintaining and operating communications facilities and energy generation facilities for energy to be used on and off the Easement Area, including without limitation, tower structures, antenna support structures, cabinets, meter boards, buildings, antennas, cables, equipment and uses incidental thereto including those necessary for Grantee's compliance with its obligations under the Lease Agreements (the "Permitted Use"). No facilities or structures installed or constructed on the Easement Area by Grantee shall constitute a fixture, but shall remain the personal property of Grantee. Grantor acknowledges that Grantor has no right to object to or approve any improvements to be constructed on the Easement Area. If requested by Grantee, Grantor will execute, at Grantee's sole cost and expense, all documents required by any governmental authority in connection with any development of, or construction on, the Easement Area, including documents necessary to petition the appropriate public bodies for certificates, permits, licenses and other approvals deemed necessary by Grantee in Grantee's absolute discretion to utilize the Easement Area for the Permitted Use. Grantor agrees to be named applicant if requested by Grantee. In furtherance of the foregoing, Grantor hereby appoints Grantee as Grantor's attorney-in-fact to execute all land use applications, permits, licenses and other approvals on Grantor's behalf. Grantor shall be entitled to no further consideration with respect to any of the foregoing matters. Grantor shall take no action that would adversely affect the status of the Easement Area with respect to the Permitted Use.

6. **75 Year Term Easement.** This Deed of Easement and Grantee's rights and privileges hereunder shall be for a term of seventy-five (75) years from the date first above written unless terminated sooner as may be provided for in this Deed of Easement.

7. **Grantee's Right to Terminate**. Grantee shall have the unilateral right, but not the obligation, to terminate this Deed of Easement for any reason. Upon termination of this Deed of Easement, (i) if the Lease Agreements are then in effect, the rights and obligations as lessor under the Lease Agreements shall revert to Grantor and (ii) the parties shall have no further obligations to each other; provided, however, that if Grantee installed any buildings, structures or equipment upon the Easement Area, Grantee shall, within a reasonable time, remove all of its building(s), tower and above ground property and restore the surface of the Easement Area to its original condition prior to any such installment, reasonable wear and tear excepted. Any buildings, structures or equipment installed or constructed upon the Easement Area by Lessees, or those holding by, through and under Lessees, shall be subject to the terms and conditions of

inquiry by any governmental authority or subject to any remedial obligations under any applicable laws pertaining to Hazardous Materials.

9. Insurance. At all times, Grantee, at its sole expense, shall obtain and keep in force insurance which may be required by any federal, state or local statute or ordinance of any governmental body having jurisdiction in connection with the operation of Grantee's business upon the Easement Area.

10. Maintenance. Grantor shall maintain the Grantor's Property in a good and safe condition except to the extent maintenance is the obligation of the Lessees under the Lease Agreements.

11. Removal of Obstructions. Grantee has the right to remove obstructions, including but not limited to vegetation, which may encroach upon, interfere with or present a hazard to Grantee's or Lessees' use of the Easement Area. Grantee shall be responsible for disposing of any materials related to the removal of obstructions.

12. Taxes. Grantor acknowledges and agrees that a portion of the Purchase Price is for and in consideration of the continuing obligation of Grantor to pay, on or before the due date all present and future real property taxes, transfer taxes, penalties, interest, roll-back or additional taxes, sales and use taxes and all other fees and assessments, regardless of the taxing method that are attributable to Grantor's Property. Grantee agrees to reimburse Grantor the real property taxes attributable to the Easement Area, provided they are not already paid pursuant to the Lease Agreement. Grantor shall provide a copy of all tax bills and proof of payment of said tax bills to Grantee. In the event that Grantor fails to pay all taxes on Grantor's Property prior to such taxes becoming delinquent, Grantee may, at its option, pay such taxes (the "Delinquent Taxes") and Grantee shall have the right to collect the Delinquent Taxes from Grantor together with interest on the Delinquent Taxes at the greater of the (i) the rate provided by statute where the Easement Area is located or (ii) 12% per annum (calculated from the date Grantee pays the Delinquent Taxes until Grantor repays such sums due to Grantee) and shall have a lien against Grantor's Property with respect thereto. Failure of Grantor to comply, in whole or in part with this Section shall constitute a default by Grantor of the terms hereof and entitle Grantee to the remedies provided in Section 14 of this Deed of Easement.

13. Waiver of Subrogation. The parties hereby waive any and all rights of action for negligence against the other which may hereafter arise on account of damage to the Easement Area or any other portion of Grantor's Property, including improvements and personal property located thereon, resulting from any fire or other casualty of the kind covered by property insurance policies with extended coverage regardless of whether or not, or in what amount, such insurance is now or hereafter carried by the parties.

14. Default. The following shall constitute events of default by Grantor: (a) Grantor's failure to comply with any portion of this Deed of Easement; (b) failure by Grantor to forward to Grantee any payment as required in Section 4; (c) failure by Grantor to pay taxes as required in Section 12 of this Deed of Easement; (d) failure to timely pay any mortgages, loans, liens or judgments on the Grantor's Property; (e) a default of the Lease Agreements, the cure of which is solely or partially within the control of Grantor; and/or (f) any agreement, act or omission of Grantor resulting in, or likely to result in, the termination or expiration of the Lease Agreements

18. Grantor's Covenant of Title. Grantor covenants: (a) Grantor is seized of fee simple title to the Grantor's Property of which the Easement Area is a part and has the right and authority to grant this Deed of Easement; (b) that this Deed of Easement is and shall be free and clear of all liens, claims, encumbrances and rights of third parties of any kind whatsoever; (c) subject to the terms and conditions of this Deed of Easement, Grantee shall have quiet possession, use and enjoyment of the Easement Area; (d) there are no aspects of title that might interfere with or be adverse to Grantee's interests in and intended use of the Easement Area; and (e) that Grantor shall execute such further assurances thereof as may be required.

19. Non-Interference. From and after the date hereof and continuing until this Deed of Easement is terminated (if ever), Grantor shall not permit (a) the construction, installation or operation of any communications facilities that emit radio frequencies on Grantor's Property other than communications facilities constructed, installed and/or operated on the Easement Area pursuant to this Deed of Easement or the Lease Agreements or (b) any condition on Grantor's Property which interferes with the Permitted Use. Each of the covenants made by Grantor in this Section 19 is a covenant running with the land for the benefit of the Easement Area and shall be binding upon Grantor and each successive owner of any portion of Grantor's Property and upon each person having any interest therein derived through any owner thereof.

20. Eminent Domain. If the whole or any part of the Easement Area shall be taken by right of eminent domain or any similar authority of law, the entire award for the value of the Easement Area and improvements so taken shall belong to Grantee.

21. Grantor's Property. Grantor shall not do or permit anything that will interfere with or negate any special use permit or approval pertaining to the Easement Area or cause any communications or energy facilities on the Easement Area to be in nonconformance with applicable local, state, or federal laws. Grantor covenants and agrees that it shall not subdivide the Grantor's Property if any such subdivision will adversely affect the Easement Area's compliance (including any improvements located thereon) with applicable laws, rules, ordinances and/or zoning, or otherwise adversely affects Grantee's ability to utilize Grantor's Property for the Permitted Use. Grantor may initiate or consent to changes in the zoning of Grantor's Property so long as said zoning changes do not prevent or limit Grantee from using the Easement Area for the Permitted Use.

22. Entire Agreement. Grantor and Grantee agree that this Deed of Easement contains all of the agreements, promises and understandings between Grantor and Grantee. No verbal or oral agreements, promises or understandings shall be binding upon either Grantor or Grantee in any dispute, controversy or proceeding at law. Any addition, variation or modification to this Deed of Easement shall be void and ineffective unless made in writing and signed by the parties hereto.

23. Construction of Document. Grantor and Grantee acknowledge that this document shall not be construed in favor of or against the drafter and that this document shall not be construed as an offer until such time as it is executed by one of the parties and then tendered to the other party.

24. Applicable Law. This Deed of Easement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the Commonwealth of Virginia.

28. Mortgages. This Deed of Easement shall be subordinate to any mortgage given by Grantor which currently encumbers Grantor's Property including the Easement Area, provided that any mortgagee holding such a mortgage shall recognize the validity of this Deed of Easement in the event of foreclosure of Grantor's interest and Grantee's rights under this Deed of Easement. In the event that the Easement Area is or shall be encumbered by such a mortgage, Grantor shall obtain and furnish to Grantee a non-disturbance agreement for each such mortgage, in recordable form.

29. Successors and Assigns. The terms of this Deed of Easement shall constitute a covenant running with the Grantor's Property for the benefit of Grantee and its successors and assigns and shall extend to and bind the heirs, personal representatives, successors and assigns of the parties hereto and upon each person having any interest therein derived through any owner thereof. Any sale, mortgage, lease or other conveyance of Grantor's Property shall be under and subject to this Deed of Easement and Grantee's rights hereunder.

30. Construction of Easement. The captions preceding the Sections of this Deed of Easement are intended only for convenience of reference and in no way define, limit or describe the scope of this Deed of Easement or the intent of any provision hereof. Whenever the singular is used, the same shall include the plural and vice versa and words of any gender shall include the other gender. As used herein, "including" shall mean "including, without limitation." This document may be executed in multiple counterparts, each of which shall be deemed a fully executed original.

31. Non-Interference with Lease Agreement. Grantor acknowledges and agrees that Grantee shall have fully vested rights immediately upon the full execution of this Deed of Easement; provided, however, that this Deed of Easement shall be subject to all legal rights, title and interest of the Lessee under any Lease Agreement and the Easement Area. In the event of any conflict or interference between this Deed of Easement and any legal rights, title and interests of the Lessee in and to any Lease Agreement or the Easement Area, the terms of the applicable Lease Agreement shall control. Notwithstanding anything to the contrary contained in this Section 31, if any provisions of this Deed of Easement which, but for this Section 31, would cause Grantee, as successor lessor in the Omnipoint Lease or the APC Realty Lease, or as successor to WCP in the WCP Agreement, to be in breach of any of the Lease Agreements or to acquire rights under any of the Lease Agreements or any part of the Easement Area in violation of the Lease Agreements, then (1) such provisions shall not take effect with respect to such Lease Agreement until the earlier to occur of (a) the scheduled expiration of the Lease Agreement, including any renewals or extensions thereof, or (b) termination of the Lease Agreement; (2) to the fullest extent permissible under the Lease Agreement without causing Grantee, as successor lessor in the Omnipoint Lease or the APC Realty Lease, or as successor to WCP in the WCP Agreement, to violate any of the Lessees' rights, title or interests under the Lease Agreement, (x) Grantee shall serve as Grantor's manager and operator of the Lease Agreement until such time that the terms of this Deed of Easement no longer interfere with or otherwise cause Grantee to be in breach of the Lease Agreement, (y) Grantee shall have and retain all beneficial rights under the Lease Agreement and/or the Easement Area, including, but not limited to, the right to receive all rent, license fees, or other revenue under the Lease Agreement or to be derived from the Easement Area, and (z) Grantor shall provide written instructions to all subtenants, licensees and/or payors to pay all amounts due Grantor in

of default under this Deed of Easement. Grantee shall have sole discretion as to whether, and on what terms, to sublease, license or otherwise allow occupancy of the Additional Easement Area and there shall be no express or implied obligation for Grantee to do so. Grantor acknowledges that Grantor shall have no recourse against Grantee as a result of the failure of payment or other obligation by a Subtenant.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Grantor and Grantee, having read the foregoing and intending to be legally bound hereby, have executed this Deed of Easement as of the day and year first written above.

GRANTEE:

Global Signal Acquisitions IV LLC,
a Delaware limited liability company

By: _____ (SEAL)
Print Name: _____
Title: Helen Smith
Real Estate Transaction Manager

STATE / COMMONWEALTH OF TEXAS

COUNTY OF HARRIS

I, Caren Shaughnessy, a Notary Public, do hereby certify that Helen Smith personally appeared before me this day and acknowledged that he/she is the RET Mgr. of Global Signal Acquisitions IV LLC, a Delaware limited liability, and that by authority duly given, and as the act of Global Signal Acquisitions IV LLC, a Delaware limited liability, the foregoing Deed of Easement and Assignment of Lease was signed in its name by her/him as its RET Mgr..

Given under my hand this 10 day of May, 2016.

_____
Notary Public

Registration Number: _____

My Commission expires: _____

[SEAL OR STAMP]

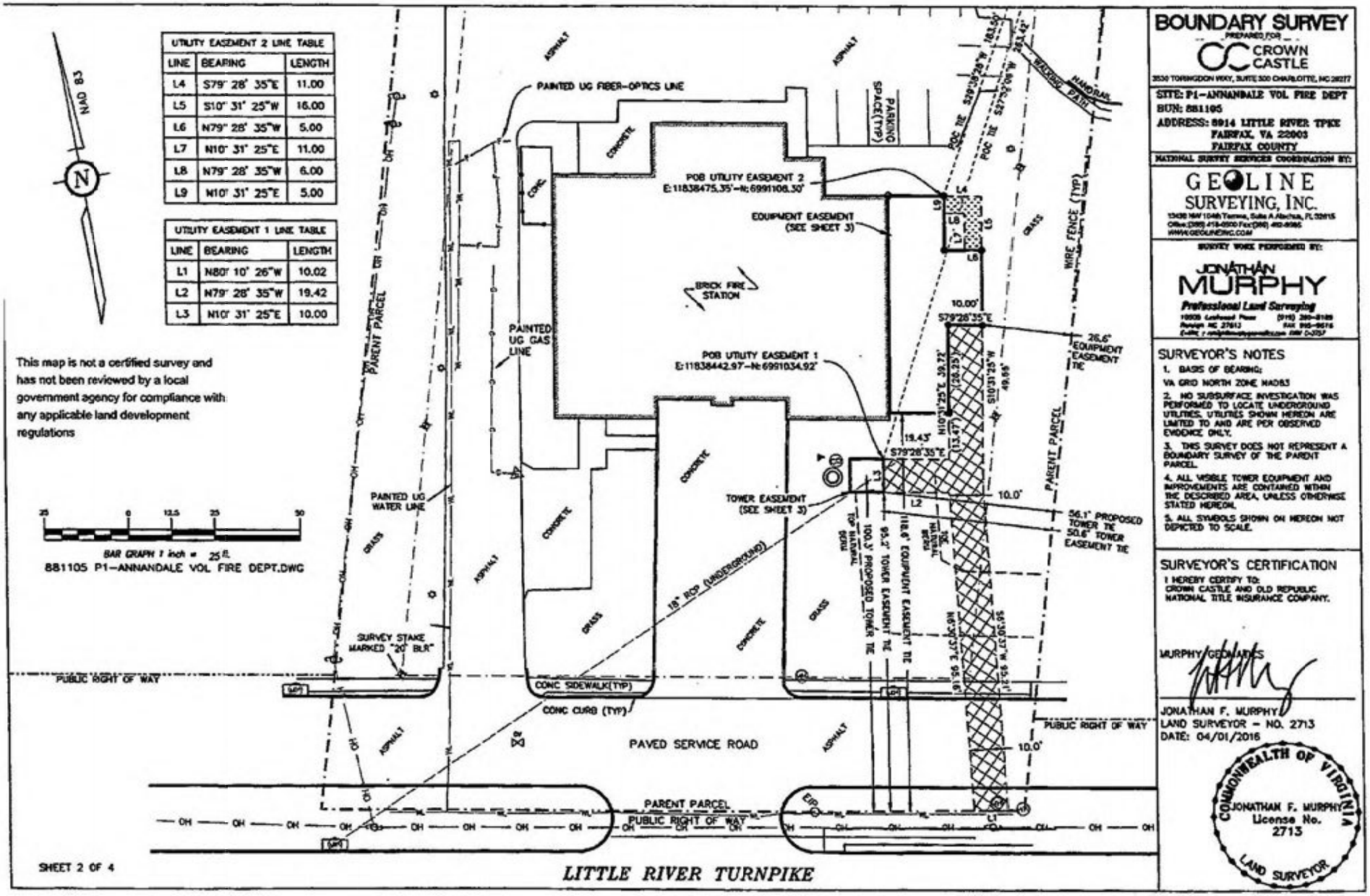
CAREN SHAUGHNESSY
Notary Public, State of Texas
Comm. Expires 03-19-2018
Notary ID 12975285-5

EXHIBIT B

SITE PLAN

The Easement Area shall include any portion of Grantor's Property on which communications facilities exist on the date of this Deed of Easement together with the portion of the Grantor's Property leased by Grantor pursuant to the Lease Agreement and the portion of the Property described as follows:

[ATTACHED HERETO]


BOUNDARY SURVEY
PREPARED FOR:
CROWN CASTLE
3530 TORINGDON WAY, SUITE 300 CHARLOTTE, NC 28277
SITE: P1-ANNANDALE VOL FIRE DEPT
SUN: 881105
ADDRESS: 8914 LITTLE RIVER TPKE
FAIRFAX, VA 22003
FAIRFAX COUNTY
NATIONAL SURVEY SERVICES COORDINATION BY:
GEOLINE SURVEYING, INC.
SURVEY WORK PERFORMED BY:
JONATHAN MURPHY
Professional Land Surveying
UTILITY EASEMENT 2 LINE TABLE
LINE | BEARING | LENGTH
L4 | S79° 28' 35"E | 11.00
L5 | S10° 31' 25"W | 16.00
L6 | N79° 28' 35"W | 5.00
L7 | N10° 31' 25"E | 11.00
L8 | N79° 28' 35"W | 6.00
L9 | N10° 31' 25"E | 5.00
UTILITY EASEMENT 1 LINE TABLE
LINE | BEARING | LENGTH
L1 | N80° 10' 26"W | 10.02
L2 | N79° 28' 35"W | 19.42
L3 | N10° 31' 25"E | 10.00
This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations
BAR GRAPH 1 inch = 25 ft.
881105 P1-ANNANDALE VOL FIRE DEPT.DWG
PAINTED UG FIBER-OPTICS LINE
POB UTILITY EASEMENT 2
E:11838475.35'-N:6991108.30'
EQUIPMENT EASEMENT (SEE SHEET 3)
BRICK FIRE STATION
PAINTED UG GAS LINE
POB UTILITY EASEMENT 1
E:11838442.97'-N:6991034.92'
PAINTED UG WATER LINE
TOWER EASEMENT (SEE SHEET 3)
SURVEY STAKE MARKED "20' BLR"
PUBLIC RIGHT OF WAY
CONC SIDEWALK(TYP)
CONC CURB (TYP)
PAVED SERVICE ROAD
PARENT PARCEL
PUBLIC RIGHT OF WAY
LITTLE RIVER TURNPIKE
18" RCP (UNDERGROUND)
WIRE FENCE (TYP)
PARKING SPACE(TYP)
WALKING HANDRAIL PATH
26.6' EQUIPMENT EASEMENT TIE
56.1' PROPOSED TOWER TIE
50.6' TOWER EASEMENT TIE
100.3' PROPOSED TOWER TIE
118.6' EQUIPMENT EASEMENT TIE
SURVEYOR'S NOTES
1. BASIS OF BEARING: VA GRID NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE STATED HEREON.
5. ALL SYMBOLS SHOWN ON HEREON NOT DEPICTED TO SCALE.
SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY TO: CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
MURPHY GEOMATICS
JONATHAN F. MURPHY
LAND SURVEYOR - NO. 2713
DATE: 04/01/2016
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No. 2713
LAND SURVEYOR
SHEET 2 OF 4

LEGAL DESCRIPTION: TOWER EASEMENT (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 27° 52' 06" W FOR A DISTANCE OF 263.42 FEET TO THE POINT OF BEGINNING, HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838442.97' -AND- N:6991034.92';

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING CONTAINING 100 SQFT -AND- 0.0022 ACRES.

LEGAL DESCRIPTION: EQUIPMENT EASEMENT (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 29° 38' 28" W FOR A DISTANCE OF 183.50 FEET TO THE POINT OF BEGINNING, HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838475.35' -AND- N:6991108.30';

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 16.00 FEET TO A POINT;

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 11.00 FEET TO A POINT;

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 22.34 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 26.25 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 17.50 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 64.59 FEET TO A POINT;

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING CONTAINING 1,338 SQFT -AND- 0.031 ACRES.

LEGAL DESCRIPTION: UTILITY EASEMENT 1 (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 27° 52' 06" W FOR A DISTANCE OF 263.42 FEET TO A POINT ON A 100 SQUARE FOOT TOWER EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838442.97' -AND- N:6991034.92';

THENCE DEPARTING SAID TOWER EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 19.43 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 13.47 FEET TO A POINT ON A 1,338 SQUARE FOOT EQUIPMENT EASEMENT, AND CONTINUING ALONG SAID EQUIPMENT EASEMENT FOR 26.25 FEET, FOR A TOTAL DISTANCE OF 39.72 FEET TO A POINT;

THENCE ALONG SAID EQUIPMENT EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE DEPARTING SAID EQUIPMENT EASEMENT, S 10° 31' 25" W FOR A DISTANCE OF 49.55 FEET TO A POINT;

THENCE, S 06° 30' 37" W FOR A DISTANCE OF 95.21 FEET TO A POINT ON THE NORTHERN PUBLIC RIGHT OF WAY OF LITTLE RIVER TURNPIKE;

THENCE ALONG SAID RIGHT OF WAY, N 80° 10' 26" W FOR A DISTANCE OF 10.02 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT OF WAY, N 06° 30' 37" E FOR A DISTANCE OF 95.16 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 19.42 FEET TO A POINT ON AFOREMENTIONED TOWER EASEMENT;

THENCE ALONG SAID TOWER EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,643 SQFT -AND- 0.038 ACRES.

LEGAL DESCRIPTION: UTILITY EASEMENT 2 (CREATED BY THIS OFFICE)

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND- N:6991267.80';

THENCE, S 29° 38' 28" W FOR A DISTANCE OF 183.50 FEET TO A POINT ON A 1,338 SQUARE FOOT EQUIPMENT EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838475.35' -AND- N:6991108.30';

THENCE DEPARTING SAID EQUIPMENT EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 11.00 FEET TO A POINT;

THENCE, S 10° 31' 25" W FOR A DISTANCE OF 16.00 FEET TO A POINT ON SAID EQUIPMENT EASEMENT;

THENCE ALONG SAID EQUIPMENT EASEMENT, N 79° 28' 35" W FOR A DISTANCE OF 5.00 FEET TO A POINT;

THENCE DEPARTING SAID EQUIPMENT EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 11.00 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 6.00 FEET TO A POINT ON SAID EQUIPMENT EASEMENT;

THENCE ALONG SAID EQUIPMENT EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING CONTAINING 110 SQFT -AND- 0.0025 ACRES.

BOUNDARY SURVEY

PREPARED FOR

CROWN CASTLE

2530 TOWNCOOK WAY, SUITE 300 CHARLOTTE, NC 28277

SITE: PI-ANNANDALE VOL FIRE DEPT

BUN: 881105

ADDRESS: 8914 LITTLE RIVER TPKE
FAIRFAX, VA 22003
FAIRFAX COUNTY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE SURVEYING, INC.

SURVEY WORK PERFORMED BY:

JONATHAN MURPHY
Professional Land Surveying

SURVEYOR'S NOTES

1. BASIS OF BEARING:
VA GRID NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE STATED HEREON.
5. ALL SYMBOLS SHOWN ON HEREON NOT DEPICTED TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO:
CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

MURPHY GEOMATICS

JONATHAN F. MURPHY
LAND SURVEYOR - NO. 2713
DATE: 04/01/2016

COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No.
2713
LAND SURVEYOR

SHEET 4 OF 4

EXHIBIT C
EASEMENT AREA AND ACCESS EASEMENT

THENCE, S 79° 28' 35" E FOR A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING CONTAINING 1,338 SQFT -AND- 0.031 ACRES.

UTILITY EASEMENT 1

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062) AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566.08' -AND-N:6991267.80'; THENCE, S 27° 52' 06" W FOR A DISTANCE OF 263.42 FEET TO A POINT ON A 100 SQUARE FOOT TOWER EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838442.97' -AND- N:6991034.92';

THENCE DEPARTING SAID TOWER EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 19.43 FEET TO A POINT;

THENCE, N 10° 31' 25" E FOR A DISTANCE OF 13.47 FEET TO A POINT ON A 1,338 SQUARE FOOT EQUIPMENT EASEMENT, AND CONTINUING ALONG SAID EQUIPMENT EASEMENT FOR 26.25 FEET, FOR A TOTAL DISTANCE OF 39.72 FEET TO A POINT;

THENCE ALONG SAID EQUIPMENT EASEMENT, S 79° 28' 35" E FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE DEPARTING SAID EQUIPMENT EASEMENT, S 10° 31' 25" W FOR A DISTANCE OF 49.55 FEET TO A POINT;

THENCE, S 06° 30' 37" W FOR A DISTANCE OF 95.21 FEET TO A POINT ON THE NORTHERN PUBLIC RIGHT OF WAY OF LITTLE RIVER TURNPIKE;

THENCE ALONG SAID RIGHT OF WAY, N 80° 10' 26" W FOR A DISTANCE OF 10.02 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT OF WAY, N 06° 30' 37" E FOR A DISTANCE OF 95.16 FEET TO A POINT;

THENCE, N 79° 28' 35" W FOR A DISTANCE OF 19.42 FEET TO A POINT ON AFOREMENTIONED TOWER EASEMENT;

THENCE ALONG SAID TOWER EASEMENT, N 10° 31' 25" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,643 SQFT -AND- 0.038 ACRES.

EXHIBIT D

LEASE AGREEMENTS

[ATTACHED HERETO]

18. Maintenance. APC will be responsible for repairing and maintaining the PCS system and any other improvements installed by APC at the Site in a proper operating and reasonably safe condition; provided, however if any such repair or maintenance is required due to the acts of Owner, its agents or employees, Owner shall reimburse APC for the reasonable costs incurred by APC to restore the damaged areas to the condition which existed immediately prior thereto. Owner will maintain and repair all other portions of the property of which the Site is a part in a proper operating and reasonably safe condition.

19. Miscellaneous. (a) This Agreement applies to and binds the heirs, successors, executors, administrators and assigns of the parties to this Agreement; (b) this Agreement is governed by the laws of the state in which the Site is located; (c) if requested by APC, Owner agrees promptly to execute and deliver to APC a recordable Memorandum of this Agreement in the form of Exhibit B; (d) this Agreement (including the Exhibits) constitutes the entire agreement between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties. Any amendments to this Agreement must be in writing and executed by both parties; (e) if any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, will not be affected and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (f) the prevailing party in any action or proceeding in court or mutually agreed upon arbitration proceeding to enforce the terms of this Agreement is entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party.

20. Non-Binding Until Fully Executed. This Agreement is for discussion purposes only and does not constitute a final offer by either party. This Agreement is not and shall not be binding on either party until and unless it is fully executed by both parties.

The following Exhibits are attached to and made a part of this Agreement: Exhibits A, B and C.

Attach A - Site Description, B - Lease Exhibit and C – Modification Rider to PCS Site Agreement

OWNER:

By: _____

Name: Raju Khemani

Its: President

S.S./Tax No.: 54-0791001

Address: P.O. Box 806, Annandale, Virginia 22003

See Exhibit A1 for continuation of Owner signatures. Date: 2/4/02

APC Realty and Equipment Company, LLC,
a Delaware limited liability company

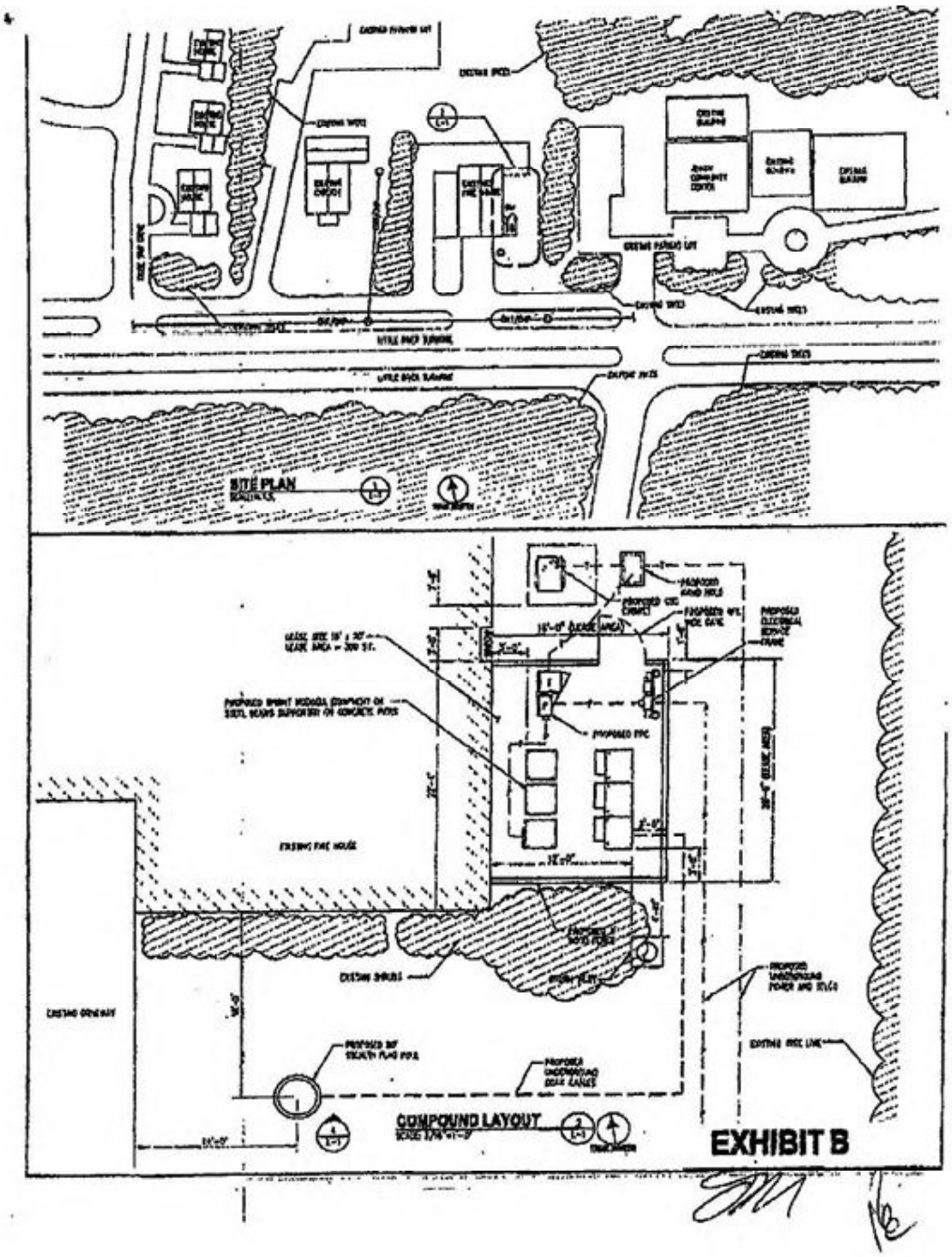
By: _____

Name: Don Mueller

Its: Director, Site Development

Date: 2/4/02

DON MUELLER
DIRECTOR-SITE DEVELOPMENT
NORTHEAST REGION


SITE PLAN
COMPOUND LAYOUT
EXHIBIT B

20020132930.001 BK 12869 0235 04/19/2002 14:08:22

Web Cover Sheet Version 1.0 Page 1 of 1

Fairfax County Land Records
Cover Sheet

Instruments
AGREEMENT

Grantor(s)
ANNANDALE VOLUNTEER FIRE DEPT INC _F_N, APC REALTY AND EQUIPMENT CO LLC _F_N

Grantee(s)
ANNANDALE VOLUNTEER FIRE DEPT INC _F_N, APC REALTY AND EQUIPMENT CO LLC _F_N

Consideration			Consideration %	100	
Tax Exemption			Amount Not Taxed		
DEM Number			Tax Map Number		
Original Book			Original Page		
Title Company				Title Case	
Property Descr.					
Certified	No	Copies	0	Page Range	

https://cpan.co.fairfax.va.us/coversheet/cover_request.cfm 4/19/02

[redacted]

BK 12869 0237

OWNER NOTARY BLOCK:

State of Virginia

COUNTY OF

The foregoing instrument was acknowledged before me this 4th day of February, 2003, by Paige Pinciaro, as President of, on behalf of Annapolis USA FD, and he/she acknowledged said instrument by him/her executed to be his/her free act and deed in said capacity and the free act and deed of said Town of Provincetown, by and through its Water Department.

(AFFIX NOTARIAL SEAL)

William D. Cline
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC—STATE OF VIRGINIA

My commission expires: MAY 31, 2002

WILLIAM D CLINE
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER:

APC Realty and Equipment Co., LLC . NOTARY BLOCK:

STATE OF New Jersey
COUNTY OF Bergen

The foregoing instrument was acknowledged before me this 4 day of April, 2003 by Don Mueller, Director, Site Development – Northeast Region of APC Realty and Equipment Co., a Delaware limited liability co.,LLC, who executed the foregoing instrument on behalf of such limited partnership, and he acknowledged said instrument by him executed to be his free act and deed in said capacity and the free act and deed of said Sprint Spectrum L.P.

(AFFIX NOTARIAL SEAL)

Nancy E. Haner
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC—STATE OF NJ

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

NANCY E. HANER
NOTARY PUBLIC, STATE OF NEW JERSEY
No. 2223672
COMMISSION EXPIRES MAR. 25, 2004

450187039 v07- nullonkl - brl3061.doc - 60563/107

Version 5 **April 99**

Site Name: Annandale Volunteer Fire Department, Inc. **Site I.D. : WA33XC946H__**

Memorandum of Agreement

This memorandum evidences that a lease was made and entered into by written Lease Agreement dated 4/21, 2002 between Annandale Volunteer Fire Department,Inc.- the Owner", having an address at P.O. Box 806, Annandale, Virginia, 22003 Attention: President and APC Realty and Equipment Co. LLC, a Delaware limited liability company having an address at One International Boulevard, Suite 800, Mahwah, NJ 07495, Attention: Lease Management.

Such Agreement provides in part that Owner leases to APC a certain site (the "Premises") located at 8914 Little River Turnpike, Annandale, Virginia 22031, property of Owner which site is described in Exhibit A attached hereto, with grant of a license for unrestricted rights of access and electric and telephone utility service thereto for an Initial Term of five (5) years, commencing 4/21/02 and terminating on 4/21/07, which term shall be automatically renewed for an additional five (5) year Renewal Term.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

"OWNER"

Name
Annandale Volunteer Fire Department, Inc.

By: Raju Khemani

Name: Raju Khemani

Title: President

Address: P.O. Box 806
Annandale, VA 22003

"APC"

APC Realty and Equipment Co., LLC, a Delaware Limited Liability Company

By:

Name: Don Mueller

Title: Director, Site Development, Northeast Region

Address: 1 International Drive, Suite 800

Mahwah, NJ 07495

The assessed value of leased area is $2572.60

Grantor: ANNANDALE VOLUNT
DateTime: 06/27/2003 15:46:11
Book/Page: 14662/0982
Recorded in FAIRFAX COUNTY CIRCUIT COURT
TESTE: JOHN T. FREY

Grantee: APC REALTY & EQU
Instrument: 2003021900.001
# of Pages: 4

Return to:
SPRINT PCS
1 INTERNATIONAL BLVD. SUITE 800
MAHWAH, NEW JERSEY 07945

Attach Exhibit A - Legal description

EXHIBIT A

April 01

Site Name Annandale Volunteer Fire Dept. | PCS Site Agreement | Site I. D. WA33XC946H

Site Description

Site situated in the City of Annandale, County of Fairfax , State of Virginia commonly described as follows:

Legal Description:

BEGINNING at a point in the northerly right-of-way line of Little River Turnpike, State Route 236, said point being the southwest corner of the Argyle Investment Corp. Property, as recorded in Deed Book 2329, at page 349, among the land records of Fairfax County, Virginia; thence departing said point and running along the northerly right-of-way line of State Route 236 N 78° 22' 10" W - 61.97 feet and N 77° 44' 40" W - 146.75 feet to a point a corner common to Mollie M. Miller and the Bethlehem Lutheran Church Property; thence departing State Route 236 and running with the lines common to Mollie M. Miller and the Bethbhem Lutheran Church Property N 18° 21' 30" E - 358.37 feet and S 77° 52' 30" E - 208.70 feet to a point in the westerly line of the aforementioned Argyle Investment Corp. Property; thence running with a portion of said westerly boundary S 18° 21' 30" W - 358.17 feet to the point of beginning, containing 74,378 square feet or 1.70748 acres of land, as more particularly described on the plat prepared by Coldwell, Shreve & Keyes, C. L. S., dated August, 1965.

AND BEING the same property conveyed to the parties of the first part by deed recorded in Deed Book 2659 at page 619, among the land records of Fairfax County, Virginia.

3

Owner Initials _____

APC Initials _____

Note: Owner and APC may, at APC's option, replace this Exhibit with an exhibit setting forth the legal description of the property on which the Site is located and/or an as-built drawing depicting the Site.

*[Use this Exhibit A for PCS Site Agreement, Memorandum of PCS Site Agreement, Option Agreement and Memorandum of Option Agreement.]

Return to:

SPRINT PCS
1 INTERNATIONAL BLVD. SUITE 800
MAHWAH, NEW JERSEY 07945

Site Name: Annandale Volunteer Fire Dept. Inc. Site Number: WA33XC946H

AMENDMENT TO PCS SITE AGREEMENT
BETWEEN ANNANDALE VOLUNTEER FIRE DEPARTMENT, INC., AS OWNER
AND APC REALTY AND EQUIPMENT COMPANY, L.L.C., AS TENANT

THIS AMENDMENT TO PCS SITE AGREEMENT ("Amendment") is made and entered into as of the 18 day of June, 2003 ("Effective Date"), by and between Annandale Volunteer Fire Department, Inc. ("Owner") on the one hand; and APC Realty and Equipment Company, L.L.C., ("APC"), a Delaware limited partnership, on the other hand.

RECITALS

A. APC and Owner entered into that certain PCS Site Agreement dated the 4th day of April, 2002, ("Agreement"), pursuant to which APC leases from Owner the "Premises" located in the City of Annandale, County of Fairfax, State of Virginia, as defined in the Agreement;

B. The parties, in their mutual interest, wish to amend the Agreement.

NOW, THEREFORE, in consideration of the sum of Ten Dollars ($10) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The language contained in Exhibit C, paragraph 3 of the Agreement is hereby deleted in its entirety, and is replaced with the following: "APC Realty and Equipment Company shall install a motorized device at the site capable of lowering and raising the flag on the flagpole, and shall pay Owner a monthly fee of $200.00 ("Flag Protocol Fee") to offset the cost of raising, lowering and storing the flag in accordance with flag protocol."

Except as amended hereby, the Agreement remains unchanged and in full force and effect. Owner and APC hereby ratify and affirm the Agreement, as amended hereby, as valid and subsisting. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment. This Amendment may be signed in counterparts, each of which shall be deemed an original and together shall constitute one and the same agreement. Owner and APC represent and warrant to each other that each is fully authorized to enter into this Amendment and the person executing this Amendment on behalf of each such party has full authority to do so and that any and all required corporate or partnership action has been taken.

IN WITNESS WHEREOF, intending to be fully bound, Owner and APC have caused this Amendment to be executed as of the day and year first written above.

Annandale Volunteer Fire Department, Inc.

By: Raju Khemani
Name: Raju Khemani
Title: President
Date: 6/18/03

APC Realty and Equipment Company, L.L.C., ("APC"), a Delaware Limited Liability Company

By: Don Mueller
Name: Don Mueller
Title: Director Site Development
Date: 6/18/03

WHEREAS, STC Three LLC is currently the Tenant under the Agreement as successor in interest to Sprint Spectrum, L.P., which was the successor in interest to APC; and

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Agreement had an initial term that commenced on April 4, 2002 and terminated on April 3, 2007 ("Initial Term"). The Agreement provides for four (4) automatic renewal terms of five (5) years each (each a "Renewal Term"), with the final Renewal Term terminating on April 3, 2027 (the "Original Term"); and

WHEREAS, the parties entered into a Second Amendment to PCS Site Agreement dated as of the day hereof (the "Amendment"), in order to, among other things, extend the term of the Agreement, all upon the terms and conditions more fully set forth therein.

NOW THEREFORE, for the mutual covenants and premises herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the undersigned parties, intending to be bound, agreed in the Amendment as follows:

1. Defined Terms. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Amendment and/or the Agreement, as applicable.

2. Renewal Term. The Agreement was modified in the Amendment in order to provide that the Agreement will be automatically extended for five (5) Renewal Terms, with the first (1st) Renewal Term through the fourth (4th) Renewal Term continuing for five (5) years each, and the fifth (5th) Renewal Term continuing for five (5) years, four (4) months and twenty-eight (28) days [the final Renewal Term will expire, if the Agreement is not terminated sooner, August 31, 2032], upon the terms and conditions set forth in the Agreement.

3. No Other Amendments. Except as expressly modified by the Amendment, the Agreement remains unchanged and in full force and effect.

4. Counterparts. This Memorandum may be executed in counterparts, all of which together shall constitute one agreement binding on all the parties hereto, notwithstanding that all such parties are not signatories to the original or same counterpart.

TENANT:

STC THREE LLC,
a Delaware limited liability company

By: **GLOBAL SIGNAL ACQUISITIONS II LLC,**
a Delaware limited liability company,
its Attorney-in-Fact (See Exhibit 17

By: _____
Name: Lisa A. Sedgwick
Title: RET Manager
Date: 03.05.2010

THE STATE OF TEXAS :
: ss
COUNTY OF HARRIS :

On this 5th day of March 2010, before me personally appeared Lisa A. Sedgwick RET Manager of GLOBAL SIGNAL ACQUISITIONS II LLC, a Delaware limited liability company, the Attorney-in-Fact of STC THREE LLC, a Delaware limited liability company, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said entities for the uses and purposes therein mentioned.

_____
Signature of Notary Public

J. V. Budet
Printed Name of Notary Public:

My Commission Expires: June 3, 2012 [Seal]

J. V. BUDET
Notary Public, State of Texas
My Commission Expires
June 03, 2012

Site Name: P1 – Annandale Vol. Fire Dept.
BU#: 881105

3. **No Additional Rights:** This Affidavit Regarding Limited Power of Attorney is intended to restate, confirm and reaffirm the rights afforded to Grantee as set forth in the Master Lease. Nothing in this Affidavit Regarding Limited Power of Attorney shall modify, expand or limit any of the rights or obligations of the parties that are set forth in the Master Lease.

SITE LEASE WITH OPTION

THIS SITE LEASE WITH OPTION (this "Lease") is by and between Annandale Volunteer Fire Department, Inc., with offices at 7128 Columbia Pike, Annandale, VA 22003 ("Landlord") and Omnipoint Communications Cap Operations, LLC, a Delaware limited liability company, with offices at 12050 Baltimore Avenue, Beltsville, MD 20705 ("Tenant").

1. Option to Lease.

2yr option = worst case commencement

(a) In consideration of the payment of two hundred and no/100 dollars ($200.00) (the "Option Fee") by Tenant to Landlord, Landlord hereby grants to Tenant an option to lease the use of a portion of the real property described in the attached Exhibit A (the "Property"), on the terms and conditions set forth herein (the "Option"). The Option shall be for an initial term of twelve (12) months, commencing on the Effective Date (as defined below) (the "Option Period"). The Option Period may be extended by Tenant for an additional twelve (12) months upon written notice to Landlord and payment of the sum of two hundred and no/100 dollars ($200.00) ("Additional Option Fee") at any time prior to the end of the Option Period.

(b) During the Option Period and any extension thereof, and during the term of this Lease, Landlord agrees to cooperate with Tenant in obtaining, at Tenant's expense, all licenses and permits or authorizations required for Tenant's use of the Premises (as defined below) from all applicable government and/or regulatory entities (including, without limitation, zoning and land use authorities, and the Federal Communication Commission ("FCC") ("Governmental Approvals"), including appointing Tenant as agent for all land use and zoning permit applications, and Landlord agrees to cooperate with and to allow Tenant, at no cost to Landlord, to obtain a title report, zoning approvals and variances, land-use permits, and Landlord expressly grants to Tenant a right of access to the Property to perform surveys, soils tests, and other engineering procedures or environmental investigations on the Property necessary to determine that Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system design, operations and Governmental Approvals. Notwithstanding the foregoing, Tenant may not change the zoning classification of the Property without first obtaining Landlord's written consent. During the Option Period and any extension thereof, Landlord agrees that it will not interfere with Tenant's efforts to secure other licenses and permits or authorizations that relate to other property. During the Option Period and any extension thereof, Tenant may exercise the Option by so notifying Landlord in writing, at Landlord's address, in accordance with Section 12 hereof.

(c) If Tenant exercises the Option, then, subject to the following terms and conditions, Landlord hereby leases to Tenant the use of that portion of the Property sufficient for placement of the Antenna Facilities (as defined below), together with all necessary space and easements for access and utilities, as generally described and depicted in the attached Exhibit B (collectively referred to hereinafter as the "Premises"). The Premises, located at 8914 Little River Turnpike, Fairfax, Fairfax County, VA, comprises approximately 250 square feet.

2. Term. The initial term of this Lease shall be five (5) years commencing on the date of the exercise of the Option (the "Commencement Date"), and terminating at midnight on the last day of the Initial term (the "Initial Term").

3. Permitted Use. The Premises may be used by Tenant for the transmission and reception of radio communication signals and for the construction, installation, operation, maintenance, repair, removal or replacement of related facilities, tower and base, antennas, microwave dishes, equipment shelters and/or cabinets and related activities.

4. Rent. Tenant shall pay Landlord, as rent, six hundred fifty and no/100 dollars ($650.00) per month ("Rent"). The Rent shall be subject to an annual increase of three (3) percent, such increase to take effect on each anniversary date of the Commencement Date. Rent shall be payable within twenty (20) days following the Commencement Date prorated for the remainder of the month in which the Commencement Date falls and thereafter Rent will be payable monthly in advance by the fifth day of each month to Annandale Volunteer Fire Department, Inc. at Landlord's address specified in Section 12 below. If this Lease is terminated at a time other than on the last day of a month, Rent shall be prorated as of the date of termination for any reason (other than a default by Tenant) and all prepaid Rent shall be immediately refunded to Tenant.

5. Renewal. Tenant shall have the right to extend this Lease for five (5) additional, five-year terms (each a "Renewal Term"). Each Renewal Term shall be on the same terms and conditions as set forth herein. This Lease shall automatically renew for each successive Renewal Term unless Tenant notifies Landlord, in writing, of Tenant's intention not to renew this Lease, at least sixty (60) days prior to the expiration of the Initial Term or any Renewal Term. If Tenant shall remain in possession of the Premises at the expiration of this Lease or any Renewal Term without a written agreement, such tenancy shall be deemed a month-to-month tenancy under the same terms and conditions of this Lease.

6. Interference. Tenant shall not use the Premises in any way which interferes with the use of the Property by Landlord, or lessees or licensees of Landlord with rights in the Property prior in time to Tenant's (subject to Tenant's rights under this Lease, including, without limitation, non-interference). Similarly, Landlord shall not use, nor shall Landlord permit its lessees, licensees, employees, invitees or agents to use, any portion of the Property in any way which interferes with the

reimbursement of any Rent prepaid by Tenant. If Tenant elects to continue this Lease, then all Rent shall abate until the Premises and/or the Antenna Facilities are restored to the condition existing immediately prior to such damage or destruction; or

(c) at the time title to the Property transfers to a condemning authority, pursuant to a taking of all or a portion of the Property sufficient in Tenant's determination to render the Premises unsuitable for Tenant's use. Landlord and Tenant shall each be entitled to pursue their own separate awards with respect to such taking. Sale of all or part of the Property to a purchaser with the power of eminent domain in the face of the exercise of the power shall be treated as a taking by condemnation.

9. Default and Right to Cure. Notwithstanding anything contained herein to the contrary and without waiving any other rights granted to it at law or in equity, each party shall have the right, but not the obligation, to terminate this Lease on written notice pursuant to Section 12 hereof, to take effect immediately, if the other party (i) fails to perform any covenant for a period of thirty (30) days after receipt of written notice thereof to cure or (ii) commits a material breach of this Lease and fails to diligently pursue such cure to its completion after sixty (60) days' written notice to the defaulting party.

10. Taxes. Landlord shall pay when due all real property taxes for the Property, including the Premises. In the event that Landlord fails to pay any such real property taxes or other fees and assessments, Tenant shall have the right, but not the obligation, to pay such owed amounts and deduct them from Rent amounts due under this Lease. Notwithstanding the foregoing, Tenant shall pay any personal property tax, real property tax or any other tax or fee which are directly attributable to the presence or installation of the Tenant's Antenna Facilities, only for so long as this Lease has not expired of its own terms or is not terminated by either party. Landlord hereby grants to Tenant the right to challenge, whether in a Court, Administrative Proceeding, or other venue, on behalf of Landlord and/or Tenant, any personal property or real property tax assessments that may affect Tenant. If Landlord receives notice of any personal property or real property tax assessment against the Landlord, which may affect Tenant and is directly attributable to Tenant's installation, Landlord shall provide timely notice of the assessment to Tenant sufficient to allow Tenant to consent to or challenge such assessment. Further, Landlord shall provide to Tenant any and all documentation associated with the assessment and shall execute any and all documents reasonably necessary to effectuate the intent of this Section 10.

11. Insurance and Subrogation and Indemnification.

(a) Tenant shall provide Commercial General Liability Insurance in an aggregate amount of One Million and no/100 dollars ($1,000,000.00). Tenant may satisfy this requirement by obtaining the appropriate endorsement to any master policy of liability insurance Tenant may maintain.

(b) Landlord and Tenant hereby mutually release each other (and their successors or assigns) from liability and waive all right of recovery against the other for any loss or damage covered by their respective first party property insurance policies for all perils insured thereunder. In the event of such insured loss, neither party's insurance company shall have a subrogated claim against the other. To the extent loss or damage is not covered by their first party property insurance policies, Landlord and Tenant each agree to indemnify and hold harmless the other party from and against any and all claims, damages, cost and expenses, including reasonable attorney fees, to the extent caused by or arising out of: (a) the negligent acts or omissions or willful misconduct in the operations or activities on the Property by the indemnifying party or the employees, agents, contractors, licensees, tenants and/or subtenants of the indemnifying party, or (b) a breach of any obligation of the indemnifying party under this Lease. Notwithstanding the foregoing, this indemnification shall not extend to indirect, special, incidental or consequential damages, including, without limitation, loss of profits, income or business opportunities to the indemnified party or anyone claiming through the indemnified party. The indemnifying party's obligations under this section are contingent upon (i) its receiving prompt written notice of any event giving rise to an obligation to indemnifying the other party and (ii) the indemnified party's granting it the right to control the defense and settlement of the same. Notwithstanding anything to the contrary in this Lease, the parties hereby confirm that the provisions of this section shall survive the expiration or termination of this Lease. Tenant shall not be responsible to Landlord, or any third-party, for any claims, costs or damages (including, fines and penalties) attributable to any pre-existing violations of applicable codes, statutes or other regulations governing the Property, including the Premises.

12. Notices. All notices, requests, demands and other communications shall be in writing and are effective three (3) days after deposit in the U.S. mail, certified and postage paid, or upon receipt if personally delivered or sent by next-business-day delivery via a nationally recognized overnight courier to the addresses set forth below. Landlord or Tenant may from time to time designate any other address for this purpose by providing written notice to the other party.

If to Tenant, to:	With copies to:	
Omnipoint Communications Cap Operations, LLC 12050 Baltimore Avenue Beltsville, MD 20705 Attn: Lease Administration Manager	T-Mobile USA, Inc. 12920 SE 38th Street Bellevue, WA 98006 Attn: PCS Lease Administrator With a copy to: Attn: Legal Dept.	Omnipoint Communications, Inc. 360 Newark-Pompton Turnpike Wayne, NJ 07470 Attn: Lease Administrator

(b) Each party agrees to furnish to the other, within twenty (20) days after request, such truthful estoppel information as the other may reasonably request.

(c) This Lease constitutes the entire agreement and understanding of the parties, and supersedes all offers, negotiations and other agreements. There are no representations or understandings of any kind not set forth herein. Any amendments to this Lease must be in writing and executed by both parties.

(d) Each party agrees to cooperate with the other in executing any documents (including a Memorandum of Lease in substantially the form attached hereto as Exhibit C) necessary to protect its rights or use of the Premises. The Memorandum of Lease may be recorded in place of this Lease by either party. In the event the Property is encumbered by a mortgage or deed of trust, Landlord agrees, upon request of Tenant, to obtain and furnish to Tenant a non-disturbance and attornment agreement for each such mortgage or deed of trust, in a form reasonably acceptable to Tenant. Tenant may obtain title insurance on its interest in the Premises. Landlord agrees to execute such documents as the title company may require in connection therewith.

(e) This Lease shall be construed in accordance with the laws of the state in which the Property is located.

(f) If any term of this Lease is found to be void or invalid, such finding shall not affect the remaining terms of this Lease, which shall continue in full force and effect. The parties agree that if any provisions are deemed not enforceable, they shall be deemed modified to the extent necessary to make them enforceable. Any questions of particular interpretation shall not be interpreted against the draftsman, but rather in accordance with the fair meaning thereof. No provision of this Lease will be deemed waived by either party unless expressly waived in writing signed by the waiving party. No waiver shall be implied by delay or any other act or omission of either party. No waiver by either party of any provision of this Lease shall be deemed a waiver of such provision with respect to any subsequent matter relating to such provision.

(g) The persons who have executed this Lease represent and warrant that they are duly authorized to execute this Lease in their individual or representative capacity as indicated.

(h) This Lease may be executed in any number of counterpart copies, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

(i) All Exhibits referred to herein and any Addenda are incorporated herein for all purposes. The parties understand and acknowledge that Exhibit A (the legal description of the Property) and Exhibit B (the Premises location within the Property), may be attached to this Lease and the Memorandum of Lease, in preliminary form. Accordingly, the parties agree that upon the preparation of final, more complete exhibits, Exhibits A, and/or B, as the case may be, which may have been attached hereto in preliminary form, may be replaced by Tenant with such final, more complete exhibit(s). The terms of all Exhibits are incorporated herein for all purposes.

(j) If Landlord is represented by any broker or any other leasing agent, Landlord is responsible for all commission fee or other payment to such agent, and agrees to indemnify and hold Tenant harmless from all claims by such broker or anyone claiming through such broker. If Tenant is represented by any broker or any other leasing agent, Tenant is responsible for all commission fee or other payment to such agent, and agrees to indemnify and hold Landlord harmless from all claims by such broker or anyone claiming through such broker

The effective date of this Lease is the date of execution by the last party to sign (the "Effective Date").

[Signature Page Follows]

[Notary block for Landlord]

STATE OF Virginia)
) ss.
COUNTY OF Fairfax)

This instrument was acknowledged before me on June 24th by Raju Khemani
President [title] of AUFD, Inc. [name of entity], a non-profit corp [type of entity], on behalf of said AUFD, Inc. [name of entity].

Dated: 06-24-03

Notary Public
Print Name Reginald Blackwood
My commission expires 11-30-2004

REGINALD BLACKWOOD
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

(Use this space for notary stamp/seal)

[Notary block for Tenant]

STATE OF New Jersey)
) ss.
COUNTY OF Morris)

I certify that I know or have satisfactory evidence that N.R. Rao is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the VP of Omnipoint Communications Cap Operations, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9-10-03

Notary Public
Print Name ROBERYA S. BORNSTEIN
Notary Public of N.J
My Commission Expires 7/12/05
My commission expires

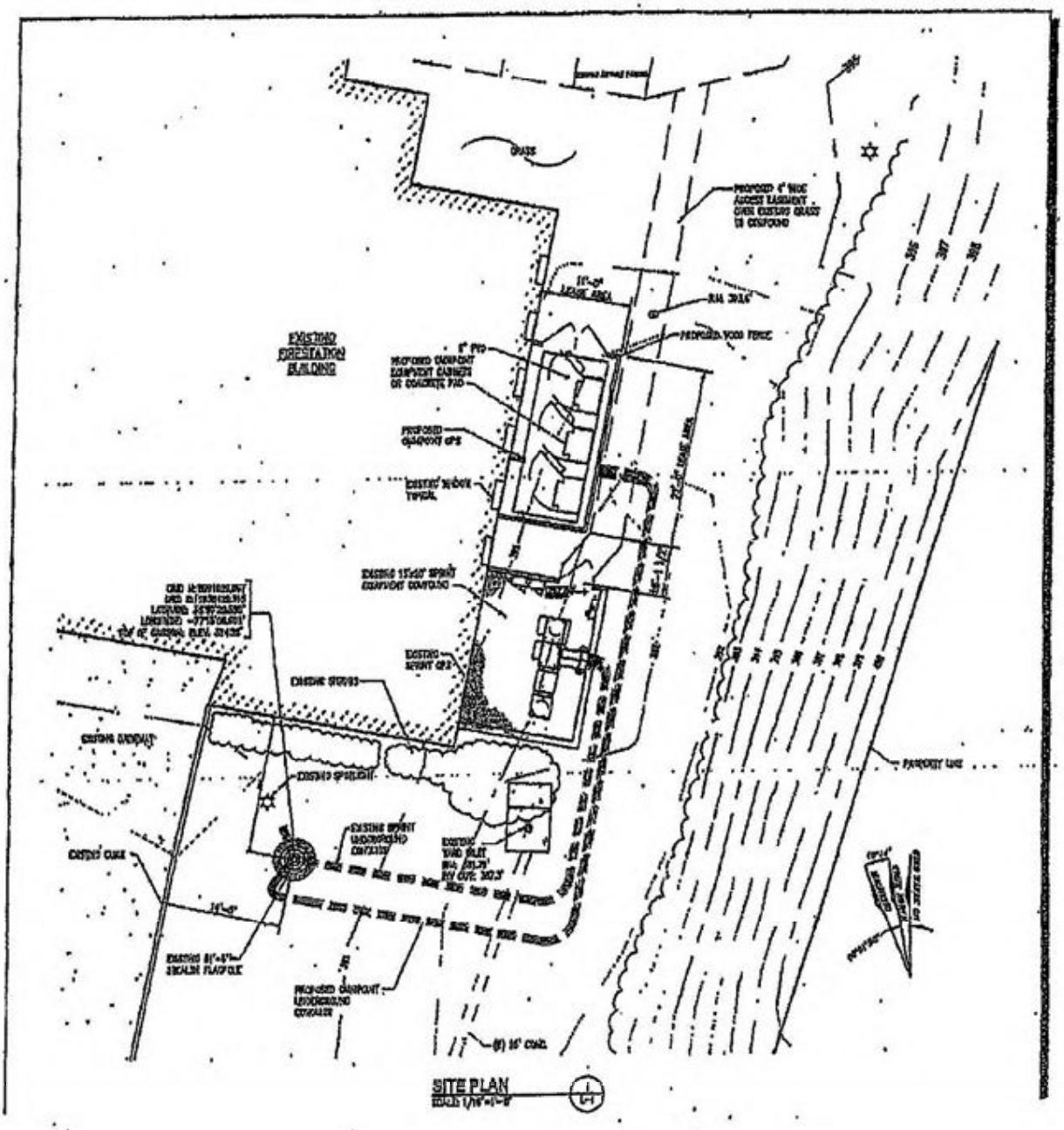
(Use this space for notary stamp/seal)

Site Number: WAC161
Site Name: Wakefield
Market: Baltimore/Washington

Version 10-2-01

EXHIBIT B

The location of the Premises within the Property (together with access and utilities) is more particularly described and depicted as follows (E911 equipment to be installed in the future -- not depicted):



Site Number: WAC161
Site Name: Wakefield
Market: Baltimore/Washington

Version 10-2-01

ATTACHMENT 2

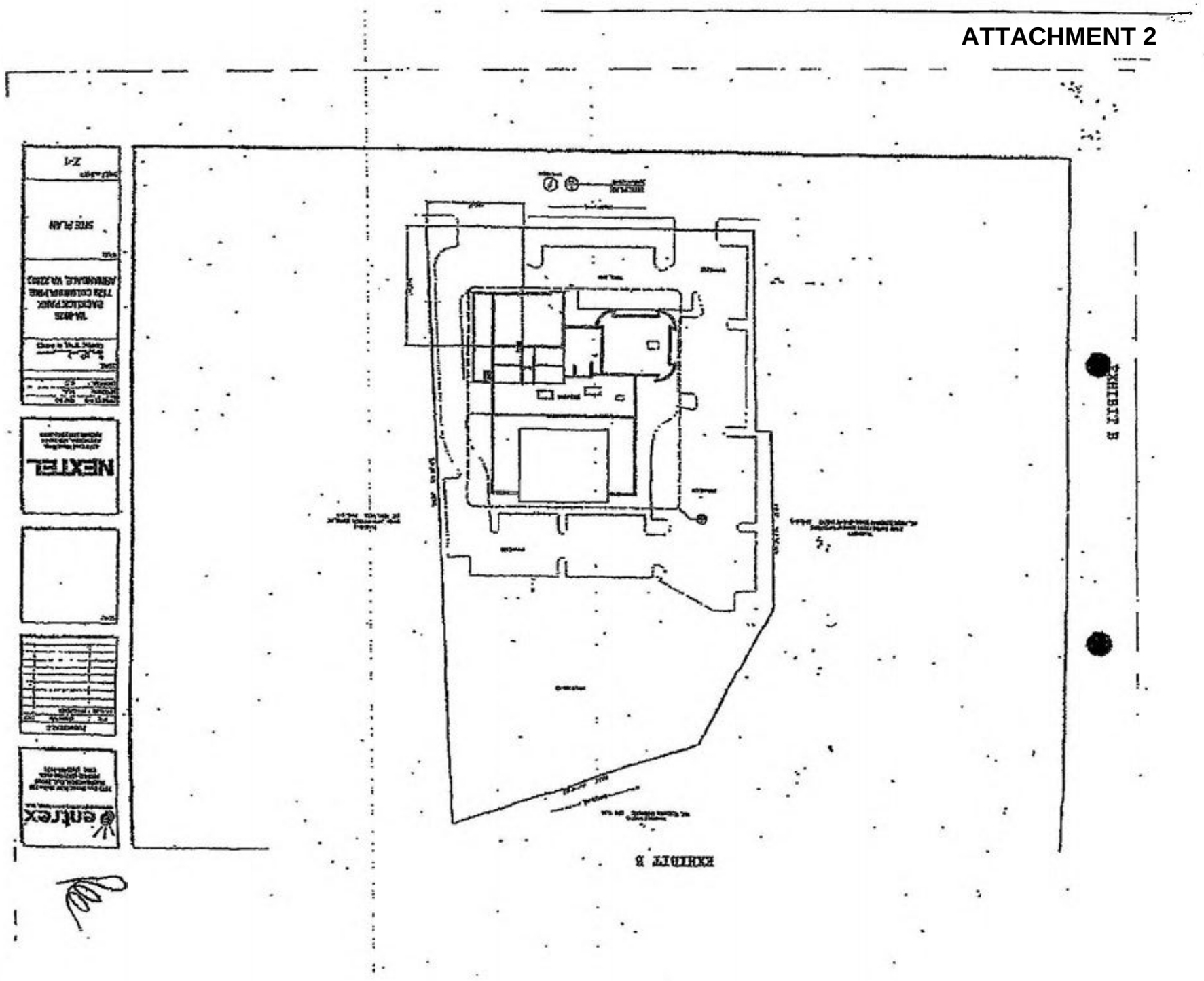


Exhibit D
New Equipment Easement
Area

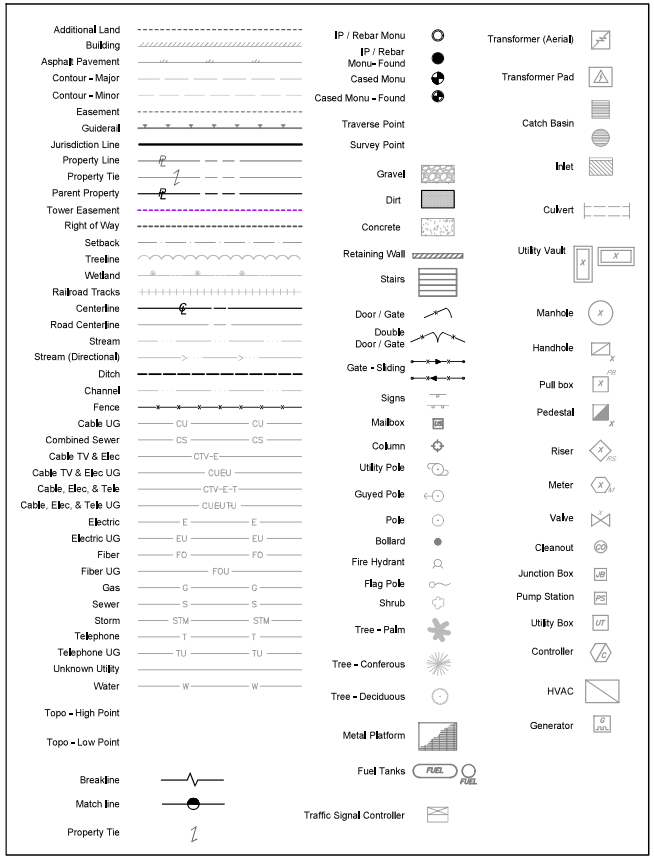
TOWER SURVEY

881105

P1-ANNANDALE VOL. FIRE DEPT

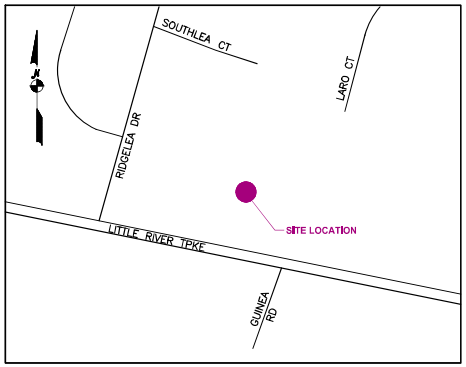
8914 LITTLE RIVER TURNPIKE
FAIRFAX, VA 22003
FAIRFAX COUNTY

LEGEND



VICINITY MAP

NOT TO SCALE



CONTENTS

COVER SHEET
PROPERTY OVERVIEW
ACCESS OVERVIEW 1
ACCESS OVERVIEW 2
SITE OVERVIEW DETAIL
NEW EASEMENT OVERVIEW
LEGAL DESCRIPTIONS

AREA SUMMARY

AREA	SQ. FT.	ACRES
PARENT PARCEL	74,738	1.72
GSA IV TOWER EASEMENT	100	0.002
NEW GSA IV GROUND EASEMENT	1338	0.03
NEW GSA IV 10' WIDE UTILITY EASEMENT	3091	0.07
NEW GSA IV ACCESS EASEMENT 1	3227	0.07
NEW GSA IV ACCESS EASEMENT 2	10347	0.24

SURVEY PROCEDURES & EQUIPMENT

THE ACCURACY OF THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS AS REQUIRED BY [STATE REQUIREMENTS FOR BOUNDARY SURVEYS].
INSTRUMENTS USED:

–TOPCON GT500
–CARLSON BR6

COORDINATES

For internal use

LABEL	LAT, LONG
MON 1 / POC	38°50'20.89", –77°15'04.84"
MON 2	38°50'24.08", –77°15'04.36"

ABBREVIATIONS

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
ROW	RIGHT OF WAY

SURVEY PERFORMED FOR:

CROWN CASTLE

2000 Corporate Drive
Canonsburg, PA 15317

SURVEY COORDINATED BY:

GEOLINE SURVEYING, INC.
13430 NW 10th Terrace, Suite A, Alachua, FL 32615
Tele: (386) 418-0500 | Fax: (386) 462-9986

SURVEY PERFORMED BY:

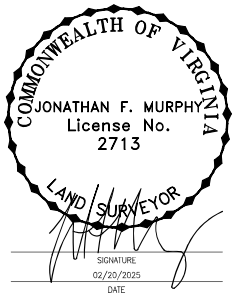
JONATHAN MURPHY LAND SURVEYOR
4650 PARAGON PARK RD, RALEIGH, NC 27616
TELE: (919) 787-7873 | FAX: (919) 400-4442

DRAWN BY: EMC | CHK BY: AMB | JOB NO.: 881105

SURVEYOR'S CERTIFICATION:

I hereby certify to Choose Crown Entity Name, Crown Castle USA Inc., including its parents, subsidiaries and affiliated entities, and Choose Title Company Name.

SURVEYOR NAME: JONATHAN MURPHY



ZONING:

R–1

FLOOD NOTE:

THIS PARCEL OF LAND LIES WITHIN FLOOD ZONE X WHICH IS NOT A SPECIAL FLOOD HAZARD AREA AS PER F.I.R.M. PANEL NUMBER: 5105900260E , EFFECTIVE DATE: 09/17/2010

BEARING BASIS:

VA (NORTH) NAD83

NOTES:

1. SURVEY PERFORMED ON 08/02/2024.
2. DATA PROJECTED IN STATE PLANE COORDINATE SYSTEM [NAD83], WITH [NAVD88] VERTICAL DATUM. ESPG CODE 2283
3. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE NOTED HEREON.
5. NOT ALL SYMBOLS ARE DEPICTED TO SCALE.
6. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.

REV	DATE	DESCRIPTION	DRWN
1	XX/XX/XXXX	X	X
2	XX/XX/XXXX	X	X
3	XX/XX/XXXX	X	X

SITE INFORMATION:

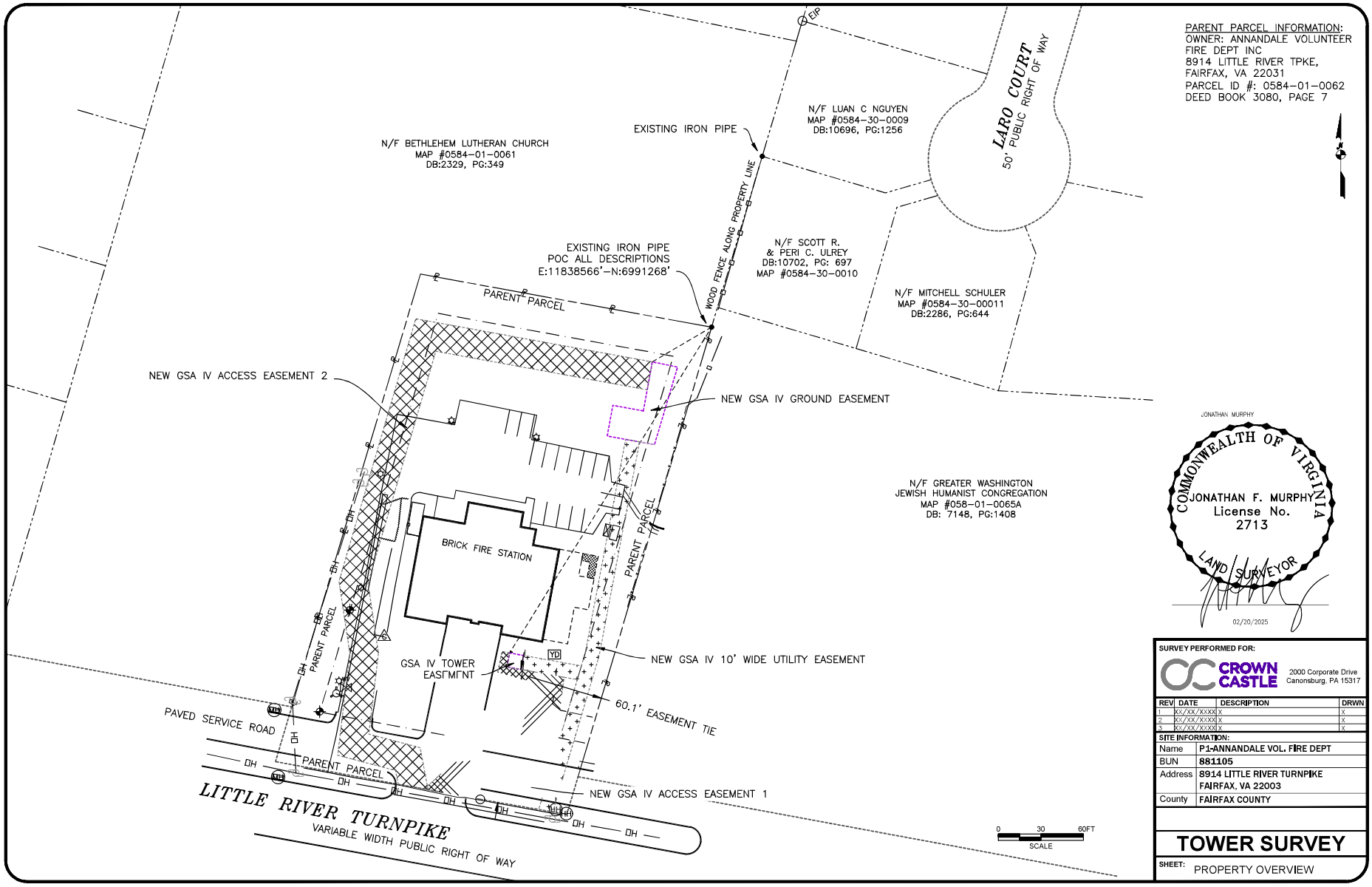
Name	P1-ANNANDALE VOL. FIRE DEPT
BUN	881105
Address	8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County	FAIRFAX COUNTY

TOWER SURVEY

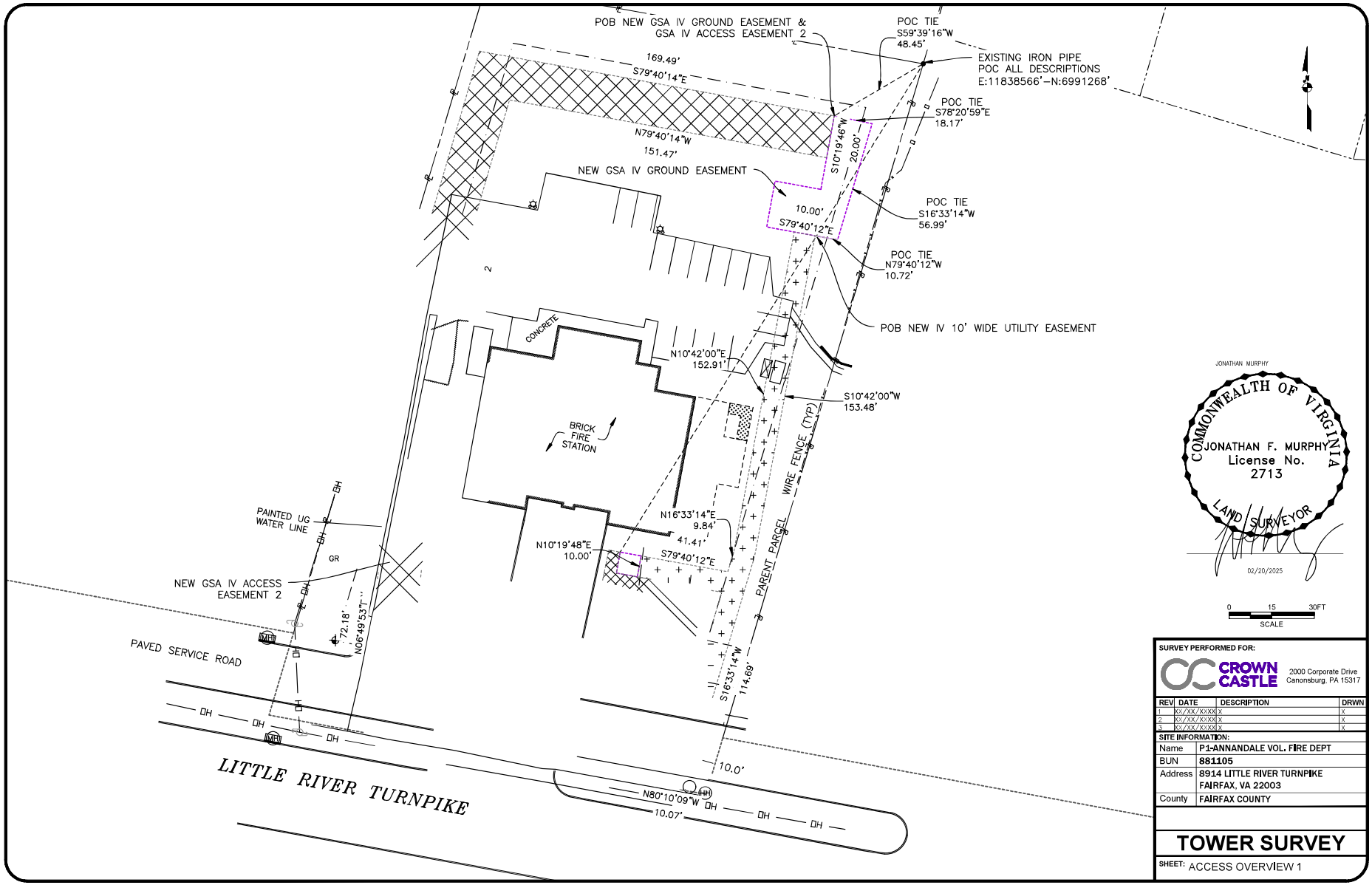
SHEET: COVER SHEET

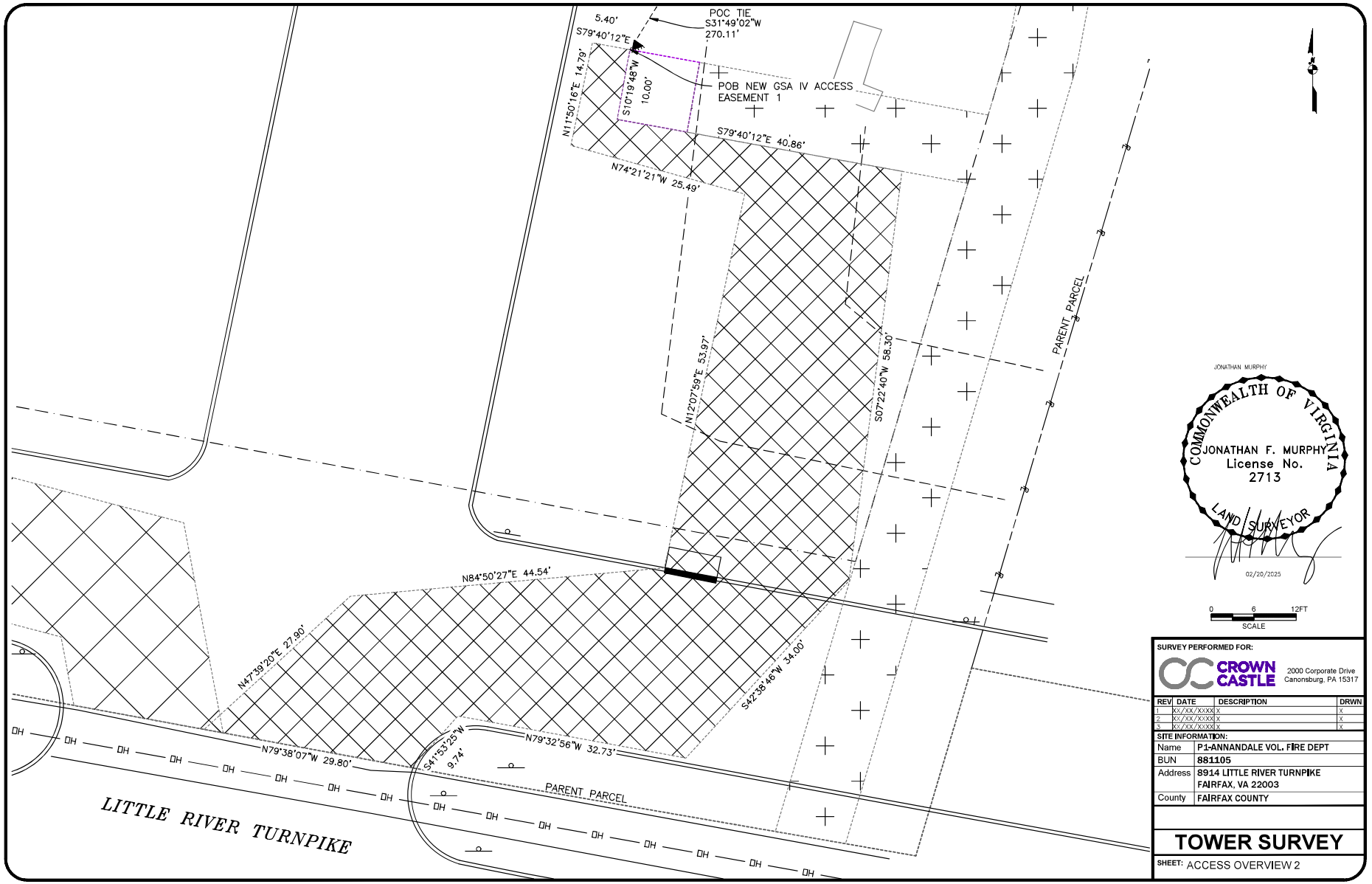
DWG NAME: 881105 P1 ANNANDALE VOL FIRE DEPT REVISION 1-29-2025.dwg

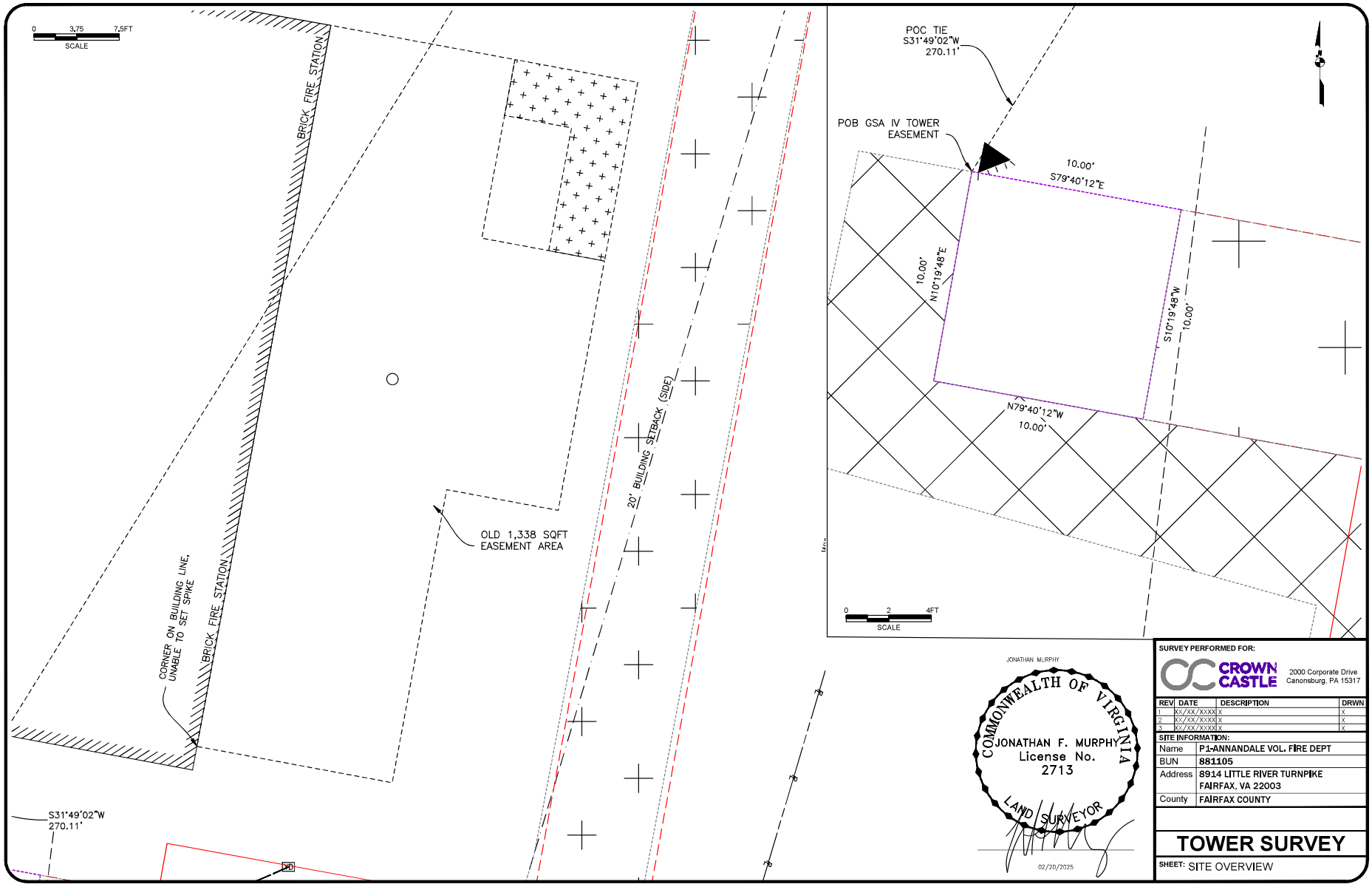
ATTACHMENT 2



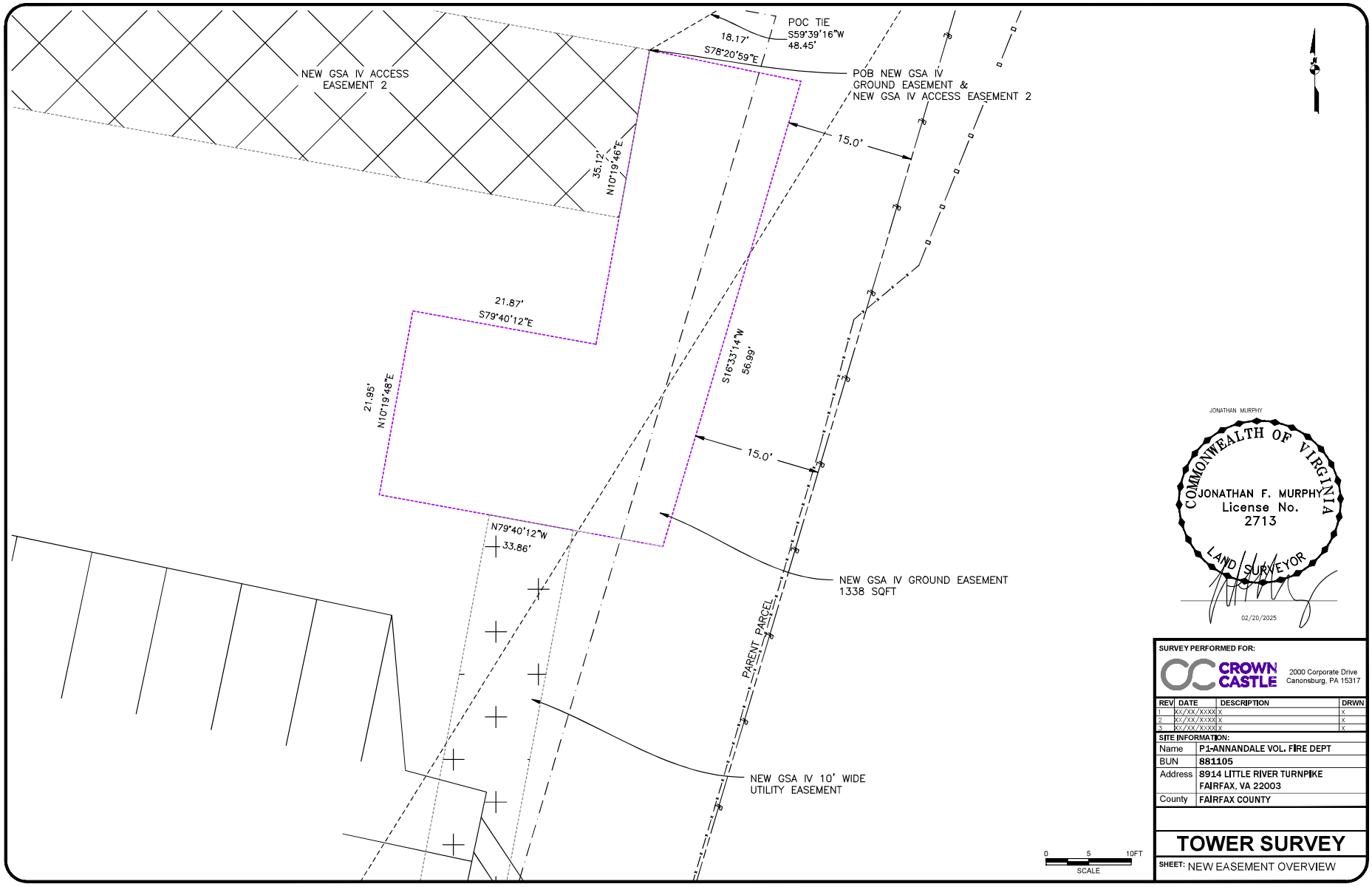
ATTACHMENT 2




POC TIE
S31°49'02"W
270.11'
5.40'
S79°40'12"E
POB NEW GSA IV ACCESS
EASEMENT 1
N11°50'16"E 14.79'
S10°19'48"W
10.00'
S79°40'12"E 40.86'
N74°21'21"W 25.49'
N12°07'59"E 53.97'
S07°22'40"W 58.30'
PARENT PARCEL
N84°50'27"E 44.54'
N47°39'20"E 27.90'
S42°38'46"W 34.00'
N79°38'07"W 29.80'
S41°53'25"W
9.74'
N79°32'56"W 32.73'
PARENT PARCEL
LITTLE RIVER TURNPIKE
OH
JONATHAN MURPHY
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No.
2713
LAND SURVEYOR
02/20/2025
0 6 12FT
SCALE
SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317
REV DATE DESCRIPTION DRWN
1 XX/XX/XXXX X X
2 XX/XX/XXXX X X
3 XX/XX/XXXX X X
SITE INFORMATION:
Name P1-ANNANDALE VOL. FIRE DEPT
BUN 881105
Address 8914 LITTLE RIVER TURNPIKE
FAIRFAX, VA 22003
County FAIRFAX COUNTY
TOWER SURVEY
SHEET: ACCESS OVERVIEW 2


0 3.75 7.5FT
SCALE
BRICK FIRE STATION
BRICK FIRE STATION
CORNER ON BUILDING LINE, UNABLE TO SET SPIKE
OLD 1,338 SQFT EASEMENT AREA
20' BUILDING SETBACK (SIDE)
S31°49'02"W 270.11'
POC TIE S31°49'02"W 270.11'
POB GSA IV TOWER EASEMENT
10.00' S79°40'12"E
10.00' N10°19'48"E
S10°19'48"W 10.00'
N79°40'12"W 10.00'
0 2 4FT
SCALE
JONATHAN MURPHY
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No. 2713
LAND SURVEYOR
02/20/2025
SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317
REV DATE DESCRIPTION DRWN
1 XX/XX/XXXX X X
2 XX/XX/XXXX X X
3 XX/XX/XXXX X X
SITE INFORMATION:
Name P1-ANNANDALE VOL. FIRE DEPT
BUN 881105
Address 8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County FAIRFAX COUNTY
TOWER SURVEY
SHEET: SITE OVERVIEW

ATTACHMENT 2



LEGAL DESCRIPTION: GSA IV TOWER EASEMENT (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 31° 49' 02" W FOR A DISTANCE OF 270.11 FEET TO THE POINT OF BEGINNING;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 10° 19' 48" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING CONTAINING 100 SQFT -AND- 0.002 ACRES.

LEGAL DESCRIPTION: NEW GSA IV GROUND EASEMENT (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO THE POINT OF BEGINNING;
THENCE, S 78° 20' 59" E FOR A DISTANCE OF 18.17 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 56.99 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 33.86 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 21.95 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 21.87 FEET TO A POINT;
THENCE, N 10° 19' 46" E FOR A DISTANCE OF 35.12 FEET TO THE POINT OF BEGINNING CONTAINING 1,338 SQFT -AND- 0.03 ACRES.

LEGAL DESCRIPTION: NEW IV 10' WIDE UTILITY EASEMENT (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO A POINT ON AN EXISTING 1,338 SQFT EASEMENT;
THENCE, ALONG SAID EASEMENT, S 78° 20' 59" E FOR A DISTANCE OF 18.17 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 56.99 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 10.72 FEET TO THE POINT OF BEGINNING;
THENCE DEPARTING SAID EASEMENT, S 10° 42' 00" W FOR A DISTANCE OF 153.48 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 114.69 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 80° 10' 09" W FOR A DISTANCE OF 10.07 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 16° 33' 14" E FOR A DISTANCE OF 95.46 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 40.32 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 41.41 FEET TO A POINT;
THENCE, N 16° 33' 14" E FOR A DISTANCE OF 9.84 FEET TO A POINT;
THENCE, N 10° 42' 00" E FOR A DISTANCE OF 152.91 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,091 SQFT -AND- 0.07 ACRES.

LEGAL DESCRIPTION: NEW GSA IV ACCESS EASEMENT 1 (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 31° 49' 02" W FOR A DISTANCE OF 270.11 FEET TO THE POINT OF BEGINNING;
THENCE, S 10° 19' 48" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 40.86 FEET TO A POINT;
THENCE, S 07° 22' 40" W FOR A DISTANCE OF 58.30 FEET TO A POINT;
THENCE, S 42° 38' 46" W FOR A DISTANCE OF 34.00 FEET TO A POINT;
THENCE, N 79° 32' 56" W FOR A DISTANCE OF 32.73 FEET TO A POINT;
THENCE, S 41° 53' 25" W FOR A DISTANCE OF 9.74 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 79° 38' 07" W FOR A DISTANCE OF 29.80 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 47° 39' 20" E FOR A DISTANCE OF 27.90 FEET TO A POINT;
THENCE, N 84° 50' 27" E FOR A DISTANCE OF 44.54 FEET TO A POINT;
THENCE, N 12° 07' 59" E FOR A DISTANCE OF 53.97 FEET TO A POINT;
THENCE, N 74° 21' 21" W FOR A DISTANCE OF 25.49 FEET TO A POINT;
THENCE, N 11° 50' 16" E FOR A DISTANCE OF 14.79 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 5.40 FEET TO THE POINT OF BEGINNING CONTAINING 3,227 SQFT -AND- 0.07 ACRES.

LEGAL DESCRIPTION: NEW GSA IV ACCESS EASEMENT 2 (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO A POINT ON AN EXISTING 1,338 SQFT EASEMENT, SAID POINT BEING THE POINT OF BEGINNING;
THENCE, ALONG SAID EASEMENT, S 10° 19' 46" W FOR A DISTANCE OF 20.00 FEET TO A POINT;
THENCE, DEPARTING SAID EASEMENT, N 79° 40' 14" W FOR A DISTANCE OF 151.47 FEET TO A POINT;
THENCE, S 16° 18' 20" W FOR A DISTANCE OF 170.32 FEET TO A POINT;
THENCE, S 08° 33' 32" E FOR A DISTANCE OF 49.78 FEET TO A POINT;
THENCE, S 06° 49' 53" W FOR A DISTANCE OF 57.48 FEET TO A POINT;
THENCE, S 75° 13' 54" E FOR A DISTANCE OF 37.48 FEET TO A POINT;
THENCE, S 10° 37' 58" E FOR A DISTANCE OF 30.17 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 79° 34' 53" W FOR A DISTANCE OF 21.43 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 10° 37' 58" W FOR A DISTANCE OF 9.83 FEET TO A POINT;
THENCE, N 75° 13' 54" W FOR A DISTANCE OF 42.24 FEET TO A POINT;
THENCE, N 06° 49' 53" E FOR A DISTANCE OF 72.18 FEET TO A POINT;
THENCE, N 08° 33' 32" W FOR A DISTANCE OF 51.48 FEET TO A POINT;
THENCE, N 16° 18' 20" E FOR A DISTANCE OF 192.74 FEET TO A POINT;
THENCE, S 79° 40' 14" E FOR A DISTANCE OF 169.49 FEET TO THE POINT OF BEGINNING CONTAINING 1,0347 SQFT -AND- 0.24 ACRES.



SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317

REV	DATE	DESCRIPTION	DRWN
1	XX/XX/XXXX	X	X
2	XX/XX/XXXX	X	X
3	XX/XX/XXXX	X	X

SITE INFORMATION:

Name	P1-ANNANDALE VOL. FIRE DEPT
BUN	881105
Address	8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County	FAIRFAX COUNTY

TOWER SURVEY

SHEET: LEGAL DESCRIPTION

Exhibit E

Amendment to Easement Agreement

WHEN RECORDED RETURN TO:

Prepared by:
Weiss Brown, PLLC
6263 N. Scottsdale Rd., Suite 340
Scottsdale, AZ 85250

Space above this line for Recorder's Use

A.P.N. 0584 01 0062

Prior recorded document(s) in Fairfax County, Virginia:
May 26, 2016 at #2016028919.001 in Bk 24584, Pg 1027

SECOND AMENDMENT TO DEED OF EASEMENT AND ASSIGNMENT OF LEASE

Grantor:	Board of Supervisors of Fairfax County, Virginia
Grantee:	Global Signal Acquisitions IV LLC, a Delaware limited liability company
Site Address:	8914 Little River Turnpike, Fairfax
Site County:	Fairfax
Site ID:	P1 – Annandale Vol. Fire Dept. (6881105)

SECOND AMENDMENT TO
DEED OF EASEMENT AND ASSIGNMENT OF LEASE

THIS SECOND AMENDMENT TO DEED OF EASEMENT AND ASSIGNMENT OF LEASE (the "Second Amendment") is made effective this ____ day of _____, 2025 ("Effective Date"), by and between the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA ("**Grantor**") and GLOBAL SIGNAL ACQUISITIONS IV LLC, a Delaware limited liability company ("**Grantee**").

WHEREAS, Grantor's predecessor-in-interest ("**Original Grantor**") and Grantee entered that certain Deed of Easement and Assignment of Lease dated May 10, 2016 and recorded in the official records of Fairfax County, Virginia ("**Official Records**") on May 26, 2016 at Instrument No. 2016028919.001 in Book 24584, Page 1027 ("**Original Easement")**, as amended by that certain First Amendment to Deed of Easement and Assignment of Lease dated February 3, 2020 and recorded in the Official Records on February 21, 2020 at Instrument No. 2020014539.001 in Book 26093, Page 0367 (collectively, the "**Easement**"), whereby Original Grantor conveyed an easement to Grantee over property more particularly described in the Easement, together with an access and utility easement ("**Easement Area**") and located within certain real property owned by Grantor, more particularly described on Exhibit "A" attached hereto ("**Grantor's Property**"); and

WHEREAS, Grantor and Grantee desire to amend the terms of the Easement on the terms and conditions outlined below.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor and Grantee agree as follows:

1. New Access Easement. Grantor hereby grants to Grantee, its successors and assigns, as part of the Easement, non-exclusive, perpetual rights-of-way for ingress and egress, seven days per week, twenty-four hours per day, on foot or motor vehicle, including trucks, along two rights-of-way, together with the right to install, replace and maintain utility wires, fiber, poles, cables, conduits and pipes over, under and across Grantor's Property, as is more particularly shown in the survey attached hereto as Exhibit "B" and described by metes and bounds in Exhibit "C-2" (the "**New Access Easements**").

2. New Utility Easement. Grantor hereby grants to Grantee, its successors and assigns, as part of the Easement, a non-exclusive easement to install, replace and maintain utility wires, fiber, poles, cables, conduits and pipes along a ten (10) foot wide right-of-way over, under and across Grantor's Property ("**New Utility Easement**"), as is more particularly shown in the survey attached hereto as Exhibit "B" and described by metes and bounds in Exhibit "C-3".

3. New Equipment Easement. Grantor hereby grants to Grantee, its successors and assigns, as part of the Easement, an exclusive easement for the use of a 1,338 square foot portion of Grantor's Property ("**New Equipment Easement**"), as is more particularly shown in the Site Plan attached hereto as Exhibit "B" and described by metes and bounds in Exhibit "C-4".

4. Easement Area Descriptions. The descriptions of the Easement Area are hereby updated as follows: The descriptions of Utility Easement 1 and Utility Easement 2 set forth on

Exhibit C to the Original Easement are hereby amended by the description of the New Utility Easement set forth on Exhibit C-3 to this Second Amendment. The description of the Equipment Easement set forth on Exhibit C to the Original Easement is hereby amended by the description of the New Equipment Easement set forth on Exhibit C-4 to this Second Amendment. Exhibit B to the Original Easement is hereby amended by Exhibit B attached to this Second Amendment. Any conflicts between the descriptions or depictions attached to this Second Amendment and those contained in the Original Easement shall be resolved in favor of this Second Amendment. For avoidance of doubt, the description of the Tower Easement set forth on Exhibit C to the Original Easement is not being amended and remains in full force and effect.

5. Remainder of Easement Unaffected. The parties hereto acknowledge that except as expressly modified hereby, the Easement remains unmodified and in full force and effect. In the event of any conflict or inconsistency between the terms of this Second Amendment and the Easement, the terms of this Second Amendment shall control. Unless otherwise expressly defined herein, the terms in this Second Amendment shall have the same meanings assigned to such terms in the Easement. This Second Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

6. Notices. All notices hereunder shall be in writing and shall be given by (a) established express delivery service which maintains delivery records, (b) hand delivery, or (c) certified or registered mail, postage prepaid, return receipt requested. Notices may also be given by facsimile transmission, provided that the notice is concurrently given by one of the above methods. Notices are effective upon receipt, or upon attempted delivery if delivery is refused or if delivery is impossible because of failure to provide reasonable means for accomplishing delivery. The notices shall be sent to the Grantor at the following address:

If to Grantor: Board of Supervisors of Fairfax County, Virginia
12000 Government Center Parkway
Fairfax, Virginia 22035

[Signature pages follow]

IN WITNESS WHEREOF, Grantor and Grantee, having read the foregoing and intending to be legally bound hereby, have executed this Second Amendment as of the day and year first written above.

GRANTOR:
BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: _____

Print Name: _____

Title: _____

STATE OF _____)
)ss.
COUNTY OF _____)

On this ____ day of _____ 2025, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, known or identified to me to be the person whose name is subscribed to the foregoing Second Amendment to Deed of Easement and Assignment of Lease, and in due form of law acknowledged that he/she is authorized on behalf of said entity to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company OR he/she signed this instrument as his/her free and voluntary act for the uses and purposes mentioned in this instrument.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal

_____
(Signature of Notary)

My Commission Expires: _____

GRANTEE
GLOBAL SIGNAL ACQUISITIONS IV
LLC, a Delaware limited liability company

By: _____

Print Name: _____

Title: _____

COMMONWEALTH OF _____)
)ss.
COUNTY OF _____)

On this ____ day of _____ 2025, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of GLOBAL SIGNAL ACQUISITIONS IV LLC, a Delaware limited liability company, known or identified to me to be the person whose name is subscribed to the foregoing Second Amendment to Deed of Easement and Assignment of Lease, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company OR he/she signed this instrument as his/her free and voluntary act for the uses and purposes mentioned in this instrument.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal

_____
(Signature of Notary)

My Commission Expires: _____

EXHIBIT "A"
TO SECOND AMENDMENT

[Grantor's Property]

BEGINNING AT A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF LITTLE RIVER TURNPIKE, STATE ROUTE 236, SAID POINT BEING THE SOUTHWEST CORNER OF THE ARGYLE INVESTMENT CORP. PROPERTY, AS RECORDED IN DEED BOOK 2329, AT PAGE 349, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA; THENCE DEPARTING SAID POINT AND RUNNING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 236 N 78° 22' 10" W - 61.97 FEET AND N 77° 44' 40" W - 146.75 FEET TO A POINT A CORNER COMMON TO MOLLIE M. MILLER AND THE BETHLEHEM LUTHERAN CHURCH PROPERTY; THENCE DEPARTING STATE ROUTE 236 AND RUNNING WITH THE LINES COMMON TO MOLLIE M. MILLER AND THE BETHLEHEM LUTHERAN CHURCH PROPERTY N 18° 21' 30" E - 358.37 FEET AND S 77° 52' 30" E - 208.70 FEET TO A POINT IN THE WESTERLY LINE OF THE AFOREMENTIONED ARGYLE INVESTMENT CORP. PROPERTY; THENCE RUNNING WITH A PORTION OF SAID WESTERLY BOUNDARY S 18° 21' 30" W - 358.17 FEET TO THE POINT OF BEGINNING, AS MORE PARTICULARLY DESCRIBED ON THE PLAT PREPARED BY COLDWELL, SHREVE & KEYES, C. L. S., DATED AUGUST, 1965.

Site Name: P1 – Annandale Vol. Fire Dept.
BUN: 6881105

EXHIBIT "B"
TO SECOND AMENDMENT

[Site Plan]

Site Name: P1 – Annandale Vol. Fire Dept.
BUN: 6881105

TOWER SURVEY

881105

P1-ANNANDALE VOL. FIRE DEPT

8914 LITTLE RIVER TURNPIKE
FAIRFAX, VA 22003
FAIRFAX COUNTY

LEGEND

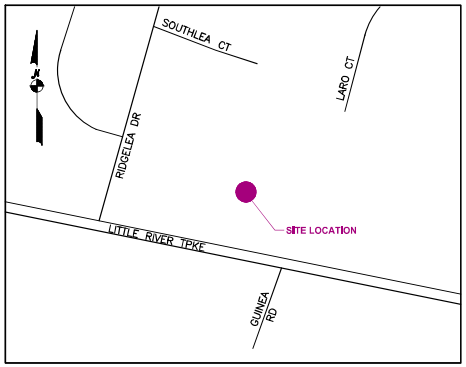
Additional Land
Building
Asphalt Pavement
Contour - Major
Contour - Minor
Easement
Guiderail
Jurisdiction Line
Property Line
Property Tie
Parent Property
Tower Easement
Right of Way
Setback
Treeline
Wetland
Railroad Tracks
Centerline
Road Centerline
Stream
Stream (Directional)
Ditch
Channel
Fence
Cable UG
Combined Sewer
Cable TV & Elec
Cable TV & Elec UG
Cable, Elec, & Tele
Cable, Elec, & Tele UG
Electric
Electric UG
Fiber
Fiber UG
Gas
Sewer
Storm
Telephone
Telephone UG
Unknown Utility
Water
Topo - High Point
Topo - Low Point
Breakline
Match line
Property Tie

IP / Rebar Monu
IP / Rebar Monu- Found
Cased Monu
Cased Monu - Found
Traverse Point
Survey Point
Gravel
Dirt
Concrete
Retaining Wall
Stairs
Door / Gate
Double Door / Gate
Gate - Sliding
Signs
Mailbox
Column
Utility Pole
Guyed Pole
Pole
Bollard
Fire Hydrant
Flag Pole
Shrub
Tree - Palm
Tree - Conferous
Tree - Deciduous
Metal Platform
Fuel Tanks
Traffic Signal Controller

Transformer (Aerial)
Transformer Pad
Catch Basin
Inlet
Culvert
Utility Vault
Manhole
Handhole
Pull box
Pedestal
Riser
Meter
Valve
Cleanout
Junction Box
Pump Station
Utility Box
Controller
HVAC
Generator

VICINITY MAP

NOT TO SCALE



CONTENTS

COVER SHEET
PROPERTY OVERVIEW
ACCESS OVERVIEW 1
ACCESS OVERVIEW 2
SITE OVERVIEW DETAIL
NEW EASEMENT OVERVIEW
LEGAL DESCRIPTIONS

AREA SUMMARY

AREA	SQ. FT.	ACRES
PARENT PARCEL	74,738	1.72
GSA IV TOWER EASEMENT	100	0.002
NEW GSA IV GROUND EASEMENT	1338	0.03
NEW GSA IV 10' WIDE UTILITY EASEMENT	3091	0.07
NEW GSA IV ACCESS EASEMENT 1	3227	0.07
NEW GSA IV ACCESS EASEMENT 2	10347	0.24

SURVEY PROCEDURES & EQUIPMENT

THE ACCURACY OF THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS AS REQUIRED BY [STATE REQUIREMENTS FOR BOUNDARY SURVEYS].
INSTRUMENTS USED:

–TOPCON GT500
–CARLSON BR6

COORDINATES

For internal use

LABEL	LAT, LONG
MON 1 / POC	38°50'20.89", –77°15'04.84"
MON 2	38°50'24.08", –77°15'04.36"

ABBREVIATIONS

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
ROW	RIGHT OF WAY

SURVEY PERFORMED FOR:

CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317

SURVEY COORDINATED BY:

GEOLINE SURVEYING, INC.
13430 NW 10th Terrace, Suite A, Alachua, FL 32615
Tele: (386) 418-0500 | Fax: (386) 462-9986

SURVEY PERFORMED BY:

JONATHAN MURPHY LAND SURVEYOR
4650 PARAGON PARK RD, RALEIGH, NC 27616
TELE: (919) 787-7873 | FAX: (919) 400-4442

DRAWN BY: EMC | CHK BY: AMB | JOB NO.: 881105

SURVEYOR'S CERTIFICATION:

I hereby certify to Choose Crown Entity Name, Crown Castle USA Inc., including its parents, subsidiaries and affiliated entities, and Choose Title Company Name.

SURVEYOR NAME: JONATHAN MURPHY

COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No.
2713
LAND SURVEYOR
SIGNATURE
02/20/2025
DATE

ZONING:
R–1

FLOOD NOTE:

THIS PARCEL OF LAND LIES WITHIN FLOOD ZONE X WHICH IS NOT A SPECIAL FLOOD HAZARD AREA AS PER F.I.R.M. PANEL NUMBER: 5105900260E, EFFECTIVE DATE: 09/17/2010

BEARING BASIS:

VA (NORTH) NAD83

NOTES:

1. SURVEY PERFORMED ON 08/02/2024.
2. DATA PROJECTED IN STATE PLANE COORDINATE SYSTEM [NAD83], WITH [NAVD88] VERTICAL DATUM. EPSG CODE 2283
3. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE NOTED HEREON.
5. NOT ALL SYMBOLS ARE DEPICTED TO SCALE.
6. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.

REV	DATE	DESCRIPTION	DRWN
1	XX/XX/XXXX	X	X
2	XX/XX/XXXX	X	X
3	XX/XX/XXXX	X	X

SITE INFORMATION:

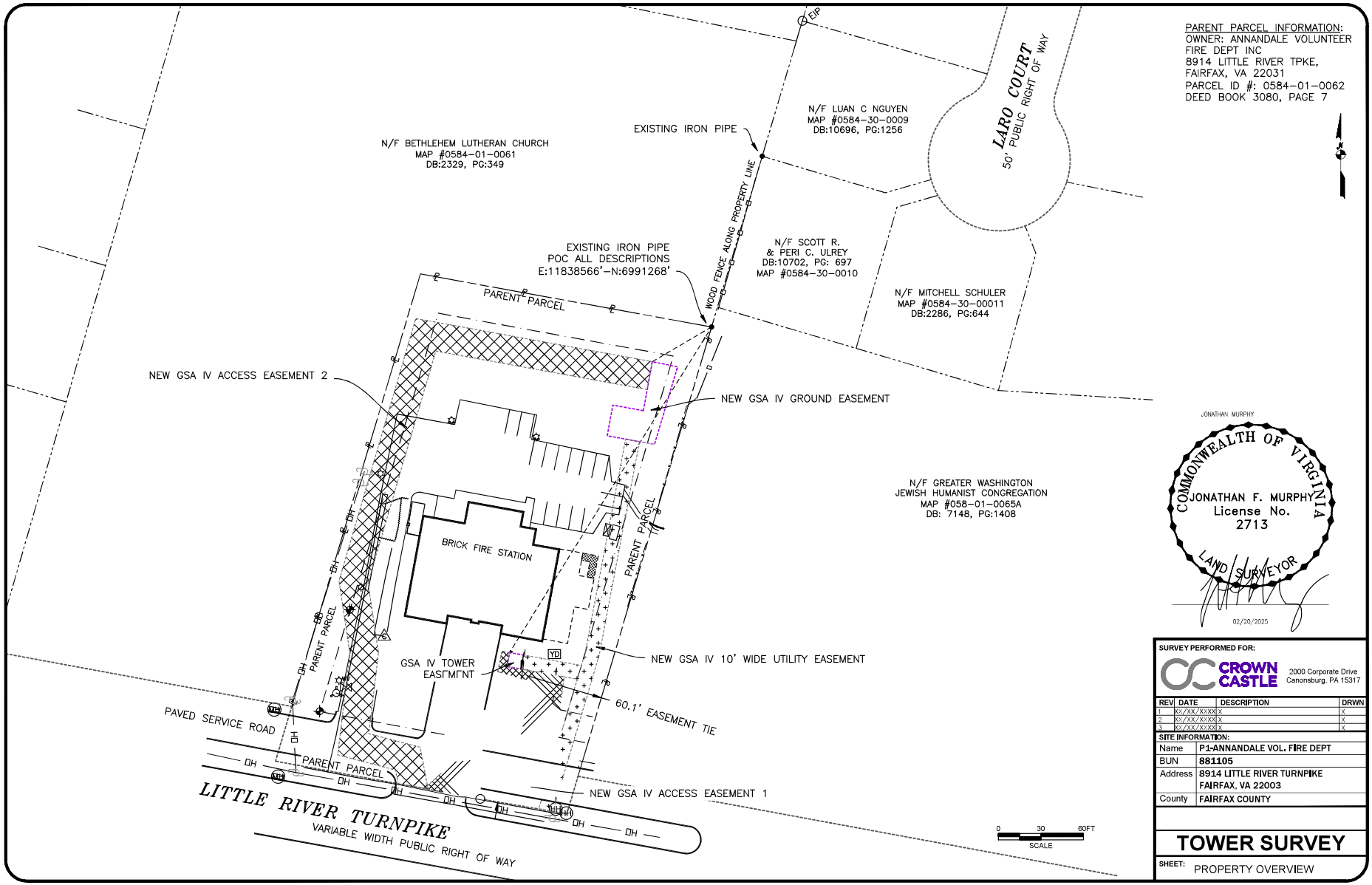
Name	P1-ANNANDALE VOL. FIRE DEPT
BUN	881105
Address	8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County	FAIRFAX COUNTY

TOWER SURVEY

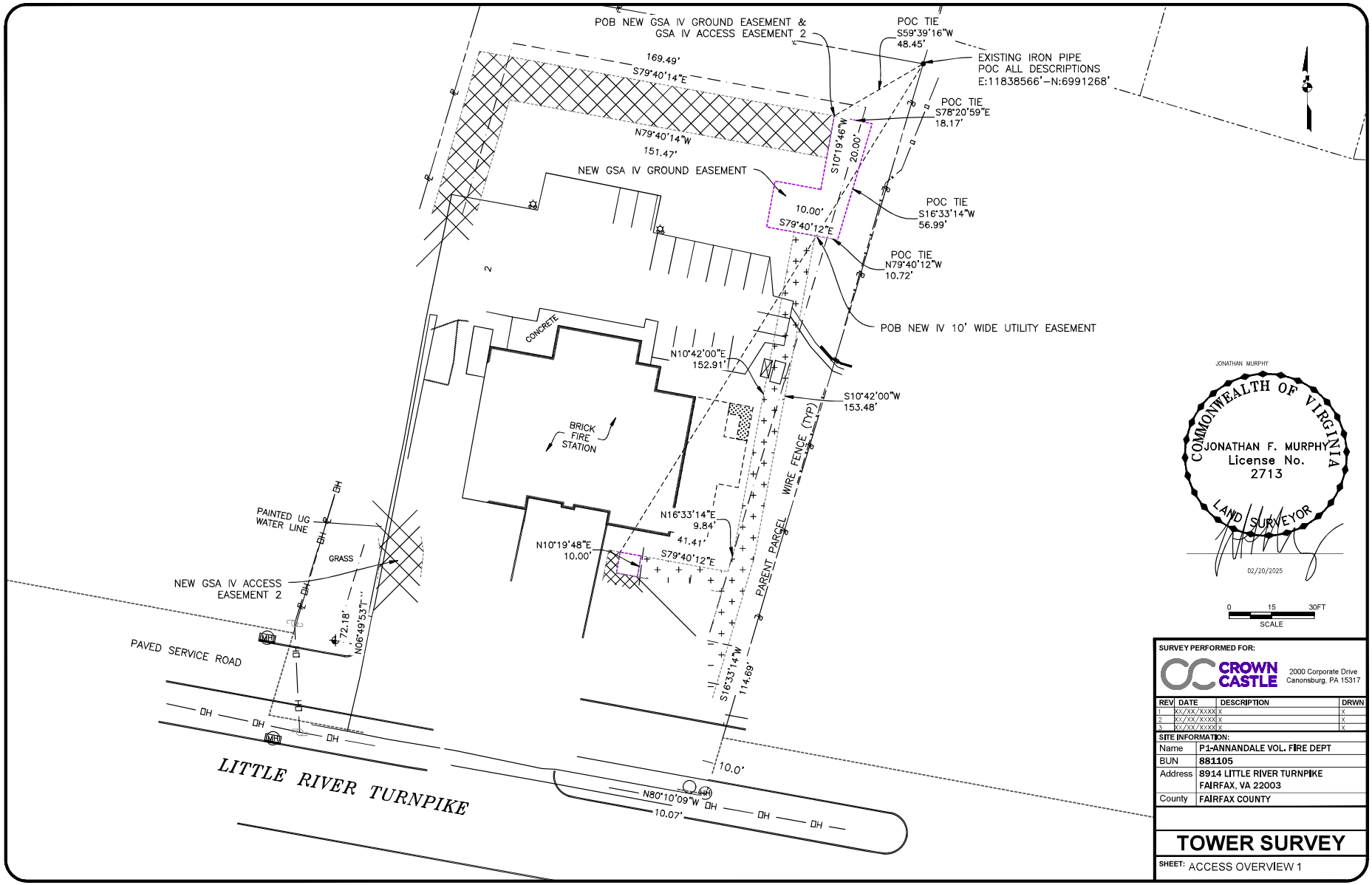
SHEET: COVER SHEET

DWG NAME: 881105 P1 ANNANDALE VOL FIRE DEPT REVISION 1-29-2025.dwg

ATTACHMENT 2



ATTACHMENT 2



JONATHAN MURPHY
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No.
2713
LAND SURVEYOR
02/20/2025

0 15 30FT
SCALE

SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317

REV	DATE	DESCRIPTION	DRWN
1	XX/XX/XXXX	X	X
2	XX/XX/XXXX	X	X
3	XX/XX/XXXX	X	X

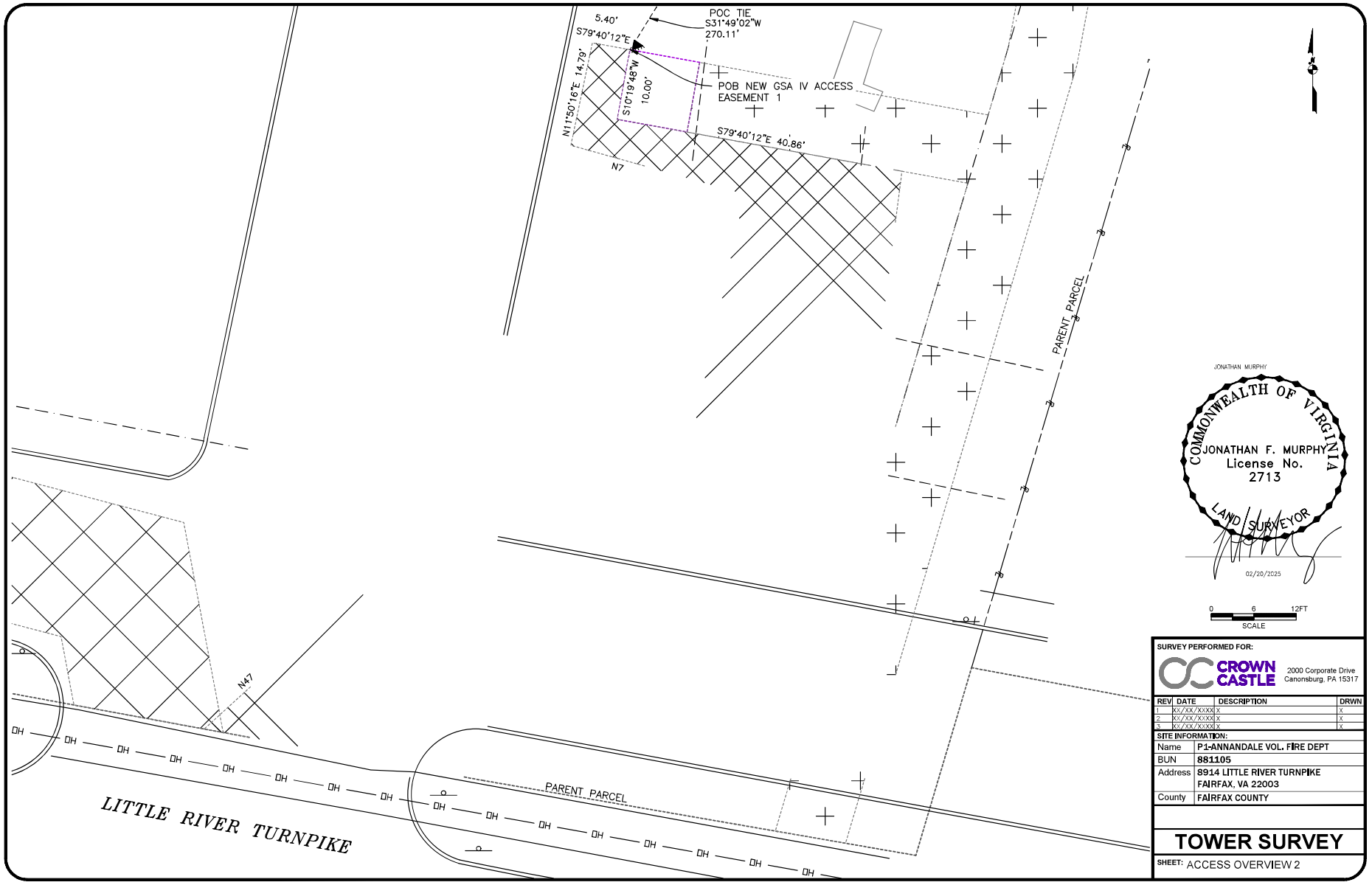
SITE INFORMATION:

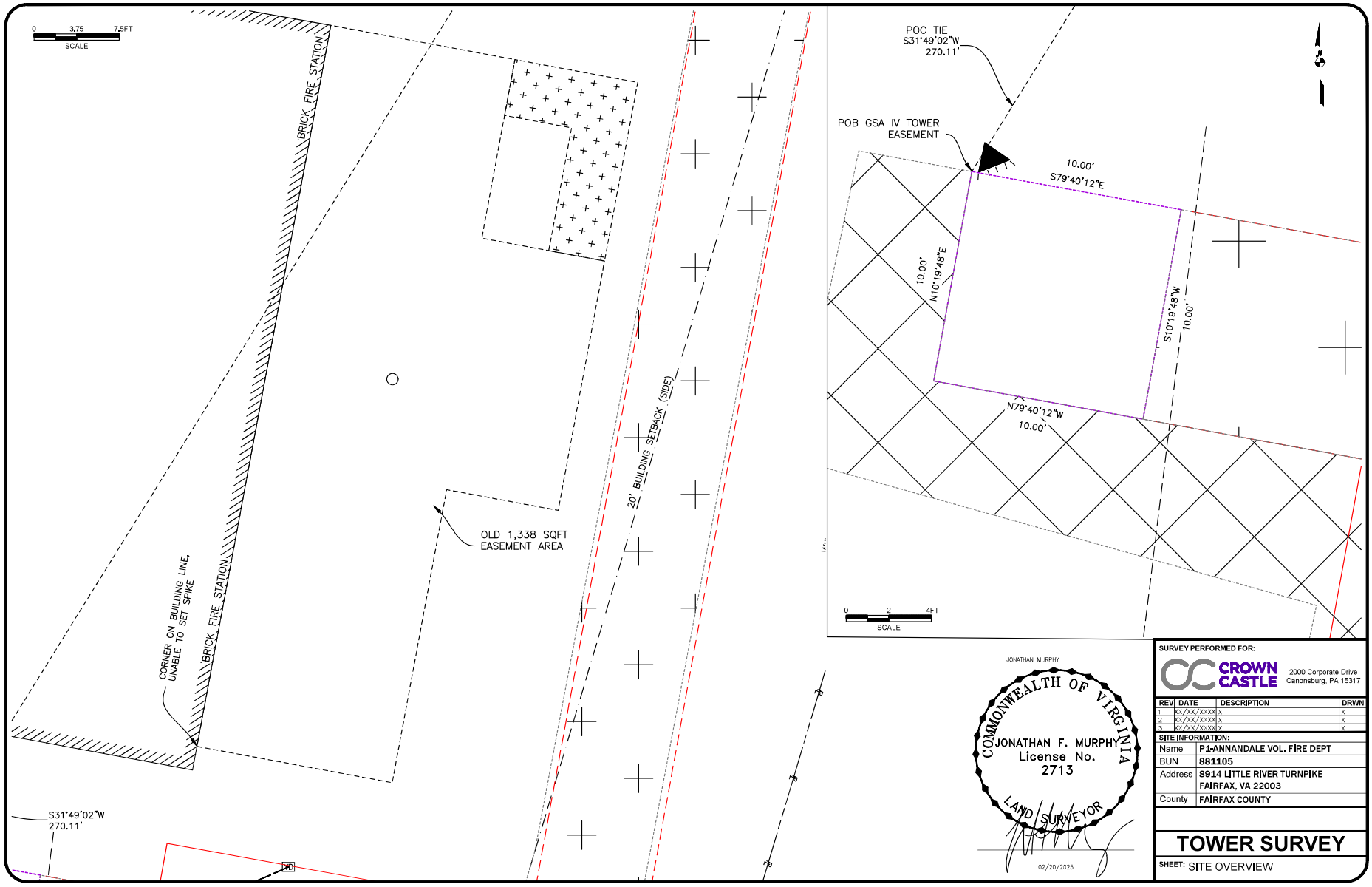
Name	P1-ANNANDALE VOL. FIRE DEPT
BUN	881105
Address	8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County	FAIRFAX COUNTY

TOWER SURVEY

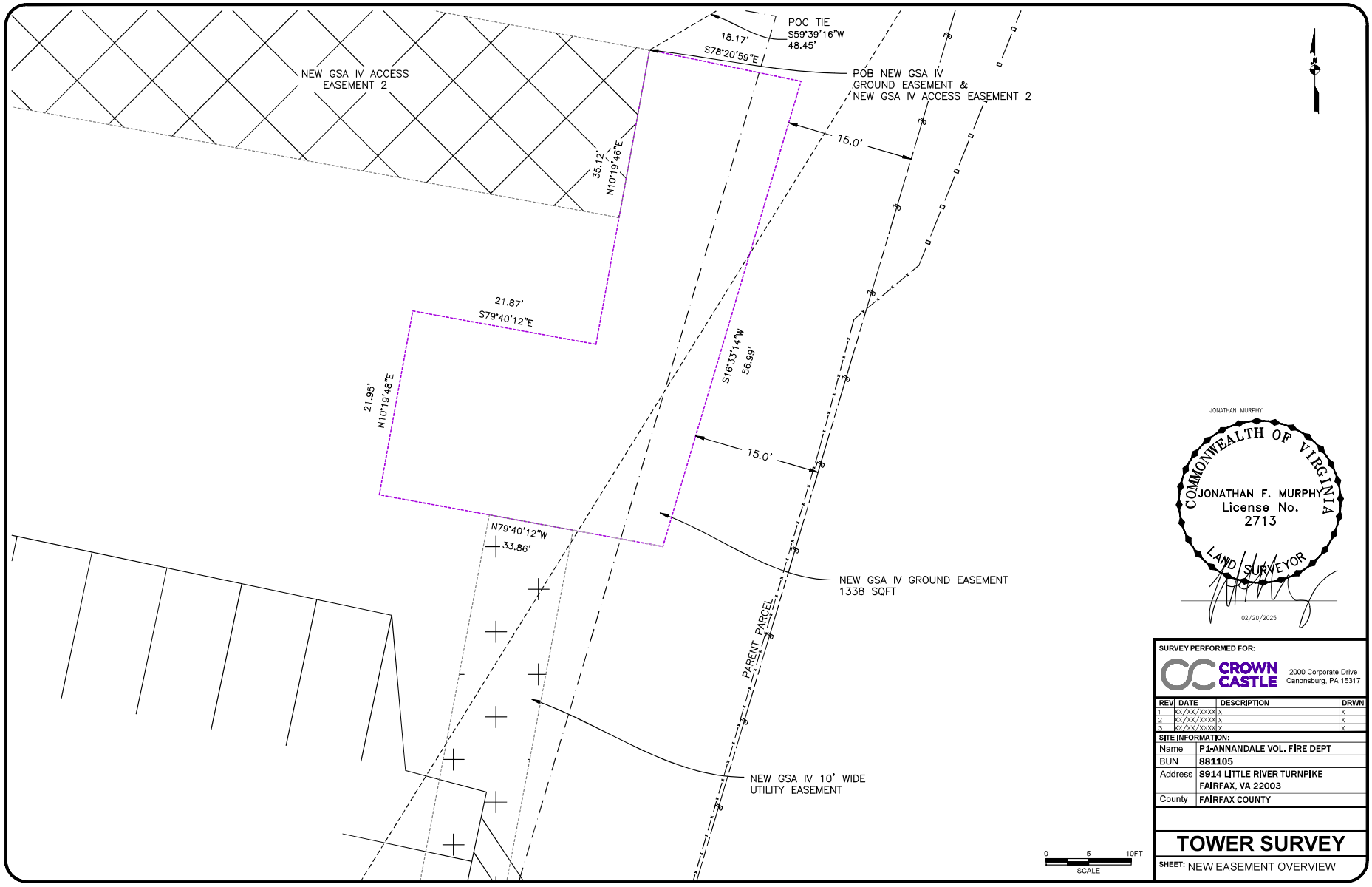
SHEET: ACCESS OVERVIEW 1

ATTACHMENT 2




0 3.75 7.5FT
SCALE
BRICK FIRE STATION
BRICK FIRE STATION
CORNER ON BUILDING LINE, UNABLE TO SET SPIKE
OLD 1,338 SQFT EASEMENT AREA
20' BUILDING SETBACK (SIDE)
S31°49'02"W 270.11'
POC TIE S31°49'02"W 270.11'
POB GSA IV TOWER EASEMENT
10.00' S79°40'12"E
10.00' N10°19'48"E
S10°19'48"W 10.00'
N79°40'12"W 10.00'
0 2 4FT
SCALE
JONATHAN MURPHY
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No. 2713
LAND SURVEYOR
02/20/2025
SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317
REV DATE DESCRIPTION DRWN
1 XX/XX/XXXX X X
2 XX/XX/XXXX X X
3 XX/XX/XXXX X X
SITE INFORMATION:
Name P1-ANNANDALE VOL. FIRE DEPT
BUN 881105
Address 8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County FAIRFAX COUNTY
TOWER SURVEY
SHEET: SITE OVERVIEW

ATTACHMENT 2



LEGAL DESCRIPTION: GSA IV TOWER EASEMENT (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 31° 49' 02" W FOR A DISTANCE OF 270.11 FEET TO THE POINT OF BEGINNING;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 10° 19' 48" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING CONTAINING 100 SQFT -AND- 0.002 ACRES.

LEGAL DESCRIPTION: NEW GSA IV GROUND EASEMENT (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO THE POINT OF BEGINNING;
THENCE, S 78° 20' 59" E FOR A DISTANCE OF 18.17 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 56.99 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 33.86 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 21.95 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 21.87 FEET TO A POINT;
THENCE, N 10° 19' 46" E FOR A DISTANCE OF 35.12 FEET TO THE POINT OF BEGINNING CONTAINING 1,338 SQFT -AND- 0.03 ACRES.

LEGAL DESCRIPTION: NEW IV 10' WIDE UTILITY EASEMENT (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO A POINT ON AN EXISTING 1,338 SQFT EASEMENT;
THENCE, ALONG SAID EASEMENT, S 78° 20' 59" E FOR A DISTANCE OF 18.17 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 56.99 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 10.72 FEET TO THE POINT OF BEGINNING;
THENCE DEPARTING SAID EASEMENT, S 10° 42' 00" W FOR A DISTANCE OF 153.48 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 114.69 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 80° 10' 09" W FOR A DISTANCE OF 10.07 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 16° 33' 14" E FOR A DISTANCE OF 95.46 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 40.32 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 41.41 FEET TO A POINT;
THENCE, N 16° 33' 14" E FOR A DISTANCE OF 9.84 FEET TO A POINT;
THENCE, N 10° 42' 00" E FOR A DISTANCE OF 152.91 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,091 SQFT -AND- 0.07 ACRES.

LEGAL DESCRIPTION: NEW GSA IV ACCESS EASEMENT 1 (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 31° 49' 02" W FOR A DISTANCE OF 270.11 FEET TO THE POINT OF BEGINNING;
THENCE, S 10° 19' 48" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 40.86 FEET TO A POINT;
THENCE, S 07° 22' 40" W FOR A DISTANCE OF 58.30 FEET TO A POINT;
THENCE, S 42° 38' 46" W FOR A DISTANCE OF 34.00 FEET TO A POINT;
THENCE, N 79° 32' 56" W FOR A DISTANCE OF 32.73 FEET TO A POINT;
THENCE, S 41° 53' 25" W FOR A DISTANCE OF 9.74 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 79° 38' 07" W FOR A DISTANCE OF 29.80 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 47° 39' 20" E FOR A DISTANCE OF 27.90 FEET TO A POINT;
THENCE, N 84° 50' 27" E FOR A DISTANCE OF 44.54 FEET TO A POINT;
THENCE, N 12° 07' 59" E FOR A DISTANCE OF 53.97 FEET TO A POINT;
THENCE, N 74° 21' 21" W FOR A DISTANCE OF 25.49 FEET TO A POINT;
THENCE, N 11° 50' 16" E FOR A DISTANCE OF 14.79 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 5.40 FEET TO THE POINT OF BEGINNING CONTAINING 3,227 SQFT -AND- 0.07 ACRES.

LEGAL DESCRIPTION: NEW GSA IV ACCESS EASEMENT 2 (CREATED BY THIS OFFICE)
A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO A POINT ON AN EXISTING 1,338 SQFT EASEMENT, SAID POINT BEING THE POINT OF BEGINNING;
THENCE, ALONG SAID EASEMENT, S 10° 19' 46" W FOR A DISTANCE OF 20.00 FEET TO A POINT;
THENCE, DEPARTING SAID EASEMENT, N 79° 40' 14" W FOR A DISTANCE OF 151.47 FEET TO A POINT;
THENCE, S 16° 18' 20" W FOR A DISTANCE OF 170.32 FEET TO A POINT;
THENCE, S 08° 33' 32" E FOR A DISTANCE OF 49.78 FEET TO A POINT;
THENCE, S 06° 49' 53" W FOR A DISTANCE OF 57.48 FEET TO A POINT;
THENCE, S 75° 13' 54" E FOR A DISTANCE OF 37.48 FEET TO A POINT;
THENCE, S 10° 37' 58" E FOR A DISTANCE OF 30.17 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 79° 34' 53" W FOR A DISTANCE OF 21.43 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 10° 37' 58" W FOR A DISTANCE OF 9.83 FEET TO A POINT;
THENCE, N 75° 13' 54" W FOR A DISTANCE OF 42.24 FEET TO A POINT;
THENCE, N 06° 49' 53" E FOR A DISTANCE OF 72.18 FEET TO A POINT;
THENCE, N 08° 33' 32" W FOR A DISTANCE OF 51.48 FEET TO A POINT;
THENCE, N 16° 18' 20" E FOR A DISTANCE OF 192.74 FEET TO A POINT;
THENCE, S 79° 40' 14" E FOR A DISTANCE OF 169.49 FEET TO THE POINT OF BEGINNING CONTAINING 1,0347 SQFT -AND- 0.24 ACRES.



SURVEY PERFORMED FOR:
CROWN CASTLE
2000 Corporate Drive
Canonsburg, PA 15317

REV	DATE	DESCRIPTION	DRWN
1	XX/XX/XXXX	X	X
2	XX/XX/XXXX	X	X
3	XX/XX/XXXX	X	X

SITE INFORMATION:

Name	P1-ANNANDALE VOL. FIRE DEPT
BUN	881105
Address	8914 LITTLE RIVER TURNPIKE FAIRFAX, VA 22003
County	FAIRFAX COUNTY

TOWER SURVEY

SHEET: LEGAL DESCRIPTION

EXHIBIT "C-2"
TO SECOND AMENDMENT

[Description of New Access Easements]

ACCESS EASEMENT 1

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 31° 49' 02" W FOR A DISTANCE OF 270.11 FEET TO THE POINT OF BEGINNING;

THENCE, S 10° 19' 48" W FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 40.86 FEET TO A POINT;
THENCE, S 07° 22' 40" W FOR A DISTANCE OF 58.30 FEET TO A POINT;
THENCE, S 42° 38' 46" W FOR A DISTANCE OF 34.00 FEET TO A POINT;
THENCE, N 79° 32' 56" W FOR A DISTANCE OF 32.73 FEET TO A POINT;
THENCE, S 41° 53' 25" W FOR A DISTANCE OF 9.74 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 79° 38' 07" W FOR A DISTANCE OF 29.80 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 47° 39' 20" E FOR A DISTANCE OF 27.90 FEET TO A POINT;
THENCE, N 84° 50' 27" E FOR A DISTANCE OF 44.54 FEET TO A POINT;
THENCE, N 12° 07' 59" E FOR A DISTANCE OF 53.97 FEET TO A POINT;
THENCE, N 74° 21' 21" W FOR A DISTANCE OF 25.49 FEET TO A POINT;
THENCE, N 11° 50' 16" E FOR A DISTANCE OF 14.79 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 5.40 FEET TO THE POINT OF BEGINNING CONTAINING 3,227 SQFT -AND- 0.07 ACRES.

ACCESS EASEMENT 2

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO A POINT ON AN EXISTING 1,338 SQFT EASEMENT, SAID POINT BEING THE POINT OF BEGINNING;

Site Name: P1 – Annandale Vol. Fire Dept.
BUN: 6881105

THENCE, ALONG SAID EASEMENT, S 10° 19' 46" W FOR A DISTANCE OF 20.00 FEET TO A POINT;
THENCE, DEPARTING SAID EASEMENT, N 79° 40' 14" W FOR A DISTANCE OF 151.47 FEET TO A POINT;
THENCE, S 16° 18' 20" W FOR A DISTANCE OF 170.32 FEET TO A POINT;
THENCE, S 08° 33' 32" E FOR A DISTANCE OF 49.78 FEET TO A POINT;
THENCE, S 06° 49' 53" W FOR A DISTANCE OF 57.48 FEET TO A POINT;
THENCE, S 75° 13' 54" E FOR A DISTANCE OF 37.48 FEET TO A POINT;
THENCE, S 10° 37' 58" E FOR A DISTANCE OF 30.17 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 79° 34' 53" W FOR A DISTANCE OF 21.43 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 10° 37' 58" W FOR A DISTANCE OF 9.83 FEET TO A POINT;
THENCE, N 75° 13' 54" W FOR A DISTANCE OF 42.24 FEET TO A POINT;
THENCE, N 06° 49' 53" E FOR A DISTANCE OF 72.18 FEET TO A POINT;
THENCE, N 08° 33' 32" W FOR A DISTANCE OF 51.48 FEET TO A POINT;
THENCE, N 16° 18' 20" E FOR A DISTANCE OF 192.74 FEET TO A POINT;
THENCE, S 79° 40' 14" E FOR A DISTANCE OF 169.49 FEET TO THE POINT OF BEGINNING CONTAINING 1,0347 SQFT -AND- 0.24 ACRES.

Site Name: P1 – Annandale Vol. Fire Dept.
BUN: 6881105

EXHIBIT "C-3"
TO SECOND AMENDMENT

[Description of New Utility Easement]

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
THENCE, S 59° 39' 16" W FOR A DISTANCE OF 48.45 FEET TO A POINT ON AN EXISTING 1,338 SQFT EASEMENT;
THENCE, ALONG SAID EASEMENT, S 78° 20' 59" E FOR A DISTANCE OF 18.17 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 56.99 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 10.72 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID EASEMENT, S 10° 42' 00" W FOR A DISTANCE OF 153.48 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 114.69 FEET TO A POINT LYING ON THE NORTHERN RIGHT OF WAY OF LITTLE RIVER TURNPIKE, A DEDICATED PUBLIC RIGHT OF WAY;
THENCE, ALONG SAID RIGHT OF WAY, N 80° 10' 09" W FOR A DISTANCE OF 10.07 FEET TO A POINT;
THENCE, DEPARTING SAID RIGHT OF WAY, N 16° 33' 14" E FOR A DISTANCE OF 95.46 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 40.32 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 10.00 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 41.41 FEET TO A POINT;
THENCE, N 16° 33' 14" E FOR A DISTANCE OF 9.84 FEET TO A POINT;
THENCE, N 10° 42' 00" E FOR A DISTANCE OF 152.91 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,091 SQFT -AND- 0.07 ACRES.

Site Name: P1 – Annandale Vol. Fire Dept.
BUN: 6881105

EXHIBIT "C-4"
TO SECOND AMENDMENT

[Description of New Equipment Easement]

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE COUNTY OF FAIRFAX, COMMONWEALTH OF VIRGINIA, DESCRIBED IN DEED BOOK 3080 PAGE 07, FURTHER DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE FOUND ON THE NORTHEASTERN MOST PROPERTY CORNER OF SAID PARCEL (MAP #0584-01-0062 AND HAVING VIRGINIA STATE PLANE COORDINATES (NORTH ZONE) E:11838566' -AND- N:6991268';
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THENCE, S 78° 20' 59" E FOR A DISTANCE OF 18.17 FEET TO A POINT;
THENCE, S 16° 33' 14" W FOR A DISTANCE OF 56.99 FEET TO A POINT;
THENCE, N 79° 40' 12" W FOR A DISTANCE OF 33.86 FEET TO A POINT;
THENCE, N 10° 19' 48" E FOR A DISTANCE OF 21.95 FEET TO A POINT;
THENCE, S 79° 40' 12" E FOR A DISTANCE OF 21.87 FEET TO A POINT;
THENCE, N 10° 19' 46" E FOR A DISTANCE OF 35.12 FEET TO THE POINT OF BEGINNING CONTAINING 1,338 SQFT -AND- 0.03 ACRES.

Site Name: P1 – Annandale Vol. Fire Dept.
BUN: 6881105

Board Agenda Item
June 24, 2025

4:00 p.m.

Public Hearings on a Proposed Zoning Ordinance Amendment Re: Secondary Uses in Planned Development Housing and Planned Development Commercial Districts, and Submission Requirements for Final Development Plan

ISSUE:
The proposed Zoning Ordinance amendment includes changes to the additional standards for commercial uses in the Planned Development Housing (PDH) District and to the percentage of secondary uses permitted in the Planned Development Commercial (PDC) Districts. The amendment also proposes an increase in required open space in the PDC District when residential development, an independent living facility, or a continuing care facility is proposed. Finally, the amendment proposes a new submission requirement of a legal description for Final Development Plan (FDP) applications. Options have been provided for the Board's consideration as outlined in the Staff Report.

PLANNING COMMISSION RECOMMENDATION:
On May 7, 2025, the Planning Commission recommended approval of the Zoning Ordinance Amendment. A copy of the Planning Commission action is attached.

RECOMMENDATION:
The County Executive recommends approval of the Zoning Ordinance amendment.

TIMING:
The Board authorized the public hearings on March 4, 2025; the Planning Commission public hearing was held on May 7, 2025, at 7:30 p.m. The Board public hearing is proposed for June 24, 2025, at 4:00 p.m.

BACKGROUND:
The PDH District is a residential mixed-use district that permits principal and secondary uses in accordance with Table 4101.2, if the use is shown on a Final Development Plan. In the PDH District, the land area devoted to uses in the commercial classification is limited by the Zoning Ordinance based on the number of dwelling units and zoning district as detailed in subsection 2105.2.C(1)(b)3. Staff recommends generally maintaining the existing commercial land area restrictions, with minor changes as noted below.

- Updating the provisions related to outdoor commercial uses. The proposed change continues to permit outdoor commercial uses but would require them to be shown on the FDP, which is subject to Planning Commission review and approval.
- Removing the standard that limits office use to 10 percent of the total gross floor area (GFA) of all commercial uses.
- Reorganizing and updating the provisions relating to exceptions and modifications of the commercial land area that the Board may consider. A new, more flexible, provision is proposed to permit a general modification of the commercial land area by the Board if the proposed development is found to be in accordance with the Comprehensive Plan.

The PDC District is a commercial mixed-use district that permits principal and secondary uses in accordance with Table 4101.2 when shown on an FDP. The current secondary use standards in subsection 2015.4.C limit the GFA of residential uses to 50 percent of the GFA of all principal uses. Other secondary uses are limited to 25 percent of the GFA of all principal uses. Because the restriction is based on the GFA of the principal uses, and not the overall GFA of the development, this provision can often be difficult to understand and apply.

Staff proposes the following updates to the PDC District:

- Adding a new requirement for 20 percent of the gross area of the development to be open space when residential development, an independent living facility or a continuing care facility is proposed. The current provisions require 15 percent open space, consistent with high intensity commercial districts. The proposed 20 percent is consistent with the high intensity residential mixed use Planned Residential Mixed Use (PRM) District. While continuing care facilities are not considered residential uses under the zoning ordinance, the Planned Continuing Care Facility District (PCC) also requires 20 percent open space. An independent living facility is considered an institutional use but is defined as a kind of residential development; if established as a separate use by special exception, such a facility requires 25-75 percent open space depending on the density proposed. The proposed text has been revised slightly since the Board's authorization to use the more inclusive term "residential development" instead of "dwelling units" to match the resolution, and to apply when such a use or uses "is proposed" instead of "are included" on a development plan.
- Updating the current restriction on the percentage of GFA permitted for secondary uses. Instead of limiting the amount of residential uses within a PDC District to 50 percent of the GFA of all principal uses in the development, and limiting all other secondary uses to 25 percent of the GFA of all principal uses, staff recommends that all secondary uses, including residential, be limited to 75 percent of the GFA of the total development. This change could result in more residential uses being allowed without a modification by the Board, but is consistent with recent approvals. Staff is

proposing an option from 49 to 75 percent for secondary uses for Board consideration.
- Revising the design standards for secondary uses to ensure such uses are integrated into the development and designed to protect the character of adjacent properties.
- Revising the outdoor commercial use standards for clarity, and requiring those uses to be shown on the FDP to facilitate review of potential impacts of the outdoor component.
- Updating the organization of the subsection to improve readability.

Lastly, staff proposes a new requirement for submission of a legal description, with metes and bounds, for FDP applications. Currently, a legal description and metes and bounds is a submission requirement for a rezoning (or amendment thereof) but not for an FDP application. Since FDPs are often filed on only a portion of the property subject to a rezoning, having a legal description allows a more accurate identification of the property subject to the application and the commitments therein. This has become more important as County records and research move online and require integration with mapping programs. For these reasons, while the legal description is not currently a submission requirement, staff generally asks for a legal description as part of the acceptance process, which is usually readily provided by the applicant.

While not part of the codified Ordinance, Appendix 1 – Provisions Relating to Previous Approvals, includes provisions for specific Zoning Ordinance amendments relating to applicability and previous approvals. Staff recommends that the Board consider provisions to permit amendments to previously approved PDC Districts (that already have residential uses approved) to be reviewed under the 15 percent open space requirement unless new residential development, an independent living facility, or a continuing care facility is proposed, in which case 20 percent open space would be required for the area subject to the amendment.

EQUITY IMPACT:
There are no equity impacts for the proposed amendment.

REGULATORY IMPACT:
The new submission requirement for Final Development Plan applications to include a legal description with metes and bounds is consistent with current practice.

FISCAL IMPACT:
There is no fiscal impact of the proposed amendment.

Board Agenda Item
June 24, 2025

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report with Proposed Text
Attachment 2 – Planning Commission Action

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD

ASSIGNED COUNSEL:
T. David Stoner, Deputy County Attorney
Laura Gori, Senior Assistant County Attorney

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Secondary Uses in Planned Development Housing and Planned Development Commercial Districts, and Submission Requirements for Final Development Plan

April 11, 2025

Hearing Dates
Planning Commission: May 7, 2025, at 7:30 p.m.
Board of Supervisors: June 24, 2025, at 4:00 p.m.

Staff Contact
William Mayland, AICP, Assistant 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).

PLANNING & DEVELOPMENT

Zoning Administration Division
Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
www.fairfaxcounty.gov/planning-development

Table of Contents

Background — PDH District 2

Background — PDC District 3

Proposed Changes 4

Summary 6

With the adoption of the FY 2025/2026 Zoning Ordinance Work Program, topics relating to the Planned Development Housing (PDH) and Planned Development Commercial (PDC) Districts that had been on the Priority 2 Zoning Ordinance Work Program (Topic 11B) since 2012 were moved to Priority 1 (Topic 12). Specifically, staff was directed to review (1) the additional standards for secondary commercial uses in the PDH District and (2) the secondary use standards, including percentage of residential uses, in the PDC District, and to consider updates to these provisions based on current practices. In addition, staff was also directed to evaluate whether to require a legal description and metes and bound description for partial Final Development Plan (FDP) applications.

Background – PDH District

A rezoning to create a new PDH District or amend an existing PDH District requires the review and approval by the Board of Supervisors (Board) of a Conceptual Development Plan (CDP) and the review and approval by the Planning Commission of a subsequent, more detailed, Final Development Plan (FDP). These developments, including their secondary uses, are subject to the general and design standards for a Planned District in subsection 2105.1, which require the application to be reviewed in accordance with the Comprehensive Plan with respect to the type, character, intensity of use, and public facilities. The PDH District was established in 1969 to encourage innovative and creative design for residential developments, permitting the incorporation of secondary uses. Commercial uses were allowed as secondary uses, intended to serve the residents within that specific development. To ensure the commercial uses served the residents of the development, the PDH District restricted commercial uses to the first two floors of a building when located in the same building as residential uses, and limited the total land area of commercial uses and associated parking and loading to between 200 and 400 square feet of land area per dwelling unit, depending on the density of the PDH District.

The land area limitation on commercial uses was updated with the 1978 Zoning Ordinance and has remained essentially the same since then. The standard that commercial uses only serve the needs of direct residents was revised with the readoption of the Zoning Ordinance in 2021 to instead require that secondary commercial uses be designed as an integrated component of the development and be designed to maintain and protect the residential character of the planned development and adjacent residential neighborhoods.

The PDH District permits principal and secondary uses in accordance with Table 4101.2, if the use is shown on a Final Development Plan. In accordance with subsection 2105.2.C(1)(a), secondary uses in the commercial use classification are only permitted in a PDH District that has a minimum of 50 dwelling units. Uses in the commercial classification are also subject to the total land area limits shown in Table 1 below.

Table 1: Permitted Commercial Area as a Secondary Use[1]

PDH-1, PDH-2, PDH-3, PDH-4	400 SF of commercial land area/dwelling unit
PDH-5, PDH-8, PDH-12, PDH-16, PDH-20	300 SF of commercial land area/dwelling unit
PDH-30, PDH-40	200 SF of commercial land area/dwelling unit

As stated earlier, the PDH District limits the amount of *land area* that uses in the commercial classification can occupy; however, it does not limit the *gross floor area* allocated to commercial uses other than offices. In other words, the size of the commercial use itself is not limited, only the land area of the use and its associated parking and loading.[2] There are also no specific limits on other permitted nonresidential uses, either in terms of land area or square footage. For instance, the PDH District restricts the land area that could be used for a financial institution or retail, but does not restrict the land area for uses in the Public, Institutional, and Community classification such as a private school or religious assembly.[3]

Staff reviewed over 250 applications that rezoned or amended a PDH District since 2000. There were fewer than 40 developments that contained any type of nonresidential use and only half of those contained uses in the commercial use category, such as office or retail sales. Staff considered recommending removal of the restrictions on the land area that can be devoted to commercial uses to be consistent with uses in the institutional and community classification, which are not limited. However, since only about 10 percent of the PDH Districts contain a commercial use, and the Board can modify the amount of commercial land area when determined appropriate, staff believes it is appropriate to leave the current limitations as is, other than minor changes to improve the readability of the subsection as noted in the draft text.

Background - PDC District

The PDC District was established in 1969 to permit large-scale, unified commercial developments and to encourage innovative and creative design. With the adoption of the 1978 Zoning Ordinance, new standards for secondary uses were established that largely remain the same today. The district regulations are designed to accommodate the preferred high-density or intensity land uses, which, if not strictly controlled as to location and design in accordance with the Comprehensive Plan recommendations, could produce detrimental effects on neighboring properties. A rezoning or amendment to the PDC District requires review and approval by the Board of a CDP and approval by the Planning Commission of an FDP. These development plans are subject to the general and design standards for a Planned District found in subsection 2105.1. The most recent significant amendment to the PDC District was approved in 2016 when the Board increased the permitted floor area ratio (FAR) from 2.5 to 5.0 in certain activity centers and commercial revitalization districts (CRDs) as defined in the Comprehensive Plan, except for the McLean CRD, which is limited to a 3.0 FAR.

PDC District principal and secondary uses are permitted in accordance with Table 4101.2 when shown on an FDP. Some of the principal uses include office and retail, as well as college or university, conference center, hotel, and restaurant. Residential uses are permitted as secondary uses; other

[1] Commercial restrictions per subsection 2105.2.C(1)(b)3. Offices are limited to 10 percent of the commercial gross floor area per subsection 2105.2.C(1)(b)4.
[2] Except for golf courses, outdoor commercial recreation, and zoos or aquariums.
[3] The area associated with nonresidential uses is included to calculate the overall density for the PDH development.

secondary uses include child care centers, drive-through uses, health and exercise facilities, private schools, and religious assembly. The secondary use standards in subsection 2105.4.C limit the gross floor area (GFA) of residential uses to 50 percent of the GFA *of the principal uses*. Other secondary uses are limited to 25 percent of the GFA *of the principal uses*. The Board has modified this restriction in over 60 percent of the cases in the past 10 years for both new and amended PDC developments, usually to accommodate the demand for additional residential uses and uses like health and exercise facilities that are commonly found in a retail environment. Because the limitation on the percentage of residential and other secondary uses is based on the gross floor area of the principal uses and not the overall gross floor area of development, this provision can be difficult to understand and apply.

Proposed Changes

PDH District

Staff proposes minor revisions to the PDH District secondary use standards in subsection 2105.2.C.(1) which include:

- Generally keeping the current restrictions on commercial uses in subsection 2105.2.C.(1)(b) to ensure the commercial uses are compatible with the residential nature of the development.
- Updating the provisions related to outdoor commercial uses in subsection 2105.2.C.(1)(b)1. The proposed change continues to permit outdoor commercial uses, but would require them to be shown on the FDP, which is subject to Planning Commission review and approval. This will help ensure that the outdoor uses are compatible with the development and adjacent uses.
- Updating the organization of subsection 2105.2.C.(1)(b)3 to improve readability. The permitted modification for contiguous PDH developments would be relocated and consolidated with the other permitted modifications for the commercial land area.
- Removing the standard limiting office use to 10 percent of the total gross floor area of all commercial uses subsection 2105.2.C.(1)(b)(4). The Zoning Ordinance already limits the land area for commercial uses (including offices) for compatibility reasons and this additional limitation on office is unneccessary and could otherwise limit the the ability to provide offices for small businesses like real estate or mortagage brokers or medical and veterinary offices.
- Reorganizing and updating the provisions relating to exceptions and modifications of the commercial land area, and locating these in subsection 2105.2.C.(1)(c). A new provision is proposed in subsection 2105.2.C.(1)(c)1 to permit a general modification of the commercial land area when in accordance with the Comprehensive Plan. The modification in subsection 2105.2.C.(1)(c)2 for contigious PDH developments is existing but has been simplified. The modification for outdoor recreation, zoos, and golf courses in subsection subsection 2105.2.C.(1)(c) was deleted since those uses are already exempt from the commercial land area restriction and a separate modification by the Board is not necessary.

PDC District

In the PDC District the following changes are proposed:

- A new open space requirement of 20 percent is proposed when new residential development, independent living facility, or a continuing care facility is proposed. Currently the PDC District requires 15 percent open space, which is consistent with the open space requirement in high density conventional commercial districts. However, the open space requirement in the Planned Residential Mixed Use (PRM) District (intended for high density residential-focused mixed use developments) and the Planned Continuing Care Facility (PCC) District is 20 percent. Similarly, an independent living facility is considered an institutional use but is defined as a kind of residential development; if established as a separate use by special exception, such a facility requires

25-75 percent open space, depending on the density proposed. The PDC, PRM District, and PCC Districts are mixed-use districts that allow residential development and are the most utilized planned districts in the high intensity Activity Center areas. Therefore, staff recommends matching the 20-percent open space requirement of the PRM and PCC Districts for PDC districts with residential development, an independent living facility, or a continuing care facility. The Board will maintain the ability to modify this requirement as appropriate. The additional open space requirement would only apply to applications accepted or amended after approval of this amendment that propose new residential development, an independent living facility, or a continuing care facility.

- Subsection 2105.4.C.(1)(a) is being simplified, and restrictions related to the percentage of secondary uses are relocated to C.(1)(b).
- In subsection 2105.4.C.(1)(b) staff proposes to update the current restriction on the percent of GFA permitted for secondary uses. Staff recommends that all secondary uses, including residential uses, be limited to 75 percent of the GFA *of the total development*. This change could result in more residential uses being allowed without a modification by the Board and would be consistent with the modifications that the Board has granted with previous approvals. Staff has proposed an option to limit the secondary uses from 49 percent of the total development up to the staff-recommended 75 percent. In older PDC developments, it is not uncommon for a portion of the development to be amended to add additional residential uses and the secondary use percentage is required to be modified. The proposed restriction of 75 percent of secondary uses will generally permit these amendments without a modification or need to rezone. However, the Board can elect the option of 49 percent if they are concerned about secondary uses being the majority of the development without a specific modification. Table 2 below is an example of the permitted square footage of secondary uses based on the current requirement, the proposal, and the low end of the option range.

Table 2: Secondary Use Percentage Options: Maximizing Secondary Uses

Example – 1,000,000 SF Development	**Currently Permitted Secondary Uses**	**Proposed – 75% Secondary Uses**	**Option – 49% Secondary Uses**
Principal Uses	571,500 SF (57.2% of total)	250,000 SF (25%)	510,000 SF (51%)
Secondary Uses - Residential	285,750 SF (50% of principal) (28.5% of total)	750,000 SF (75%)	490,000 SF (49%)
Secondary – All Other Uses	142,750 SF (25% of principal) (14.3% of total)		

- Staff recommends revising the design standards in subsection 2105.4.C.(1)(c) for secondary uses to ensure they are integrated into the development and designed to protect adjacent development from adverse impacts.
- Staff proposes to revise the outdoor commercial use standards in subsection 2105.4.C.(1)(d) and require them to be shown on the FDP to ensure review of any potential impacts of the outdoor component.
- With adoption of the changes discussed above, the Board and Planning Commission will still have the ability to carefully review PDC developments and secondary uses for substantial conformance with the Comprehensive Plan and satisfaction of the general and design standards in the Zoning Ordinance.

Final Development Plan Submission
Final Development Plans are required for all Planned Districts (other than the PRC District) and provide more detail than what is shown on a Conceptual Development Plan. It is not uncommon for an FDP to be submitted or amended for only a portion of the original rezoned area. When this occurs, there may be inconsistencies between the FDP and the land area shown on the original approval. These inconsistences could be due to land dedication, subdivision, etc. Nevertheless, questions often arise during application acceptance regarding what portion of the application is being implemented or amended. Therefore, staff recommends a new submission requirement for a legal description, including the metes and bounds of the property in addition to the current requirement for bearings and distances so there is a clear delineation of the area under consideration.

Appendix 1
While not part of the codified Ordinance, Appendix 1 – Provisions Relating to Previous Approvals, includes provisions related to the applicability of specific Zoning Ordinance amendments to previous approvals. Staff recommends that the Board consider allowing future amendments to previously approved PDC Districts (with residential development) to continue to be reviewed under the 15 percent open space requirement unless new residential development, an independent living facility, or continuing care facility is proposed, which would require a minimum of 20 percent open space to be provided on the area of the amended application. Below is the language staff recommends the Board consider to be added to Appendix 1 if the proposed amendment is adopted:

B. Amendments Adopted After May 10, 2023

(6) Planned Development Commercial (ZOA 112.2-2025-x)
Applications for an amendment to a PDC District and associated development plans are subject to a minimum 15 percent open space requirement if the PDC District was approved before (effective date of ZOA 112.2-2205-x), except that any amendment that proposes adding new residential development, an independent living facility, or a continuing care facility, must meet the minimum open space requirement of 20 percent on the area of the amended application.

Summary

Staff began public outreach on this amendment in November 2024 and have presented this topic at the Board's Land Use Policy Committee, Planning Commission's Land Use Process Review Committee, two virtual community meetings, and NVBIA/NAIOP (Northern Virginia Building Industry Association). Information on the amendment, including draft text, white papers, and presentation materials were posted throughout the amendment process on the dedicated webpage. The proposed changes will permit additional flexibility for secondary uses in the PDH and PDC Districts. Staff recommends that the amendment become effective at 12:01 a.m. on the day following adoption.

Attachment

1. Proposed Text

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Option for consideration is provided ***(in parentheses, italics, and bold)***. When an option is presented as a range, the Board may approve any number within the range. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of March 1, 2025.

#1 INSTRUCTION: Amend subsection 2105.2.C.(1) secondary uses as shown below.

2. PDH Planned Development Housing District

C. Additional Standards

(1) Secondary Uses

(a) Secondary uses in the commercial classification in Table 4101.2 are only permitted in a PDH District that has a minimum of 50 residential dwelling units.

(b) Secondary uses in the commercial classification must be designed as an integrated component of the planned development ~~where they are located~~ and must be designed to maintain and protect the residential character of the planned development and adjacent residential neighborhoods. To accomplish these purposes:

1. Except for accessory outdoor dining in accordance with subsection 4102.7.L, any outdoor component of a commercial use must be shown on the final development plan. ~~Commercial uses must be conducted within a completely enclosed building with no outside display except for outdoor seating and those uses that by their nature must be conducted outside a building.~~

2. When located within the same building as residential uses, commercial uses are limited to the first and second floors.

3. Except for outdoor commercial recreation, zoos or aquariums, and golf courses or country clubs, the maximum total land area, ~~including at-grade off-street parking and loading areas,~~ devoted to uses in the commercial classification, including at-grade off-street parking and loading areas, is as follows:

a. PDH-1, PDH-2, PDH-3, and PDH-4: 400 square feet of commercial/dwelling unit.

b. PDH-5, PDH-8, PDH-12, PDH-16, and PDH-20: 300 square feet of commercial/dwelling unit.

c. PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

~~The Board may increase the commercial land area if that land area serves two or more contiguous PDH Districts if it also approves concurrently a conceptual and final development plan showing the layout, uses, and intensity of the commercial land area. In these instances, the land area devoted to commercial use may be based on the total number of dwelling units in the PDH Districts if the commercial land area does not exceed twice that which would have been permitted otherwise for the individual PDH District where the commercial land area is located.~~

~~***4.*** Office uses may not exceed ten percent of the total gross floor area of all commercial uses in subsection 3 above.~~

(c) The Board may modify the limitations in subsection 2105.2.C.(1)(a) and (b) in accordance with either of the following:

1. When the Comprehensive Plan recommends additional commercial land area, square footage, or to otherwise implement goals of the Comprehensive Plan.

2. When the commercial land area serves two or more contiguous PDH Districts and the conceptual and final development plan show the layout, uses, and intensity of the commercial land area. In these instances, the land area devoted to commercial use may be based on the total number of dwelling units in the contiguous PDH Districts.

~~**(c)** In conjunction with the approval of a conceptual development plan and in order to further implementation of the Comprehensive Plan, the Board may modify the limitations in this subsection for the following uses when located outdoors:~~

~~***1.*** Outdoor commercial recreation;~~

~~***2.*** Zoo or aquarium; and~~

~~***3.*** Golf course or country club.~~

#2 INSTRUCTION: Amend subsection 2105.4.B.(4)(a) to increase required open space if the development includes dwelling units, an independent living facility, or a continuing care facility.

4. PDC Planned Development Commercial District

B. PDC Lot and Building Dimensional Standards

(4) Open Space

(a) Minimum open space: 15 percent of the gross area or 20 percent of the gross area when residential development, an independent living facility, or a continuing care facility is proposed.

#3 INSTRUCTION: Amend subsection 2105.4.C.(1) secondary uses as shown below.

C. Additional Standards

(1) Secondary Uses

(a) Secondary uses are only permitted in a PDC District containing one or more principal uses. ~~Unless the Board modifies the gross floor area in conjunction with a conceptual development plan approval to implement the comprehensive plan, the gross floor area is limited as follows:~~

~~***1.*** The gross floor area of dwellings may not exceed 50 percent of the gross floor area of all principal uses in the development, except for floor area for affordable and market rate dwelling units that comprise the increased density in accordance with Section 5101. The floor area for dwellings is determined in accordance with the gross floor area definition, except the following features are not included:~~

~~***a.*** Balconies, porches, decks, breezeways, stoops, and stairs that may be covered but have at least one open side; and~~

~~***b.*** Breezeways that may be covered but have two open ends.~~

~~***c.*** For the purpose of this subsection, an open side or open end has no more than 50 percent of the total area between the side(s), roof, and floor enclosed with railings, walls, or architectural features.~~

~~***2.*** The total gross floor area of all other secondary uses may not exceed 25 percent of the gross floor area of all principal uses in the development.~~

(b) The gross floor area of all secondary uses may not exceed 75 ***(Option: 49-75)*** percent of the total gross floor area in the development, unless modified by the Board to implement the Comprehensive Plan. The floor area for dwellings is determined in accordance with the gross floor area definition, except the following features are not included:

1. Balconies, porches, decks, breezeways, stoops, and stairs that may be covered but have at least one open side; and
2. Breezeways that may be covered but have two open ends.
3. For the purpose of this subsection (b), an open side or open end has no more than 50 percent of the total area between the side(s), roof, and floor enclosed with railings, walls, or architectural features.

(c) Secondary uses must be designed as an integrated component of the planned development and must be designed to maintain and protect the character of adjacent properties.

(d) Except for accessory outdoor dining in accordance with subsection 4102.7.L, any outdoor component of a commercial use must be shown on the final development plan. ~~Secondary uses must be conducted entirely within an enclosed building, with no outside display except for outdoor seating and uses that must be conducted outside a building.~~

#4 INSTRUCTION: Amend subsection 8101.2.C.(2) by adding a new subsection (d) as shown below.

8101. Submission Requirements

C. Plan Requirements for Planned Districts Except the PRC District

(2) A **Final Development Plan** (FDP) must be submitted. The FDP, any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect, or land surveyor authorized to practice as such by the State. The FDP must be on a maximum sheet size of 24" x 36", and if presented on more than one sheet, match lines must indicate where the several sheets join. The FDP must include the following:

…..

(d) A legal description of the property, including metes and bounds of the site, and bearings and distances of the perimeter property lines;

County of Fairfax, Virginia
Planning Commission Meeting
May 7, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – PROPOSED ZONING ORDINANCE AMENDMENT RE: SECONDARY USES IN PLANNED DEVELOPMENT HOUSING AND PLANNED DEVELOPMENT COMMERCIAL DISTRICTS, AND SUBMISSION REQUIREMENTS FOR FINAL DEVELOPMENT PLAN
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On May 7, 2025, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following:

- Adoption of the Zoning Ordinance Amendment for Secondary Uses in Planned Development Housing and Planned Development Commercial Districts, and Submission Requirements for Final Development Plan as set forth in the Staff Report dated April 11, 2025, with the staff recommended options;

- That the following be added in Appendix 1, Provisions relating to previous approvals:

  "Applications for an amendment to a PDC District and associated development plans are subject to a minimum 15 percent open space requirement if the PDC District was approved before the effective date of this amendment, except that any amendment that proposes adding new residential development, an independent living facility, or a continuing care facility, must meet the minimum open space requirement of 20 percent on the area of the amended application." and

- That the amendment become effective at 12:01 a.m. the day following adoption.

ATTACHED DOCUMENTS:
Staff Report dated April 11, 2025

MJ

Board Agenda Item
June 24, 2025

4:00 p.m.

Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-9 and 7-2-13 to Divide and Create a Precinct in Mount Vernon District; Relocate a Polling Place in the Franconia District; Rename a Polling Place in Franconia District; and Adjust Two Precincts' Boundaries in Providence District (Franconia, Mount Vernon and Providence Districts)

ISSUE:
Public Hearing to consider an ordinance that proposes to amend and readopt *Fairfax County Code §§ 7-2-9 and 7-2-13* to divide Huntington precinct to create Montebello precinct in Mount Vernon District; relocate the Virginia Hills polling place and rename the polling place for Greenspring precinct, both in Franconia District; and adjust the precinct boundaries between Marshall and Shreve precincts in Providence District.

RECOMMENDATION:
The County Executive recommends adoption of the proposed ordinance.

TIMING:
On May 13, 2025, the Board authorized a public hearing to be held on June 24, 2025, at 4:00 p.m. to consider an ordinance addressing changes to polling places, precincts, and a voter satellite office. Board action on June 24, 2025, will allow adequate time to file a request for a Certification of No-Objection from the Virginia Attorney General and properly notify voters who are affected by these changes in advance of the next election, which is expected to be the General Election on November 4, 2025.

BACKGROUND:
The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of *Virginia Code §§ 24.2-307, -310, and -310.1*.

Virginia Code § 24.2-129 also requires that certain "covered practices" go through either a statutorily specified public comment process or receive a Certification of No Objection from the Attorney General before the practices can be given effect. The public comment process takes a minimum of 75 days to complete, while the Attorney General process takes a maximum of 60 days to complete. Among the "covered practices" identified are any changes that relocate polling places in the County. The Board must

first adopt an ordinance making the required polling place changes. If and after the Board adopts the ordinance, the County Attorney will file a request for a Certification of No Objection with the Virginia Attorney General, in accordance with *Virginia Code § 24.2-129(D).*

As presented in the May 13, 2025, Administrative Item that requested authorization to advertise this public hearing, staff recommended changes to precincts and polling place locations in the Hunter Mill, Dranesville, and Sully districts. Each of these changes would have affected voters in the 11th Congressional District. Each of these changes would also have required a review by the Virginia Attorney General.

On June 3, 2025, Governor Youngkin issued a Writ of Election for a special election on September 9, 2025, to fill the vacancy in the 11th Congressional District resulting from the passing of U.S. Representative Gerry Connolly. Because of the selected special election date and the time permitted to the Attorney General for review of the changes, staff recommends not making changes in the 11th Congressional District at this time because there likely will not be sufficient time to prepare absentee ballots and notify voters for the September 9 special election by the respective 45- and 30-day pre-election day deadlines set forth in Virginia law. See *Va. Code §§ 24.2-306(B), -701.1(A)*.

Additionally, staff was recently made aware that the new location for the Franconia Governmental Center, which serves as a voter satellite office, will not be open when originally anticipated. As such, staff no longer recommend changing the address of that location.

All the foregoing changes can be made at an appropriate time after the November 4, 2025, general election. All the current polling places and precincts that were included within the 11th Congressional District can continue to be used through at least the 2025 election cycle.

The following changes were also presented in the May 13 Administrative Item and properly advertised, and staff recommend that they move forward as authorized by the Board for advertisement:

In Franconia District, staff was informed that the name of the polling place for Greenspring precinct changed from Greenspring Conference Center to Hunters Crossing Conference Center. Staff recommend accepting and recognizing the name change for the polling place. While this precinct is in the 11th Congressional District, name changes are not subject to Attorney General review and so can be implemented in time for the September 9 special election.

Also in the Franconia District, staff was informed that the voting room at the polling place for the Virginia Hills precinct, located at the Virginia Hills Center, 6520 Diana Lane, Alexandria, will be repurposed as office space and will no longer be available for voting. Staff recommend that the polling place be relocated to the Franconia Recreation Center, 6601 Telegraph Road, Alexandria, approximately 0.5 miles from the current polling place at the Virginia Hills Center. This new location will provide adequate parking, a sufficiently sized voting room, and meet all ADA requirements.

In the Mount Vernon District, staff recommend dividing the Huntington precinct which currently has 4,637 voters. This proposal will create a new precinct to be named "Montebello," and its polling place will be established at Montebello Community Center, 5905 Mount Eagle Drive, Alexandria. The new precinct will reduce the size of the Huntington precinct by 1,300 voters. The polling place for Huntington voters will remain at the Fair Haven Community Center.

In the Providence District, staff recommend adjusting the precinct boundary between Marshall and Shreve precincts to move 1,107 voters from Marshall into Shreve. The proposed change will reduce the number of voters in Marshall, which currently has over 5,000 voters. The polling places for the Marshall and Shreve precincts will remain at Marshall High School and Shrevewood Elementary School, respectively.

EQUITY IMPACT:
None.

FISCAL IMPACT:
The new precinct is estimated to have a one-time cost of $29,653 and annual recurring costs of $9,224, resulting in a first-year total of $38,877.

ENCLOSED DOCUMENTS:
Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Revised Summary of Proposed Polling Place Changes
Attachment 3: Descriptions and Maps of Revised Proposed Polling Place Changes
Attachment 4: Proposed Ordinance

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Katherine K. Hanley, Chairman of the Fairfax County Electoral Board
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

Board Agenda Item
June 24, 2025

ASSIGNED COUNSEL:
Martin R. Desjardins, Assistant County Attorney

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:
"Certification of no objection" means a certification issued by the Attorney General that there is no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:
1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;
2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;
3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;
4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or
5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.
"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment.
Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice. The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the

covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

2021, Sp. Sess. I, cc. 528, 533.

§ 24.2-307 (in part). Requirements for county and city precincts.

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

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

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

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

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

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. 515; 2020, c. 1268.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to subsection G. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

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

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

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

G. The general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in the event that there is no suitable building that could be used within the precinct or within one mile of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759; 2016, cc. 18, 492; 2022, c. 5.

§ 24.2-310.1. Polling places; additional requirement.

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

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

Revised - JUNE 2025 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES

SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
FRANCONIA	411 Virginia Hills	2,653	Virginia Hills Center	411 Virginia Hills	2,653	Franconia Recreation Center	The voting room at Virginia Hills will be repurposed as office space and will no longer be available for voting
FRANCONIA	426 Greenspring	1,861	Greenspring Conference Center	426 Greenspring	1,861	Hunters Crossing Conference Center	Change the name of the polling place
MOUNT VERNON	607 Huntington	4,637	Fair Haven Community Center	607 Huntington 637 Montebello	3,337 1,300	Fair Haven Community Center Montebello Community Center	Huntington precinct will be divided to create Montebello precinct
PROVIDENCE	708 Marshall 712 Shreve	5,653 1,594	Marshall High School	708 Marshall 712 Shreve	4,546 2,701	Marshall High School Shrevewood Elementary School	The precinct boundaries of Marshall and Shreve will be adjusted to re-precinct 1,107 Marshall voters into Shreve precinct

***** VERIS registered voters as of 03/07/2025 - Reports Library_Statistics_Registrant_Counts_By_Locality

Commonwealth of Virginia

COUNTY OF FAIRFAX

FRANCONIA District

PRECINCT:	**411 VIRGINIA HILLS**
CONGRESSIONAL DISTRICT:	**8**
VIRGINIA SENATORIAL DISTRICT:	**34**
HOUSE OF DELEGATES DISTRICT:	**17**

DESCRIPTION:
Beginning at the intersection of Telegraph Road and Florence Lane, thence with Florence Lane in a southerly direction to its intersection with Gentle Lane, thence with Gentle Lane in an easterly direction to its approximate intersection with an unnamed stream (between the residences numbered 6249 and 6251 Gentle Lane), thence with the unnamed stream in a southerly direction to its intersection with South Kings Highway, thence with South Kings Highway in a southwesterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with Florence Lane, point of beginning

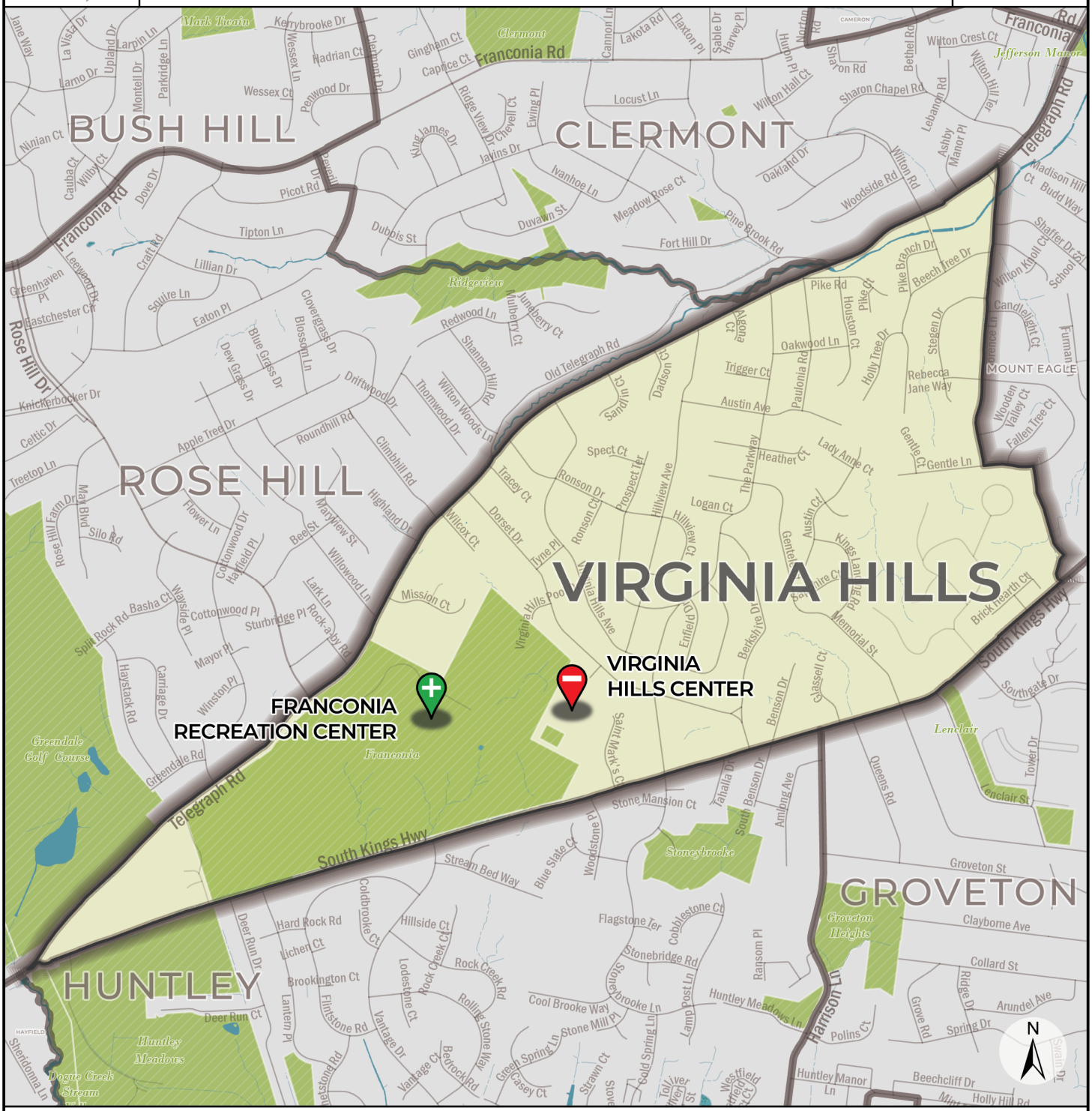
POLLING PLACE: ~~Virginia Hills Center~~ Franconia Recreation Center
~~6520 Diana Ln,~~ 6601 Telegraph Road, Alexandria

NOTES:
Established July 1981
Boundary adjusted July 1991 and August 2001
Precinct description revised and readopted – March 2003
Precinct boundary adjusted – July 2011
Senatorial and House Districts changed – December 2021
Polling place relocated – June 2025

Commonwealth of Virginia

County of Fairfax

Franconia District



Precinct Boundary and Polling Location Information

June 2025

- Precinct Boundary
- Virginia Hills Center - 6520 Diana Lane
- Franconia Recreation Center - 6601 Telegraph Road

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Miles

Commonwealth of Virginia

COUNTY OF FAIRFAX

FRANCONIA District

PRECINCT:	**426 GREENSPRING**
CONGRESSIONAL DISTRICT:	**11**
VIRGINIA SENATORIAL DISTRICT:	**35**
HOUSE OF DELEGATES DISTRICT:	**18**

DESCRIPTION:
Beginning at the intersection of Accotink Creek and an unnamed tributary of Accotink Creek located near the northern most point of the Greenspring Village property, thence with the meanders of the unnamed tributary in a southeasterly direction to its intersection with the Franconia-Springfield Parkway (Route 289), thence with the Franconia-Springfield Parkway in a westerly, then southwesterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a northeasterly direction to its intersection with an unnamed tributary near the northern most point of the Greenspring Village property, point of beginning.

POLLING PLACE: ~~Greenspring~~ Hunters Crossing Conference Center
7430 Spring Village Dr, Springfield

NOTES:
Established March 2003
Senatorial and House Districts changed – December 2021
Polling place moved – December 2023
Polling place moved - June 2024
Polling place renamed – June 2025

Commonwealth of Virginia

County of Fairfax

Franconia District



Precinct: 426 GREENSPRING

June 2025

Polling Place: Hunters Crossing Conference Center - 7430 Spring Village Dr

Fairfax County Voting Precincts

Featured Polling Place

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Miles

Commonwealth of Virginia

COUNTY OF FAIRFAX

MOUNT VERNON District

PRECINCT: **607 HUNTINGTON**

CONGRESSIONAL DISTRICT: **8**

VIRGINIA SENATORIAL DISTRICT: **34**

HOUSE OF DELEGATES DISTRICT: **17**

DESCRIPTION:

Beginning at the intersection of Telegraph Road and Huntington Avenue, thence with Huntington Avenue in a southeasterly direction to its intersection with Biscayne Drive, thence with Biscayne Drive in a southwesterly direction to its intersection with Riverview Terrace, thence with Riverview Terrace in a southeasterly direction to its intersection with Blaine Drive, thence with Blaine Drive in a northeasterly direction to its intersection with Huntington Avenue, thence with Huntington Avenue in a southeasterly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southwesterly direction to its intersection with North Kings Highway, thence with North Kings Highway in a generally northerly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with Huntington Avenue, point of beginning, excluding the area that consitutes the Montebello precinct as established in June 2025.

POLLING PLACE: Fair Haven Community Center
2409 Fort Dr, Alexandria

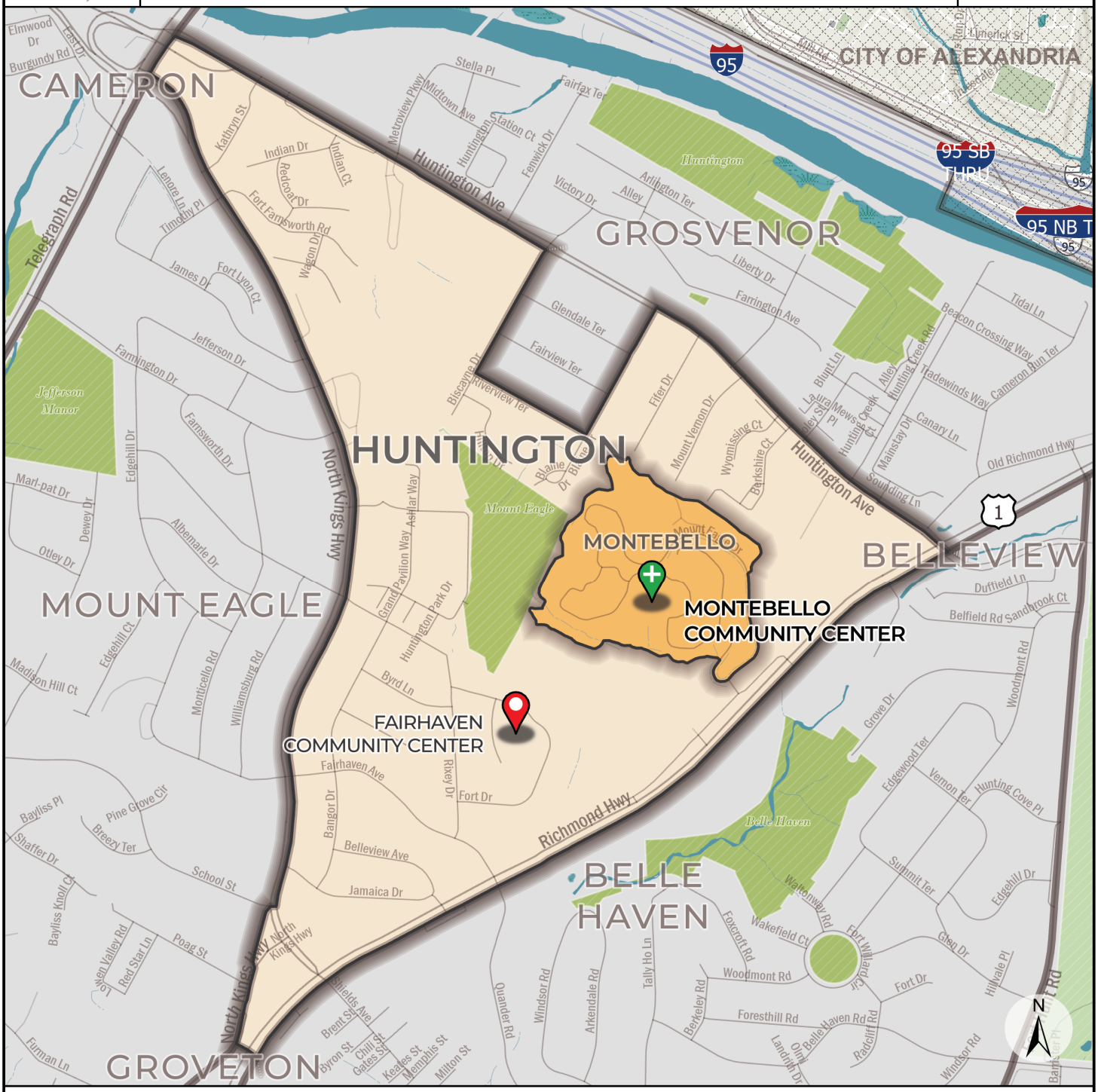
NOTES:
Established July 1981
Precinct description revised and readopted – March 2003
Delegate District changed from 44th to 43rd – July 2011
Precinct boundary adjusted with Grosvenor – July 2011
Senatorial and House Districts changed – December 2021
Precinct divided to create Montebello precinct – June 2025



Commonwealth of Virginia

County of Fairfax

Mount Vernon District



Precinct Boundary and Polling Location Information

June 2025

- Proposed Montebello Precinct Boundary
- Montebello Community Center - 5905 Mount Eagle Drive
- Remaining Huntington Precinct Boundary
- Fair Haven Community Center - No Changes

0 0.1 0.2

Miles

Commonwealth of Virginia

COUNTY OF FAIRFAX

MOUNT VERNON District

PRECINCT: **637 MONTEBELLO**

CONGRESSIONAL DISTRICT: **8**

VIRGINIA SENATORIAL DISTRICT: **34**

HOUSE OF DELEGATES DISTRICT: **17**

DESCRIPTION:

Beginning at Metro Gate and the Montebello Woodland Trail, thence with the Montebello Woodland Trail in an easterly, then southerly, then northeasterly, then southerly direction to its intersection with Long Mount Eagle Drive, thence with Long Mount Eagle Drive in a southerly, then southwesterly, then westerly direction to its intersection with Short Mount Eagle Drive, thence with Short Mount Eagle Drive in a northerly, then easterly direction to its intersection with Montebello Woodland Trail, thence with Montebello Woodland Trail in a generally northern, then southeasterly, then easterly direction to its intersection with Metro Gate, point of beginning

POLLING PLACE: Montebello Community Center
5905 Mount Eagle Drive, Alexandria

NOTES: Established June 2025

Commonwealth of Virginia

COUNTY OF FAIRFAX

PROVIDENCE District

PRECINCT: **708 MARSHALL**

CONGRESSIONAL DISTRICT: **8**

VIRGINIA SENATORIAL DISTRICT: **37**

HOUSE OF DELEGATES DISTRICT: **13**

DESCRIPTION:

Beginning at the intersection of the Capital Beltway (I-495) and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with ~~to its intersection with the west corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a southwesterly, westerly, northeasterly, northwesterly, southwesterly, easterly, (around the City of Falls Church Maintenance Yard property) and then a southerly direction to its intersection with the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in a westerly direction~~ Route 66, thence with Route 66 in a southwesterly direction to its intersection with the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in a northwesterly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a generally northerly direction to its intersection with Leesburg Pike, point of beginning

POLLING PLACE: Marshall High School
7731 Leesburg Pike, Falls Church

NOTES: Established 1963
The Washington and Old Dominion Railroad Regional Park (trail) is the abandoned Washington and Old Dominion Railroad right-of-way
Precinct description revised and readopted – March 2003
Senate district changed from 32nd to 35th - July 2011
Fairfax County boundary adjusted with City of Falls Church – January 2014
Precinct description revised and readopted – November 2014
Senatorial and House Districts changed – December 2021
Boundary adjustment with Shreve precinct – June 2025

Commonwealth of Virginia

COUNTY OF FAIRFAX

PROVIDENCE District

PRECINCT: **712 SHREVE**

CONGRESSIONAL DISTRICT: **8**

VIRGINIA SENATORIAL DISTRICT: **37**

HOUSE OF DELEGATES DISTRICT: **13**

DESCRIPTION:

Beginning at the intersection of ~~Virginia Avenue and the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in an easterly direction to its intersection~~ Route 66 and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with the west corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a southwesterly, ~~then southeasterly direction~~ westerly, northeasterly, northwesterly, southwesterly, easterly, (around the City of Falls Church Maintenance Yard property) and then a southerly direction to its intersection with a projection of Arthur Drive, thence with this projection (between 7201 and 7200 Arthur Drive) and Arthur Drive in a westerly direction to its intersection with West Street, thence with West Street in a southerly direction to its intersection with Hollywood Road, thence with Hollywood Road in a northwesterly direction to its intersection with the boundary between the King David Memorial Gardens Cemetery property and the Hollywood Road Park, thence with the boundary of the King David Memorial Gardens Cemetery property in a northeasterly, then northwesterly, then southwesterly direction to its intersection with the block subdivision boundary (between 2563 and 2565 Holly Manor Drive) projected to the Virginia Power Easement at the Idylwood Substation, thence with the Virginia Power Easement in a northerly direction to its intersection with Shreve Road, thence with Shreve Road in a northeasterly direction to its intersection with Virginia Avenue at the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in a westerly direction to its intersection with Route 66, thence with Route 66 in a northeasterly direction to its intersection with Leesburg Pike, point of beginning

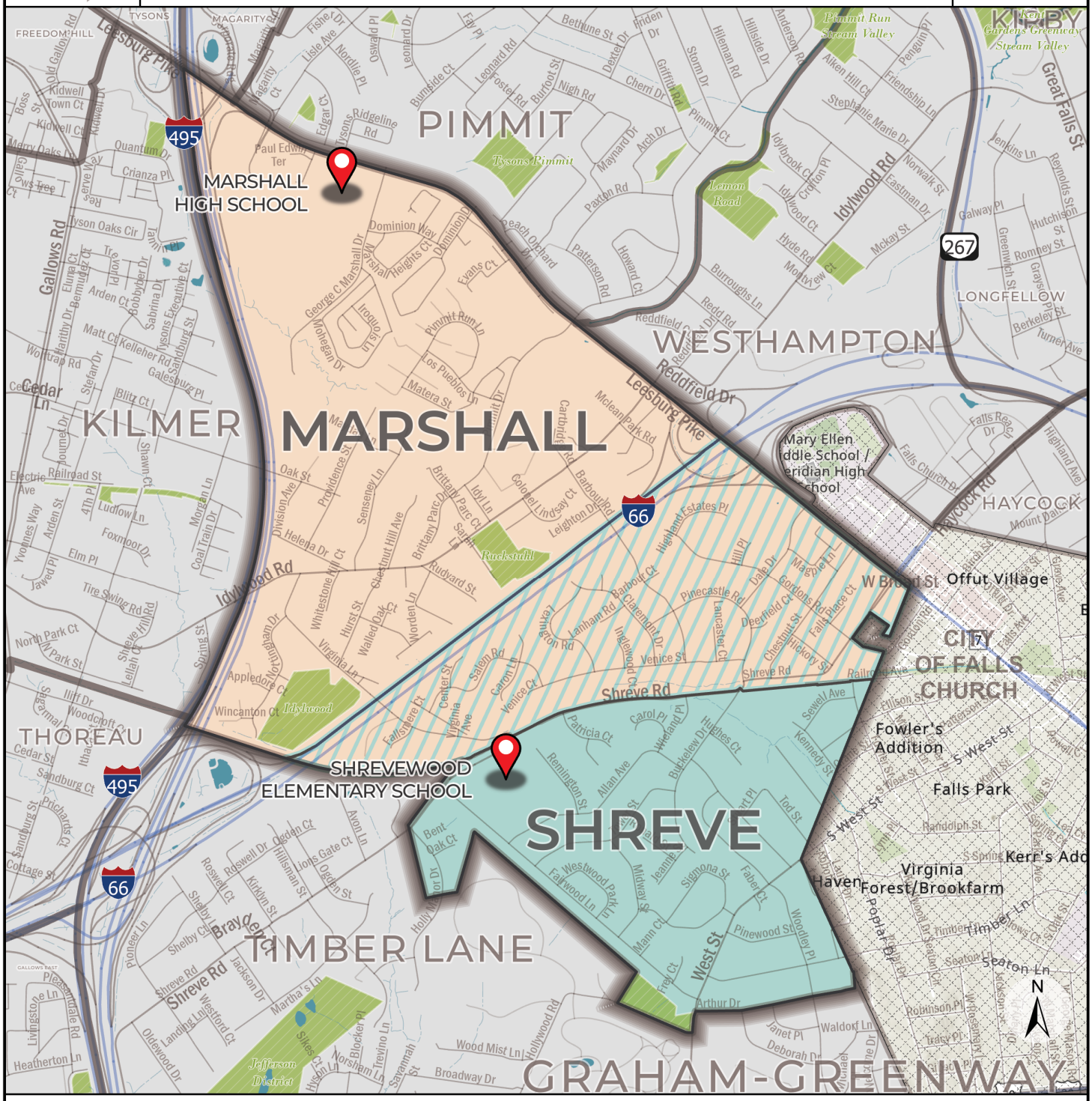
POLLING PLACE: Shrevewood Elementary School
7525 Shreve Rd, Falls Church

NOTES: Established 1954
The Washington and Old Dominion Railroad Regional Park (trail) is the abandoned Washington and Old Dominion Railroad right-of-way
Precinct description revised and readopted – March 2003
Senatorial and House Districts changed – December 2021
Boundary adjustment with Marshall precinct – June 2025

Commonwealth of Virginia

County of Fairfax

Providence District



Precinct Boundary and Polling Location Information

June 2025

- Portion of Marshall to be merged into Shreve
- Marshall Precinct Boundary
- Shreve Precinct Boundary
- Polling Locations - No Changes

AN ORDINANCE AMENDING AND READOPTING FAIRFAX COUNTY CODE SECTIONS 7-2-9 AND 7-2-13 TO DIVIDE AND CREATE A PRECINCT IN MOUNT VERNON DISTRICT; RELOCATE A POLLING PLACE IN FRANCONIA DISTRICT; RENAME A POLLING PLACE IN FRANCONIA DISTRICT; AND ADJUST TWO PRECINCTS' BOUNDARIES IN PROVIDENCE DISTRICT

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 7-2-9 and 7-2-13 to Divide and Create a Precinct in Mount Vernon District; Relocate a Polling Place in Franconia District; Rename a Polling Place in Franconia District; and Adjust Two Precincts' Boundaries in Providence District

Draft of June 11, 2025

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

1. **That Sections 7-2-9 and 7-2-13 of the Fairfax County Code are amended and readopted, as follows:**

ARTICLE 2. – Election Districts for the Board of Supervisors.

Section 7-2-9. – Mount Vernon District.

The Mount Vernon District shall consist of these election precincts: Alban, Army, Belle Haven, Belleview, Bucknell, Fort Hunt, Grosvenor, Gunston, Halley No. 1, Halley No. 2, Hollin Hall, Huntington, Kirkside, Laurel Hill No. 1, Laurel Hill No. 2, Lorton, Lorton Station, Marlan, Montebello, Newington No. 1, Newington No. 2, Pohick Creek, Riverside, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn No. 1, Woodlawn No. 2, and Woodley.

Section 7-2-13. – General Provisions.

All references to election precincts refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July 12, 2016, July 11, 2017, March 20, 2018, December 4, 2018, April 9, 2019, December 3, 2019, March 24, 2020, March 23, 2021, June 22, 2021, December 7, 2021, March 8, 2022, June 7, 2022, March 7, 2023, December 5, 2023, March 19, 2024, June 25, 2024, ~~and~~ January 14, 2025; and June 24, 2025, kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature is the dividing line between that precinct and any adjoining precinct.

2. That the election polling places for new precincts are established at:

Supervisor District	Precinct	Polling Place
Mount Vernon	Montebello (New Precinct)	Montebello Community Center 5905 Mount Eagle Drive Alexandria, VA 22303

3. That the election polling place for the following existing precinct is established at:

Supervisor District	Precinct	Polling Place
Franconia	Virginia Hills (Polling Place Moved)	From: Virginia Hills Center 6520 Diana Lane Alexandria, VA 22310 To: Franconia Recreation Center 6601 Telegraph Road Alexandria, VA 22310

4. That the election polling place for the following existing precinct is renamed:

Supervisor District	Precinct	Polling Place
Franconia	Greenspring (Polling Place Renamed)	From: Greenspring Conference Center 7430 Spring Village Drive Springfield, VA 22150 To: Hunters Crossing Conference Center 7430 Spring Village Drive Springfield, VA 22150

5. That precinct boundary alterations depicted in the maps and descriptions, and the GIS data on which both are based, held in the records of the Clerk to the Board of Supervisors as part of the June 24, 2025, public hearing on this matter, and related to the Mount Vernon and Providence districts, are established.

6. That this ordinance shall become effective upon adoption, and that clauses 1, 2, 3, and 5 shall be given effect after completion of the procedures set forth in Virginia Code § 24.2-129(D).

7. **That the Clerk for the Board of Supervisors will send a certified copy of this ordinance to the Fairfax County Electoral Board, and staff from the Office of Elections will send a copy of this ordinance to the Virginia Department of Elections.**

GIVEN under my hand this _____ day of _____, 2025

_____
Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Board Agenda Item
June 24, 2025

4:00 p.m.

Public Hearing to Consider an Ordinance Establishing the Edison Residential Permit Parking District, District 50 (Franconia District)

ISSUE:
Public hearing to consider a proposed amendment to *Appendix G of The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Edison Residential Permit Parking District (RPPD), District 50, to include the west side of Edison Drive from the northern property boundary of 6204 Edison Drive to the southern property boundary of 6228 Edison Drive; and, the east side of Edison Drive from the northern property boundary of 6205 Edison Drive to Woodway Drive.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Appendix G of the Fairfax County Code (Attachment 1) to establish the Edison RPPD, District 50.

TIMING:
On May 13, 2025, the Board authorized an advertisement of a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on June 24, 2025, at 4:00 p.m.

BACKGROUND:
Section 82-5A-4(a) of The Code of the County of Fairfax, Virginia, authorizes the Board to establish and/or expand an RPPD encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that at least 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of $10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Residents of Edison Drive have petitioned for the establishment of a new District, to be known as Edison RPPD, due to a high number of student vehicles parked on the residential street during school hours. Staff have verified that the petitioning block is within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of Edison High School and thus qualifies for establishment of the RPPD. Staff have also verified that all other requirements to establish the RPPD discussed above have been met.

EQUITY IMPACT:
The project area is located within a low vulnerability index. Approximately 13% of residents in this Census tract are in low-income occupations, and approximately 9% of the residents speak English less than well. Generally, the establishment of residential parking restrictions to prohibit non-resident vehicles during restriction hours supports Fairfax One Focus Area 12, a healthy and quality environment to live and work in that acknowledges the need to breathe clean air, to drink clean water now and for future generations by reducing the number of vehicles traveling on the street, leading to fewer vehicle emissions in the affected residential environment. However, at this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
Funding of approximately $1,125 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Amendment to the Fairfax County Code
Attachment 2: Map Depicting Proposed Limits of Edison RPPD, District 50

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, FCDOT
Mena Nakhla, Equity Manager, FCDOT
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Board Agenda Item
June 24, 2025

ASSIGNED COUNSEL:
F. Hayden Codding, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
Appendix G

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following:

G-50 Edison Residential Permit Parking District.

(a) *Purpose and Intent*. The Edison Residential Permit Parking District is established to protect this residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.

(b) *District Designation*.

(1) The Edison Residential Permit Parking District is designated as Residential Permit Parking District 50, for the purposes of signing and vehicle decal identification.

(2) Blocks included in the Edison Residential Permit Parking District are shown on the Official Residential Permit Parking District map and are described below:

Edison Drive (Route 973):

From the northern property boundary of 6204 Edison Drive to the southern property boundary of 6228 Edison Drive, west side; and from the northern property boundary of 6205 Edison Drive to Woodway Drive, east side.

(c) *District Provisions*.

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5A of Chapter 82.

(2) Within the Edison Residential Permit Parking District, parking is prohibited Monday- Friday, 8:00 am-3:30 pm, except as permitted by the provisions of Article 5A of Chapter 82.

(3) One (1) transferable visitor pass per address shall be issued in the name of a bona fide resident of said address within the District.

(4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor parking pass for a period not to exceed two (2) weeks.

(5) All permits and visitor passes for the Edison Residential Permit Parking District shall expire on June 30, 2026. Thereafter, all permits and visitor passes may be renewed in accordance with Article 5A of Chapter 82 and the renewal procedures established by Fairfax County Department of Transportation.

(d) *Signs*. Signs delineating the Edison Residential Permit Parking District shall indicate the following:

NO PARKING
8:00 am-3:30 pm
Monday-Friday
Except by Permit
District 50

Attachment 2



Board Agenda Item
June 24, 2025

4:00 p.m.

Public Hearing to Consider an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)

ISSUE:
Public hearing to consider a proposed amendment to *Appendix G of The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Culmore Residential Permit Parking District (RPPD), District 9, to include the east side of Beachway Drive from Blair Road to the westernmost property boundary of 6110 Beachway Drive.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Appendix G of the Fairfax County Code (Attachment I) to expand the Culmore RPPD, District 9.

TIMING:
On May 13, 2025, the Board authorized an advertisement of a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on June 24, 2025, at 4:00 p.m.

BACKGROUND:
Section 82-5A-4(b) of the Fairfax County Code authorizes the Board to establish and/or expand a RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of a RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of $10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

On July 26, 2024, a peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioned block faces were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioned blocks. All other requirements to expand the RPPD have been met.

EQUITY IMPACT:
The project area is located within a high vulnerability index. Nearly 29% of residents in this Census tract are in low-income occupations, and approximately 44% of the residents have low educational attainment. Generally, the establishment of residential parking restrictions to prohibit non-resident vehicles during restriction hours supports Fairfax One Focus Area 12, a healthy and quality environment to live and work in that acknowledges the need to breathe clean air, to drink clean water now and for future generations by reducing the number of vehicles traveling on the street, leading to fewer vehicle emissions in the affected residential environment. However, at this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
Funding of approximately $850 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Amendment to the Fairfax County Code
Attachment 2: Map Depicting Proposed Limits of RPPD Expansion

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, FCDOT
Mena Nakhla, Equity Manager, FCDOT
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Board Agenda Item
June 24, 2025

ASSIGNED COUNSEL:
Patrick Foltz, Assistant County Attorney

Attachment 1

PROPOSED CODE AMENDMENT

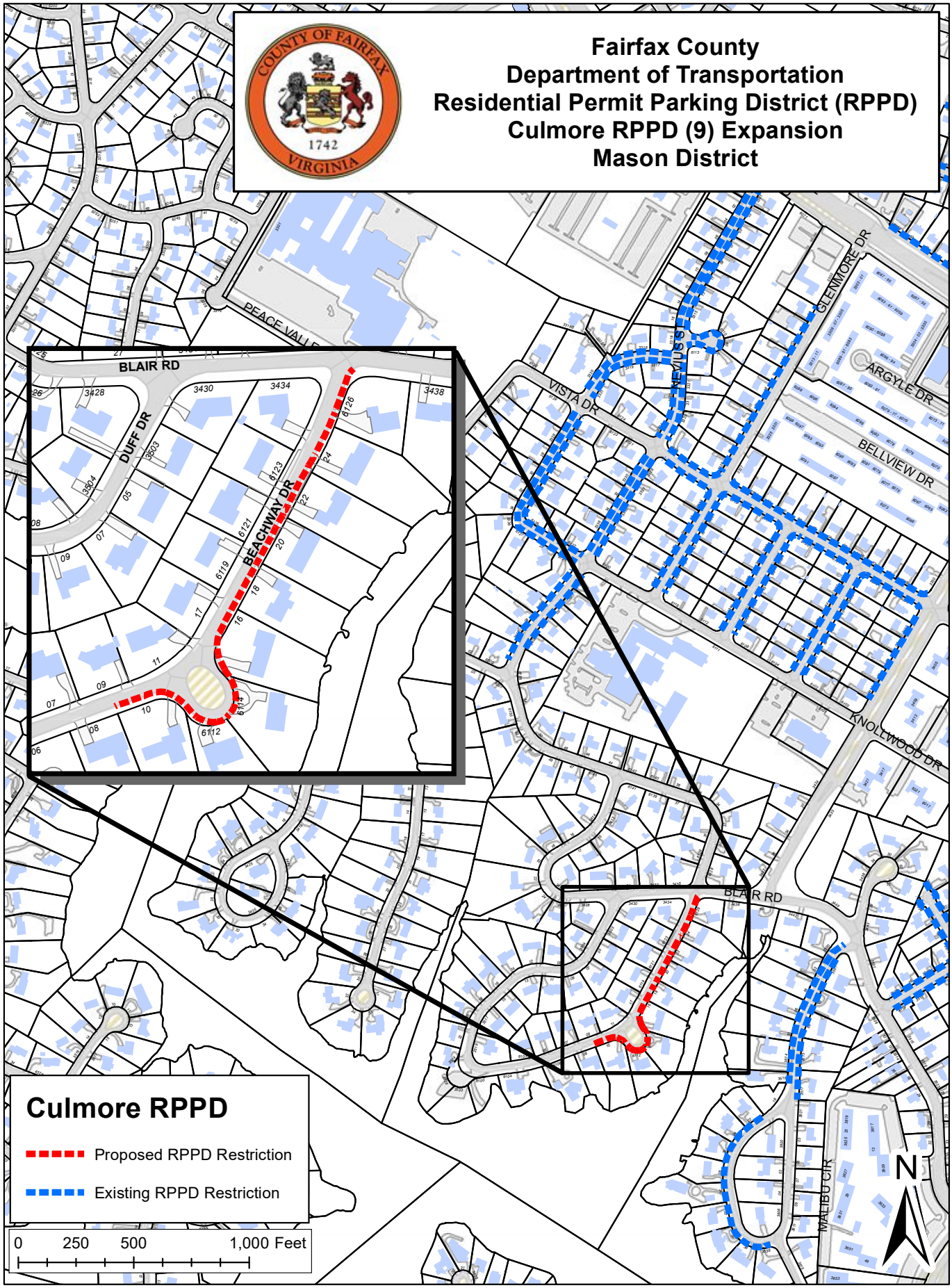
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX G

Amend *The Code of the County of Fairfax*, *Virginia*, by modifying the following streets in Appendix G-9, Section (b)(2), Culmore Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Beachway Drive (Route 1886):

East side, from Blair Road to the westernmost property boundary of 6110 Beachway Drive.

Attachment 2



Board Agenda Item
June 24, 2025

4:30 p.m.

Public Hearing on a Proposal to Vacate and Abandon Portions of Hillview Court (Franconia District)

ISSUE:
Public hearing on a proposal to vacate and abandon portions of Hillview east of the intersection of Hillview Court (Route 5864) and Hillview Avenue (Route 1420).

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached order of abandonment (Attachment 3) and Vacation Ordinance (Attachment 4) of the subject right-of-way.

TIMING:
On May 13, 2025, the Board authorized advertisement of the public hearing for the vacation and abandonment of the proposed right-of-way, to be held on June 24, 2025, at 4:30 p.m.

BACKGROUND:
The applicant, Walsh Colucci Lubeley & Walsh, P.C., on behalf of their client, Beazer Homes LLC, a Delaware LLC, is requesting that Hillview Court be vacated *under §15.2-2272 of the Virginia Code* and abandoned under *§33.2-909 of the Virginia Code*. As part of their new subdivision, the applicant extended Hillview Court beyond the existing cul-de-sac. Therefore, the “ears” of the cul-de-sac are no longer needed for transportation use in the secondary system and the public would be best served by vacating and abandoning these portions of the road. The portion of the road to be vacated and abandoned has no historic value.

The subject portions of Hillview Court, east of the intersection of Hillview Court (Route 5864) and Hillview Avenue (Route 1420), have been razed and restored following the road extension. The subject vacation and abandonment areas were dedicated for public street purposes by Deed of Dedication (Deed Book 4567 Page 232). The subject portions of Hillview Court are in the Virginia Department of Transportation (VDOT) Secondary System of Highways. The vacated areas of Hillview Court will be returned to the adjacent property owners as shown on the vacation plat (Attachment 5).

Board Agenda Item
June 24, 2025

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Letter of Request and Justification
Attachment 2: Notice of Public Hearing
Attachment 3: Order of Abandonment
Attachment 4: Vacation Ordinance
Attachment 5: Vacation and Abandonment Plat
Attachment 6: Metes and Bounds
Attachment 7: Vicinity Map
Attachment 8: Informational Plat

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Jeffrey Hermann, Chief, Site Analysis & Transportation Planning Division, FCDOT
Gregory Fuller, Jr., 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

WALSH COLUCCI
LUBELEY & WALSH PC

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

REVISED

September 27, 2024

BY ELECTRONIC MAIL

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

Re: Request for Proposed Vacation and Abandonment of Portions of Hillview Court
Franconia District, Fairfax County, Virginia

Dear Jeffrey:

This letter constitutes a petition and statement of justification to abandon certain portions of Hillview Court, Franconia District, Fairfax County, Virginia (referred to as the "**Vacation and Abandonment Areas**"), originally filed on October 31, 2023. This revised letter seeks to address your comment that we complete the vacation under Virginia Code Section 15.2-2722 and to revise the square footage of the Vacation and Abandonment Areas. This request is made on behalf of Beazer Homes LLC, a Delaware limited liability company (the "**Applicant**").

The Applicant is currently developing the Hillview Avenue Subdivision. Developing the Hillview Avenue Subdivision requires extending a portion of Hillview Court. Said extension area currently includes a cul-de-sac, but extending Hillview Court would eliminate the need for the cul-de-sac. As such, the sides of the cul-de-sac will no longer be necessary for vehicular and transportation use. In connection with extending Hillview Court, the Virginia Department of Transportation ("**VDOT**") has requested that the Applicant cause the portions of Hillview Court (i.e., the Vacation and Abandonment Areas) that will no longer be used for vehicular and transportation use, as more particularly shown on the attached **Exhibit "A"**, to be vacated and abandoned.

The Vacation and Abandonment Areas are shown on the plat entitled "Plat Showing the Abandonment and Vacation of Certain Portions of Hillview Court (Route #5864), Creating Parcel 4, Parcel 5, and Parcel 9, Section 2, Mount Erin (Deed Book 4567, Page 232), Franconia District, Fairfax County, Virginia", prepared by RC Fields & Associates, Inc., dated August 12, 2024 (the "**Plat**"). The total of the areas to be abandoned is 3,374 square feet. The Vacation and Abandonment Areas were dedicated for

public street purposes by virtue of that certain Deed of Dedication in Deed Book 4567 at Page 232, among the land records of Fairfax County, Virginia.

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

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

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



H. Mark Goetzman

cc: Kate Schlinke

ATTACHMENT 2

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING AND AN ORDER ABANDONING
PORTIONS OF A ROAD

(Hillview Court – State Route 5864)

Franconia District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on June 24, 2025, at 4:30pm during its regular meeting in the Board Auditorium of the Fairfax County Government Center Parkway, Fairfax, Virginia pursuant to Virginia Code Ann. §15.2-2204, §15.2-2722, and §33.2-909, vacating and abandoning a total of 3,374 square feet of Hillview Court (Route 5864), which was dedicated for public street purposes pursuant to that certain Deed of Dedication dated March 2, 1977 and filed March 2, 1977 under Deed Book 4567 at Page 232 in the land records of Fairfax County, Virginia. The road is located adjacent to Tax Map Parcel Numbers: 092-2-23-0003; 092-2-23-0004; 092-2-23-0005; and 092-2-23-0009 and is described and shown on the metes and bounds description and plat prepared by RC Fields & Associates, Inc., both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

Public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online at the web address shown below or by calling the Department of Clerk Services at 703-324-1315, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified.

In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at clerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony.

Questions regarding this proposal may be directed to the Fairfax County Department of Transportation at 703-877-5600.

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

FRANCONIA DISTRICT

ATTACHMENT 3

ORDER OF ABANDONMENT OF
PORTIONS OF HILLVIEW COURT

Franconia District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 24th day of June, 2025, it was duly moved and seconded that:

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

WHEREFORE, BE IT ORDERED:

That the portions of the existing Hillview Court (Route 5864), comprising a total of 3,374 square feet, located adjacent to Tax Map Parcel Numbers: 092-2-23-0003; 092-2-23-0004; 092-2-23-0005; and 092-2-23-0009, described and shown on the metes and bounds and plat prepared by RC Fields & Associates, Inc., each attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code § 33.2-909.

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

A Copy Teste:

_____
Jill G. Cooper
Clerk to the Board of Supervisors

ADOPTION OF AN ORDINANCE VACATING
A PORTION OF A ROAD

(Hillview Court – Route 5864)

Franconia District,
Fairfax County, Virginia

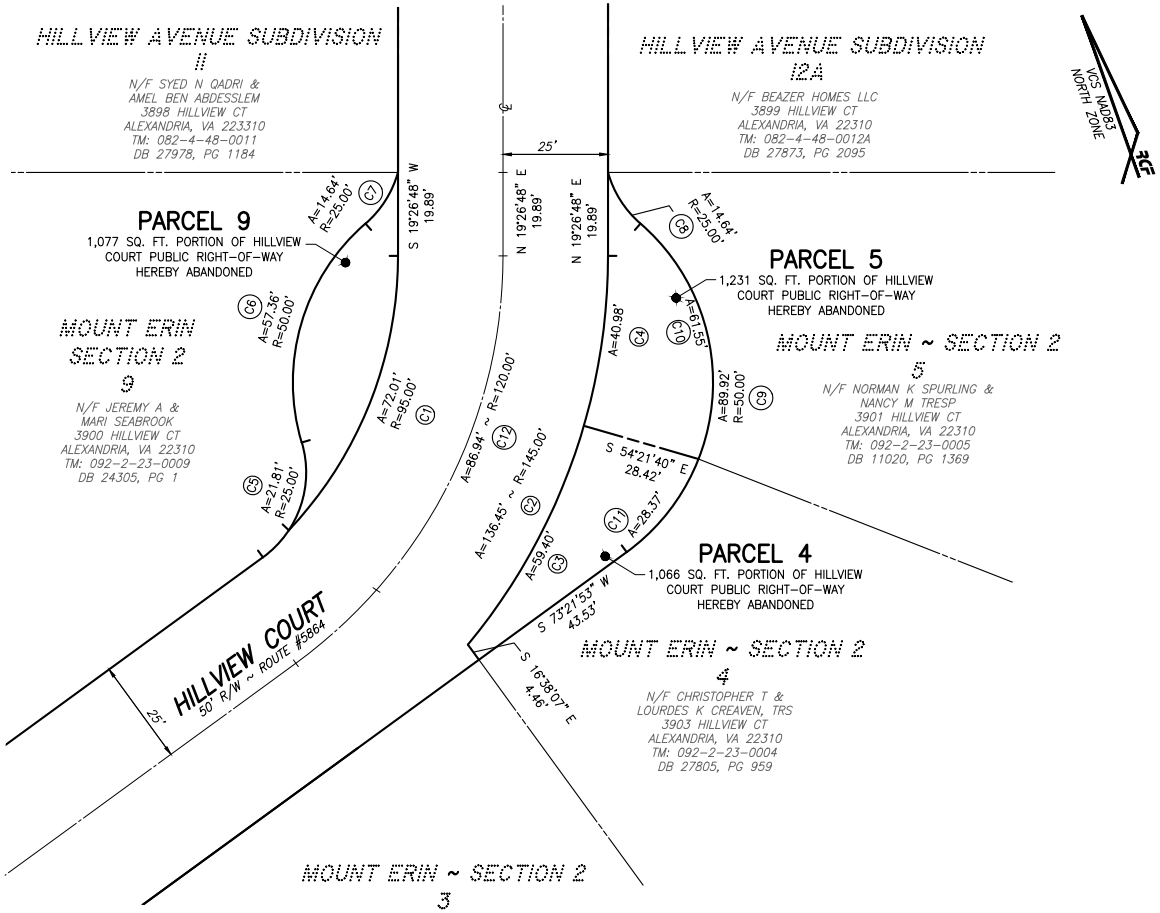
At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on June 24, 2025, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

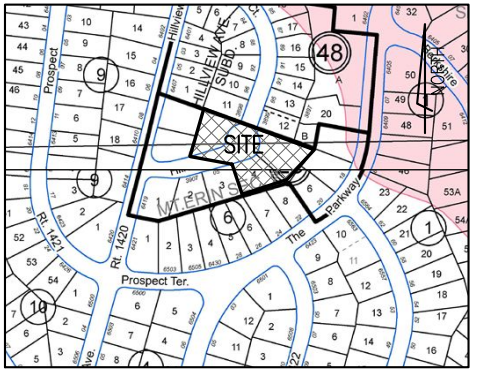
BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, pursuant to Virginia Code §15.2-2272, does hereby vacate Hillview Court as formerly dedicated in a Deed of Dedication, recorded in Deed Book 4567, at Page 232. The road vacated is currently shown on Tax Map 92-2 and is described on the metes and bounds schedule attached hereto as well as shown on the plat prepared by RC Fields & Associates, Inc.

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

A Copy Teste:

_____
Jill G. Cooper
Clerk to the Board of Supervisors





VICINITY MAP
SCALE 1" = 250'

GENERAL NOTES:

1. TAX MAP: #092-2-23-0004
#092-2-23-0005
#092-2-23-0009
2. CLIENT: BEAZER HOMES, LLC
3. A TITLE REPORT WAS NOT FURNISHED, THUS ALL EASEMENTS MAY NOT BE SHOWN.
4. PLAT SUBJECT TO RESTRICTIONS OF RECORD.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	95.00'	72.01'	43°25'41"	37.83'	N 41°09'38" E	70.29'
C2	145.00'	136.45'	53°55'05"	73.75'	N 46°24'21" E	131.47'
C3	145.00'	59.40'	23°28'16"	30.12'	N 47°22'28" E	58.98'
C4	145.00'	40.98'	16°11'32"	20.63'	N 27°32'34" E	40.84'
C5	25.00'	21.81'	49°59'11"	11.65'	N 27°50'24" E	21.13'
C6	50.00'	57.36'	65°44'01"	32.31'	N 35°42'36" E	54.27'
C7	25.00'	14.64'	33°33'20"	7.54'	N 51°47'00" E	14.43'
C8	25.00'	14.64'	33°33'20"	7.54'	S 12°51'14" E	14.43'
C9	50.00'	89.92'	103°02'27"	62.90'	S 21°50'40" W	78.28'
C10	50.00'	61.55'	70°31'47"	35.36'	S 05°35'20" W	57.74'
C11	50.00'	28.37'	32°30'40"	14.58'	S 57°06'33" W	27.99'
C12	120.00'	86.94'	41°30'38"	45.48'	N 40°12'07" E	85.05'

COMMONWEALTH OF VIRGINIA
Wim J. De Sutter
Lic. No. 3462
AUGUST 12, 2024
LAND SURVEYOR

PLAT

SHOWING THE ABANDONMENT AND VACATION OF CERTAIN PORTIONS OF HILLVIEW COURT (ROUTE #5864), CREATING PARCEL 4, PARCEL 5, AND PARCEL 9
SECTION 2
MOUNT ERIN
(DEED BOOK 4567, PAGE 232)
FRANCONIA DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: AUGUST 12, 2024 SCALE : 1"=20'

ENGINEERING • LAND SURVEYING • PLANNING
700 S. Washington Street, Suite 220
Alexandria, VA 22314
www.rcfassoc.com
(703) 549-6422
RCFIELDS & ASSOCIATES, INC.

DRAWN: AA CHECKED: WDS
FILE: 20-30 SHEET 1 OF 1

J:\2020\2030\DWG\SURVEY\10 - VACATION PLAT\2024-02-16 - 2nd Submission\2030 - ABANDONMENT & VACATION PLAT-2024-08-12.dwg
Tue, Aug 20 2024 - 10:37:31am

RC FIELDS & ASSOCIATES
INCORPORATED
ENGINEERING • LAND SURVEYING • PLANNING

700 S. WASHINGTON ST
SUITE 220
ALEXANDRIA, VA 22314
(703) 549-6422
www.rcfassoc.com

METES AND BOUNDS DESCRIPTION

PARCEL 4
SECTION 2 ~ MOUNT ERIN

FAIRFAX COUNTY, VIRGINIA

All that certain tract or parcel of land lying, being and situate in Franconia District, Fairfax County, Virginia being a portion of the right-of-way of Hillview Court, Route #5864, dedicated for public street purposes as recorded in Deed Book 4567 at Page 232 among the Land Records of said Fairfax County, Virginia.

Said Parcel being further described by metes and bounds as follows:

BEGINNING AT A POINT on the easterly right-of-way line of Hillview Court (50’ wide), said point being on the common line between Lot 3, Section 2, Mount Erin (Deed Book 4567, Page 232) on the South and Lot 4, Section 2, Mount Erin (Deed Book 4567, Page 232) on the North; Thence departing the said right-of-way and running through the cul-de-sac of Hillview Court, along the common line between Parcel 3 and Parcel 4: the following two (2) courses and distances:

1. North 16° 38' 07” West, 4.46 feet to a point;
2. A curve turning left with a radius of 145.00 feet, with an arc length of 59.40 feet, with a delta angle of 23° 28' 16”, with a chord bearing of North 47° 22' 28” East, and a chord distance of 58.98 feet to a point:

Thence, running with the common line between Parcel 4 and Parcel 5: the following three (3) courses and distances:

3. South 54° 21' 40” East, 28.42 feet to a point on the easterly right-of-way line of Hillview Court, said point being on the common line between Lots 4 and 5, Section 2, Mount Erin to a point;
4. A curve turning right with a radius of 50.00 feet, with an arc length of 28.37 feet, with a delta angle of 32° 30' 40”, with a chord bearing of South 57° 06' 33” West, and a chord distance of 27.99 feet to a point;
5. South 73° 21' 53” West, 43.34 feet to the **POINT OF BEGINNING.**

Containing an area of 1,066 square feet or 0.0245 acres of land

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METES AND BOUNDS DESCRIPTION

PARCEL 5
SECTION 2 ~ MOUNT ERIN

FAIRFAX COUNTY, VIRGINIA

All that certain tract or parcel of land lying, being and situate in Franconia District, Fairfax County, Virginia being a portion of the right-of-way of Hillview Court, Route #5864, dedicated for public street purposes as recorded in Deed Book 4567 at Page 232 among the Land Records of said Fairfax County, Virginia.

Said Parcel being further described by metes and bounds as follows:

BEGINNING AT A POINT on the easterly right-of-way line of Hillview Court (50' wide), said point being on the common line between Lot 4, Section 2, Mount Erin (Deed Book 4567, Page 232) on the South and Lot 5, Section 2, Mount Erin (Deed Book 4567, Page 232) on the North; Thence departing the said right-of-way line and thence, departing said right-of-line and crossing and including a portion of the right-of-way of said Hillview Court: along the common line between Parcel 4 and Parcel 5: the following three (3) courses and distances:

1. North 54° 21' 40" West, 28.42 feet to a point:
2. A curve turning left with a radius of 145.00 feet, with an arc length of 40.98 feet, with a delta angle of 16° 11' 32", with a chord bearing of North 27° 32' 34" East, and a chord distance of 40.84 feet to the point of tangency of said curve;
3. North 19° 26' 48" East, 19.89 feet to a point, said point being on the easterly right-of-way line of Hillview Court, also being on the common line between Lot 5, Section 2, Mount Erin, and Lot 12A, Hillview Avenue Subdivision (Deed Book 27873, Page 2095);

Thence, following along aforementioned right-of-way line the following two (2) courses and distances:

4. A curve turning left with a radius of 25.00 feet, with an arc length of 14.64 feet, with a delta angle of 33° 33' 20", with a chord bearing of South 12° 51' 14" East, and a chord distance of 14.43 feet to a point;
5. A reverse curve turning right with a radius of 50.00 feet, with an arc length of 61.55 feet, with a delta angle of 70° 31' 47", with a chord bearing of South 05° 35' 20" West, and a chord distance of 57.74 feet to the **POINT OF BEGINNING.**

Containing an area of 1,231 square feet or 0.0286 acres of land

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METES AND BOUNDS DESCRIPTION

PARCEL 9
SECTION 2 ~ MOUNT ERIN

FAIRFAX COUNTY, VIRGINIA

All that certain tract or parcel of land lying, being and situate in Franconia District, Fairfax County, Virginia being a portion of the right-of-way of Hillview Court, Route #5864, dedicated for public street purposes as recorded in Deed Book 4567 at Page 232 among the Land Records of said Fairfax County, Virginia.

Said Parcel being further described by metes and bounds as follows:

BEGINNING AT A POINT on the westerly right-of-way line of Hillview Court (50' wide), said point being on the common line between Lot 9, Section 2, Mount Erin (Deed Book 4567, Page 232) on the South and Lot 11, Hillview Avenue Subdivision (Deed Book 27562, Page 1114) on the North; Thence departing aforementioned right-of-way line and thence, departing said right-of-line and crossing and including a portion of the right-of-way of said Hillview Court with the following five (5) courses and distances:

1. South 19° 26' 48" West, 19.89 feet to a point;
2. A curve turning right with a radius of 95.00 feet, with an arc length of 72.01 feet, with a delta angle of 43° 25' 41", with a chord bearing of South 41° 09' 38" West, and a chord distance of 70.29 feet to a point along Hillview Court;
3. A curve turning left with a radius of 25.00 feet, with an arc length of 21.81 feet, with a delta angle of 49° 59' 22", with a chord bearing of North 27° 50' 24" East, and a chord distance of 21.13 feet to a point;
4. A reverse curve turning right with a radius of 50.00 feet, with an arc length of 57.36 feet, with a delta angle of 65° 44' 01", with a chord bearing of North 35° 42' 36" East, and a chord distance of 54.27 feet to a point;
5. A reverse curve turning left with a radius of 25.00 feet, with an arc length of 14.64 feet, with a delta angle of 33° 33' 20", with a chord bearing of North 51° 47' 00" East, and a chord distance of 14.43 feet to the **POINT OF BEGINNING.**

Containing an area of 1,077 square feet or 0.0247 acres of land

Hillview Court Vacation and Abandonment

Franconia District

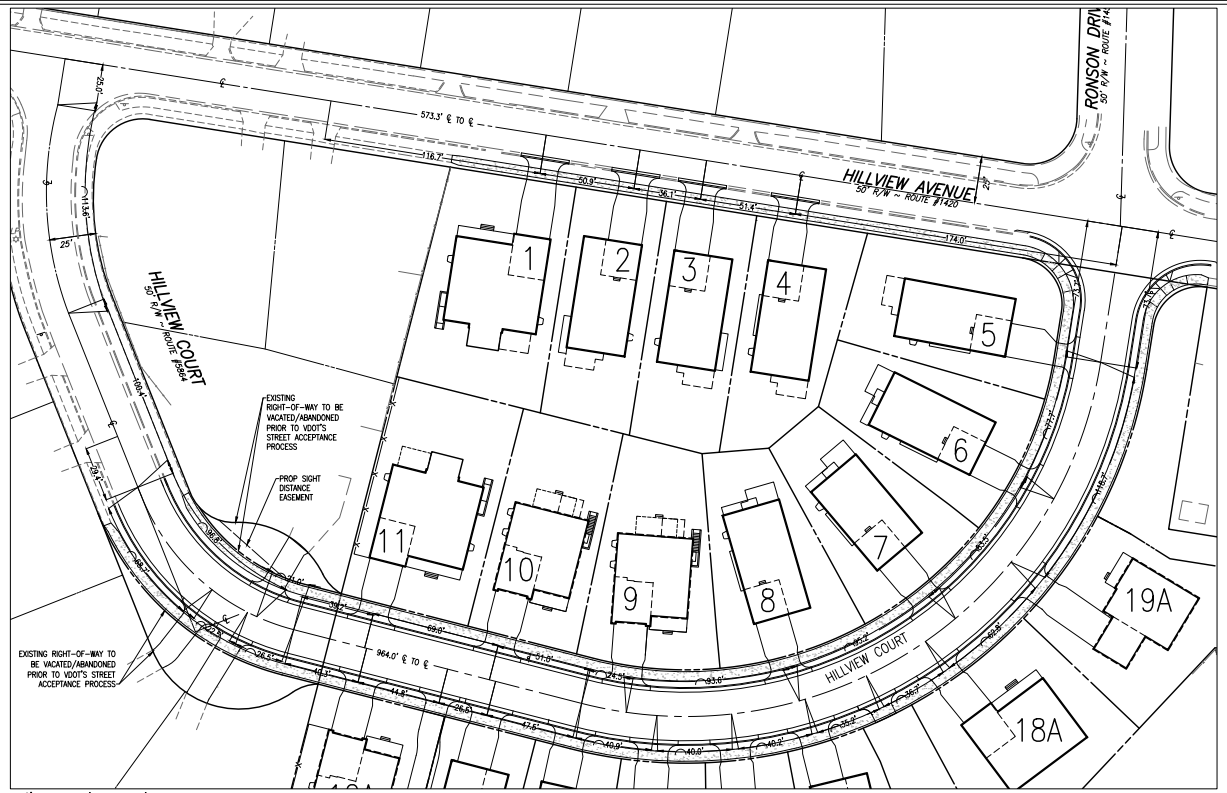
ATTACHMENT 7



N

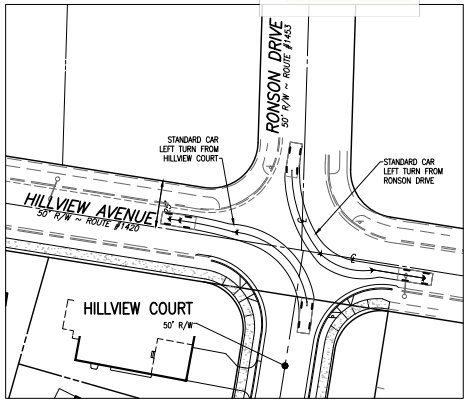
Tax Map 92-2

✱ Denotes Area to be Vacated and Abandoned

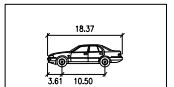


PROPOSED INTERSECTION/DRIVEWAY SPACING EXHIBIT
SCALE: 1" = 30'

APPROVED
COUNTY OF FAIRFAX
LAND DEVELOPMENT SERVICES
SITE DEVELOPMENT AND INSPECTIONS DIVISION
BY: Mark Lucas
DATE: 5/3/2023



HILLVIEW AVENUE INTERSECTION TURNING MOVEMENTS
SCALE: 1" = 30'



STANDARD CAR

	feet
Width	: 6.56
Track	: 6.56
Lock to Lock Time	: 6.0
Steering Angle	: 36.2

THIS DRAWING IS A SERVICE DOCUMENT OF R.C. FIELDS & ASSOCIATES, INC. AND MAY NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND/OR LAND SURVEYOR.

EXISTING UTILITIES SHOWN ON THIS PLAN TAKEN FROM AVAILABLE RECORDS AND/OR FROM FIELD OBSERVATIONS. FOR EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-552-7001, 72 HOURS BEFORE THE START OF ANY EXCAVATION OR CONSTRUCTION.

LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. INTERFERENCE OR DISRUPTION OF SAME WILL NOT BE THE RESPONSIBILITY OF THIS OFFICE.

ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF FAIRFAX COUNTY.
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COMMONWEALTH OF VIRGINIA
VINCENT M. MICHALE
Lic. No. 040206016Z
APRIL 11, 2023
PROFESSIONAL ENGINEER

6403 HILLVIEW AVENUE
HILLVIEW AVENUE
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

DATE	REVISION
01/25/22	SWM REVISION
01/19/23	LOT NUMBER AND WIDTH REVISION
04/03/23	PRIVATE EASEMENT REVISION

DESIGN: ARO
CHECKED: ACS
SCALE: 1"=30'
DATE: JAN 19, 2023

VDOT ANALYSIS

SHEET 36 OF 50
FILE: 20-30

Board Agenda Item
June 24, 2025

4:30p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic

ISSUE:
Public hearing to consider proposed amendments to the *Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Sections 82-1-6, 82-3-17, 82-3-24, and 82-9-2*.

RECOMMENDATION:
The County Executive recommends the approval of the proposed amendments to Chapter 82.

TIMING:
On May 13, 2025, the Board authorized a public hearing to consider this matter on June 24, 2025, at 4:30 p.m.

BACKGROUND:
As a housekeeping measure to update *Chapter 82, portions of Sections 82-1-6* (Adoption of state law), *82-3-17* (Driving without operator's license prohibited), *82-3-24* (Driving while operator's license suspended or revoked), and *82-9-2* (Right-of-way pedestrians) have been amended to reflect changes made to the Code of Virginia by the 2025 General Assembly. A summary of the changes as a result of the 2025 General Assembly amendments affecting Chapter 82 are provided in Attachments 2 and 4.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

Board Agenda Item
June 24, 2025

ENCLOSED DOCUMENTS:
Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic, Article 1, In General.

Attachment 2 - Summary of 2025 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic, Article 1, In General.

Attachment 3 – Proposed Amendment to Chapter 82, Motor Vehicles and Traffic, Article 3, Inspection, Licensing and Registration Generally and Article 9, Protection of Pedestrians.

Attachment 4 – Summary of 2025 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic, Article 3, Inspection, Licensing and Registration Generally and Article 9, Protection of Pedestrians.

STAFF:
Thomas Arnold, Deputy County Executive
Kevin Davis, Chief of Police

ASSIGNED COUNSEL:
Kimberly P. Baucom, Deputy County Attorney

ATTACHMENT 1

Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Article 1. – In General.

Section 82-1-6. – Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2024~~ *2025*, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2024~~ *2025, except where otherwise noted*.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	18.2-270	46.2-208
18.2-267	18.2-270.01	46.2-218
18.2-268.1	*18.2-270.1*	*46.2-300*
18.2-268.2	18.2-271	*46.2-301*
18.2-268.3	*18.2-271.1*	*46.2-301.1*
18.2-268.4	18.2-272	46.2-302
18.2-268.5	*46.2-100*	46.2-329
18.2-268.6	46.2-102	46.2-334.001
18.2-268.7	46.2-104	46.2-341.20:5
18.2-268.8	46.2-108	46.2-341.26:2
18.2-268.9	46.2-109	46.2-341.26:3
18.2-268.10	46.2-110	46.2-341.26:4
18.2-268.11	46.2-111	46.2-341.26:7
18.2-268.12	46.2-112	46.2-341.26:9

46.2-341.27	46.2-684.2	46.2-816
46.2-341.28	46.2-704	46.2-816.1
46.2-345.3	46.2-711	46.2-817
46.2-346	46.2-715	46.2-818.1
46.2-349	46.2-716	46.2-818.2
46.2-371	46.2-724	46.2-819.4
46.2-373	46.2-730	46.2-820
46.2-376	46.2-800	46.2-821
46.2-379	46.2-801	46.2-822
46.2-380	46.2-802	46.2-823
46.2-391.01	46.2-803	46.2-824
46.2-391.2	46.2-804	46.2-825
46.2-391.3	46.2-805	46.2-826
46.2-391.4	46.2-806	46.2-827
46.2-392	46.2-807	46.2-828
*46.2-393**	46.2-808	46.2-828.2
*46.2-398**	46.2-808.1	46.2-829
46.2-602.3	46.2-808.2	46.2-830
46.2-612	46.2-808.3	46.2-831
46.2-613	46.2-810	46.2-832
46.2-616	46.2-811	46.2-833
46.2-617	46.2-812	46.2-833.1
46.2-618	46.2-814	46.2-834

46.2-835	46.2-860	46.2-879
46.2-836	46.2-861	46.2-880
46.2-837	46.2-861.1	46.2-882
46.2-838	46.2-862	*46.2-882.1*
46.2-839	46.2-863	46.2-883
46.2-841	46.2-864	46.2-884
46.2-842	*46.2-865***	46.2-885
46.2-842.1	*46.2-865.1*	46.2-886
46.2-844	*46.2-866*	46.2-887
46.2-845	46.2-868	46.2-888
46.2-846	46.2-868.1	46.2-889
46.2-848	*46.2-869*	46.2-890
46.2-849	46.2-870	46.2-891
46.2-850	46.2-871	46.2-892
46.2-851	46.2-872	46.2-893
46.2-852	46.2-873	46.2-894
46.2-853	46.2-874	46.2-895
46.2-854	46.2-876	46.2-896
46.2-855	46.2-877	46.2-897
46.2-856	46.2-878	46.2-898
46.2-857	46.2-878.1	46.2-899
46.2-858	46.2-878.2	46.2-900
46.2-859	46.2-878.3	46.2-902

46.2-903	46.2-928	46.2-1020
46.2-904	46.2-929	46.2-1021
46.2-904.1	46.2-930	46.2-1022
46.2-905	46.2-932	*46.2-1023*
46.2-906	46.2-936	46.2-1024
46.2-908.1	46.2-937	*46.2-1025*
46.2-909	46.2-940	46.2-1026
46.2-910	46.2-942	46.2-1027
46.2-911.1	46.2-1001.1	*46.2-1030*
46.2-912	46.2-1001	46.2-1031
46.2-914	46.2-1002	46.2-1032
46.2-915	46.2-1003	46.2-1033
46.2-915.2	46.2-1004	46.2-1034
46.2-918	46.2-1010	46.2-1035
46.2-919	46.2-1011	46.2-1036
46.2-919.1	46.2-1012	46.2-1037
46.2-920	46.2-1013	46.2-1038
46.2-921	46.2-1014	46.2-1039
46.2-922	46.2-1015	46.2-1040
46.2-923	46.2-1016	46.2-1041
46.2-924	46.2-1017	46.2-1043
46.2-926	46.2-1018	46.2-1043.1
46.2-927	46.2-1019	46.2-1044

46.2-1047	46.2-1077	46.2-1115
46.2-1049	46.2-1077.01	46.2-1116
46.2-1050	46.2-1078	46.2-1118
46.2-1052	46.2-1079	46.2-1120
46.2-1053	46.2-1080	46.2-1121
46.2-1054	46.2-1081	46.2-1130
46.2-1055	46.2-1082	46.2-1137
46.2-1056	46.2-1083	46.2-1150
46.2-1057	46.2-1084	46.2-1151
46.2-1058	46.2-1088	46.2-1154
46.2-1059	46.2-1088.1	46.2-1155
46.2-1060	46.2-1088.2	46.2-1156
46.2-1061	46.2-1088.5	46.2-1157
46.2-1063	46.2-1088.6	46.2-1158
46.2-1064	46.2-1090	46.2-1158.01
46.2-1065	46.2-1091	46.2-1158.02
46.2-1066	46.2-1092	46.2-1158.1
46.2-1067	46.2-1093	46.2-1172
46.2-1068	46.2-1102	46.2-1173
46.2-1070	46.2-1105	46.2-1216
46.2-1071	46.2-1110	46.2-1218
46.2-1072	46.2-1111	46.2-1219.2
46.2-1076	46.2-1112	46.2-1219.3

46.2-1231	46.2-1250	46.2-1561
46.2-1234	46.2-1309	46.2-2910
46.2-1240	46.2-1508.2	
46.2-1242	46.2-1552	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18-2.272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

** To become effective on July 1, 2026, per 2025 Acts of General Assembly Chapter 652.*

*** Certain parts to become effective immediately and others on July 1, 2026, per 2025 Acts of General Assembly Chapters 648 and 652.*

(20-83-82; 25-84-82; 14-85-82; 16-87-82; 29-88-82; 20-89-82; 30-89-82; 18-90-82; 36-90-82; 23-91-82; 37-91-82; 37-92-82; 46-92-82; 33-93-82; 27-94-82; 17-95-82; 35-95-82; 25-96-82; 41-96-82; 18-97-82; 21-98-82; 20-99-82; 27-00-82; 25-01-82; 24-02-82; 33-02-82; 26-03-82; 25-04-82; 22-05-82; 18-06-82; 21-07-82; 45-08-82; 52-08-82; 41-09-82; 21-10-82; 22-11-82; 13-12-82; 15-12-82; 48-13-82; 27-14-82; 21-15-82; 21-16-82; 11-17-82; 21-18-82; 21-19-82; 10-20-82; 13-21-82; 13-22-82, 32-23-82, 22-24-82.)

ATTACHMENT 2

SUMMARY OF 2025 GENERAL ASSEMBLY AMENDMENTS AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the Code of Virginia, portions of which are adopted by reference into Chapter 82 of the Code of the County of Fairfax.

Be it enacted by the General Assembly of Virginia:

An Act to amend and reenact §§ 18.2-270.1 and 18.2-271.1 of the Code of Virginia, relating to ignition interlock system duration. Increases the period of time during which a person is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system.

An Act to amend and reenact § 18.2-271.1 of the Code of Virginia, relating to pre-conviction ignition interlock systems for certain offenders. Permits first-time or second-time offenders charged with driving while intoxicated to obtain an ignition interlock system pre-conviction.

An Act to amend and reenact § 46.2-100 of the Code of Virginia, relating to financial responsibility in the future. Adds the definition of financial responsibility in the future to the Code of Virginia.

An Act to amend and reenact §§ 46.2-300 and 46.2-301 of the Code of Virginia, relating to the dismissal of certain traffic violations with proof of compliance with law. Provides that a court may, in its discretion, dismiss certain violations for driving without a license or driving while the person's driver's license, learner's permit, or privilege to drive is suspended or revoked if the person can prove compliance with the law on or before the court date. The court may also, in its discretion, dismiss or amend the summons or warrant, where proof of substantial compliance has been provided to the court under certain circumstances.

An Act to amend and reenact § 46.2-301.1 of the Code of Virginia, relating to operation of motor vehicles by an unlicensed person or minor. Prohibits any person from knowingly authorizing (1) the operation of a motor vehicle by any person he knows has no legal right to do so; or (2) a minor who he knows has no operator's license or learner's permit, or who has a learner's permit but who he knows would operate such motor vehicle in violation of certain limitations on operating a motor vehicle with a learner's permit. If such violation results in a motor vehicle accident that causes injury or death to any person, then the violator is guilty of a Class 1 misdemeanor provided that such violation does not otherwise constitute a felony.

An Act to amend and reenact § 46.2-345.3 of the Code of Virginia, relating to the issuance of identification cards by the Department of Motor Vehicles. Provides that the current $25 fee for identification cards shall not be assessed against homeless youth as described in § 22.1-3(A)(7) of the Code of Virginia.

An Act to amend and reenact § 46.2-373 of the Code of Virginia, relating to the obligation of law enforcement officers to report details regarding certain motor vehicle crashes to the Department of Motor Vehicles. Raises the monetary damage threshold for such a report from $1,500 to $3,000.

An Act to amend and reenact §§ 46.2-393, 46.2-398, and 46.2-865 of the Code of Virginia, relating to the establishment of the intelligent speed assistance program. Authorizes enrollment in the intelligent speed assistance program as an alternative to suspending a person's driver's license upon such person's conviction of certain speed-related offenses. These provisions have a delayed effective date of July 1, 2026.

An Act to amend and reenact §§ 46.2-865, 46.2-865.1, and 46.2-866 of the Code of Virginia relating to reckless driving and exhibition driving. Expands reckless driving to include exhibition driving. Prohibits (1) slowing or stopping traffic for a race or exhibition driving; (2) riding as a passenger on the hood or roof of a motor vehicle during a race or exhibition driving; or (3) aiding or abetting exhibition driving.

An Act to amend and reenact § 46.2-869 of the Code of Virginia relating to improper driving. Permits a jury to find the accused guilty of improper driving, rather than reckless driving, if the degree of culpability is slight.

An Act to amend and reenact § 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices. Requires photographs, microphotographs, videotapes, or other recorded images, or documentation, produced by a photo speed monitoring device placed in a school crossing zone to depict or confirm a portable sign or tilt-over sign that is in position and blinking or otherwise activated at the time of such vehicle speed violation in order for a sworn certificate to be considered prima facie evidence.

An Act to amend and reenact § 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices. Permits retired sworn law enforcement officers to swear to or affirm a certificate for a vehicle speed violation enforced by a photo speed monitoring device.

An Act to amend and reenact §§ 46.2-920, 46.2-1023, and 46.2-1030 of the Code of Virginia, relating to mine rescue team vehicles. Authorizes vehicles operated by certified mine rescue teams to (1) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (2) disregard certain regulations regarding the operation of vehicles while responding to an emergency.

An Act to amend and reenact § 46.2-924 of the Code of Virginia, relating to drivers stopping for pedestrians. Creates a Class 1 misdemeanor if a driver fails to stop for a

pedestrian and such traffic infraction results in the serious bodily injury or death of a vulnerable road user lawfully crossing a highway.

An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to amber warning lights. Authorizes the use of amber warning lights on local department of social services vehicles while responding to a request for assistance from law enforcement agency personnel.

ATTACHMENT 3

Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Article 3. – Inspection, Licensing and Registration Generally.

Section 82-3-17. Driving without operator's license prohibited.[34]

(a) No person, except those expressly exempted in *Code of Virginia,* ~~Section~~ *§* 46.2-303 through ~~Section 46.2-309~~ *§ 46.2-308*, shall drive any motor vehicle on any highway in this County until such person shall have made application for an operator's ~~or chauffeur's~~ license, as hereinafter provided, and satisfactorily passed the examination required by *Code of Virginia,* ~~Section~~ *§* 46.2-325, and obtained ~~either~~ an operator's ~~or chauffeur's~~ license, nor unless such license issued to such person is valid.

(b) ~~Upon a~~ A first conviction of a violation of this ~~S~~*section is a Class 2 misdemeanor.*~~, the penalty imposed shall be a fine of not more than Five Hundred Dollars ($500.00) or imprisonment for not more than six (6) months or both such fine and imprisonment~~. ~~Upon a~~ A second or subsequent conviction of a violation of this ~~S~~section *is a Class 1 misdemeanor.*~~, which second offense shall have occurred within one (1) year of a first offense, the penalty shall be imprisonment in jail for not less than ten (10) days nor more than six (6) months, and, in addition, may be a fine not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).~~

Upon conviction under this section, the court may suspend the person's privilege to drive for a period not to exceed 90 days. The court may, in its discretion, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person was operating a commercial motor vehicle as defined by the Code of Virginia, § 46.2-341.4. (3-13-63; 1961 Code, § 16-54.)

Footnotes:
--- (34) ---
36. For state law as to driving without license, see Va. Code Ann., § 46.2-300.

Section 82-3-24. Driving while operator's license suspended or revoked.[40]

(a) *Except as provide by the Code of Virginia § 46.2-304,* ~~N~~*n*o person, resident or nonresident, whose operator's ~~or chauffeur's~~ license*,* ~~or instruction~~ *learner's* permit*, or privilege to drive a motor vehicle* has been suspended or revoked by any court or by the Commissioner or by operation of law pursuant to the provisions of *Code of Virginia,* Title 46.2 or of this Chapter ~~or who has been forbidden as prescribed by law by the Commissioner, or the Superintendent of State Police, the State Corporation Commission, the State Highway Commissioner, to operate a motor vehicle in this State or whose right to operate a motor vehicle in this State has been revoked pursuant to *Code of Virginia*, Section 18.2-271~~ or any similar law or regulation, shall thereafter drive any motor vehicle *or self-propelled machinery or equipment* in this County unless and until the period of such suspension or revocation shall have terminated *or the privilege has been reinstated or a restricted license has been issued*. *For the purpose of this section, a moped shall not be considered a motor vehicle or any self-propelled machinery or equipment.*

(b) ~~Any person violating this Section shall for the first offense be confined in jail not less than ten (10) days nor more than six (6) months, and may in addition be fined not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00); and for the second or any subsequent offense be confined in jail not less than two (2) months nor more than one (1) year, and may, in addition, be fined not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00).~~*A violation of this section is a Class 1 misdemeanor. Upon a violation of subsection (a), the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. If the person violated this section by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired. No such suspension shall extend beyond 10 years from the conviction date for such violation of this section, unless required by law. Any person eligible for a restricted license may petition the court for a restricted license pursuant to the provisions of Code of Virginia, Title 46.2 or of this Chapter.*

(c) The court may, in its discretion and where there have been no prior violations or convictions of this section within the past 10 years, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person (i) possesses a commercial driver's license or commercial learner's permit, or (ii) was operating a commercial motor vehicle. Where there has been a prior violation or violations, the court, in its discretion, may dismiss or amend the summons or warrant, where proof of substantial compliance has been provided to the court. (3-13-63; 1961 Code, § 16-60.)

Footnotes:
--- (40) ---
42. For similar state law, see Va. Code Ann., § 46.2-301.

Article 9. – Protection of Pedestrians.

Section 82-9-2. Right-of-way of pedestrians.[169]

(a) The driver of any vehicle upon a highway or street shall stop when a pedestrian crossing is within the driver's lane or within an adjacent lane and approaching the driver's lane of such highway or street within any clearly marked crosswalk, whether at mid-block or at the end of any block, or at any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, or at any intersection when the driver is approaching on a highway or street where the legal maximum speed does not exceed thirty-five miles per hour, except at intersections or crosswalks where the movement of traffic is being regulated by law enforcement officers, uniformed school crossing guards, or traffic direction devices where the driver shall yield according to the direction of the law enforcement officer, uniformed school crossing guard, or device. *A violation of this section is a traffic infraction, except that a violation of this section that results in serious bodily injury, as defined pursuant to Virginia Code § 18.2-51.4, to or the death of a vulnerable road user, as defined pursuant to Virginia Code § 46.2-816.1, who is lawfully crossing a highway is a Class 1 misdemeanor.*

(b) When a vehicle is stopped pursuant to subsection (a), the driver of any other vehicle approaching from an adjacent lane or from behind the stopped vehicle shall not overtake and pass such stopped vehicle.

(c) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

(d) The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or come to a complete stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

(e) Pedestrians crossing highways or streets at intersections shall at all times have the right-of-way over vehicles making turns into the highways or streets being crossed by the pedestrians.

(f) Pursuant to Virginia Code § 46.2-924(D), the County may install and maintain highway signs at marked crosswalks requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to or stop for pedestrians crossing or attempting to cross the highway. (3-13-63; 1961 Code, § 16-222; 37-76-82; 35-02-82; 32-23-82; 15-24-82.)

Footnotes:
--- (169) ---
161. For similar state law, see Va. Code Ann., § 46.2-924.

ATTACHMENT 4

SUMMARY OF 2025 AMENDMENTS AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Section 82-3-17 of the Traffic Code of Fairfax County, Virginia, related to driving without an operator's license, § 46.2-300 of the Code of Virginia. Permits the court, in its discretion, to dismiss the summons or warrant, where there is proof of compliance with law under certain circumstances.

Section 82-3-24 of the Traffic Code of Fairfax County, Virginia, related to driving while an operator's license is suspended or revoked, § 46.2-301 of the Code of Virginia. Updates the section to conform with § 46.2-301 of the Code of Virginia and permits the court, in its discretion, to dismiss or amend the summons or warrant where there is proof of compliance with law or proof of substantial compliance of law under certain circumstances.

Section 82-9-2 of the Traffic Code of Fairfax County, Virginia, related to pedestrian right of way, § 46.2-924 of the Code of Virginia. Creates an enhanced penalty from a traffic infraction to a Class 1 misdemeanor if the violation results in serious bodily injury or the death of a vulnerable road user.

Board Agenda Item
June 24, 2025

4:30p.m.

Public Hearing to Consider Amendments to the Code of the County of Fairfax – Chapter 5, Relating to Possession of Alcoholic Beverages

ISSUE:
Public hearing to consider proposed amendments to *Sections 5-1-25, 5-1-26, and the repeal of Section 5-1-27 of the Code of the County of Fairfax*, ("County Code") relating to drinking, possession, or tendering to another of alcoholic beverages in public places.

RECOMMENDATION:
The County Executive recommends the approval of the proposed amendments, effective upon adoption.

TIMING:
On May 13, 2025, the Board authorized advertisement of a public hearing on the proposed amendments to Chapter 5 of the County Code to be held on June 24, 2025, at 4:30 p.m. Board action is requested on June 24, 2025.

BACKGROUND:
A housekeeping measure to update *Sections 5-1-25, 5-1-26,* and repeal *Section 5-1-27 of the County Code* all relating to drinking, possession, or the offering to another of alcoholic beverages in public places.

Upon reviewing these sections of the County Code, staff became aware that changes were needed to conform the County Code to recent revisions to the Code of Virginia. The proposed changes bring the County Code in line with the Code of Virginia and allow the County to prohibit the possession of alcoholic beverages and/or open alcoholic beverage containers, and the drinking of alcoholic beverages in public to the extent allowed by law.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

Board Agenda Item
June 24, 2025

ENCLOSED DOCUMENTS:
Attachment 1 - Proposed Amendments to Article 1 of Chapter 5 of the Code of the County of Fairfax, Relating to Possession of Alcoholic Beverages

STAFF:
Thomas Arnold, Deputy County Executive
Kevin Davis, Chief of Police

ASSIGNED COUNSEL:
John A. Dorsey, Assistant County Attorney

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 5 OF THE FAIRFAX COUNTY CODE, RELATING TO POSSESSION OF ALCOHOLIC BEVERAGES

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 5-1-25, and 5-1-26, and repealing Section 5-1-27, all relating to drinking or possession of alcoholic beverages in public places.

Draft of March 6, 2025

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

1. **That Sections 5-1-25 and 5-1-26 of the Fairfax County Code are amended and readopted, and Section 5-1-27 is repealed, as follows:**

ARTICLE 1. - Offenses Against Public Peace and Safety.

Section 5-1-25. – Possession of open alcoholic beverage containers prohibited and penalty for drinking alcoholic beverages or tendering to another in a public place.

(a) It is unlawful for any person to possess an open alcoholic beverage container while in a public park, playground, ~~or~~ on a public street, or on any sidewalk adjoining any public street.

(b) It is unlawful for any person to take a drink of an alcoholic beverage or to offer a drink thereof to another, whether accepted or not, at or in any public place, as defined in Title 4.1 of the Code of Virginia.

~~(a)~~(c) This Section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any rooms or areas approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in a licensed establishment, provided such establishment or the person who operates the same is licensed to sell alcoholic beverages at retail for on-premises consumption and the alcoholic beverages drunk or offered were purchased therein. This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any areas approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in a licensed commercial lifestyle center. This section shall also not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any area upon the premises of a campground located on private property at which a majority of the campers use travel or tent trailers, pickup campers, or motor homes or similar recreational vehicles.

(d) This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any room or area approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority at an event for which a banquet license,

mixed beverage special events license, or designated outdoor refreshment area license has been granted. Nor shall this section prevent, upon authorization of the licensee, any person from drinking his own lawfully acquired alcoholic beverages or offering a drink thereof to another in approved areas and locations at events for which a coliseum or stadium license has been granted.

(e) Any person convicted of a violation of this section shall be guilty of a Class 4 misdemeanor.

Section 5-1-26. – Drinking or possession of alcoholic beverages in or on public school grounds.

(a) It is unlawful for any person, in or upon the grounds of any ~~free~~ public elementary or secondary school, during school hours or school or student activities, ~~shall~~ to possess or drink any alcoholic beverage.

(b) In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only. ~~take a drink of any alcoholic beverage or have in his possession any alcoholic beverage he shall be guilty of a~~

(c) This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority at a performing arts facility, provided the organization operating the performing arts facility or its lessee has a licensed granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority. ~~punishable by confinement in jail for not more than six (6) months and a fine of not more than Five Hundred Dollars ($500.00), either or both.~~

(d) Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

~~**Section 5-1-27. Drinking alcoholic beverages or tendering to another in public place; penalty.**~~

~~(a) If any person takes a drink of alcoholic beverages or tenders a drink thereof to another, whether accepted or not, at or in any public place (as defined in *Code of Virginia* Section 4-2), he shall be guilty of a Class 4 misdemeanor.~~

~~(b) This Section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in the dining room or other designated room as defined in *Code of Virginia* Section 4-25, of a hotel, restaurant, club or boat, or in a dining car, club car, or buffet car of any train, or wine, wine coolers, or similar products that qualify as beverages as defined in *Code of Virginia* Section 4-99, and beer only within all seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the Board, in coliseums, stadia, or similar facilities, during the~~

~~performance of a professional sporting exhibition or event, provided such alcoholic beverages and beverages are served in a paper, plastic, or similar disposable container, or in any other establishment, provided such hotel, restaurant, club, boat, dining car, club car, buffet car, coliseum, stadium or similar facility or other establishment, or the person who operates the same, including a concessionaire, is licensed to sell at retail for consumption in such dining room, room, car, seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the Board, in such coliseum, stadium or similar facility or establishment, such alcoholic beverages, and the alcoholic beverages drunk or offered were purchased therein.~~

2. That the provisions of this ordinance shall take effect on adoption.

GIVEN under my hand this _____ day of _____, 2025

_____
Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
June 24, 2025

4:30 p.m.

Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments

ISSUE:
The Commonwealth of Virginia adopted the 2021 Virginia Statewide Fire Prevention Code (SFPC) which went into effect on January 18, 2024. Any local governing body may adopt regulations that are more restrictive or more extensive in scope than the SFPC within certain parameters. Chapter 62 of the Code of the County of Fairfax (attachment 1 – "For Reference Only Version" and attachment 2 – "Strikethrough and Additions Version") are the local amendments to the SFPC.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the proposed amendment as set forth in the staff report dated May 30, 2025.

TIMING:
On June 10, 2025, the Board authorized the advertising of a public hearing. If approved, this amendment will become effective on July 1, 2025, at 12:01 a.m. and the amendments shall be applicable after the effective date.

BACKGROUND:
The 2021 Statewide Fire Protection Code (SFPC) provides safety regulations for activities, vehicles, and structures. The SFPC incorporates the 2021 International Fire Prevention Code (IFPC) and modifies provisions of that code for enforcement in Virginia. The Fairfax Fire Prevention Code, Chapter 62 of the Ordinance, may be more restrictive than the SFPC, however, Chapter 62 can never be less restrictive than the state regulation.

From time to time, Virginia adopts a new fire prevention code. In response, the Fire and Rescue Department reviews and updates Chapter 62 to ensure that both codes align. Additionally, the Fire Marshal can propose new regulations better tailored to meet the unique needs of Fairfax County.

This set of amendments to Chapter 62 amends and renumbers the Ordinance based on changes to the SFPC. The Fire Marshal proposes added new section(s), Section 322 – Powered Micromobility Devices, regulating the storage and use of certain lithium ion

battery devices. This section is based on Section 322 of the 2024 International Fire Prevention Code. The Fire Marshal proposes adding these amendments in anticipation that these amendments will be adopted as part of the 2024 SFPC amendment which would occur in 2027. The Fire Marshal also proposes the addition of Subsection 104.1.2 - Authority for Enforcement of Fireworks Provisions by other than Technical Assistants to the Fire Marshal. This section would empower Fairfax County Police Department officers to enforce Section 5601.1.1.3 Fireworks, within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County.

Staff has also added two permit fees for micromobility devices and processing and extraction facilities.

Attached to this staff report are two sets of full of code revisions proposed by the Fire Marshal. In Attachment 1, the text is the full text of the proposed amended Ordinance. Where a change has been made, a bracketed “For Reference Only” section gives a full account of the change. These reference sections are not intended to be included in the codified version of the Ordinance. In Attachment 2, staff has attached an addition/strikethrough format of the same text to better illustrate the exact changes.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

CREATION OF POSITIONS:
There will be no new position(s) created.

ENCLOSED DOCUMENTS:
Attachment 1 – Chapter 62 “For Reference Only”
Attachment 2 – Chapter 62 “Strikethroughs and Additions”

STAFF:
Thomas Arnold, Deputy County Executive
John S. Butler, Fire Chief, Fire and Rescue Department
William D. Vannoy, Deputy Chief, Fire and Rescue Department

Board Agenda Item
June 24, 2025

ASSIGNED COUNSEL:
Patrick V. Foltz, Assistant County Attorney

CHAPTER 62. Fire Protection[1]

ARTICLE 1. In General

Section 62-1-1. Penalty.

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 Misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed 12 months, or by a fine not to exceed $2,500.00 or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense. (3-91-62; 49-92-62; 12-94-62; 15-96-62; 13-06-62; 17-09-62; 04-12-62.)

{FOR REFERENCE ONLY: Added comma.}

Section 62-1-2. Use of fire apparatus, equipment, etc., within County.

a. It shall be unlawful for any person to operate or cause to be operated, upon a public highway or street in the County, any vehicle or equipment used, intended to be used, or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized firefighting company of the County.

b. For the purpose of this Section, a recognized firefighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.

c. This Section shall not apply to the operation of firefighting vehicles and equipment owned by any firefighting company outside of the County when such vehicle or equipment is traveling in or through the County for a parade or other non-firefighting purposes or in response to a call from the Fairfax County Department of Public Safety Communications. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

Section 62-1-3. Damage or injury to fire department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while such personnel are in the performance of departmental duties. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

Section 62-1-4. Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest or to sound any warning device thereon or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump, or any equipment, protective clothing, or tool on or a part of such fire department vehicle. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62.)

ARTICLE 2. Fire Marshal

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal—Creation of office; appointment; powers and duties generally.

The Fairfax County Office of the Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

Section 62-2-2. Same—Tenure.

The County Fire Marshal shall not be appointed for a definite tenure, but shall continue contingent upon and subject to the personnel rules of the County. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62.)

Section 62-2-3. Oaths of Fire Marshal, Fire Code Official, and Technical Assistants to the Fire Marshal.

The County Fire Marshal, Fire Code Official, and Technical Assistants to the Fire Marshal, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; Ord. No. 23-22-62.)

{FOR REFERENCE ONLY: Added the term “Fire Code Official” to clarify that the position is responsible to enforce the fire prevention code and is a different position than the Fire Marshal and removed Deputy Fire Marshal as this position falls under the category of Technical Assistants.}

Section 62-2-4. Investigation and notification of fires and injuries.

a. The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a suspicious nature, or which involves the loss of life, or causes injury to persons, or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending on the nature and circumstances of the fire. The Fire Marshal shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. The appropriate police department, upon request of the County Fire Marshal, shall assist in the investigation, as needed. The results of any such investigation shall be forwarded by the Fire Marshal to the Commonwealth's Attorney for proper disposition.

b. A medical professional who is primarily responsible for the treatment of an individual for a burn injury described below shall, as soon as practicable, notify the Fairfax County Fire Marshal and the Department of Public Safety Communications. The treating physician or designee shall be responsible for giving the notice required by this section.

1. The provisions of this subsection apply to:
   i. Any burn injury from the result of direct flame contact causing 2nd degree burns (partial thickness) to 5 percent or more of the patient's body and all 3rd degree burns (full thickness), regardless of the percentage of burned area.
   ii. All chemical burns regardless of severity.
   iii. Any upper respiratory burn injury requiring advanced airway intervention and/or support.
   iv. Any burn injury which causes death or
   v. Any burn injury which is likely to cause death.
2. The provisions of this section do not apply to sunburn.
3. Notice under this section shall include:
   i. The name and address of the patient, if known.
   ii. A description of the burn injury.
   iii. The reported cause of the burn injury, if given.
   iv. The patient's prognosis.
   v. Any other fact concerning the burn injury which may assist in determining the origin and cause of the fire. (17-97-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

{FOR REFERENCE ONLY: Capitalized words to provide a consistent format throughout the document.}

Section 62-2-5. Powers of arrest.

The Fire Marshal and all members of the Fire Marshal's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, storage, use, and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summonsing of fire or rescue equipment without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses. (17-97-62; 13-06-62; 17-09-62; 04-12-62.)

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax shall be enforced by the County Fire Marshal, the Fire Code Official, and the Technical Assistants to the Fire Marshal. (3-91-62; 12-94-62; 17-97-62; 13-06-62; 17-09-62; 04-12-62.)

{FOR REFERENCE ONLY: Added the term “Fire Code Official” and “Technical Assistants” and deleted redundant language.}

Section 62-2-7. Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax, and shall be herein referred to as such or as this Code. (3-91-62; 12-94-62; 17-97-62; 13-06-62; 17-09-62; 04-12-62.)

Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

104.1.2 Authority for enforcement of fireworks provisions by other than Technical Assistants to the Fire Marshal. Fairfax County police officers are empowered to enforce Section 5601.1.1.3 Fireworks, within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County.

{FOR REFERENCE ONLY: Added Subsection 104.1.2 to establish enforcement authority of fireworks provisions in the fire prevention code by County police.}

106.3.2 Inspection by others. The Chief of the Fire Department may designate such other persons as they deem necessary to make fire safety inspections. Such persons shall use the Virginia Statewide Fire Prevention Code and this Code as the basis for such inspections.

{FOR REFERENCE ONLY: Corrected numbering of code section, spelling, and deleted “Add Subsection as follows: 106.3.2 **Inspection by others**.”}

106.8. Summoning the Fire Marshal. The fire department officer-in-charge of any fire, explosion, or incident scene shall immediately summon the Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation as outlined in Section 62-2-4 of this Code.

{FOR REFERENCE ONLY: Changed “Summonsing” to “Summoning”, deleted “Add Subsection as follows: 106.9 Summonsing the Fire Marshal.”}

106.9 Notification of fire department. In any building, when a fire or evidence of a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the chief of the fire department, or designee. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

{FOR REFERENCE ONLY: Corrected numbering of code section and eliminated unnecessary words “his”.}

Table 107.2. Duration of permit is 365 days, unless otherwise noted. Amended as follows:

{FOR REFERENCE ONLY: Deleted "Delete and Substitute as follows: Table 107.2}.

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies.				
1	5101.2	*Aerosol Products, Level 2 or 3.* An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	$195	
2	107.2	*Amusement Buildings: Permanent.* An operational permit is required to operate a special amusement building.	$195	
3	107.2 403.11.2.1	*Amusement Buildings: Temporary or Mobile.* An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60 day permit but not past event date)	$195	
4	2001.3	*Aviation Facilities*. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	$195	
5	107.2	*Assembly, Indoor (to include Exhibits and Trade Shows).* An operational permit is required to operate exhibits and trade shows. Permit is valid for up to 30 days, but not past event date.	$195	
6	107.2 403.11.2.1	*Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals).* An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. Permit is valid for up to 30 days, but not past event date.	$195	
7	107.2	*Assembly, Place of or Education* - Occupant Load 50 or Greater	$195	
8	1201.4	*Battery Systems, Stationary Storage* An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	$195	
9	301.2	*Cellulose Nitrate Film*: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	$195	
10	2201.2	*Combustible Dust-Producing Operations.* An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	$195	
11	3701.3	*Combustible Fibers*. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. *Exception*: An operational permit is not required for agricultural storage.	$195	

12	601.3	*Commercial Kitchen Operation Requiring a Type I Hood.* An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. *Exceptions:* 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	$195	
13	5301.2 5001.5 5401.2	*Compressed Gas: Corrosive*. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP). *Exception:* Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195	
14	5301.2 5801.2 5001.5	*Compressed Gas: Flammable*. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP). *Exceptions:* 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	$195	
15	5301.2 6001.2 5001.5	*Compressed Gas: Toxic or Highly Toxic.* An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	$195	
16	5301.2 5001.5	*Compressed Gas: Inert or Simple Asphyxiant.* An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperature and pressure (NTP). *Exception:* Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195	
17	5301.2 6301.2 5001.5	*Compressed Gas: Oxidizing (including Oxygen).* An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). *Exception*: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195	
18	5301.2 6401.2 5001.5	*Compressed Gas: Pyrophoric.* An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	$195	
19	107.2	*Covered and open mall buildings*. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	$195	

20	5501.2 2301.2 5001.5 5801.2	*Cryogenic Fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.* *Exception:* Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.		
		Type of Cryogenic Fluid / *Inside Building (gallons)* / *Outside Building (gallons)*		
		Flammable / More than 1 / 60		$195
		Inert / 60 / 500		$195
		Oxidizing (Includes oxygen) / 10 / 50		$195
		Physical or health hazard not indicated above / Any amount / Any amount		$195
21	2101.2	*Dry Cleaning Plants*. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.		$195
22	601.3	*Electrified Security Fence*		$195
23	5601.2	*Explosives*: Explosives Use, Each Site or Location (6 Month Permit).		$234
24	5601.2	*Explosives*: Firm or Company License.		$195
25	5601.2	*Explosives*: Storage and Display of Black Powder or Smokeless Propellant Indoors *Exception*: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.		$195
26	5601.2	*Explosives:* Laboratory Use (6 Month Permit).		$195
27	3303.2.1	*Fire Prevention Program Manager:* A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations. *Exception:* Building less than 5 stories above average grade plane and less than 50,000 square feet in size.		$0
28	5701.4	*Flammable and combustible liquids*. An operational permit is required: 1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems. 2. *Class I*: Store, Handle, or Use in Excess of 5 Gallons in a Building or in excess of 10 Gallons Outside a Building. *Exceptions:* a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition.		$195 $195

		b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days. 3. *Class II or IIIA*: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.		
29	5701.4	*Flammable/Combustible Liquid Tank. An operational permit is required for the following:* *a. Underground Storage, with or without dispensing equipment.* *b. Above-ground Storage, with or without dispensing equipment.* *c. Bulk Storage Facility - in Excess of 100,000 Gallons.* *d. Installation, Above ground or Underground Tank (90 Day Permit).* *e. Alter or Relocate an Existing Tank (90 Day Permit)* *f. Place Temporarily Out of Service.* *g. Underground Abandonment (90 Day Permit)* *h. Underground Removal (Commercial - 90 Day Permit)* *i. Underground Removal (Residential - 90 Day Permit)* *j. Above-ground Removal (Commercial - 90 Day Permit).* *k. Above-ground Removal (Residential - 90 Day Permit)* *l. Install Product Lines/Dispensing Equipment (90 Day Permit)* *m. Manufacture, Process, Blend, or Refine* *Note:* Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.	 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195	
30	2401.3	*Floor finishing*: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	$104	
31	2501.2	*Fruit or crop-ripening*: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	$195	
32	2601.2	*Fumigation, thermal insecticidal and fogging*: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15 day permit).	$195	
33	5001.5	*Hazardous Materials.* An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts shown below:		
34		*Combustible Liquids*: refer to flammable and combustible liquids		

35		*Corrosive Gases*: refer to Compressed Gases		
36	5401.2	*Corrosive Liquids*: greater than 55 Gallons	$195	
37	5401.2	*Corrosive Solids*: greater than 1000 Pounds	$195	
38		*Explosives*: refer to Explosive Materials		
39		*Flammable Gasses*: refer to Compressed Gases		
40		*Flammable Liquids*: refer to Flammable and Combustible Liquids		
41	5901.2	*Flammable Solids*: greater than 100 Pounds	$195	
42		*Highly Toxic Gases*: refer to Compressed Gases		
43	6001.2	*Highly Toxic Liquids*: any amount	$195	
44	6001.2	*Highly Toxic Solids*: any amount	$195	
45		*Oxidizing Gases*: refer to Compressed Gases		
46	6301.2	*Oxidizing Liquids:* a. Class 4: any amount b. Class 3: greater than 1 gallon. c. Class 2: greater than 10 gallons. d. Class 1: greater than 55 gallons.	 $195 $195 $195 $195	
47	6301.2	*Oxidizing Solids:* a. Class 4: any amount b. Class 3: greater than 10 pounds. c. Class 2: greater than 100 pounds. d. Class 1: greater than 500 pounds.	 $195 $195 $195 $195	
48	6201.2	*Organic Peroxides, Liquid* a. Class I: any amount. b. Class II: any amount. c. Class III: greater than 1 gallon. d. Class IV: greater than 2 gallons. e. Class V: no permit required.	 $195 $195 $195 $195	
49	6201.2	*Organic Peroxides, Solids:* a. Class I: any amount. b. Class II: any amount. c. Class III: greater than 10 pounds. d. Class IV: greater than 20 pounds. e. Class V: no permit required.	 $195 $195 $195 $195	
50	6401.2	*Pyrophoric Material:* a. Gas: any amount. b. Liquid: any amount. c. Solid: any amount.	 $195 $195 $195	
51	6001.2	*Toxic Materials:* a. Gases: refer to compressed gases. b. Liquids: 10 gallons. c. Solids: 100 pounds.	 $195 $195 $195	

52	6601.2	*Unstable (Reactive) Materials:* Liquids: a. Class 1: greater than 10 gallons. b. Class 2: greater than 5 gallons. c. Class 3: any amount. d. Class 4: any amount. *Solids:* a. Class 1: greater than 100 pounds. b. Class 2: greater than 50 pounds. c. Class 3: any amount. d. Class 4: any amount.	 $195 $195 $195 $195 $195 $195 $195 $195	
53	6701.2	*Water-reactive Solids and Liquids:* Liquids: a. Class 1: greater than 55 gallons. b. Class 2: greater than 5 gallons. c. Class 3: greater than any amount. Solids: a. Class 1: greater than 500 pounds. b. Class 2: greater than 50 pounds. c. Class 3: any amount.	 $195 $195 $195 $195 $195 $195	
54	5001.5	*Hazardous Production Facilities (HPM*): An operational permit is required to store, handle or use hazardous production materials.	$195	
55	3201.2	*High Piled Storage*. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	$195	
56	3501.2	*Welding and other Hot Work*: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – Permit is valid for up to 10 days per event, but not past event date.)	$104	
57	3501.2	*Welding and other Hot Work*: An operational permit is required for: a. Small Scale Hot Work. b. Fixed-Site Hot Work Equipment (Example: Welding Booth). c. Cutting or Welding, All Locations. d. Open Flame Device Roofing Operation, *to include Rubberized Asphalt Melter Operations* (Each Site/Location - 90 Day permit). e. Torch or Open-Flame Operations other than Roofing (Each Site/Location - 30 Day permit).	 $195 $195 $195 $195 $104	
58	3001.2	*Industrial Ovens*: An operational permit is required for operation of industrial ovens regulated by Chapter 30.	$195	
59	2801.2	*Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants*. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft^3) (236 m^3).	$195	
60	109.3.1	*Live/Work Units*: An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	$195	
61	6101.2	*LP-Gas*: An operational permit is required for storage or use of LP-gas, (inside or outside any structure).	$195	
62	6101.2	*LP-Gas:* An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30 day permit). *Exception*: Single-and two-family dwellings.	$104	

63	6106.5 6109.16	*LP-Gas*: An operational permit is required for: a. Dispensing and Cylinder Refill Location. b. Retail cylinder exchange location. *c.* Automated cylinder exchange location.	 $195 $195 $195	
64	315.2	*Miscellaneous Combustible Storage*: Storage inside any building or upon any premises in excess of 2500 cubic feet.	$195	
65	319.2	*Mobile food preparation vehicle*: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	$195	
66	307.2	*Open Burning:* An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit) *b.* Silvicultural / Controlled Burning (90 Day Permit)	 $195 $195	
67	301.2	*Open Flame and Candles.* An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event - Permit is valid for up to 60 days, but not past event date. b. Assembly areas or dining areas of restaurants or drinking establishments.	 $104 $195	
68	2901.2	*Organic Coatings:* An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	$195	
69	323.4	*Powered Micromobility Devices*	$195	
70	107.2	*Private Fire Hydrant* - An operational permit is required for the removal from service, use or operation of private fire hydrants.	$195	
71	3901.3	*Processing and Extraction Facilities*	$195	
72	5601.2	*Pyrotechnics and Fireworks:* An operational permit is required for Outdoor Fireworks Display (Aerial Audience) (One day Permit)	$936	
73	5601.2	*Pyrotechnics and Fireworks*. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45 day permit).	$936	
74	5601.2	*Pyrotechnics and Fireworks*. An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21 day permit. With a minor site plan, up to 45 day permit).	$936	
75	6501.2	*Pyroxylin Plastic*: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	$195	
76	608.2	*Refrigeration Equipment:* An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	$195	
77	2301.2	*Repair garages and service stations*: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	$195	
78	2001.3	*Rooftop Heliports*: An operational permit is required to operate a rooftop heliport.	$195	
79	1205	*Solar photovoltaic power systems.* An operational permit is required for the installation and operation of a solar photovoltaic power system.	$195	

80	2401.3	*Spraying or dipping operations:* An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation b. Flammable/Combustible Liquid Dip Tank Operation. c. Application of Combustible Powders/Spray/Fluidized. d. Organic Peroxides and Dual-component coatings. e. Spraying or dipping, all locations (permit/no inspection)	 $195 $195 $195 $195	
81	5001.5	*Swimming Pool Operation:* The operation of a public or community pool requires an operational permit.	$195	
82	3103.4	*Temporary membrane structures and tents,* (Permit is valid for up to 6 months, but not past event date.) *Exceptions:* 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	$195	
83	3105.3	*Temporary Special Event Structures (Stage Canopies)*	$195	
84	3401.2	*Tire-rebuilding Plants*: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	$195	
85	3401.2	*Tire Storage (scrap tires and tire byproducts)*: An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	$195	
86	107.2	*Waste Handling*: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	$195	
87	2801.2	*Wood Products*: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	$195	
Note: All permit fees are per line item that applies				
Section 2 - Plan Review Fees				
88	3201.4	*Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.*		$208
89	3201.3	*High-piled Combustible Storage Plan Review*		$208
90	2803.7	*Lumber Yard/Agro-Industrial/Biomass Facility Plan Review*		$208
91	6109	*Site and Installation Plan Review for Storage of Portable LP-Gas Containers Awaiting Use or Resale*		$208
92	5001.5.1	*Hazard Communication*: Hazardous Material Management Plan Review		$208
93	5001.6.3	*Hazardous Material Facility Closure Plan Review*		$208
94	5001	*Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.*	$133	
95	5001	*Tier II submissions, per chemical, to a maximum of $200.*	$33	
Section 3 - Inspection and Testing Fees				
96	107.10	*State Regulated Care Facility Inspections* (each inspection).		$33
97	107.10	*Certificate of Occupancy Inspections* (Towns of Vienna and Herndon).		$208
98	107.10	*Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re- inspections.*		$208

99	107.10	*Fire Code Inspection* (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List - Each Inspector).		$208
100	901.6.3.1	*Testing and Reinspection of Existing Fire Protection Systems* (Each Inspector).		$208
101	901.12	*Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.*		$208

{FOR REFERENCE ONLY: Updated code section numbers, updated fees due as of July 1, 2025 per prior Board Resolution of April 16, 2024 added new permits and fees to table.}

107.4.1 Duration of permit. Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with this Code.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follow: 107.4.1 Duration of Permit".}

108.4 Revocation. The fire official is authorized to revoke an operational permit issued under the provisions of this Code upon a finding of any of the following, whether found by inspection or otherwise: that there has been a false statement, misrepresentation, or other intervening act by the applicant as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than listed on the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentation as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.
7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.
8. The Certificate of Occupancy and/or Use Permit has been revoked or suspended.
9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follow: 108.4 Revocation".}

109.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follows: 109.4 Approvals".}

109.5 Follow-up inspections resulting from noncompliance. Where follow-up inspections are required as a result of noncompliance with this Code, fees shall be assessed as listed under Table 107.2.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follows: **109.5 Follow-up inspections resulting from noncompliance**."}

109.6 Inspections performed outside business hours. Inspections may be performed outside business hours at the sole discretion of the fire official. Fees for these inspections shall be assessed at twice the rate listed under

Table 107.2. Fees shall be assessed in 30-minute increments.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follows: **109.6 Inspections performed outside business hours.**"}

110.5.1 Imminent threat to human health or safety or to property. If the fire official shall adjudge that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct, or abate such violation and institute appropriate legal proceedings to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

{FOR REFERENCE ONLY: Section added to address safety concerns. Deleted phrase "Add Subsection as follows: **110.5.1 Imminent threat to human health or safety or to property.**"}

112.1.1 Fairfax County Board of Fire Prevention Code Appeals. The Fairfax County Board of Building Code and Fire Prevention Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax County.

{FOR REFERENCE ONLY: Added wording to the board's title to clarify that the board is also responsible for the fire prevention code.}

Section 202 GENERAL DEFINITIONS

APPROVED. Approved by the County Fire Marshals Office.

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the fire code official.

BLAST AREA. The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

BLASTING. The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.

CARBON MONOXIDE SOURCE. A piece of commonly used equipment or permanently installed appliance, fireplace or process that produces or emits carbon monoxide gas.

CONGESTED AREA. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.

ELECTRIFIED SECURITY FENCE. Any fence, other than used in an agricultural setting, that meets the following requirements:

1. The fence is powered by an electrical energizer with both of the following output characteristics:
    a. The impulse repetition rate does not exceed 1 hertz (Hz).
    b. The impulse duration does not exceed 10 milliseconds, or 10/10000 of a second.
2. The fence is used to protect and secure commercial or industrial property.

FIRE CHIEF. The head of the County Fire and Rescue Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire and Rescue Department, or a duly authorized representative.

FIRE MARSHAL'S OFFICE. The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy

Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division, fire code official, or the fire official.

FLYROCK. Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.

HYBRID FIRE-EXTINGUISHING SYSTEM. A system that utilizes a combination of atomized water and inert gas to extinguish fire.

INFLATABLE AMUSEMENT DEVICE. A device made of flexible fabric or other combustible materials that is inflated by one or more air blowers providing internal air pressure to maintain its shape. Such devices are typically designed for recreational activities that allow occupants to bounce, climb, slide, negotiate an obstacle course or participate in interactive play.

LABORATORY. A facility that provides controlled conditions in which scientific research, experiments, and measurements may be performed.

LEGAL OFFICER. Add as follows. LEGAL OFFICER. County Attorney or the Commonwealth's Attorney for the County of Fairfax.

MISFIRE. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.

OCCUPANT. Any person physically located or situated in or on any property, structure, space, or vehicle irrespective of the length of time or the reason for such occupancy.

POWERED MICROMOBILITY DEVICES. Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium ion or lithium metal battery. The term does not include motor vehicles that are required to be registered with the Virginia Department of Motor Vehicles.

RETAILER. Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.

RUBBERIZED ASPHALT MELTER (MELTER). Portable equipment used for the heating of rubberized asphalt material. The term applies only if both the material being heated is a mix of asphalt and inert material and when an indirect method of heating is used. An indirect method of heating refers to a fully enclosed double-shell oil or air system that transfers heat from a burner(s) or electric heating element(s) to the oil or air jacket around the outside of a material vat which then heats the rubberized asphalt material. Melters can be fueled by means of diesel or electric means. Melters are not considered asphalt (tar) kettles or pots as addressed in Section 303.

TEMPORARY STORAGE (OF EXPLOSIVES). Storage of explosive materials for not more than 24 hours.

WHOLESALER. A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.

{FOR REFERENCE ONLY: Added new definitions for “approved”, “approved agency”, “blast area”, “flyrock”, “hybrid fire-extinguishing system”, “inflatable amusement device”, “laboratory”, “misfire”, “powered micromobility devices,” “retailer”, “temporary storage (of explosives)”, and “wholesaler.” Some existing definitions from previous code edition did not change.}

301.2 Permits. Permits shall be required as set forth in Sections 107 and 108 for the activities or uses regulated by Sections 306, 307, 308, 315, and 319.

304.2.1 Handling readily combustible materials. No person producing, using, storing, or having charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall neither fail nor neglect, at the close of each day, to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined, or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores, apartment buildings, factories, and other buildings where accumulations of paper and waste materials are not removed at least every day.

305.4.1 Mischievous fire play. It shall be unlawful for any person to ignite or use fire or other ignition sources in a deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or reckless

experimentation.

307.2 Permit required. If under the requirements of the Commonwealth of Virginia or the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official, in accordance with Section 107.2, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exceptions:

1. Recreational fires.
2. Fire set for the training of firefighters under the direction of the Chief of the Fire Department.
3. Fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

{FOR REFERENCE ONLY: 307.4.4 Outdoor solid fuel burning device is deleted as topic is covered in previous code section. That code section read: *307.4.4 Outdoor solid fuel burning devices.* Add Subsection as follows: *307.4.4 Outdoor solid fuel burning devices.* Outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy.}

307.5.1 Endangering other property. No person shall kindle, authorize to be kindled, or maintain any permitted fire in such a manner that will endanger the property of another.

{FOR REFERENCE ONLY: Section 307.6 Negligence is deleted as the topic is covered in a previous code section. That code section read: *307.6 Negligence*. Add Subsection as follows: *307.6 Negligence*. If any person shall carelessly or negligently set fire to, burn or cause to be burned any property, either real or personal, whether the property be his or that of another, he shall be subject to the penalties set forth in Section 62-1-1 of this Code.}

308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations. Persons utilizing a torch or other flame-producing device for removing paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.3.1 Permit. A permit in accordance with Section 107 and 108 shall be secured from the fire official prior to the utilization of a torch or flame-producing device in or on any building or structure.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:

1. Detached one- and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.
3. All cooking devices as allowed under the building code.

{FOR REFERENCE ONLY: Adds exception to cover devices allowed under the building code.}

308.1.4.1 Notification of tenants. The management of multi-family residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.1.4 of this Code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants:
   - 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
   - 1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
   - 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
   - 1.4 Where used in an approved manner to maintain the temperature of prepared food items, on a table used only to serve food.
2. Heat-producing equipment complying with Chapter 6 and the applicable building code.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

{FOR REFERENCE ONLY: Corrected numbering for the Exception 1.}

SECTION 322 RUBBERIZED ASPHALT MELTERS FOR ROOF DECK SYSTEMS

322.1 General. The provisions of this section shall apply to any type of fully enclosed chassis-mounted or portable rubberized asphalt melter using indirect heating of a mix of asphalt and inert material for application on roof decks. There shall be no direct burner or flame impingement on the material vat with indirect heating. Temperature rise in the material vat is gradual and controlled.

322.2 Permits. Permits shall be required in accordance with Section 107.2 and Chapter 35.

322.2.1 Torches. Any use of torches or burners shall require a separate permit in accordance with Chapter 35.

322.3 Location. The melter shall be located and operated in a controlled area. The area shall be as designated by the fire code official and identified by the use of traffic cones, barriers, and other suitable means. Where rubberized asphalt melters are staged and operated on roof decks, the design load of the roof deck shall be capable of supporting the weight of the rubberized asphalt melter where loaded to capacity with rubberized asphalt material. The design load of the roof deck shall be as determined on building drawings or by a design professional as approved by the fire code official. Rubberized asphalt melters shall be chocked in place on the roof deck at locations identified by the design professional and as approved by the fire code official. Rubberized asphalt

cakes for use in rubberized asphalt melters shall be located on the roof at a location agreed upon by the applicant and the fire code official.

322.3.1 Buildings. Rubberized asphalt melters shall not be located inside buildings.

322.3.2 Air intakes. Air intakes into the building in the area of work shall be identified and shut off and an alternate supply of outdoor air into the building shall be coordinated, such as by temporarily covering air intakes to make them smoke and odor proof.

322.3.3 Exits. Rubberized asphalt melters shall not be located within 20 feet of any exit or combustible material. Rubberized asphalt melters shall not block any means of egress.

322.3.4 Combustible materials. Combustible materials on the roof deck shall be protected in accordance with Section 3504.

322.4 Fire Extinguishers. Not less than two approved 4-A:40-B:C fire extinguishers complying with Section 906 shall be provided and maintained within 25 ft. of the rubberized asphalt melter. A minimum of one approved 4-A:40-B:C fire extinguisher shall be provided in close proximity to the roofing material application. Each employee shall be instructed on the proper use of fire extinguishers and in the event of a fire to turn off all rubberized asphalt melter power supply, engines, and burners. Employees shall notify the fire department.

322.5 Attendant Supervision. An operating rubberized asphalt melter shall be attended by an employee who is knowledgeable and solely dedicated to the operation of the equipment and associated hazards. The employee shall always be within sight of the melter. The employee shall remain in the area of the melter for a minimum of one hour after the device is shut down in compliance with Section 3504.2.

322.6 Minimum Melter Design Requirements. A Rubberized asphalt melter shall be operated as a complete unit as designed and built by the manufacturer. Field changes that override controls or safety features are prohibited. Material vats shall be a permanent integral part of the rubberized asphalt melter unit. The rubberized asphalt melter chassis shall be substantially constructed and capable of carrying the load imposed upon it whether it is standing still or being transported.

322.6.1 Lids. Rubberized asphalt melter shall have lids permanently attached. The lids shall be kept closed at all times, except to add rubberized asphalt membrane cakes to the rubberized asphalt melter. Loading doors shall be designed as a safety door integral to the roofing material tank and shall be provided with handles that allow rubberized asphalt cakes to be lowered into the tank without operator exposure to the vat material.

322.7 Melter Operation. Rubberized asphalt melters shall be operated according to manufacturer instructions. Rubberized asphalt melters shall operate using integral control systems that include shut off controls for the electric or diesel-fired burner, temperature controls for the oil or air system, and the material vat. Where a diesel burner is utilized, it shall fire into a burner flue assembly for the oil or air jacketed shell for uniform heat transfer to the material vat. There shall be no open flame devices on rubberized asphalt melters. All rubberized asphalt melters shall have an approved, working visible temperature gauge(s) that indicates the temperature of the rubberized material being heated and, in the case of oil jacketed rubberized asphalt melters, the temperature of the heat transfer oil heating the material vat. The rubberized asphalt melter shall have limit switches that prevent the material vat from heating beyond 400 degrees F.

322.8 Fuel System and containers. Fuel containers for diesel-powered melters shall be constructed and approved for the use for which they were designed. Rubberized asphalt melter fuel tanks shall be attached to the frame of the melter. Portable fuel tanks shall not be utilized to power rubberized asphalt melters. Diesel tanks and engines integral to rubberized asphalt melters shall be maintained in accordance with manufacturer instructions.

322.8.1 Refueling. Refueling of diesel tanks shall be performed when the rubberized asphalt melter is off. A refueling and spill prevention plan approved by the fire code official shall be utilized. Refueling shall be conducted using approved safety cans. No open flames shall be present within 20 feet of the refueling operation.

322.9 Maintenance. Rubberized asphalt melters and integral working parts shall be in good working condition and shall be maintained free of excessive residue.

322.10 Transporting. Rubberized asphalt melters shall not be transported over a highway, road, or street

when the heat source for the melter is operating.

{FOR REFERENCE ONLY: Section numbers revised to reflect new section number 322 (from previous 320) due to SFPC adding new sections and numbers.}

SECTION 323 POWERED MICROMOBILITY DEVICES

323.1 General.

Lithium-ion and lithium metal battery powered micromobility devices shall be operated and maintained in accordance with this section.

Exceptions:

1. Storage, repair and charging in residential occupancies of powered mobility devices, provided that such devices are for personal use by its owner.

2. Charging of a single powered mobility device in any occupancy by its owner.

323.1.1 Prohibited locations.

The use of a residential occupancy as a business for the charging of commercially owned powered micromobility devices as part of a rental or sales service shall not be permitted.

323.2 Battery chargers and equipment.

Powered micromobility devices shall be charged in accordance with their listing and the manufacturer's instructions using only the original equipment manufacturer-supplied charging equipment or charging equipment in accordance with the listing and manufacturer's instructions.

323.3 Listing.

Powered micromobility devices shall be listed and labeled in accordance with UL 2272 or UL 2849, as applicable.

323.4 Battery charging areas.

Where approved, powered micromobility devices shall permitted to be charged in a room or area that complies with all of the following:

1. Only listed devices utilizing listed charging equipment shall be permitted to be charged.

2. Is provided with sufficient electrical receptacles to allow the charging equipment for each device to be directly connected to a receptacle. Extension cords and relocatable power taps shall not be used.

3. Storage of combustible materials, combustible waste or hazardous materials shall not be permitted.

4. The charging operation shall not be conducted in or obstruct any required means of egress.

5. Removable storage batteries shall not be stacked or charged in an enclosed cabinet unless the cabinet is specially designed and approved for such purpose.

6. A minimum distance of 18 inches (457.2 mm) shall be maintained between each removable storage battery during charging operations unless each battery is isolated from neighboring batteries by an approved fire-resistant material.

7. A minimum of 18 inches (457.2 mm) shall be maintained between the location of the battery on each powered micromobility device during charging operations.

322.5 Fire safety plan.

A fire safety plan shall be provided in accordance with Section 403.10.6. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

{FOR REFERENCE ONLY: Added Section 323 Powered Micromobility Devices based on Section 322 of the 2024 International Fire Prevention Code addressing the storage and charging of these devices. The Fire Marshal proposes adding these amendments in anticipation that these amendments will be adopted as part of the 2024 SFPC amendment which would occur in 2027.}

401.9 Promulgation of fire safety instructions. The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

{FOR REFERENCE ONLY: Deleted "Add Subsection as follows: **401.9 Promulgation of fire safety instructions.**"}

401.9.1 Elevator warning signs. Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provisions of this section.

{FOR REFERENCE ONLY: Deleted "Add Subsection as follows: **401.9.1 Elevator warning signs.**"}

401.9.2 Posting of signs. It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs

{FOR REFERENCE ONLY: Deleted "Add Subsection as follows: **401.9.2 Posting of signs.**"}.

{FOR REFERENCE ONLY: Extraneous Title "Chapter 5 Section 502 Definitions" removed.}

503.1. Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

Add the following exception to 503.1:

3. In communities developed with single-family dwellings and/or townhomes that were constructed prior to December 31, 1979, wherein the Fire Code Official has no site plan and/or subdivision plan depicting or identifying designated fire lanes/fire apparatus access roads for the development, the Fire Code Official may conduct an analysis to designate and/or modify the requirements of this section. Any code modification shall require a written request from the community association accompanied by a site plan depicting the dimensions and location of the subject streets relative to all dwellings, structures and points of assembly. Before granting a fire code modification request, the Fire Code Official shall evaluate the type and grade of construction, structural components, including but not limited to the exterior wall coverings, accessibility and/or obstructions throughout the subject area, available water supplies, the distance and rescue response time from a fire station, and other relevant factors. Such fire code modifications may be granted by the Fire Official only if the health, safety, and welfare of the community is not compromised.

{FOR REFERENCE ONLY: Corrected numbering in title.}

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an

approved route around the exterior of the building or facility. The fire code official shall require fire lanes to be designated on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for firefighting and rescue apparatus.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45,720 mm) where any of the following conditions occur:
   - 1.1 The building is equipped throughout with an approved automatic sprinkler system in accordance with the applicable NFPA13, NFPA 13R, or NFPA13D standard.
   - 1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions, and an approved alternative means of fire protection is provided.
   - 1.3 There are not more than two Group R-3, R-5, or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads permitted to be exempted or modified for solar photovoltaic power generation facilities.

{FOR REFERENCE ONLY: “R-5” use group added pursuant to same amendment added to Statewide Fire Protection Code.}

503.2.1.1 Required markings and parking prohibitions. Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
< 28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the fire code official	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required *Exception*: Required access to pools, fire department apparatus access roads, and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

503.3.1 Marking specifications. Fire lane markings shall conform to the following:

1. Sign Details
   - 1.1 Metal construction 12 inches by 18 inches.
   - 1.2 Red letters on reflective white background with 3 /8-inch red trim strip around entire outer edge of sign.
   - 1.3 Lettering on sign to read: “NO PARKING OR STANDING FIRE LANE”.
2. There shall be a ½-inch space after the line that reads "NO”, a 1-inch space after the lines that read “PARKING" and "OR", and a 1½-inch space after the line that reads "STANDING".

(Supp. No. 174, 11-24)

3. Lettering size and standard wording shall be as follows:
   - 3.1 “NO” (2 inches)
   - 3.2 “PARKING” (2 inches)
   - 3.3 “OR” (1 inch)
   - 3.4 “STANDING” (2 inches)
   - 3.5 “FIRE LANE” (2½ inches)
4. Arrow (if required) shall be 1 inch by 6 inches with a solid head 1½ inches wide by 2 inches deep.
5. Sign types.
   - 5.1 Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.- A).



Figure 503.3.1.- A

   - 5.2 Sign Type "C." Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.- B).



Figure 503.3.1.- B

   - 5.3 Sign Type "D". Standard wording with no arrow. Two signs, back-to-back, mounted perpendicular to line of curbing or pavement edge. To be seen from either side. Located every 100 feet in long stretches of a marked, painted fire lane (see figure 503.3.1.- D).



Figure 503.3.1.- D

5.4 Posts for fire lane signs shall be metal and securely mounted. Signs shall be located and spaced as shown on the approved plans. In long stretches, the maximum distance between fire lane signs shall be 100 feet. Fire lane signs are to be mounted 7 feet above the finished grade to the bottom of the sign.

5.5 All curbs or paved spaces designated as fire lanes shall be indicated by yellow (highway grade) paint as approved by the fire code official. In areas without curbing, a 6-inch-wide yellow stripe shall be applied to the edge of the pavement. The property owner or designee shall repaint whenever the paint begins to fade or when directed by the fire code official.

{FOR REFERENCE ONLY: The amendments to this section correct the code numbering, add newly approved code language from the updated Statewide Fire Prevention Code, and updates the sign examples.}

503.3.2. Tampering. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire lane sign or marking installed under the provisions of this code.

{FOR REFERENCE ONLY: Corrected numbering from 503.3.3.}

503.6.1 Emergency operation for security gates and barricades. Gates and barricades that are installed across a fire apparatus access road that is normally intended for vehicular traffic shall be installed with a fire department access system which has an emergency override fire department master key switch as approved by the fire official. Gates and barricades shall be maintained operational at all times.

{FOR REFERENCE ONLY: Amended title and corrected numbering from 503.5.2 to 503.6.1.}

503.8 Carnival, fair, festival, and circus access. It shall be the responsibility of the owner, operator, or other person responsible for the establishment, erection, or operation of any carnival or circus to establish, erect, and operate such carnival or circus so that there is provided and maintained an access lane, capable of supporting fire and rescue apparatus in all weather conditions, and so arranged as to afford access to within 100 feet of all booths, tents, rides, and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

503.9 Pool access. Stretcher access for a 24-inch x 84-inch stretcher must be provided from the fire department vehicular access to the pool deck.

Exception: Individually owned pools located on single-family lots.

506.3 Number and labeling of required keys. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and doors to other secured areas. In all other buildings required to provide fire department access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

506.4 Height of key boxes. Required key boxes shall be installed at the primary fire department entrance, in a visible and accessible position, 42 inches to 54 inches above finished grade. For new or renovated buildings, fire department key boxes must be installed prior to occupancy.

507.5.5 Clear space around hydrants and fire department connections. A 4-foot clear space shall be maintained around each side of fire hydrants, and a 5-foot clear space shall be maintained on each side of a fire department connection, except as otherwise required or approved.

601.3 Permits. Permits shall be obtained for refrigeration systems, commercial kitchen hoods, and electrified security fences as set forth in Sections 107.2.

{FOR REFERENCE ONLY: Corrected numbering and deleted term that is listed and permitted in a different section of the code.}

Add term to list of definitions in Section 602.1 DEFINITIONS as follows:

ELECTRIFIED SECURITY FENCE

{FOR REFERENCE ONLY: The definition of “Electrified Security Fence” is relocated to Section 202 but defined word stays in Section 602.1 to conform with SFPC format.}

606.3.3.3.2 Type I hood fire protection records. Add Subsection as follows: 606.3.3.3.2 Type I hood fire protection records. The occupant shall maintain on premises a copy of all literature issued by the system manufacturers at time of installation and an approved plan of the fire protection system covering the cooking appliances. These items shall be made available to the fire code official on request.

{FOR REFERENCE ONLY: This section has been renumbered from 609.5 to 606.3.3.3.2.}

Section 611 Electrified Security Fence

611.1 General. Notwithstanding any other state, local or other legal requirements, the installation of an electrified security fence shall comply with 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76." Installation of the electrified security fence must conform to the requirements of this Code and other pertinent laws and ordinances.

611.2 Electrification. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

611.3 Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.

611.4 Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.

611.5 Warning signs. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.

610.6 Hours of activation. Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel are available on-site to deactivate the electric fence.

611.7 Key Box. Electric fences shall have installed a key box system in accordance with this Code.

611.7.1 Controller and key location. The electric fence controller and rapid entry key box for the electric fence must be located in a single accessible location for the entire fence.

{FOR REFERENCE ONLY: All pargraphs in this section have been renumbered from 610 to 611.}

807.5.2.4 Furniture, furnishings and displays. Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.

Exception: Furniture, furnishings, displays, and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72-inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.

901.3. Permits. Permits shall be required as set forth in Sections 107 and 108.

901.6.4. Periodic retests. Periodic inspections and tests when required by the fire official shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

{FOR REFERENCE ONLY: Section 901.6.4 is renumbered to 901.6.4 and amended to establish the authority or the fire official to require inspections and tests. Previous section reads: *"901.6.3. Periodic retests.* Add Subsection as follows: *901.6.3 Periodic retests.* Periodic inspections and tests required [*under this chapter*] shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests."}

901.6.4.1. Reinspection and testing fees. Fees for witnessing the testing and reinspection of existing fire protection equipment and systems, under the authority of 901.6.4, shall be assessed as listed under Subsection 107.2. A fee, based on hours reserved, shall be assessed for inspections not cancelled with notice.

{FOR REFERENCE ONLY: This exception is amended to correct the section numbering and establish the proper code citation.}

901.12 Unwanted or Nuisance alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever

unwanted nuisance fire alarm activations occur in any occupancy exceed three in a 90-day period, the fire official may require the owner or occupant to conduct a test of the fire protection system causing the nuisance alarm. Testing shall be in accordance with section 901.6.4.

1. For the purpose of this section, an unwanted or nuisance alarm is deemed to occur whenever the fire official or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.
2. As soon as possible following the unwanted or nuisance alarm determination, the responding officer in charge shall cause the Office of the Fire Marshal to be notified in writing of the facts and circumstances supporting the determination that faulty fire protection equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct testing of a fire protection system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures and a report of such testing shall be provided to the fire official upon request.

{FOR REFERENCE ONLY: This section is amended to update the reference from 901.6.3 to 901.6.4.}

907.8.5 Posting of central station monitoring company and point of contact. The name, telephone number, and account number of the current central station monitoring company shall be posted and maintained inside the fire alarm control panel. Information for an alternate contact such as the building owner or representative shall also be posted. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel, along with the building owner or representative contact information.

{FOR REFERENCE ONLY: Section number amended to 907.8.5 from 907.8.6 to correspond with similar change to Statewide Fire Protection Code.}

1201.4 Permits. Permits shall be required as set forth in Sections 107 and 108.

2001.3. Permits. For permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes and hot work shall be required as set forth in Sections 107 and 108.

2006.11.5 Notification of the fire department. The fire department shall be notified of any fuel spill that is considered a hazard to people or property or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than 10 feet (3048 mm).
2. The spill area is greater than 50 square feet (4.65 m^2).
3. The fuel flow is continuous in nature.
4. The procedures as set forth in section 5003.3.1 shall also be followed.

2101.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2201.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2301.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2401.3. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Pursuant to Sections 107 and 108, Section 2401.3 is added as a permit requirement for flammable finishes.}

2501.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2601.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2701.5. Permits. Permits shall be required as set forth in Sections 107 and 108.

2801.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2901.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3001.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Section 3101.2 is deleted. That section read: **3101.2. Permits.** Delete and substitute as follows: **3101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.}

3103.2. Approval required. Tents and temporary membrane structures having an area in excess of 900 square feet (84 square meters) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with Table 107.2

Exceptions:

1. Tents used exclusively for recreational camping purposes.

3103.4. Permits. Permits shall be required as set forth in Sections 107 and 108.

3104.5 Fireworks. Fireworks shall not be manufactured stored, sold, displayed, or used inside or within 100 feet of tents or membrane structures.

3105.3. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Section added to be consistent with Sections 107 and 108.}

3201.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Sections 3301.1.6, 3301.1.7, 3301.1.7.1, 3301.2.4 are deleted, relocated, and renumbered to Chapter 56 Sections 5601.1.6, 5601.1.7, 5601.7.1, and 5601.2.4 to conform with SFPC format. Section 3301.1.7 is deleted as a duplicate.}

3303.2 Fire prevention program manager. The owner shall designate a person to be the fire prevention program manager who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program manager shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where guard service is provided in accordance with NFPA 241, the manager shall be responsible for the guard service.

{FOR REFERENCE ONLY: This section is renumbered from 3308.2 to 3303.2 to conform with the revised Statewide Fire Prevention Code. Clarifying text is also added.}

{FOR REFERENCE ONLY: Sections 3308.2.1.1 and 3308.2.3 are relocated to Chapter 56, Sections 5608.2.1.1 and 5608.2.3 respectively, to conform with SFPC format.}

3303.2.1 Pre-fire plans. The fire prevention program manager shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and the fire code official shall be notified of changes affecting the utilization of information contained in such pre-fire plans.

{FOR REFERENCE ONLY: This section is deleted, substituted, and renumbered to Section 3303.2.1. to correspond to the correct SFPC numbering.}

3303.6 Training. Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.

3303.7 Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.

3303.8 Hot work operations. The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.

{FOR REFERENCE ONLY: The previous three sections are renumbered and relocated here. They were previously numbered 3308.3, 3308.4, and 3308.5, respectively.}

3308.10 Daily fire safety inspection. The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the fire code official upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the fire code official is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the fire code official.

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
4. Temporary wiring does not have exposed conductors.
5. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
6. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
7. Fire hydrants are clearly visible from access roads and are not obstructed.
8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
10. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.

{FOR REFERENCE ONLY: This section is substituted and renumbered as Section 3303.3. The current section reads as follows:

3308.10 *Daily fire safety inspection*. Delete and substitute as follows: 3308.10 *Daily fire safety inspection.* The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the fire code official upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the fire code official is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the fire code official.

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
4. Temporary wiring does not have exposed conductors.
5. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
6. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
7. Fire hydrants are clearly visible from access roads and are not obstructed.
8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
10. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.}

{FOR REFERENCE ONLY: This section has been relocated from 3308.4 to 3303.6. The current section reads as follows:

3308.4 Training. Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.}

{FOR REFERENCE ONLY: This section substitutes and renumbers this from 3308.5 to 3303.7. The current section reads as follows:

3308.5 Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.}

{FOR REFERENCE ONLY: This section substitutes and renumbers this from 3308.6 to 3303.8. The current section reads as follows:

3308.6 Hot work operations. The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.}

{FOR REFERENCE ONLY: Section 3308.11 is deleted, relocated, and renumbered as Section 5608.11 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.11.1 is deleted, relocated, and renumbered as Section 5608.11.1 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.11.2 is deleted, relocated, and renumbered as Section 5608.11.2 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.11.3 is deleted, relocated, and renumbered as Section to Section 5608.11.3 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.12 is deleted, relocated, and renumbered as Section 5608.12 to correspond with SFPC numbering.}

3401.4. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is renumbered to conform with the updated SFPC.}

3501.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is added to be conform with the updated SFPC.}

3701.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is added to conform to the SFPC permitting requirements.}

3901.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is added to conform to the SFPC permitting requirements.}

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved statement. The HMIS shall include the following information:

1. Product name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by emergency responders and shall be updated not less than annually.

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, transportation, storage, handling, sale and use of explosives, explosive materials, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition where packaged in accordance with DOT packaging requirements.
4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices that in the aggregate contain less than 50 pounds (23 kg) of explosive materials.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100—185.
9. Items preempted by federal regulations.
10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.
11. The display of small arms primers in Group M when in the original manufacturer's packaging.
12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

5601.1.6 Manufacturing. The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, the assembly of two component explosives for use on site, or the mixing of blasting agents for use on site.

5601.1.7 Permit required for sale of explosive materials. It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any explosive materials within the county without a permit from the Fire Marshal's Office. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, their agents or employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

{FOR REFERENCE ONLY: This section is amended to clarify the language. In the the third full sentence, the section "of the applicant, his agents, or his employees in connection with" is amended to "of the applicants, their agents, or their employees".}

5601.1.7.1 Storage & Handling in Sales of Explosive Materials. Except where approved in 5604.1, the storage of explosive materials within the county in support of wholesale or retail sales is prohibited. Except where approved in *5604.1*, it shall be unlawful for any person, firm or corporation, wholesaler or retailer to package, ship, transfer, or otherwise handle explosive materials in the county without a permit from the Fire Marshal's Office.

5601.2.4 Insurance required for blasting. Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Office of the Fire Marshal a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, their agents, or employees in connection with the storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit and remains continuously in effect until such operations or activities are completed.

{FOR REFERENCE ONLY: This section is amended to eliminate redundant words. In the the third full sentence, the section "of the applicant, his agents, or his employees" is amended to "of the applicants, their agents, or their employees". Also, the phrase "Delete and Add Subsection as follows: **5601.2.4 Insurance required for blasting.**" Is deleted from the start of the section.}

5601.7. Seizure. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

{FOR REFERENCE ONLY: The definitions for "approved", "approved agency", "blast area", "flyrock", "hybrid fire-extinguishing system", "inflatable amusement device", "laboratory", "misfire", "powered micromobility devices," "retailer", "temporary storage (of explosives)", and "wholesaler" definitions have been moved to Section 202 to follow the SFPC format for definitions.}

5603.1 General. Records of the receipt, handling, use, sale or disposal of explosive materials, and reports of any accidents, thefts or unauthorized activities involving explosive materials shall conform to the requirements of this section.

5603.2 Transaction record. The permittee shall maintain a record of all transactions involving receipt, removal, use, sale or disposal of explosive materials. Such records shall be maintained for a period of 5 years.

Exception: Where only Division 1.4G (consumer fireworks) are handled, records need only be maintained for a period of 3 years.

5603.4.1 Accidents with no injuries or property damage. Any blasting misfires, malfunctions, or other unintended blasting related events or accidents involving the use of explosives, explosive materials, or fireworks which do not involve injuries or property damage shall be reported to the fire official immediately.

5603.8 Improper storage. If at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire Marshal.

5604.1 General. Storage and transportation of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section.

5604.1.1 Overnight Storage. The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the fire code official and stored in compliance with the magazine requirements of section 5604.3.
3. Explosive materials in storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the fire code official. Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 5608.5 and NFPA 1123 or NFPA 1126.

{FOR REFERENCE ONLY: The change in this Section corrects a typographical error and deletes the phrase "**Add Section as follows: 5604.1.1 Overnight Storage.**"}

5604.1.1.1 Enforcement. The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

{FOR REFERENCE ONLY: This section is amended to correct and follow the numbering format in the amended SFPC. It also deletes the phrase "Delete and substitute as follows: **5604.1.1.1 Enforcement.**"}

5604.1.1.2 Notification. Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

{FOR REFERENCE ONLY: This section is amended to correct and follow the numbering format in the amended SFPC. It also deletes the phrase "Delete and substitute as follows:- **5604.1. 12 Notification.**"}

5604.1.2 Transfer of explosive materials. The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.
3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease, and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

{FOR REFERENCE ONLY: This section deletes the phrase "Delete and substitute as follows: ~~**3304.1.3**~~ **5604.1.2 Transfer of explosive materials**." from the beginning of the section.}

5604.2.1 Control in wholesale and retail stores. The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited unless in a magazine.

{FOR REFERENCE ONLY: This section deletes the phrase "Delete and substitute as follows: ~~**3304.1.3**~~ **5604.2.1 Control in wholesale and retail stores**." from the beginning of the section.}

5604.3 Magazines. The storage of explosives and explosive materials in magazines shall comply with Table 5604.3. Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as approved by the fire code official. Regardless of magazine type, storage of explosives in non-sprinklered buildings is prohibited.

{FOR REFERENCE ONLY: This section is an added provision/substitution of new language/language change. The amendment also deletes the phrase "Delete and substitute as follows: 5604.3 Magazines."}

5607.3 Blasting in congested areas. When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air blast effects, and fragments from being

thrown. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be used to prevent fragments from being thrown.

{FOR REFERENCE ONLY: The amendment also deletes the phrase "Delete and substitute as follows: 5607.3 Blasting in congested areas."}

5607.3.1 Pre-blast surveys. A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150- and 250-feet radius, shall be provided to the fire code official at the time of the Explosive Use Site Permit Inspection meeting.

{FOR REFERENCE ONLY: The amendment also deletes the phrase "Delete and substitute as follows: 5607.3.1 Pre-blast surveys."}

5607.3.2 Pre-blast notification. All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.3.2 Pre-blast notifications"}

5607.5 Utility notification. Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 5 business days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will not proceed until the owners/operators of utilities have been contacted and measures for safe control have been taken.

Exception: When approved by the fire code official the time limit shall not apply in emergency situations.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.5 Utility notification."}

5607.7 Nonelectric Detonator Precautions. Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity. Blast initiation devices shall not be connected to non-electric systems until the blast area is secured, traffic is stopped if necessary, and audible warnings have been sounded.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.7 Nonelectric Detonator Precautions."}

5607.8 Blasting area security. Beginning at the time that explosive materials arrive on site, only authorized persons engaged in loading operations or otherwise authorized to enter the site shall be allowed at the blast site. Beginning with the time that individual loaded boreholes are connected together, only authorized persons engaged in blasting operations or otherwise authorized to enter the area shall be allowed within the blast area. No activity of any nature other than that which is required for loading holes with explosives shall be permitted within the blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast area security shall be

maintained until after the post-blast inspection has been completed.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.8 Blasting area security."}

5607.9 Drill Holes. Holes drilled for the loading of explosive charges shall be made and loaded in accordance with NFPA 495. Loaded boreholes shall not be left unattended.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.9 Drill Holes."}

5607.9.1 Equipment for loading and stemming. Only equipment and machinery necessary to load boreholes shall be allowed within the blast site after the arrival of explosives. Said equipment or machinery shall not be operated over loaded boreholes or at any location where there is a potential to contact explosive materials. Equipment and machinery used to stem loaded boreholes shall not be operated within the blast site once loading operations begin.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.9.1 Equipment for loading and stemming."}

5607.9.2 Stemming of loaded boreholes. All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.8 Blasting area security."}

5607.13 Firing control. No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 5607.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.3 Firing Control"}

5607.16 Blast records. A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the fire code official. When required by the fire code official, the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosive per delay of 8 milliseconds or greater.
9. Method of firing and type of circuit.

10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation.
11. Weather conditions.
12. Whether or not mats or other precautions were used.
13. Type of detonator and delay period.
14. Type and height of stemming.
15. Seismograph record when utilized.

Exception: Items 8 and 13 of this section are not applicable to restricted blasters.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.16 Blast Records."}

5607.17 Blasting in asbestos rock. Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the fire code official and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.17 Blasting in asbestos rock."}

5607.18 Blast effects monitoring. All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the fire code official as conditions at the blast warrant.

1. All seismographs will be properly calibrated by a qualified firm. Annually, calibration records shall be presented to the fire code official upon request.
2. Adequate trigger levels shall be set for the blast being conducted but at no time less sensitive than:
    a. Ground vibration: 0.05 inches per second peak particle velocity
    b. Air blast: 100 decibels
    c. Recording time: 5 seconds.
3. GPS coordinates documenting the location of each seismograph used in mineral mining will be included in the blasting records required in 5607.16.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.18 Blast effects monitoring."}

5607.19 Detonating cord and safety fuse. The use of detonation cord in blasting and explosives operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire official. The use of safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.19 Detonating cord and safety fuse."}

5608 Fireworks Display. Change title to: Section 5608 Fireworks.

5608.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126. The manufacture of fireworks is prohibited within the County. The display, sale, or discharge of fireworks shall comply with the requirements of this chapter.

5608.1.1 Unlawful activities. Except as hereinafter provided, it shall be unlawful for any person, firm, or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any fireworks.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5608.1.1 Unlawful activities"}

5608.1.1.1 Reloading. It shall be unlawful for any person, firm, or corporation to reload any mortar where shells or fireworks fail to ignite during any shoot, show or display. In the event that a shell fails to ignite in the mortar, the mortar shall be marked to indicate the presence of an unfired shell, and the mortar shall not be reloaded or reused while the misfired shell remains a hazard.

{FOR REFERENCE ONLY: This section is added to improve safety during events.}

5608.1.1.2 Cold Spark Machines. It shall be unlawful for any person, firm, or corporation to utilize cold spark machines within a structure or building.

{FOR REFERENCE ONLY: This section is added to improve safety during events.}

5608.1.2 Permissible fireworks. The provisions of *5608.1.1* shall not apply to consumer 1.4G permissible fireworks which have been approved by the Fire Marshal's Office. Such permissible fireworks shall be used only on private property with the approval of the owner. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The sale of fireworks to minors shall be prohibited unless the minor is accompanied by a parent or legal guardian.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5608.1.2 Permissible Fireworks."}

5608.2.1.1 Permit required for display of aerial fireworks. The Office of the Fire Marshal may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks, or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in chapter 80 of this Code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group, or individual to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, their agents, or employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at

the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

{FOR REFERENCE ONLY: This section is amended to change the wording. This amendment also removes the phrase "Add Subsection as follows: 5608.1.2 Permit required for display of aerial fireworks."}

5608.2.3 Permit required for sale of fireworks. It shall be unlawful for any person, firm, or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks within the county without a permit from the Fire Marshal's Office. This permit shall be valid for a maximum of 45 days. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

{FOR REFERENCE ONLY: This section is amended to establish a definite valid time period for a fireworks permit. The amendment deletes the phrase "Add Subsection as follows: 5608.2.1.1 Permit required for the sale of fireworks."]

5608.10 Retail display and sale. In addition to the restrictions set forth in section, 5601.2.2, retail sales of permissible fireworks shall only be conducted from approved, fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. Staff selling permitted, permissible fireworks shall be 18 years or older.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment also deletes the phrase "Add Subsection as follows: 5608.10 Retail Display and Sale."}

5608.10.1 Precautions. Fireworks displayed for retail sale shall not be made readily accessible to the public and under the supervision of retail staff. A minimum of one pressurized water fire extinguisher complying with section 906 shall be located not more than 15 feet and not less than 10 feet from the retail sale location. "NO Smoking" signs complying with section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.10.1 Precautions."}

5608.10.2 Sales to minors. The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.10.2 Sales to Minors."}

5608.10.3 Records to be kept by wholesaler and retailer. Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all

purchases of fireworks. The Fairfax County Fire Marshal or designated agent is authorized to examine the books and records of any wholesaler or retailer documenting the purchases and sales of fireworks within the county.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.10.2 Records to be kept by wholesaler and retailer."}

5608.11 Approval of permissible fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks for approval. Persons engaged in the business of selling fireworks at wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples of each firework intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks submitted. No wholesaler or retailer shall sell or deliver in the county any fireworks other than those approved by the State Fire Marshal's Office.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.11 Approval of Permissible Fireworks."}

5701.4 Permit required. Permits shall be required as set forth in Sections 107 and 108 and regulated in accordance with this section. The manufacture, storage, possession, sale and use of fireworks or explosives shall not take place without first applying for and obtaining a permit.

{FOR REFERENCE ONLY: This section updates the section numbers to conform with the County Fire Prevention Code.}

5704.2.7.10 Leak reporting. A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department, the fire code official and other authorities having jurisdiction. The procedures as set forth in section 5003.3.1 shall also be followed.

{FOR REFERENCE ONLY: This section updates the section numbers to conform with the County Fire Prevention Code. The amendment also deletes the phrase "Add Subsection as follows: 5704.2.6.10 Leak Reporting."}

(3-91-62; 4-91-62; 49-92-62; 12-94-62; 15-96-62; 17-97-62; 37-97-62; 44-99-62; 15-03-62; 13-06-62; 27-08-62; 33-08-62; 17-09-62; 04-12-62; 43-14-62; 23-22-62.)

ARTICLE 3. Junior Firefighters

Section 62-3-1. Junior firefighters.

Any person residing in the County of Fairfax, the City of Fairfax, or the towns of Vienna, Herndon and Clifton, aged 16 years or older, who is a member of a Fairfax County volunteer fire company, with parental or guardian approval, is authorized to (i) seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) work with or participate in non-hazardous activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, subject to the following conditions:

1) Evidence of residency in the Commonwealth shall be provided by the junior firefighter.
2) The junior firefighter shall present an original letter by a parent or legal guardian that permits junior firefighter participation.
3) The junior firefighter shall provide an original consent form signed by a parent or legal guardian allowing participation in Virginia Department of Fire Programs training courses.
4) The junior firefighter shall be provided with a copy of the County's liability insurance coverage applicable to junior firefighters. (11-16-62; 32-18-62.)

CHAPTER 62. – Fire Protection1

Article 1. – In General

Section 62-1-1. – Penalty.

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed 12 months, or by a fine not to exceed $2,500.00, or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Section 62-1-2. – Use of fire apparatus, equipment, etc., within Fairfax County.

a. It shall be unlawful for any person to operate or cause to be operated, upon a public highway or street in the County, any vehicle or equipment used, intended to be used, or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized firefighting company of the County.
b. For the purpose of this Section, a recognized firefighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.
c. This Section shall not apply to the operation of firefighting vehicles and equipment owned by any firefighting company outside of the County when such vehicle or equipment is traveling in or through the County for a parade or other non-firefighting purposes or in response to a call from the Fairfax County Department of Public Safety Communications.

1. 1 Editor's note—Chapter 62 originally consisted of §§ 62-1-1—62-1-6, 62-2-1—62-2-5 and was derived from the following: Code 1954, Vol. 1, §§ 7-2, 7-3, 7-5, 7-6, 7-9; ordinances adopted Sept. 10, 1958, Sept. 16, 1959, Apr. 13, 1960, June 1, 1960, Apr. 1, 1964, Mar. 13, 1968, and Apr. 9, 1969; 1961 Code, §§ 12-1—12-6, 12-19,12-20, 12-28; and Ord. Nos. 15-76-62, 22-81-62, 3-83-62, 30-84-62, and 11-85-62. It was amended to read as set out in §§ 62-1-1—62-1-4, 62-2-1—62-2-6 by Ord. No. 10-88-62, which was superseded by Ord. No. 3-91-62.

Attachment 2

Section 62-1-3. – **Damage or injury to fire department equipment or personnel.**

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while such personnel are in the performance of departmental duties.

Section 62-1-4. – **Unlawful boarding or tampering with fire department vehicles.**

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest, or to sound any warning device thereon, or to manipulate, tamper with or destroy, or attempt to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump, or any equipment, protective clothing, or tool on or a part of such fire department vehicle.

ARTICLE 2. – Fire Marshal

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal – Creation of office; appointment; powers and duties generally.

The Fairfax County Office of the Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter.

Section 62-2-2. – Same – Tenure.

The County Fire Marshal shall not be appointed for a definite tenure but shall continue contingent upon and subject to the personnel rules of the County.

Section 62-2-3. Oaths of ~~Fire Marshal~~Fire Marshal, Fire Code Official ~~-~~and Technical Assistants to the Fire Marshal.

The County Fire Marshal, Fire Code Official, Deputy County Fire Marshal, and Technical Assistants to the Fire Marshal, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office.

Section 62-2-4. Investigation and notification of fires and injuries.

a. The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a suspicious nature, or which involves the loss of life, or causes injury to persons, or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending

on the nature and circumstances of the fire. The Fire Marshal shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. The appropriate police department, upon request of the County Fire Marshal, shall assist in the investigation, as needed. The results of any such investigation shall be forwarded by the Fire Marshal to the Commonwealth's Attorney for proper disposition.

b. A medical professional who is primarily responsible for the treatment of an individual for a burn injury described below shall, as soon as practicable, notify the Fairfax County Fire Marshal and the Department of Public Safety Communications. The treating physician or designee shall be responsible for giving the notice required by this section.

The provisions of this subsection apply to:

i. ~~a~~Any burn injury from the result of direct flame contact causing 2nd degree burns (partial thickness) to 5 percent or more of the patient's body and all 3rd degree burns (full thickness), regardless of the percentage of burned area.
ii. ~~a~~All chemical burns regardless of severity.
iii. ~~a~~Any upper respiratory burn injury requiring advanced airway intervention and/or support.
iv. ~~a~~Any burn injury which causes death or
v. ~~a~~ny burn injury which is likely to cause death.

1. The provisions of this section do not apply to sunburn.

2. Notice under this section shall include:

i. The name and address of the patient, if known.
ii. A description of the burn injury.
iii. The reported cause of the burn injury, if given.
iv. The patient's prognosis.
v. Any other fact concerning the burn injury which may assist in determining the origin and cause of the fire.

Section 62-2-5. – **Powers of arrest.**

The Fire Marshal and all members of the Fire Marshal 's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, storage, use, and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summonsing of fire or rescue equipment

without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses.

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax shall be enforced by the County Fire Marshal or Fire Code Official. (3-91-62; 12-94-62; 17-97-62; 13-06-62; 17-09-62; 04-12-62.)~~, and, under the authority of the Fire Marshal, by the Deputy County Fire Marshal, Assistant County Fire Marshals, and members of the Fire Marshal's staff, also herein referred to as the Office of the Fire Marshal, Fire Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention Division, code official, fire code official, or the fire official. The Fire Marshal, the Deputy Fire Marshal, Assistant Fire Marshals, and members of the Fire Marshal's staff shall have all the powers of the local fire official and the local arson investigator and the local fire marshal and their assistants set forth in Title 27 of the Code of Virginia, and all of the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax.~~

Section 62-2-7. – Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax and shall be herein referred to as such or as this Code.

Section 62-2-8. – Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

104.1.2 Authority for enforcement of fireworks provisions by other than Technical Assistants to the Fire Marshal. Add Subsection as follows: **104.1.2 Authority for enforcement of fireworks provisions by other than Technical Assistants to the Fire Marshal**. Fairfax County police officers are empowered to enforce Section 5601.1.1.3 *Fireworks*, within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County.

106.3.2 Inspection by others. ~~Add Subsection as follows: **106.3.2 Inspection by others.**~~ The Chief of the Fire Department may designate such other persons as they deem necessary to make fire safety inspections. Such persons shall use the Virginia Statewide Fire Prevention Code and this Code as the basis for such inspections.

Attachment 2

106.8. Summon~~s~~ing the Fire Marshal~~. Add Subsection as follows: **106.9 8Summonsing the Fire Marshal.**~~ The fire department officer-in-charge of any fire, explosion, or incident scene shall immediately summon~~s~~ the Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation as outlined in Section 62-2-4 of this Code.

106.9 Notification of fire department. Add Subsection as follows: **106.9~~10~~ Notification of fire department.** In any building, when a fire or evidence of a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the chief of the fire department, or ~~his~~ designee. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

Table 107.2. ~~Delete and Substitute as follows: **Table 107.2.**~~ Duration of permit is 365 days, unless otherwise noted. Amended as follows:

Line #	Code Reference	**Table 107.2** **FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS**	Flat Fee	Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies				
1	5101.2	**Aerosol Products, Level 2 or 3.** An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	$195 ~~150~~	
2	107.2	**Amusement Buildings: Permanent.** An operational permit is required to operate a special amusement building.	$195~~150~~	
3	107.2 403.12.2	**Amusement Buildings: Temporary or Mobile.** An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60 day permit but not past event date)	$195~~150~~	
4	2001.3	**Aviation Facilities**. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	$195~~150~~	
5	107.2	**Assembly, Indoor (to include Exhibits and Trade Shows).** An operational permit is required to operate exhibits and trade shows. (Permit is valid for up to 30 days, but not past event date).	$195~~150~~	

Attachment 2

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
6	107.2 403.12.2 403.12.3	**Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals).** An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. (Permit is valid for up to 30 days, but not past event date).	$195~~150~~	
7	107.2	**Assembly, Place of or Education** – Occupant Load 50 or Greater	$195~~150~~	
8	1206.2	**Battery Systems, Stationary Storage** An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	$195~~150~~	
9	301.2	**Cellulose Nitrate Film**: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	$195~~150~~	
10	2201.2	**Combustible Dust-Producing Operations.** An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	$195~~150~~	
11	107.2	**Combustible Fibers**. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. **Exception**: An operational permit is not required for agricultural storage.	$195~~150~~	
12	609.3	**Commercial Kitchen Operation Requiring a Type I Hood.** An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. **Exceptions:** 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	$195~~150~~	
13	5301.2 5001.5 5401.2	**Compressed Gas: Corrosive**. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP). **Exception:** *Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.*	$195~~150~~	
14	5301.2 5801.2 5001.5	**Compressed Gas: Flammable**. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP). **Exceptions:** 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	$195~~150~~	
15	5301.2 6001.2 5001.5	**Compressed Gas: Toxic or Highly Toxic.** An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	$195~~150~~	
16	5301.2 5001.5	**Compressed Gas: Inert or Simple Asphyxiant.** An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperate and pressure (NTP). **Exception:** Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195~~150~~	
17	5301.2 6301.2 5001.5	**Compressed Gas: Oxidizing (including Oxygen).** An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). **Exception**: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195~~150~~	
18	5301.2 6401.2 5001.5	**Compressed Gas: Pyrophoric.** An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	$195~~150~~	

Attachment 2

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
19	107.2	**Covered and open mall buildings**. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	$195~~150~~	
20	5501.2 2301.2 5001.5 5801.2	**Cryogenic Fluids.** An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below. **Exception:** Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. **Type of Cryogenic Fluid** / **Inside Building (gallons)** / **Outside Building (gallons)** Flammable — More than 1 — 60……. Inert — 60 — 500……. Oxidizing (Includes oxygen) — 10 — 50……. Physical or health hazard not indicated above — Any amount — Any amount…..	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
21	2101.2	**Dry Cleaning Plants**. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	$195~~150~~	
22	**601.2**	**Electrified Security Fence**	$195~~150~~	
23	5601.2	**Explosives**: Explosives Use, Each Site or Location (6 Month Permit).	$234~~180~~	
24	5601.2	**Explosives**: Firm or Company License.	$195~~150~~	
25	5601.2	**Explosives**: Storage and Display of Black Powder or Smokeless Propellant Indoors **Exception**: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.	$195~~150~~	
26	5601.2	**Explosives:** Laboratory Use (6 Month Permit).	$195~~150~~	
27	3308.2	**Fire Prevention Program Manager:** A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations. Exception: Building less than 5 stories above average grade plane and less than 50,000 square feet in size.	$0	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
28	5701.4	**Flammable and combustible liquids**. An operational permit is required: 1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems. 2. **Class I**: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building. **Exceptions:** a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition. b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days. 3. **Class II or IIIA**: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
29	5701.4	**Flammable/Combustible Liquid Tank**. An operational permit is required for the following: a. Underground Storage, with or without dispensing equipment…… b. Above-ground Storage, with or without dispensing equipment…… c. Bulk Storage Facility – in Excess of 100,000 Gallons…… d. Installation, Above ground or Underground Tank (90 Day Permit)…… e. Alter or Relocate an Existing Tank (90 Day Permit)…… f. Place Temporarily Out of Service…… g. Underground Abandonment (90 Day Permit)…… h. Underground Removal (Commercial - 90 Day Permit)…… i. Underground Removal (Residential - 90 Day Permit)…… j. Above-ground Removal (Commercial - 90 Day Permit)…… k. Above-ground Removal (Residential - 90 Day Permit)…… l. Install Product Lines/Dispensing Equipment (90 Day Permit)…… m. Manufacture, Process, Blend, or Refine…… **Note:** Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~$ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	

Attachment 2

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
30	2401.3	**Floor finishing**: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	$104~~$78~~	
31	2501.2	**Fruit or crop-ripening**: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	$195~~150~~	
32	2601.2	**Fumigation, thermal insecticidal and fogging**: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15-day permit).	$195~~150~~	
33	5001.5	**Hazardous Materials.** An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:		
34		**Combustible Liquids**: refer to flammable and combustible liquids		
35		**Corrosive Gases**: refer to Compressed Gases		
36	5401.2	**Corrosive Liquids**: greater than 55 Gallons	$195~~150~~	
37	5401.2	**Corrosive Solids**: greater than 1000 Pounds	$195~~150~~	
38		**Explosives**: refer to Explosive Materials		
39		**Flammable Gasses**: refer to Compressed Gases		
40		**Flammable Liquids**: refer to Flammable and Combustible Liquids		
41	5901.2	**Flammable Solids**: greater than 100 Pounds	$195~~150~~	
42		**Highly Toxic Gases**: refer to Compressed Gases		
43	6001.2	**Highly Toxic Liquids**: any amount	$195~~150~~	
44	6001.2	**Highly Toxic Solids**: any amount	$195~~150~~	
45		**Oxidizing Gases**: refer to Compressed Gases		
46	6301.2	**Oxidizing Liquids:** a. Class 4: any amount b. Class 3: greater than 1 gallon c. Class 2: greater than 10 gallons d. Class 1: greater than 55 gallons	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
47	6301.2	**Oxidizing Solids:** a. Class 4: any amount b. Class 3: greater than 10 pounds c. Class 2: greater than 100 pounds d. Class 1: greater than 500 pounds	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
48	6201.2	**Organic Peroxides, Liquid** a. Class I: any amount b. Class II: any amount c. Class III: greater than 1 gallon d. Class IV: greater than 2 gallons e. Class V: no permit required	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
49	6201.2	**Organic Peroxides, Solids:** a. Class I: any amount b. Class II: any amount c. Class III: greater than 10 pounds d. Class IV: greater than 20 pounds e. Class V: no permit required	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
50	6401.2	**Pyrophoric Material:** a. Gas: any amount…… b. Liquid: any amount…… c. Solid: any amount ……	 $195~~150~~ $195~~150~~ $195~~150~~	
51	6001.2	**Toxic Materials:** a. Gases: refer to compressed gases…… b. Liquids: 10 gallons…… c. Solids: 100 pounds……	 $195~~150~~ $195~~150~~ $195~~150~~	
52	6601.2	**Unstable (Reactive) Materials:** Liquids: a. Class 1: greater than 10 gallons…… b. Class 2: greater than 5 gallons…… c. Class 3: any amount…… d. Class 4: any amount…… Solids: a. Class 1: greater than 100 pounds…… b. Class 2: greater than 50 pounds…… c. Class 3: any amount…… d. Class 4: any amount……	 $195~~150~~ $195~~150~~ $195~~150~~ $~~$~~195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
53	6701.2	**Water-reactive Materials**: Liquids: a. Class 1: greater than 55 gallons…… b. Class 2: greater than 5 gallons…… c. Class 3: greater than any amount…… Solids: a. Class 1: greater than 500 pounds…… b. Class 2: greater than 50 pounds…… c. Class 3: any amount……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
54	5001.5	**Hazardous Production Facilities (HPM)**: An operational permit is required to store, handle or use hazardous production materials.	$195~~150~~	
55	3201.2	**High Piled Storage**. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	$195~~150~~	
56	3501.2	**Hot Work and Welding: Public Exhibitions and Demonstrations** (Each Exhibitor/Demo – Permit is valid for up to 10 days per event, but not past event date ~~Each Exhibitor/Demo – 10 Day Permit~~)	$104~~78~~	

Attachment 2

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
57	3501.2	**Hot Work and Welding**: An operational permit is required for: a. Small Scale Hot Work …… b. Fixed-Site Hot Work Equipment (Example: Welding Booth)…… c. Cutting or Welding, All Locations…… d. Open Flame Device Roofing Operation, **to include Rubberized Asphalt Melter Operations** (Each Site/Location – 90 Day permit)…… e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit)……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $104~~78~~	
58	3001.2	**Industrial Ovens:** An operational permit is required for operation of industrial ovens regulated by Chapter 30.	$195~~150~~	
59	2801.2	**Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants**. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft^3) (236 m^3).	$195~~150~~	
53	6701.2	**Water-reactive Materials**: Liquids: a. Class 1: greater than 55 gallons…… b. Class 2: greater than 5 gallons…… c. Class 3: greater than any amount…… Solids: a. Class 1: greater than 500 pounds…… b. Class 2: greater than 50 pounds…… c. Class 3: any amount……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
54	5001.5	**Hazardous Production Facilities (HPM)**: An operational permit is required to store, handle or use hazardous production materials.	$195~~150~~	
55	3201.2	**High Piled Storage**. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	$195~~150~~	
56	3501.2	**Hot Work and Welding**: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	$104~~78~~	
57	3501.2	**Hot Work and Welding**: An operational permit is required for: a. Small Scale Hot Work …… b. Fixed-Site Hot Work Equipment (Example: Welding Booth)…… c. Cutting or Welding, All Locations…… d. Open Flame Device Roofing Operation, **to include Rubberized Asphalt Melter Operations** (Each Site/Location – 90 Day permit)…… e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit)……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $104~~$78~~	
58	3001.2	**Industrial Ovens:** An operational permit is required for operation of industrial ovens regulated by Chapter 30.	$195~~150~~	

Attachment 2

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
59	2801.2	**Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants**. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft³) (236 m³).	$195~~150~~	
60	**109.1**	**Live/Work Units:** An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	$195~~150~~	
61	6101.2	**LP-Gas**: An operational permit is required for: ~~S~~storage or use of LP-gas, (inside or outside any structure).	$195~~150~~	
62	6101.2	**LP-Gas:** An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). **Exception**: Single-and two-family dwellings.	$104~~78~~	
63	6106 6109	**LP-Gas**: An operational permit is required for: a. Dispensing and Cylinder Refill Location …….. b. Retail cylinder exchange location…….. **c.** Automated cylinder exchange location……..	$195~~150~~ $195~~150~~ $195~~150~~	
64	315.2	**Miscellaneous Combustible Storage**: Storage inside any building or upon any premises - in excess of 2500 cubic feet.	$195~~150~~	
65	107.2	**Mobile food preparation vehicle:** A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	$195~~150~~	
66	301.2	**Open Burning:** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit)…… **b.** Silvicultural / Controlled Burning (90 Day Permit)……	 $195~~150~~ $195~~150~~	
67	301.2	**Open Flame and Candles.** An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event - Permit is valid for up to 60 days, but not past event date.~~Each Event~~)…….. b. Assembly areas or dining areas of restaurants or drinking establishments……	 $104~~78~~ ~~$150~~$172	
68	2901.2	**Organic Coatings:** An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	$195~~150~~	
69	323.4	*Powered Micromobility Devices*	$195	
70	107.2	**Private Fire Hydrant**~~:~~ – An operational permit is required for the removal from service, use or operation of private fire hydrants.	$195~~150~~	
71	3901.3	*Processing and Extraction Facilities*	$195	71
72	5601.2	**Pyrotechnics and Fireworks:** An operational permit is required for Outdoor Fireworks Display (Aerial Audience) (One day Permit)~~An operational permit is required for:~~ **a.** ~~Outdoor Fireworks Display (Aerial Audience) (One Day Permit)~~	$624~~480~~	
73	5601.2	**Pyrotechnics and Fireworks**. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45-day permit).	$936~~720~~	

Attachment 2

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
74	5601.2	**Pyrotechnics and Fireworks**. An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21-day permit. With a minor site plan, up to 45-day permit).	$936~~720~~	
75	6501.2	**Pyroxylin Plastic**: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	$195~~150~~	
76	601.2	**Refrigeration Equipment:** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	$195~~150~~	
77	2301.2	**Repair garages and service stations**: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	$195~~150~~	
78	2001.3	**Rooftop Heliports**: An operational permit is required to operate a rooftop heliport.	$195~~150~~	
79	~~1204~~ 1205	**Solar photovoltaic power systems.** An operational permit is required for the installation and operation of a solar photovoltaic power system.	$195~~150~~	
80	2401.3	**Spraying or dipping operations:** An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation…… b. Flammable/Combustible Liquid Dip Tank Operation…… c. Application of Combustible Powders/Spray/Fluidized …… d. Organic Peroxides and Dual-component coatings…… ~~d.~~e. Spraying or dipping, All locations (permit w/no inspection)	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
81	5001.5	**Swimming Pool Operation:** The operation of a public or community pool requires an operational permit.	$195~~150~~	
82	3103.24	**Temporary membrane structures and tents,** (Permit is valid for up to 6 months, but not past event date.~~6 Month Permit~~). **Exceptions:** 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	$195~~150~~	
83	3105.3	**Temporary Special Event Structures (Stage Canopies)**	$195~~150~~	
84	3401.2	**Tire-rebuilding Plants**: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	$195~~150~~	
85	3401.2	**Tire Storage (scrap tires and tire byproducts)**: An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	$195~~150~~	
86	107.2	**Waste Handling**: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	$195~~150~~	
87	2801.2	**Wood Products**: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	$195~~150~~	
Note: All permit fees are per line item that applies				
Section 2 – Plan Review Fees				

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
88	3201.4	Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.		$208~~1 56~~
89	3201.3	High-piled Combustible Storage Plan Review		$208~~1 56~~
90	2803.7	Lumber Yard/Agro-Industrial/Biomass~~Lumber Yard or Woodworking~~ Facility Plan Review		$208~~1 56~~
91	6109	Site and Installation Plan Review for Storage of Portable LP-~~g~~Gas Containers Awaiting Use or Resale~~Cylinder Exchange Program~~		$208~~1 56~~
92	5001.6.	Hazard Communication: Hazardous Material Management Plan Review		$208~~1 56~~
93	5001.6.3	Hazardous Material Facility Closure Plan Review		$208~~1 56~~
94	5001	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.	$133~~$100~~	
95	5001	Tier II submissions, per chemical, to a maximum of $200.	$33~~$25~~	
Section 3 - Inspection and Testing Fees				
96	107.10	State Regulated Care Facility ~~County and State Licensing Fire~~ Inspections (each inspection).	~~$25~~	~~$2933~~
97	107.10	Certificate of Occupancy Inspections (Towns of Vienna and Herndon).		~~208 156~~$1 ~~80~~
98	107.10	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re-inspections.		~~208 156~~$1 ~~80~~
99	107.10	Fire Code Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List – Each Inspector).		~~208 156~~$1 ~~80~~
100	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector).		~~208 156~~$1 ~~80~~
101	~~907~~901.12 ~~.8.5~~	Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.		~~208 156~~$1 ~~80~~

107.4.1 Duration of permit. ~~Add Subsection as follows: **107.4.1 Duration of permit.**~~ Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with this Code.

108.4 Revocation. Delete and substitute as follows: **108.4 Revocation.** The fire official is authorized to revoke an operational permit issued under the provisions of this Code upon a finding of any of the following, whether found by inspection or otherwise: that there has been a false statement, misrepresentation, or other intervening act by the applicant as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than listed on the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentation as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.
7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.
8. The Certificate of Occupancy and/or Use Permit has been revoked or suspended.
9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.

109.4 Approvals. ~~Add Subsection as follows: **109.4 Approvals**~~**.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

109.5 Follow-up inspections resulting from noncompliance. ~~Add Subsection as follows: **109.5 Follow-up inspections resulting from noncompliance.**~~ Where follow-up inspections are required as a result of noncompliance with this Code, fees shall be assessed as listed under Table 107.2.

109.6 Inspections performed outside business hours. ~~Add Subsection as follows: **109.6 Inspections performed outside business hours.**~~ Inspections may be performed outside business hours at the sole discretion of the fire official. Fees for these inspections shall be assessed at twice the rate listed under Table 107.2. Fees shall be assessed in 30-minute increments.

110.5.1 Imminent threat to human health or safety or to property. ~~Add Subsection as follows: **110.5.1 Imminent threat to human health or safety or to property.**~~ If the fire official shall adjudge that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct, or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

112.1.1 Fairfax County Board of Fire Prevention Code Appeals. Add Subsection as follows: **112.1.1 Fairfax County Board of Fire Prevention Code Appeals.** The Fairfax County Board of Building and Fire Prevention Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax County.

Attachment 2

Section 202, DEFINITIONS. Add as follows:

Section 202
GENERAL DEFINITIONS

APPROVED. Add as follows: APPROVED. Approved by the County Fire Marshals Office.

APPROVED AGENCY. Add as follows: **APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been *approved* by the *fire code official.*

BLAST AREA. The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

BLASTING. Add as follows**: BLASTING.** The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.

CARBON MONOXIDE SOURCE. Add as follows: **CARBON MONOXIDE SOURCE.** A piece of commonly used equipment or permanently installed appliance, fireplace or process that produces or emits carbon monoxide gas.

CONGESTED AREA. Add as follows: CONGESTED AREA. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.

ELECTRIFIED SECURITY FENCE. Any fence, other than used in an agricultural setting, that meets the following requirements:

1. The fence is powered by an electrical energizer with both of the following output characteristics:
   a. The impulse repetition rate does not exceed 1 hertz (hz).
   b. The impulse duration does not exceed 10 milliseconds, or $^{10}/_{10000}$ of a second.

2. The fence is used to protect and secure commercial or industrial property.

Attachment 2

FIRE CHIEF. Delete and substitute as follows: **FIRE CHIEF.** The head of the County Fire and Rescue Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire and Rescue Department, or a duly authorized representative.

FIRE MARSHAL'S OFFICE. Add as follows: **FIRE MARSHAL'S OFFICE**. The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division, fire code official, or the fire official.

FLYROCK. Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.

HYBRID FIRE-EXTINGUISHING SYSTEM. Add as follows: **HYBRID FIRE-EXTINGUISHING SYSTEM.** A system that utilizes a combination of atomized water and inert gas to extinguish fire.

INFLATABLE AMUSEMENT DEVICE. Add as follows: **INFLATABLE AMUSEMENT DEVICE.** A device made of flexible fabric or other combustible materials that is inflated by one or more air blowers providing internal air pressure to maintain its shape. Such devices are typically designed for recreational activities that allow occupants to bounce, climb, slide, negotiate an obstacle course or participate in interactive play.

LABORATORY. A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed.

LEGAL OFFICER. Add as follows. **LEGAL OFFICER.** County Attorney or the Commonwealth's Attorney for the County of Fairfax.

MISFIRE. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.

OCCUPANT. Any person physically located or situated in or on any property, structure, space, or vehicle irrespective of the length of time or the reason for such occupancy.

POWERED MICROMOBILITY DEVICES~~. Add as follows: **POWERED MICROMOBILITY DEVICES.**~~ Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium ion or lithium metal battery. The term does not include motor vehicles that are required to be registered with the Virginia Department of Motor Vehicles.

RETAILER. Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.

RUBBERIZED ASPHALT MELTER (MELTER). Portable equipment used for the heating of rubberized asphalt material. The term applies only if both the material being heated is a mix of asphalt and inert material and when an indirect method of heating is used. An indirect method

Attachment 2

of heating refers to a fully enclosed double-shell oil or air system that transfers heat from a burner(s) or electric heating element(s) to the oil or air jacket around the outside of a material vat which then heats the rubberized asphalt material. Melters can be fueled by means of diesel or electric means. Melters are not considered asphalt (tar) kettles or pots as addressed in Section 303.

TEMPORARY STORAGE (OF EXPLOSIVES). Storage of explosive materials for not more than 24 hours.

WHOLESALER. A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.

301.2 Permits. Delete and substitute: **301.2 Permits**. Permits shall be required as set forth in Sections 107 and 108 for the activities or uses regulated by Sections 306, 307, 308, 315, and 319.

304.2.1 Handling readily combustible materials. Add Subsection as follows: **304.2.1 Handling readily combustible materials**. No person producing, using, storing, or having charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall neither fail nor neglect, at the close of each day, to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined, or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores, apartment buildings, factories, and other buildings where accumulations of paper and waste materials are not removed at least every day.

305.4.1 Mischievous fire play. Add Subsection as follows: **305.4.1 Mischievous fire play.** It shall be unlawful for any person to ignite or use fire or other ignition sources in a deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or reckless experimentation.

307.2 Permit required. Delete and substitute as follows: **307.2 Permit required.** If under the requirements of the Commonwealth of Virginia or the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official, in accordance with Section 107.2, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

Exceptions:
1. Recreational fires.
2. Fire set for the training of firefighters under the direction of the Chief of the Fire Department.

3. Fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

307.4.4 Outdoor solid fuel burning devices. Add Subsection as follows: **307.4.4 Outdoor solid fuel burning devices.** Outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy.

Exception: Detached one- and two- family dwellings and townhouses.

307.5.1 Endangering other property. Add Subsection as follows: **307.5.1 Endangering other property.** No person shall kindle, authorize to be kindled, or maintain any permitted fire in such a manner that will endanger the property of another.

308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations. Delete and substitute as follows: **308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations**. Persons utilizing a torch or other flame-producing device for removing paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.3.1 Permit. Add Subsection as follows: **308.1.3.1 Permit.** A permit in accordance with Section 107 and 108 shall be secured from the fire official prior to the utilization of a torch or flame-producing device in or on any building or structure.

308.1.4 Open-flame cooking devices. Delete and substitute as follows: **308.1.4 Open-flame cooking devices**. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:
1. Detached one-and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.
3. Cooking devices as allowed under the building code.

308.1.4.1 Notification of tenants. Add Subsection as follows: **308.1.4.1 Notification of tenants.** The management of multi-family residential occupancies which have balconies,

decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.1.4 of this Code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

308.3 Group A occupancies. Delete and substitute as follows: **308.3 Group A occupancies.** Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:
   1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
   1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
   ~~1.~~ 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
   1. 4 Where used in an approved manner to maintain the temperature of prepared food items, on a table used only to serve food.
2. Heat-producing equipment complying with Chapter 6 and the *applicable building code*.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

Add Section as follows:

SECTION 32~~0~~02

RUBBERIZED ASPHALT MELTERS FOR ROOF DECK SYSTEMS

32~~0~~02.1 General. The provisions of this section shall apply to any type of fully enclosed chassis-mounted or portable *rubberized asphalt melter* using indirect heating of a mix of asphalt and inert material for application on roof decks. There shall be no direct burner or flame impingement on the material vat with indirect heating. Temperature rise in the material vat is gradual and controlled.

32~~0~~20.2 Permits. Permits shall be required in accordance with Section 107.2 and Chapter 35.

32~~0~~20.2.1 Torches. Any use of torches or burners shall require a separate permit in accordance with Chapter 35.

32~~0~~20.3 Location. The melter shall be located and operated in a controlled area. The area shall be as designated by the *fire code official* and identified by the use of traffic cones, barriers, and other suitable means. Where *rubberized asphalt melters* are staged and operated on roof decks, the design load of the roof deck shall be capable of supporting the weight of the *rubberized asphalt melter* where loaded to capacity with rubberized asphalt material. The design load of the roof deck shall be as determined on building drawings or by a design professional as approved by the *fire code official*. *Rubberized asphalt melters* shall be chocked in place on the roof deck at locations identified by the design professional and as approved by the *fire code official.* Rubberized asphalt cakes for use in r*ubberized asphalt melters* shall be located on the roof at a location agreed upon by the applicant and the *fire code official*.

32~~0~~20.3.1 Buildings. *Rubberized asphalt melters* shall not be located inside buildings.

32~~0~~20.3.2 Air intakes. Air intakes into the building in the area of work shall be identified and shut off and an alternate supply of outdoor air into the building shall be coordinated, such as by temporarily covering air intakes to make them smoke and odor proof.

32~~0~~20.3.3 Exits. *Rubberized asphalt melters* shall not be located within 20 feet of any exit or combustible material. *Rubberized asphalt melters* shall not block any means of egress.

32~~0~~20.3.4 Combustible materials. Combustible materials on the roof deck shall be protected in accordance with Section 3504.

32~~0~~20.4 Fire Extinguishers. Not less than two approved 4-A:40-B:C fire extinguishers complying with Section 906 shall be provided and maintained within 25 ft. of the *rubberized asphalt melter*. A minimum of one approved 4-A:40-B:C fire extinguisher

shall be provided in close proximity to the roofing material application. Each employee shall be instructed on the proper use of fire extinguishers and in the event of a fire to turn off all *rubberized asphalt melter* power supply, engines, and burners. Employees shall notify the fire department.

3220.5 Attendant Supervision. An operating *rubberized asphalt melter* shall be attended by an employee who is knowledgeable and solely dedicated to the operation of the equipment and associated hazards. The employee shall always be within sight of the melter. The employee shall remain in the area of the melter for a minimum of one-hour after the device is shut down in compliance with Section 3504.2.

3220.6 Minimum Melter Design Requirements. A *Rubberized asphalt melter* shall be operated as a complete unit as designed and built by the manufacturer. Field changes that override controls or safety features are prohibited. Material vats shall be a permanent integral part of the *rubberized asphalt melter* unit. The *rubberized asphalt melter* chassis shall be substantially constructed and capable of carrying the load imposed upon it whether it is standing still or being transported.

3220.6.1 Lids. *Rubberized asphalt melter* shall have lids permanently attached. The lids shall be kept closed at all times, except to add rubberized asphalt membrane cakes to the *rubberized asphalt melter*. Loading doors shall be designed as a safety door integral to the roofing material tank and shall be provided with handles that allow rubberized asphalt cakes to be lowered into the tank without operator exposure to the vat material.

3220.7 Melter Operation. *Rubberized asphalt melters* shall be operated according to manufacturer instructions. *Rubberized asphalt melters* shall operate using integral control systems that include shut off controls for the electric or diesel-fired burner, temperature controls for the oil or air system, and the material vat. Where a diesel burner is utilized, it shall fire into a burner flue assembly for the oil or air jacketed shell for uniform heat transfer to the material vat. There shall be no open flame devices on *rubberized asphalt melters*. All *rubberized asphalt melters* shall have an approved, working visible temperature gauge(s) that indicate the temperature of the rubberized material being heated and, in the case of oil jacketed *rubberized asphalt melters*, the temperature of the heat transfer oil heating the material vat. The *rubberized asphalt melter* shall have limit switches that prevent the material vat from heating beyond 400 degrees F.

3220.8 Fuel System and containers. Fuel containers for diesel-powered melters shall be constructed and approved for the use for which they were designed. *Rubberized asphalt melter* fuel tanks shall be attached to the frame of the melter. Portable fuel tanks shall not be utilized to power *rubberized asphalt melters*. Diesel tanks and engines integral to *rubberized asphalt melters* shall be maintained in accordance with manufacturer instructions.

3220.8.1 Refueling. Refueling of diesel tanks shall be performed when the *rubberized asphalt melter* is off. A refueling and spill prevention plan approved by the *fire*

Attachment 2

code official shall be utilized. Refueling shall be conducted using approved safety cans. No open flames shall be present within 20 feet of the refueling operation.

3220.9 Maintenance. *Rubberized asphalt melters* and integral working parts shall be in good working condition and shall be maintained free of excessive residue.

3220.10 Transporting. *Rubberized asphalt melters* shall not be transported over a highway, road, or street when the heat source for the melter is operating.

SECTION 323 POWERED MICROMOBILITY DEVICES

323.1 General.

Lithium-ion and lithium metal battery powered micromobility devices shall be operated and maintained in accordance with this section.

Exceptions:

1. Storage, repair and charging in residential occupancies of powered mobility devices, provided that such devices are for personal use by its owner.

2. Charging of a single powered mobility device in any occupancy by its owner.

323.1.1 Prohibited locations.

The use of a residential occupancy as a business for the charging of commercially owned powered micromobility devices as part of a rental or sales service shall not be permitted.

323.2 Battery chargers and equipment.

Powered micromobility devices shall be charged in accordance with their listing and the manufacturer's instructions using only the original equipment manufacturer-supplied charging equipment or charging equipment in accordance with the listing and manufacturer's instructions.

323.3 Listing.

Powered micromobility devices shall be listed and labeled in accordance with UL 2272 or UL 2849, as applicable.

323.4 Battery charging areas.

Where approved, powered micromobility devices shall permitted to be charged in a room or area that complies with all of the following:

1. Only listed devices utilizing listed charging equipment shall be permitted to be charged.

2. Is provided with sufficient electrical receptacles to allow the charging equipment for each device to be directly connected to a receptacle. Extension cords and relocatable power taps shall not be used.

3. Storage of combustible materials, combustible waste or hazardous materials

Attachment 2

shall not be permitted.

4. The charging operation shall not be conducted in or obstruct any required means of egress.

5. Removable storage batteries shall not be stacked or charged in an enclosed cabinet unless the cabinet is specially designed and approved for such purpose.

6. A minimum distance of 18 inches (457.2 mm) shall be maintained between each removable storage battery during charging operations unless each battery is isolated from neighboring batteries by an approved fire-resistant material.

7. A minimum of 18 inches (457.2 mm) shall be maintained between the location of the battery on each powered micromobility device during charging operations.

322.5 Fire safety plan.

A fire safety plan shall be provided in accordance with Section 403.10.6. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

401.9 Promulgation of fire safety instructions. Add Subsection as follows: **401.9 Promulgation of fire safety instructions.** The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

401.9.1 Elevator warning signs. ~~Add Subsection as follows: **401.9.1 Elevator warning signs.**~~ Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE – DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provisions of this section.

401.9.2 Posting of signs. Add Subsection as follows: **401.9.2 Posting of signs**. It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs.

503.1. **Where Required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

Add the following exception to 503.1:

Attachment 2

3. In communities developed with single-family dwellings and/or townhomes that were constructed prior to December 31, 1979, wherein the Fire Code Official has no site plan and/or subdivision plan depicting or identifying designated fire lanes/fire apparatus access roads for the development, the Fire Code Official may conduct an analysis to designate and/or modify the requirements of this section. Any code modification shall require a written request from the community association accompanied by a site plan depicting the dimensions and location of the subject streets relative to all dwellings, structures and points of assembly. Before granting a fire code modification request, the Fire Code Official shall evaluate the type and grade of construction, structural components, including but not limited to the exterior wall coverings, accessibility and/or obstructions throughout the subject area, available water supplies, the distance and rescue response time from a fire station, and other relevant factors. Such fire code modifications may be granted by the Fire Official only if the health, safety, and welfare of the community is not compromised.

503.1.1 Buildings and Facilities Add text as follows: **503.1.1 Buildings and Facilities** Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility. The *fire code official* shall require fire lanes to be designated on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for firefighting and rescue apparatus.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45,720 mm) where any of the following conditions occur:

1.1 The building is equipped throughout with an *approved automatic sprinkler system* in accordance with the applicable NFPA13, NFPA 13R, or NFPA13D standard.

1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions, and an *approved* alternative means of fire protection is provided.

1.3 There are not more than two Group R-3, R-5, or Group U occupancies.

Attachment 2

2. Where approved by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.2.1.1 Required markings and parking prohibitions. Add Subsection as follows: **503.2.1.1 Required markings and parking prohibitions.** Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
>28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the *fire code official*	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required **Exception**: Required access to pools, fire department apparatus access roads, and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Delete and substitute as follows: **503.2.5 Dead ends**. Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

503.3.1 Marking specifications. Add Subsection as follows: **503.3.~~2~~ 1 Marking specifications.** Fire lane markings shall conform to the following:

1. Sign Details
   - 1.1. Metal construction 12 inches by 18 inches.
   - 1.2. Red letters on reflective white background with 3 /8-inch red trim strip around entire outer edge of sign.
   - 1.3 Lettering on sign to read: “NO PARKING OR STANDING FIRE LANE”.
2. There shall be a ½-inch space after the line that reads "NO", a 1-inch space after the lines that read “PARKING" and "OR", and a 1½-inch space after the line that reads "STANDING".
3. Lettering size and standard wording to be as follows:
   - 3.1 “NO” (2 inches)
   - 3.2 “PARKING” (2 inches)
   - 3.3 "OR" (1 inch)
   - ~~2.3~~3.4 “STANDING” (2 inches)
   - 3.5 “FIRE LANE” (2½ inches)

Attachment 2

4. Arrow (if required) shall be 1 inch by 6 inches with a solid head 1½ inches wide by 2 inches deep.

~~1.~~5. Sign types.

~~1.1~~ 5.1 Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing at the end of the painted area (see Figure 503.3.1.-A). ~~a. Metal construction, dimensions 12 inches wide by 18 inches high.~~

~~b. Red letters on a reflective white background with three-eighths inch red trim strip around the entire outer edge of the sign.~~

~~c. There shall be a one inch spacing between lines "No Parking" and "or". There shall be a one inch spacing between the lines "or" and Standing". There shall be a three inch space between the lines "Standing" and "Fire Lane".~~

~~Lettering size to be as follows:~~

~~"NO PARKING" 2 inches~~
~~"OR" 1 inch~~
~~"STANDING" 2 inches~~
~~"FIRE LANE" 2½ inches~~

~~Arrow (if required) 1 inch by 6 inches with a solid head 1 ½ inches wide by 2 inches deep.~~

5. Sign types.

5.1 Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.1).





Figure 503.3.1.2.1

5.2 Sign Type “C.” Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.2).



Figure 503.3.1.2.2

5.3 Sign Type “D”. Standard wording with no arrow. Two signs, back-to-back, mounted perpendicular to line of curbing or pavement edge. To be seen from either side. Located every 100 feet in long stretches of a marked, painted fire lane (see figure 503.3.1.2.3).



Figure 503.3.1.2.3

5.4 Posts for fire lane signs shall be metal and securely mounted. Signs shall be located and spaced as shown on the approved plans. In long stretches, the maximum distance between fire lane signs shall be 100 feet. Fire lane signs are to be mounted 7 feet above the finished grade to the bottom of the sign.

5.5 All curbs or paved spaces designated as fire lanes shall be indicated by yellow (highway grade) paint as approved by the *fire code official*. In areas without curbing, a 6-inch-wide yellow stripe shall be applied to the edge of the pavement. The property owner or designee shall repaint whenever the paint begins to fade or when directed by the *fire code official.*

503.3.~~3~~2. Tampering. Add Subsection as follows: **503.3.~~3~~2. Tampering**. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire lane sign or marking installed under the provisions of this code.

503.6.1 Emergency operation for security gates and barricades. Add Subsection as follows: **503.~~5~~6.~~2~~1 Emergency operation for security gates and barricades.** Gates and barricades that are installed across a fire apparatus access road that is normally intended for vehicular traffic shall be installed with a fire department access system which has an emergency override fire department master key switch as approved by the fire official. Gates and barricades shall be maintained operational at all times.

Attachment 2

503.8 Carnival, fair, festival, and circus access. Add Subsection as follows: **503.8 Carnival, fair, festival, and circus access.** It shall be the responsibility of the owner, operator, or other person responsible for the establishment, erection, or operation of any carnival or circus to establish, erect, and operate such carnival or circus so that there is provided and maintained an access lane, capable of supporting fire and rescue apparatus in all weather conditions, and so arranged as to afford access to within 100 feet of all booths, tents, rides, and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

503.9 Pool access. Add Subsection as follows: **503.9 Pool access.** Stretcher access for a 24-inch x 84-inch stretcher must be provided from the fire department vehicular access to the pool deck.

Exception: Individually owned pools located on single-family lots**.**

506.3 Number and labeling of required keys. Add Subsection as follows: **506.3 Number and labeling of required keys**. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and doors to other secured areas. In all other buildings required to provide fire department access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

506.4 Height of key boxes. Add Subsection as follows: **506.4 Height of key boxes**. Required key boxes shall be installed at the primary fire department entrance, in a visible and accessible position, 42 inches to 54 inches above finished grade. For new or renovated buildings, fire department key boxes must be installed prior to occupancy.

507.5.5 Clear space around hydrants and fire department connections. Delete and substitute as follows: **507.5.5 Clear space around hydrants and fire department connections.** A 4-foot clear space shall be maintained around each side of fire hydrants, and a 5-foot clear space shall be maintained on each side of a fire department connection, except as otherwise required or approved.

Add definition to list as follows**: 602.1 DEFINITIONS**

~~**ELECTRIFIED SECURITY FENCE** - Any fence, other than used in an agricultural setting, that meets the following requirements:~~

1. ~~The fence is powered by an electrical energizer with both of the following output characteristics:~~
   ~~a. The impulse repetition rate does not exceed 1 hertz (hz).~~
   ~~b. The impulse duration does not exceed 10 milliseconds, or $^{10}/_{10000}$ of a second.~~

~~2. The fence is used to protect and secure commercial or industrial property.~~

601.~~2~~3 Permits. Delete and substitute as follows: **601.~~2~~3 Permits**. Permits shall be obtained for refrigeration systems~~, solar photovoltaic power systems~~, commercial kitchen hoods, and electrified security fences as set forth in Sections 107.2.

Reasoning: Align section number with 2021 SFPC.

~~607.3.3.3.2~~ **606.3.3.3.2 Type I hood fire protection records.** Add Subsection as follows: ~~609.5~~ **606.3.3.3.2 Type I hood fire protection records**. The occupant shall maintain on premises a copy of all literature issued by the system manufacturers at time of installation and an approved plan of the fire protection system covering the cooking appliances. These items shall be made available to the *fire code official* on request.

Reasoning: Align section number with 2021 SFPC.

Add Section as follows:

Section ~~610~~611
Electrified Security Fence

~~610~~611.1 General. Notwithstanding any other state, local or other legal requirements, the installation of an electrified security fence shall comply with 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in “International Standard IEC 60335, Part 2-76.” Installation of the electrified security fence must conform to the requirements of this Code and other pertinent laws and ordinances.

~~610~~611.2 Electrification. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

~~610~~611.3 Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.

~~610~~611.4 Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.

~~610~~611.5 **Warning signs.** Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.

~~610~~611.6 **Hours of activation.** Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electric fence.

~~610~~611.7 **Key Box.** Electric fences shall have installed a key box system in accordance with this Code.

~~610~~611.7.1 **Controller and key location.** The electric fence controller and rapid entry key box for the electric fence must be located in a single accessible location for the entire fence.

807.5.2.4 Furniture, furnishings and displays. Add Subsection as follows: **807.5.2.4 Furniture, furnishings and displays.** Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.

Exception: Furniture, furnishings, displays, and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72-inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.

901.3. Permits. Delete and substitute as follows: **901.3 Permits.** Permits shall be required as set forth in Sections 107 and 108.

901.6.~~3~~4. Periodic retests. Add Subsection as follows: **901.6.~~3~~ 4 Periodic retests.** Periodic inspections and tests ~~required under this chapter~~when required by the fire official shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

901.6.~~3~~4.1. Reinspection and testing fees. Add Subsection as follows: **901.6.~~3~~4.1 Testing and reinspection fees.** Fees for witnessing the testing and reinspection of ~~existing fire~~existing fire protection equipment and systems, under the authority of 901.6.~~3~~4, shall be assessed as listed under Subsection 107.2. A fee, based on hours reserved, shall be assessed for inspections not cancelled with notice.

901.12 Unwanted or Nuisance alarms. Add Subsection as follows: **901.12 Unwanted or Nuisance alarms.** Inspection fees shall be as in Table 107.2 and 109.6. Whenever unwanted nuisance fire alarm activations occur in any occupancy exceed three in a 90- day period, the fire official may require the owner or occupant to conduct a test of the fire protection system causing the nuisance alarm. Testing shall be in accordance with section 901.6.~~3~~4.

1. For the purpose of this section, an unwanted or nuisance alarm is deemed to occur whenever the fire official or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.
2. As soon as possible following the unwanted or nuisance alarm determination, the responding officer in charge shall cause the Office of the Fire Marshal to be notified in writing of the facts and circumstances supporting the determination that faulty fire protection equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct testing of a fire protection system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures and a report of such testing shall be provided to the fire official upon request.

907.8.~~6~~ 5 Posting of central station monitoring company and point of contact. Add Subsection as follows: **907.8.~~6~~ 5 Posting of central station monitoring company and point of contact.** The name, telephone number, and account number of the current central station monitoring company shall be posted and maintained inside the fire alarm control panel. Information for an alternate contact such as the building owner or representative shall also be posted. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel, along with the building owner or representative contact information.

1201.4 Permits. Delete and substitute as follows: **1201.4 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2001.3. Permits. Delete and substitute as follows: **2001.3 Permits.** For permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes and hot work shall be required as set forth in Sections 107 and 108.

2006.11.5 Notification of the fire department. Delete and substitute as follows: **2006.11.5 Notification of the fire department.** The fire department shall be notified of any fuel spill that is considered a hazard to people or property or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than 10 feet (3048 mm).
2. The spill area is greater than 50 square feet (4.65 m^2).
3. The fuel flow is continuous in nature
4. The procedures as set forth in section 5003.3.1 shall also be followed.

2101.2. Permits. Delete and substitute as follows: **2101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2201.2. Permits. Delete and substitute as follows: **2201.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

Attachment 2

2301.2. Permits. Delete and substitute as follows: **2301.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2401.3. Permits. Delete and substitute as follows: **2401.3 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2501.2. Permits. Delete and substitute as follows: **2501.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2601.2. Permits. Delete and substitute as follows: **2601.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2701.5. Permits. Delete and substitute as follows: **2701.5 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2801.2. Permits. Delete and substitute as follows: **2801.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2901.2 Permits. Delete and substitute as follows: **2901.2 Permits**. Permits shall be required as set forth in Sections 107 and 108.

3001.2. Permits. Delete and substitute as follows: **3001.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**3101.2. Permits.** Delete and substitute as follows: **3101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.~~

3103.2. Approval required.- Delete and substitute as follows: **3103.2 Approval required.** Tents and temporary membrane structures having an area in excess of 900 square feet (84 square meters) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with Table 107.2

Exceptions:
1. Tents used exclusively for recreational camping purposes.

3103.4. **Permits.** Delete and substitute as follows: **3103.4 Permits**. Permits shall be required as set forth in Sections 107 and 108.

3104.5 Fireworks. Add Subsection as follows: **3104.5 Fireworks**. Fireworks shall not be manufactured stored, sold, displayed, or used inside or within 100 feet of tents or membrane structures.

3105.3. Permits. Delete and substitute as follows: **3105.3 Permits.** Permits shall be required as set forth in Sections 107 and 108.

Attachment 2

3201.2. Permits. Delete and substitute as follows: **3201.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**3301.1.6. Manufacturing.** Delete and add Section 5601.0.6.~~

~~**3301.1.7 Permit required for sale of explosive materials.** Delete and add Section 5601.1.7.~~

~~**3301.1.7.1 Storage & Handling in Sales of Explosive Materials.** Delete and add Section 5601.1.7.1~~

~~**3301.2.4 Insurance Required for blasting.** Delete and add Section 5601.2.4.~~

~~**3301.1.7 Seizure.** The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.~~

~~**3308.2**~~ **3303.2 Fire prevention program manager.** Delete and substitute as follows: ~~**3308.2**~~ **3303.2 Fire prevention program manager.** The owner shall designate a person to be the fire prevention program manager who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program manager shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where guard service is provided in accordance with NFPA 241, the manager shall be responsible for the guard service.

3303.2.1 Pre-fire plans. Delete and substitute as follows: **3308.3 Pre-fire plans.** The fire prevention program manager shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of changes affecting the utilization of information contained in such pre-fire plans.

3303.6 Training. Delete and substitute as follows: **3308.4 Training.** Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.

3303.7 Fire protection devices. Delete and substitute as follows: **3308.5** Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.

3303.8 Hot work operations. Delete and substitute as follows: **3308.6 Hot work operations.** The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.

~~**3308.2.1.1 Permit required for display of aerial fireworks.**~~ **.** Delete section and replace with Section 5608.2.1.1.

~~**3308.2.3. Permit required for sale of fireworks.**~~ **.** Delete section and replace with Section 5608.2.3.

~~**3308.3 Pre-fire plans.** Delete and substitute as follows: **3308.3 Pre-fire plans.** The fire prevention program manager shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of changes affecting the utilization of information contained in such pre-fire plans.~~

~~**3308.4 Training.** Delete and substitute as follows: **3308.4 Training.** Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.~~

~~**3308.5 Fire protection devices.** Delete and substitute as follows: **3308.5** Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.~~

~~**3308.6 Hot work operations**. Delete and substitute as follows: **3308.6 Hot work operations.** The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.~~

3308.10 Daily fire safety inspection. Delete and substitute as follows: **3308.10 Daily fire safety inspection.** The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the *fire code official* upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the *fire code official* is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the *fire code official.*

~~1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.~~
~~1. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.~~
~~2. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.~~
~~3. Temporary wiring does not have exposed conductors.~~
~~4. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.~~
~~5. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.~~
~~6. Fire hydrants are clearly visible from access roads and are not obstructed.~~
~~7. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.~~
~~8. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.~~
~~9. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.~~

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
4. Temporary wiring does not have exposed conductors.
5. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
6. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
7. Fire hydrants are clearly visible from access roads and are not obstructed.
8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
10. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.

Attachment 2

~~**3308.11 Retail display and sale.** Delete section and replace with Section 5608.11.~~

~~**3308.11.1 Precautions.** Delete section and replace with Section 5608.11.1.~~

~~**3308.11.2 Sales to minors.** Delete section and replace with Section 5608.11.2.~~

~~**3308.11.3 Records to be kept by wholesaler and retailer.** Delete section and replace with Section 5608.11.3.~~

3308.12. Approval of permissible fireworks. Delete section and replace with Section 5608.12.

3401.~~4~~2. Permits. Add Subsection as follows: **3401.~~4~~ 2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

3501.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3603.3 Flammable or combustible liquid spills. Delete and substitute as follows: **3603.3 Flammable or combustible liquid spills.** Spills of flammable or *combustible liquids* at or upon the water shall be reported immediately to the fire department or jurisdictional authorities. Notification and remediation procedures of unauthorized discharges shall also be made as directed in 5003.3.1.

3701.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

3901.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Delete and substitute as follows: **5001.5.2 Hazardous Materials Inventory Statement (HMIS).** Where required by the *fire code official,* an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved statement. The HMIS shall include the following information:

1. Product name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

The HMIS shall be maintained onsite or readily available through another means where approved by the *fire code official* for use by emergency responders and shall be updated not less than annually.

5601.1 Scope. Delete and substitute as follows: **5601.1 Scope.** The provisions of this chapter shall govern the possession, manufacture, transportation, storage, handling, sale and use of *explosives*, *explosive materials*, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition where packaged in accordance with DOTn packaging requirements.
4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices that in the aggregate contain less than 50 pounds (23 kg) of *explosive materials*.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100—185.
9. Items preempted by federal regulations.
10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.
11. The display of small arms primers in Group M when in the original manufacturer's packaging.
12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

5601.1.6 Manufacturing. Add Subsection as follows:
5601.1.6 Manufacturing. The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, the assembly of two component explosives for use on site, or the mixing of blasting agents for use on site.

5601.1.7 Permit required for sale of explosive materials. Add subsection as follows: **5601.1.7. Permit required for sale of explosive materials.** It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any explosive materials within the county without a permit from the Fire Marshal's Office. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

5601.1.7.1 Storage & Handling in Sales of Explosive Materials. Add subsection as follows: **5601.1.7.1 Storage & Handling in Sales of Explosive Materials.** Except where approved in **5604.1**, the storage of explosive materials within the county in support of wholesale or retail sales is prohibited. Except where approved in **5604.1**, it shall be unlawful for any person, firm or corporation, wholesaler or retailer to package, ship, transfer, or otherwise handle explosive materials in the county without a permit from the Fire Marshal's Office.

5601.2.4 Insurance required for blasting. ~~Delete and Add Subsection as follows: **5601.2.4 Insurance required for blasting.**~~ Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Office of the Fire Marshal a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit and remains continuously in effect until such operations or activities are completed.

5601.7. Seizure. Delete and substitute as follows: **5601.7. Seizure**. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

5602.1 Definitions.

Add as follows:

APPROVED. ~~Approved by the County Fire Marshal's Office~~.

~~**BLAST AREA.** The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.~~

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

BLASTING. ~~The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.~~

CONGESTED AREA. ~~An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.~~

FLYROCK. ~~Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.~~

LABORATORY. ~~A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed~~.

MISFIRE. ~~Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.~~

RETAILER. ~~Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.~~

TEMPORARY STORAGE (OF EXPLOSIVES). ~~Storage of explosive materials for not more than 24 hours.~~

WHOLESALER. ~~A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.~~

5603.1 General. Delete and substitute as follows: 5603.1 General. Records of the receipt, handling, use, sale or disposal of *explosive materials*, and reports of any accidents, thefts or unauthorized activities involving *explosive materials* shall conform to the requirements of this section.

5603.2 Transaction record. Delete and substitute as follows: 5603.2 Transaction record. The permittee shall maintain a record of all transactions involving receipt, removal, use, sale or disposal of *explosive materials*. Such records shall be maintained for a period of 5 years.

Attachment 2

Exception: Where only Division 1.4G (consumer fireworks) are handled, records need only be maintained for a period of 3 years.

5603.4.1 Accidents with no injuries or property damage. Add Subsection as follows: 5603.4.1 Accidents with no injuries or property damage. Any blasting misfires, malfunctions, or other unintended blasting related events or accidents involving the use of explosives, explosive materials, or fireworks which do not involve injuries or property damage shall be reported to the fire official immediately.

5603.8 Improper storage. Add Subsection as follows: 5603.8 Improper storage. If at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire Marshal.

5604.1 General. Delete and substitute as follows: 5604.1 General. Storage and transportation of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section.

5604.1.1 Overnight Storage. ~~**Add Section as follows: 5604.1.1 Overnight Storage.**~~ The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the *fire code official* and stored in compliance with the magazine requirements of section 5604.3.
3. Explosive materials in storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the *fire code official.* Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 5608.5 and NFPA 1123 or NFPA 1126.

5604.1.1.~~2~~ 1 Enforcement. ~~Delete and substitute as follows: **5604.1.1.2 1 Enforcement.**~~ The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

Attachment 2

5604.1.1.~~3~~ 2 Notification. ~~Delete and substitute as follows: **5604.1. 1.3 2 Notification.**~~ Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

5604.1.2 Transfer of explosive materials. ~~Delete and substitute as follows: **3304.1.3 5604.1.2 Transfer of explosive materials.**~~ The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.
3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease, and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

5604.2.1 Control in wholesale and retail stores. ~~Delete and substitute as follows: **5604.2.1 Control in wholesale and retail stores.**~~ The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited unless in a magazine.

5604.3 Magazines. ~~Add Delete and substitute as follows: **5604.3 Magazines.**~~ The storage of *explosives* and *explosive materials* in magazines shall comply with Table 5604.3. Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as approved by the *fire code official*. Regardless of magazine type, storage of explosives in non-sprinklered buildings is prohibited.

5607.3 Blasting in congested areas~~. Delete and substitute as follows: **5607.3 Blasting in congested areas.**~~ When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air blast effects, and fragments from being thrown. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be used to prevent fragments from being thrown.

5607.3.1 Pre-blast surveys. ~~Add section as follows: **5607.3.1 Pre-blast surveys.**~~ A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests

for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150- and 250-feet radius, shall be provided to the *fire code official* at the time of the Explosive Use Site Permit Inspection meeting.

5607.3.2 Pre-blast notification. ~~Add Subsection as follows:~~ ~~**5607.3.2 Pre-blast notification.**~~ All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.

5607.5 Utility notification. ~~Delete and substitute as follows:~~ ~~**5607.5 Utility notification.**~~ Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 5 business days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will not proceed until the owners/operators of utilities have been contacted and measures for safe control have been taken.

Exception: When approved by the *fire code official*, the time limit shall not apply in emergency situations.

5607.7 Nonelectric Detonator Precautions. ~~Delete and substitute as follows:~~ ~~**5607.7 Nonelectric Detonator Precautions.**~~ Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity. Blast initiation devices shall not be connected to non-electric systems until the blast area is secured, traffic is stopped if necessary, and audible warnings have been sounded.

5607.8 Blasting area security. ~~Delete and substitute as follows:~~ ~~**5607.8 Blasting area security.**~~ Beginning at the time that explosive materials arrive on site, only authorized persons engaged in loading operations or otherwise authorized to enter the site shall be allowed at the blast site. Beginning with the time that individual loaded boreholes are connected together, only authorized persons engaged in blasting operations or otherwise authorized to enter the area shall be allowed within the blast area. No activity of any nature other than that which is required for loading holes with explosives shall be permitted within the blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast area security shall be maintained until after the post-blast inspection has been completed.

5607.9 Drill Holes. ~~Delete and substitute as follows:~~ ~~**5607.9 Drill Holes.**~~ Holes drilled for the loading of *explosive* charges shall be made and loaded in accordance with NFPA 495. Loaded boreholes shall not be left unattended.

Attachment 2

5607.9.1 Equipment for loading and stemming. ~~Add Subsection as follows:~~ ~~**5607.9.1 Equipment for loading and stemming.**~~ Only equipment and machinery necessary to load boreholes shall be allowed within the blast site after the arrival of explosives. Said equipment or machinery shall not be operated over loaded boreholes or at any location where there is a potential to contact explosive materials. Equipment and machinery used to stem loaded boreholes shall not be operated within the blast site once loading operations begin.

5607.9.2 Stemming of loaded boreholes. ~~Add Subsection as follows:~~ ~~**5607.9.2 Stemming of loaded boreholes**~~. All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

5607.13 Firing control. ~~Delete and substitute as follows:~~ ~~**5607.13 Firing control.**~~ No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 5607.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

5607.16 Blast records~~. Delete and substitute as follows:~~ ~~**5607.16 Blast records.**~~ A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the *fire code official*. When required by the *fire code official,* the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosive per delay of 8 milliseconds or greater.
9. Method of firing and type of circuit.
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation.
11. Weather conditions.
12. Whether or not mats or other precautions were used.
13. Type of detonator and delay period.
14. Type and height of stemming.
15. Seismograph record when utilized.

Attachment 2

Exception: Items 8 and 13 of this section are not applicable to restricted blasters.

5607.17 Blasting in asbestos rock. ~~Add Subsection as follows: **5607.17 Blasting in asbestos rock.**~~ Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the *fire code official* and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

5607.18 Blast effects monitoring. ~~Add Subsection as follows: **5607.18 Blast effects monitoring.**~~ All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the *fire code official* as conditions at the blast warrant.

1. All seismographs will be properly calibrated by a qualified firm. Annually, calibration records shall be presented to the *fire code official* upon request.
2. Adequate trigger levels shall be set for the blast being conducted but at no time less sensitive than:
   a. Ground vibration: 0.05 inches per second peak particle velocity
   b. Air blast: 100 decibels
   c. Recording time: 5 seconds.
3. GPS coordinates documenting the location of each seismograph used in mineral mining will be included in the blasting records required in 5607.16.

5607.19 Detonating cord and safety fuse. Add Subsection as follows: **5607.19 Detonating cord and safety fuse.** The use of detonation cord in blasting and explosives operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire official. The use of safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

5608 Fireworks Display. Change title to: **Section 5608 Fireworks.**

5608.1 General. Delete and substitute as follows: **5608.1 General.** Outdoor fireworks displays, use of pyrotechnics before a *proximate audience* and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126. The manufacture of fireworks is prohibited within the County. The display, sale, or discharge of fireworks shall comply with the requirements of this chapter.

Commented [VW1]: Add language regarding not allowing the reloading of fireworks during a shoot/show

5608.1.1 Unlawful activities. Add Subsections as follows:

5608.1.1.1 Unlawful activities. ~~Add subsection as follows: **5608.1.1.1: Unlawful activities.**~~ Except as hereinafter provided, it shall be unlawful for any person, firm, or

corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any fireworks.

5608.1.1.2 Reloading. It shall be unlawful for any person, firm, or corporation to reload any fireworks during any shoot, show or display.

5608.1.1.3 Cold Spark Machines. It shall be unlawful for any person, firm, or corporation to utilize cold spark machines within a structure or building.

5608.1.2 Permissible fireworks. ~~Add Subsection as follows:~~ ~~**5608.1.2 Permissible fireworks.**~~ The provisions of 5608.1.1 shall not apply to consumer 1.4G permissible fireworks which have been approved by the Fire Marshal's Office. Such permissible fireworks shall be used only on private property with the approval of the owner. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The sale of fireworks to minors shall be prohibited unless the minor is accompanied by a parent or legal guardian.

5608.2.1.1 Permit required for display of aerial fireworks. ~~Add Subsection as follows:~~ ~~**5608.2.1.1 Permit required for display of aerial fireworks.**~~ The Office of the Fire Marshal may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks, or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in chapter 80 of this Code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group, or individual to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

5608.2.3 Permit required for sale of fireworks. ~~Add subsection as follows:~~ ~~**5608.2.3 Permit required for sale of fireworks.**~~ It shall be unlawful for any person, firm, or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks within the county without a permit from the Fire Marshal's Office. This permit shall be valid for ~~the period June 1 to July 15 of each year~~a maximum of 45 days. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the

commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

5608.101 Retail display and sale~~.~~ ~~Add subsection as follows: **5608.11 Retail display and sale.**~~ In addition to the restrictions set forth in section, 5601.2.2, retail sales of permissible fireworks shall only be conducted from approved, fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. Staff selling permitted, permissible fireworks shall be 18 years or older.

5608.101.1 Precautions. ~~Add subsection as follows: **5608.11.1 Precautions.**~~ Fireworks displayed for retail sale shall not be made readily accessible to the public and under the supervision of retail staff~~.~~ A minimum of one pressurized water fire extinguisher complying with section 906 shall be located not more than 15 feet and not less than 10 feet from the retail sale location. "NO Smoking" signs complying with section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

5608.101.2 Sales to minors. ~~Add subsection as follows: **5608.11.2 Sales to minors.**~~ The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

5608.110.3 Records to be kept by wholesaler and retailer. ~~Add subsection as follows: **5608.11.3 Records to be kept by wholesaler and retailer.**~~ Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all purchases of fireworks. The Fairfax County Fire Marshal or his designated agent is authorized to examine the books and records of any wholesaler or retailer documenting the purchases and sales of fireworks within the county.

5608.112 Approval of permissible fireworks. ~~Add Subsection as follows: **5608.12 Approval of permissible fireworks.**~~ Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks for approval. Persons engaged in the business of selling fireworks at wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples of each firework intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks submitted. No wholesaler or retailer shall sell or deliver in the county any fireworks other than those approved by the State Fire Marshal's Office.

5704.2.7.10 Leak reporting. ~~Add Subsection as follows: **5704.2.7.10 Leak reporting.**~~ A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department, the *fire code official* and other authorities having jurisdiction. The procedures as set forth in section 5003.3.1 shall also be followed.

Attachment 2

ARTICLE 3. - Junior Firefighters

Section 62-3-1. - Junior firefighters.

Any person residing in the County of Fairfax, the City of Fairfax, or the towns of Vienna, Herndon and Clifton, aged 16 years or older, who is a member of a Fairfax County volunteer fire company, with parental or guardian approval, is authorized to (i) seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) work with or participate in non-hazardous activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, subject to the following conditions:

1) Evidence of residency in the Commonwealth shall be provided by the junior firefighter.
2) The junior firefighter shall present an original letter by a parent or legal guardian that permits junior firefighter participation.
3) The junior firefighter shall provide an original consent form signed by a parent or legal guardian allowing participation in Virginia Department of Fire Programs training courses.
4) The junior firefighter shall be provided with a copy of the County's liability insurance coverage applicable to junior firefighters.

Board Agenda Item
June 24, 2025

4:30p.m.

Public Hearing on Appendix Q of the Code of the County of Fairfax, Proposed Amendments

ISSUE:
Adjustment to the fees charged for after hours inspections.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the proposed amendment as set forth in the staff report dated May 30, 2025.

TIMING:
On June 10, 2025, the Board authorized the advertising of a public hearing. If approved, this amendment will become effective on July 1, 2025, at 12:01 a.m. and the revised fees shall be applicable to any inspection after the effective date.

BACKGROUND:
Appendix Q of the Code of Fairfax contains the fee schedule charged by Land Development Services and the Office of the Fire Marshal, for building and site plan review and land development activities. These services include plan reviews, permits, inspections, and other regulatory activities related to fire protection systems and life safety requirements.

The purpose of this amendment is to correct an administrative oversight by reinstating a section of Appendix Q that was inadvertently omitted in the previously adopted version of the fee schedule. The proposed amendment seeks to reinsert Subsection D of Section H: FIRE PREVENTION DIVISON (OFFICE OF THE FIRE MARSHAL) FEES, which pertains to fees for plan review and inspections performed by staff outside of business hours. This section was omitted in the previous code update that the Board of Supervisors approved. The language was not struck through as it was not intended to be deleted but was not included in the package that was presented to the Board and adopted. The intention of this item is to correct that error.

Attached to this staff report is the full set of Appendix Q revisions proposed by the Fire Marshal. The text is the full text of the proposed amendment to this section of Appendix Q. All other adopted Appendix Q text will remain as is. Where the change has been

made, a bracketed “For Reference Only” section gives a full account of the change. These reference sections are not intended to be included in the codified version of the Ordinance. Attachment 2 contains the “Strikethrough and Additions” version.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

CREATION OF POSITIONS:
There will be no new position(s) created.

ENCLOSED DOCUMENTS:
Attachment 1 – Appendix Q – “For Reference Only Version”
Attachment 2 – Appendix Q – “Strikethrough and Additions Version”

STAFF:
Thomas Arnold, Deputy County Executive
John Butler, Fire Chief, Fire and Rescue Department
William Vannoy, Deputy Chief, Fire and Rescue Department

ASSIGNED COUNSEL:
Patrick V. Foltz, Assistant County Attorney

Appendix Q – Land Development Services Fee Schedule Effective July 1, 2025 (thru 18-22-Q)

H: FIRE PREVENTION DIVISON (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour $208.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspection's shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour $208.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour $208.00

(D) Plan Review and Inspections Performed Outside of Business Hours:

Plan reviews and inspections may be performed outside of business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B) and (C) above. Fees shall be assessed in 30 minute increments.

{**FOR REFERENCE ONLY**: This amendment adds a new section, Section D, referencing reviews and inspections performed outside of business hours. This section was inadvertently not included in the 2022 update that was approved by the Board of Supervisors and sent to Municode. All other adopted Appendix Q text remains identical.}

REINSPECTION FEES

CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot Test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

Appendix Q – Land Development Services Fee Schedule Effective July 1, 2025 (thru 18-22-Q)

H: FIRE PREVENTION DIVISON (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour $208.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspection's shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour $208.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour $208.00

(D) Plan Review and Inspections Performed Outside of Business Hours:

Plan reviews and inspections may be performed outside of business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B) and (C) above. Fees shall be assessed in 30 minute increments.

REINSPECTION FEES

CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot Test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

To Be Deferred to 10/14/2025 at 4:00 p.m.

Board Agenda Item
June 24, 2025

4:30 p.m.

Public Hearing Under Virginia Code § 15.2-934 to Seek Comment on the Advisability of the County Providing Garbage, Trash or Refuse Collection Service and to Consider Displacement of Private Waste Companies to Enable Formation of a Unified Sanitary District(s)

ISSUE:
Board of Supervisors' (Board) to conduct a public hearing under *Virginia Code § 15.2-934* seeking comment on the advisability of the County providing garbage, trash or refuse collection service and displacement of private waste companies to enable formation of a Unified Sanitary District(s).

RECOMMENDATION:
The County Executive recommends that the Board 1) adopt a written finding of at least one of the four criteria set forth under *Virginia Code § 15.2-934*; and 2) authorize the County Executive to take measures necessary to provide garbage, trash or refuse collection service, and to provide five years' notice to any private company before the County engages in the actual provision of service that displaces any such company, in order to enable formation of a Unified Sanitary District(s) (USD).

TIMING:
The Board authorized on April 22, 2025, the advertisement of a public hearing to be held on June 24, 2025, at 4:30 p.m.

BACKGROUND:
Pursuant to *Virginia Code § 15.2-934* ("Displacement of private waste companies"), "displace" or "displacement" means a locality's or a combination of localities' provision of garbage, trash or refuse collection service which prohibits a private company from providing the same service and which the company is providing at the time the decision to displace is made.

Virginia Code § 15.2-934 further provides that no locality shall displace a private company providing garbage, trash or refuse collection service without first: (i) holding at least one public hearing seeking comment on the advisability of the locality or combination of localities providing such service; (ii) providing at least 45 days' written notice of the hearing, delivered by first class mail to all private companies that provide

the service in the locality or localities and that the locality or localities are able to identify through local government records; (iii) providing public notice of the hearing; and (iv) making a written finding of at least one of the following: (a) adequate or sufficient privately-owned refuse collection and disposal services are not available; (b) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (c) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; or (d) displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.

After making the findings required by *Virginia Code § 15.2-934*, a locality may proceed to take measures necessary to provide such garbage, trash or refuse collection service.

In an effort to move forward with the Communitywide Energy and Climate Action Plan (CECAP), the Department of Public Works and Environmental Services (DPWES) evaluated the County's current solid waste system, listened to the community through focus groups with residents, key business sectors, and collectors, conducted an on-line communitywide survey of residents, and held a virtual webinar. Key strategic goals were developed based on the long-term needs of the solid waste system and feedback from the community. Multiple presentations were given to the Board of Supervisors' Committees, updates were provided to the private waste collection companies via quarterly meetings, and an ongoing public information webpage was created and continuously updated to inform the public. The webpage can be found at: https://www.fairfaxcounty.gov/publicworks/recycling-trash/unified-sanitation-districts

Those key strategic goals include:

- Creating a resilient system that provides for increased diversion and sustainable disposal of all materials collected in Fairfax County.
- Promoting, maintaining, and enforcing a waste reduction culture within the community.
- Empowering, encouraging, incentivizing, and allowing innovative de-centralized solid waste management systems within neighborhoods.
- Increasing organic waste composting (both food and yard) by promoting self-management at the generation locations.
- Establishing an economically feasible and socially equitable system that properly distributes its costs among system users.

The first step in reaching those goals is building a foundation for cost efficient and standardized waste collection in the community. USD or franchised service area contracts will help the County meet these goals. If the Board votes to make a written finding of one or more of the written findings required by *Virginia Code § 15.2-934* and

move forward with the displacement process following the public hearing, Virginia law requires the County to provide five years' notice to private waste management companies before the County engages in the actual provision of waste collection service. The five-year period would allow the County to engage with residents and collectors, develop specific plans, shift existing staff and hire new positions to support the expanded services of USD, and put the infrastructure in place to provide a seamless transition to this new collection system.

EQUITY IMPACT:
Equity is a crucial component of sustainability including solid waste management planning. All plans and policies in the Department of Public Works and Environmental Services (DPWES) are built on the foundation of One Fairfax, a joint racial and social equity policy of the Fairfax County Board of Supervisors and School Board. One Fairfax commits DPWES to consider equity intentionally and thoroughly when making policies or delivering plans, programs, and services. Therefore, it is critical to consider equity at each step of solid waste management planning and implementation. For example, under USD, the County would contract and manage waste collection for single-family residences. USD would establish consistent, uniform and competitive pricing equally, provide the County with additional authority to manage and reduce waste, and reduce the duplication of collection vehicles from multiple companies serving any individual area, thereby reducing congestion, pollution, greenhouse gas emissions, and cost. If approved, DPWES would engage in extensive community engagement and education about USD to ensure the development of contracts and services that meet the needs of the community. This relates to the 17 One Fairfax Policy Areas of Focus or other determinants of equity. These actions would positively impact the following outcomes such as Community and Economic Development, Community Safety, Neighborhoods, Built Environment, and Healthy Environment. At this time, no negative impacts have been observed or are projected.

FISCAL IMPACT:
If the Board adopts USD, it is estimated to save County residents up to 25 percent annually on waste collection. The savings estimate is based on consultant analysis of the potential reduction in solid waste collection charges many customers would realize under a USD model, relative to current private solid waste collection service rates. Fiscal savings in the community are in addition to the reductions in greenhouse gas emissions from more efficient collections (e.g., no duplicate of companies operating in the same neighborhood) and decreasing the amount of waste generated which benefits everyone in the community. Establishing a USD model would require substantial investment to expand contract oversight capabilities, and substantially expand customer service capability, outreach, and enforcement personnel. DPWES estimates that four

To Be Deferred to 10/14/2025 at 4:00 p.m.

new positions would be necessary in Fiscal Year 2027 to begin the USD process. Preparing for a residential USD model over the required five-year waiting period prior to implementation would increase DPWES solid waste operating costs by an estimated $22 million to fund items like increased enforcement staff, expanding customer service and billing management, increasing outreach, and expanding contract management capacity to accommodate the 660 percent increase in customers served by the County. To address the expanded scope and cost of County-managed services associated with a USD transition, DPWES intends to propose a Countywide zero waste fee beginning in Fiscal Year 2027 to recover these start-up costs and fund initial diversion actions in the Plan. If and when additional resource needs arise for implementation of specific strategies, those requests will be put forward as part of the County's annual and/or quarterly budget processes.

ENCLOSED DOCUMENTS:
None.

STAFF:
Jennifer Miller, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eric Forbes, Deputy Director, DPWES, Solid Waste Management Program (SWMP)
Matt Adams, Division Director, DPWES, SWMP

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

Board Agenda Item
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Public Comment on Issues of Concern