FAIRFAX COUNTY
BOARD OF SUPERVISORS
August 25, 2026

AGENDA

9:30	**Done**	Presentations
9:30	**Done**	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:00	**Done**	Matters Presented by Board Members
10:00	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Authorization to Advertise a Public Hearing on the County and Schools' FY 2026 Carryover Review to Amend the Appropriation Level in the FY 2027 Revised Budget Plan
2	**Approved**	Authorization to Advertise a Public Hearing to Consider Proposed Amendments to Fairfax County Code Sections 82-5-32.1, Trespass Towing Advisory Board, and 82-5-32.2, Department of Cable and Consumer Services
3	**Approved**	Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax Virginia, Chapter 46 (Health or Safety Menaces) to Establish Regulations for Criminal Blight
4	**Approved**	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: 2026 Code of Virginia Updates
5	**Approved**	Authorization to Advertise a Public Hearing to Consider an Amendment to County Code Section 82-5-37 to Provide for Parking Restrictions Along Public Rights of Way
6	**Approved**	Authorization to Advertise a Public Hearing to Consider the Establishment of Parking Restrictions on Boone Boulevard (Providence District)
7	**Approved**	Authorization to Advertise a Public Hearing to Convey Board-Owned Property Located at 14200 Saint Germain Drive to the Fairfax County Redevelopment and Housing Authority (Sully District)
8	**Approved**	Authorization to Advertise a Public Hearing to Consider an Ordinance Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)

FAIRFAX COUNTY
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ADMINISTRATIVE ITEMS (continued)

9	**Approved**	Authorization to Advertise a Public Hearing to Consider an Ordinance Establishing the Dranesville Community Parking District (Dranesville District)
10	**Approved**	Authorization to Execute a Design Support Agreement with the Washington Metropolitan Area Transit Authority for the Design of the Bus Loop at the Huntington Metrorail Station (Mount Vernon and Franconia Districts)
11	**Approved**	Authorization to Execute Two Standard Project Agreements with the Northern Virginia Transportation Authority for the Implementation of the Soapstone Drive Extension and the Seven Corners Ring Road Improvements Projects (Hunter Mill and Mason Districts)
12	**Approved**	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – John Milton Drive (Hunter Mill District)
13	**Approved**	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Fairway Drive, Western Portion (Hunter Mill District)
14	**Approved**	Additional Time to Establish Use or Commence Construction for Special Exception SE-2023-SP-00016, 11 Valley Road LLC (Springfield District)
15	**Approved**	Approval of Streets Into the Secondary System – Classic Addition to Holly Park (Braddock District)
16	**Approved**	Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ACTION ITEMS

1	**Approved**	Adoption of a Resolution for the McLean Volunteer Fire Department Fire and Rescue Equipment Financing (Dranesville District)
2	**Approved**	Approval of Donation of Land Rights to the Virginia Passenger Rail Authority for Sanitary Sewer Relocations Associated with the Franconia Third Track Project (Mount Vernon District)

FAIRFAX COUNTY
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	ACTION ITEMS (continued)	
3	**Approved**	Approval of Fairfax County's Title VI Program for the Federal Transit Administration
4	**Approved**	Approval of Funding Allocations for Active Transportation Improvement Projects and Maintenance
5	**Approved**	Resolution to Support the Addition of Alliance Drive and Alliance Court Into the Virginia Highway System (Springfield District)
6	**Approved**	Authorization to Make Loans to Franconia Development Partners, LLC of up to $12,000,000 to Finance the Development of the Former Franconia Governmental Center (Franconia District)
7	**Approved**	Approval of the FY 2026 and FY 2027 Community Services Performance Contract Amendment Between the Fairfax-Falls Church Community Services Board and the Virginia Department of Behavioral Health and Developmental Services to Accept FY 2027 Funding
	CONSIDERATION ITEMS	
1	**Accepted**	Acceptance of Fairfax County Public Art Master Plan
2	**Approved**	Adoption of Resolution and Approval of Bylaws to Restructure the Environmental Quality Advisory Council (EQAC)
3	**Approved**	Adoption of Resolution Dissolving the Barbara Varon Volunteer Award Selection Committee
4	**Upheld Determination**	Consideration of an Appeal of a Substantial Conformance Determination Regarding Proffered Condition Amendment PCA-87-P-020-02, by Debra Knisley and Scott Knisley (Providence District)
	CLOSED SESSION	
	Held	Closed Session

FAIRFAX COUNTY
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August 25, 2026

	PUBLIC HEARINGS	
3:30	**Approved**	Public Hearing on RZ-2025-FR-00027 (K. Hovnanian at Mount Vernon Gateway, LLC) (Franconia District) (Concurrent with PCA-2004-LE-021-002)
3:30	**Approved**	Public Hearing on PCA-2004-LE-021-002 (K. Hovnanian at Mount Vernon Gateway, LLC) (Franconia District) (Concurrent with RZ-2025-FR-00027)
3:30	**Approved**	Public Hearing on PCA/CDPA-2018-HM-020 (RZPA-2025-HM-00055) (Tri Pointe Homes DC Metro, Inc.) (Hunter Mill District)
3:30	**Approved**	Public Hearing on RZ-2025-DR-00012 (CPA Coppermine 3 Lender, LLC) (Dranesville District) (Concurrent with PCA-85-C-008-04 (RZPA-2025-DR-00087))
3:30	**Approved**	Public Hearing on PCA-85-C-008-04 (RZPA-2025-DR-00087) (CPA Coppermine 3 Lender, LLC) (Dranesville District) (Concurrent with RZ-2025-DR-00012)
3:30	**Approved**	Public Hearing on SE-2024-MV-00043 (Thomas F. Pumpelly, Trustee) (Mount Vernon District)
3:30	**Deferred to 9/15/2026 at 3:30 p.m.**	Public Hearing on PCA-84-L-020-29/CDPA-84-L-020-10 (RZPA-2025-FR-00035) (BP Kingstowne Office Building T LLC) (Franconia District)
3:30	**Approved**	Public Hearing on SE-2025-SP-00042 (JP Morgan Chase Bank, N.A.) (Springfield District)
3:30	**Approved**	Public Hearing on PCA-2023-PR-00010 (RZPA-2026-PR-00013) (Tri Pointe Homes DC Metro, Inc.) (Providence District)
4:00	**Approved**	Public Hearing on Adoption of Amendments to Chapter 12 of The Public Facilities Manual
4:00	**Approved**	Public Hearing on Proposed Plan Amendment SSPA 2023-III-9UP, Lake Fairfax Business Center (Hunter Mill District)
4:00	**Approved**	Public Hearing on Proposed Plan Amendment SSPA 2023-I-1A, Gallows Road in the Annandale Planning District (Mason District)
4:00	**Approved**	Public Hearing on Proposed Plan Amendment SSPA 2023-II-3F (Church of the Good Shepherd), (Braddock District)

FAIRFAX COUNTY
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	PUBLIC HEARINGS (continued)	
4:00	**Approved**	Public Hearing on Proposed Plan Amendment SSPA 2023-III-12UP, 1950 Roland Clarke Place (Hunter Mill District)
4:00	**Approved**	Public Hearing to Sublease Lahey Lost Valley House at 9750 Brookmeadow Drive to Michael Nakagaki and Sonja Lupescu in Connection with the Resident Curator Program (Hunter Mill District)
4:30	**Approved**	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Pleasant Valley Road Shared Use Path (Sully District)
4:30	**Approved**	Public Hearing to Consider Amendments to Chapter 122 (Tree Conservation Ordinance), Article 9 (Tree Commission) of the Code of the County of Fairfax, Virginia
4:30	**Approved**	Public Hearing on a Proposal to Prohibit Through Truck Traffic on Crowell Road and Browns Mill Road (Hunter Mill District)
4:30	**Approved**	Public Hearing to Consider an Ordinance Expanding the Lake Braddock Residential Permit Parking District, District 5 (Braddock District)
4:30	**Approved**	Public Hearing to Consider an Ordinance Establishing the Martin’s Pointe Community Parking District (Braddock District)
4:30	**Approved**	Public Hearing to Expand Parking Restrictions on Boone Boulevard and Howard Avenue (Providence District)
4:30	**Held**	Public Comment

REVISED

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
August 25, 2026

9:30 a.m.

PRESENTATIONS

RESOLUTION — To honor Daryl Washington, former Director of the Fairfax–Falls Church Community Services Board (CSB), for his many years of dedicated service and outstanding leadership in advancing behavioral health across the region. Requested by Chairman McKay.

PROCLAMATION — To designate August 2–8, 2026, as National Health Centers Week in the County. Requested by Chairman McKay and Supervisor Alcorn.

PROCLAMATION — To designate August 2026 as Black Business Month in the County. Requested by Chairman McKay.

RESOLUTION — **To celebrate the 25th anniversary of the Reston Multicultural Festival. Requested by Chairman McKay and Supervisor Alcorn.**

STAFF:

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

Board Agenda Item
August 25, 2026

9:30 a.m.

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

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard August 25, 2026

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

FINAL COPY

APPOINTMENTS TO BE HEARD AUGUST 25, 2026
(ENCOMPASSING VACANCIES PROJECTED THROUGH AUGUST 31, 2026)
(Unless otherwise noted, members are eligible for reappointment)

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Ben Zuhl; appointed 12/21 by Foust) Term exp. 9/25 *Resigned*	Dranesville District Representative		Bierman	Dranesville

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)
Continued from previous page

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
VACANT (Formerly held by Jeremy Allen; appointed 6/23 by Gross) Term exp. 6/25 *Resigned*	Mason District Representative		Jimenez	Mason

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD
(Serves at the pleasure of the Board)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Mariette Newcomb; appointed 2/88 by Richards) *Resigned*	Farmer #2 Representative		By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Ronald Boggio; appointed 5/22 by McKay) Term exp. 10/23 *Resigned*	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
Carl Varner (Appointed 7/23 by Alcorn) Term exp. 8/26	At-Large #4 Representative	**Carl Varner** (Alcorn)	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

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 A. 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
NEW POSITION	At-Large #2 Representative		By Any Supervisor	At-Large
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
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
Michael Thompson (Appointed 6/24 by Herrity) Term exp. 6/26	Springfield District Principal 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

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 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

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Maria Jimenez; appointed 7/25 by Alcorn) Term exp. 4/26 *Resigned*	Fairfax County #1 Representative	**Iyiel Daud Loki Lokirimoi**	Alcorn	Hunter Mill
VACANT (Formerly held by Gerald Zevala; appointed 11/25 by Alcorn) Term exp. 4/27 *Resigned*	Fairfax County #4 Representative	**Monique Kennedy**	Alcorn	Hunter Mill
VACANT (Formerly held by Maryam Ovissi; appointed 3/21-5/23 by Alcorn) Term exp. 4/25 *Resigned*	Fairfax County #7 Representative		Alcorn	Hunter Mill

CONFIRMATION NEEDED:

- Mr. Ralph Greenwood as the Reston Association Representative #1

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

CHILD CARE ADVISORY COUNCIL (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	At-Large Chairman's #2 Representative		McKay	At-Large Chairman's
NEW POSITION	At-Large Chairman's #3 Representative		McKay	At-Large Chairman's
NEW POSITION	At-Large Chairman's #4 Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Mercedes Dash; appointed 10/25 by Palchik) Term exp. 9/27 *Resigned*	Providence District Representative		Palchik	Providence

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 Janice Hill; appointed 12/21 by Gross; 6/24 by Jimenez) Term exp. 12/25 *Deceased*	At-Large #9 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

CONFIRMATION NEEDED:

- Ms. Shrayanthi Balaji as the Student Representative

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Philip Rosenthal; appointed 1/01-3/24 by Herrity) Term exp. 2/27 *Deceased*	Springfield District Representative	**Felecia Yvette Phillips-Welch**	Herrity	Springfield

CONSUMER PROTECTION COMMISSION (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Dennis Kirk (Appointed 6/98-8/22 by Gross) Term exp. 7/25	Fairfax County Resident #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Paul Svab; appointed 11/21-7/24 by Herrity) Term exp. 7/27 *Resigned*	Fairfax County Resident #11 Representative	**James McConnell** (Herrity)	By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	Dranesville District Representative		Bierman	Dranesville
Claire Keena (Appointed 5/24 by Herrity) Term exp. 6/26	Springfield District Representative		Herrity	Springfield
Ruth Pearson (Appointed 9/23 by Smith) Term exp. 6/25	Sully District Representative		Smith	Sully

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

Incumbent History	Requirement	Nominee	Supervisor	District
Ricardo E. Coleman (Appointed 9/16-3/21 by Gross) Term exp. 3/24	Mason District Representative		Jimenez	Mason

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Richard Fernicola; appointed 1/22 by McKay) Term exp. 1/24 *Resigned*	BOS At-Large #6 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

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kersey Manliclic; appointed 2/25 by McKay) Term exp. 1/28 *Resigned*	At-Large Chairman's Representative		McKay	At-Large Chairman's

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
VACANT (Formerly held by Michael Ritter; appointed 6/22 by Herrity) Term exp. 11/24 *Resigned*	Springfield District Representative		Herrity	Springfield

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Anthony Griffin; appointed 9/20-10/23 by Gross) Term exp. 6/27 *Resigned*	At-Large #2 Representative		By Any Supervisor	At-Large

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 Patricia Zissios; appointed 3/24 Lusk) Term exp. 6/27 *Resigned*	Franconia District Representative	**Joy A. McManus** *(Will be appointed on September 29, 2026)*	Lusk	Franconia

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

Incumbent History	Requirement	Nominee	Supervisor	District
Douglas Samuelson (Appointed 7/23 by Walkinshaw) Term exp. 6/26	Consumer #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Cody J. Hennelly; appointed 3/25 by Lusk) Term exp. 6/27 *Resigned*	Consumer #3 Representative		By Any Supervisor	At-Large
Maria Zlotnik (Appointed 9/22 by McKay) Term exp. 6/25	Consumer #4 Representative		By Any Supervisor	At-Large
Lydia Lawrence (Appointed 2/22 by Foust) Term exp. 6/24	Consumer #5 Representative		By Any Supervisor	At-Large
Bridget 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 *Resigned*	Provider #2 Representative	**Kyle Mullins** (Storck)	By Any Supervisor	At-Large
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 Jenee Lindner; appointed 12/21-1/25 by Herrity) Term exp. 12/27 *Resigned*	Citizen #4 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	**Richard Dressner** (Lusk)	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

HUMAN SERVICES COUNCIL (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Robert Faherty; appointed 2/23 by Lusk) Term exp. 7/26 *Resigned*	Franconia District #2 Representative	**Connie Johnson**	Lusk	Franconia
VACANT (Formerly held by Paul Thomas: appointed 8/22 by Alcorn) Term exp. 7/26 *Resigned*	Hunter Mill District #1 Representative		Alcorn	Hunter Mill
Chris Clayton (Appointed 6/25 by Jimenez) Term exp. 7/26	Mason District #1 Representative	**Chris Clayton**	Jimenez	Mason
Anthony Santelises (Appointed 7/24 by Palchik) Term exp. 7/25	Providence District #1 Representative	**Colleen Al Mukhtar**	Palchik	Providence
VACANT (Formerly held by Edward Yost appointed 3/23 by Smith) Term exp. 7/27 *Resigned*	Sully District #2 Representative		Smith	Sully

INDUSTRIAL DEVELOPMENT AUTHORITY (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC) (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Richard Kostro; appointed 12/25 by Storck) Term exp. 12/28 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Edward Blum; appointed 12/20-1/24 by Palchik) Term exp. 12/26 *Resigned*	Providence District Representative	**Matthew Sunkin**	Palchik	Providence
VACANT (Formerly held by Dennis Carlton; appointed 11/25 by Smith) Term exp. 12/28 *Resigned*	Sully District Representative		Smith	Sully

JUVENILE AND DOMESTIC RELATIONS DISTRICT 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

PLANNING COMMISSION (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
John A. Carter (Appointed 11/21-11/25 by Alcorn) Term exp. 12/29 **(*Resignation effective August 31, 2026*)**	Hunter Mill District Representative	**Paul Thomas**	Alcorn	Hunter Mill

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

Incumbent History	Requirement	Nominee	Supervisor	District
Jay Jupiter (Appointed 2/17-3/22 by Storck) Term exp. 12/25	Citizen At-Large #1 Representative		By Any Supervisor	At-Large

REDEVELOPMENT AND HOUSING AUTHORITY (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Sarah Lennon; appointed 2/25 by Walkinshaw) Term exp. 4/27 *Resignation effective August 31, 2026*	Braddock District Representative		Sizemore Heizer	Braddock

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 Peter Henry; appointed 9/21 by Alcorn) Term exp. 9/25 *Resigned*	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (4-year terms)
Continued from previous page

Incumbent History	Requirement	Nominee	Supervisor	District
Michael Shindledecker (Appointed 9/21 by Foust) Term exp. 9/25	Dranesville District Representative		Bierman	Dranesville
VACANT (Formerly held by Stephanie Weber: appointed 8/22 by Alcorn) Term exp. 9/25 *Resigned*	Residential Owners/HOA/Civic Association #3 Representative		By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
Lydia Lawrence (Appointed 9/24 by Bierman) Term exp. 1/26	Dranesville District Representative		Bierman	Dranesville
Erin Partlan (Appointed 12/21-1/24 by Lusk) Term exp. 1/26	Franconia District Representative		Lusk	Franconia
VACANT (Formerly held by Noel Popwell; appointed 3/24 by Herrity) Term exp. 1/26 *Resigned*	Springfield District Representative		Herrity	Springfield

TRANSPORTATION ADVISORY COMMISSION (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Michael Champness (Appointed 9/13-6/22 by Foust) Term exp. 6/26	Dranesville District Representative		Bierman	Dranesville
Keith Foxx (Appointed 2/24 by Lusk) Term exp. 6/26	Franconia District Representative		Lusk	Franconia

TRESPASS TOWING ADVISORY BOARD (3-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held Denver Supinger; appointed 9/24 by McKay) Term exp. 9/27 *Resigned*	Citizen Alternate Representative		By Any Supervisor	At-Large
Alvin Leach (Appointed 10/10-11/22 by Foust) Term exp. 9/25	Towing #2 Representative		By Any Supervisor	At-Large

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Shaughnessy Glennon Pierce (Appointed 8/22 by Alcorn) Term exp. 7/26	Citizen Appointed by BOS #2 Representative		By Any Supervisor	At-Large

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
VACANT (Formerly held by Bert Cramer; appointed 1/21-12/21 by Storck) Term exp. 12/26 *Resigned*	Mount Vernon District #2 Representative		Storck	Mount Vernon
VACANT (Formerly held by John Collins; appointed 1/22-12/24 by Storck) Term exp. 12/29 *Resigned*	Mount Vernon District #3 Representative		Storck	Mount Vernon

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Timothy Klein; appointed 7/25 by Lusk) Term exp. 1/26 *Resigned*	Franconia District Representative		Lusk	Franconia
VACANT (Formerly held by Daniel Morgan; appointed 2/26 by Jimenez) Term exp. 1/28 *Resigned*	Mason District Representative		Jimenez	Mason
Zafar Mahnoor (Appointed 1/24 by Storck) Term exp. 1/26 ***Not eligible for reappointment***	Mount Vernon District Representative		Storck	Mount Vernon
Neel Daugherty-Shrivastava (Appointed 3/24 by Palchik) Term exp. 1/26	Providence District Representative		Palchik	Providence
Samuel Niner (Appointed 1/22-1/24 by Herrity) Term exp. 1/26 ***Not eligible for reappointment***	Springfield District Representative		Herrity	Springfield

Continued on next page

YOUNG ADULTS ADVISORY COUNCIL
(2-year terms - limited to 2 full terms)
Continued from previous page

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Eddy Sandoval; appointed 9/21 by Smith) Term exp. 1/24 *Resigned*	Sully District Representative		Smith	Sully

Board Agenda Item
August 25, 2026

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
August 25, 2026

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on the County and Schools' FY 2026 Carryover Review to Amend the Appropriation Level in the FY 2027 Revised Budget Plan

ISSUE:
Board approval of an advertisement for a public hearing to increase the FY 2027 appropriation level. The advertisement encompasses both the County and the Schools' FY 2026 Carryover Reviews. *Section 15.2-2507 of the Code of Virginia* requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 15, 2026, at 10:30 a.m.

TIMING:
Board Action is requested on August 25, 2026.

BACKGROUND:
As the *FY 2026 Carryover Review* includes proposed increases in appropriation greater than one percent of total expenditures, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of the proposed changes be included in the advertisement for a public hearing.

The School Board funding adjustments included in the advertisement are based up on the School Board's actions on July 9, 2026.

ENCLOSED DOCUMENTS:
These attachments are available online and were transmitted to the Board on Monday, August 3, 2026:
https://www.fairfaxcounty.gov/budget/fy-2026-carryover-budget-package.

Attachment A – Proposed advertisement for public hearing
Attachment B – Memorandum to the Board of Supervisors dated August 3, 2026, from Bryan J. Hill, County Executive, with attachments, transmitting the County's *FY 2026 Carryover Review* with appropriation resolutions

Board Agenda Item
August 25, 2026

Attachment C – Fairfax County School Board Recommended FY 2026 Final Budget Review and Appropriation Resolutions

STAFF:
Bryan Hill, County Executive
Christina Jackson, Deputy County Executive/Chief Financial Officer
Philip Hagen, Director, Department of Management and Budget
Katie Horstman, Deputy Director, Department of Management and Budget
Joseph LaHait, Deputy Director, Department of Management and Budget

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing to Consider Proposed Amendments to Fairfax County Code Sections 82-5-32.1, Trespass Towing Advisory Board, and 82-5-32.2, Department of Cable and Consumer Services

ISSUE:
Board of Supervisors authorization to advertise a public hearing to consider proposed amendments to Fairfax County Code Sections 82-5-32.1, Trespass Towing Advisory Board, and 82-5-32.2, Department of Cable and Consumer Services.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for September 29, 2026, at 4:30 p.m.

TIMING:
Board action is requested on August 25, 2026, to provide sufficient time to advertise the public hearing before the Board of Supervisors on September 29, 2026, at 4:30 p.m.

BACKGROUND:
Virginia Code § 46.2-1233.2 requires local governing bodies to appoint an advisory board to advise the governing body prior to adopting or amending any ordinance pursuant to *Virginia Code § 46.2-1232 or 46.2-1233*, which allow local regulation of trespass towing. The County regulates trespass towing pursuant to Fairfax County Code Section 82-5-32 - Removal, immobilization, and disposition of vehicles unlawfully parked on private or County property.

Fairfax County Code Section 82-5-32.1 - Trespass Towing Advisory Board sets forth the composition and duties of this Advisory Board. The Fairfax County Department of Cable and Consumer Services (DCCS) provides staff support for the Trespass Towing Advisory Board (TTAB) and is the regulatory agency for trespass towing in the County. In 2026, the Virginia General Assembly enacted HB908, which amended *Virginia Code* § 46.2-1233.2. The proposed amendments to Fairfax County Code Section 82-5-32.1 conform with the amended *Virginia Code § 46.2-1233.2*, which took effect on July 1, 2026, and include the following:

- Updates the composition of TTAB to six (6) voting members;

  - two (2) law-enforcement members;
  - two (2) public members; and
  - two (2) towing members.
- Adds that no vacancies of public members shall prevent TTAB from meeting or taking any action.
- Removes the requirement to rotate the Chairperson's term.
- Removes the one year term limit for Chairmanship.
- Updates quorum requirements.

At the March 11, 2026, TTAB meeting, staff provided a summary of the legislation, review of next steps for Board of Supervisors action, and timeline for amendments to Fairfax County Code Section 82-5-32.1.

Technical amendments to Fairfax County Code Section 82.5.32.2 – Department of Cable and Consumer Services, reflect recently adopted changes to Fairfax County Code Section 82-5-32 – Removal, immobilization, and disposition of vehicles unlawfully parked on private or County property, including "operator registration certificates" are now referred to as "operator permits" issued to trespass towing operators. Additional minor revisions that are largely housekeeping edits and conforming changes are included.

If adopted at the public hearing on September 29, 2026, the amendments to Fairfax County Code Sections 82-5-32.1 and 82-5-32.2 would be effective upon adoption.

EQUITY IMPACT:
While the proposed amendments are primarily intended to bring the Fairfax County Code into conformance with *Virginia Code § 46.2-1233.2*, the changes also support continued public participation in the advisory process by clarifying the roles and responsibilities of members on the TTAB.

DCCS will continue to support consumer education, complaint assistance, language access, and regulatory oversight of trespass towing operators to help ensure that residents understand their rights and that trespass towing activity is conducted in accordance with applicable state and county requirements.

FISCAL IMPACT:
None.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1 - Fairfax County Code Sections 82-5-32.1. Trespass Towing Advisory Board and 82-5-32.2 Department of Cable and Consumer Services – Strike Through
Attachment 2 – Virginia Acts of Assembly (2026 Session) - House Bill 908
Attachment 3 – *Virginia Code § 46.2-1233.2.* Advisory Board

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Rebecca L. Makely, Director, Department of Cable and Consumer Services
Amanda K. Kastl, Department of Cable and Consumer Services

ASSIGNED COUNSEL:
John W. Burton, Senior Assistant County Attorney

AN ORDINANCE AMENDING
CHAPTER 82 OF THE FAIRFAX COUNTY CODE, RELATING TO
MOTOR VEHICLES AND TRAFFIC

Draft of July 30, 2026

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 82-5-32.1 and 82-5-32.2, relating to Motor Vehicles and Traffic.

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

1. **That Sections 82-5-32.1 and 82-5-32.2 are amended and readopted as follows:**

Section 82-5-32.1. - Trespass Towing Advisory Board.

(a) *Definitions*.

"Public ~~Citizen~~ member" means a member of ~~who represents~~ the general public~~, and has no direct or indirect interest, other than as a consumer, in or relating to the towing and recovery industry~~.

"Director" means the Director of the Department of Cable and Consumer Services.

"Law-enforcement member" means a representative of a local law-enforcement agency ~~member who is a Fairfax County police officer and appointed by the Fairfax County Chief of Police to the Advisory Board~~.

~~"Member" means a Fairfax County resident appointed or confirmed by the Board of Supervisors to the Trespass Towing Advisory Board.~~

"Towing member" means a representative of a towing and recovery operator that has a valid operator permit issued pursuant to Section 82-5-32 ~~an individual who, prior to appointment, and throughout the appointment term, shall be an operator of a towing business in Fairfax County~~.

(b) *Members; staff; and meetings*.

(1) There shall be a Trespass Towing Advisory Board ("Advisory Board"). The Advisory Board shall be composed of ~~five~~ six voting members, two of whom shall ~~represent tow operators~~ be towing members, two of whom shall ~~represent local~~ be law-enforcement ~~agencies~~ members, and ~~one~~ two of whom shall ~~represent the general~~ be public members. ~~All members shall be~~

~~residents of Fairfax County, Virginia.~~ Members of the Advisory Board shall be appointed ~~or confirmed~~ by the Board of Supervisors for terms of three years each, and members may be reappointed to consecutive or additional terms. ~~The terms shall be staggered with no more than two terms, and no less than one term, to commence in any one year.~~ Vacancies shall be filled by the Board of Supervisors as they arise. However, no vacancies of public members shall prevent the Advisory Board from meeting or taking any action authorized pursuant to this section. The ~~chairman~~ Chairperson shall be elected annually from among the members of the ~~advisory board~~ Advisory Board by a majority vote. ~~The chairmanship shall be for a term of one year and rotate annually between a representative of a local law enforcement agency, a representative of a tow operator, and one member of the general public~~. The Advisory Board ~~may~~ will propose ~~adopt~~ bylaws, which will be subject to approval by the Board of Supervisors, and may adopt rules and regulations governing the conduct of its responsibilities and duties herein under.

(2) The Advisory Board shall meet at least once per year at the call of the Chairperson.~~,~~ The Advisory Board shall also meet at the call of ~~or~~ two members of the Advisory Board after notice to all members, or upon request of the Board of Supervisors, or upon the request of the Director. The staff ~~of~~ support for the Advisory Board shall be from the Department of Cable and Consumer Services. The Director ~~of the Department of Cable and Consumer Services~~, or the Director's designee, shall attend all meetings of the Advisory Board.

(3) A quorum of the Advisory Board shall consist of a towing member, a law-enforcement member and a ~~citizen~~ public member unless there are two vacancies of public members, in which case a quorum shall consist of a majority of members.

(c) ~~Duty of the Trespass Towing Advisory Board~~ *Duties*. The Advisory Board shall advise the Board of Supervisors prior to adopting or amending any ordinance pursuant to Va. Code § 46.2-1232 or 46.2-1233 with regard to the appropriate provisions of the ordinance ~~and provide recommendation(s) to proposed changes related to the trespass towing code~~.

Section 82-5-32.2. - Department of Cable and Consumer Services.

DCCS shall have the following duties:

(a) Receive, investigate, record, and attempt to resolve trespass towing complaints.

(b) Forward complaints that cannot be successfully mediated to the appropriate governmental agency.

(c) Refer suspected violations of law to the proper enforcing agency.

(d) Maintain records of trespass towing complaints and their disposition.

(e) Develop programs of trespass towing education and information and disseminate such information.

(f) Provide advice and information on trespass towing matters to judicial, legislative, administrative, and other public and private bodies.

(g) Analyze the nature of trespass towing problems in Fairfax County and recommend to the Board of Supervisors legislative and administrative changes.

(h) Receive, process, and act on operator permit ~~registration certificates~~ and locality permit applications.

(i) Conduct reviews, inspections, and investigations of trespass towing storage sites and operations.

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That the provisions of this ordinance shall take effect upon adoption.

GIVEN under my hand this _____ day of _____, 2026.

_____
Jill G. Cooper
Clerk for the Board of Supervisors

CHAPTER 238

An Act to amend and reenact § 46.2-1233.2 of the Code of Virginia, relating to towing advisory boards; membership.

[H 908]

Approved April 6, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1233.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1233.2. Advisory board.

Prior to adopting or amending any ordinance pursuant to § 46.2-1232 or 46.2-1233, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance. ~~Members~~ *Voting members* of the advisory board shall ~~only~~ consist of an equal number of representatives of local law-enforcement agencies ~~and~~, representatives of licensed towing and recovery operators, and ~~one member~~ *members* of the general public. *However, no vacancies of members of the general public shall prevent the advisory board from meeting or taking any action authorized pursuant to this section.* Any such advisory board shall meet at least once per year at the call of the chairman of the advisory board, who shall be elected annually from among the members of the advisory board by a majority vote. ~~The chairmanship of any such advisory board for any locality within Planning District 8 shall be for a term of one year and rotate annually between a representative of a local law-enforcement agency, a representative of a licensed towing and recovery operator, and one member of the general public.~~

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle III. Operation
Chapter 12. Abandoned, Immobilized, Unattended and Trespassing Vehicles; Parking
Article 3. Trespassing Vehicles, Parking, and Towing

§ 46.2-1233.2. Advisory board

Prior to adopting or amending any ordinance pursuant to § 46.2-1232 or 46.2-1233, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance. Voting membersÂ of the advisory board shall consist of an equal number of representatives of local law-enforcement agencies, representatives of licensed towing and recovery operators, and members of the general public. However, no vacancies of members of the general public shall prevent the advisory board from meeting or taking any action authorized pursuant to this section. Any such advisory board shall meet at least once per year at the call of the chairman of the advisory board, who shall be elected annually from among the members of the advisory board by a majority vote.

1993, c. 405; 2006, cc. 874, 891;2017, c. 825;2026, c. 238.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax Virginia, Chapter 46 (Health or Safety Menaces) to Establish Regulations for Criminal Blight

ISSUE:
Authorization to advertise a public hearing to consider an amendment to The Code of the County of Fairfax Virginia (County Code), Chapter 46.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on September 15, 2026, at 4:00 p.m., to consider the adoption of the ordinance as set forth in Attachment 2.

TIMING:
Board action is required on August 25, 2026, to provide sufficient time to advertise the public hearing on September 15, 2026, at 4:00 p.m.

BACKGROUND:
“Criminal blight” exists where a property endangers the public health and safety of residents of a locality. This danger can arise from the regular presence on the property of persons in possession of or under the influence of illegal drugs, the use of the property for manufacturing, possessing, or distributing illegal drugs, the use of the property for purposes of prostitution, or the discharge of firearms on the property that would constitute a criminal act. This proposed ordinance, modeled on Virginia Code § 15.2-907, allows the Police Department, in coordination with the County Attorney’s Office, to address recurrent patterns of criminal activity on a property more efficiently and effectively.

Consistent with state law, the procedure created by the ordinance has three main steps:

1) After a troublesome property is identified, the Chief of Police or their designee, in coordination with the County Attorney’s Office, will issue a notice supported by an affidavit to the record owner of that property. The notice and affidavit will cite the criminal blight condition(s), detail the County’s due diligence to address the situation, identify the property as a present threat to

public health, safety or welfare, and prescribe the corrective action to be taken by the owner within 30 days. If the owner requests it, an additional 30-day period must be provided. It is anticipated that the Department of Code Compliance, the Fire Marshal, the Building Code Official, and other County agencies and officials may assist in devising the appropriate remedial strategy.

2) If the owner takes no action in response to the notice, the Chief of Police or their designee will send a second notice stating the date on which the County will: a) commence the corrective action on its own initiative, b) file an action in court to obtain a court order requiring the owner to take such action, or c) obtain a court order revoking the certificate of occupancy for the property. The certificate of occupancy cannot be revoked within 15 days of the date of the second letter.

3) If the County must undertake the corrective action itself, the costs and expenses shall be chargeable to the owner and may be assessed as a lien.

If the owner takes timely corrective action, the County must deem the criminal blight abated and send notice of that conclusion to the owner. No charges or costs may be assessed to the owner in the event of compliance. If the owner fails to comply with the notices, then the County may pursue the remedies set out in the state law, as described above.

EQUITY IMPACT:
Implementation of the proposed amendment will have an equity impact on focus area six of the One Fairfax policy, “[c]ommunity and public safety that includes services such as fire, emergency medical services, police, health, emergency management and code enforcement that are responsive to all residents so that everyone feels safe to live, work, and play in any neighborhood of Fairfax County.” These changes foster responsive law and code enforcement and support safe environments for all people.

FISCAL IMPACT:
Currently, properties with criminal blight conditions are handled on a complaint basis by the Department of Code Compliance, the Police, the Fire Marshal, and the Health Department. Enforcement actions based on those complaints can be lengthy. This ordinance, by allowing for a 60-90 day procedure, will save staff time and resources by lightening the burden on those agencies who would otherwise be required to pursue separate legal actions.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1: Virginia Code § 15.2-907
Attachment 2: Proposed amendment to Chapter 46 of the Fairfax County Code

STAFF:
Jennifer Miller, Deputy County Executive
Elizabeth D. Teare, County Attorney
Patrick V. Foltz, Assistant County Attorney

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Governments

§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use or other criminal activity.

A. As used in this section:

"Affidavit" means the affidavit sworn to under oath prepared by a locality in accordance with subdivision B 1 a.

"Commercial sex acts" means any specific activities that would constitute a criminal act under Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401.

"Corrective action" means (i) taking specific actions with respect to the buildings or structures on property that are reasonably expected to abate criminal blight on such real property, including the removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies, practices, and procedures of the real property owner that are reasonably expected to abate criminal blight on real property. A local law-enforcement official shall prepare an affidavit on behalf of the locality that states specific actions to be taken on the part of the property owner that the locality determines are necessary to abate the identified criminal blight on such real property and that do not impose an undue financial burden on the owner.

"Criminal blight" means a condition existing on real property that endangers the public health or safety of residents of a locality and is caused by (i) the regular presence on the property of persons in possession or under the influence of controlled substances; (ii) the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances; (iii) the regular use of the property for the purpose of engaging in commercial sex acts; or (iv) the discharge of a firearm that would constitute a criminal act under Article 4 (§ 18.2-279 et seq.) of Chapter 7 of Title 18.2 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Law-enforcement official" means an official designated to enforce criminal laws within a locality, or an agent of such law-enforcement official. The law-enforcement official shall coordinate with the building or fire code official of the locality as otherwise provided under applicable laws and regulations.

"Owner" means the record owner of real property.

"Property" means real property.

B. Any locality may, by ordinance, provide that:

1. The locality may require the owner of real property to undertake corrective action, or the locality may undertake corrective action, with respect to such property in accordance with the procedures described herein:

a. The locality shall execute an affidavit, citing this section, to the effect that (i) criminal blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the criminal blight; and (iii) the criminal blight constitutes a present threat to the public's health, safety, or welfare.

b. The locality shall then send a notice to the owner of the property, to be sent by (i) certified mail, return receipt requested; (ii) hand delivery; or (iii) overnight delivery by a commercial service or the United States Postal Service, to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that (a) the owner has up to 30 days from the date thereof to undertake corrective action to abate the criminal blight described in such affidavit and (b) the locality will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the criminal blight described in such affidavit. If the owner notifies the locality in writing within the 30-day period that additional time to complete the corrective action is needed, the locality shall allow such owner an extension for an additional 30-day period to take such corrective action.

c. If no corrective action is undertaken during such 30-day period, or during the extension if such extension is granted by the locality, the locality shall send by certified mail, return receipt requested, an additional notice to the owner of the property, at the

address stated in subdivision b, stating (i) the date on which the locality may commence corrective action to abate the criminal blight on the property or (ii) the date on which the locality may commence legal action in a court of competent jurisdiction to obtain a court order to require that the owner take such corrective action or, if the owner does not take corrective action, a court order to revoke the certificate of occupancy for such property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek judicial relief, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

2. If the locality undertakes corrective action with respect to the property after complying with the provisions of subdivision 1, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

3. Every charge authorized by this section with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

4. A criminal blight proceeding pursuant to this section shall be a civil proceeding in a court of competent jurisdiction in the Commonwealth.

C. If the owner of real property takes timely corrective action pursuant to the provisions of a local ordinance, the locality shall deem the criminal blight abated, shall close the proceeding without any charge or cost to the owner, and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the criminal blight recurs.

D. Nothing in this section shall be construed to abridge, diminish, limit, or waive any rights or remedies of an owner of property at law or any permits or nonconforming rights the owner may have under Chapter 22 (§ 15.2-2200 et seq.) or under a local ordinance. If an owner in good faith takes corrective action, and despite having taken such action, the specific criminal blight identified in the affidavit of the locality persists, such owner shall be deemed in compliance with this section. Further, if a tenant in a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal blight on such property and the owner in good faith initiates legal action and pursues the same by requesting a final order by a court of competent jurisdiction, as otherwise authorized by this Code, against such tenant to remedy such noncompliance or to terminate the tenancy, such owner shall be deemed in compliance with this section.

1994, c. 701, § 15.1-11.2:1; 1997, c. 587; 2011, cc. 384, 410; 2014, cc. 674, 719; 2017, cc. 118, 610; 2018, cc. 335, 805; 2020, c. 122; 2021, Sp. Sess. I, c. 186.

Fairfax County Ordinance

CHAPTER 46. – Health or Safety Menaces and Criminal Blight.

ARTICLE 2[1] – Authority to require removal, repair, etc. of buildings and other structures harboring illegal drug use or other criminal activity.

Section 2-1-1 – Definitions

As used in this article:

(a) "Affidavit" means the affidavit sworn to under oath prepared by a locality in accordance with Section 2-1-2.

(b) "Commercial sex acts" means any specific activities that would constitute a criminal act under Article 3 (§ 18.2-436 et seq.) of Chapter 8 of Title 18.2 of the Virginia Code or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

(c) "Controlled substance" means illegally obtained controlled substances or marijuana, as defined in Virginia Code § 54.1-3401.

(d) "Corrective action" means (i) taking specific actions with respect to the buildings or structures on property that are reasonably expected to abate criminal blight on such real property, including the removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies, practices, and procedures of the real property owner that are reasonably expected to abate criminal blight on real property. A local law-enforcement official prepares an affidavit on behalf of the locality that states specific actions to be taken on the part of the property owner that the locality determines are necessary to abate the identified criminal blight on such real property and that do not impose an undue financial burden on the owner.

(e) "Criminal blight" means a condition existing on real property that endangers the public health or safety of residents of a locality and is caused by (i) the regular presence on the property of persons in possession or under the influence of controlled substances; (ii) the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances; (iii) the regular use of the property for the purpose of engaging in commercial sex acts; or (iv) the discharge of a firearm that would constitute a criminal act under Article 4 (§ 18.2-279 et seq.) of Chapter 7 of Title 18.2 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

(f) "Law-enforcement official" means an official designated to enforce criminal laws within a locality, or an agent of such law-enforcement official. The law-

[1] As authorized by Virginia Code § 15.2-907.

enforcement official will coordinate with the building or fire code official of the locality as otherwise provided under applicable laws and regulations.

(g) "Owner" means the record owner of real property.

(h) "Property" means real property.

Section 2-1-2 – Affidavit and Notice Requirements

In addition to any other enforcement procedures available to it, the County may require the owner of a property to undertake corrective action, or the County may undertake corrective action, to address criminal blight on property in accordance with these procedures:

(a) The chief of police, or his designee, executes an affidavit, citing this article and Virginia Code § 15.2-907, affirming that (i) criminal blight exists on the property in the manner described therein; (ii) the County has used due diligence without effect to abate the criminal blight, and (iii) the criminal blight constitutes a present threat to the public's health, safety, or welfare.

(b) The chief of police, or his designee, then sends a notice to the owner of the property by (i) certified mail, return receipt requested; (ii) hand delivery; or (iii) overnight delivery by commercial service or the United States Postal Service, to the last address listed for the owner on the County's assessment records for the property, together with a copy of the affidavit. The notice advises the owner that (a) the owner has up to 30 days from the date of the notice to undertake corrective action to abate the criminal blight described in the affidavit and (b) if requested to do so, the County will assist the owner in determining and coordinating the appropriate corrective action to abate the criminal blight described in the affidavit. If the owner notifies the County in writing within the 30-day period that additional time to complete the corrective action is needed, the County will allow the owner an extension for an additional 30-day period to take such corrective action.

Section 2-1-3 – Failure to Take Corrective Action

If no corrective action is undertaken within 30 days from the date of the notice from the County, or during any extension granted by the County under Section 2-1-2**,** the chief of police or his designee will send by certified mail, return receipt requested, an additional notice to the owner of the property, at the address to which the notice under Section 2-1-2 was sent, stating (i) the date on which the County may commence corrective action to abate the criminal blight on the property or (ii) the date on which the County may commence legal action in a court of competent jurisdiction to obtain a court order to require that the owner take such corrective action or, if the owner does not take corrective action, a court order to revoke the certificate of occupancy for such property, which date may be no earlier than 15 days after the date of mailing of this notice. This additional notice will also reasonably describe the corrective action contemplated to be taken by the County. Upon receipt of that notice, the owner will have a right, upon

reasonable notice to the County, to seek judicial relief and the County may initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction. A criminal blight proceeding is a civil proceeding in a court of competent jurisdiction in the Commonwealth of Virginia.

Section 2-1-4 – Assessment of Costs

If the County undertakes the corrective action with respect to the property after complying with the provisions of Sections 2-1-2 and -3, the costs and expenses thereof will be chargeable to and must be paid by the owner of the property, and they may be collected by the County in the same manner as taxes and levies are collected. Every charge authorized by this article or Virginia Code § 15.2-907 with which the owner of any such property has been assessed and that remains unpaid will constitute a lien against the property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 *et seq.*) and 4 (§ 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Code of Virginia.

Section 2-1-5 – Corrective Action by Owner

If the owner of the property takes timely corrective action pursuant to this article, the County will deem the criminal blight abated, close the proceeding without any charge or costs to the owner, and promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding will not bar the County from initiating a subsequent proceeding if the criminal blight recurs.

Section 2-1-6 – Abridgement of Rights

Nothing in this article or Virginia Code § 15.2-907 may be construed to abridge, diminish, limit, or waive any rights or remedies of an owner of property at law or any permits or nonconforming rights the owner may have under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia or under the County Code. If an owner in good faith takes corrective action, and despite having taken such action, the specific criminal blight identified in the affidavit persists, the owner will be deemed in compliance with this article and Virginia Code § 15.2-907. Further, if a tenant in a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal blight on such property and the owner in good faith initiates legal action and pursues the action by requesting a final order by a court of competent jurisdiction, as otherwise authorized by the Code of Virginia, against the tenant to remedy such noncompliance or to terminate the tenancy, the owner will be deemed in compliance with this article and Virginia Code § 15.2-907.

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 4

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: 2026 Code of Virginia Updates

ISSUE:
The proposed amendment includes revisions to the Zoning Ordinance deemed necessary to align with amendments to the Code of Virginia (Va. Code) that became effective on July 1, 2026. The proposed changes to the Zoning Ordinance reflect and conform with amendments to the Va. Code related to manufactured housing, solar power facilities, battery energy storage facilities, wireless facilities, minimum off-street parking requirements and high energy use facilities, e.g. data centers. These changes are mandatory in nature, unless noted.

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

TIMING:
Board of Supervisors (Board) action is requested on August 25, 2026, to provide sufficient time to advertise the Planning Commission public hearing on October 7, 2026, at 7:30 p.m., and the Board public hearing on October 27, 2026, at 4:00 p.m.

BACKGROUND:
During the 2026 legislative session the General Assembly adopted several amendments to the Va. Code that became effective on July 1, 2026, and necessitate changes to the Zoning Ordinance. These Va. Code updates are included in the FY 2027/2028 Priority 1 Zoning Ordinance Work Program (Topic #3), which was endorsed by the Board on July 14, 2026. Changes to the Zoning Ordinance that reflect updates to the Va. Code are subject to the same authorization and public hearing process as all Zoning Ordinance amendments. This amendment includes, but is not limited to, the following proposed changes:

- Revising the residential and planned development districts where manufactured homes are permitted and associated use-specific standards in response to HB 655/SB 346.
- Revising, adding, and renumbering the use-specific standards for solar power facilities subject to special exception approval in response to HB 711/SB 347.

- Adding a use-specific standard to clarify that certain battery energy storage systems (BESS) are permitted as accessory uses in association with solar power facilities subject to special exception approval, in response to HB 891/ SB 443.
- Revising the use-specific standards for modifications of certain wireless facilities in response to HB 277.
- Adding and revising use-specific standards, fees, and the definition for wireless facilities regarding the review and approval of temporary support structures in response to HB 876.
- Adding a new parking tier that establishes minimum off-street parking requirements for residential development within one-half mile of defined mass transit and public transportation stations and facilities and revising standards for certain administrative transit-related parking adjustments in response to HB 888.
- Adding new special exception and rezoning submission requirements for data centers to reflect necessary submission of statements regarding anticipated energy needs and noise studies identifying the impact of a data center that anticipates requiring 100 megawatts or more of electrical power on adjacent residential units and schools in response to HB 153/SB 94.
- Revising the nonconformity standards for manufactured homes in response to HB 1463.

A more detailed discussion of these and other proposed changes, and copies of the final versions of each bill are contained in the Staff Report (Attachment 2).

REGULATORY IMPACT:
This Zoning Ordinance amendment is necessary to comply with Va. Code amendments that were approved during the 2026 General Assembly session and are mandatory in nature. These changes ensure that the Zoning Ordinance is consistent with recently adopted legislation. The proposed amendment applies Countywide

EQUITY IMPACT:
There is no anticipated equity impact. This amendment proposes revisions to the Zoning Ordinance as required by recent changes to the Va. Code.

FISCAL IMPACT:
A new fee is proposed for a new administrative permit for temporary support structures for wireless facilities. The proposed $285 fee with a $100 fee to extend the administrative approval is consistent with other administrative permit fees. Staff does not anticipate a significant number of these application types per year. While the revenue impact is expected to be negligible, staff will monitor revenues and will determine if a revenue adjustment is necessary as part of a future budget process.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report with Draft Text

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Andrew Hushour, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD
Austin Gastrell, Principal Planner, DPD

ASSIGNED COUNSEL:
Laura S. Gori, Deputy County Attorney
M. Christopher Sigler, Assistant County Attorney

Attachment 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on August 25, 2026, at which meeting a quorum was present, the following resolution was adopted:

WHEREAS, the Virginia General Assembly adopted legislation during the regular 2026 session that took effect on July 1, 2026, and includes HB 655/SB 346, HB 711/SB 347, HB 891/SB 443, HB 277, HB 876, HB 888, HB 153/SB 94 and HB 1463; and

WHEREAS, the Zoning Ordinance must be amended to comply with the aforementioned State Code changes related to manufactured housing, solar power facilities, battery energy storage facilities, wireless facilities, minimum off-street parking requirements and high energy use facilities, e.g. data centers, as described in the Staff Report and draft Zoning Ordinance text dated August 25, 2026; and

WHEREAS, new administrative permit and extension fees to cover the cost of the application review are necessary to permit temporary support structures in accordance with HB 876; and

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

NOW, THEREFORE BE IT RESOLVED, for the foregoing reasons and as articulated in the Virginia Code Updates Board Item and the staff report, the Board of Supervisors hereby authorizes the advertisement of public hearings during which the Planning Commission and the Board will consider the proposed Zoning Ordinance amendment.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT
Code of Virginia Updates

August 25, 2026

Hearing Dates
Planning Commission: October 7, 2026, at 7:30 p.m.
Board of Supervisors: October 27, 2026, at 4:00 p.m.

Staff Contact
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PLANNING & DEVELOPMENT

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Background

During the 2026 legislative session the General Assembly adopted several amendments to the Code of Virginia (Va. Code) that became effective on July 1, 2026, and necessitate updates to the Zoning Ordinance. These changes are included in the FY 2027/2028 Priority 1 Zoning Ordinance Work Program (Topic #3), endorsed by the Board of Supervisors (Board) on July 14, 2026. Changes to the Zoning Ordinance that reflect updates to the Va. Code are subject to the same authorization and public hearing process as all Zoning Ordinance amendments. However, the County was required to implement these changes starting July 1, 2026, even though the amendments to the Zoning Ordinance have not been adopted.

Proposed Changes

Eight amendments to the Va. Code are identified in the table below that are effective as of July 1, 2026[1]. Staff prepared initial draft Zoning Ordinance text that was distributed to the Board by memorandum dated July 1, 2026. Proposed changes are generally the minimum necessary required by the legislation. When the identified Va. Code amendments offer localities the option of adopting permissive provisions, these provisions are identified by staff but generally are not incorporated into the draft text since staff have not had an opportunity to fully analyze those impacts.[2] If requested by the Board, further review of additional permissive provisions could be addressed with a future amendment.

Table 1 includes summaries of proposed changes to the Zoning Ordinance with draft text provided in Attachment 1. Instruction numbers in Table 1 match numbered instructions in the draft Zoning Ordinance text. The following abbreviations are used when referring to legislation: House Bill (HB) and Senate Bill (SB). Legislation referenced as both HB and SB indicates that the amendment was passed with identical House and Senate Bills. Copies of the final versions of each legislation, as approved by the Governor, are included in Attachment 2. Final versions of each legislation are also linked in the Table 1. In cases where legislation was passed with identical House and Senate Bills, only the House Bill version is provided.

[1] Va. Code amendments with a delayed effective date (Faith in Housing and Retail Cannabis) and those that are fully permissive in nature are not addressed with this amendment.

[2] Among other requirements, HB 711/ SB 347 mandates that localities adopt setbacks from specific points or features, for solar power facilities approved through SE, with a generating capacity of one megawatt or more. However, this legislation does provide localities with setback ranges that may be adopted. These ranges are reflected in the draft text for the Board's consideration.

Table 1: Summary of Legislation and Proposed Amendments		
Instruction #	**Legislation #**	**Necessary Amendments to the Zoning Ordinance**
1	HB 655 and SB 346	Updates the Use Tables (Tables 4101.1 and 4101.2), reflecting that Manufactured Homes are a permitted use in all zoning districts where site-built housing is allowed, and revises use specific standards for Manufactured Homes.
2A	HB 711 and SB 347	Updates the use specific standards and special exception submission requirements for a Solar Power Facility with a generating capacity of one megawatt or greater. Revises the general standards for fences and walls to clarify that Solar Power Facilities are not subject to the maximum fence or wall height regulations found in Table 4102.4. Revises transitional screening and barrier applicability standards to reflect that Solar Power Facilities with a generating capacity of one megawatt or greater, are subject to separate standards established by HB 711 and SB 347.
2B	HB 891 and SB 443	Adds a provision allowing Battery Energy Storage Systems (BESS) as a permitted accessory use to a Solar Power Facility approved through a special exception.
3	HB 277	Updates the use specific standards for existing Wireless Facilities, to permit certain modifications by-right.
4	HB 876	Updates the use specific standards for Wireless Facilities, to allow temporary support structures through administrative permit approval process. Revises the definition of a Wireless Facility to include a temporary support structure.
5	HB 888	Creates a new parking tier referred to as a "Designated Area", for properties located within one-half mile of the entrance to a mass transit or public transportation station or facility. Establishes new minimum parking requirements for residential uses within a Designated Area. Increases the percent of parking adjustment that may be approved administratively by the Director of Land Development Services (LDS) for properties meeting specific criteria.
6	HB 153 and SB 94	Updates the rezoning and special exception submission requirements for Data Centers requiring 100 megawatts or more of electrical power, classified as High Energy Use Facilities (HEUF).
7	HB 1463	Revises permissions for Manufactured Homes in a nonconforming Manufactured Home Park.

HB 655 / SB 346 - Manufactured Homes (Instruction #1):

This legislation amended Va. Code §§ 15.2-2247[3] and 15.2-2290[4] and requires localities to permit manufactured homes in all zoning districts where site-built housing is allowed, provided they meet certain standards. These standards include that manufactured homes must be (1) converted to real property, (2) constructed so that the certificate of occupancy is issued within five years after the date of manufacture, and (3) placed on an individual lot. This legislation prohibits localities from adopting or enforcing zoning, land-use, or development regulations that treat manufactured homes in a different or

[3]VA Code Sect. 15.2-2247: https://law.lis.virginia.gov/vacode/15.2-2247/.
[4]VA Code Sect. 15.2-2290: https://law.lis.virginia.gov/vacode/15.2-2290/.

more restrictive manner than a single-family site-built dwelling permitted in the same zoning district. Under the current Zoning Ordinance, manufactured homes are only allowed in the R-MHP (Residential Manufactured Home Park) District, in nonconforming manufactured home parks, in the R-A (Residential Agricultural) District, and as a temporary dwelling. Staff proposes to amend Tables 4101.1 and 4101.2, to add manufactured homes as a permitted use in all residential and planned development districts where site-built homes are allowed. Further, staff proposes to revise the use-specific standards for manufactured homes in subsection 4102.3.D to match the enumerated standards found in Va. Code § 15.2-2290, which are summarized above. Minor editorial revisions were made to the draft text associated with this topic since publication of the July 1, 2026, Memorandum to the Board, to better align proposed Zoning Ordinance provisions with Va. Code.

HB 711 / SB 347 - Solar Power Facilities Special Exceptions and Decommissioning Plans (Instruction #2A):

This legislation amended sections of the Va. Code related to the regulation of solar power facilities with a generating capacity of one megawatt or more and enhanced the decommissioning requirements applicable to all solar power facilities. Unless permitted by right, Va. Code § 15.2-2288.8[5] requires solar power facilities to be permitted by either special exception (SE) approval or by a siting agreement entered into by the Board and the solar power provider pursuant to Va. Code § 15.2-2316.7[6]. A siting agreement may include terms and conditions regarding mitigation of any impacts of the solar project and financial compensation to the County to address capital needs set out in specified adopted financial plans/budgets.

Under the current Zoning Ordinance, solar power facilities require SE approval in all residential districts except for R-MHP (where they are not permitted), all commercial districts, the I-I and I-2 Districts, and in all of the Planned districts, except for the PCC District (where they are not permitted). Solar power facilities are permitted by right only in the I-3 through I-6 Districts. To date, there have been no solar power facilities approved by special exception in the County.[7] The Zoning Ordinance must be revised to maintain consistency with the new special exception criteria found in Va. Code § 15.2-2288.8, including (for facilities with a generating capacity of one megawatt or more) regulations pertaining to required setbacks; fencing, screening, and barrier requirements; maximum height requirements for solar panels; outdoor lighting standards; environmental protections (including compliance with Department of Environmental Quality stormwater regulations and limits on impervious surfaces); visual impact analysis of proposed solar facilities; soil stabilization and erosion control; and establishing wildlife passages. While new setbacks from specific points or features are mandated by HB 711 / SB 347, this legislation does offer localities ranges that may be adopted. These ranges are reflected in the attached draft text as options for the Board's consideration. The Zoning Ordinance currently states that solar power facilities are subject to the minimum setback and maximum height standards for the districts in which they are located. The setbacks in the legislation are more restrictive than the Zoning Ordinance, therefore, staff recommends the low end of each setback range. In order to comply with this legislation staff proposes to amend (1) the use standards for solar power facilities in subsection 4102.4.V; (2) the general

[5]VA Code Sect. 15.2-2288.8: https://law.lis.virginia.gov/vacode/15.2-2288.8/.
[6]VA Code Sect. 15.2-2316.7: https://law.lis.virginia.gov/vacode/15.2-2316.7/.
[7]The solar facility located at the I-95 Landfill is used by the county for public purposes and is therefore considered a public use, which is a permitted by-right use in all zoning districts. No special exception was required.

standards for fences and walls associated with a solar power facility in subsection 4102.7.A(7)(b)5*;* (3) the applicability standards of transitional screening and barrier requirements for solar power facility in subsection 5108.5.A(6)(f); and (4) the SE submission requirements for solar power facilities in subsection 8101.3.D(16). The new special exception criteria described in this paragraph only apply to solar power facilities with a generating capacity of one megawatt or more. As such staff does not propose any amendments to the special exception criteria for solar power facilities with a generating capacity of less than one megawatt, except as described below.

Lastly, HB 711/ SB 347 expanded the decommissioning plan requirements for all solar power facilities by adding standards requiring that these plans be up updated every five years and when project ownership changes (Va. Code § 15.2-2241.2.C).[8] The Zoning Ordinance already requires submission of a decommissioning plan for solar power facilities permitted by right or through Board approval of a SE. As such, staff proposes minor revisions to subsection 4102.4.V(2) in order to comply with this legislation. Minor editorial revisions were made to the draft text associated with this topic since publication of the July 1, 2026, Memorandum to the Board, to better align proposed Zoning Ordinance provisions with Va. Code.

HB 891/SB 443 - Revisions to Use Standards for Solar Powered Facility – BESS (Instruction #2B):

HB 891/SB 443 amended Va. Code § 15.2-2316.10,[9] to establish that a battery energy storage system (BESS) is a permitted accessory use on any parcel that is subject to an approved SE for a solar power facility, when the BESS has a rated storage capacity that does not exceed 100 percent of the nameplate generating capacity of the solar power facility. The Va. Code further prohibits a locality from requiring an amendment to the solar power facility SE to permit accessory BESS. HB 891/SB 443 does not restrict the County from enforcing compliance with applicable codes or ensuring the safe operation of the BESS, nor preclude the negotiating of a siting agreement between the developer and the County. Per Va. Code § 15.2-2316.7,[10] a siting agreement may include terms and conditions regarding mitigation of any impacts of the energy storage project and financial compensation to the county to address capital needs set out in adopted financial plans/budgets. A BESS proposed under a siting agreement would not be required to comply with the standards recently adopted by the Board through the large-scale BESS Zoning Ordinance Amendment.[11] Accessory BESS would have to comply with the General Standards for Accessory Uses and Structures found in subsection 4102.7.A and any other applicable safety and building codes. To comply with HB 891/SB 443, staff proposes to add a new use-specific standard for Solar Power Facilities approved by SE in subsection 4102.4.V to match the standards found in Va. Code § 15.2-2316.10.B.1, which are listed above.

[8]VA Code Sect. 15.2-2241.2.C: https://law.lis.virginia.gov/vacode/15.2-2241.2/.
[9]VA Code Sect. 15.2-2316.10: https://law.lis.virginia.gov/vacode/15.2-2316.10/.
[10]VA Code Sect. 15.2-2316.7: https://law.lis.virginia.gov/vacode/15.2-2316.7/.
[11] Large-Scale BESS Adopted Zoning Ordinance Amendment: https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/battery-energy-storage.

HB 277 – Modifications of Existing Wireless Facilities (Instruction #3):

HB 277 added a new section to the Va. Code (§ 15.2-2316.4:4)[12] entitled Wireless Facility Modifications. Va. Code § 15.2-2316.4:4 only applies to modification of existing wireless facilities and prohibits a locality from denying a modification request that does not substantially change the physical dimensions of the facility; or involves only the co-location, removal, or replacement of transmission equipment. HB 277 also clarifies that excavation or equipment deployment within 30 feet of the existing support structure or base station does not substantially change the physical dimensions of the existing wireless facility. These requests must also be approved within the timeframe outlined in Va. Code § 15.2-2316.4:4. The Zoning Ordinance already includes standards for modifications with reference to § 6409 of the Spectrum Act (47 U.S.C. § 1455).[13] To comply with HB 277, staff proposes adding references to the updated VA. Code requirements in subsection 4102.4.Y.(7).

HB 876 – Wireless Facility Temporary Support Structures (Instruction #4):

HB 876 amended Va. Code §§ 15.2-2316.3[14] and added 15.2-2316.4:5,[15] to define and regulate the use and approval of temporary wireless support structures. Pursuant to this legislation, a temporary support structure is defined as:

> *"(A) monopole or portable wireless communications facility used to provide wireless voice, data, or image transmission within a designated area. A temporary support structure does not have a permanent location on the ground, including the pouring of a concrete footing or the laying of a permanent foundation."*

HB 876 requires a locality to allow the use of temporary support structures for the following reasons: (1) administering limited frequency and modulation testing to evaluate system performance and the need for additional wireless facility sites; (2) supplementing communication coverage when an existing wireless facility is non-operational through an accident or natural disaster; (3) a substantial increase in the communications needs of the locality due to an emergency declared by the County, Commonwealth, or federal government; (4) a substantial increase in the communications needs of the businesses, residents, or visitors of the locality for a limited period of time due to a special event held within the locality; or (5) any other reason deemed necessary and appropriate by the locality. Va. Code § 15.2-2316.4:5 allows applicants to request an initial approval period of up to 180 days. Localities may grant extensions beyond this initial period when the request is submitted in writing before the current approval period expires and the extension is reasonably necessary to address the circumstances that justified the original approval. Extensions may only be granted for a period of two years, including the initial 180-day approval.

In addition to the criteria for approval, the legislation specifies requirements related to the removal of equipment and restoration of the site at the cost of the applicant within 48 hours of the end of the approval period. The legislation provides that temporary support structures which are 80 feet or less in

[12] VA Code Sect. 15.2-2316.4:4: https://law.lis.virginia.gov/vacode/title15.2/section15.2-2316.4:4/.
[13] Sect. 6409 of the Spectrum Act: https://uscode.house.gov/view.xhtml?req=(title:47%20section:1455%20edition:prelim).
[14] VA Code Sect. 15.2-2316.3: https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2316.3/.
[15] VA Code Sect. 15.2-2316.4:5: https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2316.4:5/.

height, on wheels, and erected for less than 30 days, be allowed without requiring a building permit. However, an administrative permit would still be required. A building permit would be required if the support structure is over 80 feet in height or erected for 30 days or more. If the County does not adopt Zoning Ordinance provisions to implement the legislation, applications are deemed granted and no building permit or other permits may be required.

To comply with HB 876, staff proposes to amend subsection 4102.4.Y, adding use-specific standards for temporary wireless support structures that match the requirements found in Va. Code § 15.2-2316.4:5; and revising the definition of a wireless facility found in subsection 9103.4.E, to include temporary support structures. Lastly, staff proposes to process applications for temporary support structures as an administrative permit. As such, revisions to Table 8102.1 (Fee Schedule) are proposed to reflect a $285 administrative permit fee (the general fee for administrative permits) and a $100 extension fee for temporary support structures. In some cases, in accordance with Va. Code § 15.2-2316.4:5(B)(5), the Board may need to determine (through an Action Item at a Board hearing) whether there is another necessary or appropriate reason (beyond those listed) to allow a temporary wireless support structure. Minor editorial revisions were made to the draft text associated with this topic since publication of the July 1, 2026, Memorandum to the Board to better align proposed Zoning Ordinance provisions with Va. Code.

HB 888 – Parking for Residential Uses in Designated Areas (Instruction #5):

HB 888 amended the Va. Code by adding § 15.2-2209.4,[16] which establishes minimum off-street parking requirements for residential uses and residential mixed-use development within one-half mile of the entrance to defined mass transit and public transportation stations or facilities. This one-half mile area is referred to by the legislation as a "Designated Area". Va. Code § 15.2-2209.4.B, states that a locality may not require minimum off-street parking requirements in Designated Areas, in excess of one parking space per unit for single-family detached, single-family attached units, stacked townhouses, and one-half of a parking space 0.50 spaces per unit for multifamily development and mixed-use residential development. A mass transit and public transportation station or facility is further defined as:

> *[A] building or enhanced structure where members of the general public board or disembark mass transit or public transportation.*

In Fairfax County the new minimum residential requirements would apply to properties located within one-half mile of the entrance to Metrorail stations, commuter rail stations such as Virginia Rail Express (VRE), Amtrak, Bus Rapid Transit (BRT),[17] enhanced transit transfer stations, and enhanced park-n-ride facilities. These newly defined Designated Areas are shown as blue circles on the interactive parking tier map linked in the footnotes.[18] In response to this legislation, Staff identified five locations that are considered enhanced transfer stations or enhanced park-n-ride facilities for purposes of HB 888. These locations are shown on the interactive map and include: the Stringfellow Road Park and Ride, the

[16]VA Code Sect. 15.2-2209.4: https://law.lis.virginia.gov/vacodeupdates/title15.2/section15.2-2209.4/.
[17]BRT stations along Richmond Highway are currently not in service. Designated Areas around these stations will be implemented once they are open to the public. Addition of Designated Areas around BRT stations will not require a Zoning Ordinance amendment since subsection 6100.5.E(2) of the draft text includes BRT as a type of qualifying mass transit or public transportation station.
[18]Interactive Parking Tier Map: https://experience.arcgis.com/experience/22f6d903b36c403ba253f9f51174cec2.

Monument Drive Commuter Garage and Transit Center, the Reston Town Center Transit Station, the Springfield Community Business Center Commuter Parking Garage, and the Tysons West Park Transit Station.

Minimum off-street parking requirements in Fairfax County are categorized in two ways, general or "Base" minimum parking requirements (subsection 6100.4) and tiered framework parking requirements (subsection 6100.5). Tiered areas include Suburban Centers, Revitalization Areas, Transit Station Areas, Transit Oriented Development Areas, as designated by the Comprehensive Plan; and properties zoned to the PTC, Planned Tysons Corner District. Base parking requirements apply to all other properties not located within a tiered area. To comply with this legislation, staff proposes to revise and renumber section 6100.5, creating a new parking tier entitled "Designated Area", and adding minimum off-street parking requirements to match the provisions of HB 888.

In addition, HB 888 requires that localities with a population greater than 20,000 establish an administrative process in which developers may request a parking reduction of at least twenty percent, for residential, multifamily, or mixed-use developments which are located outside of a Designated Area. This legislation further allows localities to establish criteria to determine eligibility for these administrative requests. Staff recommends revisions to transit-related reduction options located in subsection 6100.6.B(2), that previously permitted a 10 to 15 percent adjustment to now allow for a 20 percent administrative adjustment of minimum parking requirements, when existing supportive elements are provided.

Initial versions of this legislation would have applied the residential minimum rates much more broadly, but amendments were adopted that allow localities with a population greater than 600,000 (e.g. Fairfax County) the option of a higher minimum requirement in proximity to a bus stop if certain administrative adjustment processes are adopted. The Bill as finally approved, after additional amendments from the Governor, narrowed the definition of a Designated Area and clarified that the residential minimum rates only apply to properties within one-half mile of mass transit and public transit. Although the legislation retains the option for Fairfax County to establish higher minimum parking requirements for dwellings in proximity to bus stops, the option is no longer necessary due to the final amendments.

HB 153 / SB 94 - High Energy Use Facility (Instruction #6):

Va. Code § 15.2-2209.5[19] was amended to include two new requirements and one optional provision for localities in approving a new or expanded data center. The legislation applies to a high energy use facility (HEUF), which is defined as a facility that will require 100 MW or more of electrical power from an electric utility providing retail service to the facility, or an expansion of a previously approved facility that adds 100 MW or more of electrical power. The only use in Fairfax County that likely qualifies as a HEUF is a data center. The legislation mandates that localities require an applicant to submit a noise study as part of an entitlement application for a HEUF that includes a sound profile of the impacts on residential units and schools located within 500 feet of the HEUF property boundary. The legislation also requires a HEUF to include a form from the electric utility provider describing any new or existing substations that will serve the HEUF and the anticipated transmission voltage required. Additionally, the legislation (see Va. Code § 15.2-2209.5.B) gives a locality the option to require a site assessment of the effect on ground and surface water resources, agricultural resources, parks, registered historic sites, and forestland on the site or immediately contiguous. The additional information may be used by the locality

[19]VA Code Sect 15.2-2209.5: https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2209.5/.

to assess consistency with the comprehensive plan, noise ordinance, zoning ordinance, and any other regulations.

The Zoning Ordinance already requires a noise study[20] to be submitted for data centers showing that the application will comply with the Noise Ordinance.[21] Most likely, the currently required noise study would include information on impacts to residential development and schools within 500 feet. However, to ensure compliance with this legislation, the special exception and rezoning submission requirements are proposed to be amended to reflect the new requirement. In addition, a new submission requirement is proposed to require the submission of information from the electric utility provider about substations and transmission voltage.

The additional site assessment provisions in Va Code § 15.2 -2209.5.B are optional and have not been included in the proposed amendment text. Staff believes that the rezoning and special exception processes provide for a thorough review of impacts of proposed development and would capture the relevant site assessment items referenced in the legislation. Data centers that are permitted by right would not be subject to provisions of Va. Code § 15.2-2209.5. Since the July 1, 2026, Memorandum to the Board was issued, minor editorial revisions were made to subsection 8101.2.E(13)(c) and subsection 8101.3.D(9)(c) of the draft text. These edits better align proposed Zoning Ordinance provisions with Va. Code and are intended to clarify when a facility is considered a HEUF.

HB 1463 - Nonconforming Manufactured Homes (Draft Text Instruction #7):

This legislation amended Va. Code § 15.2-2307[22] to expand permissions in nonconforming manufactured home parks to allow the placement of a manufactured home on any open lot regardless of whether an existing manufactured home is located on the lot. To implement HB 1463, staff proposes revisions to subsection 8104.2.F, to clarify that a manufactured home may be added to an open pad site in a nonconforming manufactured home park.

Outreach

Staff has created an amendment-specific webpage,[23] which provides relevant information regarding this proposed Zoning Ordinance amendment. In addition, Staff held two virtual community informational sessions on July 21 and July 22, summarizing the proposed changes to the Zoning Ordinance that are required to implement the new Va. Code provisions.

Summary

The proposed amendment revises the Zoning Ordinance to align with the Va. Code amendments enacted by the General Assembly and effective July 1, 2026. As these proposed text amendments are necessary to be in harmony with the Va. Code, staff recommends that this amendment take effect at 12:01 a.m. on the day following adoption.

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[20] See subsections 4102.6.A(6), 8101.2.E(12)(a), and 8101.3.D(9)(a).
[21] Noise Ordinance summary and link to Chapter 108.1: https://www.fairfaxcounty.gov/planning-development/zoning/noise-ordinance.
[22] VA Code Sect. 15.2-2307: https://law.lis.virginia.gov/vacode/15.2-2307/.
[23] 2026 Code of Virginia Updates – Proposed Zoning Ordinance Amendment Webpage: https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/amendments/2026-code-of-virginia-updates.

PROPOSED AMENDMENT TO

CHAPTER 112.2 (ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

RELATING TO CODE OF VIRGINIA AMENDMENTS WHICH BECAME EFFECTIVE JULY 1, 2026

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, October 27, 2026, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

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

Amend Chapter 112.2 (Zoning Ordinance), as follows:

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Options for consideration are 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 provisions of the adopted Zoning Ordinance in effect as of July 1, 2026.

INSTRUCTION #1: Revise the Zoning Districts that permit Manufactured Homes where site-built dwellings are permitted in Table 4101.1 and Table 4101.2; and revise the use standards for Manufactured Homes, in subsection 4102.3.D to reflect new Code of Virginia requirements pursuant to HB 655 and SB 346.

4101. Use Tables

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3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-I	I-2	I-3	I-4	I-5	I-6	
Residential Uses																													
Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household																													
Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P															4102.3.D

TABLE 4101.2: Use Table for Planned Development Districts

✓ = permitted if shown on final development plan/PRC development plan and PRC plan;
✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)
SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use;
AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/ Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Residential Uses															
Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household															
Manufactured Home	✓		✓	✓	✓	✓	✓		✓	✓		✓			4102.3.D

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4102. Use Standards

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3. Residential Uses

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Household Living

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D. Manufactured Home

Standards applicable to all manufactured homes:

A manufactured home that is ~~to be~~ used as a dwelling is allowed ~~only~~:

(1) In a manufactured home park in the R-MHP District in accordance with subsection 2102.14.~~F~~;

(2) In a nonconforming manufactured home park in accordance with subsection 8104.2.F.~~F~~;

(3) In the R-A District in accordance with subsection 2102.1.C.~~F~~ ~~, provided that the manufactured home must be placed on a permanent foundation;~~ ~~or~~

(4) Except when located in a manufactured home park, in accordance with Va. Code Sect. 15.2-2290(B), if it:

- **(a)** Is converted to real property in accordance with Va. Code Sect. 46.2-653.1;
- **(b)** Is constructed so that a Certificate of Occupancy is issued within five years of the date of manufacture listed on the home's data plate; and
- **(c)** Is placed on an individual lot.

(45) As a temporary dwelling in accordance with subsection 4102.8.J.

INSTRUCTION #2A: Revise, add, and renumber the use-specific standards for Solar Power Facility in subsection 4102.4.V to update requirements related to expansion of mandatory review criteria and use standards for facilities subject to special exception; revise the general standards for fences and walls in subsection 4102.7.A(7)(b)5; revise the applicability standards of transitional screening and barrier requirements in subsection 5108.5.A(6)(f); and revise submission requirements for facilities subject to a special exception application in subsection 8101.3.D(19) to reflect new Code of Virginia requirements pursuant to HB 711 and SB 347.
INSTRUCTION #2B: Revise, add, and renumber the use-specific standards for Solar Power Facility in subsection 4102.4.V, to reflect new Code of Virginia requirements permitting certain Battery Energy Storage Systems as an accessory use on parcels subject to an approved special exception for a Solar Power Facility pursuant to HB 891 and SB 443.

4102. Use Standards

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4. Public, Institutional, and Community Uses

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Utility

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V. Solar Power Facility

Standards when permitted by special exception:

(1) ~~All solar~~ Solar panels, supporting structures, and equipment associated with a solar power facility generating less than one megawatt, must comply with the minimum setback and maximum height standards of the district where they are located.

(2) The application must include a decommissioning agreement and security package ~~plan~~ in accordance with ~~Section~~ subsection 8100.7.F(5) that describes the timeline and manner in which the facility will be decommissioned and the site restored to a condition similar to its condition before the facility was established.

(3) In the R-A District, a solar power facility must be located on the same property with an agricultural operation.

(4) In accordance with Va. Code Sect. 15.2-2316.10, a battery energy storage system is a permitted accessory use if it has a rated storage capacity that does not exceed 100 percent of the nameplate generating capacity of the associated solar energy facility.

(5) Absent a siting agreement in accordance with VA. Code Sect. 15.2-2316.7, a solar power facility with a generating capacity of at least one megawatt must comply with the following additional standards:

(a) The following setbacks apply and are measured to the nearest edge of the equipment as described and may not be waived or modified under subsection 4102.1.A(6):

(1) A minimum setback of 50 **(Option: between 50 and 75)** feet is required from all abutting lot lines of properties not developed with solar power facilities.

(2) A minimum setback of 150 **(Option: between 150 and 200)** feet is required from the nearest point on the outer wall of an occupied community building or residential dwellings on adjacent properties. For the purposes of this subsection, an occupied

community building includes any building used regularly as a gathering place for community members.

(3) A minimum setback of 50 **(Option: between 50 and 100)** feet is required from any abutting public or private street.

(4) For facilities under 25 megawatts, a minimum setback of 50 feet is required from the edge of tidal and nontidal wetlands or from the top of the bank of perennial streams.

(5) For facilities over 25 megawatts, a minimum setback of 100 feet is required from the edge of tidal and nontidal wetlands or from the top of the bank of perennial streams.

(6) For facilities of any capacity within Chesapeake Bay Preservation Areas, a minimum setback of 100 **(Option: between 100 and 125)** feet is required from the edge of the tidal wetlands, nontidal wetlands, or from the top of bank of perennial streams.

(b) Solar panels may not exceed a maximum height of 25 feet when the arrays are at full tilt.

(c) Fencing must be provided in accordance with Va. Code Sect. 55.1-2804, the National Electrical Safety Code, and the USBC.

(d) Vegetative screening must be provided in accordance with Va. Code Sect. 15.2-2288.8. Trees and shrubs used for screening or buffering must be capable of providing effective screening within five years of planting.

(e) The facility must comply with Department of Environmental Quality stormwater regulations, and any land disturbance activities must be conducted in compliance with a stormwater pollution prevention plan, all in accordance with Virginia Code Sect. 15.2-2288.8.

(f) Exterior lighting must incorporate dimming technology or similar controls that adjust lighting intensity based on surrounding visibility conditions.

(g) New impervious surface area must be minimized to the extent practicable, including areas beneath solar panels.

(h) The site must be permanently stabilized with vegetative ground cover sufficient to minimize erosion and maintain long-term site stability in accordance with Va. Code Sect. 15.2-2288.8.

(i) Wildlife passage must be accommodated to the extent practicable while maintaining facility safety and security as follows:

(1) Fencing is limited to areas in reasonable proximity to solar arrays and interconnection equipment, consistent with safety and security requirements; and

(2) Wildlife access to riparian areas, wetlands, streams, and other areas outside the immediate vicinity of solar panels must be preserved.

...

7. Accessory Uses

A. General Standards for Accessory Uses and Structures

(7) Fences and Walls

Fences and walls must comply with the following standards:

(b) Height

5. A fence or wall may exceed the maximum fence or wall height in Table 4102.4 above when it is an integral part of:

c. Screening of equipment for a data center in accordance with subsection 4102.6.A(1); ~~or~~

d. A large-scale battery energy storage system~~.~~; or

e. A solar power facility

...

5108. Landscaping and Screening

5. Transitional Screening and Barriers

…

A. Applicability

…

(6) The following uses are not included in Table 5108.2 and are subject to the standards below:

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(f) A solar power facility with a generating capacity of at least one megawatt is subject to the requirements of subsection 4102.4.V(5).

8101. Submission Requirements

…

3. Special Exceptions, Special Permits, and Variances

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D. Additional or Modified Submission Requirements for Specific Special Exception Applications

The following are additional or modified submission requirements for special exception applications for:

…

(19) Solar Power Facility

A visual impact analysis detailing the visual impacts to public parks, scenic rivers, scenic byways, and historic structures or sites listed on, or eligible for listing on, the National Register of Historic Places or the County Inventory of Historic Sites.

INSTRUCTION #3: Revise the use standard for Wireless Facility, in subsection 4102.4.Y(7), to reflect new Code of Virginia requirements related to the modification of an existing Wireless Facility pursuant to HB 277.

4102. Use Standards

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4. Public, Institutional, and Community Uses

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Utility

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Y. Wireless Facility

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Eligible Facilities Requests:

(7) Once wireless facilities are approved in accordance with this Ordinance, any eligible facilities request for a modification of a wireless tower or base station that does not substantially change the physical dimensions of the tower or base station under Sect. 6409 of the Spectrum Act (47 U.S.C. § 1455) or Va. Code Sect. 15.2.2316.4:4 is subject to subsections (1), (2), and (3) above, except to the extent of any conflict with 47 C.F.R. § 1.6100(b)(7)(i)-(iv) or Va. Code Sect. 15.2.2316.4:4.

INSTRUCTION #4: Revise and add use standards for Wireless Facility, in subsection 4102.4.Y; add an administrative permit fee for Wireless Facility Temporary Support Structure in Table 8102.1; and revise the definition for Wireless Facility, in subsection 9103.4.E to reflect new Code of Virginia requirements related to permitting of temporary Wireless Facilities referred to as "temporary support structures" pursuant to HB 876.

4102. Use Standards

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4. Public, Institutional, and Community Uses

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Utility

…

Y. Wireless Facility

Standards applicable to all wireless facilities:

(1) The following standards apply to all wireless facilities:

…

(c) Except for temporary support structures, which must meet the requirements in subsection 4102.4.Y(8), ~~All~~ all antennas, associated equipment, and structures must be removed within 120 days after those antennas or related equipment are no longer in use, at which point they will be deemed abandoned.

…

Standards for temporary support structures:

(8) A temporary support structure requires administrative permit approval. In accordance with Va. Code Sect. 15.2.2316.4:5, the application must demonstrate that it is necessary for one of the following reasons:

(a) To administer limited frequency and modulation testing to evaluate system performance and the need for additional wireless facility sites;

(b) To supplement communications coverage when a previously permitted wireless facility has become involuntarily non-operational through an accident or natural disaster;

(c) To meet a substantial increase in the locality's communications needs due to an emergency declared by the County, Commonwealth, or federal government; or

(d) To meet a substantial increase in the communications needs of the businesses, residents, or visitors of the County for a limited period of time due to a event held within the County.

(e) As an alternative, a temporary support structure may be approved for any other reason not listed under subsection 4102.4.Y(8) as deemed necessary and appropriate by the Board.

(9) An administrative permit application for a temporary support structure may request approval for up to 180 days. An extension may be approved by the Zoning Administrator beyond the initial approval period if:

(a) The request is submitted before the expiration of the initial approval period or current extended approval period;

(b) The request provides information for the Zoning Administrator to determine that the extension(s) is reasonably necessary to resolve or accommodate the reasons for the initial approval; and

(c) The total time approved for extensions, including the initial 180-day period, does not exceed two years.

(10) A temporary support structure must be removed at the cost of the owner and the site restored to its previous condition within 48 hours of the end of the approval period.

8102. Fee Schedule

1. Fee Schedule

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TABLE 8102.1: FEE SCHEDULE This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.		
APPLICATION TYPE		**FEE [1]**
MISCELLANEOUS PERMITS AND APPROVALS		
Wireless Telecommunications		
Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act		$500
Wireless Facility Temporary Support Structure	Administrative Permit	$285
	Extension	$100
Wireless Facilities	Standard Process Project	$8,790

9103. Uses

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4. Public, Institutional, and Community Uses

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E. Utilities

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Wireless Facility

As defined by Va. Code Sect. 15.2-2316.3, a wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (1) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (2) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

The following terms are defined in Va. Code Sect. 15.2-2316.3: administrative review-eligible project, standard process project, co-locate, existing structure, new structure, project, small cell facility, temporary support structure, wireless facility, wireless infrastructure provider, wireless services provider, and wireless support structure; however, the term small cell facility as used in this Ordinance is expanded to include the placement of such facilities on utility poles or transmission poles.

INSTRUCTION #5: Revise, add, and renumber subsections and tables in subsection 6100.5 to create a new parking tier known as "Designated Area"; update cross references and renumber tables in subsection 6100.5; update cross references and renumber tables in subsection 6100.6; and revise subsections 6100.6.C(2)(a) and 6100.6.C(2)(c). These changes reflect new State Code requirements from HB 888, that require localities to establish "Designated Areas", for the purpose of limiting required off-street parking for residential development within one-half mile of defined mass transit or public transportation stations and facilities. HB 888 also requires localities to establish an administrative process to request reductions of off-street parking requirements for residential, multifamily, or mixed-use development, that are not located within a "Designated Area".

6100. Off-Street Parking

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5. Tiered Framework and PTC District – Off-Street Parking Requirement

For developments located in one of the following areas, or zoned to the PTC District, parking requirements are established in accordance with subsections 6100.5.A through G ~~F~~ below. For developments located in more than one designated tier, ~~including~~ or in the PTC District and another tier, the lowest minimum and maximum parking requirement will apply.

…

E. Designated Area:

For properties located within a designated area as defined in subsection 6100.5.E(1), the following minimum parking spaces are required.

TABLE 6100.10: Designated Area Parking Requirements	
Use	**Minimum Parking Requirement**
Dwelling, Single-Family Detached	1 space per unit
Dwelling, Single-Family Attached	
Dwelling, Single Family Attached – ADU Development	
Dwelling, Stacked Townhouse	
Dwelling, Stacked Townhouse – ADU Development	
Dwelling, Multifamily	0.5 space per unit
Dwelling, Multifamily – ADU Development	
Mixed-Use Residential Development	
All other Residential Uses	In accordance with Table 6100.2

(1) Designated area means any parcel located within one-half mile of the entrance to a mass transit or public transportation station or facility.

(2) For the purpose of this subsection, a mass transit or public transportation station or facility is a building or enhanced structure where members of the general public board or disembark mass transit or public transportation as defined in VA. Code Sect. 15.2-2209.4.A. A mass transit or public transportation station includes the following:

(a) Regional Rail Transit Facilities.

(b) Virginia Railway Express (VRE) and Amtrak station.

(c) Bus Rapid Transit (BRT) station; and

(d) Public commuter park-and-ride lots that are developed with a building or enhanced structure.

(3) For the purpose of this subsection, mixed-use residential development includes the following:

(a) A property that contains both residential and non-residential uses within a single development.

(b) A property that incorporates two or more types of residential uses within a single development.

...

6. Adjustments to Minimum Required Off-Street Parking

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C. Transit-Related Parking Adjustment

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(2) A 20 percent administrative adjustment of the minimum parking requirements found in subsections 6100.4 and 6100.5 will be approved when the following criteria are met: ~~, A transit-related adjustment, greater than the 10 percent permitted under subsection 6100.6.C(1), or~~

~~greater than the minimum parking requirements under subsection 6100.5, may be approved when it meets the following criteria~~:

(a) The use is located within 1,000 feet walking distance of a transit stop as defined in subsection 6100.6.C(1).

(b) The use is not located within an area identified in subsection 6100.5 as a Transit Oriented Development or PTC District.

(c) When at least two of the following supportive elements are provided: ~~An administrative adjustment may only be approved if:~~

1. A proffered transportation demand management (TDM) program that meets Fairfax County Department of Transportation criteria. ~~The use meets the location restrictions of 6100.6.C(2)(a) and (b); and~~,

~~***2.*** The adjustment does not exceed 15 percent of the required parking of subsection 6100.4 or 6100.5, as applicable; and,~~

2. Bicycle parking in accordance with Section 6102.

3. A walk or bike score of greater than 70 in accordance with the most recent Walk Score® methodology.

~~***3.*** At least two of the following supporting elements are met:~~

~~***a.*** A proffered transportation demand management (TDM) program that meets Fairfax County Department of Transportation criteria.~~

~~***b.*** Bicycle parking provided in accordance with Section 6102.~~

~~***c.*** A walk or bike score of greater than 70 in accordance with the most recent Walk Score® methodology.~~

INSTRUCTION #6: Revise submission requirements for Data Centers subject to a rezoning application, in subsection 8101.2.E(13); and revise submission requirements for Data Centers subject to a special exception application, in subsection 8101.3.D(9), to reflect new Code of Virginia requirements pursuant to HB 153 and SB 94.

8101. Submission Requirements

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2. Zoning Map Amendments (Rezonings)

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E. Supporting Report and Studies

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(13) Data Center

For a rezoning to allow a data center, the application requires the following additional information:

(a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.

(b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

(c) A statement indicating the anticipated total required megawatts of electrical power that will serve the facilities and the source of power generation.

(d) In accordance with Va. Code Sect. 15.2-2209.5, for a data center that reasonably anticipates requiring 100 megawatts or more of electrical power from an electric utility providing retail service to the facility, or the expansion of a previously approved data center that will exceed an additional 100 megawatts or more of electrical power, the following are also required:

1. The noise study must include the sound profile of the impact of the data center on residential units and schools within 500 feet of the property boundary.

2. A statement from the electric utility providing retail service to the data center describing (i) any new or existing substations that will serve the data center and (ii) the anticipated transmission voltage required to serve the data center.

3. Special Exceptions, Special Permits, and Variances

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D. Additional or Modified Submission Requirements for Specific Special Exception Applications

The following are additional or modified submission requirements for special exception applications for:

…

(9) Data Center

(a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.

(b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

(c) A statement indicating the anticipated total required megawatts of electrical power that will serve the facilities and the source of power generation.

(d) In accordance with Va. Code Sect. 15.2-2209.5, for a data center that reasonably anticipates requiring 100 megawatts or more of electrical power from an electric utility providing retail service to the facility, or if the expansion of a previously approved data center will exceed an additional 100 megawatts or more of electrical power, the following are also required:

1. The noise study must include the sound profile of the impact of the data center on residential units and schools within 500 feet of the property boundary.

2. A statement from the electric utility providing retail service to the data center describing (i) any new or existing substations that will serve the data center and (ii) the anticipated transmission voltage required to serve the data center.

INSTRUCTION #7: Revise the nonconformities standards for Manufactured Homes, in subsection 8104.2.F(2)(b), to reflect new Code of Virginia requirements pursuant to HB 1463.

8104. Nonconformities

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2. Continuation and Expansion of Specific Nonconforming Uses or Structures

…

F. Manufactured Homes

…

(2) ~~An existing~~ A nonconforming manufactured home may be placed, replaced, or enlarged as provided in this subsection.

(a) Regardless of the zoning district, any enlargement of a manufactured home must conform with the provisions of Table 2102.23 of the R-MHP District.

(b) The ~~Replacement~~ replacement of an existing nonconforming manufactured home~~s~~, or the placement of a manufactured home on an open pad site in an existing nonconforming manufactured home park, is permitted in accordance with VA. Code Sect. 15.2-2307(H).

This amendment will become effective on October 28, 2026, at 12:01 AM

GIVEN under my hand this 27th day of October 2026.

_____

Jill G. Cooper

Clerk for the Board of Supervisors

CHAPTER 19

An Act to amend and reenact §§ 15.2-2247 and 15.2-2290 of the Code of Virginia, relating to zoning; manufactured housing.

[H 655]

Approved March 31, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2247 and 15.2-2290 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2247. Applicability of subdivision ordinance to manufactured home parks.

Any locality may designate, by ordinance, the areas within its jurisdiction in which ~~manufactured homes may be located or~~ manufactured home parks may be established, notwithstanding the absence of a zoning ordinance in such locality. Such ordinance may also apply to any of the provisions of §§ 15.2-2241 through 15.2-2245 in the regulation and governing of the location, establishment, and operation of ~~manufactured homes or~~ manufactured home parks. The ordinance may apply to any park or portion thereof licensed as a campground pursuant to Title 35.1 ~~of this Code~~. In the event of irreconcilable conflict between the ordinance and state law, the state law shall supersede the ordinance.

§ 15.2-2290. Uniform regulations for manufactured housing.

A. *Localities adopting and enforcing zoning ordinances under the provisions of this article shall provide that in all agricultural zoning districts, or districts having similar classifications regardless of name or designation, where agricultural, horticultural, or forest uses such as those described in § 58.1-3230 are the dominant use and where site-built housing is allowed, the placement of manufactured homes shall be permitted.*

B. Localities adopting and enforcing zoning ordinances under the provisions of this article shall provide that, in all ~~agricultural~~ zoning districts ~~or districts having similar classifications regardless of name or designation where agricultural, horticultural, or forest uses such as but not limited to those described in § 58.1-3230 are the dominant use~~, *other than zoning districts listed in subsection A, where site-built housing is allowed,* the placement of manufactured ~~houses~~ *homes shall be permitted for manufactured homes* that are ~~on a permanent foundation~~ *(i) converted to real property in accordance with § 46.2-653.1, (ii) constructed so that the certificate of occupancy is issued within five years following the date of manufacture listed on the home's data plate,* and *(iii) placed* on individual lots ~~shall be permitted, subject to development standards that are equivalent to those applicable to site-built single family dwellings within the same or equivalent zoning district~~. *Localities shall not adopt or enforce any zoning, land-use, or development regulation that treats manufactured homes differently or more restrictively than a single-family site-built dwelling allowed in the same zoning district. Nothing in this subsection shall be construed as limiting the authority of localities to adopt ordinances pursuant to §§ 10.1-2206.1 and 15.2-2306 designed to protect existing or future areas of historical or archaeological significance, historical sites, historical landmarks, and historical buildings and structures, or to establish local historical districts.*

~~B.~~ *C.* Localities adopting and enforcing zoning regulations under the provisions of this article may, to provide for the general purposes of zoning ordinances, adopt uniform standards, so long as they apply to all residential structures erected within the ~~agricultural~~ zoning district ~~or other districts identified in subsection A of this section incorporating such standards~~. The standards shall not have the effect of excluding manufactured housing *built in compliance with the Virginia Manufactured Housing Construction and Safety Standards Law (§ 36-85.2 et seq.).*

~~C.~~ *D.* Local zoning ordinances adopting provisions consistent with this section shall not relieve lots or parcels from the obligations relating to manufactured housing units imposed by the terms of a restrictive covenant.

CHAPTER 1068

An Act to amend and reenact §§ 15.2-2241.2, 15.2-2288.7, and 15.2-2288.8 of the Code of Virginia, relating to local regulation of solar facilities; special exceptions.

[H 711]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2241.2, 15.2-2288.7, and 15.2-2288.8 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2241.2. Bonding provisions for decommissioning of solar energy equipment, facilities, or devices.

A. As used in this section, unless the context requires a different meaning:

"Decommission" means the removal and proper disposal of solar energy equipment, facilities, or devices on real property that has been determined by the locality to be subject to § 15.2-2232 and therefore subject to this section. "Decommission" includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

"Solar energy equipment, facilities, or devices" means any personal property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

B. As part of the local legislative approval process or as a condition of approval of a site plan, a locality shall require an owner, lessee, or developer of real property subject to this section to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions: (i) if the party that enters into such written agreement with the locality defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning, and (ii) such owner, lessee, or developer provides financial assurance of such performance to the locality in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the locality; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

C. The owner, lessee, or operator shall hire a professional engineer licensed in the Commonwealth to update the decommissioning plan cost estimate and corresponding approved financial instrument every five years after the approval of the first decommissioning plan to adjust for inflation, account for advancements in technologies and processes for decommissioning, salvaging, or re-powering of renewable energy facilities, and make any other necessary changes. The decommissioning plan shall provide for the removal of the facility's equipment from the landowner's property and return of the property to a useful condition similar to the preconstruction condition unless otherwise agreed to by the landowner. After the decommissioning process is complete, the facility shall comply with all stormwater provisions in state law. The project shall provide an up-to-date decommissioning plan to the locality any time there is project ownership outside of the current developer. Notice shall be provided to the local government within 30 days of the sale or transfer of the lease or property, and a new financial guarantee shall be provided by the new leaseholder or property owner.

§ 15.2-2288.7. Local regulation of solar facilities.

A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned residential shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable

zoning regulations of the locality.

B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. ~~Unless a local ordinance provides otherwise, a~~ *A* ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned agricultural, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be ~~subject to any applicable zoning regulations of the locality~~ *considered pursuant to § 15.2-2288.8 unless otherwise permitted by right*.

C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. ~~Unless a local ordinance provides otherwise, a~~ *A* ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or institutional shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or institutional, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be ~~subject to any applicable zoning regulations of the locality~~ *considered pursuant to § 15.2-2288.8 unless otherwise permitted by right*.

D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. ~~Unless a local ordinance provides otherwise, a~~ *A* ground-mounted solar energy generation facility to be located on property zoned mixed-use shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned mixed-use, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

E. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

F. A locality, by ordinance, may provide by-right authority for installation of solar facilities in any zoning classification in addition to that provided in this section. A locality may also, by ordinance, require a property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) who removes solar panels to dispose of such panels in accordance with such ordinance in addition to other applicable laws and regulations affecting such disposal.

§ 15.2-2288.8. Special exceptions for solar photovoltaic projects.

A. ~~Any~~ *Unless otherwise provided by right, each* locality ~~may grant~~ *shall require* a special exception pursuant to ~~§~~ *§§ 15.2-2204,* 15.2-2286, *and 15.2-2288.7 or a siting agreement pursuant to § 15.2-2316.7* and include in its zoning ordinance ~~reasonable~~ regulations and provisions *consistent with this section* for a special exception as defined in § 15.2-2201, for any solar photovoltaic ~~(electric energy)~~ project ~~or energy storage~~

~~project~~. For the purposes of this section, ~~"energy storage project" means energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored~~ *"solar photovoltaic project" means a ground-mounted solar facility with a generating capacity of one megawatt or more that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facility is located.*

Any special exception granted pursuant to this section is an amendment to the zoning ordinance pursuant to subdivision A 7 of § 15.2-2286 and shall comply with the following criteria. Where numerical ranges are attached to criteria, localities may choose to establish an ordinance that specifies any number within the applicable range that they deem appropriate for their community. In the issuance of a special exception, a variance from these ordinance criteria may be implemented only with a written agreement of the locality, the property owner or their agent, and the applicant. Nothing in this section shall (i) be construed to relieve projects of the responsibility to comply with all relevant state and federal laws, regulations, and permits, including those related to tree canopy; (ii) require a locality to approve a special exception application considered pursuant to this section; (iii) be construed to prohibit a locality from permitting a solar photovoltaic project or energy storage project by right; or (iv) prohibit the owner of a proposed solar photovoltaic project and a locality from entering into a siting agreement that provides less stringent restrictions than those specified under this subsection.

1. Setback distances shall be measured from the nearest edge of the equipment as follows: (i) between 150 and 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on nonparticipating properties; (ii) between 50 and 100 feet from the outside edge of the roadbed of any road abutting the property; (iii) for projects not greater than 25 megawatts, 50 feet from the edge, and for projects greater than 25 megawatts, 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in § 62.1-44.122; (iv) for projects of any capacity within Chesapeake Bay Preservation Areas, between 100 and 125 feet from the edge of tidal wetlands, nontidal wetlands, or from the top of bank of perennial streams; and (v) between 50 and 75 feet measured from the nearest shared property line for nonparticipating properties. Nothing in this subdivison shall preclude the owner of a nonparticipating property from waiving the foregoing setback requirements by written agreement. Setbacks shall not be required for internal boundaries between adjacent participating parcels. For purposes of clauses (iii) and (iv), "equipment" is limited to solar panels, racking equipment, and inverters.

2. Fencing for the facility shall comply with § 55.1-2804, the latest version of the National Electrical Safety Code or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (§ 36-97 et seq.). Vegetative visual screening requirements shall not be required to exceed three feet at planting, shall be between 25 and 50 feet wide, and shall allow for consideration of preexisting natural or manmade visual barriers.

3. The height of solar panels shall not exceed 25 feet above ground when the arrays are at full tilt, except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels. For purposes of this section, "agrivoltaics" means the same as that term is defined in § 10.1-1197.5.

4. Visual impacts of facilities on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places or a county register of historic places shall be minimized. A locality may request a viewshed analysis as part of the special exception application to assure that visual impacts are minimized through solar panel placement, height, landscaping, and screening. Such analysis shall account for existing vegetation and planned visual buffers. Such screening may be accomplished on any property with the consent of the property owner.

5. The facility shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.

6. The facility shall comply with all Department of Environmental Quality stormwater regulations as established in 9VAC25-880.

7. The facility shall minimize new impervious surface on the site and under its solar panels.

8. Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan. Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities. Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General VPDES Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed. The facility shall decompact soil as necessary and feasible for re-vegetation after construction has concluded.

9. When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site. An ordinance may require up to 75 percent vegetative cover with no significant bare areas that is mature enough to survive and will inhibit erosion. The use of native and

naturalized plants shall be encouraged and invasive plants as established pursuant to § 10.1-104.6:2 shall be prohibited. For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life. The seed mix shall include a diversity of species with varied bloom times. Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife. All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.

10. The facility shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security requirements. The facility shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels.

11. The facility shall comply with all applicable state and federal labor and employment laws, including apprenticeships and labor standards necessary to achieve any available tax credit bonuses found in 26 U.S.C. §§ 45Y and 48E.

12. A locality shall require an applicant to enter into a written agreement to decommission equipment, facilities, or devices pursuant to § 15.2-2241.2.

B. Any locality may grant a special exception pursuant to § 15.2-2286, and include in its zoning ordinance reasonable regulations and provisions for a special exception as defined in § 15.2-2201, for an energy storage project. For the purposes of this section, "energy storage project" includes energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

~~B.~~ *C.* The governing body of such locality may grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.

~~C.~~ *D.* Once a condition is granted pursuant to subsection ~~B~~ *C*, such condition shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

E. The governing body of such locality shall furnish the State Corporation Commission a record of special exception decisions reached pursuant to this section not more than 60 days after such decision is made. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

2. That the State Corporation Commission shall compile and maintain on the Commission's public website a searchable database of all solar photovoltaic project special exception decisions and the reasons for any adverse decisions made over a period of not less than five years. The Commission shall furnish to each locality a standardized form for submitting decision records by July 1, 2026.

3. That the provisions of this act shall apply to any ground-mounted solar facility with a generating capacity of one megawatt or more for which an application for local approval is filed on or after July 1, 2026, and any such project shall not be governed by any local ordinances inconsistent with this act. Any application for a solar energy facility that has been received and accepted by the relevant authority prior to July 1, 2026, shall be subject to any applicable local ordinances in place at the time the initial application was filed.

CHAPTER 1076

An Act to amend and reenact § 15.2-2316.9 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7.3 of Chapter 22 of Title 15.2 a section numbered 15.2-2316.10, relating to siting of battery energy storage projects; commercial solar photovoltaic generation facilities; permitted accessory use.

[H 891]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.9 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7.3 of Chapter 22 of Title 15.2 a section numbered 15.2-2316.10 as follows:

§ 15.2-2316.9. Effect of executed siting agreement; land use approval.

A. ~~Nothing~~ *Except as provided in § 15.2-2316.10, nothing* in this article shall be construed to exempt an applicant from any other applicable requirements to obtain approvals and permits under federal, state, or local ordinances and regulations. An applicant may file for appropriate land use approvals for the solar project or energy storage project, as applicable, under the regulations and ordinances of the host locality at or after the time the applicant submits its notice of intent to site a solar project or energy storage project as set forth in subsection A of § 15.2-2316.7.

B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.

C. Approval of a siting agreement by the local governing body in accordance with subsection B of § 15.2-2316.8 shall deem the solar project or energy storage project to be substantially in accord with the comprehensive plan of the host locality, thereby satisfying the requirements of § 15.2-2232.

D. The failure of an applicant and the governing body to enter into a siting agreement may be a factor in the decision of the governing body in the consideration of any land use approvals for a solar project or energy storage project, but shall not be the sole reason for a denial of such land use approvals.

§ 15.2-2316.10. Battery energy storage projects as permitted accessory use to approved solar projects.

A. As used in this section, "special exception" means any special exception or special use permit, conditional use permit, or any other similar approval issued for a solar facility.

B. 1. A battery energy storage project shall be deemed as a permitted accessory use in all zoning districts on any parcel of land that is subject to an approved special exception for a solar facility if the battery energy storage project is located within the boundaries of the parcel covered by the existing special exception and has a rated storage capacity that does not exceed 100 percent of the nameplate generating capacity of the associated solar energy facility.

2. Such battery energy storage project shall not require a special exception or be subject to any other local land use approval. The addition of the battery energy storage project pursuant to this section shall not alter, reduce, or otherwise affect any (i) payment obligations, financial commitments, or other terms contained in the existing special exception associated with the siting agreement for the approved solar project or (ii) state and local tax exemption from which the approved solar project benefits. Nothing in this subdivision shall be construed to affect or alter the state and local tax provisions under § 58.1-3660.

C. A battery energy storage project shall comply with all applicable federal, state, and local safety or fire codes and environmental regulations.

D. Any payment obligations, financial commitments, or other terms contained in the special exception or any associated siting agreement for the approved solar project shall relate and apply only to the approved solar project and shall not affect any battery energy storage project added pursuant to this section.

E. Nothing in this section shall be construed to (i) limit the authority of a host locality to enforce compliance with applicable codes or to ensure the safe operation of the battery energy storage project or (ii) preclude the developer or host locality of a battery energy storage project from negotiating a siting agreement.

2. That any battery energy storage project for which an initial interconnection request has been filed with an electric utility or a regional transmission organization prior to July 1, 2030, and is constructed pursuant to § 15.2-2316.10 of the Code of Virginia, as created by this act, shall be subject to the applicable local ordinance and regulation in effect on July 1, 2026, except as modified under § 15.2-2316.10 of the Code of Virginia, as created by this act.

CHAPTER 376

An Act to amend the Code of Virginia by adding a section numbered 15.2-2316.4:4, relating to zoning; wireless facility modifications; application process.

[H 277]

Approved April 8, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2316.4:4 as follows:

§ 15.2-2316.4:4. Wireless facility modifications.

A. Notwithstanding the provisions of this article, a locality shall not deny an application for the modification of an existing wireless facility if:

1. The requested modification would not substantially change the physical dimensions of the existing wireless facility;

2. The requested modification involves the (i) co-location of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment; and

3. The request meets the requirements of this section.

For the purposes of this subsection, a modification that entails any excavation or deployment adjacent to an existing wireless support structure or base station, except for wireless support structures or base stations in public rights-of-way, does not substantially change the physical dimensions of the existing wireless facility if it entails the excavation or deployment of transmission equipment within 30 feet, in any direction, of the existing wireless support structure or base station. The site boundary from which the 30 feet is measured shall exclude any access or utility easements related to the existing wireless support structure or base station.

B. When an applicant asserts, in writing, that a request for modification is permitted pursuant to this section, a locality may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A locality shall not require an applicant to submit any other documentation, including documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

C. A locality shall not impose fees or charges on the applicant that exceed the one-time, non-recurring reasonable costs actually incurred by the locality to review the application. A locality may impose a fee, not to exceed $1,000, for technical consultation and the review of a co-location or eligible facilities request application. Such fee shall be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A locality may engage a third-party consultant for technical consultation and the review of a co-location application. The fee imposed by a locality for the review of an application shall not be used for travel expenses incurred during a third-party review of a co-location application or reimbursement for a consultant or other third party based on a contingent fee basis or results-based arrangement.

D. A locality shall approve an application made pursuant to this section within 60 days of the date on which an applicant submits such application, unless the locality determines that the application does not meet the requirements of this section. The 60-day period may be tolled only by mutual agreement or in cases where the reviewing locality determines that an application is incomplete.

1. To toll the timeframe for incompleteness, the reviewing locality shall provide written notice to the applicant within 30 days of receipt of the application and shall clearly and specifically delineate all missing documents or information in such notice. Such delineated information is limited to documents or information meeting the provisions of subsection B. The timeframe for review shall begin running again whenever the applicant submits a supplemental application in response to the locality's notice of incompleteness.

2. Following the submission of a supplemental application, a locality shall have 10 days to notify the applicant that the supplemental application did not provide the information identified in the original notice delineating missing information. The timeframe shall be tolled in the case of second or subsequent notices pursuant to the procedures outlined in this subdivision. Second or subsequent notices of incompleteness shall not specify any missing documents or information that were not delineated in the original notice of incompleteness.

E. If a locality fails to approve or deny an application seeking approval under this section within the timeframe for review, accounting for any tolling pursuant to subsection D, the application shall be deemed approved. The deemed approval shall not become effective until the applicant notifies the locality, in writing, that the application has been deemed approved pursuant to this subsection. Upon receipt of the notification from the applicant, the locality shall, within 30 calendar days, (i) issue all permits and authorizations necessary for the completion of the project described in the application or (ii) seek judicial review of the operation of this section on the application.

F. Any applicant or locality may bring claims related to this section to any court of competent jurisdiction. For any party other than an applicant or locality, neither the issuance of permits or authorizations by a locality regarding an application nor an approval granted pursuant to subsection E due to a locality's failure to approve or deny an application shall be deemed a final decision or action appealable under applicable law.

CHAPTER 688

An Act to amend and reenact § 15.2-2316.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2316.4:4, relating to zoning; wireless facilities; temporary support structure.

[H 876]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2316.4:4 as follows:

§ 15.2-2316.3. Definitions.

As used in this article, unless the context requires a different meaning:

"Administrative review-eligible project" means a project that provides for:

1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or

2. The co-location on any existing structure of a wireless facility that is not a small cell facility.

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"New structure" means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.

"Project" means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § 15.2-2316.4 apply.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Standard process project" means any project other than an administrative review-eligible project.

"Temporary support structure" means a monopole or portable wireless communications facility used to provide wireless voice, data, or image transmission within a designated area. A temporary support structure does not have a permanent location on the ground, including the pouring of a concrete footing or the laying of a permanent foundation.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

§ 15.2-2316.4:4. Temporary support structures.

A. A locality shall include in its zoning ordinance provisions that allow for the use of temporary support structures that meet the requirements of this section. A temporary support structure that is 80 feet or less in height, on wheels, and erected for less than 30 days shall not be required to obtain a building permit. A building permit shall be required for a temporary support structure over 80 feet in height or that is erected for 30 days or more.

B. An application for a temporary support structure shall demonstrate that it is necessary for one of the following reasons:

1. Administering limited frequency and modulation testing to evaluate system performance and the need for additional wireless facility sites;

2. Supplementing communications coverage when a previously permitted wireless facility has become involuntarily non-operational through an accident or natural disaster;

3. A substantial increase in the communications needs of the locality due to an emergency declared by the locality, Commonwealth, or federal government;

4. A substantial increase in the communications needs of the businesses, residents, or visitors of the locality for a limited period of time due to a special event held within the locality; or

5. Any other reason deemed necessary and appropriate by the locality.

C. An application for a temporary support structure may request approval for up to 180 days. A locality may approve extensions beyond the initial approval period if (i) the requests are made in writing prior to the expiration of the initial approval period or current extended approval period, (ii) the extensions are reasonably necessary to resolve or accommodate the reasons for the initial approval, and (iii) the total time approved for extensions, including the initial 180 day period, does not exceed two years.

D. A temporary support structure shall be removed at the cost of the owner and the site restored to its previous condition within 48 hours of the end of the approval period.

E. If a locality fails to adopt provisions in its zoning ordinances to implement this section, applications for temporary support structures shall be deemed granted and no building permit or other permits shall be required.

CHAPTER 1075

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4, relating to minimum off-street parking requirements in certain areas.

[H 888]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4 as follows:

§ 15.2-2209.4. Minimum off-street parking requirements; designated areas; administrative reductions.

A. As used in this section:

"Bus rapid transit" means a rubber-tired bus transit system with features such as frequent service, dedicated lanes, traffic signal priority, and enhanced stations.

"Designated area" means any parcel located within one-half mile of the entrance to a mass transit or public transportation station or facility. For purposes of this definition, "mass transit or public transportation station or facility" means a building or enhanced structure where members of the general public board or disembark mass transit or public transportation.

"Mass transit or public transportation" means passenger transportation on a fixed route by rubber-tired, rail, or other surface conveyance providing shared-ride service to the general public on a regular and continuing basis, including bus rapid transit or other high-capacity transit service as identified by the Virginia Department of Rail and Public Transportation. "Mass transit or public transportation" does not include school buses, microtransit, charter or sight-seeing services, a vehicular ferry service that serves as a link in the highway network, or a human service agency or other client-restricted transportation.

"Microtransit" means a flexible, on-demand, dynamically routed shared-ride passenger transportation service that operates similarly to traditional public transit but with greater adaptability to individual trip needs.

B. Any locality that has adopted a zoning ordinance pursuant to this chapter shall not require, as a condition of zoning approval, minimum off-street parking for residential, multifamily, or mixed-use development located within a designated area in amounts exceeding the following:

1. One-half of one parking space per dwelling unit for multifamily or mixed-use residential development; and

2. One parking space per dwelling unit for one-family and two-family dwellings and townhouses.

C. No locality shall adopt or enforce any provision of a zoning ordinance that imposes minimum off-street parking requirements for residential, multifamily, or mixed-use development located within a designated area in excess of the limitations set forth in subsection B.

D. Any locality with a population greater than 600,000 may by ordinance impose off-street parking requirements exceeding the limits in subsections B and C for residential, multifamily, or mixed-use development within one-half mile of a locality-managed fixed-route bus stop, provided that the ordinance includes an administrative process allowing an applicant, in connection with a pending rezoning, special exception, proffered condition amendment, site plan, or subdivision plat, to obtain a reduction of at least 25 percent in minimum off-street parking requirements for such development within 1,000 feet of such bus stop. An administrative reduction shall be granted upon the applicant's demonstration that (i) all dwelling units serve households at or below 70 percent of area median income, using income averaging; (ii) due to the unique characteristics of the site or uses on the site, the spaces proposed to be eliminated are unnecessary or infeasible; or (iii) a written shared parking agreement ensures availability of equivalent spaces within 1,000 feet of the subject property.

E. Any locality with a population greater than 20,000 shall, by ordinance, establish an administrative review process in which developers may request a reduction of minimum off-street parking requirements of not less than 20 percent for residential, multifamily, or mixed-use development proposed on parcels not located within a designated area. The ordinance shall include criteria to determine eligibility for, and prescribe procedures for the submission and review of, the administrative reduction authorized by this subsection.

CHAPTER 567

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4, relating to siting of data centers; site assessment; high energy use facility.

[H 153]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4 as follows:

§ 15.2-2209.4. Siting of data centers; site assessment.

A. As used in this section, "high energy use facility" or "HEUF" means a facility that an applicant reasonably anticipates at the time of filing a rezoning application, special exception application, or special use permit application will require 100 megawatts or more of electrical power from an electric utility providing retail service to the facility.

B. Prior to any approval of a rezoning application, special exception, or special use permit for the siting of a new HEUF, a locality shall require that an applicant perform and submit a site assessment to examine, to the extent practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, the sound profile of the HEUF on residential units and schools located within 500 feet of the HEUF property boundary. A locality may also require that a site assessment examine, to the extent practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, the effect of the proposed facility on (i) ground and surface water resources, (ii) agricultural resources, (iii) parks, (iv) registered historic sites, and (v) forestland on the HEUF site or immediately contiguous land.

C. Prior to any approval of a rezoning application, special exception, or special use permit for the siting of a new HEUF, a locality shall require that the electric utility providing retail service to the new HEUF, to the extent known and practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, submit to the locality a form describing (i) any new or existing substations that will be used to serve the HEUF and (ii) the anticipated transmission voltage required to serve the HEUF.

D. Site assessments submitted to a locality under subsections B and C shall be used by the locality to assess consistency with the policies of the locality's comprehensive plan, if any, and compliance with the locality's adopted noise ordinances, zoning ordinance provisions, and other applicable laws and regulations, if any.

E. A locality's site assessment regarding an HEUF shall not be construed to change, replace, or impact any authority or jurisdiction of the State Corporation Commission, or otherwise delegate any of the State Corporation Commission's authority or jurisdiction to any locality.

F. This section shall not apply to a site with an existing legislative or administrative approval where an applicant is seeking an expansion or modification of an already existing or approved facility and such expansion does not exceed an additional 100 megawatts or more of electrical power.

G. Nothing in this section shall be construed to prohibit, limit, or otherwise supersede existing local zoning authority.

CHAPTER 471

An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to zoning; nonconforming uses; manufactured homes.

[H 1463]

Approved April 8, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2307 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, (ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code (§ 36-97 et seq.), or (iii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized local government official informs the property owner that

the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized government official made such statement.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. *A land owner or home owner may also place a manufactured home that meets the current HUD manufactured housing code upon any open lot in a valid nonconforming mobile or manufactured home park regardless of whether a valid nonconforming manufactured home is currently located on such lot.* In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home.

I. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. *For the purposes of determining whether a use has been continuous pursuant to subsection C and this subsection, an existing mobile or manufactured home shall be considered a valid nonconforming mobile or manufactured home regardless of whether such mobile or manufactured home has been occupied during the preceding two-year period.* Any such replacement home shall retain the valid nonconforming status of the prior home.

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing to Consider an Amendment to County Code Section 82-5-37 to Provide for Parking Restrictions Along Public Rights of Way

ISSUE:
Board authorization to advertise a public hearing for September 29, 2026, at 4:30 p.m., to consider adopting proposed amendments to Section 82-5-37 of The Code of the County of Fairfax, Virginia (Fairfax County Code).

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing for September 29, 2026, at 4:00 p.m. to consider adopting the proposed amendment (Attachment 1) to the Fairfax County Code that adds a provision to restrict parking along public rights of way in non-residential areas.

TIMING:
Board action is requested on August 25, 2026, to provide sufficient time to advertise a public hearing for September 29, 2026, at 4:00 p.m.

BACKGROUND:
On March 17, 2026, Supervisor Palchik presented a Board Matter directing the Department of Transportation to develop a draft ordinance that would allow for restrictions on public roads adjacent to public rights of way in non-residential areas to address the issue of commercial parking.

Commercial vehicle parking along public rights of way in non-residential areas typically occurs along the side of service roads or other secondary roads adjacent to another public roadway. Such parking has long been an issue in some locations in the county, particularly on service roads along Route 1 in Mount Veron District, Routes 7 and 123 in the Tysons area, and Routes 29 and 50. The existing provisions found in County Code Section 82-5-37 do not allow for restrictions along undeveloped public right of way. The proposed amendment to County Code Section 82-5-37 would provide a new tool to consider parking restrictions along the highway side of a service road or other secondary road when that road serves non-residential uses and parking has been restricted along development on the non-residential side. Restrictions on the highway side of the road would be equivalent to the existing parking restriction along development on the opposite side of the road, would be enacted individually upon

request of the owners of the non-residential uses along the service road, and would be codified in Appendix R of the Fairfax County Code. Such restrictions in commercial areas support a dynamic and accessible commercial environment that benefits businesses, residents, and the wider community by facilitating free and unrestricted vehicular travel along the subject road.

A memo to Board members on the proposed code amendment was provided on July 10, 2026.

EQUITY IMPACT:
Generally, the establishment of parking restrictions in commercial areas supports a dynamic and accessible commercial environment that benefits businesses, residents, and the wider community, and facilitates free and unrestricted vehicular travel along commercial streets, consistent with One Fairfax. Non-residential property and business owners along service roads benefit by keeping the highway side of the road clear, improving sightlines, and access. Other road users benefit as the reduction of parked commercial vehicles reduces congestion and visibility problems.

Parking restrictions along the highway side of commercial service roads may also impact independent owner-operators of commercial vehicles. These owner-operators provide services on a for-hire basis in support of the county's public, commercial, industrial, and construction sectors and are typically small businesses without a business property to store trucks when not in use; they rely on available public street parking in non-residential areas near their homes.

Location specific restrictions enacted under this authority can be evaluated on a project basis and will be considered through the public hearing process, allowing impacted communities to have their voices heard.

FISCAL IMPACT:
Any fiscal impact resulting from this code amendment would be determined on a project basis for parking restrictions requested under the proposed amendment.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Amendment to Fairfax County Code 82-5-37

Board Agenda Item
August 25, 2026

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

ASSIGNED COUNSEL:
Paul Emerick, Senior Assistant County Attorney

PROPOSED ORDINANCE TO AMEND AND READOPT
FAIRFAX COUNTY CODE SECTION 82-5-37
RELATING TO PARKING RESTRICTIONS ALONG PUBLIC RIGHT-OF-WAY

Draft of March 19, 2026

AN ORDINANCE to amend and readopt Section 82-5-37, relating to the parking of vehicles along public right-of-way adjacent to a roadway

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

1. That Section 82-5-37 of the Fairfax County Code is amended and readopted:

Section 82-5-37. Designation of restricted parking.

The Board of Supervisors may designate, by ordinance, which shall be set forth in Appendix R, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that:

(1) Parking along any secondary road is damaging property and/or landscaping within the right of way limits; or

(2) Parking along any local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or

(3) Parking along any secondary road creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or

(4) In the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street, a restriction on the nonresidential side of the street would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community; ~~or~~

(5) The long term parking of vehicles diminishes the capacity of on-street parking for other uses~~.~~; or

(6) In the case of any street which serves as a boundary between an area zoned for nonresidential use on which parking is restricted on the nonresidential side,

and an area dedicated as public right of way adjacent to a roadway on the other side of that street, an equivalent restriction on the public right of way side of the street would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the public.

The Fairfax County Police Department, through its law enforcement officers, shall enforce this requirement and shall issue citations to those persons who violate the provisions of this Article or Appendix R. Violations shall be a misdemeanor punishable by a fine of not more than $100.00 for each violation. Vehicles parked in violation of these provisions may be towed at the owner's expense.

In any prosecution charging a violation of this Article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such ordinance, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by *Virginia Code*, Section 46.2-600 et seq., shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

The Director of the Department of Tax Administration shall collect and account for all uncontested payments of parking citation penalties under this Article. Any contest by any person of any parking citation shall be certified by said Director in writing on an appropriate form to the Fairfax County General District Court. The Director of the Department of Tax Administration shall cause complaints, summons, or warrants to be issued for delinquent parking citations. (5-81-82; 43-02-82; 22-12-82; 16-16-82.)

2. That the provisions of this ordinance shall take effect upon adoption.

GIVEN under my hand this _____ day of September, 2026.

_____
Jill Cooper
Clerk for the Board of Supervisors

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing to Consider the Establishment of Parking Restrictions on Boone Boulevard (Providence District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of The Code of the County of Fairfax, Virginia (Fairfax County Code).

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing for September 29, 2026, at 4:00 p.m., to consider an amendment to Appendix R of the Fairfax County Code (Attachment 1). This amendment will prohibit all parking on the north side of Boone Boulevard adjacent to public right of way from the eastern entrance from Route 123, extending to the east for a distance of 450 feet, excluding areas designated as "No Parking" by the Virginia Department of Transportation (VDOT).

TIMING:
Board action is requested on August 25, 2026, to provide sufficient time to advertise a public hearing for September 29, 2026, at 4:00 p.m.

BACKGROUND:
Fairfax County Code Section 82-5-37(6) authorizes the Board to designate restricted parking upon any street which serves as a boundary between an area zoned for nonresidential use on which parking is restricted on the nonresidential side, and an area dedicated as public right-of-way adjacent to a roadway on the other side of that street. Restrictions along the public right-of-way side of the street are to be equivalent to those restrictions on the nonresidential side of the street.

The owner of the commercial parcel at 2051 Chain Bridge Road contacted the Providence District office seeking assistance to restrict parking on the segment of Boone Boulevard adjacent to public right of way on the opposite side of the street from their property. This segment of Boone Boulevard along public right of way has historically been used for long-term parking of commercial vehicles and trailers. The parcel at 2051 Chain Bridge Road is slated to be occupied by a retail business, whose management has raised concerns about the safety of motorists and pedestrians entering and exiting the parking area from Boone Boulevard if parking is allowed along the opposite side of the street.

Existing parking restrictions installed by VDOT currently prohibit parking of all vehicles along the developed nonresidential parcels on the south side of Boone Boulevard in the subject area. Staff recommend parking restrictions along the north side of Boone Boulevard adjacent to public right of way from the eastern entrance from Route 123, extending to the east for a distance of 450 feet, which is equivalent to the existing parking restrictions installed by VDOT on the south side of Boone Boulevard along nonresidential uses. The proposed restrictions will be in effect at all times.

EQUITY IMPACT:
Generally, the establishment of parking restrictions in commercial areas supports a dynamic and accessible commercial environment that benefits businesses, residents, and the wider community, and facilitates free and unrestricted vehicular travel along commercial streets, consistent with One Fairfax. Non-residential property and business owners along service roads benefit by keeping the highway side of the road clear, improving sightlines, and access. Other road users benefit as the reduction of parked commercial vehicles reduces congestion and visibility problems.

Parking restrictions along the highway side of commercial service roads may also impact independent owner-operators of commercial vehicles. These owner-operators provide services on a for-hire basis in support of the county's public, commercial, industrial, and construction sectors and are typically small businesses without a business property to store trucks when not in use; they rely on available public street parking in non-residential areas near their homes.

While specific equity impacts of this restriction have not been identified, authorization of the public hearing for the restriction supports the One Fairfax Policy by ensuring community involvement in the decision-making process

FISCAL IMPACT:
Funding in the amount of approximately $500 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, Appendix R (General Parking Restrictions)
Attachment 2: Area Map of Proposed Parking Restriction

Board Agenda Item
August 25, 2026

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, 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

ASSIGNED COUNSEL:
Paul Emerick, Senior Assistant County Attorney

Attachment 1

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

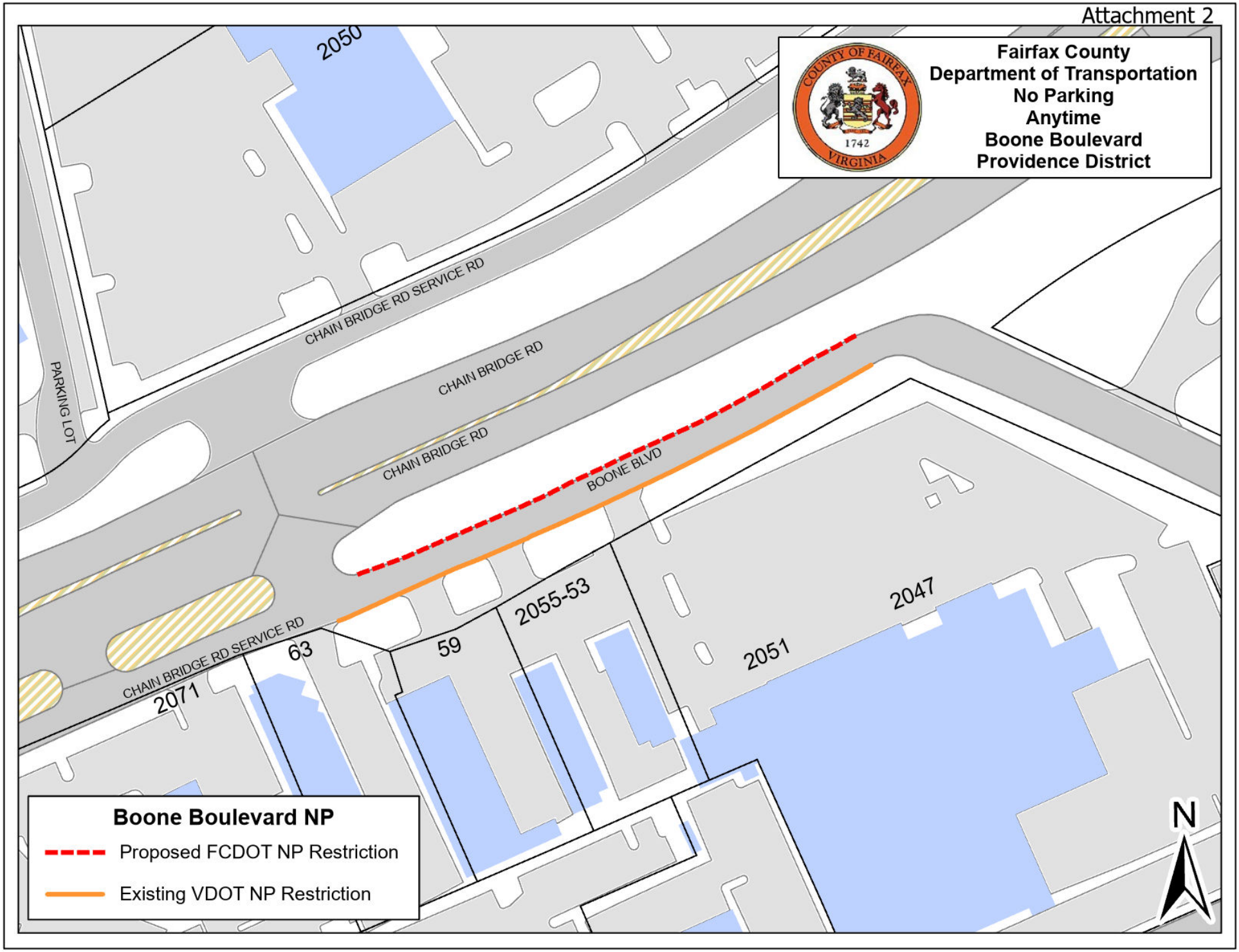
APPENDIX R

Amend *The Code of the County of Fairfax*, *Virginia,* by adding the following to Appendix R, in accordance with Section 82-5-37:

Boone Boulevard (Route 786)

No parking on the north side of Boone Boulevard adjacent to public right of way from the eastern entrance from Route 123, extending to the east for a distance of 450 feet, excluding areas designated as "No Parking" by the Virginia Department of Transportation.

Attachment 2



Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing to Convey Board-Owned Property Located at 14200 Saint Germain Drive to the Fairfax County Redevelopment and Housing Authority (Sully District)

ISSUE:
Authorization of the Board of Supervisors (Board) to advertise a public hearing regarding the conveyance of Board-owned property located at 14200 Saint Germain Drive to the Fairfax County Redevelopment and Housing Authority (FCRHA).

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

TIMING
Board action is requested on August 25, 2026, to provide sufficient time to advertise the proposed public hearing on September 29, 2026, at 4:00 p.m.

BACKGROUND:
The Board is the owner of approximately 4.34 acres of land in the Sully District located at 14200 Saint Germain Drive and described as Tax Map Number 54-3 ((1)) 0012. The site is currently home to the existing Centreville Regional Library. The existing library, constructed in 1991, is in need of major capital renewal and is scheduled to receive Economic Development Authority (EDA) bond funding in FY 2029 to finance a new library co-located with affordable housing per the approved FY 2027 – FY 2031 Capital Improvement Program. An opportunity exists on this site for the co-location of approximately 180 multi-family units with a new regional library and community serving space. Redevelopment of the site will allow for construction of a new regional library while also providing critically needed affordable housing.

The site is within the Centreville Planning Area, which recently underwent a Comprehensive Plan amendment, as approved by the Board on June 23, 2026. The Fairfax County Department of Planning and Development led the area-wide study in coordination with an appointed Task Force. The new Plan language allows for additional residential density in specific areas of Centreville, including the Centreville Library site. Redevelopment of the site would provide residents with convenient access to public

facilities and services, public transportation, and recreational and commercial amenities, consistent with the Board's equity goals as described in its One Fairfax Policy.

The FCRHA is evaluating measures to leverage this high opportunity property for development of housing at a range of incomes by partnering with a private developer. Housing and Community Development (HCD) staff have hosted two community meetings and public outreach efforts will continue both before and after HCD's selection of a development partner. Future required land use zoning actions will be evaluated by County staff and reviewed at public hearings by both the Planning Commission and the Board. The public will be afforded several opportunities during the review process to comment on the design of the redevelopment and its possible impacts on surrounding communities.

Should the transfer be approved, the FCRHA will include a new Centreville Regional Library as part of the affordable housing development project. The existing Centreville Regional Library will continue to be operated and maintained by County agencies, pursuant to a lease of the property from the FCRHA back to the County, until such time as the developer, the FCRHA, and the County are ready to proceed with construction. If the FCRHA no longer pursues the project, the Board may direct the FCRHA to transfer ownership of the property back to the Board pursuant to the memorandum of agreement with the FCRHA approved by the Board on January 15, 2025. Staff recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

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

EQUITY IMPACT:
Leveraging this underutilized parcel will help achieve the Board's goal of increasing the supply of affordable housing by a minimum of 10,000 new units by 2034 to meet the needs of working families. With Fairfax County's Area Median Income at $166,100 for a family of four, the delivery of new affordable housing units in the Sully District aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the provision of a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Centreville Library project will promote opportunities for everyone to fully

participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources

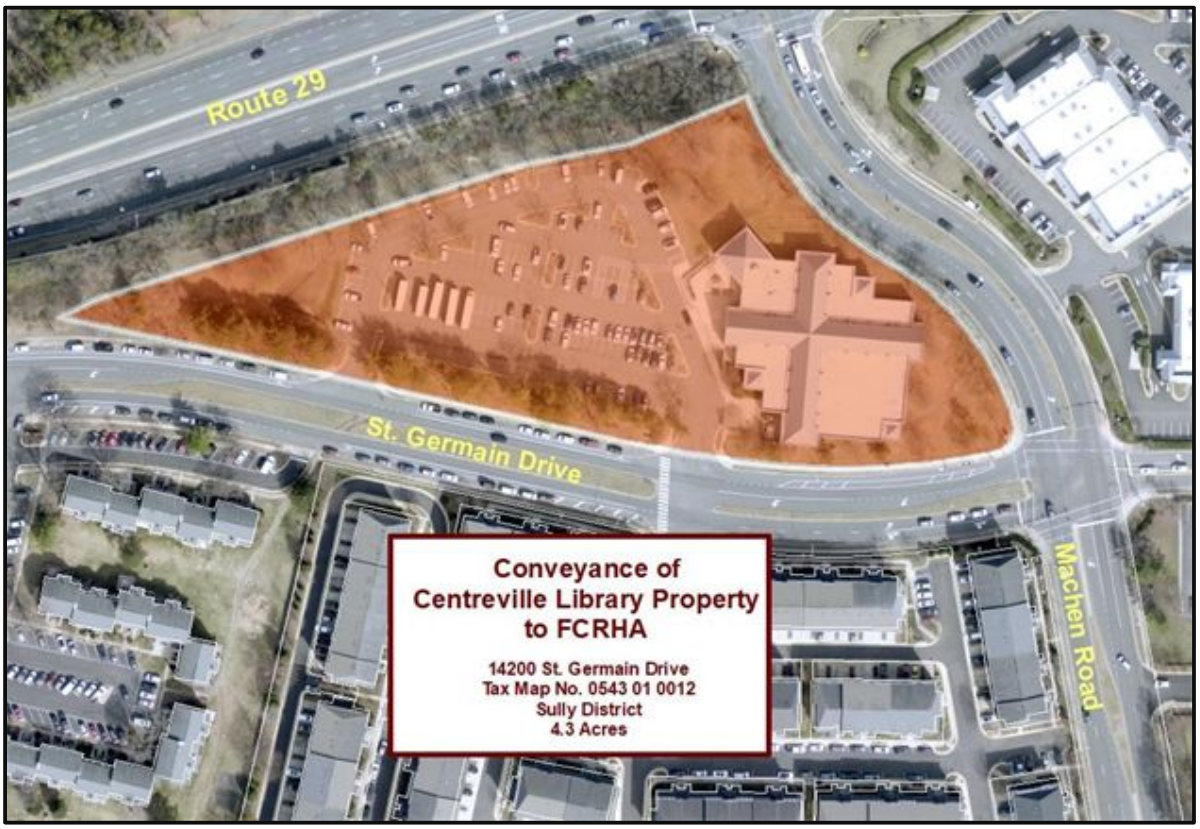
FISCAL IMPACT:
The advertisement of the subject public hearing has no direct fiscal impact. However, a potential redevelopment would leverage the value of publicly owned land by collocating priority uses without the need to acquire additional property or fund separate infrastructure for each use.

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Christopher A. Leonard, Deputy County Executive
Eric Carzon, Director, Fairfax County Public Library
Thomas E. Fleetwood, Director, HCD
Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD
Mark Buenavista, Division Director, Capital Planning and Development, HCD
José A. Comayagua, Director, Facilities Management Department (FMD)
Mike Lambert, Assistant Director, FMD

ASSIGNED COUNSEL:
Ryan Wolf, Senior Assistant County Attorney
F. Hayden Codding, Assistant County Attorney

ATTACHMENT 1



Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 8

Authorization to Advertise a Public Hearing to Consider an Ordinance Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)

ISSUE:
Board authorization to advertise a 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 McLean Residential Permit Parking District (RPPD), District 21.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing for September 29, 2026, at 4:00 p.m., to consider adoption of the proposed amendment to Appendix G to expand the McLean RPPD, District 21, to include Felix Street from Westmoreland Street to Broyhill Street.

TIMING:
Board action is requested on August 25, 2026, to provide sufficient time for advertisement of a public hearing for September 29, 2026, 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 Felix Street have petitioned for the expansion of District 21 due to the large number of non-resident vehicles parked on the residential street during school hours.

Staff have verified that the petitioning blocks are within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of McLean High School and thus qualify for expansion of the RPPD. Staff have also verified that all other requirements to expand the RPPD discussed above have been met.

EQUITY IMPACT:
The project area is located within a very low vulnerability index. Approximately 8% of residents in this Census tract are in low-wage occupations, and approximately 8% of the residents speak English less than well. Establishing residential parking restrictions to prohibit non-resident vehicles during restriction hours through community engagement and public hearing supports One Fairfax Focus Area 8 by fostering trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood. However, at this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
Funding of approximately $1,300 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, Appendix G
Attachment 2: Map Depicting Proposed Expansion of McLean RPPD, District 21

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

ASSIGNED COUNSEL:
Patrick Foltz, Assistant County Attorney

Attachment 1

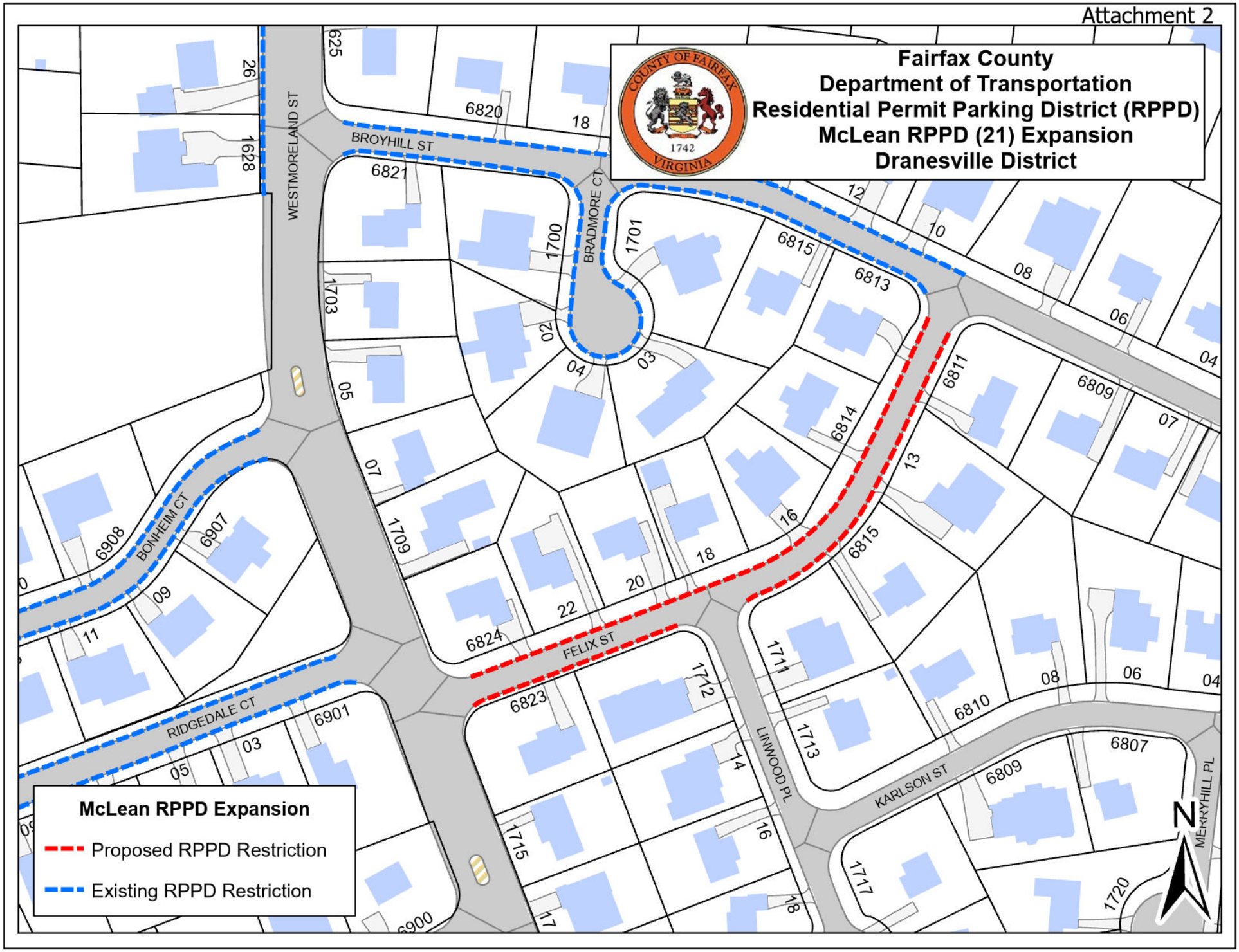
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX G

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following street to Appendix G-21, Section (b)(2), McLean Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Felix Street (Route 2036):

From Westmoreland Street to Broyhill Street


Fairfax County
Department of Transportation
Residential Permit Parking District (RPPD)
McLean RPPD (21) Expansion
Dranesville District
COUNTY OF FAIRFAX
1742
VIRGINIA
WESTMORELAND ST
BROYHILL ST
BRADMORE CT
BONHEIM CT
RIDGEDALE CT
FELIX ST
LINWOOD PL
KARLSON ST
MERRYHILL PL
McLean RPPD Expansion
Proposed RPPD Restriction
Existing RPPD Restriction
N

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 9

Authorization to Advertise a Public Hearing to Consider an Ordinance Establishing the Dranesville Community Parking District (Dranesville District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of The Code of the County of Fairfax, Virginia (Fairfax County Code), to establish the Dranesville Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing for September 29, 2026, at 4:00 p.m., to consider adoption of an amendment to Fairfax County Code (Attachment 1) to establish the Dranesville CPD. The Dranesville CPD would be established in accordance with and subject to the provisions set forth in Article 5B of Chapter 82 of the Fairfax County Code to encompass secondary streets in all residential communities located within two areas described as beginning at Leesburg Pike at the Loudoun County Line, then south along the Loudoun County Line to the Town of Herndon Corporate Line; then east along the Town of Herndon Corporate Line to the Hunter Mill District boundary; then north along the Hunter Mill District boundary to Leesburg Pike; then west along Leesburg Pike to the Loudoun County Line; and beginning at the Town of Herndon Corporate Line at the Loudoun County Line, then south along the Loudoun County Line to the Sully District boundary; then southeast along the Sully District boundary to the Hunter Mill District boundary; then north along the Hunter Mill District boundary to the Town of Herndon Corporate Line; then west along the Town of Herndon Corporate Line to the Loudoun County Line.

TIMING:
The Board of Supervisors should take action on August 25, 2026, to provide sufficient time for advertisement of the proposed public hearing scheduled for September 29, 2026, at 4:00 p.m.

BACKGROUND:
Fairfax County Code Section 82-5B-2 authorizes the Board to establish a Community Parking District for the purpose of prohibiting or restricting the parking of any of the following vehicle types on streets in the CPD: watercraft; boat trailers; motor homes;

camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4.

No such CPD shall apply to: (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3(2), the Board may establish or modify a large area CPD if: (1) an initial submission identifying the requested perimeter has been directed to the appropriate district supervisor, (2) upon written request and verification of community support by the district supervisor, the Department of Transportation shall review the proposed district boundaries and process the request, (3) the proposed District must contain all of a magisterial district, excluding certain areas that meet minimum size requirements, and (4) areas to be excluded from the large area CPD must meet at least one of the following minimum size criteria: at least 3,500 addresses, at least 35 miles of secondary roads, or at least five-square miles in area. Staff have verified that the portion of the Dranesville District to be excluded from the large area CPD meets minimum size criteria. The CPD rules exclude areas not zoned as residential.

The proposed establishment was requested by the Dranesville Supervisor in response to reports of an excessive number of watercrafts, recreational vehicles, and trailers parking on public streets abutting multiple residential communities in the proposed areas. A well-attended community meeting was hosted by Department of Transportation and the Dranesville Supervisor's Office on April 7, 2026, during which community support for the proposed establishment was demonstrated. Following the public meeting, a public survey was open for comment through April 30, 2026. At the conclusion of the survey, it was found that 117 residents had participated in the survey with 74% of respondents voting in support of the proposed CPD establishment.

The proposed Dranesville CPD will encompass the portion of the Dranesville District

that lies south of Leesburg Pike, excluding the Town of Herndon and bound by Loudoun County to the west, Sully District to the south, and Hunter Mill District to the east, as set forth in Attachments 1 and 2.

The parking restriction identified above would be in effect at all times in the proposed areas.

EQUITY IMPACT:
The project area encompasses seven census tracts designated under Fairfax County's Vulnerability Index. Overall, the project area spans the full spectrum of the Vulnerability Index, with one tract rated very low, three rated low, two rated average, and one rated very high. Generally, establishment of restrictions to prohibit parking in communities during restriction hours supports One Fairfax Focus Area 8, neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood. However, parking restrictions in one area can lead to additional parking in other areas. As such, at this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
The recommended changes should have minimal fiscal impact. In accordance with Fairfax County Code Section 82-5B-3(2), posting of signs designating a large area CPD are not required.

ENCLOSED DOCUMENTS:
Attachment 1: Amendment to the Fairfax County Code, Appendix M (Community Parking District Restrictions)
Attachment 2: Area Map of Proposed Dranesville CPD

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
August 25, 2026

ASSIGNED COUNSEL:
Patrick V. Foltz, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

APPENDIX M

M-101. Dranesville Community Parking District.

(a) District Designation.

(1) The restricted parking area is the Dranesville Election/Magisterial District but excludes all areas of the Dranesville District except the area within the Dranesville Community Parking District as set forth below.

(2) Parking is restricted within the area designated as the Dranesville Community Parking District.

(3) Blocks included in the Dranesville Community Parking District are described below:

All existing and future public secondary streets in residential areas within the perimeter of the Dranesville Community Parking District as set forth below.

The Dranesville Community Parking District also includes the previously established Reflection Community Parking District.

The Dranesville Community Parking District encompasses two areas within the Dranesville Magisterial District. The perimeter for the Dranesville Community Parking District is:

Northern Area:

Beginning at Leesburg Pike at the Loudoun County Line, then south along the Loudoun County Line to the Town of Herndon Corporate Line; then east along the Town of Herndon Corporate Line to the Hunter Mill District boundary; then north along the Hunter Mill District boundary to Leesburg Pike; then west along Leesburg Pike to the Loudoun County Line.

Southern Area:

Beginning at the Town of Herndon Corporate Line at the Loudoun County Line, then south along the Loudoun County Line to the Sully District boundary; then southeast along the Sully District boundary to the Hunter Mill District boundary; then north along the Hunter Mill District boundary to the

Town of Herndon Corporate Line; then west along the Town of Herndon Corporate Line to the Loudoun County Line.

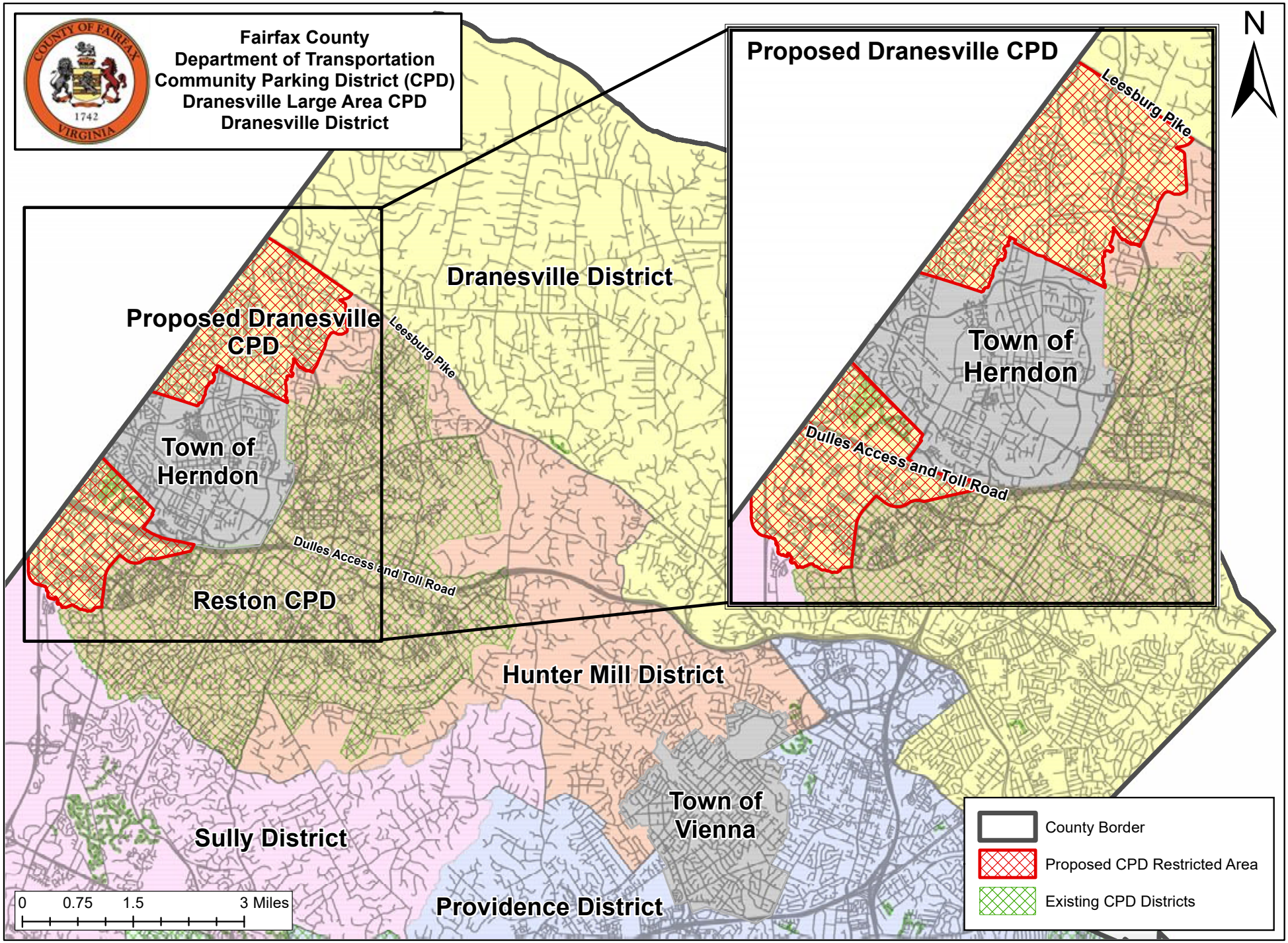
(b) District Provisions.

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Dranesville Community Parking District.

(3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state or local public agencies to provide services.

(c) *Signs*. Signs delineating the Dranesville Community Parking District will not be installed.


Fairfax County
Department of Transportation
Community Parking District (CPD)
Dranesville Large Area CPD
Dranesville District
N
Proposed Dranesville CPD
Leesburg Pike
Town of Herndon
Dulles Access and Toll Road
Proposed Dranesville CPD
Leesburg Pike
Town of Herndon
Dulles Access and Toll Road
Reston CPD
Dranesville District
Hunter Mill District
Town of Vienna
Sully District
Providence District
0 0.75 1.5 3 Miles
County Border
Proposed CPD Restricted Area
Existing CPD Districts

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 10

Authorization to Execute a Design Support Agreement with the Washington Metropolitan Area Transit Authority for the Design of the Bus Loop at the Huntington Metrorail Station (Mount Vernon and Franconia Districts)

ISSUE:
Board of Supervisors' (Board) approval of, and authorization for the Director (or designee) of the Fairfax County Department of Transportation (FCDOT) to execute, a Design Support Agreement (DSA) with the Washington Metropolitan Area Transit Authority (WMATA) for design review services related to the proposed Richmond Highway Bus Rapid Transit (RHBRT) project's bus loop and terminus at the Huntington Metrorail Station. The DSA is included as Attachment 1.

RECOMMENDATION:
The County Executive recommends that the Board authorize the Director of FCDOT (or designee) to execute a DSA with WMATA, substantially in the form of Attachment 1, along with any subsequent amendments, for design review services related to the RHBRT project's bus loop and terminus on the south side of the Huntington Metrorail Station.

TIMING:
Board approval is requested on August 25, 2026, so that FCDOT can continue with design work on the RHBRT project's bus loop and terminus on the south side at the Huntington Metrorail Station, and so WMATA can provide an expeditious review and approval of that design work. Design of the terminal must be completed by January 31, 2027.

BACKGROUND:
In 2013, the Virginia Department of Rail and Public Transportation (DRPT) conducted a Multimodal Alternatives Analysis for the Richmond Highway corridor in coordination with Fairfax County, Prince William County, the Virginia Department of Transportation (VDOT) and the Virginia Office of Intermodal Planning and Investment (OIPI). In October 2014, the project Executive Steering Committee adopted a resolution in support of the study's final recommendations, and the final report was completed in

January 2015. The study recommended a median-running Bus Rapid Transit (BRT) system to be constructed on Richmond Highway from the Huntington Metrorail Station in the short term and an extension of the WMATA Yellow Line to Hybla Valley in the long term. In 2018, the Board approved a Comprehensive Plan Amendment called Embark Richmond Highway (Embark), which recommended implementing a BRT system and widening and improving Richmond Highway. The County has moved forward with designing and constructing the RHBRT system, which will have nine stations and will connect to major employment centers, shopping centers, and residential communities along the Richmond Highway corridor, from Huntington Metrorail Station to Fort Belvoir.

The RHBRT project, combined with Embark land use recommendations and the Comprehensive Plan Amendment for the Huntington area, will make the economic transformation of the Richmond Highway corridor possible, starting on the north side of the corridor at the Huntington Metrorail Station. The Station connects, via the Yellow Line, to the City of Alexandria, the Pentagon, and Washington D.C., all major employment centers in the region.

County and WMATA staff have worked collaboratively to develop a concept plan for the Huntington Metrorail Station bus loop that is mutually agreeable. That concept plan constitutes the basis for moving forward to 100 percent design of the RHBRT bus loop and terminus at the Station. The concept plan creates safe internal circulation for site users, including buses, automobiles, and pedestrians and it maximizes the number of kiss-and-ride spaces for Yellow Line customers. Most importantly, from the County's perspective, the DSA allows County staff to create a design for the terminal for the RHBRT project that will accommodate current and future Fairfax Connector services. The DSA (Attachment 1) delineates how the design process will proceed, based on the concept plan, including oversight and review by WMATA staff to ensure compliance with WMATA design requirements, practices, criteria and standards. Of note, the DSA requires that the County engage WMATA staff in three design charettes. To date, the County has completed two charrettes, including one at the 30 percent design level.

EQUITY IMPACT:
The RHBRT project will connect communities with average to high vulnerability indices to commercial corridors and destinations in the National Capital region. This project also includes multimodal improvements that will reduce traffic congestion and add active transportation facilities for pedestrians and cyclists.

The Project has been included in the Board's approved Transportation Priorities Plan (TPP) since January 2014. The RHBRT project aligns with the One Fairfax policy promoting a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health. As such, this project associated with this agreement has the potential to advance equity.

FISCAL IMPACT:
The initial estimate of WMATA's costs for the process undertaken by the Design Support Agreement for the Huntington Metrorail Station Improvement Project is $100,000. A final estimate will be provided once maintenance responsibility and design standards have been determined. Should the required work change such that funding is insufficient, WMATA will notify the County immediately and provide a revised estimate. Preliminary Engineering and Design for the RHBRT project is currently funded with Northern Virginia Transportation Authority (NVTA) 70 percent funds in Project 2G40-162-000, Route 1 BRT NVTA 70, in Fund 40010, County and Regional Transportation Projects. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment 1: Design Support Agreement Between the Washington Metropolitan Area Transit Authority and the Board of Supervisors of Fairfax County, Virginia, for the Huntington Metrorail Station Improvements Project

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
Yuqing Xiong, Chief, Special Projects Division, FCDOT
Noelle Dominguez, Chief, Coordination and Funding Division (CFD), FCDOT
Vanessa Aguayo, Chief, Capital Projects Section, FCDOT
Brent Riddle, Chief, Coordination Section, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Senior Assistant County Attorney

DESIGN SUPPORT AGREEMENT

BETWEEN THE

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

AND THE

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

FOR THE

HUNTINGTON METRORAIL STATION IMPROVEMENTS PROJECT

This Design Support Agreement ("**Agreement**") is made and entered into the date of the last execution by the Parties below, by and between the Washington Metropolitan Area Transit Authority, an interstate compact agency and instrumentality of the District of Columbia, the State of Maryland, and the Commonwealth of Virginia, with headquarters at 300 7th Street, SW, Washington, DC 20024 ("**WMATA**"), and the Board of Supervisors of Fairfax County, Virginia, a political subdivision of the Commonwealth of Virginia ("**County**"). WMATA and the County are each referred to herein by name or as a "**Party**," or collectively, as the "**Parties.**"

WITNESSETH:

WHEREAS, WMATA operates the Huntington Metrorail Station located in Fairfax County, Virginia (the "**Huntington Station**") for the benefit of the public; and

WHEREAS, the Parties seek to maximize access to the Huntington Station by the local community and commuters; and

WHEREAS, the County, at its own expense, will design, construct, operate, and maintain a Bus Rapid Transit ("**BRT**") Facility, inclusive of its utility and power requirements, for its Richmond Highway Bus Rapid Transit ("**RHBRT**") project terminating at the Huntington Station south entrance (the "**Project**"), which is currently occupied by a decommissioned parking garage, 4 bus bays, and 27 Kiss and Ride spaces shown in **Exhibit A**; and

WHEREAS, the County proposes to advance design for a Surface BRT Terminal on the existing south bus loop and Kiss and Ride facilities on WMATA's property located off North Kings Highway ("**Surface BRT Terminal**") shown in **Exhibit B**; and

WHEREAS, the County will develop the 100% Design – Issued for Construction design documents, which consist of the Surface BRT Terminal designs for the Project (the "**Design**

Documents"); and

WHEREAS, the County desires WMATA's review and approval of the Design Documents and WMATA agrees to review the Design Documents pursuant to the terms and conditions in this Agreement; and

WHEREAS, after the Design Documents are complete, implementation and construction of the Project will be subject to WMATA and the County's execution of a project coordination and construction agreement, maintenance agreement for the County's maintenance obligations and any other necessary agreement; and

WHEREAS, the County acknowledges that the Project will be subject to WMATA's Compact Public Hearing requirement and WMATA Board approval.

NOW, THEREFORE**,** in consideration of the preceding and the agreements, terms, covenants, and conditions hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. PROJECT SCOPE.

A. *Surface BRT Terminal*. The proposed Surface BRT Terminal, conceptually illustrated as reconfiguring the existing bus loop and Kiss and Ride located at the intersection of North Kings Highway (SR 241) and Jefferson Drive. The Surface BRT Terminal seeks to expand bus bay capacity by up to three (3) new bus bays, two (2) layover bus bays, and new BRT station canopies, as well as reconfigure and/or relocate the existing kiss and ride lot. The Surface BRT Terminal also seeks to modify the bus loop entrance off North Kings Highway and improve pedestrian access improvements from the bus loop and kiss and ride to the existing Metro entrance, as well as pedestrian crossings of North Kings Highway at both Farmington Drive and Jefferson Drive. In addition, the County will provide Americans with Disabilities (ADA) access outside of the footprint of the existing Metro south garage through two new elevators between the Surface BRT terminal and the Metro station mezzanine. The Surface BRT Terminal shall not impede future joint development and/or access to adjacent parcels.

2. COUNTY RESPONSIBILITIES.

A. *General.* The County shall design the Project, at the County's sole cost, in accordance with the terms of this Agreement and any subsequent agreements related to the Project between the Parties. The County will be responsible for all the design work associated with the Project, including solicitation of design and construction contractors, obtaining all permits for the Project, conducting any County-required public hearings, and ensuring all environmental requirements are satisfied.

B. *Meetings*. The County shall organize a minimum of three design charrette meetings as soon as possible, which may include WMATA's review of the 30% design submission between WMATA, the County, and WMATA's and the County's representatives.

C. *County Design Requirements*. The County shall design the Project in accordance with the terms of this Agreement, any subsequent agreements related to the Project entered into by the Parties, as well as:

i. applicable best engineering practices,
ii. transit industry standards,
iii. WMATA Bus and Terminal Design requirements,
iv. WMATA Design Criteria and Standards, and the Adjacent Construction Project Manual.

D. *Applicable Version of Practices, Standards and Manual*. The County shall complete the Design Documents in accordance with the versions of the practices, standards and manuals listed above in Section 2(C) in effect on the date that the County issues its notice to proceed to its current design contractor; provided, however, if a build contract is not awarded within two (2) years of such NTP date, then WMATA may require the County to update the design to the then current versions of such practices, standards and manuals.

E. *Design Documents*. The Design Documents shall include, but not be limited to, the following:

i. Data and rationale in support of the proposed terminal program, notably for the number of bus bays and short-term pick-up/drop-off spaces. Anticipated service projections for BRT and local buses, bus sizes, headways, frequency, dwell times, operating costs, and vehicle turning diagrams using bus design vehicle of appropriate size at the access points, in the bus bays, and along internal drive aisles for buses.

ii. The proposed design.

iii. The technical specifications to accommodate specific Project requirements. The specifications will be agreed upon throughout the Design Documents process and will be regarded as complete upon WMATA approval of the Design Documents (including the technical specifications).

iv. The proposed Project Schedule with a preliminary description of construction sequencing for the Project.

v. A preliminary schedule-based submittal plan listing the submissions to be made to WMATA for review and approval.

vi. A preliminary list of all WMATA Facilities and Right-of-Way identified to be affected, altered, and/or removed during the Project and proposed procedures to be used for protection, restoration, and/or replacement of the WMATA Facilities affected, removed, and/or altered. The County's plans must show all existing WMATA Facilities through highlight/shading on relevant plans, describe the effects of the proposed Terminal design on WMATA Operations and depict how WMATA's operations will maintain full functionality during construction and operations, including any interim

facility plans.

vii. A constructability study that shows: a) how the Surface BRT Terminal will be built while maintaining bus and kiss & ride operations at existing bus terminal and access to the station; and b) detailed phasing and sequencing plans with clear timelines.

viii. A written description and graphical representation of identified physical impacts that construction of the Project may have on WMATA Facilities currently in operation. The description must list all penetrations and planned modifications at or near any portion of existing WMATA Facilities.

ix. The County shall submit Design Documents to WMATA for the 30%, 60%, and 100% design stages.

x. A list of proposed deviations from the WMATA standards described above in Sections 2(C) and 2(D).

F. The County shall design the Project in compliance with the current Americans with Disabilities Act Standards for Transportation Facilities adopted by the U.S. Department of Transportation (2006, as updated and amended from time to time) and the U.S. Department of Justice's 2010 Americans with Disabilities Act Standard (as updated and amended from time to time).

G. The County will provide documentation and other support as necessary, as well as funding for WMATA staff to complete the Compact Public Hearing process, inclusive of creating a Public Participation Plan.

3. WMATA'S REVIEW

A. *Coordination of WMATA's Review.*

i. The County and WMATA acknowledge that the Project will be performed utilizing a design-bid-build process.

ii. The County will forward each submission of the Design Documents to WMATA for review with a design review log for recording WMATA responses.

iii. The County will respond within thirty (30) Calendar Days to WMATA's comments in the Parties' design review log after receiving WMATA's comments on the Design Documents.

iv. After the County has provided said responses to WMATA, the County and WMATA may schedule an optional in-person meeting to discuss; provided however, WMATA must be given at least thirty (30) Calendar Days to distribute and review the County's responses before any such meeting may take place.

B. *Submissions to WMATA for Acceptance.* To obtain WMATA's acceptance of the Design Documents, the County must submit to WMATA at least one electronic (.pdf) copy of the Design Documents (and/or as otherwise required by WMATA's standards). The County shall submit such electronic copies for review using WMATA's electronic data management system (currently called "**Procore**").

i. Submissions Must Be Certified. Prior to submission to WMATA of the Design Documents, the County shall cause its designer of record to certify with a PE stamp/seal that the submission complies with the terms of this Agreement.

ii. Submission Compliance. All submissions to WMATA shall comply with the WMATA Design Criteria and Standards and the Adjacent Construction Project Manual, as set forth in Section 2(C)-(E) above, and all Applicable Laws.

a. If the County knows that portions of the Design Documents are at variance with the WMATA Design Criteria and Standards, the Adjacent Construction Project Manual, or any Applicable Laws, the County shall maintain a variance log and inform WMATA in writing upon discovery of the variance and in all events effect corrections in a manner satisfactory to WMATA.

b. If the County wishes to design and construct any portion of the Project at variance from the WMATA Design Criteria and Standards and/or the Adjacent Construction Project Manual, the County must submit such request by the means identified above and obtain WMATA's prior written approval of each variance. WMATA will respond to such request within thirty (30) Business Days or such other period as mutually agreed upon by the Parties. Any design variance that requires submission to the WMATA Design Control Board may exceed the thirty (30) Business Days.

iii. WMATA Time for Review. WMATA shall have thirty (30) Calendar Days to review each submission of the Design Documents. WMATA's time for review shall not begin to toll until the complete comprehensive set of documents in sufficient detail, as determined by WMATA, has been submitted by the County. If the Design Documents are received after 2:00 p.m., then WMATA's allotted time for review will not begin to run until the following Business Day. WMATA shall provide its acceptance or rejection of the Design Documents within the 30-day period. At the end of the 30-day period, if WMATA has not provided comments on the Design Documents submitted, the County will notify WMATA that it has 5 additional business days to provide a response. If, after the additional 5 days have passed, WMATA has not responded, the County will notify the Director of Real Estate and Joint Development Adjacent Construction (JDAC) Senior Program Manager, with copy to WMATA's General Counsel, requesting comments and/or approval. If, after 5 additional business days, WMATA still does not respond, the County will initiate Dispute Resolution procedures, as described in Section 7. In the event WMATA rejects the Design Documents, WMATA shall include the nature of WMATA's objections or qualifications. The County will address comments into the next design submission (i.e., WMATA's comments on the draft design submission will be incorporated into the County's revised design

submission).

iv. Changes to Design Documents. Once WMATA has accepted the Design Documents, WMATA may not require changes to the Design Documents unless related to safety issues, non-compliance with WMATA Design Criteria and Standards and/or any legal issue that WMATA will be required to comply with; and the County shall not change the Design Documents without WMATA's prior written consent. The County shall submit any proposed change(s) to the Design Documents, including but not limited to change orders and shop drawings, to WMATA for review. To ensure that WMATA can evaluate how the proposed change is incorporated into the Project, the County shall submit a complete and comprehensive change proposal package (which must include all parts of the Project and/or WMATA Facilities to be impacted by such proposed change) when seeking a change under this Section. WMATA shall review and provide written acceptance or rejection of the proposed change in accordance with the procedures described in Section 3(B)(iv). WMATA's review rights shall be limited to matters not previously reviewed by WMATA, provided; however, WMATA acceptance of the Design Documents is conditional and subject to WMATA's receipt of additional information, enhanced detail provided at subsequent stages of design or development, and/or changes to the Project which change the matter previously accepted.

v. Purpose of WMATA's Review. WMATA's review shall be for its own purposes only (and may not be relied upon by any other Party for any purpose) in order to ensure that WMATA's operations and Facilities are properly protected and designed in accordance with established criteria.

4. WMATA's COSTS.

A. *WMATA Cost Account*. The Parties hereby acknowledge that WMATA is agreeing to review the Design Documents pursuant to its "Reimbursable Project" policy approved by WMATA's Board of Directors in Resolution 99-63. The County shall fund in advance, and keep funded, an account to be held by WMATA ("**WMATA Cost Account**") for all WMATA's direct and indirect costs incurred in connection with its review of the Design Documents.

B. *WMATA Cost Account Draws*. WMATA is permitted to draw from the WMATA Cost Account throughout the duration of its review of the Design Documents. WMATA will also use funds in the WMATA Cost Account to pay for direct and indirect costs, including third-party out-of-pocket expenses incurred by WMATA in connection with the Compact Public Hearing. WMATA shall provide the County with a quarterly expenditure report that includes a progress report of work performed during the period, along with an itemized accounting and description of costs incurred by WMATA. WMATA will submit expenditure reports within forty-five (45) Calendar Days of the end of each third month unless WMATA otherwise notifies the County. On each expenditure report, WMATA will certify in writing that its costs are direct and/or indirect costs incurred in connection with the Project. The County reserves the right to request additional information to satisfy the requirements of any regional, state or federal agency that provides grant funds.

C. *Funding of WMATA Cost Account*. Within five (5) Business Days of execution of this Agreement, the County shall fund $100,000 as an initial payment into the WMATA Cost Account. At any time that the balance in the WMATA Cost Account dips below $25,000, WMATA will provide the County with an invoice showing the amount needed to restore the WMATA Cost Account to its initial balance. The County will make the payment to restore the fund balance to $100,000 within thirty (30) Calendar days of receiving such invoice.

D. *WMATA Cost Estimate*. WMATA will provide the County with an estimate of its direct and indirect costs related to review of the Design Documents, including third-party out-of-pocket expenses incurred by WMATA in connection with the Compact Public Hearing. The current estimate is $100,000. A final estimate will be provided once maintenance responsibility and design standards have been determined. Should the required work change such that funding is insufficient, WMATA will notify the County immediately and provide a revised estimate. The County and WMATA acknowledge and agree that such estimates are for informational purposes only.

E. *WMATA Personnel and Resources*. WMATA will only use such personnel and resources as are reasonably necessary to perform the services under this Agreement.

F. *Prerequisites for WMATA Review of Design Document*. WMATA will not be obligated to perform its review of the Design Documents unless (i) WMATA's undisputed costs are paid in full and (ii) the Parties are diligently working to resolve WMATA's disputed costs (if any). If the County fails to reimburse WMATA's undisputed costs related to the review of the Design Documents, or the Parties fail to diligently work to resolve disputed costs, WMATA will send the County written notice of such failure and all review work by WMATA will stop until WMATA's undisputed costs are fully reimbursed and/or the disputed costs are resolved.

G. *Dispute Resolution*. Any disputes concerning an invoice shall be resolved in accordance with the Dispute Resolution (Section 7) provision of this Agreement.

5. INDEMNITY AND INSURANCE.

A. *Indemnity*. The County shall require its contractors and subcontractors to indemnify and hold harmless WMATA and WMATA's officers, officials, and employees against any liability and claims for injury, including personal injury to or death of person or persons, and for loss or damage occurring in connection with the Project. The indemnity described herein is a contractual undertaking that is not limited by the limits of insurance provided in relation to this Agreement.

B. *Insurance*.

i. If the County hires a contractor for construction related to this Agreement, the County shall require its contractor to provide insurance coverage in accordance with the requirements described in **Exhibit C**, attached hereto and made a part hereof.

ii. The County shall submit a self-insurance letter to WMATA evidencing its liability insurance program.

C. *Survive Termination*. The terms of this Section shall survive the expiration or earlier termination of this Agreement.

6. REPRESENTATIONS AND WARRANTIES.

A. *Representations and Warranties of the County*. The County hereby represents and warrants as follows:

i. *Organization*. The County is a political subdivision of the Commonwealth of Virginia.

ii. *Authority*. The County has the power and authority to enter into this Agreement and has taken all actions necessary to cause this Agreement to be executed and delivered, and this Agreement has in fact been duly and validly executed and delivered by the County.

iii. *Binding Obligation*. This Agreement is a legal, valid, and binding obligation of the County, and is enforceable against the County in accordance with its terms, subject to bankruptcy or other equitable principles that may limit the rights of creditors.

iv. *No Breach*. The County's entering into this Agreement will not violate any Applicable Laws or breach any contract to which the County is a party or by which it is bound or the provision of the County's organizational documents.

v. *No Litigation*. There are no actions, suits, arbitrations, government investigations, or pending proceedings to which the County or any of its members, officers, or directors is a party, nor to the best of the County's knowledge, are any of the foregoing threatened, which might adversely affect the County's right or ability to enter into or perform under this Agreement.

vi. *Conflicts of Interest, Debarment*. No officer, Board member, or employee or agent of WMATA who deals in any way with management, real estate, construction, procurement, planning, or joint development, or any member of any such person's immediate family (which term "immediate family" shall, for the purposes of this Section, mean the parent, spouse, sibling, child, grandparent or grandchild of any of the foregoing persons), has or will have any financial or other interest in, or in common with, the County. The County will comply, and the County will contractually obligate each of its third-party contractors at any tier to comply with or contractually obligate its subcontractor(s) to comply, with the provisions of Executive Orders 12549 and 12689, "Debarment and Suspension," 31 U.S.C.§ 6101, and U.S. DOT regulations on Debarment and Suspension at 49 CFR Part 29. The County shall include the requirements of the preceding sentence in each first-tier subcontract and shall require each second- and lower-tier contractor to include them in any lower tier subcontract.

B. *Representation and Warranties of WMATA*. WMATA hereby represents and warrants to the County as follows:

i. *Organization.* WMATA is an interstate compact agency, organized and existing under the laws of the State of Maryland, the Commonwealth of Virginia and the District of Columbia, is in good standing under Federal and local laws, and has the power and authority to carry on business as contemplated by this Agreement.

ii. *Authority*. WMATA has power and authority to enter into this Agreement and has taken all actions necessary to cause this Agreement to be executed and delivered, and this Agreement has in fact been duly and validly executed and delivered by WMATA.

iii. *Binding Obligation*. This Agreement is a legal, valid, and binding obligation of WMATA, and is enforceable against WMATA in accordance with its terms, subject to bankruptcy or other equitable principles that may limit the rights of creditors.

iv. *No Breach*. WMATA's entering into this Agreement will not violate any Applicable Laws or breach any contract to which WMATA is a party or by which it is bound or the provisions of any WMATA organizing document.

v. *No Litigation*. There are no actions, suits, arbitrations, governmental investigations or pending proceedings to which WMATA is a party, nor to the best of WMATA's knowledge, are any of the foregoing threatened, which might adversely affect WMATA's right or ability to enter or perform under this Agreement.

7. DISPUTE RESOLUTION.

The Parties each agree to assign point persons with authority to act on their behalf to implement and exercise their respective responsibilities and rights under this Agreement. WMATA hereby names Senior Program Manager for the Office of Joint Development and Adjacent Construction, or designee and the County hereby names the Chief, Special Projects Division for the Department of Transportation ("Project Point of Contacts"). The Project Point of Contacts shall be the first level of dispute resolution.

Any dispute that cannot be resolved by the Project Point of Contacts shall be formally presented in writing to the Project's second level reviewers, who shall be (i) Director of Engineering for WMATA and (ii) the Transportation Director for the County. Any resolution of the dispute shall be reduced to writing and signed by the second level reviewers.

If the dispute cannot be resolved by the second level of review, then the matter shall be presented to the County Executive for the County and the WMATA SVP of Infrastructure for a final determination.

8. TERMINATION.

Either Party may terminate this Agreement by providing Notice of Termination to the other Party; provided, however, upon such termination, the County shall reimburse all outstanding costs owed to WMATA under Section 4 of this Agreement and the Parties shall have no further

obligations under this Agreement, except for any obligations that survive termination of this Agreement. Otherwise, this Agreement will terminate when WMATA's review of the Design Documents is complete and WMATA has accepted the Design Documents.

9. NOTICE.

A. *Notices*. All notices, demands or requests which are required or permitted by this Agreement to be given or delivered to either Party ("**Notice**") shall be in writing and shall be: (1) personally delivered; (2) sent prepaid for next business day delivery by a nationally recognized overnight courier service; or (3) sent by certified mail, return receipt required. Notices and other communications shall be deemed to have been given on the earlier of actual receipt or on the first business day upon which delivery is attempted, even if delivery cannot be made due to refusal of, or failure by the addressee to accept, such attempted delivery. Except as otherwise provided herein, any such notice or other document shall be addressed as follows:

If to the County:	Director, Fairfax County Department of Transportation 4050 Legato Road, Suite 400 Fairfax, VA 22033
With copies to:	Office of the County Attorney 12000 Government Center Parkway, Suite 549 Fairfax, VA 22035
If to WMATA:	Vice President, Real Estate and Development, and Director, Joint Development and Adjacent Construction Washington Metropolitan Area Transit Authority 300 7th Street, SW Washington, DC 20024
With copies to:	General Counsel, Executive Vice President, Chief Legal Officer & General Counsel Legal & Compliance Washington Metropolitan Area Transit Authority 300 7th Street, SW Washington, D.C. 20024

B. Each Party may change its address or addresses for delivery of Notice by giving Notice of such change of address to the other Party.

10. MISCELLANEOUS.

A. *Disclaimer of Liability*.

i. By reviewing, approving, accepting, requiring the correction of any submissions, or having the right to do any of the same, WMATA accepts no liability for any design and/or construction defects, flaws, or mistakes, and waives none of its legal rights.

ii. No instruction, review, approval, and/or acceptance by WMATA shall be construed to be (i) a warranty, guarantee, or assurance of the adequacy of the design of the Project or (ii) be included as part of the quality control or quality assurance for the Project.

iii. WMATA will have no liability and waives none of its rights under this Agreement by reason of its review, approval, acceptance, and/or modification of the County's proposed schedule.

iv. Reviews and inspections are conducted for WMATA's sole benefit, and not for the benefit of any other party or person.

B. *Exhibits and Recitals*. All recitals at the beginning of this Agreement and Exhibits annexed hereto are incorporated herein and made a part of this Agreement for all purposes.

C. *Captions*. The captions, headings and arrangements used in this Agreement are for convenience only and do not in any way affect, limit, amplify, or modify the terms and provisions hereof.

D. *Number and Gender of Words*. Whenever herein the singular number is used, the same shall include the plural where appropriate, and words of any gender shall include each other gender where appropriate.

E. *Construction*. No provision of this Agreement shall be construed in favor of, or against, any Party by reason of any presumption with respect to the drafting of this Agreement, both Parties, being represented by counsel, having fully participated in the negotiation of the terms of this Agreement.

F. *Cumulative Remedies and Waiver*. Except as otherwise provided in this Agreement, no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default, omission or failure of performance hereunder shall impair any right or power or be construed as a waiver thereof, but any such right and power may be exercised from time to time and as often as deemed expedient. No waiver, amendment, release or modification of this Agreement shall be established by conduct, custom or course of dealing.

G. *Binding Effect*. This Agreement shall be binding upon and inure to the benefit of

WMATA and the County and their respective successors, heirs and permitted assigns.

H. *Parties in Interest*. Nothing in this Agreement, expressly or impliedly, is intended to or shall be construed to confer upon or to give to any person or entity other than WMATA and/or the County any rights, remedies, or claims under or by reason of this Agreement or any of the provisions set forth herein, and all such rights, remedies or claims shall be for the sole and exclusive benefit of the Parties hereto.

I. *Arm's Length Transaction*. This Agreement does not create any partnership, joint venture, agency, or other similar relationship among the Parties. WMATA shall not be responsible for making any payments to any contractor, subcontractor, agent, consultant, employee, or supplier of the County.

J. *Entirety and Amendments*. This Agreement and the Exhibits attached hereto and forming a part hereof set forth constitute the entire agreement between the Parties with respect to the matters contemplated by this Agreement and may be amended or supplemented only by an instrument in writing executed by both Parties.

K. *Severability*. If any of the provisions of this Agreement is deemed to be invalid or unenforceable, such invalidity or unenforceability will not invalidate or render unenforceable the remainder of this Agreement.

L. *No Assignments*. Neither this Agreement, nor any rights or interests conferred hereunder, shall be assigned or transferred in any manner by either Party without the prior written consent of the other Party hereto.

M. *Time of the Essence*. Time shall be of the essence with respect to achievement of Final Acceptance of the Project.

N. *Approvals*. All approvals required from either Party hereto must be in writing to be effective.

O. *Non-Use of WMATA Status*. The County understands and agrees that in no event shall the County, or any contractor, subcontractor, supplier, materialman, or other third-party assert or attempt to assert for its own benefit any exemption or immunity available to WMATA under the WMATA Compact.

P. *Anti-Deficiency Clause*. It is the intent and understanding of the Parties that WMATA's review of the Design Documents is to be undertaken at no cost to WMATA. In accordance with the WMATA Compact, all obligations of WMATA under this Agreement that directly or indirectly require the expenditure by WMATA of any of its funds are subject to the appropriation and availability of funding through WMATA's budgetary procedures.

Q. *No Waiver of Sovereign Immunity*. Nothing in this Agreement shall be deemed to waive WMATA's or the County's sovereign immunity.

R. *Debarment and Suspension*. No member of or delegate to Congress, or resident commissioner, shall share a part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend this Agreement if made with a corporation for its general benefit.

S. *Governing Law and Venue*. This Agreement shall be construed in accordance with the laws and judicial precedents in effect in the Commonwealth of Virginia except to the extent that the laws of Virginia conflict with the WMATA Compact, in which case WMATA shall be governed by the WMATA Compact. Any action or proceeding seeking to enforce any provision of, or based on any right arising out of, this Agreement shall be brought against any of the Parties hereto only in the U.S. District Court for the Eastern District of Virginia, Alexandria Division, and each Party irrevocably consents to the sole and exclusive jurisdiction of such federal court (and of the appropriate appellate court) in any such action or proceeding and waives any objection to venue laid therein.

T. *WMATA/County Relationship*. Nothing herein shall be deemed to create an agency, partnership, employment, or joint venture between the Parties. Each Party's personnel shall be considered solely employees or agents of that Party and not employees or agents of the other Party. Neither Party has the authority to bind the other to any third party nor otherwise to act in any way as the representative of the other, unless otherwise expressly agreed to in writing and signed by both Parties.

U. *Counterparts*. This Agreement may be executed in counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

11. DEFINITIONS.

A. Capitalized Terms in this Agreement shall have the meanings set forth in this Article:

"*Adjacent Construction Project Manual*" means WMATA's Adjacent Construction Project Manual.

"*Agreement*" is defined in the preamble and shall include any amendments, supplements, or other modifications of this Agreement from time to time.

"*Applicable Law*" means the following as the same may be in effect from time to time: any judicial decisions, statutes, rulings, rules, regulations, permits, or ordinances of any federal, state or local governmental or quasi-governmental authority that relate in any way or are applicable to the construction described herein.

"*Business Day*" means any day except a Saturday, Sunday, or Federal holiday.

"Calendar Day" means any day including a Saturday, Sunday, or Federal holiday.

"*County"* is defined in the preamble.

"Design Documents" means the design documents, reports, drawings, and specifications included in the design phase for the Project. The "Design Documents" shall also include any changes/modifications (including change orders, shop drawings, and/or requests for information) to the documents and shall also include any such documents that may also be required to be completed in connection with the issuance of any government approvals.

"*Metro Station*" means WMATA's Huntington Metro station.

"*Notice*" is defined in Section 9.

"*Party*" is defined in the Preamble.

"*Project*" is defined in the Preamble.

"*Project Schedule*" is described in Section 2(E).

"*WMATA Compact*" means the interstate compact that created and organized WMATA pursuant to Public Law 89-774, 80 Stat. 1324, Maryland Acts of General Assembly Chapter 869-1965, Virginia Acts of Assembly Chapter 2-1966, and Resolution of D.C. Board of Commissioners adopted November 15, 1966, as the same may be amended from time to time.

"*WMATA Design Criteria and Standards*" means the requirements as set forth in the WMATA Adjacent Construction Project Manual, the WMATA Station Area Planning Guide, the WMATA Manual of Design Criteria, the WMATA CAD and BIM Manual, the WMATA survey datum for the WMATA Joint Development Site, the WMATA Standard Specifications, WMATA Standard Drawings, WMATA Design Directive Drawings, the WMATA Construction Safety and Environmental Manual, the WMATA ADA Accessibility Checklist, the WMATA Metrorail System Signage Design Manual, and any amendment or revision thereto.

"*WMATA Facilities*" means all improvements, structures, infrastructure components, tangible property and areas required for the use, operation, access, maintenance, repair, servicing, replacement or removal of any and all of the following: structures, supports, parking, operation, service facilities and areas relating to WMATA's operations or activities, including, without limitation, all rail stations (including, without limitation, the Metro Station), tunnels, rails, tracks, bus stations, bus transfer areas, supervisor kiosks, employee bathrooms, electric substations, conduits and lines, escalators, elevators, canopies, pedestrian traffic, waiting and shelter areas, facilities serving persons with disabilities, cooling towers, chiller plants, vent and fan shafts, bicycle rack and locker areas, all other associated facilities, and any and all access to the same.

IN WITNESS WHEREOF, the County and WMATA certify that this Agreement is executed by their respective authorized signatories and shall be effective as of the date of the latest endorsement below.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

_____ Date:_____

Director,
Fairfax County Department of Transportation

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

_____ Date: _____

Vice President,
Real Estate and Development

EXHIBIT A – PROJECT AREA



EXHIBIT B – SURFACE BRT TERMINAL

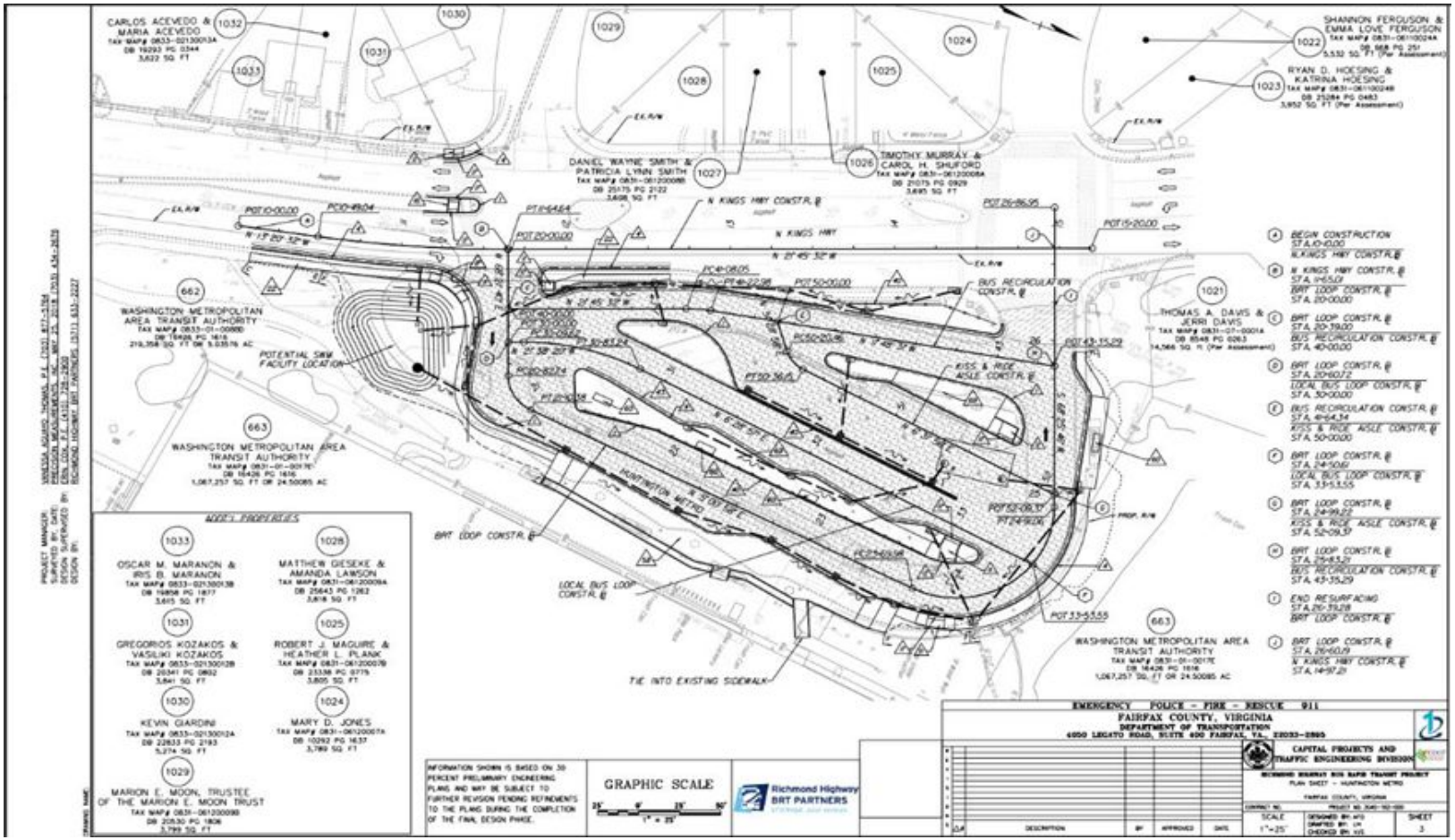


EXHIBIT C - MINIMUM REQUIRED INSURANCE: MINIMUM LIMITS OF INSURANCE

INSURANCE TYPE	LIMITS	BASIS
Workers' Compensation	Statutory	
Employers' Liability	$500,000	Each Accident
	$500,000	Disease Policy Limit
	$500,000	Disease Each Employee
Commercial General Liability		
	$1,000,000	Each Occurrence Limit
	$2,000,000	General Aggregate Limit
	$1,000,000	Products-Completed Operations Limit
Business Auto Liability		
	$1,000,000	Combined Single Limit

Professional Liability		
	$1,000,000	Each Claim

I. MINIMUM REQUIRED INSURANCE: MINIMUM INSURANCE COVERAGES AND COVERAGE PROVISIONS

1) Contractor is required to maintain the insurance outlined in this Exhibit C during the entire period of performance under this contract. Notice to Proceed (NTP) will not be issued until all required insurance has been accepted by WMATA.

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2) The prescribed insurance coverage and limits of insurance are minimum required coverages and limits. Contractor is encouraged, at its sole cost and expense, to purchase any additional insurance coverages and or limits of insurance that Contractor deems prudent and necessary to manage risk in the completion of this contract.
3) Upon written request from WMATA, contractor shall provide copies of any requested insurance policies, including applicable endorsements, within five (5) business days of such request.
4) Receipt, review or communications regarding certificates of insurance (COI), insurance policies, endorsements, or other materials utilized to document compliance with these Minimum Insurance Requirements does not constitute acceptance by WMATA.
5) Insurance companies must be acceptable to WMATA and must have an A. M. Best rating of at least A- VII.
6) Unless otherwise noted, "Claims-Made" insurance policies are not acceptable.
7) Any insurance policy utilizing a Self-Insured Retention (SIR) requires written approval from WMATA.
8) Contractor must incorporate these Minimum Insurance Requirements into contract requirements of all subcontractors of every tier; however, Contractor, at its sole peril, may amend these Minimum Insurance Requirements for its subcontractors, but doing so does not relieve Contractor from its respective liability to WMATA.
9) Compliance with these Minimum Insurance Requirements does not relieve Contractor from Contractor's respective liability to WMATA, even if that liability exceeds the Minimum Insurance Requirements.

II. COVERAGE-SPECIFIC REQUIREMENTS

Commercial General Liability

1) Commercial General Liability (CGL) shall be written on ISO Occurrence Form CG0001 (12/04) or its equivalent. Equivalency determination shall be made in WMATA's sole and unreviewable discretion.

2) Required minimum limits of coverage may be achieved through a combination of the aforementioned CGL coverage form and an Umbrella/Excess Liability coverage form(s), provided that the Umbrella/Excess Liability coverage form(s) provides the same or broader coverage than the prescribed CGL coverage form.

3) Policy shall be endorsed with Additional Insured Endorsement(s) in compliance with the "Additional Insured" Section below.
4) Policy shall be endorsed with a Waiver of Subrogation Endorsement(s) in compliance with the Waiver of Subrogation" section below.

5) The definition of "Insured Contract" shall be modified to provide coverage for contractual liability for any contracts involving construction or demolition operations that are within 50 feet of a railroad, and sidetrack agreements. Evidence of this modification shall be provided to WMATA along with all other required documents.

6) Defense Costs (Allocated Loss Adjustment Expense) must be included and outside of the policy limits for all primary liability and Umbrella/Excess Liability policies.

Business Auto Liability

1) Business Auto Liability insurance shall be written on ISO Business Auto Coverage Form CA 00 01 03 06, or its equivalent. Equivalency determination shall be made in WMATA's sole and unreviewable discretion.
2) Policy shall be endorsed with Additional Insured Endorsement(s) in compliance with the "Additional Insured" Section below.

3) Policy shall be endorsed with a Waiver of Subrogation Endorsement(s) in compliance with the Waiver of Subrogation" section below.

4) Business Auto Liability minimum Combined Single Limit requirements may be obtained through the combination of a primary business auto liability policy and an Umbrella/Excess Liability policy provided that the Umbrella/Excess Liability policy complies with items 2 and 3 above.

5) MCS-90 Endorsement for work involving the transportation or disposal of any hazardous material or waste off of the jobsite. <u>If the MCS-90 Endorsement is required, minimum auto liability limits of $5,000,000 per occurrence are also required as is form CA 99 48, broadened coverage for pollution liability</u>.
6) Non-Owned Disposal Site (NODS) Endorsement providing coverage for the Contractor's legal liability arising out of pollution conditions at the designated non-owned disposal site.

Professional Liability Insurance

WMATA may require professional liability insurance (Errors and Omissions) for the work of Permittee or its subcontractors for certain types of consulting services. Coverage can be written on an "occurrence" or "claims-made" basis.

The policy must allow for reporting of circumstances or incidents that might give rise to future claims, and an extended reporting period of at least one year must be purchased in the event ongoing coverage is not maintained. Coverage can be written on an "occurrence" or "claims-made" basis.

IV. OTHER

Additional Insured

1) Contractor and subcontractors of every tier are required to add WMATA and WMATA Board of Directors as additional insured on all required insurance including excess liability policies, with the exception of Workers' Compensation and Professional Liability.
2) Coverage provided to Additional Insured shall be primary and non-contributory to any other insurance available to the Additional Insured, including coverage afforded to the WMATA as an additional insured by subcontractors, and from other third parties.
3) Coverage provided to any Additional Insured shall be for claims arising out of both ongoing operations and products and completed operations hazard.
4) Coverage available to any Additional Insured under the products and completed operations hazard can only be limited to the applicable statute of repose in the jurisdiction(s) where the contract scope of work takes place.
5) Commercial General Liability and Umbrella/Excess Liability forms must provide defense coverage for additional insureds. The Additional Insured Endorsement shall provide coverage for Ongoing as well as Products and Completed Operations with no limitation on when claims can be made.

Waiver of Subrogation

Contractor and subcontractors of every tier are required to have all insurance policies except Professional Liability endorsed to waive the respective insurance company's rights of recovery against WMATA, and the WMATA Board of Directors.

1) Waiver shall be provided on an endorsement that is acceptable to WMATA.

Certificate of Insurance (COI)

Contractor shall provide WMATA an ACORD Certificate of Insurance (COI) and copies of all required endorsements as evidence that the insurance requirements of this Section have been satisfied. Certificates of Insurance shall be sent to WMATA.

The Certificate Holder box should read:

Washington Metropolitan Area Transit Authority
P.O. Box 23298
Washington, DC 20026-3298

Additionally:

1) Proposed material modifications to required insurance, including notice of cancellation, must be received by WMATA in writing at least 30 days prior to the effective date of such change or cancellation.
2) WMATA's receipt of copies of any COI, policy endorsements or policies does not relieve Contractor of the obligation to remain in compliance with the requirements of this Section at all times. Contractor's failure to comply with these insurance requirements shall constitute a material breach of this Contract.
3) Receipt of the COI does not constitute acceptance of the insurance outlined above.

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 11

Authorization to Execute Two Standard Project Agreements with the Northern Virginia Transportation Authority for the Implementation of the Soapstone Drive Extension and the Seven Corners Ring Road Improvements Projects (Hunter Mill and Mason Districts)

ISSUE:
Board of Supervisors' approval of, and authorization for the Director of the Fairfax County Department of Transportation (FCDOT), or designee, to execute Standard Project Agreements (SPAs), and any subsequent amendments, with the Northern Virginia Transportation Authority (NVTA). The agreements secure FY 2020-2025 Six Year Program (SYP) funding for the Soapstone Drive Extension (between Sunset Hills Road and Sunrise Valley Drive) Project, and FY 2022-2027 SYP funding for the Seven Corners Ring Road Improvements Project (collectively, "Projects").

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve a resolution, substantially in the form of Attachment 1, authorizing the Director of FCDOT, or designee, to execute two SPAs with NVTA, substantially in the form of Attachments 2 and 3 (as well as any subsequent amendments), for the Projects and amounts shown below:

- $15 million for the Soapstone Drive Extension from Sunset Hills Road to Sunrise Valley Drive
- $4.2 million for the Seven Corners Ring Road Improvements

TIMING:
Board approval is requested on August 25, 2026, so that NVTA can begin to release program funding for the continued implementation of the Projects.

BACKGROUND:
To facilitate the implementation of regionally funded projects, NVTA and jurisdictional staff developed a SPA template to govern the terms and conditions associated with the funding that NVTA approves for these regional projects. The SPA is based on requirements of HB 2313 (passed in 2013), but also includes practical provisions associated with the implementation of the law and standard contract language. A specific project agreement must be executed for each project approved by NVTA.

Fairfax County has previously signed agreements with NVTA to fund several other projects.

On March 12, 2026, NVTA approved its FY 2027 budget, which included the appropriation of funds for the Projects (shown below). Once the SPAs are executed, the County can receive reimbursement for work undertaken for the Projects, as provided in NVTA's approved Six Year Program.

Project Backgrounds:

- Soapstone Drive Extension
  The project is a new roadway, approximately one-half mile long, between Sunrise Valley Drive and Sunset Hills Road. The proposed new road would be a northern extension of the existing north-south oriented Soapstone Drive, beginning where it intersects with Sunrise Valley Drive. The project is located just west of the Wiehle-Reston East Metrorail Station and would include a new (bridge) crossing over the Dulles Corridor to supplement the existing Reston Parkway and Wiehle Avenue crossings. The project would reduce congestion and delay at intersections along Wiehle Avenue and improve accessibility and multimodal connectivity and mobility to and within the area surrounding the Wiehle-Reston East Metrorail Station.

- Seven Corners Ring Road Improvements
  The existing Seven Corners Interchange is a complex confluence of major roadways, including Arlington Boulevard (Route 50), Leesburg Pike (Route 7), and Wilson Boulevard/Sleepy Hollow Road. The interchange experiences high levels of vehicular congestion, extended delays, and safety concerns for all users — especially pedestrians and bicyclists. Phase 1 of the improvements would provide a ring road beginning at the Route 50 north-side service road, traversing to the south across US Route 50 on a new bridge structure, intersecting with Sleepy Hollow Road and then connecting to Route 7 on the south side of the interchange. Phase 1 improvements also include a two-way cycle track and sidewalks on both sides, addressing multimodal needs and promoting safer and more accessible travel options.

EQUITY IMPACT:
The Soapstone Drive Extension and Seven Corners Ring Road Improvements Projects reduce congestion and provide bicycle and pedestrian facilities. Additionally, the Projects may positively contribute to environmental equity as the reduction in congestion and idling as well as enhancing multimodal use provides air quality benefits to the region. These Projects are in alignment with the One Fairfax focus area supporting the economic growth, health, congestion mitigation, and prosperity goals of

Fairfax County and providing accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health. As such, the Projects have the potential to positively impact equity.

FISCAL IMPACT:
The attached Soapstone Drive Extension agreement includes $15 million in NVTA regional funding, and the anticipated drawdown of funds is FY 2027 through FY 2030. The *FY 2026 Carryover Review* includes an appropriation request of $15 million in NVTA regional funds to Fund 40010, County and Regional Transportation Projects. The current total project estimate is approximately $245 million. In addition to the $15 million in this agreement, the project is supported by: $73.8 million in other approved NVTA regional funds; $20 million in state Revenue Sharing funds (including $10 million local match); $37.3 million in federal Regional Surface Transportation Program (RSTP) funds, and approximately $99 million in local revenues, from either Commercial and Industrial (C&I) tax revenue or NVTA 30 percent revenues. There is no General Fund impact associated with this agreement.

The attached Seven Corners Ring Road Improvements agreement includes $4.2 million in NVTA regional funding, and the anticipated drawdown of funds is FY 2027 through FY 2029. The *FY 2026 Carryover Review* includes an appropriation request of $4.2 million in NVTA regional funds to Fund 40010, County and Regional Transportation Projects. The current total project estimate is $135.4 million. In addition to the $4.2 million in this agreement, the project is supported by: $122.2 million in other approved NVTA regional funds; $4.6 million in federal RSTP funds, and approximately $5.4 million in local revenues from either future C&I tax revenue or NVTA 30 percent revenues. There is no General Fund impact associated with this agreement.

ENCLOSED DOCUMENTS:
Attachment 1: Agreement Execution Resolution for the Soapstone Drive Extension and Seven Corners Ring Road Improvements Projects
Attachment 2: Standard Project Agreement with the Northern Virginia Transportation Authority for the Soapstone Drive Extension
Attachment 3: Standard Project Agreement with the Northern Virginia Transportation Authority for Seven Corners Ring Road Improvements

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Coello, Deputy Director, FCDOT

Board Agenda Item
August 25, 2026

Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Brent Riddle, Chief, Coordination Section, FCDOT
Sara Allred, Senior Transportation Planner, Coordination Section, FCDOT
Ray Johnson, Funding Section, FCDOT
Jennifer Rosales, Funding Section, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Senior Assistant County Attorney

Attachment 1

RESOLUTION

AGREEMENT EXECUTION RESOLUTION
A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA
FOR THE EXECUTION OF AGREEMENTS FOR THE
SOAPSTONE DRIVE EXTENSION AND SEVEN CORNERS RING ROAD IMPROVEMENTS PROJECTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on August 25, 2026, 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, authorizes the Director of Fairfax County's Department of Transportation, or designee, to execute, on behalf of the County of Fairfax, Standard Project Agreements (SPAs) with the Northern Virginia Transportation Authority (NVTA) for the following projects and funding amounts:

- Soapstone Drive Extension: Sunset Hills Road to Sunrise Valley Drive: $15,000,000 - FY 2020-2025 (NVTA SPA ID 2020-310-1)
- Seven Corners Ring Road Improvements: Arlington Boulevard (Route 50) Westbound Ramp to Castle Place/Sleepy Hollow Road: $4,200,000 - FY 2022-2027 (NVTA SPA ID 2022-325-1)

ADOPTED this 25th day of August, 2026

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors

Standard Project Agreement for Funding and Administration
between
Northern Virginia Transportation Authority
and
Fairfax County
(Recipient Entity)

Project Name: Soapstone Drive Extension

NVTA Project Number: 2020-310-1

This Standard Project Agreement for Funding and Administration ("this Agreement") is made and executed in duplicate on this_____ day of _____, 20__, as between the Northern Virginia Transportation Authority ("NVTA") and Fairfax County ("Recipient Entity").

WITNESSETH

WHEREAS, NVTA is a political subdivision of the Commonwealth of Virginia created by the Northern Virginia Transportation Authority Act ("the NVTA Act"), Chapter 25 of Title 15.2 of the Code of Virginia, as amended;

WHEREAS, Section 33.2-2500(4) of the Code of Virginia authorizes NVTA to enter into project agreements with certain statutorily designated entities for the provision of transportation facilities and services to the area embraced by NVTA;

WHEREAS, Section 33.2-2509 of the Code of Virginia authorizes NVTA to use funds from a fund established pursuant to that Code section (the "NVTA Fund") in order to assist in the financing, in whole or in part, of certain regional transportation projects in accordance with Code Section 33.2-2510;

WHEREAS, the NVTA Fund provides for the deposit therein of certain dedicated revenues and other funds appropriated by the Virginia General Assembly;

WHEREAS, Section 33.2-2510 of the Code of Virginia authorizes the use of funds from the NVTA Fund and the use of proceeds from NVTA debt issuances ("NVTA Bond Proceeds") to be used by NVTA solely for transportation purposes benefitting those counties and cities embraced by NVTA;

WHEREAS, the Project set forth and described on Appendix A to this Agreement ('the Project") satisfies the requirements of Virginia Code Section 33.2-2510;

WHEREAS, the Project is to be financed, as described in Appendix B, in whole or in part, by funds from the NVTA Fund and/or from NVTA Bond Proceeds, is located within a locality embraced by NVTA's geographical borders, or is located in an adjacent locality, but only to the extent that any such extension is an insubstantial part of the Project and is essential to the viability of the Project within the localities embraced by NVTA;

WHEREAS, Fairfax County formally requested that NVTA provide funding to the Project by timely submitting an application for NVTA funding in response to NVTA's call for projects;

WHEREAS, NVTA has reviewed Fairfax County's application for funding and has approved Fairfax County's administration and performance of the Project's described scope of work;

WHEREAS, based on the information provided by Fairfax County, NVTA has determined that the Project complies with all requirements of the NVTA Act related to the use of moneys identified in Virginia Code Sections 33.2-2510(A)(C)1 and all other applicable legal requirements;

WHEREAS, the funds to be provided by NVTA described in Appendix B have been duly authorized and directed by Fairfax County to finance the Project;

WHEREAS, NVTA agrees that Fairfax County will design and/or construct the Project or perform such other specific work for the Project and Fairfax County agrees that it will perform such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the Fairfax County's administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTA's governing body and Fairfax County's governing body have each authorized that their respective designee(s) execute this agreement on their respective behalf(s) as evinced by copies of each such entity's clerk's minutes which are appended hereto as Appendix E;.

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

A. Recipient Entity's Obligations

Fairfax County shall:

I. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement.

2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A and complies with Va. Code Ann. Sections 33.2-2510(A), (C)1.

3. Perform or have performed and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisitions for the Project, as is required by this Agreement and that may be necessary for completion of the Project.

4. Not use the NVTA funds specified on Appendix B to pay any Project cost if the NVTA Act does not permit such Project cost to be paid with NVTA funds.

5. Recognize that, if the Project contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTA will provide funding for such multiple phases (as set forth on Appendix B), NVTA may not provide funding to Fairfax County to advance the Project to the next phase until the current phase is completed. In any circumstance where Fairfax County seeks to advance a Project to the next phase using NVTA funds, Fairfax County shall submit a written request to NVTA's Chief Executive Officer ("CEO") explaining the need for NVTA's funding of an advanced phase. NVTA's CEO will thereafter review the circumstances

underlying the request in conjunction with Appendix B and NVTA's current and projected cash flow position and make a recommendation to NVTA whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit Fairfax County from providing its own funds to advance a future phase of the Project and from requesting reimbursement from NVTA for having advance funded a future phase of the Project. However, Fairfax County further recognizes that NVTA's reimbursement to Fairfax County for having advance funded a Project phase will be dependent upon NVTA's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVTA's CEO will periodically update NVTA's project cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. Fairfax County shall provide all information required by NVTA so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.

7. Provide to NVTA requests for payment consistent with Appendix B and the most recently approved NVTA cash flow estimates that include NVTA's standard payment requisition(s), containing detailed summaries of actual project costs incurred with supporting documentation as determined by NVTA and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement. If approved by NVTA, Fairfax County can expect to receive payment within twenty (20) days upon receipt by NVTA. Approved payments may be made by means of electronic transfer of funds from NVTA to or for the account of Fairfax County.

8. Promptly notify NVTA's CEO of any additional project costs resulting from unanticipated circumstances and provide to NVTA detailed estimates of additional costs associated with those circumstances. Fairfax County understands that it

will be within NVTA's sole discretion whether to provide any additional funding to the Project in such circumstances and that NVTA will do so only in accordance with NVTA's approved Project Selection Process and upon formal action and approval by NVTA. Fairfax County shall timely provide to NVTA a complete and accurate update to Appendix B, if NVTA approves funding of any additional Project costs for the Project under this Paragraph.

9. Release or return any unexpended funds to NVTA no later than 90 days after final payment has been made to the contractors.

10. Review and acknowledge the requirements of NVTA Resolution No. 14-08 adopted January 23, 2014; to wit that, if applicable to Fairfax County's Project: a) Prior to any NVTA funds being released for a project that may be part of a larger project, projects, or system undertaken with an extra-territorial funding partner, all such extra-territorial funding partners must commit to pay their appropriate, respective proportionate share or shares of the larger project or system cost commensurate with the benefits to each on a basis agreed upon by the NVTA member localities; b) any such funds released by NVTA for such project will be in addition to the funds that the NVTA member locality is to receive from or be credited with by the extra-territorial funding partner for the project or system; and c) there shall be no funding made available by NVTA until such time as all extra-territorial funding partners for such project or system pay or officially commit to fund their appropriate, respective proportionate shares of such large project or system commensurate with the benefits to each on a basis agreed upon with NVTA.

11. Should Fairfax County be required to provide matching funds in order to proceed or complete the funding necessary for the Project, Fairfax County shall certify to NVTA that all such matching funds have been either authorized and/or appropriated by Fairfax County's governing body or have been obtained through another, independent funding source;

12. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia

Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern Fairfax County and provide copies of any such financial records to NVTA, free of charge, upon request.

13. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern Fairfax County; and provide to NVTA copies of all such drawings and plans free of charge, upon request.

14. Reimburse NVTA for all NVTA funds (with interest earned at the rate earned by NVTA) that Fairfax County misapplied or used in contravention of Sections 33.2-2500 *et. seq*. of the Virginia Code ("the NVTA Act") Chapter 766 of the 2013 Virginia Acts of Assembly ("Chapter 766"), or any term or condition of this Agreement.

15. Name NVTA and its Bond Trustee or require that all Fairfax County's contractors name NVTA or its Bond Trustee as an additional insured on any insurance policy issued for the work to be performed by or on behalf of Fairfax County for the Project and present NVTA with satisfactory evidence thereof before any work on the Project commences or continues.

16. Give notice to NVTA that Fairfax County may use NVTA funds to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTA's in-house legal counsel) in connection with the work performed under this Agreement Fairfax County so as to ensure that no conflict of interest may arise from any such representation.

17. Provide certification to NVTA, that upon final payment to all contractors for the Project, Fairfax County will use the Project for its intended purposes for the duration of the Project's useful life. Under no circumstances will NVTA be considered

responsible or obligated to operate and/or maintain the Project after its completion.

18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern Fairfax County.

19. Acknowledge that if the Project is being funded in whole or in part by NVTA Bond Proceeds, comply with the tax covenants attached as Appendix D.

20. Acknowledge that if Fairfax County expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that Fairfax County agrees to comply with the Virginia Department of Transportation's ("VDOT's") "Standards, Requirements and Guidance."

21. Recognize that Fairfax County is solely responsible for obtaining all permits and permissions necessary to construct and/or operate the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.

22. Recognize that if Fairfax County is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTA funds and/or NVTA Bond Proceeds that Fairfax County will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledges that NVTA will not be a party or signatory to that Agreement; nor will NVTA have any obligation to comply with the requirements of that Agreement.

23. Provide a certification to NVTA no later than 90 days after final payment to the contractors that Fairfax County adhered to all applicable laws and regulations and all requirements of this Agreement.

B. NVTA's Obligations

NVTA shall:

l. Provide to Fairfax County the funding authorized by NVTA for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s) on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in Appendix B to this Agreement or the most updated amendment thereto, as approved by NVTA.

2. Assign a Regional Transportation Planner for the Project. NVTA's Regional Transportation Planner will be responsible for monitoring the Project on behalf of NVTA so as to ensure compliance with this Agreement and all NVTA's requirements and with overseeing, managing, reviewing, and processing, in consultation with NVTA's CEO and its Chief Financial Officer ("CFO"), all payment requisitions submitted by Fairfax County for the Project. NVTA's Regional Transportation Planner will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.

3. Route to NVTA's assigned Regional Transportation Planner all Fairfax County's payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTA for the Project. After submission to NVTA, NVTA's Regional Transportation Planner will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's legal and documentary sufficiency. NVTA's Regional Transportation Planner will then make a recommendation to the NVTA's CFO and CEO whether to authorize payment, refuse payment, or seek additional information from Fairfax County. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) days from receipt. If the payment requisition is deemed insufficient, within twenty (20) days from receipt, NVTA's Regional Tranportation Planner will notify Fairfax County in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTA have been corrected. Under no circumstances

will NVTA authorize payment for any work performed by or on behalf of Fairfax County that is not in conformity with the requirements of the NVTA Act, Chapter 766, or this Agreement.

4. Route all Fairfax County's supplemental requests for funding from NVTA under Paragraphs A.5 and A.8 of this Agreement to NVTA's CEO. NVTA's CEO will initially review those requests and all supporting documentation with NVTA's CFO. After such initial review, NVTA's CEO will make a recommendation to NVTA's Finance Committee for its independent consideration and review. NVTA's Finance Committee will thereafter make a recommendation on any such request to NVTA for final determination by NVTA.

5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the NVTA Act, Chapter 766, and other applicable law. Such compliance reviews may entail review of Fairfax County's financial records for the Project and on -site inspections.

6. Acknowledge that if, as a result of NVTA's review of any payment requisition or of any NVTA compliance review, NVTA staff determines that Fairfax County has misused or misapplied any NVTA funds in derogation of this Agreement or in contravention of the NVTA Act, Chapter 766 or applicable law, NVTA staff will promptly advise NVTA's CEO and will advise Fairfax County's designated representative in writing. Fairfax County will thereafter have thirty (30) days to respond in writing to NVTA's initial findings. NVTA's staff will review Fairfax County's response and make a recommendation to NVTA's Finance Committee. NVTA's Finance Committee will thereafter conduct its own review of all submissions and make a recommendation to NVTA. Pending final resolution of the matter, NVTA will withhold further funding on the Project. If NVTA makes a final determination that Fairfax County has misused or misapplied funds in contravention of this Agreement, the NVTA Act, Chapter 766, or other applicable law, NVTA will cease further funding for the Project and will seek reimbursement from Fairfax County of

all funds previously remitted by NVTA (with interest earned at the rate earned by NVTA) which were misapplied or misused by Fairfax County. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.

7. Make guidelines available to Fairfax County to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.

8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.

9. Be the sole determinant of the amount and source of NVTA funds to be provided and allocated to the Project and the amounts of any NVTA funds to be provided in excess of the amounts specified in Appendix B.

C. Term

1. This Agreement shall be effective upon adoption and execution by both parties.

2. Fairfax County may terminate this Agreement, for cause, in the event of a material breach by NVTA of this Agreement. If so terminated, NVTA shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by Fairfax County to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds to NVTA as described in paragraph F of this Agreement or repeal of the legislation establishing the NVTA fund created pursuant to Chapter766 shall not be considered material breaches of this Agreement by NVTA. Before initiating any proceedings to terminate under this Paragraph, Fairfax County shall give NVTA sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTA an opportunity to investigate and cure any such alleged breach.

3. NVTA may terminate this Agreement, for cause, resulting from Fairfax County's material breach of this Agreement. If so

terminated, Fairfax County shall refund to NVTA all funds NVTA provided to Fairfax County for the Project (including interest earned at the rate earned by NVTA). NVTA will provide Fairfax County with sixty (60) days written notice that NVTA is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, Fairfax County may request that NVTA excuse Fairfax County from refunding all funds NVTA provided to Fairfax County for the Project based upon Fairfax County's substantial completion of the Project or severable portions thereof; and NVTA may, in its sole discretion, excuse Fairfax County from refunding all or a portion of the funds NVTA provided to Fairfax County for the Project. No such request to be excused from refunding will be allowed where Fairfax County has either misused or misapplied NVTA funds in contravention of applicable law.

4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, Fairfax County will release or return to NVTA all unexpended NVTA funds with interest earned at the rate earned by NVTA no later than sixty (60) days after the date of termination.

D. Dispute

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a third party or judicial intervention. NVTA's CEO and Fairfax County's Chief Executive Officer or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTA and to Fairfax County's governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

E. NVTA's Financial Interest in Project Assets

Fairfax County agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTA under this Agreement ("Project Assets") for the designated

transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. NVTA shall retain a financial interest in the value of each of the of the Project Assets, whether any such Project Asset may have depreciated or appreciated, throughout its respective useful life proportionate to the amount of the cost of the Project Asset funded by NVTA under this Agreement. In the event that Fairfax County fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, Fairfax County shall refund to NVTA with interest at the rate earned by NVTA the amount attributable to NVTA's proportionate financial interest in the value of said Project Asset. If Fairfax County refuses or fails to refund said monies to NVTA, NVTA may recover its proportionate financial interest from Fairfax County by pursuit of any remedies available to NVTA, including but not limited to NVTA's withholding of commensurate amounts from future distributions of NVTA funds to Fairfax County.

F. Appropriations Requirements

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.

2. The parties acknowledge that all funding provided by NVTA pursuant to Chapter766 is subject to appropriation by the Virginia General Assembly. The parties further acknowledge that: (i) the moneys allocated to the NVTA Fund pursuant to Va. Code Ann. Sections 58.1-638, 58.1-802.2, and 58.1-1742 and any other moneys that the General Assembly appropriates for deposit into the NVTA Fund are subject to appropriation by the General Assembly and (ii) NVTA's obligations under this Agreement are subject to such moneys being appropriated for deposit in the NVTA Fund by the General Assembly.

G. Notices

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

1) to: NVTA, to the attention of its CEO;

2600 Park Tower Drive, Suite 601
Vienna, VA 22180

2) to Fairfax County, to the attention of Gregg Steverson
4050 Legato Road, Suite 400
Fairfax, VA 22033 (address)

H. Assignment

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

I. Modification or Amendment

This Agreement may be modified, in writing, upon mutual agreement of both parties.

J. No Personal Liability or Creation of Third Party Rights

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

K. No Agency

Fairfax County represents that it is not acting as a partner or agent of NVTA; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

L. Sovereign Immunity

This Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

M. Incorporation of Recitals

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

N. Mutual Preparation and Fair Meaning

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

O. Governing Law

This Agreement is governed by the laws of the Commonwealth of Virginia.

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

Northern Virginia Transportation Authority

By: _____

Date: _____

_____ (Name of Recipient Entity)

By: _____

Date: _____

APPENDICES A & B

SCOPE, SCHEDULE, COST, AND FUNDING UPDATE #1

SPA #:	2020-310-1	Submitted On:	N/A
NVTA Project #:	310	Submitted By:	
NVTA Project Title:	Soapstone Drive Extension	Status:	Pending

Project Schedule & Scope Changes

Soapstone Drive

An additional $73,793,037 in NVTA funding was awarded and is anticipated to be expended against the RW / Utility phase as well.

Fairfax County has committed the funds necessary to cover the current gap, but continues to seek additional funding.

Project Schedule Changes

	START	END	
Study			☑ N/A
Design / Engineering / Environmental	FY2018	FY2025	
ROW and Utilities	FY2027	FY2032	
Construction	FY2032	FY2036	
Asset Acquisition			☑ N/A

B-1 - Total Cost by Phase and Fiscal Year

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2018	$0.00	$750,000.00	$0.00	$0.00	$0.00	$750,000.00
FY2019	$0.00	$750,000.00	$0.00	$0.00	$0.00	$750,000.00
FY2020	$0.00	$750,000.00	$0.00	$0.00	$0.00	$750,000.00
FY2021	$0.00	$1,750,000.00	$0.00	$0.00	$0.00	$1,750,000.00
FY2022	$0.00	$1,750,000.00	$0.00	$0.00	$0.00	$1,750,000.00
FY2023	$0.00	$1,150,000.00	$0.00	$0.00	$0.00	$1,150,000.00
FY2024	$0.00	$1,150,000.00	$0.00	$0.00	$0.00	$1,150,000.00
FY2025	$0.00	$1,150,000.00	$0.00	$0.00	$0.00	$1,150,000.00
FY2026	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2027	$0.00	$0.00	$21,861,000.00	$0.00	$0.00	$21,861,000.00
FY2028	$0.00	$0.00	$21,861,000.00	$0.00	$0.00	$21,861,000.00
FY2029	$0.00	$0.00	$21,861,000.00	$0.00	$0.00	$21,861,000.00
FY2030	$0.00	$0.00	$21,861,000.00	$0.00	$0.00	$21,861,000.00
FY2031	$0.00	$0.00	$21,861,000.00	$0.00	$0.00	$21,861,000.00
FY2032	$0.00	$0.00	$21,861,000.00	$20,781,800.00	$0.00	$42,642,800.00
FY2033	$0.00	$0.00	$0.00	$20,781,800.00	$0.00	$20,781,800.00
FY2034	$0.00	$0.00	$0.00	$20,781,800.00	$0.00	$20,781,800.00
FY2035	$0.00	$0.00	$0.00	$20,781,800.00	$0.00	$20,781,800.00
FY2036	$0.00	$0.00	$0.00	$20,781,800.00	$0.00	$20,781,800.00
Totals	$0.00	$9,200,000.00	$131,166,000.00	$103,909,000.00	$0.00	$244,275,000.00

B-2 - Update Other Secured Funding Sources

Source	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
Total Cost	$0	$9,200,000	$131,166,000	$103,909,000	$0	$244,275,000
NVTA Funds Applied	$0	$0	$15,000,000	$0	$0	$15,000,000
RSTP		$9,200,000	$28,167,000			$37,367,000
Revenue Sharing		$0	$6,537,000	$3,464,000		$10,001,000
NVTA 30%		$0	$7,668,963	$100,445,000		$108,113,963
Total Other	$0	$9,200,000	$42,372,963	$103,909,000	$0	$155,481,963
Gap	$0	$0	$73,793,037	$0	$0	$73,793,037

B-3 - Update Project Reimbursement Cash Flow for NVTA Funds in this SPA Only

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2027	$0.00	$0.00	$2,500,000.00	$0.00	$0.00	$2,500,000.00
FY2028	$0.00	$0.00	$5,000,000.00	$0.00	$0.00	$5,000,000.00
FY2029	$0.00	$0.00	$5,000,000.00	$0.00	$0.00	$5,000,000.00
FY2030	$0.00	$0.00	$2,500,000.00	$0.00	$0.00	$2,500,000.00
FY2031	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2032	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2033	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2034	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2035	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2036	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Totals	$0.00	$0.00	$15,000,000.00	$0.00	$0.00	$15,000,000.00

B-4 - Quarterly Project Reimbursement Cash Flow by Quarter of Expenditure. For NVTA Funds in this SPA Only

Year	September	December	March	June	Total
FY2027	$0.00	$0.00	$1,250,000.00	$1,250,000.00	$2,500,000.00
FY2028	$1,250,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00	$5,000,000.00
FY2029	$1,250,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00	$5,000,000.00
FY2030	$0.00	$1,250,000.00	$0.00	$1,250,000.00	$2,500,000.00
FY2031	$0.00	$0.00	$0.00	$0.00	$0.00
FY2032	$0.00	$0.00	$0.00	$0.00	$0.00
FY2033	$0.00	$0.00	$0.00	$0.00	$0.00
FY2034	$0.00	$0.00	$0.00	$0.00	$0.00
FY2035	$0.00	$0.00	$0.00	$0.00	$0.00
FY2036	$0.00	$0.00	$0.00	$0.00	$0.00
Totals	$2,500,000.00	$3,750,000.00	$3,750,000.00	$5,000,000.00	$15,000,000.00
Previously Reimbursed	$0.00	$0.00	$0.00	$0.00	$0.00

RECIPIENT ENTITY

By: _____

Name: _____

Title: _____

NVTA

_____ _____

Transportation Planner Date

_____ _____

CFO Date

_____ _____

CEO Date

Attachment 2

Northern Virginia Transportation Authority
FY2020-2025 Six Year Program

Soapstone Drive Extension

Date Submitted: 09/27/2019

APPLICATION #: FFX-106

Soapston Drive Extension from Sunset Hills Road to Sunrise Valley Drive

Project Description

The Soapstone is a new roadway, approximately one-half mile long between Sunrise Valley Drive and Sunset Hills Road. The project is located just west of the Wiehle-Reston East Metrorail Station and would include a new (bridge) crossing over the Dulles Corridor. On the south, the proposed new road would be an extension of the existing north-south oriented Soapstone Drive where it intersects with Sunrise Valley Drive. After crossing the Dulles Corridor, the new roadway would terminate at a new intersection with Sunset Hills Road. The typical section of the new roadway features a three-lane cross-section (one travel lane in each direction and a two-way, left-turn-only lane); 5-foot wide on-road bicycle lanes on each side; a 5-foot wide concrete sidewalk on the west side; and a 10-foot wide shared use path on the east side, for a total width of about 100 feet. The proposed roadway would provide an additional crossing to supplement two existing crossings of the Dulles Corridor in Reston: Reston Parkway and Wiehle Avenue. The project would provide additional capacity across the Dulles Corridor, reduce congestion and delay at intersections along Wiehle Avenue, and improve accessibility and mobility to and within the area surrounding the Wiehle-Reston East Metrorail Station. By including bike lanes, sidewalks and an additional facility for local and regional transit operators to utilize, the project improves multimodal connectivity to the Wiehle-Reston East Metrorail Station.

Primary Mode(s)	Secondary Mode(s)
Application Number	FFX-106
Primary TransAction ID Number	7
Submitting Jurisdiction/Agency	Fairfax County
Location	Extension of Soapstone Drive over the Dulles Toll Road in the Hunter Mill District. The extension spans from Sunrise Valley Drive in the south, to Sunset Hills Road in the north.
Requested NVTA Funds	$69,000,000.00
NVTA Funds Approved	$15,000,000
Previous NVTA Funds Received	$0.00
Total Cost to Complete Project	$214,000,000.00

Project Location



Attachment 2

Project Milestones

	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition
Earlier					
FY19					
FY20					
FY21		X			
FY22		X			
FY23		X			
FY24		X			
Beyond		X	X	X	

Year of expected project completion: FY2030

Project Funding

Source	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
Total Cost	$0	$9,200,000	$136,000,000	$68,800,000	$0	$214,000,000
NVTA Funds Applied	$0	$1,000,000	$13,200,000	$54,800,000	$0	$69,000,000
RSTP			$6,300,000	$9,200,000		$15,500,000
Local		$8,200,000	$109,963,000	$4,800,000		$122,963,000
Revenue Sharing			$6,537,000			$6,537,000
Total Other	$0	$8,200,000	$122,800,000	$14,000,000	$0	$145,000,000
Gap	$0	$0	$0	$0	$0	$0

Project Analysis Highlights

Congestion Reduction Relative to Cost (CRRC) Rating	8.86
Congestion Reduction Relative to Cost (CRRC) Rank	29
TransAction Project Rating	57.41
TransAction Project Rank	19
Project's Past Performance (Percentage of expected funds that was reimbursed by 9/30/2019)	N/A
Jurisdiction/Agency's Past Performance on All Projects (Percentage of expected funds that was reimbursed by 9/30/2019)	N/A
Percentage of Total Project Cost Covered by Funds from Sources Other than NVTA	67.76%
Local Priority	4
Number of Supporting Resolutions (does not include resolution from applicant's own Board/Council)	0
Number of NVTA-Funded Project(s) Nearby	0
Regional Funds allocated to NVTA-Funded Project(s) Nearby	$0

APPLICATION #: FFX-106

Date Submitted: 09/27/2019

Local Priority: 4

Application Status: Funded

Adopted Year: 2020

1: GENERAL PROJECT INFORMATION

1.1: Primary TransAction ID

7 - Soapstone Drive Extension

1.2: Secondary TransAction IDs

1.3: What is the primary TransAction corridor segment in which this project is physically located?

1-3 Rt. 7/Dulles Toll Road/Silver Line - Rt. 28 to Tysons

1.4: What other TransAction corridor segments is this project physically located in?

1.5: Project Title

Soapstone Drive Extension

1.6: Project Subtitle

Soapston Drive Extension from Sunset Hills Road to Sunrise Valley Drive

1.7: Primary Supported Mode

Roadway

1.8: Secondary Supported Modes

Intersection/Interchange, Rail, Bus, Bike and Pedestrian

1.9: Project Description

The Soapstone is a new roadway, approximately one-half mile long between Sunrise Valley Drive and Sunset Hills Road. The project is located just west of the Wiehle-Reston East Metrorail Station and would include a new (bridge) crossing over the Dulles Corridor. On the south, the proposed new road would be an extension of the existing north-south oriented Soapstone Drive where it intersects with Sunrise Valley Drive. After crossing the Dulles Corridor, the new roadway would terminate at a new intersection with Sunset Hills Road. The typical section of the new roadway features a three-lane cross-section (one travel lane in each direction and a two-way, left-turn-only lane); 5-foot wide on-road bicycle lanes on each side; a 5-foot wide concrete sidewalk on the west side; and a 10-foot wide shared use path on the east side, for a total width of about 100 feet. The proposed roadway would provide an additional crossing to supplement two existing crossings of the Dulles Corridor in Reston: Reston Parkway and Wiehle Avenue. The project would provide additional capacity across the Dulles Corridor, reduce congestion and delay at intersections along Wiehle Avenue, and improve accessibility and mobility to and within the area surrounding the Wiehle-Reston East Metrorail Station. By including bike lanes, sidewalks and an additional facility for local and regional transit operators to utilize, the project improves multimodal connectivity to the Wiehle-Reston East Metrorail Station.

1.10: Project Location Text

Extension of Soapstone Drive over the Dulles Toll Road in the Hunter Mill District. The extension spans from Sunrise Valley Drive in the south, to Sunset Hills Road in the north.

1.11: Project Location Map



1.12: Local Priority

4

1.13: Does this project support Metro or VRE core capacity?

Yes

1.14: Project URL

https://www.fairfaxcounty.gov/transportation/projects/soapstone-connector

2: PROJECT TIMEFRAMES

2.1: Timeframes by Phase

	START	END
Study	N/A	N/A
Design/Engineering/Environmental	FY2021	FY2025
ROW and Utilities	FY2025	FY2027
Construction	FY2027	FY2030
Asset Acquisition	N/A	N/A

2.2: Potential Delay Risk Factors

At this stage of implementation, there are no significant risks anticipated.

2.3: For Design-Build project, estimated date for funding verification

3: COST AND FUNDING

3.1: Total Cost by Phase and Fiscal Year

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2021	$0.00	$1,840,000.00	$0.00	$0.00	$0.00	$1,840,000.00
FY2022	$0.00	$1,840,000.00	$0.00	$0.00	$0.00	$1,840,000.00
FY2023	$0.00	$1,840,000.00	$0.00	$0.00	$0.00	$1,840,000.00
FY2024	$0.00	$1,840,000.00	$0.00	$0.00	$0.00	$1,840,000.00
FY2025	$0.00	$1,840,000.00	$45,333,333.00	$0.00	$0.00	$47,173,333.00
FY2026	$0.00	$0.00	$45,333,333.00	$0.00	$0.00	$45,333,333.00
FY2027	$0.00	$0.00	$45,333,334.00	$17,200,000.00	$0.00	$62,533,334.00
FY2028	$0.00	$0.00	$0.00	$17,200,000.00	$0.00	$17,200,000.00
FY2029	$0.00	$0.00	$0.00	$17,200,000.00	$0.00	$17,200,000.00
FY2030	$0.00	$0.00	$0.00	$17,200,000.00	$0.00	$17,200,000.00
Totals	$0.00	$9,200,000.00	$136,000,000.00	$68,800,000.00	$0.00	$214,000,000.00

3.2: NVTA Funding Request by Phase and Fiscal Year of Expenditure

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2024	$0.00	$500,000.00	$0.00	$0.00	$0.00	$500,000.00
FY2025	$0.00	$500,000.00	$4,400,000.00	$0.00	$0.00	$4,900,000.00
FY2026	$0.00	$0.00	$4,400,000.00	$0.00	$0.00	$4,400,000.00
FY2027	$0.00	$0.00	$4,400,000.00	$13,700,000.00	$0.00	$18,100,000.00
FY2028	$0.00	$0.00	$0.00	$13,700,000.00	$0.00	$13,700,000.00
FY2029	$0.00	$0.00	$0.00	$13,700,000.00	$0.00	$13,700,000.00
FY2030	$0.00	$0.00	$0.00	$13,700,000.00	$0.00	$13,700,000.00
Totals	$0.00	$1,000,000.00	$13,200,000.00	$54,800,000.00	$0.00	$69,000,000.00

3.3: Other Secured Funding Sources

Source	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
Total Cost	$0	$9,200,000	$136,000,000	$68,800,000	$0	$214,000,000
NVTA Funds Applied	$0	$1,000,000	$13,200,000	$54,800,000	$0	$69,000,000
RSTP			$6,300,000	$9,200,000		$15,500,000
Local		$8,200,000	$109,963,000	$4,800,000		$122,963,000
Revenue Sharing			$6,537,000			$6,537,000
Total Other	$0	$8,200,000	$122,800,000	$14,000,000	$0	$145,000,000
Gap	$0	$0	$0	$0	$0	$0

3.4: Other Sources Applied for But Not Yet Secured

N/A

3.5: Other Sources under consideration for applying for any gap remaining

The County will apply for funding through future Smart Scale and NVTA SYP processes in the future if needed.

4: PROJECT IMPACTS

4.1: Which facilities will experience capacity increases and/or how will this result in improved traffic flow/transit services?

This project will connect the north and south sides of the Reston East Activity Center, in the Wiehle-Reston East Transit Station Area. This connection will provide additional mobility within the Activity Center for vehicles, pedestrians, cyclists and buses. It will also improve additional access to jobs in the area between the Wiehle-Reston East and Reston Town Center Metrorail Stations. The Wiehle Avenue intersections with Sunset Hills Road and Sunrise Valley Drive operate at LOS D or worse, with delay ranging from 40 to 60 seconds.The connection will provide an additional option for travelers heading north and south, relieving congestion on both Reston Parkway and Wiehle Avenue. The new connection will also parallel Fairfax County Parkway, and provide connectivity in Reston, allowing more regional trips to be taken on Fairfax County Parkway.

4.2: What congestion problem does the project address and how will it reduce congestion?

According to Environmental Assessment of the Soapstone Connector Project (See attachment E, tables 3-1 and 3-2) two Reston Parkway intersections in the traffic analysis study area operate at Level of Service (LOS) E or worse during both peak hours under existing conditions, with average delay ranging from 60 to 80 seconds. The Wiehle Avenue intersections with Sunset Hills Road and Sunrise Valley Drive operate at LOS D or worse, with delay ranging from 40 to 60 seconds. Congestion at these intersections acts as a constraint to traffic mobility within the area surrounding the station. An element of the purpose of the Soapstone Connector project is to reduce traffic congestion and delay between Wiehle Avenue at Sunset Hills Road and Sunrise Valley Drive (See attachment E, Table 3-3). The project will provide a new access route/roadway to the Metrorail by providing a future intersection that will provide access to the Wiehle-Reston East Metrorail Station and associated parking garage. The project also includes a shared-use path in the northbound direction on the roadway. The project includes bike lanes in the northbound and southbound directions. These high quality bike and pedestrian facilities do not exist on Wiehle Avenue or Reston Parkway. By including comfortable and safe bike and pedestrian facilities the bridge will facilitate nonmotorized travel within Reston.

4.3: Provide current and forecasted traffic/ridership data with and without the project.

		COUNT	YEAR	SOURCE/EXPLANATION
Data For: Existing facility	**Current**			See attachment titled Question 4.3
Data Type: Level of Service	**Future Without Project**			
Data Frequency: Annual	**Future With Project**			

4.4: How will the project improve regional connectivity between/within regional activity centers and jurisdictions?

The bridge will provide new connections within the Reston Activity Center. This new connection will improve access to the Dulles Toll Road and the Wiehle-Reston East Metrorail Station for people coming from both the north and the south by increasing overall north south capacity in the area. The Soapstone Connector would alleviate congestion on Wiehle Avenue by providing an additional road crossing over the Dulles Corridor, and it would enhance accessibility to the Wiehle-Reston East Metrorail Station, providing access to other jurisdictions served by Metrorail, and mobility in the surrounding area by providing pedestrian, bicycle, and vehicular access to the Metrorail Station by way of Reston Station Boulevard (or another connection that would be determined during the preliminary engineering stage). The Soapstone Connector was included as a recommended roadway network improvement in the Reston Transit Station Areas Comprehensive Amendment to the Fairfax County Comprehensive Plan in 2014. In the immediate vicinity of the Soapstone Connector, the grid of streets includes an extension of Reston Station Boulevard to the Connector. From a connectivity perspective, this extension would provide a direct connection to the kiss-and-ride area, the parking garage for the Metrorail station, and future development in the vicinity of the station.

4.5: How will the project improve integration between modes & systems?

The project will provide new access route/roadway to the Metrorail by providing a future intersection that will provide access to the Wiehle-Reston East Metrorail Station and associated parking garage. The project also includes a shared-use path in the northbound direction on the roadway and bike lanes in the northbound and southbound directions. These high quality bike and pedestrian facilities do not exist on Wiehle Avenue or Reston Parkway. By including comfortable and safe bike and pedestrian facilities the bridge will facilitate nonmotorized travel within Reston and provide improved multimodal bicycle/pedestrian access to Wiehle-Reston East. For additional information on how this project addresses traffic congestion, multimodal connectivity and accessibility, and mobility, please see attachment E (the Soapstone Connector Environmental Assessment pages 1 to 5)

4.6: Is safety the primary purpose of this project?

No

4.7: How will the project improve safety?

N/A

4.8: What synergies exist between this project and other projects **your jurisdiction/agency** is applying for this SYP update cycle?

The Soapstone Drive Extension and the Davis Drive Extension provide access across the Dulles Toll Road, ensuring connections between growing neighborhoods, north and south of the Dulles Toll Road and the soon to be completed Silver Line Phase 2.

4.9: What synergies exist between this project and other projects **other jurisdictions/agencies** is applying for this SYP update cycle?

N/A

4.10: What synergies exist between this project and other projects **previously approved** for NVTA regional revenues?

The Soapstone Drive Extension and the Davis Drive Extension (which previously was approved for $20.6 million in the FY 2018-2023 program) provide access across the Dulles Toll Road, ensuring connections between growing neighborhoods, north and south of the Dulles Toll Road and the soon to be completed Silver Line Phase 2.

4.11: If this project includes traffic signal enhancements, please explain what signal timing philosophy will be used, and how this will be coordinated with neighboring signals (including in adjacent jurisdictions).

The signals within project area will be coordinated and synchronized with the existing signal timing philosophy of the surrounding areas.

4.12: If this project includes transit signal priority, please explain how signal timing changes will be coordinated with the jurisdiction/agency responsible for signal timing.

N/A

4.13: Please explain how this project and its expected transportation impacts align with NVTA's Core Values of equity, safety, and sustainability. Please provide supporting data/analysis. Upload the document below.

5: OTHER INFORMATION

5.1: Is this project included in the current CLRP?

Yes

5.2: Title of the project in CLRP

Soapstone Drive 4-Lane Overpass

5.3: CLRP ID

3450

5.4: Project VDOT UPC Number, if existing

UPC 112479

5.5: Project DRPT Number, if existing

5.6: Is this project included in the current TIP?

Yes

5.7: Title of the project in TIP?

Soapstone Drive 4-Lane Overpass

5.8: TIP ID

6583

5.9: List internet links to any additional information in support of this project

-Wiehle Avenue/Reston Parkway Station Access Plans: http://syip.virginiadot.org/Pages/lineitemDetails.aspx?syp_scenario_id=247&line_item_id=1533810

https://www.fairfaxcounty.gov/transportation/sites/transportation/files/assets/documents/pdf/transportation%20projects%20studies%20and%20plans/soapstone%20connector/soapstone_connector_study.pdf

https://www.fairfaxcounty.gov/transportation/study/wiehle-sam

https://www.fairfaxcounty.gov/transportation/sites/transportation/files/assets/documents/pdf/transportation%20projects%20studies%20and%20plans/soapstone%20connector/soapstoneea-170816.pdf

https://www.fairfaxcounty.gov/transportation/study/reston-network-analysis

https://www.slideshare.net/fairfaxcounty/soapstone-connector-environmental-assessment-public-hearing-nov-8-2017

6: ATTACHMENTS

Attachments

File Name: Attachment A - Project Location JPEG.jpg

Attachment Type: Other
Date Added: 09/09/2019
https://novagateway.org/Home/GetFile/128?attachmentType=Attachments

File Name: Attachment B - Soapstone - Typical Roadway Section.jpg

Attachment Type: Other
Date Added: 09/09/2019
https://novagateway.org/Home/GetFile/130?attachmentType=Attachments

File Name: Attachment C - Soapstone - Typical Bridge Section.jpg

Attachment Type: Other
Date Added: 09/09/2019
https://novagateway.org/Home/GetFile/131?attachmentType=Attachments

File Name: Attachment D - 2013 Comp Plan - Reston.pdf

Attachment Type: Other
Date Added: 09/09/2019
https://novagateway.org/Home/GetFile/132?attachmentType=Attachments

File Name: Attachment F - Current & Forecasted Traffic Data With & Without the Project.docx

Attachment Type: Other
Date Added: 09/09/2019
https://novagateway.org/Home/GetFile/138?attachmentType=Attachments

File Name: Attachment E - Question 4.3.pdf

Attachment Type: Other
Date Added: 09/25/2019
https://novagateway.org/Home/GetFile/298?attachmentType=Attachments

File Name: Attachment G - 4.7 - Safety Components.pdf

Attachment Type: Other
Date Added: 09/27/2019
https://novagateway.org/Home/GetFile/388?attachmentType=Attachments

7: CERTIFICATIONS

7.1: Submitter Agreed to all Terms if project is approved for funding:

- Commit all necessary operations/maintenance funds
- Adhere closely to approved SPA Appendix A and B, or provide timely updates on a regular basis and as needed in the event of schedule changes, scope changes, etc.
- Provide a monthly status report on project progress to NVTA staff
- Provide NVTA staff with timely notice of project-related public events such as information meetings and hearings, allowing NVTA members and staff to attend, track, occasionally participate in, and publicize such events. Timely notice means providing schedule and location information to NVTA staff when such events are in the early planning stage;
- Include NVTA logo and a partnership statement as appropriate on all public-facing materials such as websites, media releases/advisories, presentations, reports, handouts, display boards, and construction signage. An example of the partnership statement is 'project is (jointly) funded by the Northern Virginia Transportation Authority'. If the public-facing materials include detailed information regarding funding sources and amounts, the NVTA funding amount shall be explicitly included
- Provide NVTA with appropriate insurance certification and keep the certificates up to date
- Coordinate with NVTA staff to ensure accurate and complete reimbursement requests for timely processing
- Coordinate with NVTA staff before finalizing any third party administration agreement with another agency for project administration (NVTA may not recognize or be able to participate in such agreements);
- Adhere to all relevant NVTA Policies.

7.2: Staff Point of Contact

Name: Noelle Dominguez
Title: Coordination Section Chief
Email: Noelle.Dominguez@fairfaxcounty.gov
Phone: 703-877-5665

7.3: PIO Point of Contact

Name: Anna Nissinen
Title: Chief of Communications, Marketing, and TDM Programs
Email: Anna.Nissinen@fairfaxcounty.gov
Phone: 703-877-5606

7.4: Digital Signature

Tom Biesiadny

7.5: Date

09/27/2019

RESOLUTIONS

Primary - Certified Copy of your Board/Council resolution in support of the application

File Name: FY24-FY25 NVTA Funding Resolution.pdf

https://novagateway.org/Home/GetFile/282?attachmentType=PrimaryResolutions

Supporting - Signed copy of Board/Council resolution in support of the application

Clarification Requests

There have been no clarification requests submitted.

APPENDIX D-Tax Covenants

TAX COVENANTS
(For Bond Funded Projects Only)

The Recipient Entity will not permit more than five percent of the total amount of NVTA Bond Proceeds or the Financed Property to be used directly or indirectly (i) for a Private Business Use or (ii) to make or finance loans to Nongovernmental Persons. Any transaction that is generally characterized as a loan for federal income tax purposes is a "loan" for purposes of this paragraph. In addition, a loan may arise from the direct lending of NVTA Bond Proceeds or may arise from transactions in which indirect benefits that are the economic equivalent of a loan are conveyed, including any contractual arrangement which in substance transfers tax ownership and/or significant burdens and benefits of ownership.

The Recipient Entity agrees not to requisition or spend NVTA Bond Proceeds for any Project Cost not constituting a Capital Expenditure.

Except as may be described in Appendix B, the Recipient Entity neither has on the date of this Agreement nor expects to have after this date any funds that are restricted, segregated, legally required or otherwise intended to be used, directly or indirectly, for the purposes for which the Recipient Entity is receiving NVTA Bond Proceeds.

The Recipient Entity acknowledges that it may have to provide detailed information about the investment of the amount of any requisition unless (i) payments are remitted directly by NVTA to the contractors/vendors or (ii) the Recipient Entity remits payment to the contractors/vendors within five banking days after the date on which NVTA advances the amount of the requisition. NVTA may request the detailed information in order to compute the rebate liability to the U.S. Treasury on NVTA's bonds or other debt financing pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

"Capital Expenditure" means any cost of a type that is properly chargeable to capital account (or would be so chargeable with (or but for) a proper election or the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

"Federal Government" means the government of the United States and its agencies or instrumentalities.

"Financed Property" means the property financed by the NVTA Bond Proceeds.

"General Public Use" means use of Financed Property by a Nongovernmental Person as a member of the general public. Use of Financed Property by a Nongovernmental Person in a Trade or Business is treated as General Public Use only if the Financed Property is intended to be available and in fact is reasonably available for use on the same basis by natural persons not

engaged in a Trade or Business. Use under arrangements that convey priority rights or other preferential benefits is not use on the same basis as the general public.

"Governmental Person" means any Person that is a state or local governmental unit within the meaning of Section 141 of the Code (or any instrumentality thereof).

"NVTA Bond Proceeds" means, as used herein, the sale proceeds of any NVTA bonds or other debt instrument and the investment earnings on such proceeds, collectively.

"Nongovernmental Person" mean any Person other than a Governmental Person. For the purposes hereof, the Federal Government is a Nongovernmental Person.

"Person" means any natural person, firm, joint venture, association, partnership, business trust, corporation, limited liability company, corporation or partnership or any other entity (including the Federal Government and a Governmental Person).

"Private Business Use" means a use of the NVTA Bond Proceeds directly or indirectly in a Trade or Business carried on by a Nongovernmental Person other than General Public Use. For all purposes hereof, a Private Business Use of any Financed Property is treated as a Private Business Use of NVTA Bond Proceeds. Both actual and beneficial use by a Nongovernmental Person may be treated as Private Business Use under Section 141 of the Code. In most cases, however, Private Business Use results from a Nongovernmental Person having special legal entitlements to use the Financed Property under an arrangement with the Recipient Entity. Examples of the types of special legal entitlements resulting in Private Business Use of Proceeds include (i) ownership for federal tax purposes of Financed Property by a Nongovernmental Person and (ii) actual or beneficial use of Financed Property by a Nongovernmental Person pursuant to a lease, a Service Contract**,** an incentive payment contract or certain other arrangements such as a take-or-pay or other output-type contract. Private Business Use of the Financed Property may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. Any arrangement that is properly characterized as a lease for federal income tax purposes is treated as a lease for purposes of the Private Business Use analysis. An arrangement that is referred to as a management or Service Contract may nevertheless be treated as a lease, and in determining whether a management or service contract is properly characterized as a lease, it is necessary to consider all of the facts and circumstances, including (i) the degree of control over the property that is exercised by a Nongovernmental Person, and (ii) whether a Nongovernmental Person bears risk of loss of the Financed Property. Private Business Use of Financed Property that is not available for General Public Use may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. In determining whether special economic benefit gives rise to Private Business Use, it is necessary to consider all of the facts and circumstances, including one or more of the following factors: (i) whether the Financed Property is functionally related or physically proximate to property used in the Trade or Business of a Nongovernmental Person, (ii) whether only a small number of Nongovernmental Persons receive the economic benefit, and

(iii) whether the cost of the Financed Property is treated as depreciable by the Nongovernmental Person.

"Service Contract" means a contract under which a Nongovernmental Person will provide services involving all, a portion or any function of any Financed Property. For example, a Service Contract includes a contract for the provision of management services for all or any portion of Financed Property. Contracts for services that are solely incidental to the primary governmental function or functions of Financed Property (for example, contracts for janitorial, office equipment repair, billing, or similar services) are not included in this definition. Additional contracts not included in this definition are (i) a contract to provide for services by a Nongovernmental Person in compliance with Revenue Procedure 97-13, 1997-1 C.B. 632, as modified by Revenue Procedure 2001-39, I.R.B. 2001-28, (ii) a contract to provide for services by a Nongovernmental Person if the only compensation is the reimbursement of the Nongovernmental Person for actual and direct expenses paid by the Nongovernmental Person to unrelated parties and (iii) a contract to provide for the operations by a Nongovernmental Person of a facility or system of facilities that consists predominately of public utility property (within the meaning of Section 168(i)(10) of the Code), if the only compensation is the reimbursement of actual and direct expenses of the Nongovernmental Person and reasonable administrative overhead expenses of the Nongovernmental Person.

"Trade or Business" has the meaning set forth in Section 141(b)(6)(B) of the Code, and includes, with respect to any Nongovernmental Person other than a natural person, any activity carried on by such Nongovernmental Person. "Trade or Business" for a natural person means any activity carried on by such natural person that constitutes a "trade of business" within the meaning of Section 162 of the Code.

RECIPIENT ENTITY

By: _____

Name: Gregg Steverson

Title: Director of Transportation

Date: _____

Standard Project Agreement for Funding and Administration
between
Northern Virginia Transportation Authority
and
Fairfax County
(Recipient Entity)

Project Name: Seven Corners Ring Road Improvements

NVTA Project Number: 2022-325-1

This Standard Project Agreement for Funding and Administration ("this Agreement") is made and executed in duplicate on this_____ day of _____, 20__, as between the Northern Virginia Transportation Authority ("NVTA") and Fairfax County ("Recipient Entity").

WITNESSETH

WHEREAS, NVTA is a political subdivision of the Commonwealth of Virginia created by the Northern Virginia Transportation Authority Act ("the NVTA Act"), Chapter 25 of Title 15.2 of the Code of Virginia, as amended;

WHEREAS, Section 33.2-2500(4) of the Code of Virginia authorizes NVTA to enter into project agreements with certain statutorily designated entities for the provision of transportation facilities and services to the area embraced by NVTA;

WHEREAS, Section 33.2-2509 of the Code of Virginia authorizes NVTA to use funds from a fund established pursuant to that Code section (the "NVTA Fund") in order to assist in the financing, in whole or in part, of certain regional transportation projects in accordance with Code Section 33.2-2510;

WHEREAS, the NVTA Fund provides for the deposit therein of certain dedicated revenues and other funds appropriated by the Virginia General Assembly;

WHEREAS, Section 33.2-2510 of the Code of Virginia authorizes the use of funds from the NVTA Fund and the use of proceeds from NVTA debt issuances ("NVTA Bond Proceeds") to be used by NVTA solely for transportation purposes benefitting those counties and cities embraced by NVTA;

WHEREAS, the Project set forth and described on Appendix A to this Agreement ('the Project") satisfies the requirements of Virginia Code Section 33.2-2510;

WHEREAS, the Project is to be financed, as described in Appendix B, in whole or in part, by funds from the NVTA Fund and/or from NVTA Bond Proceeds, is located within a locality embraced by NVTA's geographical borders, or is located in an adjacent locality, but only to the extent that any such extension is an insubstantial part of the Project and is essential to the viability of the Project within the localities embraced by NVTA;

WHEREAS, Fairfax County formally requested that NVTA provide funding to the Project by timely submitting an application for NVTA funding in response to NVTA's call for projects;

WHEREAS, NVTA has reviewed Fairfax County's application for funding and has approved Fairfax County's administration and performance of the Project's described scope of work;

WHEREAS, based on the information provided by Fairfax County, NVTA has determined that the Project complies with all requirements of the NVTA Act related to the use of moneys identified in Virginia Code Sections 33.2-2510(A)(C)1 and all other applicable legal requirements;

WHEREAS, the funds to be provided by NVTA described in Appendix B have been duly authorized and directed by Fairfax County to finance the Project;

WHEREAS, NVTA agrees that Fairfax County will design and/or construct the Project or perform such other specific work for the Project and Fairfax County agrees that it will perform such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the Fairfax County's administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTA's governing body and Fairfax County's governing body have each authorized that their respective designee(s) execute this agreement on their respective behalf(s) as evinced by copies of each such entity's clerk's minutes which are appended hereto as Appendix E;.

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

A. Recipient Entity's Obligations

Fairfax County shall:

I. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement.

2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A and complies with Va. Code Ann. Sections 33.2-2510(A), (C)1.

3. Perform or have performed and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisitions for the Project, as is required by this Agreement and that may be necessary for completion of the Project.

4. Not use the NVTA funds specified on Appendix B to pay any Project cost if the NVTA Act does not permit such Project cost to be paid with NVTA funds.

5. Recognize that, if the Project contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTA will provide funding for such multiple phases (as set forth on Appendix B), NVTA may not provide funding to Fairfax County to advance the Project to the next phase until the current phase is completed. In any circumstance where Fairfax County seeks to advance a Project to the next phase using NVTA funds, Fairfax County shall submit a written request to NVTA's Chief Executive Officer ("CEO") explaining the need for NVTA's funding of an advanced phase. NVTA's CEO will thereafter review the circumstances

underlying the request in conjunction with Appendix B and NVTA's current and projected cash flow position and make a recommendation to NVTA whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit Fairfax County from providing its own funds to advance a future phase of the Project and from requesting reimbursement from NVTA for having advance funded a future phase of the Project. However, Fairfax County further recognizes that NVTA's reimbursement to Fairfax County for having advance funded a Project phase will be dependent upon NVTA's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVTA's CEO will periodically update NVTA's project cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. Fairfax County shall provide all information required by NVTA so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.

7. Provide to NVTA requests for payment consistent with Appendix B and the most recently approved NVTA cash flow estimates that include NVTA's standard payment requisition(s), containing detailed summaries of actual project costs incurred with supporting documentation as determined by NVTA and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement. If approved by NVTA, Fairfax County can expect to receive payment within twenty (20) days upon receipt by NVTA. Approved payments may be made by means of electronic transfer of funds from NVTA to or for the account of Fairfax County.

8. Promptly notify NVTA's CEO of any additional project costs resulting from unanticipated circumstances and provide to NVTA detailed estimates of additional costs associated with those circumstances. Fairfax County understands that it

will be within NVTA's sole discretion whether to provide any additional funding to the Project in such circumstances and that NVTA will do so only in accordance with NVTA's approved Project Selection Process and upon formal action and approval by NVTA. Fairfax County shall timely provide to NVTA a complete and accurate update to Appendix B, if NVTA approves funding of any additional Project costs for the Project under this Paragraph.

9. Release or return any unexpended funds to NVTA no later than 90 days after final payment has been made to the contractors.

10. Review and acknowledge the requirements of NVTA Resolution No. 14-08 adopted January 23, 2014; to wit that, if applicable to Fairfax County's Project: a) Prior to any NVTA funds being released for a project that may be part of a larger project, projects, or system undertaken with an extra-territorial funding partner, all such extra-territorial funding partners must commit to pay their appropriate, respective proportionate share or shares of the larger project or system cost commensurate with the benefits to each on a basis agreed upon by the NVTA member localities; b) any such funds released by NVTA for such project will be in addition to the funds that the NVTA member locality is to receive from or be credited with by the extra-territorial funding partner for the project or system; and c) there shall be no funding made available by NVTA until such time as all extra-territorial funding partners for such project or system pay or officially commit to fund their appropriate, respective proportionate shares of such large project or system commensurate with the benefits to each on a basis agreed upon with NVTA.

11. Should Fairfax County be required to provide matching funds in order to proceed or complete the funding necessary for the Project, Fairfax County shall certify to NVTA that all such matching funds have been either authorized and/or appropriated by Fairfax County's governing body or have been obtained through another, independent funding source;

12. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia

Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern Fairfax County and provide copies of any such financial records to NVTA, free of charge, upon request.

13. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern Fairfax County; and provide to NVTA copies of all such drawings and plans free of charge, upon request.

14. Reimburse NVTA for all NVTA funds (with interest earned at the rate earned by NVTA) that Fairfax County misapplied or used in contravention of Sections 33.2-2500 *et. seq*. of the Virginia Code ("the NVTA Act") Chapter 766 of the 2013 Virginia Acts of Assembly ("Chapter 766"), or any term or condition of this Agreement.

15. Name NVTA and its Bond Trustee or require that all Fairfax County's contractors name NVTA or its Bond Trustee as an additional insured on any insurance policy issued for the work to be performed by or on behalf of Fairfax County for the Project and present NVTA with satisfactory evidence thereof before any work on the Project commences or continues.

16. Give notice to NVTA that Fairfax County may use NVTA funds to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTA's in-house legal counsel) in connection with the work performed under this Agreement Fairfax County so as to ensure that no conflict of interest may arise from any such representation.

17. Provide certification to NVTA, that upon final payment to all contractors for the Project, Fairfax County will use the Project for its intended purposes for the duration of the Project's useful life. Under no circumstances will NVTA be considered

responsible or obligated to operate and/or maintain the Project after its completion.

18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern Fairfax County.

19. Acknowledge that if the Project is being funded in whole or in part by NVTA Bond Proceeds, comply with the tax covenants attached as Appendix D.

20. Acknowledge that if Fairfax County expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that Fairfax County agrees to comply with the Virginia Department of Transportation's ("VDOT's") "Standards, Requirements and Guidance."

21. Recognize that Fairfax County is solely responsible for obtaining all permits and permissions necessary to construct and/or operate the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.

22. Recognize that if Fairfax County is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTA funds and/or NVTA Bond Proceeds that Fairfax County will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledges that NVTA will not be a party or signatory to that Agreement; nor will NVTA have any obligation to comply with the requirements of that Agreement.

23. Provide a certification to NVTA no later than 90 days after final payment to the contractors that Fairfax County adhered to all applicable laws and regulations and all requirements of this Agreement.

B. NVTA's Obligations

NVTA shall:

l. Provide to Fairfax County the funding authorized by NVTA for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s) on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in Appendix B to this Agreement or the most updated amendment thereto, as approved by NVTA.

2. Assign a Regional Transportation Planner for the Project. NVTA's Regional Transportation Planner will be responsible for monitoring the Project on behalf of NVTA so as to ensure compliance with this Agreement and all NVTA's requirements and with overseeing, managing, reviewing, and processing, in consultation with NVTA's CEO and its Chief Financial Officer ("CFO"), all payment requisitions submitted by Fairfax County for the Project. NVTA's Regional Transportation Planner will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.

3. Route to NVTA's assigned Regional Transportation Planner all Fairfax County's payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTA for the Project. After submission to NVTA, NVTA's Regional Transportation Planner will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's legal and documentary sufficiency. NVTA's Regional Transportation Planner will then make a recommendation to the NVTA's CFO and CEO whether to authorize payment, refuse payment, or seek additional information from Fairfax County. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) days from receipt. If the payment requisition is deemed insufficient, within twenty (20) days from receipt, NVTA's Regional Tranportation Planner will notify Fairfax County in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTA have been corrected. Under no circumstances

will NVTA authorize payment for any work performed by or on behalf of Fairfax County that is not in conformity with the requirements of the NVTA Act, Chapter 766, or this Agreement.

4. Route all Fairfax County's supplemental requests for funding from NVTA under Paragraphs A.5 and A.8 of this Agreement to NVTA's CEO. NVTA's CEO will initially review those requests and all supporting documentation with NVTA's CFO. After such initial review, NVTA's CEO will make a recommendation to NVTA's Finance Committee for its independent consideration and review. NVTA's Finance Committee will thereafter make a recommendation on any such request to NVTA for final determination by NVTA.

5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the NVTA Act, Chapter 766, and other applicable law. Such compliance reviews may entail review of Fairfax County's financial records for the Project and on -site inspections.

6. Acknowledge that if, as a result of NVTA's review of any payment requisition or of any NVTA compliance review, NVTA staff determines that Fairfax County has misused or misapplied any NVTA funds in derogation of this Agreement or in contravention of the NVTA Act, Chapter 766 or applicable law, NVTA staff will promptly advise NVTA's CEO and will advise Fairfax County's designated representative in writing. Fairfax County will thereafter have thirty (30) days to respond in writing to NVTA's initial findings. NVTA's staff will review Fairfax County's response and make a recommendation to NVTA's Finance Committee. NVTA's Finance Committee will thereafter conduct its own review of all submissions and make a recommendation to NVTA. Pending final resolution of the matter, NVTA will withhold further funding on the Project. If NVTA makes a final determination that Fairfax County has misused or misapplied funds in contravention of this Agreement, the NVTA Act, Chapter 766, or other applicable law, NVTA will cease further funding for the Project and will seek reimbursement from Fairfax County of

all funds previously remitted by NVTA (with interest earned at the rate earned by NVTA) which were misapplied or misused by Fairfax County. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.

7. Make guidelines available to Fairfax County to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.

8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.

9. Be the sole determinant of the amount and source of NVTA funds to be provided and allocated to the Project and the amounts of any NVTA funds to be provided in excess of the amounts specified in Appendix B.

C. Term

1. This Agreement shall be effective upon adoption and execution by both parties.

2. Fairfax County may terminate this Agreement, for cause, in the event of a material breach by NVTA of this Agreement. If so terminated, NVTA shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by Fairfax County to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds to NVTA as described in paragraph F of this Agreement or repeal of the legislation establishing the NVTA fund created pursuant to Chapter766 shall not be considered material breaches of this Agreement by NVTA. Before initiating any proceedings to terminate under this Paragraph, Fairfax County shall give NVTA sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTA an opportunity to investigate and cure any such alleged breach.

3. NVTA may terminate this Agreement, for cause, resulting from Fairfax County's material breach of this Agreement. If so

terminated, Fairfax County shall refund to NVTA all funds NVTA provided to Fairfax County for the Project (including interest earned at the rate earned by NVTA). NVTA will provide Fairfax County with sixty (60) days written notice that NVTA is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, Fairfax County may request that NVTA excuse Fairfax County from refunding all funds NVTA provided to Fairfax County for the Project based upon Fairfax County's substantial completion of the Project or severable portions thereof; and NVTA may, in its sole discretion, excuse Fairfax County from refunding all or a portion of the funds NVTA provided to Fairfax County for the Project. No such request to be excused from refunding will be allowed where Fairfax County has either misused or misapplied NVTA funds in contravention of applicable law.

4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, Fairfax County will release or return to NVTA all unexpended NVTA funds with interest earned at the rate earned by NVTA no later than sixty (60) days after the date of termination.

D. Dispute

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a third party or judicial intervention. NVTA's CEO and Fairfax County's Chief Executive Officer or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTA and to Fairfax County's governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

E. NVTA's Financial Interest in Project Assets

Fairfax County agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTA under this Agreement ("Project Assets") for the designated

transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. NVTA shall retain a financial interest in the value of each of the of the Project Assets, whether any such Project Asset may have depreciated or appreciated, throughout its respective useful life proportionate to the amount of the cost of the Project Asset funded by NVTA under this Agreement. In the event that Fairfax County fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, Fairfax County shall refund to NVTA with interest at the rate earned by NVTA the amount attributable to NVTA's proportionate financial interest in the value of said Project Asset. If Fairfax County refuses or fails to refund said monies to NVTA, NVTA may recover its proportionate financial interest from Fairfax County by pursuit of any remedies available to NVTA, including but not limited to NVTA's withholding of commensurate amounts from future distributions of NVTA funds to Fairfax County.

F. Appropriations Requirements

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.

2. The parties acknowledge that all funding provided by NVTA pursuant to Chapter766 is subject to appropriation by the Virginia General Assembly. The parties further acknowledge that: (i) the moneys allocated to the NVTA Fund pursuant to Va. Code Ann. Sections 58.1-638, 58.1-802.2, and 58.1-1742 and any other moneys that the General Assembly appropriates for deposit into the NVTA Fund are subject to appropriation by the General Assembly and (ii) NVTA's obligations under this Agreement are subject to such moneys being appropriated for deposit in the NVTA Fund by the General Assembly.

G. Notices

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

1) to: NVTA, to the attention of its CEO;

2600 Park Tower Drive, Suite 601
Vienna, VA 22180

2) to Fairfax County, to the attention of Gregg Steverson
4050 Legato Road, Suite 400
Fairfax, VA 22033 (address)

H. Assignment

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

I. Modification or Amendment

This Agreement may be modified, in writing, upon mutual agreement of both parties.

J. No Personal Liability or Creation of Third Party Rights

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

K. No Agency

Fairfax County represents that it is not acting as a partner or agent of NVTA; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

L. Sovereign Immunity

This Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

M. Incorporation of Recitals

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

N. Mutual Preparation and Fair Meaning

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

O. Governing Law

This Agreement is governed by the laws of the Commonwealth of Virginia.

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

Northern Virginia Transportation Authority

By: _____

Date: _____

_____ (Name of Recipient Entity)

By: _____

Date: _____

APPENDICES A & B

SCOPE, SCHEDULE, COST, AND FUNDING UPDATE #1

SPA #:	2022-325-1	Submitted On:	N/A
NVTA Project #:	325	Submitted By:	
NVTA Project Title:	Seven Corners Ring Road Improvements	Status:	Pending

Project Schedule & Scope Changes

An additional $122,229,417 in NVTA funding is allocated beginning in 2029.

Fairfax County has been working with VDOT to complete the (required) Interchange Access Report. VDOT will be administering the project. They have begun pre-PE activities such as survey and the consultant procurement process.

Project Schedule Changes

	START	END	
Study			☑ N/A
Design / Engineering / Environmental	FY2027	FY2029	
ROW and Utilities	FY2028	FY2030	
Construction	FY2030	FY2033	
Asset Acquisition			☑ N/A

B-1 - Total Cost by Phase and Fiscal Year

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2027	$0.00	$1,627,000.00	$0.00	$0.00	$0.00	$1,627,000.00
FY2028	$0.00	$2,603,200.00	$13,065,000.00	$0.00	$0.00	$15,668,200.00
FY2029	$0.00	$2,277,800.00	$27,393,000.00	$0.00	$0.00	$29,670,800.00
FY2030	$0.00	$0.00	$24,859,000.00	$12,725,000.00	$0.00	$37,584,000.00
FY2031	$0.00	$0.00	$0.00	$19,083,000.00	$0.00	$19,083,000.00
FY2032	$0.00	$0.00	$0.00	$19,083,000.00	$0.00	$19,083,000.00
FY2033	$0.00	$0.00	$0.00	$12,722,000.00	$0.00	$12,722,000.00
Totals	$0.00	$6,508,000.00	$65,317,000.00	$63,613,000.00	$0.00	$135,438,000.00

B-2 - Update Other Secured Funding Sources

Source	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
Total Cost	$0	$6,508,000	$65,317,000	$63,613,000	$0	$135,438,000
NVTA Funds Applied	$0	$4,200,000	$0	$0	$0	$4,200,000
RSTP		$1,289,000	$0	$3,018,000		$4,307,000
NVTA 30%		$0		$4,701,583		$4,701,583
Total Other	$0	$1,289,000	$0	$7,719,583	$0	$9,008,583
Gap	$0	$1,019,000	$65,317,000	$55,893,417	$0	$122,229,417

B-3 - Update Project Reimbursement Cash Flow for NVTA Funds in this SPA Only

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2027	$0.00	$1,255,000.00	$0.00	$0.00	$0.00	$1,255,000.00
FY2028	$0.00	$1,686,200.00	$0.00	$0.00	$0.00	$1,686,200.00
FY2029	$0.00	$1,258,800.00	$0.00	$0.00	$0.00	$1,258,800.00
FY2030	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2031	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2032	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY2033	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Totals	$0.00	$4,200,000.00	$0.00	$0.00	$0.00	$4,200,000.00

B-4 - Quarterly Project Reimbursement Cash Flow by Quarter of Expenditure. For NVTA Funds in this SPA Only

Year	September	December	March	June	Total
FY2027	$0.00	$437,500.00	$380,000.00	$437,500.00	$1,255,000.00
FY2028	$437,500.00	$437,500.00	$405,600.00	$405,600.00	$1,686,200.00
FY2029	$437,500.00	$437,500.00	$383,800.00	$0.00	$1,258,800.00
FY2030	$0.00	$0.00	$0.00	$0.00	$0.00
FY2031	$0.00	$0.00	$0.00	$0.00	$0.00
FY2032	$0.00	$0.00	$0.00	$0.00	$0.00
FY2033	$0.00	$0.00	$0.00	$0.00	$0.00
Totals	$875,000.00	$1,312,500.00	$1,169,400.00	$843,100.00	$4,200,000.00
Previously Reimbursed	$0.00	$0.00	$0.00	$0.00	$0.00

RECIPIENT ENTITY

By: _____

Name: _____

Title: _____

NVTA

_____ _____

Transportation Planner Date

_____ _____

CFO Date

_____ _____

CEO Date

Attachment 3

Northern Virginia Transportation Authority
FY2022-2027 Six Year Program

Seven Corners Ring Road Improvements

Date Submitted: 10/01/2021

APPLICATION #: FFX-125

Arlington Boulevard (Route 50) Westbound Ramp to Castle Place/Sleepy Hollow Road

Project Description

Phase 1A, Segment A of the Seven Corners Ring Road Improvements project includes the construction of a portion of the Seven Corners "Ring Road" from Arlington Blvd (Route 50) Westbound Ramp to the intersection of Castle Place and Sleepy Hollow Road with travel lanes, a bi-directional cycletrack, and parking lanes. The existing Seven Corners Interchange is a confusing confluence of major roads (Arlington Blvd (Route 50), Leesburg Pike (Route 7), and Wilson Blvd/Sleepy Hollow Road), multiple signalized intersections, extremely limited pedestrian facilities and no bicycle facilities. The Seven Corners Transportation Study, Phase II (November 2014), identified that most of the intersections at the Seven Corners Interchange operate at level of service E or F during peak periods, due to the convergence of several regional commuting corridors at a single point. The interchange causes high levels of congestion, long periods of vehicular delay and safety concerns for pedestrians, bicyclists and transit users. The proposed Ring road concept will help move traffic around the interchange area, converting the section of Route 7 where it crosses over Route 50 into a one-way couplet, and closing some of the Seven Corners roads such as Hillwood Avenue to increase capacity for the other connections. This project application is to design the first phase of the new Seven Corners Interchange.

Primary Mode(s)	Secondary Mode(s)
Application Number	FFX-125
Primary TransAction ID Number	18
Submitting Jurisdiction/Agency	Fairfax County
Location	Arlington Boulevard (Route 50) Westbound Ramp to Castle Place/Sleepy Hollow Road (see map)
Requested NVTA Funds	$94,800,000.00
NVTA Funds Approved	$4,200,000
Previous NVTA Funds Received	$0.00
Total Cost to Complete Project	$94,800,000.00

Project Location



Attachment 3

Project Milestones

	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition
Earlier					
FY21					
FY22					
FY23					
FY24					
FY25					
FY26		X			
Beyond		X	X	X	

Year of expected project completion: FY2032

Project Funding

Source	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
Total Cost	$0	$4,200,000	$63,200,000	$27,400,000	$0	$94,800,000
NVTA Funds Applied	$0	$4,200,000	$63,200,000	$27,400,000	$0	$94,800,000
Total Other	$0	$0	$0	$0	$0	$0
Gap	$0	$0	$0	$0	$0	$0

Project Analysis Highlights

Congestion Reduction Relative to Cost (CRRC) Rating	5.13
Congestion Reduction Relative to Cost (CRRC) Rank	18
TransAction Project Rating	8.83
TransAction Project Rank	22
Project's Past Performance (Percentage of expected funds that was reimbursed by 12/31/2021)	N/A
Jurisdiction/Agency's Past Performance on All Projects (Percentage of expected funds that was reimbursed by 12/31/2021)	76.66%
Percentage of Total Project Cost Covered by Funds from Sources Other than NVTA	0.00%
Local Priority	6
Number of Supporting Resolutions (does not include resolution from applicant's own Board/Council)	1
Number of NVTA-Funded Project(s) Nearby	1
Regional Funds allocated to NVTA-Funded Project(s) Nearby	$838,000

Application Notes

NVTA approved $4,200,000 for Design/Engineering/Environmental Phase only.

NVTA
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

APPLICATION #: FFX-125

Date Submitted: 10/01/2021

Local Priority: 6

Application Status: Funded

Adopted Year: 2022

1: GENERAL PROJECT INFORMATION

1.1: Primary TransAction ID

18 - Seven Corners Ring Road Improvements

1.2: Secondary TransAction IDs

1.3: What is the primary TransAction corridor segment in which this project is physically located?

6-3 I-66/US 29/US 50/Orange Silver Line - I-495 to Potomac River

1.4: What other TransAction corridor segments is this project physically located in?

1-4 Rt. 7/Dulles Toll Road/Silver Line - Tysons to US 1

1.5: Project Title

Seven Corners Ring Road Improvements

1.6: Project Subtitle

Arlington Boulevard (Route 50) Westbound Ramp to Castle Place/Sleepy Hollow Road

1.7: Primary Supported Mode

Intersection/Interchange

1.8: Secondary Supported Modes

Bike and Pedestrian, Roadway

1.9: Project Description

Phase 1A, Segment A of the Seven Corners Ring Road Improvements project includes the construction of a portion of the Seven Corners "Ring Road" from Arlington Blvd (Route 50) Westbound Ramp to the intersection of Castle Place and Sleepy Hollow Road with travel lanes, a bi-directional cycletrack, and parking lanes. The existing Seven Corners Interchange is a confusing confluence of major roads (Arlington Blvd (Route 50), Leesburg Pike (Route 7), and Wilson Blvd/Sleepy Hollow Road), multiple signalized intersections, extremely limited pedestrian facilities and no bicycle facilities. The Seven Corners Transportation Study, Phase II (November 2014), identified that most of the intersections at the Seven Corners Interchange operate at level of service E or F during peak periods, due to the convergence of several regional commuting corridors at a single point. The interchange causes high levels of congestion, long periods of vehicular delay and safety concerns for pedestrians, bicyclists and transit users. The proposed Ring road concept will help move traffic around the interchange area, converting the section of Route 7 where it crosses over Route 50 into a one-way couplet, and closing some of the Seven Corners roads such as Hillwood Avenue to increase capacity for the other connections. This project application is to design the first phase of the new Seven Corners Interchange.

1.10: Project Location Text

Arlington Boulevard (Route 50) Westbound Ramp to Castle Place/Sleepy Hollow Road (see map)

1.11: Project Location Map



1.12: Local Priority

6

1.13: Does this project support Metro or VRE core capacity?

Yes

1.14: Project URL

N/A

2: PROJECT TIMEFRAMES

2.1: Timeframes by Phase

	START	END
Study	N/A	N/A
Design/Engineering/Environmental	FY2026	FY2029
ROW and Utilities	FY2028	FY2030
Construction	FY2030	FY2032
Asset Acquisition	N/A	N/A

2.2: Potential Delay Risk Factors

There are no known risk factors at this time.

2.3: For Design-Build project, estimated date for funding verification

3: COST AND FUNDING

3.1: Total Cost by Phase and Fiscal Year

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2026	$0.00	$1,050,000.00	$0.00	$0.00	$0.00	$1,050,000.00
FY2027	$0.00	$1,050,000.00	$0.00	$0.00	$0.00	$1,050,000.00
FY2028	$0.00	$1,050,000.00	$20,000,000.00	$0.00	$0.00	$21,050,000.00
FY2029	$0.00	$1,050,000.00	$20,000,000.00	$0.00	$0.00	$21,050,000.00
FY2030	$0.00	$0.00	$23,200,000.00	$10,000,000.00	$0.00	$33,200,000.00
FY2031	$0.00	$0.00	$0.00	$10,000,000.00	$0.00	$10,000,000.00
FY2032	$0.00	$0.00	$0.00	$7,400,000.00	$0.00	$7,400,000.00
Totals	$0.00	$4,200,000.00	$63,200,000.00	$27,400,000.00	$0.00	$94,800,000.00

3.2: NVTA Funding Request by Phase and Fiscal Year of Expenditure

Year	Study	Design/Engineering/Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
FY2026	$0.00	$1,050,000.00	$0.00	$0.00	$0.00	$1,050,000.00
FY2027	$0.00	$1,050,000.00	$0.00	$0.00	$0.00	$1,050,000.00
FY2028	$0.00	$1,050,000.00	$20,000,000.00	$0.00	$0.00	$21,050,000.00
FY2029	$0.00	$1,050,000.00	$20,000,000.00	$0.00	$0.00	$21,050,000.00
FY2030	$0.00	$0.00	$23,200,000.00	$10,000,000.00	$0.00	$33,200,000.00
FY2031	$0.00	$0.00	$0.00	$10,000,000.00	$0.00	$10,000,000.00
FY2032	$0.00	$0.00	$0.00	$7,400,000.00	$0.00	$7,400,000.00
Totals	$0.00	$4,200,000.00	$63,200,000.00	$27,400,000.00	$0.00	$94,800,000.00

3.3: Other Secured Funding Sources

Source	Study	Design / Engineering / Environmental	ROW and Utilities	Construction	Asset Acquisition	Total
Total Cost	$0	$4,200,000	$63,200,000	$27,400,000	$0	$94,800,000
NVTA Funds Applied	$0	$4,200,000	$63,200,000	$27,400,000	$0	$94,800,000
Total Other	$0	$0	$0	$0	$0	$0
Gap	$0	$0	$0	$0	$0	$0

3.4: Other Sources Applied for But Not Yet Secured

N/A

3.5: Other Sources under consideration for applying for any gap remaining

The County will consider applying for funding through Virginia's Smart Scale, future NVTA SYP , and/or federal funding sources as appropriate/needed. It should be noted that the County would prefer starting project design phase prior to FY 2026. Should funding be available prior to FY 2026, this project would be able to utilize available funds.

4: PROJECT IMPACTS

4.1: Which facilities will experience capacity increases and/or how will this result in improved traffic flow/transit services?

The Seven Corners Transportation Study, Phase II (November 2014), identified that most of the intersections at the Seven Corners Interchange operate at level of service E or F during peak periods, due to the convergence of several regional commuting corridors at a single point. The proposed Ring road concept will help move traffic around the interchange area, converting the section of Route 7 where it crosses over Route 50 into a one-way couplet, and closing some of the Seven Corners roads such as Hillwood Avenue to increase capacity for the other connections. The Ring road and new overcrossings would be able to accommodate forecasted traffic volumes and the new interchange ramp terminals would not operate at capacity or experience substantial queuing. Figure 17, Figure 19 and Figure 39 in the Seven Corners Transportation Study Phase II report show the traffic flow pattern based on operations analysis for future conditions with and without the project. The project would accommodate BRT with direct connection from Route 7 to Roosevelt Boulevard (and thus the East Falls Church Metrorail Station) which would also help with circulator service to/from the station. The project would provide multiple opportunities for improvements to local bus service, integration with other modes, and coordination with other transit service in the Seven Corners area.

4.2: What congestion problem does the project address and how will it reduce congestion?

The project will address reliability and congestion issues on portions of Route 50 by improving the Seven Corners Interchange. The Seven Corners area serves as a critical east/west and north/south junction for Northern Virginia. Three major regional commuter routes, Arlington Blvd (Route 50), Leesburg Pike (Route 7), and Wilson Boulevard/Sleepy Hollow Road, pass through this area. By addressing the function of the roadways that intersect this interchange, a significant chokepoint in the region can be improved. As a parallel facility to I-66 and major regional commuter route, improvements to the interchange have the potential to alleviate some reliability and congestion issues on portions of I-66.

4.3: Provide current and forecasted traffic/ridership data with and without the project.

		COUNT	YEAR	SOURCE/EXPLANATION
Data For: Existing facility	**Current**			See Attachment 4.3-Forecasted Volumes.
Data Type: AADT	**Future Without Project**			
Data Frequency: AM Peak	**Future With Project**			

4.4: How will the project improve regional connectivity between/within regional activity centers and jurisdictions?

The project will address severe congestion issues on Route 7 and Route 50 at the Seven Corners Interchange by improving access to and within the Seven Corners Activity Center as well as provide access to/between other centers, such as Tysons, Annandale, and Ballston. A key objective of the Seven Corners Ring Road is to increase connectivity with more roads in the area and ultimately simplify the Seven Corners Interchange. The project will also improve connectivity around the localities surrounding Seven Corners, including Fairfax County, the City of Falls Church, and Arlington County, as well as those trying to travel to and from the District of Columbia.

4.5: How will the project improve integration between modes & systems?

When the Seven Corners interchange is fully completed, it will enhance access of buses and personal vehicles to existing transit, bus stops, and Park and Ride lots by providing safe and reliable Bus Rapid Transit (BRT) along Route 7 from Mark Center to Tysons, via the East Falls Church Metrorail Station as provided for in Envision Route 7 project. In addition, the project will help improve access to businesses surround the project area, increasing access to jobs, employees, markets and destinations. The project will create or enhance bicycle and pedestrian facilities in the area, which will enhance the safety of pedestrians who presently attempt to cross either north to south or east to west. Bicyclists will also be provided a facility that is physically separated from both the roadway and the sidewalk, which will improve safety.

4.6: Is safety the primary purpose of this project?

No

4.7: How will the project improve safety?

N/A

4.8: What synergies exist between this project and other projects **your jurisdiction/agency** is applying for this SYP update cycle?

None currently

4.9: What synergies exist between this project and other projects **other jurisdictions/agencies** is applying for this SYP update cycle?

None currently.

4.10: What synergies exist between this project and other projects **previously approved** for NVTA regional revenues?

NVTA funded NVTC's Envision Route 7 Study, which has recommended Bus Rapid Transit (BRT) to run 11 miles, mostly in a dedicated lane, between the Spring Hill Metrorail Station in and the Mark Center, leaving Route 7 briefly to connect to the East Falls Church Metrorail Station. The improvements to Seven Corners, coupled with the Route 7 proposal will expand travel options, enhance connections to Seven Corners, while reducing greenhouse gas emissions and traffic congestion.

4.11: If this project includes traffic signal enhancements, please explain what signal timing philosophy will be used, and how this will be coordinated with neighboring signals (including in adjacent jurisdictions).

The signals within project area will be coordinated and synchronized with the existing signal timing philosophy of the surrounding areas.

4.12: If this project includes transit signal priority, please explain how signal timing changes will be coordinated with the jurisdiction/agency responsible for signal timing.

N/A

4.13: Please explain how this project and its expected transportation impacts align with NVTA's Core Values of equity, safety, and sustainability. Please provide supporting data/analysis. Upload the document below.

5: OTHER INFORMATION

5.1: Is this project included in the current CLRP?

Yes

5.2: Title of the project in CLRP

US 50 (Seven Corners Interchange)

5.3: CLRP ID

CEID 3477

5.4: Project VDOT UPC Number, if existing

T17486

5.5: Project DRPT Number, if existing

5.6: Is this project included in the current TIP?

Yes

5.7: Title of the project in TIP?

Construction: Safety/ITS/Operational Improvements

5.8: TIP ID

Grouped Project

5.9: List internet links to any additional information in support of this project

http://www.fcrevit.org/baileys/7cornersTransStudyDocsarchive.html https://www.fairfaxcounty.gov/planning-development/sites/planning-zoning/files/assets/compplan/area1/baileys.pdf

6: ATTACHMENTS

Attachments

File Name: Extracted Fairfax County Comphrensive P...anning District for Seven Cornersa.pdf

Attachment Type: Comprehensive plan
Date Added: 09/30/2021
https://novagateway.org/Home/GetFile/539?attachmentType=Attachments

File Name: Extracted Fairfax County Comphrensive Plan Baileys Planning District for Seven Cornersb (6).pdf

Attachment Type: Comprehensive plan
Date Added: 09/30/2021
https://novagateway.org/Home/GetFile/541?attachmentType=Attachments

File Name: Seven Corners Transportation Study-Phase2-Report_FINAL_20141107 (1).pdf

Attachment Type: Planning study
Date Added: 09/30/2021
https://novagateway.org/Home/GetFile/544?attachmentType=Attachments

File Name: Section 4.3 Seven Corners Forecasted Volumes.xlsx

Attachment Type: Other
Date Added: 09/30/2021
https://novagateway.org/Home/GetFile/557?attachmentType=Attachments

7: CERTIFICATIONS

7.1: Submitter Agreed to all Terms if project is approved for funding:

- ✔ Commit all necessary operations/maintenance funds
- ✔ Adhere closely to approved SPA Appendix A and B, or provide timely updates on a regular basis and as needed in the event of schedule changes, scope changes, etc.
- ✔ Provide a monthly status report on project progress to NVTA staff
- ✔ Provide NVTA staff with timely notice of project-related public events such as information meetings and hearings, allowing NVTA members and staff to attend, track, occasionally participate in, and publicize such events. Timely notice means providing schedule and location information to NVTA staff when such events are in the early planning stage;
- ✔ Include NVTA logo and a partnership statement as appropriate on all public-facing materials such as websites, media releases/advisories, presentations, reports, handouts, display boards, and construction signage. An example of the partnership statement is 'project is (jointly) funded by the Northern Virginia Transportation Authority'. If the public-facing materials include detailed information regarding funding sources and amounts, the NVTA funding amount shall be explicitly included
- ✔ Provide NVTA with appropriate insurance certification and keep the certificates up to date
- ✔ Coordinate with NVTA staff to ensure accurate and complete reimbursement requests for timely processing
- ✔ Coordinate with NVTA staff before finalizing any third party administration agreement with another agency for project administration (NVTA may not recognize or be able to participate in such agreements);
- ✔ Adhere to all relevant NVTA Policies.

7.2: Staff Point of Contact

Name: Anna Nissinen
Title: Senior Planner, Funding and Regional Partnerships
Email: anna.nissinen@fairfaxcounty.gov
Phone: 703-877-5606

7.3: PIO Point of Contact

Name: Robin Geiger
Title: Head of Communications
Email: Robin.Geiger@fairfaxcounty.gov
Phone: 703-877-5602

7.4: Digital Signature

Noelle Dominguez

7.5: Date

10/01/2021

RESOLUTIONS

Primary - Certified Copy of your Board/Council resolution in support of the application

File Name: Fairfax County Resolution for FY 22-27 NVTA Applications.pdf

https://novagateway.org/Home/GetFile/363?attachmentType=PrimaryResolutions

Supporting - Signed copy of Board/Council resolution in support of the application

File Name: Falls Church Resolution for FFX Seven Corners Project.pdf

Date Added: 11/30/2021

https://novagateway.org/Home/GetFile/96?attachmentType=SupportingResolutions

Clarification Requests

Request Details

Status: Accepted

Date requested: 2/9/2022 12:06:00 PM

As per email conversation between Noelle Dominguez (FCDOT) and Sree Nampoothiri (NVTA) on February 4, 2022, the secondary mode "Roadway" has been added in the application.

Response Notes

APPENDIX D-Tax Covenants

TAX COVENANTS
(For Bond Funded Projects Only)

The Recipient Entity will not permit more than five percent of the total amount of NVTA Bond Proceeds or the Financed Property to be used directly or indirectly (i) for a Private Business Use or (ii) to make or finance loans to Nongovernmental Persons. Any transaction that is generally characterized as a loan for federal income tax purposes is a "loan" for purposes of this paragraph. In addition, a loan may arise from the direct lending of NVTA Bond Proceeds or may arise from transactions in which indirect benefits that are the economic equivalent of a loan are conveyed, including any contractual arrangement which in substance transfers tax ownership and/or significant burdens and benefits of ownership.

The Recipient Entity agrees not to requisition or spend NVTA Bond Proceeds for any Project Cost not constituting a Capital Expenditure.

Except as may be described in Appendix B, the Recipient Entity neither has on the date of this Agreement nor expects to have after this date any funds that are restricted, segregated, legally required or otherwise intended to be used, directly or indirectly, for the purposes for which the Recipient Entity is receiving NVTA Bond Proceeds.

The Recipient Entity acknowledges that it may have to provide detailed information about the investment of the amount of any requisition unless (i) payments are remitted directly by NVTA to the contractors/vendors or (ii) the Recipient Entity remits payment to the contractors/vendors within five banking days after the date on which NVTA advances the amount of the requisition. NVTA may request the detailed information in order to compute the rebate liability to the U.S. Treasury on NVTA's bonds or other debt financing pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

"Capital Expenditure" means any cost of a type that is properly chargeable to capital account (or would be so chargeable with (or but for) a proper election or the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

"Federal Government" means the government of the United States and its agencies or instrumentalities.

"Financed Property" means the property financed by the NVTA Bond Proceeds.

"General Public Use" means use of Financed Property by a Nongovernmental Person as a member of the general public. Use of Financed Property by a Nongovernmental Person in a Trade or Business is treated as General Public Use only if the Financed Property is intended to be available and in fact is reasonably available for use on the same basis by natural persons not

engaged in a Trade or Business. Use under arrangements that convey priority rights or other preferential benefits is not use on the same basis as the general public.

"Governmental Person" means any Person that is a state or local governmental unit within the meaning of Section 141 of the Code (or any instrumentality thereof).

"NVTA Bond Proceeds" means, as used herein, the sale proceeds of any NVTA bonds or other debt instrument and the investment earnings on such proceeds, collectively.

"Nongovernmental Person" mean any Person other than a Governmental Person. For the purposes hereof, the Federal Government is a Nongovernmental Person.

"Person" means any natural person, firm, joint venture, association, partnership, business trust, corporation, limited liability company, corporation or partnership or any other entity (including the Federal Government and a Governmental Person).

"Private Business Use" means a use of the NVTA Bond Proceeds directly or indirectly in a Trade or Business carried on by a Nongovernmental Person other than General Public Use. For all purposes hereof, a Private Business Use of any Financed Property is treated as a Private Business Use of NVTA Bond Proceeds. Both actual and beneficial use by a Nongovernmental Person may be treated as Private Business Use under Section 141 of the Code. In most cases, however, Private Business Use results from a Nongovernmental Person having special legal entitlements to use the Financed Property under an arrangement with the Recipient Entity. Examples of the types of special legal entitlements resulting in Private Business Use of Proceeds include (i) ownership for federal tax purposes of Financed Property by a Nongovernmental Person and (ii) actual or beneficial use of Financed Property by a Nongovernmental Person pursuant to a lease, a Service Contract**,** an incentive payment contract or certain other arrangements such as a take-or-pay or other output-type contract. Private Business Use of the Financed Property may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. Any arrangement that is properly characterized as a lease for federal income tax purposes is treated as a lease for purposes of the Private Business Use analysis. An arrangement that is referred to as a management or Service Contract may nevertheless be treated as a lease, and in determining whether a management or service contract is properly characterized as a lease, it is necessary to consider all of the facts and circumstances, including (i) the degree of control over the property that is exercised by a Nongovernmental Person, and (ii) whether a Nongovernmental Person bears risk of loss of the Financed Property. Private Business Use of Financed Property that is not available for General Public Use may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. In determining whether special economic benefit gives rise to Private Business Use, it is necessary to consider all of the facts and circumstances, including one or more of the following factors: (i) whether the Financed Property is functionally related or physically proximate to property used in the Trade or Business of a Nongovernmental Person, (ii) whether only a small number of Nongovernmental Persons receive the economic benefit, and

(iii) whether the cost of the Financed Property is treated as depreciable by the Nongovernmental Person.

"Service Contract" means a contract under which a Nongovernmental Person will provide services involving all, a portion or any function of any Financed Property. For example, a Service Contract includes a contract for the provision of management services for all or any portion of Financed Property. Contracts for services that are solely incidental to the primary governmental function or functions of Financed Property (for example, contracts for janitorial, office equipment repair, billing, or similar services) are not included in this definition. Additional contracts not included in this definition are (i) a contract to provide for services by a Nongovernmental Person in compliance with Revenue Procedure 97-13, 1997-1 C.B. 632, as modified by Revenue Procedure 2001-39, I.R.B. 2001-28, (ii) a contract to provide for services by a Nongovernmental Person if the only compensation is the reimbursement of the Nongovernmental Person for actual and direct expenses paid by the Nongovernmental Person to unrelated parties and (iii) a contract to provide for the operations by a Nongovernmental Person of a facility or system of facilities that consists predominately of public utility property (within the meaning of Section 168(i)(10) of the Code), if the only compensation is the reimbursement of actual and direct expenses of the Nongovernmental Person and reasonable administrative overhead expenses of the Nongovernmental Person.

"Trade or Business" has the meaning set forth in Section 141(b)(6)(B) of the Code, and includes, with respect to any Nongovernmental Person other than a natural person, any activity carried on by such Nongovernmental Person. "Trade or Business" for a natural person means any activity carried on by such natural person that constitutes a "trade of business" within the meaning of Section 162 of the Code.

RECIPIENT ENTITY

By: _____

Name: Gregg Steverson

Title: Director of Transportation

Date: _____

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 12

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – John Milton Drive (Hunter Mill District)

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

RECOMMENDATION:
The County Executive recommends that the Board approve a resolution (Attachment 1) endorsing a traffic calming plan for John Milton Drive (Attachment 2), consisting of the following:

- Two Speed Humps on John Milton Drive (Hunter Mill District)

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

TIMING:
Board action is requested on August 25, 2026, to allow the proposed measure(s) to be installed as soon as possible.

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

On July 1, 2026, FCDOT received verification from the Hunter Mill District Supervisor's office confirming community support for the John Milton Drive traffic calming plan.

Board Agenda Item
August 25, 2026

EQUITY IMPACT:
None.

FISCAL IMPACT:
Funding in the amount of $46,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:
Attachment 1: Traffic Calming Resolution for John Milton Drive
Attachment 2: Traffic Calming Plan for John Milton Drive

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Elena Coello, Deputy Director, FCDOT
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT
Ryan O'Carroll, Transportation Planner, Traffic Engineering Section, FCDOT
Grace Vaughn, Planning Technician, Traffic Engineering Section, FCDOT

Attachment 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
JOHN MILTON DRIVE
HUNTER MILL DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, August 25, 2026, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of John Milton Drive have requested the Hunter Mill District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on John Milton Drive; and

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

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

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

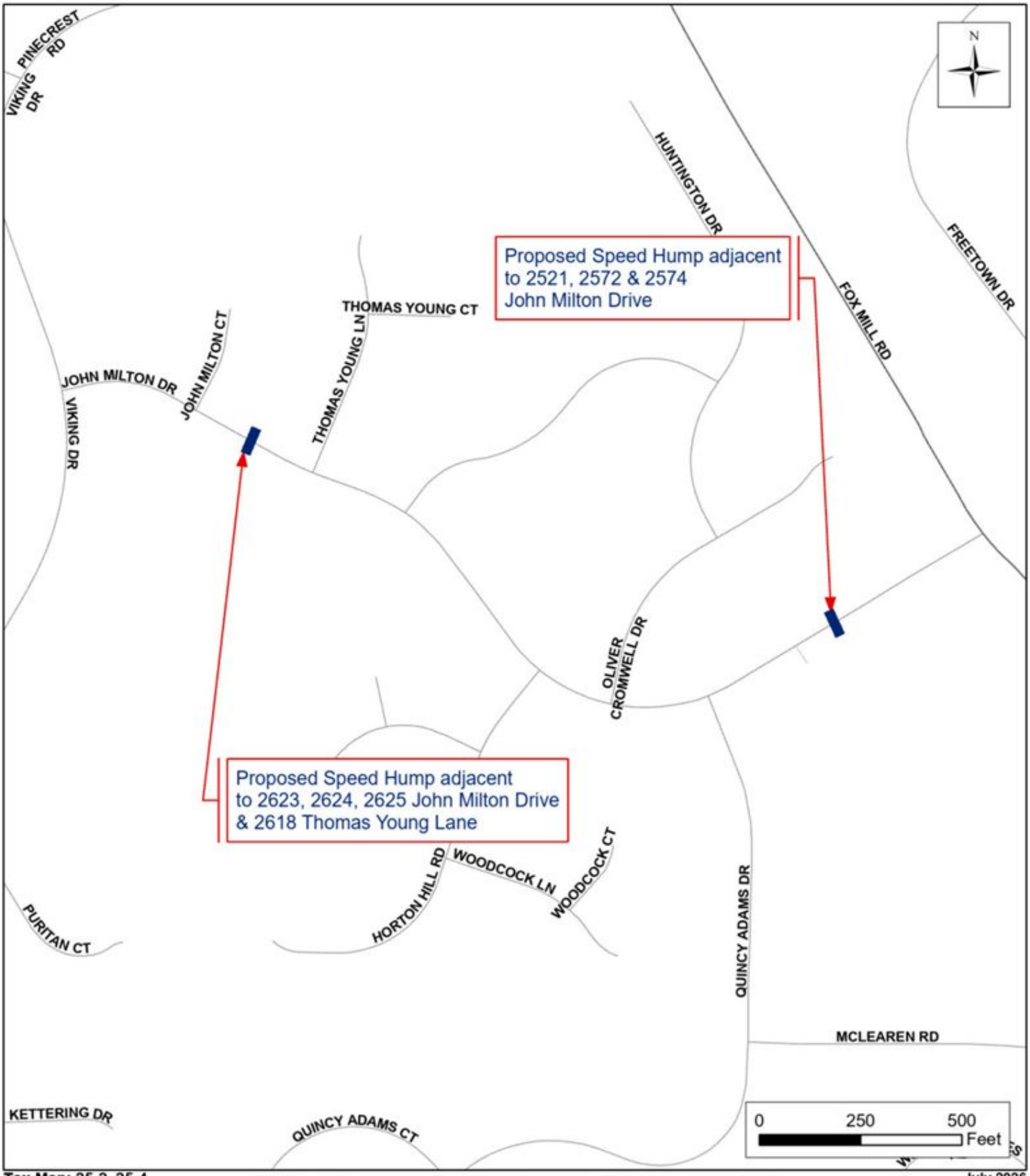
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

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

ADOPTED this 25th day of August, 2026.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 25-2, 25-4

July 2026

Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
John Milton Drive
Hunter Mill District

Board Agenda Item
August 25, 2026

ADMINISTRATIVE - 13

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Fairway Drive, Western Portion (Hunter Mill District)

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

RECOMMENDATION:
The County Executive recommends that the Board approve a resolution (Attachment 1) endorsing a traffic calming plan for Fairway Drive, between North Shore Drive and Hook Road/Orchard Lane (Attachment 2), consisting of the following:

- Three Speed Humps with Fire and Rescue cut-outs on the western portion of Fairway Drive (Hunter Mill District)

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

TIMING:
Board action is requested on August 25, 2026, to allow the proposed measure(s) to be installed as soon as possible.

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

Board Agenda Item
August 25, 2026

On June 15, 2026, FCDOT received verification from the Hunter Mill District Supervisor's office confirming community support for the Fairway Drive (western portion between North Shore Drive and Hook Road/Orchard Lane) traffic calming plan.

EQUITY IMPACT:
None.

FISCAL IMPACT:
Funding in the amount of $55,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:
Attachment 1: Traffic Calming Resolution for Fairway Drive, Western Portion
Attachment 2: Traffic Calming Plan for Fairway Drive, Western Portion

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Elena Coello, Deputy Director, FCDOT
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT
Ryan O'Carroll, Transportation Planner, Traffic Engineering Section, FCDOT
Grace Vaughn, Planning Technician, Traffic Engineering Section, FCDOT

Attachment 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
FAIRWAY DRIVE, WESTERN PORTION
HUNTER MILL DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, August 25, 2026, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Fairway Drive have requested the Hunter Mill District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Fairway Drive, between North Shore Drive and Hook Road/Orchard Lane; and

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

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

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

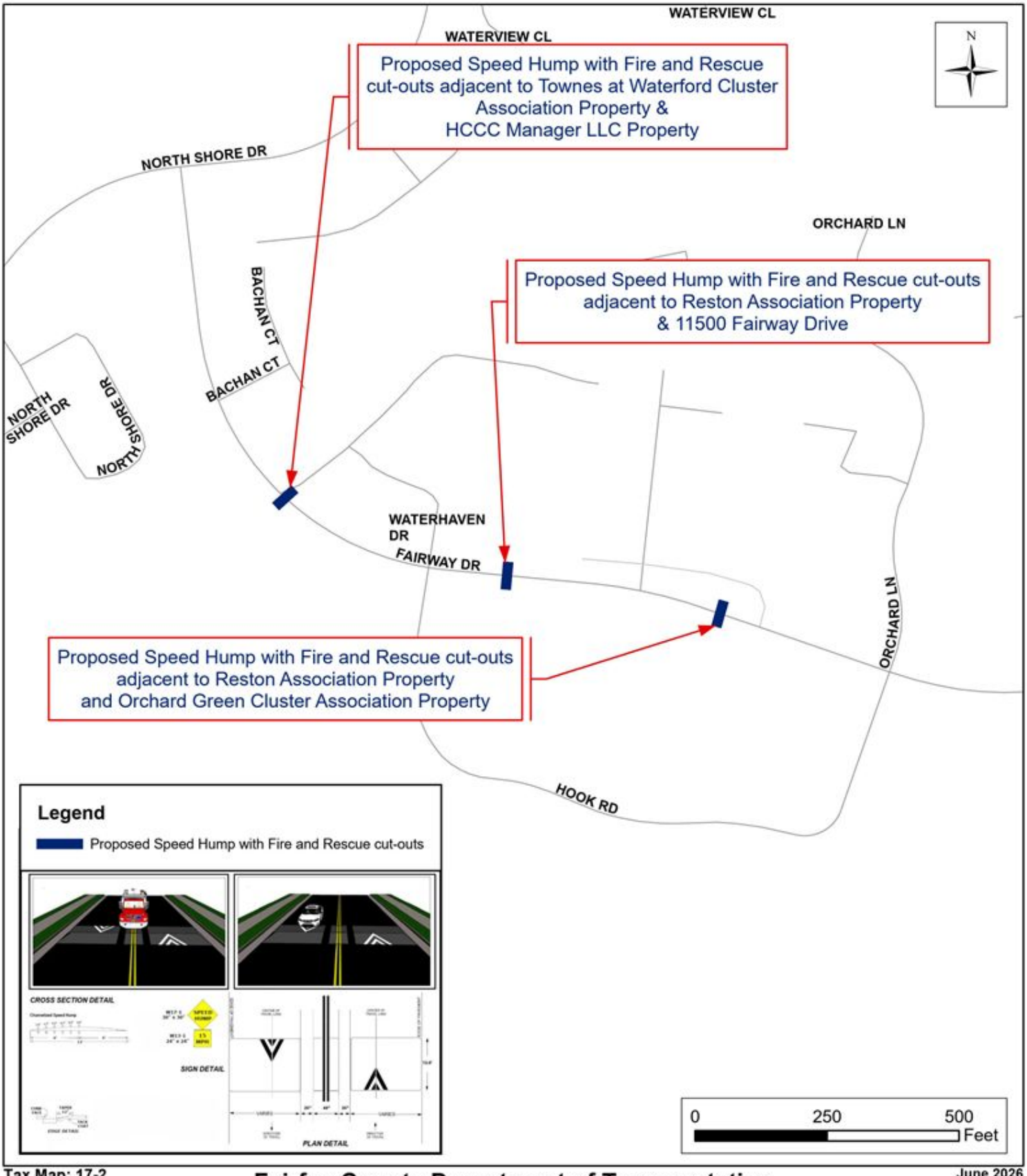
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

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

ADOPTED this 25th day of August, 2026.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 17-2

June 2026

Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
Fairway Drive - Western Portion
Hunter Mill District

Board Agenda Item
August 25, 2026

ADMINISTRATIVE – 14

Additional Time to Establish Use or Commence Construction for Special Exception SE-2023-SP-00016, 11 Valley Road LLC (Springfield District)

ISSUE:
Board consideration of additional time to establish use or commence construction for SE-2023-SP-00016, 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 SE-2023-SP-00016, to establish the use or commence construction, to August 20, 2027.

TIMING:
Board action is requested on August 25, 2026. The expiration date of the special exception was August 20, 2026.

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 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. 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 property is a 3.83- acre vacant lot located on the south side of Valley Road, just east of the intersection with Highland Place. The site is zoned R-1 (See locator map, Attachment 1). On February 20, 2024, the Board of Supervisors approved Special Exception SE-2023-SP-00016, subject to development conditions. (See Clerk's letter, Attachment 2). The application was filed in the name of 11 Valley Road LLC, to permit a waiver of the minimum lot width requirement in the R-1 District for a subdivision of the subject property into 3 residential lots.

SE-2023-SP-00016 was approved with a condition requiring that the use (lot width waiver) be established, as evidenced by the recordation of the County-approved subdivision plat in the County Land Records, within 30 months of the approval date unless the Board grants additional time. The Special Exception would have expired, without notice, on August 20, 2026. On June 19, 2026, the Department of Planning and Development (DPD) received a letter, from Lynne J. Strobel, agent for the Applicant, requesting 12 months of additional time (See Attachment 3).

Ms. Strobel states additional time is necessary to establish the use because the Applicant took longer than expected to address issues related to, but not limited to, stormwater management and forest conservation. However, the Applicant has demonstrated diligence in pursuit of the establishment of the SE, through obtaining technical approvals of Subdivision Plan SD-2024-00002 on March 19, 2025, and Record Plat RP-2025-00051 (subdivision plat), on July 1, 2026. According to the Applicant, RP-2025-00051 cannot be recorded in the County Land Records until bonds are posted (recordation is required to establish the SE per the conditions). The Applicant has entered into a contract for the sale of the subject property, and the purchaser will post the bonds and record the subdivision plat. Ms. Strobel is requesting an additional 12 months to allow sufficient time for the closing to occur, the purchaser to post the bonds and record the subdivision plat, to ensure the SE approval remains valid, and to allow the Applicant to fully establish the use.

Staff has reviewed SE-2023-SP-00016 and has established that the proposal is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a lot width waiver within the R-1 zoning district. Further, staff knows of no change in land use circumstances which should require the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the SE. Finally, the conditions associated with the Board's approval of SE-2023-SP-00016 are still appropriate and remain in full force and effect. The applicant has demonstrated that they are pursuing establishment of the use in good faith, and (as noted) have secured technical approvals of a subdivision plan and subdivision plat. 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.

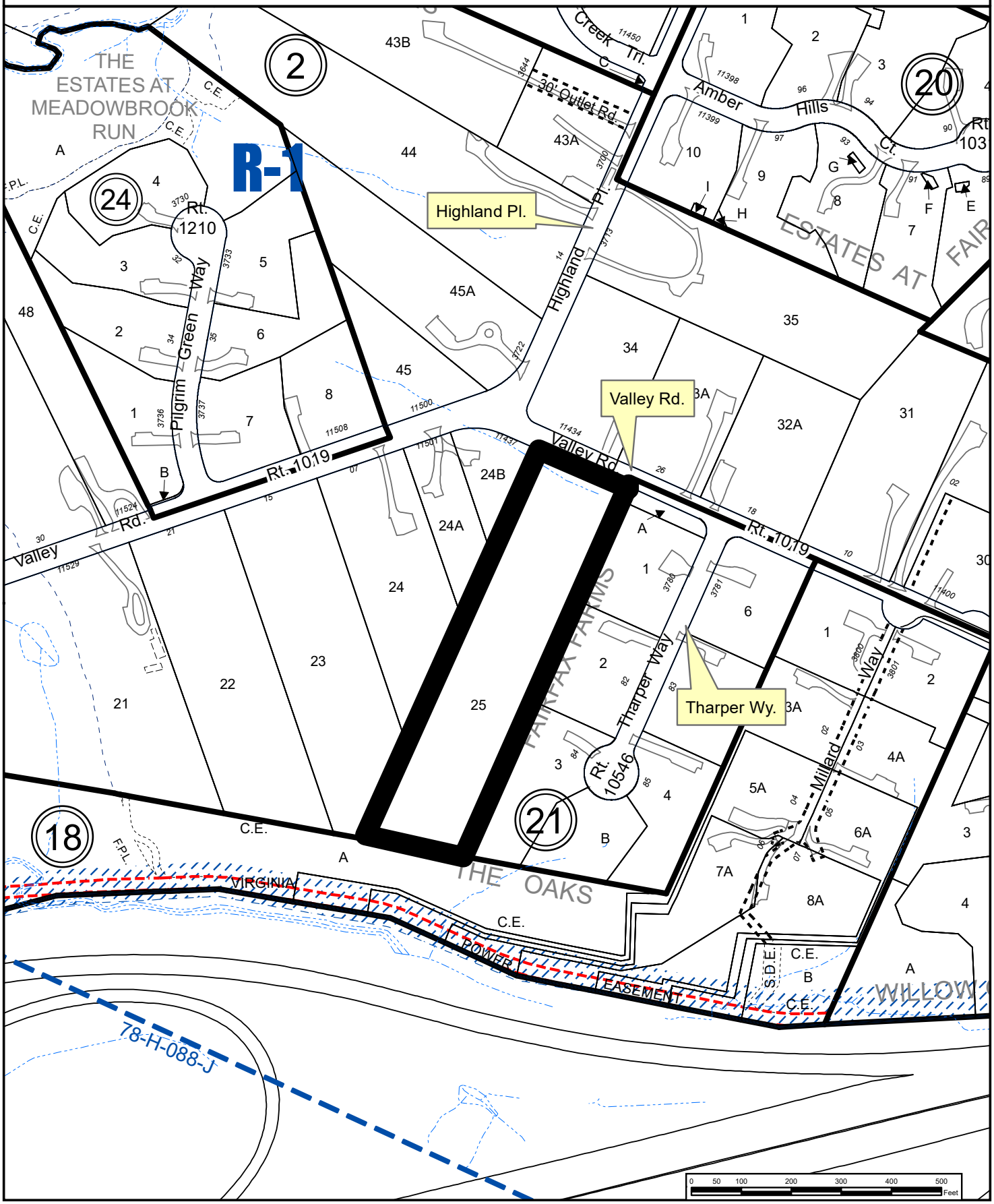
Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Clerk's Letter dated February 26, 2024, to Lynne J. Strobel
Attachment 3: Letter dated June 19, 2026, 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 SE-2023-SP-00016

11 Valley Road LLC



County of Fairfax, Virginia

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

February 26, 2024

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

RE: Special Exception Application SE 2023-SP-00016 - 11 Valley Road LLC
Springfield District

Dear Ms. Strobel:

At a regular meeting held on February 20, 2024, the Board of Supervisors approved Special Exception Application SE 2023-SP-00016, subject to the development conditions dated February 12, 2024, as attached.

For additional information, please visit 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 Pat Herrity, Springfield District
Thomas Reed, Director, Real Estate Division, Dept. of Tax Administration
Suzanne Wright, 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, Chief, Site Analysis and Transportation Planning Division, FCDOT
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

Attachment

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

APPROVED DEVELOPMENT CONDITIONS

SE 2023-SP-00016

February 12, 2024

The Board of Supervisors approved SE 2023-SP-00016, located at Tax Map 46-4((2)) 25, to waive the minimum lot width requirement pursuant to the Fairfax County Zoning Ordinance. The Board conditions the approval by requiring conformance with the following development conditions.

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

2. This SE is granted only for the purpose(s), structure(s), and/or use(s) indicated on the SE Plat, as qualified by these development conditions.

3. Any plan submitted pursuant to this SE must be in substantial conformance with the approved SE Plat entitled "11433 Valley Road" prepared by Bowman, dated January 2, 2024, consisting of seven sheets, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Section 8100.5 of the Zoning Ordinance.

4. Native Landscaping. Landscaping must be generally consistent with the quality, quantity and the locations shown on the Special Exception Plat (the "SE Plat") and must be non-invasive, predominantly native species. All landscaping provided must be native to the mid-Atlantic region to the extent available and feasible, and must be non-invasive (meaning the Applicant must not use any plant species identified in the 2014, or latest version, of the Virginia Invasive Plant Species List published by the Virginia Department of Conservation and Recreation). The Applicant reserves the right, in consultation with and approval by the Forest Conservation Branch (FCON) to modify the exact species to be used, such as when plant materials are not available or have been deemed by FCON to no longer be appropriate.

5. Stormwater Management. The property must be developed as depicted on the SE Plat and in accordance with the current Fairfax County Storm Water Ordinances and Fairfax County Public Facilities Manual, as reviewed and approved by LDS. The Applicant must implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property. The stormwater management techniques may include but not be limited to the following: bioretention planter boxes, which may also be foundation plantings. The Applicant reserves the right to pursue additional or alternative stormwater management measures and locations, provided those measures and locations are in substantial conformance with the SE Plat and do not result in a reduction in the land area associated with Outlots A and B or changes to the limits of clearing. The Applicant agrees that the purchase of offsite nutrient credits will not be permitted.

6. Soil Remediation. Soil in planting areas that contain construction debris and rubble, are compacted, or are unsuited 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 plan shown on the SE Plat. If such remedial action is necessary, notes and details specifying how the soil

will be restored for the establishment and long-term survival of landscape plants will be provided for review and approval by FCON.

7. Invasive Species Management. At the time of subdivision plan submission, a management narrative will be provided for review and approval by FCON specifying the common and scientific name of invasive species proposed for management, the target area within twenty-five feet of the limits of clearing, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential replanting along the limits of clearing as may be needed. The Applicant must monitor the managed areas for a period of three (3) years upon substantial completion of the development.

8. Certified Arborist. A certified arborist must participate in all critical phases of landscaping to help ensure conformance to Comprehensive Plan policies regarding forest resources.

9. Sustainable Design. All new dwelling units on the Application Property must be constructed in accordance with one of the following programs, as selected by the Applicant. If an alternative third-party certification program, with or without additional green building measures, is selected per paragraph (iii) below, approval of such program by the Development Review Branch ("DRB") of the Department of Planning and Development ("DPD") is required prior to site plan approval:

   i. Certification in accordance with the EarthCraft House Program as demonstrated through documentation provided to DRB prior to the issuance of a RUP for each dwelling. If certification is still in process at time of RUP issuance, the Applicant must provide documentation from the EarthCraft project manager demonstrating that the project has been registered, completed final inspection, and has met the requirements to attain EarthCraft Certification prior to RUP issuance for each dwelling unit. The Applicant must provide documentation to LDS and DPD demonstrating that certification for the proposed development has been attained prior to final bond release;

   ii. Certification in accordance with the most current version of National Green Building Standard ("NGBS") using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to LDS and DPD from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to issuance of the RUP for each dwelling; or

   iii. An alternative third party certification program, such as a proprietary homebuilders certification program or building standards, potentially with additional independently verified green building measures, as demonstrated through documentation provided to the Environmental Branch of DPD prior to site plan approval.

10. Electric Vehicle Charging. Each single-family detached dwelling unit must have a pull string-ready conduit leading from the electric panel to a code compliant outlet (or access point to a future outlet) within the garage that will support future wiring for Level 2 electric vehicle charging. At time of initial purchase, the purchaser must be given the option to have an EV charging station installed at the purchaser's cost.

11. Lighting. All on-site outdoor lighting must comply with the standards set forth in Section 5109 of the Zoning Ordinance. Outdoor lighting is to be limited to a Correlated Color

Temperature (CCT) of 3000 Kelvin or less. Building-mounted security lighting must utilize full cut-off fixtures, and LED lighting will be used for all fixtures.

12. Noise Attenuation. The Applicant must incorporate construction measures with the site and building plans to ensure that interior noise in the home constructed on Lot 3 will not be in excess of DNL 45 dBA and outdoor recreation areas will not exceed DNL 65 dBA. Noise mitigation measures will include a 6-foot-tall solid board wooden privacy fence, or alternative materials, as generally shown on Sheet 2 of the SE Plat.

13. Tree Preservation Easement. As part of record plat recordation, the Applicant will establish a tree preservation easement over Outlot A and Outlot B, which will be common open space. The exact location of these easements will be determined at the time of subdivision plan review in consultation with LDS – Forest Conservation (FCON) with the Urban Forestry Management Division (UFMD). The purpose of these easements will be to prohibit the removal of trees shown to be preserved on the SE Plat, with the exception of those dead, dying or diseased, within the easement. The presence of the easements and the restrictions associated with the same, as stated in this condition, must be disclosed to any prospective owners of lots on which the easements are located and included in any HOA documents for the benefit of any future owners.

14. Delineation of Property Boundaries between Common Open Space and Private Lots. Where private lots share boundaries with common open space in which trees have been preserved, the Applicant must mark all private lot corners with posts or other permanent marker. Markers must rise a minimum of 12 inches above grade so that the property lines of private lots adjacent to forested common open space are clearly and accurately delineated on the site. Posts must bear the initials "HOA" to clearly identify the boundary of the private lot and the common open space. The location of posts must be clearly shown and labeled on the subdivision plat.

15. Establishment of HOA. At the Applicant's discretion, a HOA will be established for the community or the community may be annexed into a nearby HOA.

    i. Dedication to HOA. At the time of subdivision plat recordation, tree save areas, preservation areas, private streets, fencing and amenities not otherwise conveyed or dedicated to the County will be the property of the HOA and maintained by the same.

    ii. Driveway Maintenance Fund. An amount of $1,000.00 per unit will be contributed to the HOA towards a maintenance fund for the shared driveway as shown on the SE Plat.

    iii. Disclosure. Prior to entering into a contract of sale, prospective purchasers will be notified in writing by the Applicant of the maintenance responsibility for the shared driveway, tree save areas and preservation areas and will acknowledge receipt of this information in writing. The homeowner association covenants will contain clear language delineating the tree save areas as shown on the SE Plat. The covenants will prohibit the removal of the trees except those trees which are dead, diseased, noxious, or hazardous (as determined by the LDS- Forest Conservation (FCON)) and will outline the maintenance responsibility of the homeowners' association and individual homeowners. The HOA govering documents will expressly contain these disclosures and an estimated budget for such common maintenance items.

16. Architecture. Architecture must be in general conformance with the building material as shown in the conceptual elevation in Exhibit A.

17. Prior to any demolition of the structure or grading performed on the property for the proposed new development, the existing septic tank must be abandoned properly in accordance with guidelines provided by the Health Department. No grading should be performed over the approved drainfield sites for the proposed redevelopment until an onsite sewage disposal construction permit is issued by the health department.

18. Pursuant to the Zoning Ordinance, this Special Exception will automatically expire, without notice, thirty (30) months after the date of approval unless the use (lot width waiver) has been established by the recordation of the County approved subdivision plat in the County land records, in conformance with this SE approval. 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.

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 and this Special Exception will not be valid until this has been accomplished.

EXHIBIT A

CONCEPTUAL ELEVATION



Note: This elevation is conceptual and is intended to illustrate the general character of the proposed homes. This elevation is not intended to represent final building design or to be interpreted as a commitment to specific dimensions or elements including, but not limited to, the roofline and the number and placement of windows and doors. Final design will be determined at time of building plan submission.

WALSH COLUCCI
LUBELEY & WALSH PC

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com

June 19, 2026

Via PLUS

Leslie Johnson, Zoning Administrator
Fairfax County Department of Planning & Development
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035

Re: SE-2023-SP-00016
Fairfax County Tax Map Reference: 46-4 ((2)) 25 (the "Subject Property")
Applicant: 11 Valley Road LLC

Dear Ms. Johnson:

Please accept this letter as a request for additional time in accordance with the provisions of subsection 8100.3.D(6)(b) of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The Board of Supervisors (the "Board") granted the referenced special exception at its hearing held on February 20, 2024. The approval was granted subject to development conditions including a requirement that the use be established as evidenced by the recordation of a subdivision plat among the Fairfax County land records within thirty (30) months of the approval date. Therefore, the special exception is due to expire on August 20, 2026. On behalf of the Applicant, I hereby request twelve (12) months of additional time to establish the approved use with the recordation of a subdivision plat.

The Applicant has been diligently pursuing a subdivision of the Subject Property, and is working closely with a civil engineer. When the subdivision plan was submitted, the review process took longer than anticipated. The delay was unforeseen at the time of approval. Fairfax County has now technically approved the subdivision plan, which is referenced as SD-2024-00002. In addition, a subdivision plat, referenced as RP-2025-00051, has been submitted for approval but cannot be recorded until bonds are posted. The Applicant has entered into a contract for the sale of the Subject Property and the purchaser will be posting the bonds and recording the subdivision plat. It is unlikely that closing will take place prior to August 20, 2026 and, therefore, additional time is needed to ensure that the special exception approval remains valid.

ATTACHMENT 3

I would appreciate the acceptance of this letter as a request for twelve (12) months of additional time from the current expiration date to satisfy the development conditions approved in accordance with SE-2023-SP-00016. There have been no changes in circumstances that would render the approval inconsistent with the Comprehensive Plan or the public interest.

Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me.

As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Lynne J. Strobel

LJS:kae
cc: Pradeep Samala
Amy Polk
Brad Glatfelter
Christe Lafoon

5114010v1 / 12828-2

Board Agenda Item
August 25, 2026

ADMINSTRATIVE – 15

Approval of Streets Into the Secondary System – Classic Addition to Holly Park (Braddock 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
Classic Addition to Holly Park	Braddock	Holly Park Way

TIMING:
Board approval is requested on August 25, 2026.

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

Board Agenda Item
August 25, 2026

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

ATTACHMENT I

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:** 3836-SD-003 **SUBDIVISION PLAT NAME:** Classic Addition to Holly Park **COUNTY MAGISTERIAL DISTRICT:** Braddock
VDOT PERMITS MANAGER: ROBERT H. BURTON **BY:** Robert H. Burton	**FOR OFFICIAL USE ONLY** **VDOT INSPECTION APPROVAL DATE:** 06/12/2026

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Holly Park Way	CL Maple Avenue, Route 1558 - 413' S CL John Robert Way, Route 8045	443' E to End of Cul-de-Sac	0.08
NOTES:		**TOTALS:**	0.08
5' Concrete Sidewalk on Both Sides to be maintained by VDOT			

ADMINISTRATIVE - 16

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:
Board of Supervisors' action to designate one individual as Plans Examiners to participate in the Expedited Land Development Review Program pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB), and action to designate 19 individuals as inactive.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Designate the following individual, identified with his registration number, as a Plans Examiner:

Yosif Ibrahim	Reg. No. 243

- Designate the following individual(s), identified with their registration numbers, as inactive Plans Examiners:

Charles Henegar	Reg. No. 79
Mitra Amirhakimi	Reg. No. 121
Paul Wilder	Reg. No. 134
Paul Shirey	Reg. No. 135
Andrew Miller	Reg. No. 154
Gary Newlen	Reg. No. 155
William Fulton	Reg. No. 174
Blake Smith	Reg. No. 197
Christopher Glassmoyer	Reg. No. 272
Christopher Heiser	Reg. No. 277
Eric Duvall	Reg. No. 297
Deepak Bhinge	Reg. No. 307
Jessica Mack	Reg. No. 313
Keith Simpson	Reg. No. 314
Michael Albright	Reg. No. 315
Ben Svedlow	Reg. No. 317
Daniel Brzezynski	Reg. No. 320
Christie Lodge	Reg. No. 338
Shaukat Faheem	Reg. No. 343

TIMING:
Board approval is requested on August 25, 2026.

BACKGROUND:
On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia* (The Code), establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Department of Land Development Services.
The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. Additionally, status will be marked as inactive for those who have retired, moved, or are otherwise unable to maintain Designated Plan Examiner requirements. This finding was documented in a letter dated February 20, 2026, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Jeffrey C. McKay.
Board Agenda Item August 25, 2026

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Memorandum dated 07/30/2026, from Director William D. Hicks, Land Development Services to Chairman Jeffrey C. McKay
Attachment II – One letter dated 02/20/2026, from Chairman James H. Scanlon, of the APEB, to Chairman Jeffrey C. McKay and Inactive List

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

County of Fairfax, Virginia

MEMORANDUM

DATE: July 30, 2026

TO: Chairman Jeffrey C. McKay
Board of Supervisors

FROM: William D. Hicks, P.E., Director
Department of Land Development Services

SUBJECT: Designation of Plans Examiner Status under the Expedited Land Development Review Program

Attached is one letter from James H. Scanlon, Chairman of the Advisory Plans Examiner Board (APEB). In this letter, Mr. Scanlon details the recommendations of the APEB that the Board of Supervisors designate one individual as a Designated Plans Examiner.

The Department of Land Development Services plans to forward an Administrative Item to the Board of Supervisors for the August meeting.

Attachment: As Stated

cc: Bryan J. Hill, County Executive

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov

Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

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IMEG Corporation

Kevin E. Murray, P.E.
Tri-Tek Engineering

Joshua Reynolds, P.E.
Greenway Engineering

Sergio Quiroga, P.E.
Fairfax Water

Bob Brown, P.E.
J2 Engineering

Steven Pickeral
Loudoun County, B&D

Bryan James
Bohler Engineering, P.C.

Glen Faunce, P.E.
Dewberry

Current Past Chairman
Patrick Veltri, P.E.
ESE Consultants, Inc.

Executive Director
Jeffrey L. Blackford, P.E.

February 20, 2026

Hon. Jeffrey C., McKay, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Chairman McKay,

The Board of Supervisors approved the following individual as Designated Plans Examiner, but his status was changed to inactive in 2008. He wishes to reactivate his status and has met the requirements set out by the reinstatement panel.

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and to be in accordance with the criteria adopted by the Fairfax County Board of Supervisors.

Yosif Ibrahim #243 – Inactive on 7/21/2008

It is recommended by the Fairfax County Advisory Plans Examiner Board that he be granted active status.

Following the Board of Supervisors' approval of this recommendation, he will be notified of this change.

Sincerely,

James H. Scanlon, P.E., LS.
Chairman
Fairfax County Advisory Plans Examiner Board

Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

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IMEG Corporation

Kevin E. Murray, P.E.
Tri-Tek Engineering

Joshua Reynolds, P.E.
Greenway Engineering

Sergio Quiroga, P.E.
Fairfax Water

Bob Brown, P.E.
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Loudoun County, B&D

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Executive Director
Jeffrey L. Blackford, P.E.

February 20, 2026

Hon. Jeffrey C. McKay, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Chairman McKay:

The Board of Supervisors approved the following individuals as Designated Plans Examiners:

Name Reg. No
Charles Henegar, DPE #79 (retired)
Mitra Amirhakimi, DPE #121 (noncompliant for 2024 &2025)
Paul Wilder DPE, #134 (retired)
Paul Shirey DPE, #135 (retired)
Andrew Miller, DPE #154 (by request)
Gary Newlen, DPE #155 (retired)
William Fulton, DPE #174 (moved out of area)
Blake Smith, DPE #197 (retired)
Christopher Glassmoyer, DPE #272 (retired)
Christopher Heiser, DPE #277 (retired)
Eric Duvall, DPE #297 (noncompliant for 2024 &2025)
Deepak Bhinge, DPE #307 (no longer employer funded)
Jessica Mack, DPE #313 (noncompliant for 2024 &2025)
Keith Simpson, DPE #314 (noncompliant for 2024 &2025)
Michael Albright, DPE #315 (noncompliant for 2024 &2025)
Ben Svedlow, DPE #317 (moved out of area)
Daniel Brzezynski, DPE #320 (left organization)
Christie Lodge, DPE #338 (noncompliant for 2024 &2025)
Shaukat Faheem, DPE #343 (working for Arlington Co)

However, they have elected not to pursue the continuing education requirements at this time. It is recommended that their status become inactive until and if they wish to reactivate their status by completing their continuing education requirements. As such, they would no longer be eligible to participate in the expedited plan process procedure.

Following the Board of Supervisors' approval of this recommendation, each will be notified of his/her status change, as well as the procedure to be followed for reinstatement.

Sincerely,

James H. Scanlon, PE. LS
Chairman
Fairfax County Advisory Plans Examiner Board

Board Agenda Item
August 25, 2026

ACTION – 1

Adoption of a Resolution for the McLean Volunteer Fire Department Fire and Rescue Equipment Financing (Dranesville District)

ISSUE:
Adoption of a resolution as required by federal tax law to permit the McLean Volunteer Fire Department (MVFD) to borrow up to $425,000 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 MVFD to borrow up to $425,000 from a private lender on a tax-exempt interest rate for the purchase of fire and rescue equipment.

TIMING:
Board action is requested on August 25, 2026, so MVFD can close on the equipment purchase at the most favorable rate offered by its private lender.

BACKGROUND:
MVFD proposes to borrow up to $425,000 from a private lender to purchase fire and rescue equipment. Under the federal tax code, qualified volunteer fire departments like MVFD 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, MVFD conducted a public hearing on August 12, 2026, at the MVFD at 1455 Laughlin Avenue, McLean, Virginia.

EQUITY IMPACT:
This action item 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 MVFD 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 MVFD.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1: Resolution of the Board of Supervisors
Attachment 2: Form of Certificate of MVFD 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 McLean Volunteer Fire Department

Attachment 1

RESOLUTION
OF THE BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

RECITALS

A. The Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors"), the governing body of Fairfax County, Virginia (the "County"), has considered the request of McLean Volunteer Fire Department, Inc., 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 $425,000 tax-exempt loan from a private lender selected by the VFD (the "Loan") to finance the acquisition of a 2026 Pierce Velocity Pumper fire truck and related apparatus (the “Project”) to be based at the VFD's station house located at 1455 Laughlin Avenue, McLean, Virginia 22101 and to be used by the VFD in providing rescue and firefighting services to the McLean 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 August 12, 2026, as required by Section 147(f) of the Code. The VFD has provided a certified report of the results of the public hearing with respect to the Loan to the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, 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 Fairfax County, Virginia this 25th day of August, 2026.

_____
Jill G. Cooper
Clerk of the Board of Supervisors

(SEAL)

Attachment 2

[Form of Certificate of Public Hearing]

August 12, 2026

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

Certificate of Public Hearing Regarding Proposed McLean Volunteer Fire Department, Inc. Tax-Exempt Financing

McLean Volunteer Fire Department, Inc., 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 an up to $425,000 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 August 12, 2026, at 5:00 p.m. at the offices of the VFD at 1455 Laughlin Avenue, McLean, 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.

MCLEAN VOLUNTEER FIRE DEPARTMENT, INC.

By:_____

Name:_____

Title:_____

Board Agenda Item
August 25, 2026

ACTION – 2

Approval of Donation of Land Rights to the Virginia Passenger Rail Authority for Sanitary Sewer Relocations Associated with the Franconia Third Track Project (Mount Vernon District)

ISSUE:
Board approval of donation of land rights to the Virginia Passenger Rail Authority (VPRA) for the reconfiguration of County-owned sanitary sewer lines as part of the Franconia Third Track Project.

RECOMMENDATION:
The County Executive recommends that the Board approve the donation of land rights to VPRA in connection with the Franconia Third Track Project.

TIMING:
Board action is requested on August 25, 2026, to expedite County staff's processing of the documentation for the conveyance of the land rights to VPRA.

BACKGROUND:
The six-mile railroad track between the Franconia-Springfield VRE Station and the Lorton VRE Station, owned by CSX Transportation (CSXT), is one of the most heavily traveled sections of rail between Washington, DC and Richmond. To increase rail capacity and alleviate congestion for passenger and freight services within this rail corridor, CSXT is designing and VPRA is funding the Franconia Third Track Project, which will add a third mainline railroad track between the two VRE Stations (Project).

The County has four sanitary sewer lines crossing the railroad corridor that need to be reconfigured prior to construction of the Project. The County is required by the licenses issued by CSXT for these crossings to relocate the sanitary sewer lines at its own cost upon the direction by CSXT. However, since the County does not have the staff resources to complete these relocations in time to meet the Project's deadlines, the County and VPRA negotiated an agreement whereby VPRA will perform the sanitary relocation design and construction work while the County agrees to provide technical review, approval of the design and bear the cost of repositioning of these lines using funding from Fund 69300 Sewer Construction Improvements. The Board approved this agreement at its September 24, 2024 meeting.

VPRA has identified various land rights on two County-owned parcels that it needs to complete the relocations. These rights include a temporary construction easement of approximately 70,000 square feet through the Lorton VRE parking lot, on Parcel 1072 01 0010A, to obtain access to the track corridor, as well as a 12,000 square foot temporary construction easement and a 2,300 square foot utility easement on Parcel 1072 01 0044A. VPRA has appraised these land rights as having a total value of $547,260. Rather than initiating a transfer of monies from Fund 69300 to VPRA and then from VPRA to Fund 69000 Sewer Revenue to cover the cost of the sanitary sewer reconfigurations, County staff believe it is more efficient for the County to donate the consideration associated with these easements to VPRA.

EQUITY IMPACT:
The donation of the consideration of the land rights to the VPRA in connection with 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 -- Location Map

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Jennifer Miller, Deputy County Executive
José A. Comayagua, Director, Facilities Management Department (FMD)
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
William Barrack II, Director, Wastewater Planning and Monitoring Division, DPWES
Mike Lambert, Assistant Director, FMD

ASSIGNED COUNSEL:
F. Hayden Codding, Assistant County Attorney

ATTACHMENT 1



Board Agenda Item
August 25, 2026

ACTION – 3

Approval of Fairfax County's Title VI Program for the Federal Transit Administration

ISSUE:
Board of Supervisors' (Board) approval of the proposed update (triennial) of the Fairfax County Title VI Program for FY 2027 – FY 2030 (Attachment 1).

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the Fairfax County Title VI Program for FY 2027 – FY 2030, substantially in the form of Attachment 1.

TIMING:
Board approval is requested on August 25, 2026, so that the County can submit the proposed Title VI Program for FY 2027 – FY 2030, pursuant to FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." Once approved, the Fairfax County Department of Transportation (FCDOT) anticipates submitting the Title VI Program renewal to the Federal Transit Administration (FTA) on or before October 1, 2026, to comply with FTA's policy to review proposed plans at least 60 days in advance of the November 30, 2026, program renewal date.

BACKGROUND:
All recipients of federal financial assistance (e.g., states, local governments, transit providers) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the United States Department of Transportation's (USDOT's) implementing regulations. To document compliance with Title VI, all recipients of federal financial assistance must maintain a valid Title VI Program that demonstrates how the recipient is complying with Title VI requirements, including prohibiting discrimination on the basis of race, color, or national origin.

FTA's Circular 4702.1B delineates the requirements of Title VI Program updates and mandates that they be submitted every three years. These policies help ensure that the needs of minority and low-income communities are fully and fairly evaluated when service or fare changes to Fairfax Connector are being considered. The Title VI Program examines how equitably transit services and amenities are provided by Fairfax Connector, how effectively FCDOT communicates with Title VI communities, and describes methods for incorporating their input.

Board Agenda Item
August 25, 2026

FCDOT submitted Fairfax County's current Title VI Program to FTA on July 28, 2023. In preparation for this updated Title VI Program submission, which covers FY 2027 – FY 2030, the Board approved the Major Service Change, Disparate Impact, and Disproportionate Burden policies on July 14, 2026. Upon approval by the Board, the full Title VI Program Update will be submitted to FTA for review and approval.

EQUITY IMPACT:
Per the Federal Transit Administration, by following Title VI of the Civil Rights Act of 1964, the Title VI Program (and its policies) helps ensure that the needs of minority and low-income communities are fully and fairly evaluated when service or fare changes to Fairfax Connector are being considered. The Title VI Program examines how equitably transit services and amenities are provided by Fairfax Connector, how effectively FCDOT communicates with Title VI communities, and describes methods for incorporating their input.

FISCAL IMPACT:
Approval of the Title VI Program has no direct fiscal impact. Obtaining Title VI compliance is one of the requirements for Fairfax County to be eligible to receive future FTA grants and other USDOT funding, including anticipated New Starts funding to support the Richmond Highway Bus Rapid Transit Project.

ENCLOSED DOCUMENTS:
Attachment 1 – Fairfax County Title VI Program (FY 2027 – FY 2030)

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Michael L. Simms, Director, Office of Human Rights and Equity Programs (OHREP)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Brent Riddle, Chief, Coordination Section, FCDOT
Michael Felschow, Chief, Planning Section, Transit Services Division, FCDOT
Kyle Davis, Senior Transportation Planner, Transit Services Division, FCDOT
Sara Allred, Senior Transportation Planner, Coordination Section, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Senior Assistant County Attorney

Fairfax County

Title VI Program

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This document was designed to meet accessibility requirements under the Americans with Disabilities Act (ADA), WCAG 2.1 Level AA standards. To request this information in an alternative format, please contact:

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
703-877-5600, TTY 711

1. CHAPTER 1: INTRODUCTION

1.1. Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination against an individual or group, intentional or unintentional, on the basis of race, color, and national origin in any program or activity receiving Federal financial assistance. The County of Fairfax, Virginia, through the Department of Transportation (FCDOT), is a direct recipient of Federal Transit Administration (FTA) grant funds to support transit-related activities. Since the County receives these grant funds, it is required to conform to Title VI of the Civil Rights Act of 1964 and its amendments, as stipulated by FTA. The FTA Office of Civil Rights monitors FCDOT's Fairfax Connector (Connector) and Title VI programs and ensures their continued compliance.

Title VI requirements are delineated in the FTA Circular 4702.1B, which provides guidance to grantees on how to comply with Title VI regulations and ensures grantees provide meaningful language access to persons with Limited English Proficiency (LEP). The FTA Circular 4702.1B provides specific compliance information for each type of grantee and provides comprehensive appendices, including additional guidance and examples to ensure recipients understand the requirements.

The FTA Circular 4702.1B also includes requirements that address Presidential Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations," and integrates requirements found in Presidential Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," which addresses services to LEP individuals.

Fairfax County works to ensure that its transit services are provided in a nondiscriminatory manner and the opportunity for full and fair participation is offered to riders and others in the community. The County also meets the needs for services and materials for persons with limited English-speaking ability. The contents of this program have been prepared in accordance with Section 601 of the Title VI of the Civil Rights Act of 1964 and Executive Order 13116 as part of the County's provision of Title VI assurances that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of any of the County's services on the basis of race, color or national origin.

1.2. Description of Service

Fairfax County is located in the Commonwealth of Virginia. With an estimated population of 1,206,675, it has the highest population of any county in Virginia.[1] Fairfax County provides transit service through Fairfax Connector, a locally owned and controlled fixed-route bus transit system managed by the Fairfax County Department of Transportation and operated by a third-party contractor. Since its inception in 1985, the Connector system has grown significantly and now with 344 buses has the third largest bus fleet in the Washington, DC, region.[2] As of 2025, the Fairfax Connector system consists of 88 routes that provide nearly 879,000 revenue hours annually.[3]

[1] American Community Survey, 5-Year Estimates for 2019-2023
[2] FCDOT, Jan 15 2026 Fleet List.
[3] National Transit Database, 2024 Agency Profile.

In addition to Fairfax Connector services, the Washington Metropolitan Area Transit Authority (WMATA) provides bus service in the County through Metrobus. Metrobus service is regionally focused, providing service across jurisdictional lines, while Connector service is non-regional in nature and operates largely within the County boundaries. The County initiated the Connector service in September 1985 as a cost-effective alternative to the provision of fixed-route bus service by WMATA and has significantly expanded the system since then.

The County is also served by two rail systems: WMATA's Metrorail and the Virginia Railway Express (VRE) commuter rail. Metrorail operates four lines in the County across 15 stations: the Orange Line along the I-66 corridor (three stations); the Blue Line from the Springfield area (one and a half stations); the Yellow Line (one station) from the Huntington area / Richmond Highway corridor; and the Silver Line (nine stations) which runs through Tysons to Washington Dulles International Airport in Loudoun County. VRE provides service to the County on two lines: the Manassas Line connects three stations in the Burke area to Fairfax, Alexandria, and Washington DC, while the Fredericksburg Line connects two stations, in Lorton and Springfield, to those same locations.

1.3. FCDOT Title VI Division Updates

1.3.1. SUMMARY OF ACCOMPLISHMENTS AND IMPROVEMENT FOCUS AREAS

In January 2026, the FCDOT, consistent with its commitment to Title VI compliance, conducted an internal survey of departmental staff. The purpose of the survey was to assess FCDOT's outreach activities following the Fairfax County Board of Supervisors' adoption of the Title VI Program in 2023; document accomplishments and challenges; and identify opportunities to strengthen Title VI Program implementation. Questionnaires were distributed to division leadership across Active Transportation, Administrative Services, Marketing and Communications, Site Analysis and Transportation Planning, Traffic Engineering, and Transportation Design. The questionnaire is provided as **Appendix A**: Fairfax County Title VI Accomplishments Questionnaire.

Survey responses continue to demonstrate FCDOT's ongoing commitment to inclusive engagement and broad community participation across programs and initiatives. Responding divisions reported continued use of outreach tools and practices adopted during the COVID-19 pandemic, including public meetings and engagement opportunities offered both virtually and in person, and delivered synchronously and asynchronously. When combined with the common practice of hosting both midday and evening meetings, planners have found that these efforts expand access to the outreach process to populations with varying work schedules, transportation access, caregiving responsibilities, and physical accessibility constraints. Regardless of format, meeting planners described coordinating in advance with a wide range of internal and external partners to determine appropriate language interpretation assistance and accessibility accommodations and to broaden the reach of public communications. Partner organizations include Fairfax County Department of Neighborhood and Community Services (NCS) staff, stakeholder groups, community leaders, faith communities, libraries, schools, parks, service providers, among others. Title VI policy statements are included in project documentation, public notices, advertisements, and presentation materials distributed to the community.

FCDOT staff also reported implementing multiple measures to improve accessibility for individuals with Limited English Proficiency. Examples include the use of automatically translated closed captioning and/or fully translated meeting recordings; provision of professional interpretation and translation services for outreach events and presentations, particularly in areas with high concentrations of Spanish-speaking residents; online feedback forms with built-in translation options; and translation of meeting notices, information, and materials into multiple commonly used languages.

1.3.2. RECENT STUDIES AND ACTIVITIES

In addition to completing the accomplishments questionnaire, the Transit Services Division (TSD) Service Planning Section conducted route optimization studies and implemented service changes focused on travel demand and trip patterns within the County. These efforts evaluated opportunities to restructure the Connector network to better align service with observed and emerging travel patterns and demand, with particular attention to access and mobility needs in the Title VI communities.

- **Centreville-Chantilly-Vienna-Tysons (CCVT) Bus Service Changes**: Implemented service changes for the I-66 corridor between Centreville and Tysons, including major activity centers and Metrorail Stations. A transfer point at the new Monument Park-and-Ride Garage and the Springfield Community Business and Transit Center provides customers with more frequent service and additional travel options.
    - **Phase I**: Implemented June 22, 2024. Service changes impacted 18 routes, including eight routes with new service, and 13 routes discontinued.
    - **Phase II**: Implemented January 11, 2025. Major timetable adjustments to three routes and major changes were implemented on five routes.
- **May 2025 Service Changes:** Implemented May 17, 2025. Service changes included realignments and frequency adjustments. Key adjustments included the introduction of two new routes to improve connectivity and meet emerging transit demands.
- **June 2026 Service Changes:** Implemented June 27, 2026. Service changes affected multiple routes to better align service levels with ridership demand, improve reliability, and increase overall system efficiency.
- **Franconia-Springfield Route Optimization Study:** In progress in 2026. Evaluating potential changes to the bus network in the area centered on the Franconia-Springfield and Van Dorn Metrorail Stations.
- **Richmond Highway Bus Rapid Transit (BRT):** In progress in 2026. Based on recommendations from a Virginia Department of Rail and Public Transportation (DRPT) study, FCDOT is working with residents, community stakeholders, and partner agencies to plan, design, and construct a bus rapid transit (BRT) system for the Richmond Highway Corridor.

1.3.3. NOTABLE UPDATES TO THE TITLE VI PROGRAM

This effort included evaluating the current methodologies used to evaluate Title VI impacts stemming from proposed Connector service changes, and any proposed transit fare increases. This evaluation helped determine what, if any changes in methodology are needed with regard to Major Service Change, Disparate Impact (DI), and Disproportionate Burden (DB) policies.

The TSD Service Planning Section also undertook an update of portions of the County's Title VI Program. This included updating the service standards and service policies and clarifying the language of the DI/DB definitions to account for multiple service changes occurring in one area or simultaneously. The product of this planning effort is included in **Section 3.1**: **Transit Service Standards** and **Section 3.4: Major Service Change, Disparate Impact, and Disproportionate Burden Policies** of this Title VI Program.

2. CHAPTER 2: REQUIREMENTS AND GUIDELINES

2.1. Title VI Public Notice

The following language has been and will continue to be used to notify the public of their rights under Title VI for the Fairfax County Department of Transportation and Fairfax Connector:

Notifying the Public of Rights under Title VI

Fairfax County Department of Transportation and Fairfax Connector

The Fairfax County Department of Transportation and Fairfax Connector operate programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Fairfax County Office of Human Rights and Equity Programs within 180 days of the date of the alleged discrimination. The Office of Human Rights and Equity Programs is located at 12000 Government Center Parkway, Fairfax, Virginia 22035. This office can also be reached by calling 703-324-2953, TTY 711, or Fax: 703-324-3570.

For more information on the Fairfax County Department of Transportation and Fairfax Connector civil rights program and the procedures to file a complaint, please contact: 703-339-7200 (703-339-1608 TTY), email fairfaxconnector@fairfaxcounty.gov; or visit the department's administrative office at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033. Information on the procedures to file a complaint or to file a complaint contact: 703-324-2953 (TTY 711) or http://www.fairfaxcounty.gov/ohrep/epd/. Complaints can be mailed to: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, please contact: 703-877-5600, TTY 711.

The English notice, as well as notices in other languages, are available at https://www.fairfaxcounty.gov/connector/titlevi. Title VI notices are available in the following languages: Spanish, Korean, Vietnamese, Chinese, Amharic,[4] Hindi,[5] Arabic, Urdu (**Figure 1**), Farsi, and Tagalog.[6]

Figure 1: Title VI Notice to the Public, Urdu Version



عوامی اطلاع

فیرفیکس کاؤنٹی محکمہ ٹرانسپورٹ اور فیر فیکس کنیکٹر

ٹائیٹل ششم کے تحت عوام کو حقوق کی اطلاع

فیرفیکس کاؤنٹی محکمہ ٹرانسپورٹ اور فیرفیکس کنیکٹر، ضابطہ شہری حقوق کے ٹائیٹل ششم کے مطابق نسل، رنگ اور قومی اصلیت کو کوئی ترجیح دئیے بغیر پروگراموں اور خدمات کو چلاتے ہیں۔ ایسا کوئی بھی شخص جس کا یہ خیال ہو کہ ایسے ٹائیٹل ششم کے تحت کسی نامناسب امتیازی سلوک کے ذریعہ پریشان کیا گیا ہے، وہ مبینہ امتیازی سلوک کی تاریخ کے ۱۸۰ دنوں کے اندر انسانی حقوق اور انصاف کے پروگراموں کے فیرفیکس کاؤنٹی دفتر (فیرفیکس کاؤنٹی آفس آف ہیومن رائٹس اینڈ ایکویٹی پروگرام) میں شکایت درج کرا سکتا ہے۔ انسانی حقوق اور انصاف کے پروگراموں کے فیرفیکس کاؤنٹی آفس کا پتہ ہے 12000 Government Center Parkway, Fairfax, Virginia 22035۔ اس دفتر سے 703-324-2953، TTY 711 پر فون کرکے یا فیکس: 703-324-3570 پر بھی پہونچا جا سکتا ہے۔

فیرفیکس کاؤنٹی محکمہ ٹرانسپورٹ اور فیرفیکس کنیکٹر کے شہری حقوق پروگرام کے بارے میں اور شکایت درج کرانے کے عمل کے بارے میں مزید معلومات کے لئے براہِ مہربانی یہاں رابطہ کریں: 703-339-7200 (TTY 703-339-1608)، ای میل fairfaxconnector@fairfaxcounty.gov؛ یا اس پتہ پر محکمہ کے انتظامی دفتر میں تشریف لائیں: 4050 Legato Road، 4th Floor, Fairfax, Virginia 22033. شکایت درج کرانے کے طریقہ کار کی معلومات حاصل کرنے کے لئے یا شکایت درج کرانے کے لئے رابطہ کریں: 703-324-2953 (TTY 711) یا http://www.fairfaxcounty.gov/ohrep/ شکایتوں کو درج ذیل پتہ پر ڈاک سے بھی بھیجا جاسکتا ہے: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

شکایت کنندہ براہ راست شہری حقوق کے دفتر میں شکایت درج کر کے وفاقی ٹرانزٹ انتظامیہ (فیڈرل ٹرانزٹ ایڈمنسٹریشن) کے پاس شکایت درج کرا سکتا ہے۔ یہ شکایت ذیل کے پتے پر ارسال کی جانی چاہئے: Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

اگر کسی دیگر زبان میں معلومات کی ضرورت ہو تو براہِ مہربانی رابطہ کریں703-877-5600: TTY 711

فیرفیکس کاؤنٹی نیوز ڈاٹ آئی ہی زیڈ بائیں NewsWire

fairfaxcounty.gov/news/subscribe

FCDOT Title VI Notice - Urdu -

The languages above were selected based on the fact that prior to the last Title VI Program update they 1) constituted the 10 most prevalent non-English languages spoken in Fairfax County, and 2) they correlated with the 10 highest numbers of individuals who speak English "less than very well." Together, speakers of the 10

[4] The U.S. Census groups "Amharic, Somali, or other Afro-Asiatic languages." However, Amharic speakers, born in Ethiopia, make up the largest African immigrant population in Fairfax County. (U.S Census Bureau, American Community Survey, 2019-2023, five-year estimates)

[5] Hindi dropped off the top 10 most common LEP languages (individuals that speak English "less than very well") while "Nepali, Marathi, and other Indic languages" entered the list at ten. For the reason that many speakers of other Indic languages may also speak or have knowledge of Hindi, it was included on this list. For this Title VI Program update, compared to the previous, the "Hindi and other Indic" category was separated into just "Hindi," and "Nepali, Marathi, and other Indic languages."

[6] The 10 languages listed here are the languages FCDOT has been translating the Title VI Public Notice into since the last Title VI Program Update in 2023. The top 10 languages in Fairfax County have shifted in the past three years; **Table 20** in the Language Access Plan describes the differences in the languages between the last Title VI Program and the new Title VI Program.

languages selected for use on the Notice comprised 80 percent of all the speakers of languages other than English in Fairfax County before the last Title VI Program update.

The notice in **Figure 2** is displayed in Connector vehicles.

Figure 2: Title VI Public Notice Displayed in Fairfax Connector Vehicles



Public Notice

Fairfax County Department of Transportation and Fairfax Connector

Notifying the Public of Rights Under Title VI

The Fairfax County Department of Transportation and Fairfax Connector operate programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Fairfax County Office of Human Rights and Equity Programs within 180 days of the date of the alleged discrimination. The Office of Human Rights and Equity Programs is located at 12000 Government Center Parkway, Fairfax, Virginia 22035. This office can also be reached by calling 703-324-2953, TTY 711, or Fax: 703-324-3570.

For more information on the Fairfax County Department of Transportation and Fairfax Connector civil rights program and the procedures to file a complaint, please contact: 703-339-7200 (703-339-1608 TTY), email fairfaxconnector@fairfaxcounty.gov; or visit the department's administrative office at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033. Information on the procedures to file a complaint or to file a complaint contact: 703-324-2953 (TTY 711) or http://www.fairfaxcounty.gov/ohrep/epd/. Complaints can be mailed to: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, please contact: 703-324-2953, TTY 711.

Para solicitar esta información en un formato alternativo, llame al Departamento de transporte, 703-877-5600, usuarios de la línea TTY al 711.

ይህ መረጃ በሌላ ቋንቋ ማግኘት ካስፈለገ እባክዎ በስልክ ቁጥር 703-324-2953፣ TTY 711 ይደውሉ።

إذا كنت تحتاج إلى المعلومات بلغة أخرى، يمكن الاتصال بـ: 703-324-2953، خدمة الهاتف النصي 711.

اگر به اطلاعات به زبانی دیگر نیاز دارید، لطفاً با شماره 703-324-2953، TTY 711 تماس بگیرید.

यदि किसी अन्य भाषा में जानकारी की आवश्यकता हो तो कृपया अग्रांकित पर सम्पर्क करें : 703-324-2953, TTY 711.

如果你需要用其它语言撰写的资料，请联络：703-324-2953，电传打字机TTY 711.

اگر کسی دیگر زبان میں معلومات کی ضرورت ہو تو برائے مہربانی رابطہ کریں:703-324-2953، TTY 711

다른 언어로 해당 정보를 받아보고 싶으시다면 전화 **703-324-2953, TTY 711**번으로 문의하십시오.

Kung kailangan ang impormasyong ito sa ibang wika, mangyaring makipag-ugnayan sa: 703-324-2953, TTY 711.

Nếu cần thông tin qua ngôn ngữ khác thì liên lạc: 703-324-2953, Máy điện văn (TTY) 711

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). If you need more information or reasonable accommodations for persons with disabilities or limited English proficiency, contact FCDOT at 703-877-5600, TTY 711. Requests for assistance must be received at least 7 business days in advance of the event.

The County's Title VI Notice references both FCDOT and Fairfax Connector to ensure that it is understood that Title VI applies both to the Connector service and to other FCDOT transit-related activities. The notice will be printed in each of the 10 languages listed above and posted in the following places:

- FCDOT Administrative Offices at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033, at the front desk and reception area
- The Connector Webpage at: http://www.fairfaxcounty.gov/connector
- Major Connector Stores:
  - Franconia-Springfield Metrorail Station, 6880 Frontier Drive, Springfield, Virginia 22150
  - Herndon-Monroe Park-and-Ride, 12530 Sunrise Valley Drive, Herndon, Virginia 20171
  - Reston Town Center Transit Station, 12051 Bluemont Way, Reston, Virginia 20190
  - Stringfellow Park-and-Ride, 4920 Stringfellow Road, Centreville, Virginia 20120
  - Tysons West*Park Transit Station, 8300 Jones Branch Drive, McLean, Virginia 22102
- All Connector buses (English and Spanish only)
- At all Connector and transit-related FCDOT public meetings

2.2. Title VI Complaint Procedures and Form

The Fairfax County Department of Transportation and the Connector Title VI Complaint Procedures and Complaint Form can be found at https://www.fairfaxcounty.gov/connector/titlevi in the top languages noted in the Language Access Plan, **Section 2.1**.

2.2.1. TITLE VI COMPLAINT PROCEDURES

Fairfax County's Title VI Complaint Procedures have been posted on the Connector's website at https://www.fairfaxcounty.gov/connector/titlevi and are available in Connector Stores, park-and ride facilities, on Connector buses, at major Connector transit hubs, and at FCDOT's Administrative Offices.

The following text has been produced as part of FCDOT's Title VI Complaint Procedures:

> Title VI of the Civil Rights Act of 1964 prohibits discrimination against an individual or group, intentional or unintentional, on the basis of to race, color, and national origin in any program or activity receiving Federal assistance, including the Connector and Fairfax County Department of Transportation's transit operations and activities.
>
> Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Connector or Fairfax County Department of Transportation may file a Title VI complaint by completing and submitting the "Connector" complaint form available on Fairfax County's Office of Human Rights and Equity Programs (OHREP) website at the following URL:
>
> http://www.fairfaxcounty.gov/ohrep/epd/
>
> A complaint form can also be obtained by writing the Office of Human Rights and Equity Programs, Equity Programs Division, 12000 Government Center Parkway, Fairfax, Virginia 22035 or by calling 703-324-2953, TTY 711, Fax: 703-324-3570.
>
> Fairfax County investigates complaints received no more than 180 days after the alleged incident. Fairfax County can only process complaints that provide sufficient information to begin an investigation.
>
> Within 48 hours of receiving a complaint, the Fairfax County Office of Human Rights and Equity Programs staff will contact the complainant and elicit all pertinent information with regard to the alleged discriminatory act(s) from the individual via an intake form. The complainant is required to cooperate with the intake process. Within 48 hours of completing an intake form, OHREP staff will use the information in the form to determine whether or not the complainant may establish a prima facie, or a clear case of possible discrimination.
>
> If OHREP determines that there is a prima facie case of discrimination, an investigation will be initiated. Investigations may include, but shall not be limited to, on-site visits, interviews of witnesses and collection of documents. The accused party(ies) in the allegation(s) of discrimination will be interviewed and provided an opportunity to rebut the allegations and provide relevant information for investigation. Additionally, witnesses will be interviewed as deemed necessary. After an investigation is initiated all information obtained is confidential. Within seven workdays of the initiation of an investigation all of the investigation documentation for the case must be completed. If additional time is necessary to prepare the documentation requested, the staff responsible for the investigation will request an extension from OHREP leadership.
>
> After the completion of the investigation a report will be produced, and OHREP staff will submit a final recommendation to the OHREP Executive Director. The OHREP Executive Director will review the

investigative file and make a final determination. OHREP will inform the complainant whether the allegations of discrimination were substantiated. Upon completion of the investigation and notification of the parties in the complaint, the file will be closed. All documentation, including audio tapes (if applicable), will be kept in the complaint file.

If OHREP determines that a prima facie case of discrimination has not occurred, no investigation will be initiated. However, OHREP's findings in the matter will be documented in a report. OHREP's findings fall under the purview of the Equity Programs Division and there is no right of appeal.

If probable cause is determined or misconduct by an employee is identified, OHREP will instruct FCDOT to consult with the Fairfax County Department of Human Resources regarding disciplinary action. If in the course of the investigation, the investigator has reason to believe that a criminal act or violation of law may have occurred, OHREP will contact the Fairfax County Police Department for appropriate action.

A complainant may file a complaint directly with the FTA by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

2.2.2. TITLE VI COMPLAINT FORM FOR ALLEGATIONS OF DISCRIMINATION

Fairfax County has two complaint procedures providing for prompt resolution of complaints by individuals alleging discrimination prohibited by Federal, State, and local law or policy in the provision of services.

A complainant may file a complaint directly with the FTA by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

To contact the Fairfax County Office of Human Rights and Equity Programs call 703-324-2953, TTY 711 on any Fairfax County workday between the hours of 8:00 a.m. and 4:30 p.m., or email EPDEmailComplaints@FairfaxCounty.gov.

INSTRUCTIONS: Complaints should be filed in writing within 60 workdays (180 calendar days for transit related complaints) from the day the alleged discriminatory act took place. The term "workday" shall mean any Monday through Friday that is not a county holiday. An investigation will follow the filing of the complaint. This form should be used in conjunction with the Fairfax County Policy and Procedure for Individuals Alleging Discrimination in County Programs and Services.

Mail-In Form

Person Filing Complaint

Name:

Telephone No.:

Home:

Work:

Mobile:

Best time to call:

E-mail:

Address:

Street:

City: **State:** **Zip Code:**

Person and Department Alleged to have Discriminated:

Name: **Department:**

Street:

City: **State:** **Zip Code:**

Phone:

Basis (es) of Discrimination (check or circle all that apply):

- ☐ **Race** _____ **Veteran's Status** **Political Affiliation**
- ☐ **Color** _____ **Retaliation** **Age – Date of Birth:**
- ☐ **National Origin** _____ **Sex or Gender** **Other:** _____
- ☐ **Religion** _____ **Sexual Harassment** **Other:** _____
- ☐ **Creed** _____ **Marital Status** **Other:** _____

Date(s) Discrimination Occurred: _____

Summary of Complaint: (attach additional pages if necessary)

_____

_____

_____

_____

_____

_____

_____

_____

_____

Action Requested:

_____

_____

_____

_____

_____

I affirm that I have read the above complaint and that it is true to the best of my knowledge, information or belief.

_____ _____/_____/_____

Signature of Complainant Date

This form will be made available in an alternative format upon request. Direct your request to the Equity Programs Division of the Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, VA 22035; 703-324-2953, TTY 711 or 703-324-3305 (Fax).

Online Form

File a Complaint of Allegations of Discrimination

Please be advised that by completing this form and returning it, you have not filed a formal complaint as required under the Fairfax County Human Rights Ordinance. Upon receipt of your completed form, commission staff will review your form and contact you to finalize the process.

1. Enter information about yourself.

First Name: *Last Name:*

Address:

City: *State:* - None - *Zip:*

Best time to Call You:

Home Phone: *Mobile Phone:* *Work Phone:*

E-Mail Address:

Who else can we contact if we cannot reach you?

Contact's Name: *Contact's Phone:*

Relationship to You:

2. Who was discriminated against? (Under Fairfax County Government policy, only the person harmed or their legal guardian can file with the OHREP.)

○ Yourself
○ Someone Else

If the person discriminated against is 18 or older, we will need that person's signature before we can proceed with this complaint. Under Fairfax County government policy, only the person harmed or their legal guardian can file with OHREP.

If someone other than yourself, please include:

Injured person's name:

Relationship to you:

Address:

City: *State:* - None - *Zip:*

Daytime Phone: *Evening Phone:*

3. Enter information about the department and/or person(s) who discriminated against you.

Agency Name:

Address:

City: *State:* *Zip:*

- None -

Primary Phone: *Alternate Phone:*

Name of Person(s) who discriminated against you:

1. Name: *Position/title:*

2. Name: *Position/title:*

3. Name: *Position/title:*

4. In the space provided below, please briefly describe each discriminatory action separately. For each action, you need to provide the following information:

a. Date (s) the discriminatory action occurred;
b. Name(s) of individual(s) who discriminated (include position, title);
c. Location of alleged violation;
d. What happened;
e. Witnesses, (if any);
f. Why you believe the discrimination was because of disability.

Do you have documents that you think will help us understand your complaint? (If yes, you will be contacted with instructions for submitting this information. Do not send original documents.)

○ Yes ○ No

5. What solution are you seeking?

Date Submitted:

mm/dd/yyyy

Signature

RESET

Sign above

SUBMIT

2.3. Service Area Profile

2.3.1. DEMOGRAPHIC AND SERVICE PROFILE MAPS AND CHARTS

The maps in **Figure 3** and **Figure 4** display the concentration and distribution of minority populations residing in Fairfax County, along with the location of Connector service, Washington Metropolitan Area Transit Authority's (WMATA) Metrobus service, and Virginia Railway Express (VRE) service. Metrobus generally provides "regional" public transportation service that serves multiple jurisdictions, while the Connector is focused on primarily providing local public transportation service. VRE provides commuter rail service throughout the state of Virginia as well as a connection to Washington, DC. Together, Metrobus, the Connector, and VRE services cover most of the areas of the County where concentrations of minority residents reside. The minority population in **Figure 3** and **Figure 4** are calculated from the United States Census Bureau's 2019-2023 American Community Survey (ACS) Five-Year Estimates at the Block Group level, as the total population minus the non-Hispanic White population. Fairfax County's population is 52.5 percent minority (all residents who identify as any race other than non-Hispanic White). **Figure 3** depicts the percentages by block group of minority populations across Fairfax County. **Figure 4** focuses on block groups that fall above the County average percentage of minority residents.

Figure 5 displays the concentration and distribution of low-income households in Fairfax County, along with the location of Connector service and WMATA's Metrobus service. Fairfax County's Department of Housing and Community Development defines low-income households as households where the total income is less than 50 percent of the Metropolitan Statistical Area (MSA) median household income, adjusted for family size. In keeping with that definition, FCDOT used the latest ACS 5-year data on household income to determine the area median income (AMI) for Fairfax County. For FY 2025, the AMI in this area is $162,068; 50 percent of that income is $81,950. Low-income block groups were visualized using data from ACS Data Table B19013, 2019-2023 Five-Year estimates, to analyze impacts on low-income riders. To find the total percentage of households in Fairfax County that are low-income, 50 percent AMI was rounded down to the closest break point of $74,999 from ACS Data Table B19001, 2019-2023 ACS Five-Year Estimates. Based on this analysis, 22.2 percent of Fairfax County's households are low-income.

Figure 3: Minority Population in Fairfax County by Block Group

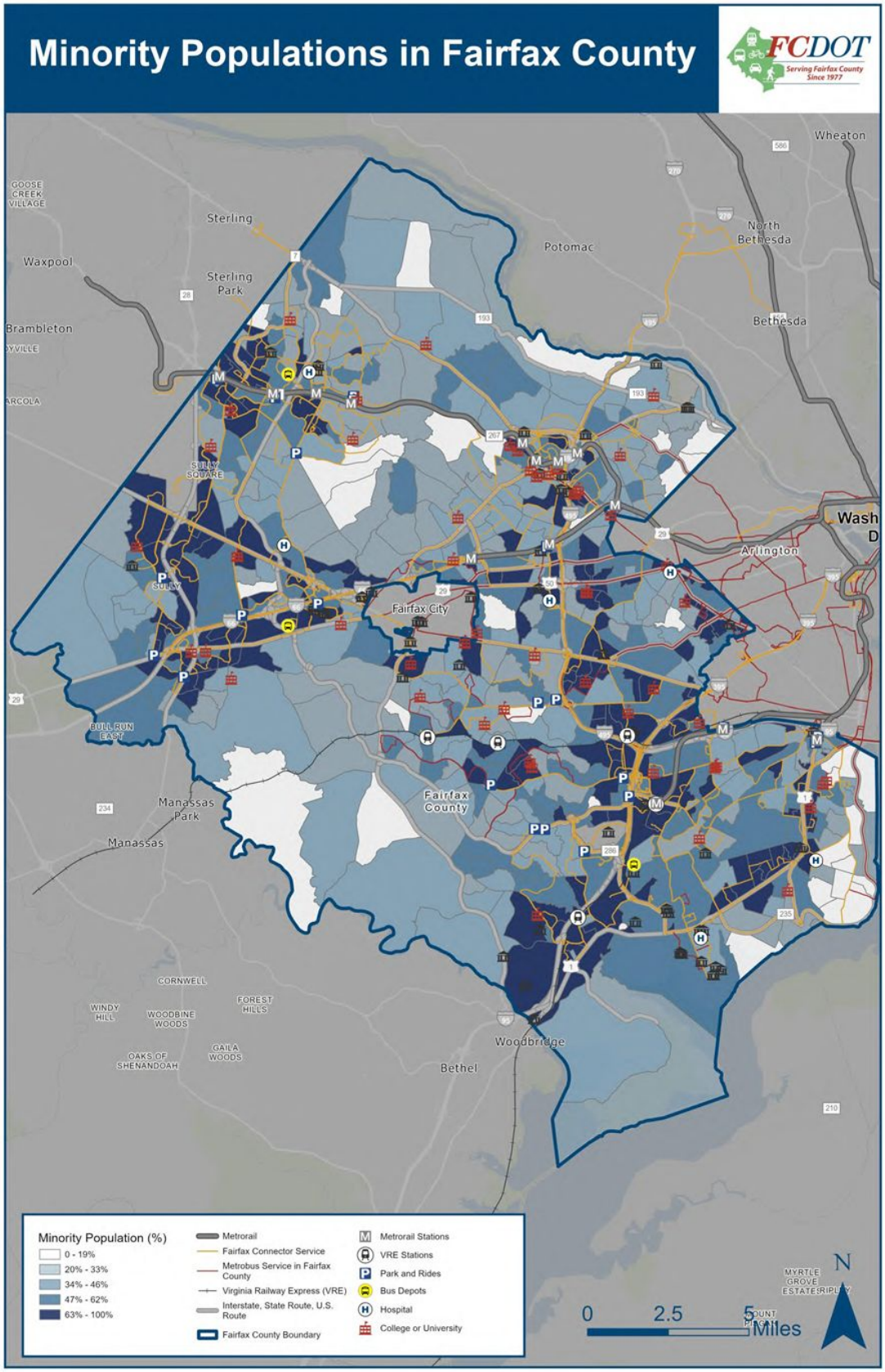


Figure 4: Block Groups with Minority Population Percentage Above County Average

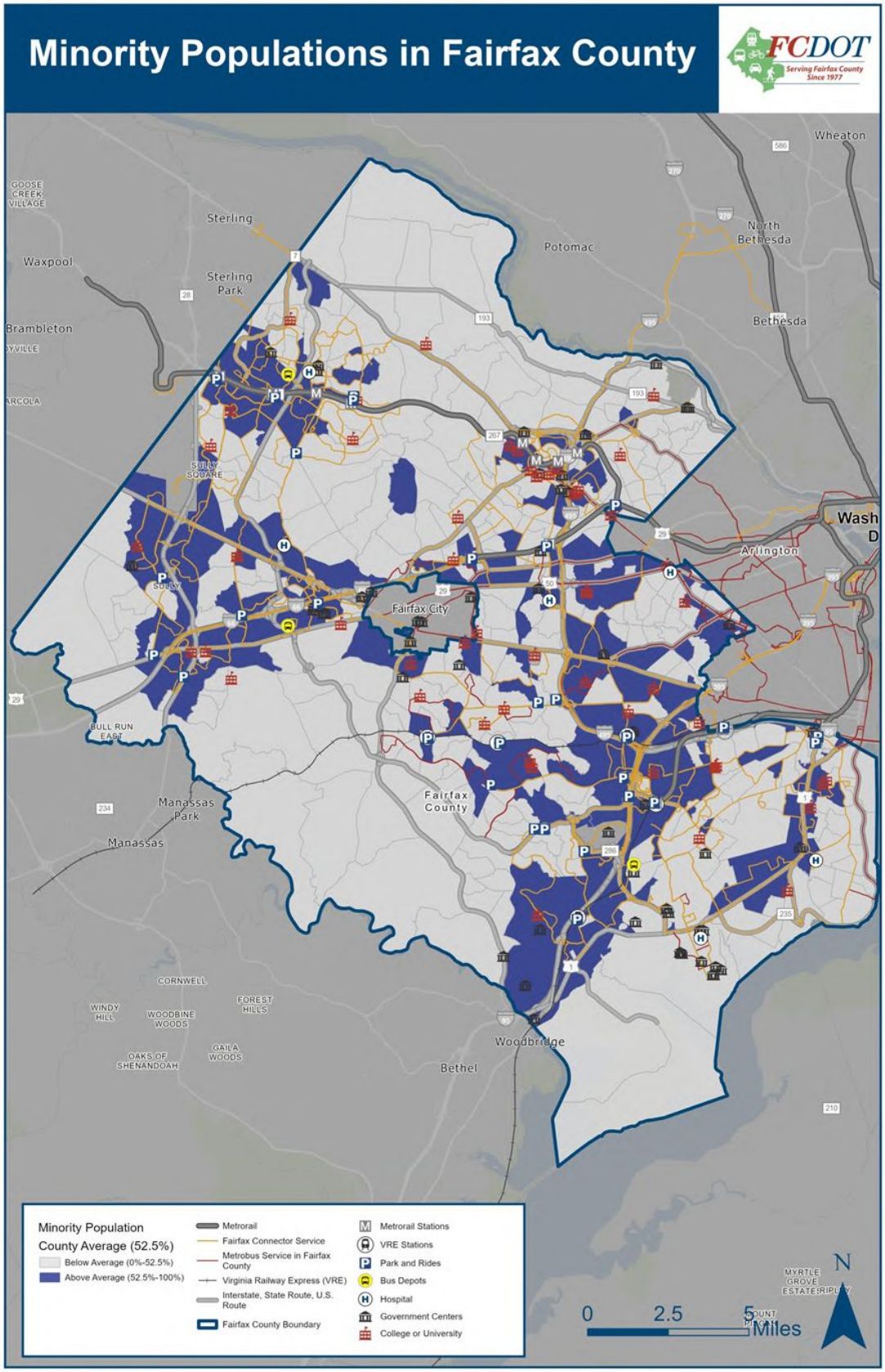
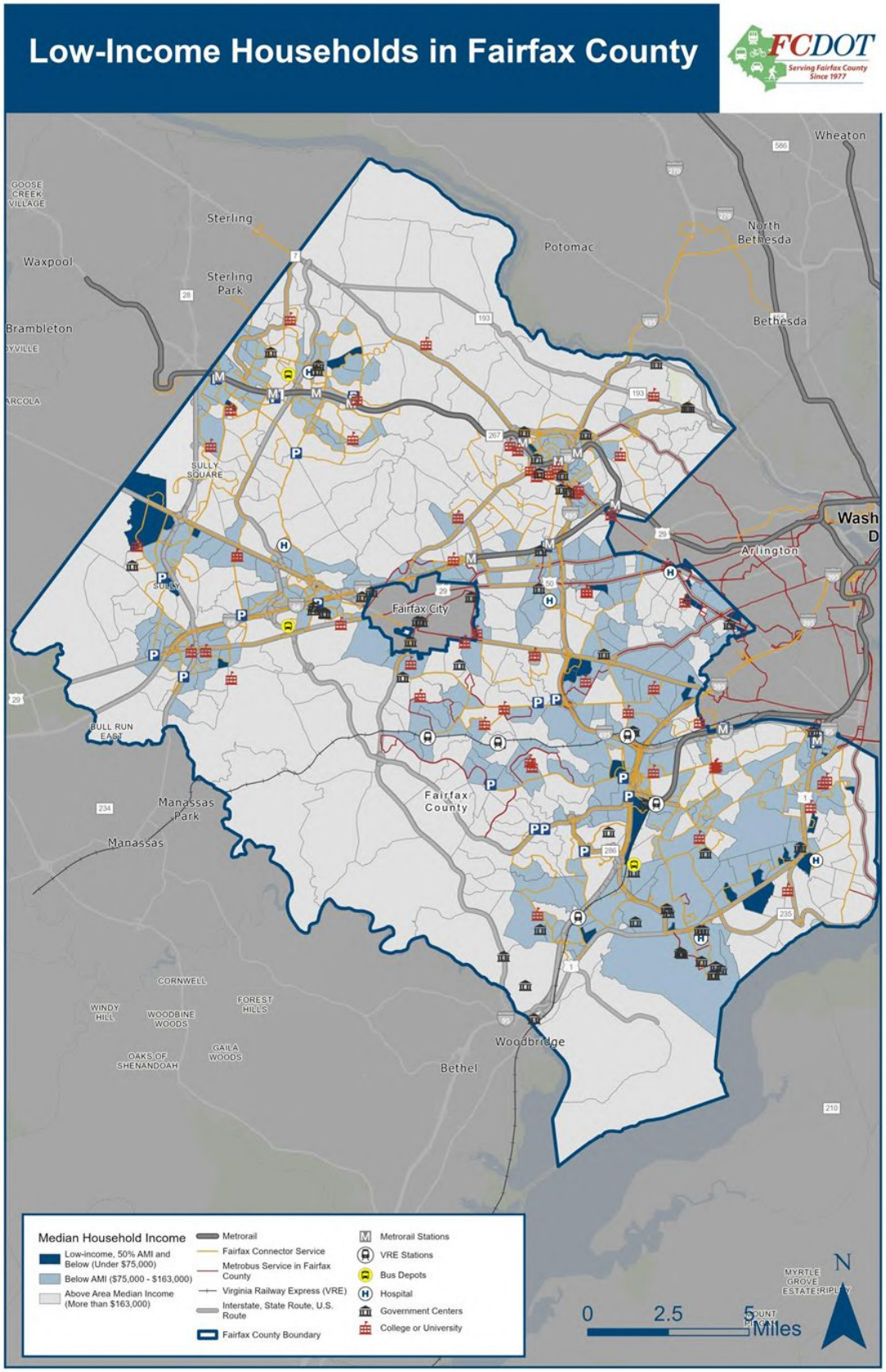


Figure 5: Median Household Income by Block Group



2.3.2. DEMOGRAPHIC RIDERSHIP AND TRAVEL PATTERNS

About the Connector Origin Destination Survey

The *Fairfax Connector Origin Destination Survey*, an on-board customer survey administered to a random sample of Fairfax Connector bus riders, was completed in May 2025 for all bus routes. The survey was conducted from September 14 - December 14, 2024 (on all routes except Route 610) and on May 25, 2025 (Route 610). Surveys were conducted with sampling rates set at 6.7 percent on weekdays and 3.3 percent on Saturdays and Sundays. Survey results were collected from 4,187 respondents, and the results were weighted to represent actual ridership.

The 2025 on-board *Fairfax Connector Origin Destination Survey* had three main goals:

- Collect information on the demographic characteristics and travel patterns of Connector riders to comply with FTA Title VI reporting requirements and guidelines;
- Identify passenger behaviors and preferences, such as fare payment methods and information sources used for travel decisions, to support efforts to increase ridership and enhance the customer experience; and
- Gather origin and destination data to inform future service planning.

Findings

Totals presented in this section may not add to 100 percent, due to rounding, and any numbers in italics total to the net number above them.

Eighty-four percent of survey respondents identified as minorities (i.e., Black/African American, Hispanic or Latino, Asian, or other) (**Table 1**). Eighteen percent of survey respondents identified as White only, non-Hispanic.

Table 1: Race / Ethnicity of Connector Riders – 2025 O-D Survey

Race / Ethnicity[7]	Percent of Total Riders
White	**18%**
Minority	**84%**
Black / African American	*38%*
Hispanic	*31%*
Asian	*13%*
Middle Eastern	*1%*
Native American	*1%*
Native Hawaiian or Pacific Islander	*1%*
Other[8]	*1%*

The survey was available in English, Spanish, and Korean. (**Table 2**).

Table 2: Survey Questionnaire Administered in English, Spanish, and Korean – 2025 O-D Survey

Questionnaire Type	Percent of Total Surveys Administered
English	84%
Spanish	16%
Korean	<1%

[7] Multiple responses were accepted. For example, a respondent could respond by identifying as both White and Hispanic. During data processing, respondents who identified as Hispanic were counted in the Hispanic category alone. In Table 1, the totals for each racial category reflect respondents who did not identify as Hispanic.

[8] Percentages for all other racial groups were below 1 percent.

Eighty-four percent of all Connector riders make a household income of $80,000 or less and are considered low-income (**Table 3**).

Table 3: Connector Riders Household Income – 2025 O-D Survey

Income	Percent of Total Riders
Low-Income	**84%**
$10,000 or less	*24%*
$10,001 to $20,000	*14%*
$20,001 to $30,000	*14%*
$30,001 to $40,000	*12%*
$40,001 to $50,000	*10%*
$50,001 to $60,000	*5%*
$60,001 to $70,000	*4%*
$70,001 to $80,000	*2%*
Not Low-Income	**16%**
$80,001 to $100,000	*3%*
$100,001 to $125,000	*5%*
$125,001 to $150,000	*3%*
More than $150,000	*5%*

To complement the above Connector rider demographics, general travel patterns and preferences are also key to understanding how riders use the system. These patterns and preferences can be captured through data on private vehicle availability and usage, other modes of travel available (besides the Connector), reasons for using the Connector, frequency and purpose of Connector use, trip origins and destinations, method of fare payment, number of transfers, and how riders access the Connector services. Based on this data, the County is better able to understand the needs of the Title VI community and evaluate how well the Connector meets those needs.

Based on the survey, 75 percent of all riders did not have access to a vehicle to make a trip on the day they were surveyed. Low-income and minority riders were more likely to lack vehicle access, at 84 percent and 77 percent, respectively (**Table 4**). These figures are reflected in the proportion of the Connector riders who do not have a usable vehicle available in their household (**Table 5**). If a bus were not available, 37 percent of riders would use a taxi or Transportation Network Company (TNC), a more costly trip than the bus (**Table 6**). Low-income riders would be even more likely to use taxis or TNCs if there was no bus, with 42 percent of low-income riders selecting this option.

Table 4: Availability of Usable Vehicle to Make the Trip Today – 2025 O-D Survey

Availability of Usable Vehicle to Make the Trip Today	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Yes	25	16	23
No	75	84	77

Table 5: Connector Riders Availability of Vehicles – 2025 O-D Survey

Number of Usable Cars, SUVs, Vans or Trucks in Household	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
None	61	69	64
One	28	25	27
Two	8	5	7
Three or More	2	1	2

Table 6: Use of Other Modes if Connector Were Not Available – 2025 O-D Survey

Alternative Modes if Bus Not Available[9]	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Drive	10	6	9
Get A Ride/Carpool	20	19	21
Taxi/TNC	37	42	38
Other Public Transportation	12	10	11
Walk	10	12	10
Bike	4	5	4
Would Not Go at All	5	5	5
Other	2	2	1

Table 7 displays the main reasons respondents indicated as motivation for using the Connector. Out of all riders, 43 percent are transit dependent, meaning that they do not have a car or a driver's license. Among low-income riders this figure increases to 53 percent, while 46 percent of minority riders are transit dependent.

Table 7: Reasons for Using the Connector – 2025 O-D Survey

Reasons for Using the Bus	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Have no alternative – no car	28	35	30
Have no alternative – no driver's license	15	18	16
Saves money	25	20	26
Prefer not to drive	6	5	5
Faster than driving	7	5	6
Parking is unavailable/expensive	4	4	3
Car/ride not available today	8	8	8
Better for environment	1	1	1
Other	5	4	5

Ninety-two percent of all survey respondents are frequent Connector riders who use the bus at least once a week to make the same trip as they were taking when they were surveyed (**Table 8**). Low-income and minority riders are slightly more likely to ride frequently on the same trip. Fifty-nine percent of riders make that same trip by bus five days per week or more, compared to 61 percent of minority riders and 62 percent of low-income riders. Low-income riders are most likely to make the same trip by bus at a rate of six or seven days per week, 29 percent compared to 27 percent of minority riders and 24 percent of all riders.

[9] Percentages do not equal 100 percent due to rounding.

Table 8: Frequency of Particular Trip by Bus – 2025 O-D Survey

Frequency of Particular Trip by Bus	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Net: Weekly	**92**	**93**	**93**
7 days per week	16	19	18
6 days per week	8	*10*	9
5 days per week	35	33	34
3-4 days per week	21	20	21
1-2 days per week	12	10	11
Net: Less often	**6**	**5**	**5**
1-2 days per month	*4*	4	*3*
Less than one day per month	*2*	2	*2*
First time making this trip	3	2	2

The on-board survey found that most riders surveyed were traveling from either home or work, 47 percent and 33 percent respectively (**Table 9**). The survey also found that most trip destinations were either home or work, 43 percent and 31 percent respectively (**Table 10**). Little difference exists between all riders and minority and low-income riders in trip origins or destinations.

Table 9: One-Way Connector Trip Origins – 2025 O-D Survey

Origin	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Home	47	48	47
Work	33	33	33
Shopping/errands	6	5	6
Recreational, social, or personal	7	7	6
School	4	4	4
Job-related business	1	2	1
Medical service	2	1	2
Other	2	<1	2

Table 10: One-Way Connector Trip Destinations – 2025 O-D Survey

Destination	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Home	43	42	42
Work	31	32	32
Shopping	9	9	9
Recreational, social, or personal	10	9	10
School	3	2	3
Job-related business	2	3	2
Medical service	2	1	2
Other	1	1	<1

Thirty-two percent of the respondents rode at least two buses and/or trains when making their one-way trip (**Table 11**). In comparison, slightly more low-income riders (39 percent) reported needing to take at least two buses and/or trains. Nine percent of all riders and 11 percent of low-income riders took three or more buses and/or train lines on their one-way trip.

Table 11: Number of Buses/Trains Used on One-Way Trip – 2025 O-D Survey

Number of Buses/Trains Used on One-Way Trip	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
This bus only	68	61	67
Two	24	27	24
Three	7	9	8
Four	1	2	1
Five or more	<1	<1	<1

Seventy-six percent of respondents paid with a SmarTrip® card (without using a Senior or Disabled Fare) while 12 percent used cash (**Table 12**). There is no discernable difference between all riders and minority and low-income riders in means of payment.

Table 12: Means of Payment for Bus Ride – 2025 O-D Survey

Means of Payment for Bus Ride	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
SmarTrip® (Non-Senior/Disable Fare)	76	75	75
Cash	12	13	14
Senior/Disabled Fare (SmarTrip® or Cash)	3	2	3
Student Pass/Card	4	5	4
Other	4	5	4

Eighty-eight percent of all riders accessed Connector service by walking or using a wheelchair (**Table 13**) and 92 percent of riders arrived at their final destinations by walking or using a wheelchair (**Table 14**). Little difference exists between the general rider population and low-income and minority riders in terms of modes of access and egress from the Connector system.

Table 13: Connector Mode of Access – 2025 O-D Survey

Mode of Access	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Walk or Wheelchair	88	90	89
Drove Self	4	2	3
Driven by Someone Else	5	5	5
Bicycle	1	1	1
Taxi or TNC	1	1	1
Other	1	1	1

Table 14: Connector Mode of Egress – 2025 O-D Survey

Mode of Egress	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Walk or Wheelchair	92	93	92
Drive Self	3	1	2
Driven by Someone Else	2	3	2
Bicycle	1	1	1
Taxi or TNC	2	2	2
Other	1	<1	1

The rider survey results demonstrate that 84 percent of Connector riders are minority and 84 percent are low-income. Seventy-five percent of all riders indicated they did not have a car available to make the trip the day they were surveyed. One out of three riders take trips that require at least one transfer, with approximately 33 percent of system trips being related to a work commute. Eighty-eight percent of all riders accessed Connector service by walking or using a wheelchair. Virtually no difference exists between trip patterns and frequency, modes of access and egress, and trip purpose between the general rider population and minority and low-income riders.

2.4. Minority Representation on Relevant Non-Elected Commissions, Committees, and Boards

Fairfax County currently has four non-elected committees, commissions, and boards that provide input on transit service: Transportation Advisory Commission, Fairfax Area Commission on Aging, Fairfax Area Disability Services Board, and Fairfax Area Coordinating Council on Aging and Adults with Disabilities (CCAAD). **Table 15** displays the current composition of these groups by race/ethnicity.

Table 15: Minority Representation on Relevant Non-Elected Commissions, Committees, and Boards

Relevant Body	White	African American	Asian American	Native American	Other	Total	Hispanic*
Fairfax County Population (2024 ACS 5-year)	57%	11%	24%	< 1%	8%	100%	17%
Transportation Advisory Commission	64%	27%	9%	0%	0%	100%	0%
Fairfax Area Commission on Aging	43%	14%	29%	0%	14%	100%	0%
Fairfax Area Disability Services Board	70%	10%	0%	0%	20%	100%	0%
Fairfax Area Coordinating Council on Aging and Adults with Disabilities (CCAAD)	73%	14%	11%	0%	0%	100%	2%

**Hispanic persons may be of any race.*

The **Transportation Advisory Commission (TAC)** advises the Fairfax County Board of Supervisors (Board) on major transportation issues, including, but not limited to transit service. The TAC meets once a month and provides the Board with information and comments regarding transportation improvements in the County. Meetings are open to the public. The TAC is comprised of 11 members who each serve two-year terms. The TAC includes one member from each magisterial district (of which there are nine); one at-large representative; and one Disability Services representative. All members are appointed by the Board. The TAC agenda is posted to its web page prior to every meeting. Minutes from every meeting also are posted on the TAC web page. The TAC website is available at: https://www.fairfaxcounty.gov/transportation/tac.

The **Fairfax Area Commission on Aging (COA)** advocates for the needs of older adults and works to tap their potential to enrich the community. The Federal Older Americans Act mandates that local area agencies on aging have community advisory committees. The Fairfax Area Commission on Aging (Commission) is the Fairfax Area Agency on Aging's (Agency) community advisory committee. The Commission advises the Agency on developing and coordinating community services, policies, programs, and actions affecting older adults in the Fairfax area. The Commission includes 12 members who each serve two-year terms. Commission members include one representative from each magisterial district (of which there are nine); one at-large representative; one representative from the City of Fairfax; and one representative from the City of Falls Church. The Commission meets monthly (except in August) and all meetings are open to the public. Meetings are advertised on Fairfax County's website calendar, on the Fairfax Area Commission of Aging's County webpage, and in the Golden Gazette, a free monthly newspaper covering news for older adults in the Fairfax area. The Commission's website is available at: https://www.fairfaxcounty.gov/familyservices/older-adults/fairfax-area-commission-on-aging.

The **Fairfax Area Disability Services Board (FADSB)** provides the Fairfax County government with input, assistance, and advice on the service needs of persons with physical and sensory disabilities. The FADSB has 15 members who each serve three-year terms. Members can serve for up to three terms. The members of the FADSB include appointees from each magisterial district (of which there are nine); one at-large member; two at-

large/Fairfax County Business Community representatives; one City of Fairfax local official; one City of Falls Church local official; and one at-large/Fairfax County local official. An alternate may be appointed from each of the cities, for a total of 17. The FADSB Bylaws require that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual, or hearing disabilities or their family members; a local official (person elected or appointed to or employed by a board commission or agency from the jurisdiction making the appointment to the disability services board) from each participating jurisdiction; and at least two representatives from the business community. The FADSB meets once a month, and meetings are open to the public. Meetings are advertised on Fairfax County's Disability Services email listserv and on Fairfax County's website calendar. Information about the boards' meetings is also available through a toll-free number. The FADSB website is available at: https://www.fairfaxcounty.gov/familyservices/disabilities/fairfax-area-disability-services-board.

The **Fairfax Area Coordinating Council on Aging and Adults with Disabilities (CCAAD)** was chartered by the Board of Supervisors to collaborate and create solutions for older adults and adults with disabilities and advise/advocate. Formerly Fairfax Area Long Term Care Coordinating Council (LTCCC), the Council was renamed in 2023. The CCAAD has 37 members. The CCAAD's strategic plan for 2023-2026 reflects a focus on addressing gaps in service delivery based on systemic and institutional barriers for social and racial minorities. CCAAD subcommittee work projects or community-based organizations, many of which are CCAAD member organizations, operationalize solutions for identified needs. The CCAAD writes letters and reports, gives public testimony, and meets with members of the Fairfax County Board of Supervisors to advocate so that County residents have a foundation to remain in their own community as they age or live with their disability and be able to participate in community life to the fullest. CCAAD meetings and subcommittees are open to the public and advertised on Fairfax County's website calendar. The CCAAD website is available at: https://www.fairfaxcounty.gov/neighborhood-community-services/coordinating-council-on-aging-and-adults-with-disabilities

2.5. Summary of Title VI Complaints, Investigations, and Lawsuits

Fairfax County did not have any Title VI investigations or lawsuits and did not receive any Title VI complaints involving Connector service or other Fairfax County Department of Transportation transit-related activities between 2023 and 2026.

2.6. Land Acquisition for Purposes of Facility Construction

Fairfax County has not constructed any facilities included under FTA Circular 4702.1B, Chapter III, Section 13, including any vehicle storage facilities, maintenance facilities, operations centers, or other similar facilities, which required land acquisition and the displacement of persons from their residences and businesses during the reporting period of 2023-2026.

2.7. Sub-Recipients of Federal Transit Administration Funding

Fairfax County does not have any sub-recipients of FTA funds.

2.8. Public Participation Plan

2.8.1. INTRODUCTION AND GOALS

FCDOT strives to provide accessible and relevant public information and involvement opportunities to obtain input on transit service and planning from members of the public. FCDOT's Public Participation Plan (PPP) delineates a set of public participation strategies that facilitate greater involvement by minorities (as defined by race, color, or national origin), Limited English Proficiency populations, and low-income populations in the transit planning and decision-making process.

Three goals guide FCDOT's PPP:

1. Ensure that minority, LEP, and low-income individuals are provided with *meaningful* and *accessible* opportunities to provide input into the County's transit decision-making process.
2. Build relationships that facilitate *open* and *frequent* communication with key stakeholder groups representing and working with minority, LEP, and low-income communities.
3. Obtain information and feedback that the Connector can use to inform the provision of transit service that meets the specific transportation needs of minority, LEP, and low-income populations.

These goals reflect FCDOT's intent to provide relevant information, and opportunities to provide input on all transit projects in a manner that is accessible to Title VI protected and low-income populations throughout Fairfax County. FCDOT continually works to strengthen relationships with minority, LEP, and low-income populations, as well as relevant community groups and other stakeholders to create a culture that promotes a high-level of trust and facilitates continuous engagement.

2.8.2. PUBLIC OUTREACH STRATEGIES

FCDOT has continued to refine its public outreach strategies and with the proliferation of digital platforms that provide tools for targeted outreach and enhanced internal and external collaboration efforts with key community stakeholders. FCDOT's communications team is reaching more people than ever before. As part of these efforts, FCDOT has incorporated best practices and federal guidance into its outreach planning efforts. These resources along with available outreach platforms and partnerships continue to support and inform the strategies developed for this Public Participation Plan.

FCDOT creates individual public participation plans for each transit planning process or project, tailored to the type of plan or service under consideration and the scope of changes or geographic impact of the project. Strategies identified in this Title VI program will be used *selectively* by FCDOT on a case-by-case basis and incorporated into project-level public participation plans. At the outset of a project planning process, service change, fare change, or other transit project, FCDOT's communication staff will review the strategies in this program and select those that are appropriate based on the type of project, the demographics of the individuals that would be impacted by the location of the project, and the resources available.

- **Understanding Our Community** – At the outset of any transit project requiring public outreach, FCDOT identifies the local areas impacted and develops an understanding of the populations living in the areas. Demographic data and previous experience, as well as feedback from local community organizations, houses of worship, human services agencies, and staff from the magisterial district offices provide both a quantitative and qualitative understanding of the local areas. Based on this information, FCDOT develops a targeted approach to ensure inclusive public participation by all members of the local community, including identifying the need for interpretation services and the types of public outreach that are likely to be effective with the populations present in the local community.

- **Inclusive Public Meetings** – FCDOT uses public meetings to generate feedback about proposed service changes and other transit projects. FCDOT aims to notify the public 30 days prior to the meeting through a variety of print and non-print advertising methods. Meetings are held in transit accessible locations and in a variety of location types (e.g., schools, community centers, senior centers, apartment complexes, shopping malls, and libraries). Meetings are also held at locations within walking distance of residential areas when possible. FCDOT schedules meetings at traditional and non-traditional times, including during the morning, daytime, and on the weekends. Interpretation services are made available at all meetings upon request and may be provided without request at meetings in areas with high concentrations of LEP populations and targeted to the languages spoken. If appropriate, the format of the meetings will include an open-house style to allow attendees to speak individually and provide verbal feedback to FCDOT staff. Materials in appropriate languages for locations may also be provided, depending on the impacted populations. FCDOT staff always have access to the County's "Language Line" if special, unforeseen communication needs arise. The Language Line is the County's on-call, on-demand interpretation service. It provides interpretation services in more than 240 languages.

- **Pop-Up Events** – FCDOT holds "pop-up" events at high-traffic places where Connector riders and other residents are present in formats that allow for one-on-one interaction. Pop-up events may be held in locations such as transit centers and major transfer points, community centers, schools, senior centers, medical centers, houses of worship, and County-owned and other multifamily residential complexes. Pop-up events are also often employed during large festivals or cultural gatherings. When project resources allow, promotional materials may be provided to increase public participation. At these events, translators and members of local community organizations may accompany FCDOT staff to facilitate relationship building and communication with the local community. These events allow FCDOT to increase engagement with minority, low-income, and LEP populations especially.

- **Cross-agency Partnerships** – FCDOT works with other Fairfax County departments, including but not limited to NCS, OHREP, the Office of Public Affairs (OPA), Fairfax County Public Schools (FCPS), Public Works and Environmental Services (DPWES), Park Authority, Housing and Community Development (HCD), Family Services (DFS), Office to Prevent and End Homelessness (OPEH), Emergency Management (OEM), Health Department (HD), and Police Department (FCPD). These relationships enable use of connections with community and faith-based organizations, supplement translation resources, and assist at community events to distribute information about the Connector services and transit projects, plans, and initiatives. FCDOT also works with internal partners on *"train-the-trainer"* programs that familiarize other front-line staff with the Connector service and current transit projects and plans to allow staff to provide transit information to the general public.

- **Community Events** – FCDOT staff seek to meet people where they are by attending community events and festivals (e.g., Pan-American Festival, Reston Multi-Cultural Festival) where minority, low-income, and LEPs may be present to distribute transit information and solicit feedback.

- **Partnerships with Community Based Organizations and Faith Based Institutions** – FCDOT continues to build and nurture relationships with community- and faith-based organizational partners, which is vital for disseminating information and soliciting feedback from diverse communities. FCDOT works with these organizations to distribute materials, co-sponsor meetings, or attend meetings to reach their constituents, clients, and members.

- **Stakeholder Groups** – Stakeholder groups consisting of leaders of relevant community organizations, and/or their members or constituents, are employed at times and locations convenient to attendees to solicit feedback in a small group and informal setting from minority, LEP, and low-income populations.

- **Print Materials Distribution** – FCDOT develops flyers, brochures, and other print materials to inform the public of meetings and other opportunities to comment on projects and to convey vital transit system information. Print materials are distributed to communities in areas affected by proposed project or service changes and are translated into other languages as needed per the local demographics and the Language Access Plan. Where possible, printed materials incorporate pictures and use minimal text to facilitate their use by LEP and low-literacy individuals. FCDOT utilizes advertisements to promote public meetings and alert riders of service changes on buses and bus shelters, at park-and-ride lots, and at Connector Stores. FCDOT also provides notices to other partners for distribution through their channels, including community-based organizations, local human services agencies, and houses of worship.

- **Online Engagement** – FCDOT makes extensive use of online platforms, including virtual meeting platforms, its website, social media accounts (e.g., Twitter and Facebook), and subscription-based email/text notifications via Fairfax Alerts to disseminate information about capital projects, service changes, and other important information. FCDOT also develops informative videos and other interactive visualization techniques which are important for reaching LEP and low literacy communities. These videos are produced for large-scale projects, for distribution online, and for use at public meetings.

- **Phone Line** – FCDOT maintains a call center service for transit information that is available 24-hours a day, as well as access to a language line service in the event a caller needs language assistance. The call center phone number is included on all project related materials.

- **Ethnic and Foreign Language Media** – FCDOT advertises public meetings in local ethnic and foreign language media outlets, which may include radio stations, TV stations, and newspapers. These outlets help reach Fairfax County's diverse populations and by targeting specific minority communities.

- **Advisory Boards, Stakeholder Groups and Technical Advisory Groups** – Fairfax County has four advisory boards that provide advice on transportation-related matters: Transportation Advisory Commission, Fairfax Area Commission on Aging, Fairfax Area Disability Services Board, and Fairfax Area Coordinating Council on Aging and Adults with Disabilities. These advisory boards are comprised of members of the community who can provide information regarding outreach strategies for reaching targeted populations. FCDOT also establishes and facilities community stakeholder groups and technical advisory groups for all large-scale transit planning efforts to inform decision making and bring more involvement from entities supporting Title VI protected populations. These groups meet periodically and are established in collaboration with Neighborhood and Community Services and are based on area impacted and populations served.

One Fairfax and Diversity, Equity, and Inclusion Manager (DEIM)

The Fairfax County Board of Supervisors and School Board adopted the One Fairfax policy for racial and social equity in 2016. The resolution commits the County to intentionally consider equity and center meaningful community involvement when designing and implementing policies and providing public services.[10] It is a declaration that all residents deserve the opportunity to participate and succeed in the County—regardless of their race, color, nationality, sex, gender identity, sexual orientation, religion, disability, income or where they live. Alongside equity goals to incorporate into transportation service provision processes and plans, the One Fairfax policy initiates several areas of focus for transportation:

- A multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles

[10] One Fairfax Policy, Updated November 21, 2017. https://www.fairfaxcounty.gov/topics/one-fairfax

associated with sustainability, diversity, and community health.
- 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, most notably those in mixed-use areas that are accessible to multiple modes of transport.

To meet the goals of One Fairfax, the County has a position at FCDOT for a Diversity, Equity, and Inclusion Manager (DEIM) to provide internal support and consultation for Connector/FCDOT public engagement activities and outreach campaigns. In 2023, the DEIM delivered equity training to the department in partnership with One Fairfax.[11] Such trainings included "Race: The Power of an Illusion" and "Advancing Racial Equity: The Role of Government."

2.8.3. OUTCOMES EVALUATION PROCESS

The Fairfax County Department of Transportation routinely reviews its Public Participation Plan and the effectiveness of the strategies contained herein. This Public Participation Plan is a living document that FCDOT will refer to and update on an ongoing basis. FCDOT has recently engaged in a process to develop standard operating procedures for public participation activities, including a public outreach checklist that will help guide departmental staff as they incorporate community input into transportation planning decisions. Once completed, all these procedures will be incorporated in a revised staff handbook for FCDOT employees.

Following the completion of an individual planning process or initiative that includes public involvement, FCDOT reviews the overall effectiveness of the public outreach by addressing the following questions:

- Was there participation by Title VI protected populations throughout this public participation process? What was the level of participation by Title VI protected populations relative to the proportion of the populations that would be potentially impacted by the proposed plan, project, service change, or fare change?
- How many external events, meetings, and opportunities for one-on-one interaction were provided? Did these outreach activities target specific Title VI populations that would be impacted by the proposed transit plan project, service change, or fare change?
- Were materials translated into the appropriate language(s), printed, and distributed at places where minority, LEP, and low-income populations would have access to them?
- In the judgment of the project team, were the appropriate strategies employed to engender inclusive public participation? Which strategies worked the best, and which ones did not work as well as expected?

These questions are addressed by the FCDOT communications team and appropriate project staff and documented following each public participation campaign's conclusion. This performance documentation allows FCDOT staff to continuously improve efforts to promote inclusive public participation.

[11] Calendar Year 2023 Equity Impact Plan Annual Report

2.8.4. SUMMARY OF OUTREACH EFFORTS SINCE THE LAST TITLE VI PROGRAM SUBMISSION

Table 16 Table 16 summarizes the community meetings held for the Connector service or fare changes since the last Title VI Program submission. It includes details about the meeting name, date/time, how the meeting was held (in-person or virtually), and whether a recording is available on the FCDOT website.

Table 16: List of Community Meetings February 2023–December 2026

Event	Date	Time	Platform	Recording on Website
Community Meeting-- Youth Fare Policy Changes	Thursday, February 23, 2023	7:00 p.m.	Virtual	Yes
Community Meeting-- Service Changes for Centreville, Chantilly, Vienna, Tysons and Franconia-Springfield	Monday, May 22, 2023	7:00 p.m.	In-Person	No
Community Meeting-- Service Changes for Centreville, Chantilly, Vienna, Tysons and Franconia-Springfield	Tuesday, May 23, 2023	7:00 p.m.	Virtual	No
Community Meeting-- Service Changes for Centreville, Chantilly, Vienna, Tysons and Franconia-Springfield	Thursday, May 25, 2023	7:00 p.m.	Virtual	No
Community Meeting-- June 2024 Service Changes	Tuesday, November 14, 2023	7:00 p.m.	Virtual	Yes
Community Meeting-- June 2024 Service Changes	Thursday, November 16, 2023	7:00 p.m.	Virtual	No
Public Meeting-- April 2025 Service Changes	Tuesday, November 12, 2024	12:00 p.m.	Virtual	Yes
Public Meeting-- April 2025 Service Changes	Wednesday, November 13, 2024	7:00 p.m.	Virtual	Yes
Public Meeting-- December 2024 Service Changes and July 1 Fare Adjustments	Thursday, May 16, 2024	7:00 p.m.	Virtual	No
Public Meeting-- December 2024 Service Changes and July 1 Fare Adjustments	Tuesday, May 14, 2024	12:00 p.m.	Virtual	No
Open House-- Winter 2026 Service Changes	Wednesday November 5, 2025	12:00 p.m. and 7:00 p.m.	Virtual	No
Public Meeting-- May 2025 Service Changes	Wednesday, February 19, 2025	12:00 p.m. and 7:00 p.m.	Virtual	No
Open House-- Richmond Highway BRT Community Charm Student Artwork Ideas	Wednesday, March 29, 2023	6:30 p.m.	In-Person	No
Open House-- Richmond Highway BRT Project Updates	Wednesday, January 31, 2024	6:30 p.m.	In-Person	Yes

Event	Date	Time	Platform	Recording on Website
Public Meeting-- Richmond Highway Corridor Project Updates (FCDOT, Fairfax County Department of Planning & Development, and VDOT)	Wednesday, January 15, 2025	7:00 p.m.	In-Person	Yes
Open House-- Richmond Highway Corridor Project Updates (FCDOT, Fairfax County Department of Planning & Development, and VDOT)	Wednesday, December 10, 2025	6:30 p.m.	In-Person	No
[Planned] Open House-- Richmond Highway BRT Community Charm Artwork	Wednesday, April 29, 2026 [Tentative]	TBD	In-Person	No

2.8.5. PROJECT EXAMPLES

Service Change Notifications Public Outreach Process

FCDOT conducts outreach to inform and seek input from Connector riders about proposed service changes that will impact their routes and communities. Service change outreach efforts are targeted around the geographic areas that are directly impacted by planned service changes, although meetings are advertised throughout the system. Typically, Fairfax County conducts outreach to impacted riders and communities by posting notices of the planned changes and opportunities for public comment at public meetings on buses, at bus shelters, and by directly distributing print notices of meetings to riders. Information is also posted to the Connector's website and social media accounts. Interpretation services are available upon request at all public meetings. Fairfax County translates print notices into Spanish and other languages as needed upon reviewing the demographics of the impacted riders and neighborhoods. By providing information directly to passengers with interpretation into the appropriate languages, FCDOT seeks to ensure that all riders and impacted community members are aware of and have the opportunity to provide comment on service changes that impact their lives.

The following are examples of public outreach strategies related to typical service change notifications and major projects.

Example 1: The Connector Spring/Summer 2025 Service Changes – 2024

The 2023 Transit Strategic Plan (TSP) conducted a baseline assessment of existing transit services and demographics, including a transit propensity analysis and high-level assessment of travel flow between activity centers. The analysis provided a better understanding of trip purpose, rider experiences, transportation needs, and the travel modes and bus routes most used by residents. Based on public feedback and the TSP study, a preferred service plan was developed to better meet travel patterns, growth, and service demand in the study area. The service plan has included service changes such as this spring/summer change affecting the Braddock, Franconia, Hunter Mill, Mason, Providence, Springfield and Sully Districts.

One of the key components of this route improvement effort is public engagement and solicitation of community feedback. To engage the Title VI populations for these efforts, the following activities have been conducted, among others:

- Four virtual public meetings were conducted. The meetings were scheduled for both midday and evening times (12:00 p.m. and 7:00 p.m.) to maximize opportunities for public participation. For those without internet access, a call-in option was provided to attend the meeting via a phone call. After the meeting, the meeting slides were posted to the FCDOT website for asynchronous reviews.
- An online survey was conducted and distributed. The survey allowed residents to comment on the proposed service changes and provide requested improvements. Multilingual translations for the survey were

provided via Google Translate (Spanish, Chinese, Arabic, Korean, Vietnamese, Urdu, Hindi, etc.).
- Detailed information was posted on the Connector website and social media accounts, including the announcements of the public meetings. A link to complete the survey was also posted (**Figure 6**).

In response to public comments and feedback, FCDOT staff recommended improving Route 598 peak frequency to 15 minutes and planned for the Route 652 service to address connection issues to the Franklin Farm neighborhood.

Figure 6: The Connector Social Media Post for Spring/Summer 2025 Service Change



Example 2: Richmond Highway BRT - The One–March 2018 - ongoing

FCDOT is planning for a Bus Rapid Transit (BRT) system - a high quality, bus-based transit system that delivers fast, efficient, and reliable service through dedicated lanes and other related enhanced amenities along Richmond Highway/US Route 1 from Huntington Metrorail Station to Fort Belvoir. The BRT project is part of Fairfax County's Embark Richmond Highway program, which also includes road widening and enhanced bicycle and pedestrian facilities and facilitates increased development based on the comprehensive plan amendment aimed at preparing the corridor for the BRT system. FCDOT has used the following strategies to engage with the public throughout the process:

- Public meetings: Since April 2018, FCDOT has hosted 19 public information and design meetings. Seven of the meetings were virtual, and the remaining 12 were in person.
- Transportation support: For in-person meetings, FCDOT provided free shuttle transportation to attendees from three community hubs.
- On-site childcare: FCDOT offered on-site childcare for meeting attendees at the community meeting located at the Bryant High School.
- Spanish-language presentations: Three meetings were hosted in Spanish and Spanish-language materials were provided to attendees.
- Translations available: For meetings that were hosted in English, FCDOT provided Spanish-language

translation available for attendees.

In addition to public meetings and in-person sessions, FCDOT also provided a variety of online and virtual platforms for learning about and participating in the project.

- A central webpage to provide information and feedback opportunities at www.fairfaxcounty.gov/transportation/richmond-hwy-brt
- Richmond Highway-BRT updates via Fairfax Alerts messaging system
- A searchable hashtag (#RichmondHwyBRT) to compile all posts about BRT-related information on Facebook
- Opportunity to connect with the project team via an email address

2.9. Language Access Plan

2.9.1. INTRODUCTION

The FCDOT Language Access Plan (LAP) helps determine what types of language assistance to provide, how Limited English Proficiency persons will be informed about the availability of language assistance, processes for evaluating and updating the plan, and the types of training provided to all FCDOT transit employees and contractors to ensure awareness of the importance of timely and reasonable language assistance.

FCDOT's LAP was prepared in compliance with FTA Circular 4702.1B and other Federal regulations and guidance related to language assistance. This plan includes:

- The results of the Four Factor Analysis, described below
- A detailed set of strategies that FCDOT will employ to provide language assistance services by language
- A description of how FCDOT will notify LEP persons about the availability of language assistance

The LAP also describes how FCDOT monitors, evaluates, and updates the plan. FCDOT staff who are responsible for Title VI compliance are also responsible for all LAP related tasks, including:

- Ensuring that all staff are trained to provide timely and reasonable language assistance to LEP populations
- Ongoing monitoring of the language assistance strategies' implementation and materials that comprise the LAP
- Evaluating the efficacy of the strategies and materials
- Updating the plan as needed

2.9.2. FOUR FACTOR ANALYSIS METHODOLOGY

The U.S. Department of Justice (DOJ) developed the Four Factor Analysis to provide a clear framework through which recipients of Federal funding can determine the extent of their obligation to provide LEP services. Recipients of Federal funding are required to take reasonable actions to ensure access to their programs and activities, and the Four Factor Analysis helps to develop an individualized determination of the extent of the needs of LEP populations and how they are best and most feasibly served.

FTA's Circular 4702.1B instructs FTA funding recipients to use the Four Factor Analysis and refer to DOJ's LEP guidance, as needed, to prepare the LAP. In accordance with these guidelines, FCDOT conducted a Four Factor Analysis to help ensure meaningful access to programs and activities, and to determine the specific language services that are appropriate to provide. Broadly speaking, this analysis helps to determine how well Fairfax County communicates with the LEP communities it serves and how it can communicate with them in the future through language access planning. The Four Factor Analysis examines the following, as described in FTA Circular 4702.1B:

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. This population is program-specific. In addition to the number or proportion of LEP persons served, the analysis, at a minimum, identifies:

- How LEP persons interact with the recipient's agency–in this case, FCDOT
- LEP communities by language. Assesses the number or proportion of LEP persons from each language group to determine the appropriate language services to provide for each language group
- The literacy skills of LEP populations in their native languages to determine whether translation of documents will be effective
- Whether LEP persons are underserved by FCDOT due to language barriers

Factor 2: The frequency with which LEP persons come into contact with the program. Recipients should survey key program areas and assess major points of contact with the public, such as:

- Use of bus and rail service
- Purchase of passes and tickets through vending machines, outlets, websites, and over-the-phone
- Participation in public meetings
- Customer service interactions
- Ridership surveys
- Operator surveys

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives. The provision of public transportation is a vital service, especially for people without access to personal vehicles. For example, a county's regional planning activities potentially impact every person within the county. Development of a coordinated plan to meet the specific transportation needs of seniors and people with disabilities will also often meet the needs of LEP persons. An LEP individual may have a disability that prevents them from using fixed route service, thus making them eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities, and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach. Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations, and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

Table 17 provides a summary of each factor along with the measures and data sources used for the analysis.

Table 17: Four Factor Analysis Methodology

Factor	Measures	Data Sources
Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.	■ Presence of LEP populations in Fairfax County ■ Use of public transportation services by LEP populations in Fairfax County	■ ACS Estimates: This analysis uses 2019-2023 5-year estimates and 2023 1-year estimates ■ Fairfax County Public Schools Youth Survey
Factor 2: The frequency with which LEP persons come into contact with the program.	■ Frequency with which LEP persons use the Connector	■ Interviews with County Staff ■ The Connector Bus Rider Survey: FCDOT surveyed riders on all Connector bus routes from September 14- December 14, 2024 and on May 25, 2025.
Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.	■ Qualitative research on the role of the Connector service in the lives of LEP persons in Fairfax County ■ Ability to make trip if the Connector were not available ■ Access to a vehicle for LEP Connector riders ■ Trip purpose for LEP Connector riders	■ Interviews with County Staff. ■ The Connector Bus Rider Survey: FCDOT surveyed riders on all Connector bus routes from September 14 – December 14, 2024, and on May 25, 2025.
Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.	■ Description of existing Language Access Resources and associated costs	■ Program information and data. Records on the description of existing language access resources and their costs are maintained by the FCDOT Civil Rights Officer

Interviews with County Staff

Fairfax County provides vital public transportation services, especially for people without access to personal vehicles, through operation of the Connector. LEP persons, for instance, interact with FCDOT by riding the bus, interacting with bus operators, looking online for service information, visiting a Connector store, participating in a FCDOT public meeting, or calling FCDOT for service information or to submit a complaint. To understand the frequency with which each of these interactions occurs, as well as the importance of Connector service to LEP populations, the methodology for Factors 2 and 3 included interviews with nine County government, Connector, and social service providers that serve LEP populations across Fairfax County. These interviews focused on identifying where LEP populations reside in Fairfax County, the languages spoken by LEP populations across Fairfax County, and how they use public transportation.

The interviews help illustrate both how often LEP persons use the Connector and other public transportation services in Fairfax County, and what services they use most frequently (Factor 2); the interviews also revealed the nature and importance of public transportation to the lives of LEP persons (Factor 3).

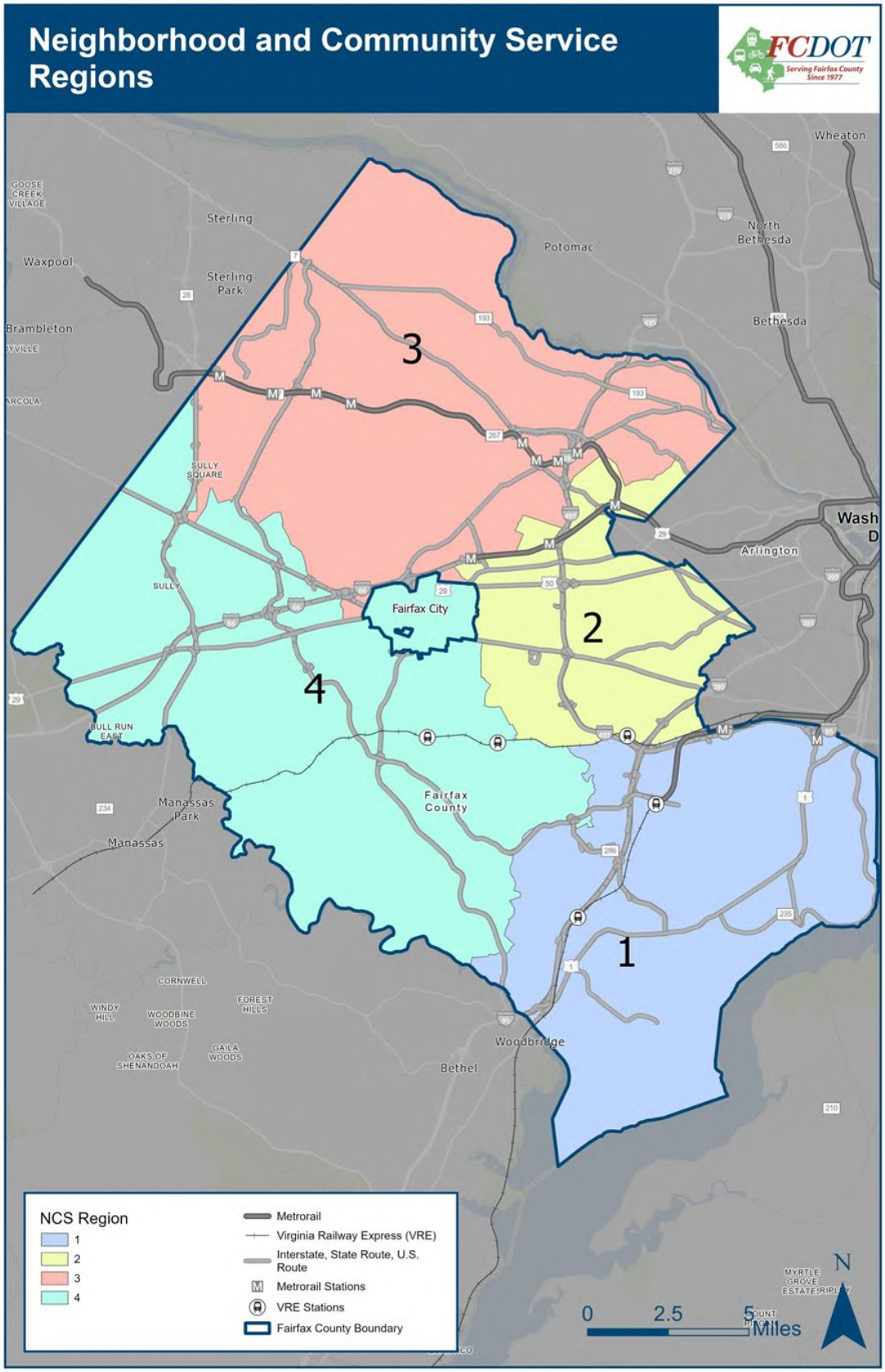
Table 18 lists the Fairfax County departments and staff that participated in the interviews.

Table 18: Interviews Conducted for the Language Access Plan

Fairfax County Department or Office	Individual Participants	Interview Date
Customer Service, Herndon Division	Shavonya Munford, Customer Service Manager	December 2, 2025
Customer Service, Huntington Division	Jacqueline Adams, Customer Service Manager	December 5, 2025
Customer Service, West Ox Division	Devera Ross, Customer Service Manager	December 5, 2025
Neighborhood and Community Services	Chris Scales, Division Director Cynthia Alarico, Mobility Manager	December 5, 2025
Neighborhood and Community Services – Region 1	LaTishma Walters, Assistant Division Director	December 12, 2025
Neighborhood and Community Services – Region 2	William Canas, Human Development Manager	December 9, 2025
Neighborhood and Community Services – Region 3	Satoriea Warren, Operations Manager Crystal Woodley, Operations Manager	December 5, 2025
Neighborhood and Community Services – Region 4	Kimmie Alcorn, Human Development Manager	December 10, 2025
Office of Human Rights and Equity Programs	Michael Simms, Director Justin Wharton, Equity Programs Manager	December 8, 2025

Figure 7 shows the Neighborhood and Community Services regions. The remainder of this section summarizes each interview and relevant findings to FCDOT's Language Access Plan.

Figure 7: Fairfax County Neighborhood and Community Services Regions



Shavonya Munford, Customer Service Manager, Herndon Division

As Customer Service Manager for the Herndon Division in Fairfax County, Shavonya receives and responds to customer complaints, lost and found requests, and fare-related concerns from bus riders and bus operators. In this role, Shavonya and her team interact with LEP individuals **two to three times per week**; the vast majority of whom speak **Spanish**. Because many callers have limited English literacy, Shavonya emphasized the importance of having Spanish-speaking staff available at outreach events. To support effective communication, particularly when coordination with a bus operator is needed, the team uses the County's third-party language line. This service connects callers to a live interpreter who provides real-time verbal translation between staff and the LEP individual.

Shavonya identified the following routes, primarily serving Reston and Herndon, as having high ridership among LEP individuals:

- **RIBS 1/3**: Lake Ann – Hunters Woods
- **RIBS 2:** Reston – South Lakes Drive – Herndon Metro
- **RIBS 4:** Reston Town Center – North Point
- **RIBS 5**: Herndon – Reston Town Center
- **Route 950**: Reston Town Center – Herndon Metro
- **Route 952**: Sunset Hills – Dulles Airport

While most communication with passengers is verbal, Shavonya noted that only a limited set of written materials is currently available in Spanish (e.g., ADA information). When passengers have difficulty understanding a document or communicating with the operator, use of the language line generally provides satisfactory results. Most LEP interactions occur when passengers call to report incidents, at which time the language line is readily available. Shavonya also noted that additional Spanish-language materials and resources, would be beneficial, such as translated rider literature, instructions for using bike racks, a Spanish-language website, and a QR code linking to Spanish-language information. For many LEP riders common trip purposes include travel to school and work (particularly noting employment at the airport), with occasional trips for errands such as grocery shopping.

Jacqueline Adams, Customer Service Manager, Huntington Division

Jacqueline manages customer service interactions with bus riders for the Huntington Division. In this role, she receives and responds to customer complaints, lost-and-found requests, and fare-related concerns. As a bilingual staff member who is frequently asked to assist with interpretation, Jacqueline reported speaking with individuals with LEP approximately **three times per month**. The most common language groups she encounters include:

- **Spanish** – Richmond Highway and Springfield
- **Farsi** – Tysons Corner
- **Hindi**

Most interactions are with Spanish-speaking customers. Jacqueline noted that many Spanish-speaking riders are fairly proficient in English and Spanish, though some have very limited English skills. LEP passengers prefer to call customer service to ask questions or file complaints, typically related to directions, service reliability, transfers, and fares, rather than ask in person. Jacqueline also observed a recent decline in the number of Spanish-speaking callers; in some cases, customers may ask an English-speaking family member or friend to call on their behalf. To improve awareness of the customer service line, staff conduct in-person outreach at Metrorail stations to engage with riders, introduce themselves, and encourage passengers to call if they have questions or concerns. Outreach staff, many of whom are bilingual, also attend seasonal County events to share information

and provide assistance. Jacqueline identified communication barriers with staff and operators as a primary challenge for LEP riders, particularly among some Indian-language speakers.

Jacqueline emphasized that LEP individuals of all ages benefit from the transit system, including middle and high school students traveling to school and working-age individuals commuting to jobs. She identified the following Connector routes as having relatively high ridership among LEP populations:

- **Route 109**: Rose Hill
- **Route 171**: Richmond Highway
- **Route 308:** Franconia – Springfield - Mt Vernon Hospital
- **Route 310**: Franconia Road – Rolling Valley
- **Route 371**: Lorton – Springfield
- **Routes 401/402**: Backlick – Gallows Northbound/Southbound

Regarding best practices, Jacqueline noted that expanded language translations for signage and bus stop announcement button, particularly in Asian and Middle Eastern languages, would better support LEP riders. For outreach, she emphasized the effectiveness of direct, in-person engagement: showing up in the community, distributing information, and offering assistance, especially in areas where customer complaints are most frequently received.

Devera Ross, Customer Service Manager, West Ox Division

Devera provides customer service support for bus riders for the West Ox Division. Devera interacts with LEP individuals **daily**, receiving and responding to customer complaints, fare concerns, and route-related questions. Devera identified the following language groups as most prevalent for the West Ox Division:

- **Spanish** – Southside of Fairfax County, including Springfield, Alexandria, Herndon, and Reston
- **Hindi** – Primarily Fairfax City
- **Korean** – Primarily Fairfax City

Routes identified with higher LEP ridership:

- **Route 310:** Franconia Road – Rolling Valley
- **Route 610:** George Mason University – Centreville
- **Route 642**: Stone Road – Centreville North Chantilly
- **Routes 670/671/672**: Chantilly – Dunn Loring
- **Route 901**: Herndon Metro – Centreville

Language assistance currently used by customer service:

- Bilingual staff (especially Spanish)
- Translation app use (Google translate), typically preferred by staff and callers
- Third-party language access phone line

Devera noted that one of the primary barriers for LEP riders is communication with bus operators when issues or questions arise, which can escalate when misunderstandings occur. As a result, the customer service line and translated bus schedules are key resources for LEP riders. Devera emphasized that LEP individuals of all ages use transit for a variety of purposes, including work, school, and leisure.

For best practices, Devera recommended expanding translated communications, including multilingual messages on station message boards and translating rider guides into additional languages. Devera also

suggested automated onboard announcements in Spanish, reflecting the volume of operator interactions with Spanish-speaking riders. In addition to referring riders to the customer service call center, Devera noted that coordination with the Telephone Information Center, Government Center, and Human Resource Service Center can further support LEP individuals' needs.

Chris Scales, Division Director Cultural Recreation and Community Connections (CRCC), Neighborhood and Community Services (NCS); Cynthia Alarico, Mobility Manager, Neighborhood and Community Services (NCS)

As Director of the CRCC within NCS, Chris oversees the School Age Child Care (SACC) program as well as teen centers, senior centers, and community centers countywide. As Mobility Manager, Cynthia supports older adults and people with disabilities with transportation services. Chris and Cynthia identified the following languages as the most used in their interactions with community members, particularly through the Language Access Line:

- **Spanish**
- **Farsi**
- **Vietnamese**

Data from the transportation customer service line shows Spanish and Mandarin were the most common translated calls from August – October 2025:

- August: 17 Spanish
- September: 23 Spanish, 1 Mandarin
- October: 4 Spanish

Documents are typically translated into Spanish and Spanish-speaking support is available on the Language Access Line. Cynthia noted that Spanish-language engagement has increased, which may be related to expanded outreach tied to the launch of the Fairfax County Transportation Options, Programs & Services (TOPS) program (subsidized transportation funds for eligible county residents). In the past, NCS has also supported in-house translation into Vietnamese, Farsi, and other languages using grant funding. Because literacy can be low in English and sometimes in individuals' native language, Cynthia emphasized using plain language in written and verbal communications.

Cynthia explained that LEP community members most often use NCS transit services for essential trips, with employment also a major trip purpose:

- Medical appointments
- Food access
- Other trips of necessity
- Employment

Chris emphasized that stop-to-destination alignment is a critical factor for transit access and noted that proximity of bus stops to residential areas and destinations (especially medical appointments) is a common concern. Chris also stated that transfers can be challenging for LEP riders. Cynthia noted that transit resources are not printed into every language. In the past, a nonprofit partnership provided travel training program that helped bridge gaps for Spanish speakers; this program was phased out in recent years.

Chris and Cynthia emphasized that offering a mix of engagement options and maintaining strong partnerships are critical to effective outreach. Cynthia's team frequently presents at senior centers and staffs tables at community events. Chris noted that not all residents work 9 a.m.-5 p.m. shifts, and recommended varying engagement days and times. Chris also recommended collaborating with trusted organizations (e.g., parent groups, community developers, and nonprofit partners like Cornerstones). Both noted that outreach is more

difficult without embedded partners due to heightened concerns about federal immigration enforcement; many residents do not feel safe engaging directly with County government or attending publicly marketed events targeted to specific populations.

LaTishma Walters, Region 1 Assistant Division Director, Neighborhood and Community Services (NCS)

As Assistant Division Director for NCS Region 1, LaTishma provides social services in the southern part of Fairfax County along the U.S. Route 1 Corridor and parts of the Springfield and Alexandria area. She oversees senior centers, capacity building, community response coordination with other agencies, afterschool programs, and the technology clubhouse. According to LaTishma, the following are the most prominent language groups located throughout Region 1:

- **Spanish** – Buckman Rd loop, Creekside, Sacramento Dr, Sequoia
- **Twi** – Margate Manors area

LaTishma noted it is standard practice to produce resources, flyers, and materials in both English and Spanish. For events targeted to specific language groups, materials are translated into additional relevant languages. Region 1 partners with a third-party contractor for interpretation. Twi translation is often provided upon request.

When planning events for LEP communities, LaTishma identified three key considerations to reduce barriers to participation:

- Provide childcare
- Provide food
- Provide transportation

When engaging LEP communities, LaTishma recommended the following strategies:

- Avoid jargon or "government" language
- Collaborate with partners and conduct outreach at their events (rather than creating additional obligations)
- Explain how the information provided will be used
- Use QR codes
- Communicate on WhatsApp for those with limited cell service
- Return to explain the impact of feedback and how it was used

LaTishma noted there has recently been decreased visibility and participation of LEP individuals in the community. During this period, she emphasized two approaches to increase visibility and participation of LEP individuals:

- Identify trusted community ambassadors with lived experience to share information
- Rely on direct-service organizations (e.g., United Community and Lazera Ministries) as primary conduits for outreach

William Canas, Region 2 Human Development Manager, Neighborhood and Community Services (NCS)

NCS Region 2 provide services in the Bailey's Crossroads, Annandale, and Falls Church areas in Fairfax County. Staff interact with LEP communities regularly, including individuals from the following language groups:

- **Spanish** – throughout the region, including Bailey's Crossroads, Culmer, and Falls Church (and housing such as Fairmount Gardens, Vistas, Wedgewood, Parliaments)
- **Pashto** – Skyline Tower Apartments

- **Amharic and Tigre** – Oakview Gardens community
- **Vietnamese** – Falls Church

Spanish speakers remain the most prevalent LEP population according to William. He also identified a recent trend of more newcomers from South America (particularly Venezuela and Colombia), compared to earlier waves from Central American (e.g., Guatemala, Honduras, and El Salvador).

William interacts with LEP populations daily through management of the technology center, community center, and two satellite teen centers. Staff language capacity includes Spanish and Amharic, with in-house translations available for Korean and Spanish. Staff also use a paid contractor for translation as needed, and William noted that NCS is intentional about using translation services due to its cost. For events targeted at specific communities, the team translates materials into relevant languages (e.g., Culmer Day, materials in Amharic and Farsi).

In William's experience, literacy varies widely among LEP populations. Some residents were professionals in their country of origin and can read and write but face credential transfer barriers and need English proficiency to continue their career. Others have low literacy in both English and their native language(s). When he identifies a need, William often refers residents to the English Empowerment Center for English instruction.

William explained that LEP populations use transit primarily for work and to school. He also observed LEP individuals taking transit or walking to the community center; however, reaching the community center can be difficult. Region 2 sometimes provides a van pick-up from the local elementary school. The community center does not have its own bus stop. William identified the following challenges for LEP populations using transit:

- Cost of using service
- Lack of bus service to critical destinations
- Unsafe pedestrian connections to bus stops and destinations

William emphasized unsafe pedestrian connections as a major concern, noting issues along Leesburg Pike and Colombia Pike and on local streets such as Lacey Blvd. He added that walking at night could be dangerous due to limited visibility, including in areas that feel safe to walk during the day (e.g., Culmer). William referenced a recent series of community meetings following a traffic fatality involving a youth; he noted that FCDOT attended, listened to community concerns, and implemented several improvements quickly, allowing residents to see near-term impacts.

For community engagement, William recommended:

- Partner with community organizations that have day-to-day awareness of community needs
- Share resources across groups (invite partners to events; coordinate when it benefits their constituents)
- Attend community events to identify small group "connectors" who can support ongoing outreach

William noted that sometimes there is reduced attendance at large meetings. Even with lower turnout, he recommended maintaining a consistent presence, emphasizing that relationships and trust are built over time.

Satoriea Warren, Region 3 Assistant Division Director, Neighborhood and Community Services (NCS)

As Assistant Division Director, Satoriea oversees extensive community engagement, including in recreational settings such as youth centers and other community centers. NCS Region 3 provides community assistance throughout the northern part of Fairfax County, including Reston and Herndon. NCS staff interact with LEP populations daily, with the following language groups located throughout Region 3:

- **Spanish** – Cedar Ridge, Reston, and Herndon

- **Arabic** – Reston
- **Farsi** – Herndon

Satoriea also noted that these languages are common near Falls Church in the area of the International Market. Over the past year, staff have observed fewer interactions, growing absenteeism, and fewer public meetings among LEP populations, which she attributed to immigration enforcement concerns.

Given that NCS provides their own transportation services, Satoriea suggested that fewer community center visitors rely on public transit (e.g., the Connector). Most transportation-related interactions in Region 3 occur through NCS-provided services.

Satoriea emphasized that clear communication and reliable translation resources are essential for outreach and daily interactions. When engaging with LEP individuals, NCS Region 3 provides:

- A multilingual staff
- Sharing staff members between centers for over-the-phone translation
- County translators for large events
- Translated materials in centers

Satoriea explained that literacy levels are often low or basic among LEP communities, Satoriea provided the following suggestions:

- Everything posted in English should also be available or accessible in Spanish, Chinese, Farsi, and Arabic (tailored to the location/community served)
- Maintain a consistent presence and provide resources repeatedly to build trust (some residents associate government with enforcement)
- Provide translated newsletters at community centers
- Invite translators to community day events
- Coordinate with other resource centers so materials and resources are consistently available across locations

Kimmie Alcorn, Region 4 Assistant Division Director, Neighborhood and Community Services (NCS)

NCS Region 4 provides community assistance in Western Fairfax County, including parts of Herndon, Reston, Chantilly, and Centreville. Kimmie and her team interact with LEP populations approximately once to twice per hour due to co-location with other services at the Sully Community Center (including the senior center, youth programs, therapeutic center, and others). Region 4 includes the following language groups:

- **Spanish**
- **Korean**
- **Arabic**
- **Hindi**
- **Mandarin**
- **Vietnamese**

Because of frequent LEP interactions, Region 4 prioritizes having bilingual staff on site to provide interpretation and assistance. Kimmie emphasized that these staff often serve as a “front line” for government services for LEP residents. She noted that English literacy levels are often low, and that some individuals may have limited literacy in their native language as well, increasing the need for direct, in-person assistance (e.g., completing forms).

While documents are most often translated into Spanish and Korean, Kimmie emphasized the importance of confirming whether translation needs extend beyond these languages based on the outreach geography and populations being served.

Kimmie reported that public transit ridership to the community center is relatively low, primarily because many LEP individuals use NCS-provided transportation services (including Fastran) and because transit access is limited in the region. Most Fastran riders are seniors traveling to the senior center or health services. Families more commonly use ride-hailing (Uber/Lyft), and youth are typically picked up by school shuttles or walk. NCS also provides seniors weekly transportation for "trips of necessity," including grocery trips. Region 4 has offered travel trainings to help LEP seniors become more comfortable using transit, but Kimmie stated that limited service remains the primary barrier to transit use.

When asked about best practices and recommendations, Kimmie provided the following feedback:

- Door-to-door outreach by bilingual staff is the most effective method (builds trust and reduces perceived risk of attending large public meetings)
- Expand services and transit education beyond seniors and youth to LEP adults in the "middle," particularly ages 22–35
- Partner with Opportunity Neighborhoods, FACETS, Centreville Immigration Forum, Herndon Resource Center, and school readiness groups

Michael Simms, Director, Office of Human Rights and Equity Programs and
Justin Wharton, Equity Programs Manager, Office of Human Rights and Equity Programs

The Office of Human Rights and Equity Programs receives and investigates discrimination complaints for the County. Michael and Justin identified the following languages as most prevalent in the County:

- **Spanish**
- **Farsi**
- **Vietnamese**
- **Korean**

The Office distributes brochures on housing, employment, and general rights and advertises in newspapers, newsletters, and on public transportation. They provided the following information on translations of printed resources:

- Employment Discrimination Brochure: Arabic, Amharic, Chinese, English, Korean, Somali, Spanish, and Vietnamese (eight languages)
- Fair Housing Brochure: Arabic, Amharic, Chinese, English, Korean, Somali, Spanish, and Vietnamese (eight languages)
- Know Your Rights Brochure: Arabic, Amharic, Chinese, English, Korean, Somali, Spanish, and Vietnamese (eight languages)
- Know Your Rights Booklet: English Only

Michael noted that transit advertising is important because many LEP populations rely on public transportation for work, conducting business, school, and shopping and for expanding access to opportunity beyond their immediate neighborhood.

Michael explained that the Office most frequently encounters LEP populations in complaints involving national origin discrimination. Through contracted translation services, the Office provides translations for written correspondence and oral interviews when communicating with parties to a complaints. Since 2023, the Office

has used vendors including Graham Services, United Language Group, and Liberty Language, which can provide translation in any required language. On short notice, the Office also can rely on three to four internal staff certified by the County to provide translation.

For outreach, the Office regularly participates in community events. Recently, the Office organized an event at a Spanish-speaking place of worship, with a Spanish-speaking liaison and a sign language interpreter. The Office also participates in a regional fair housing coalition with peer agencies.

2.9.3. FOUR FACTOR ANALYSIS RESULTS

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

Analysis for Factor 1 relied primarily on two data sources: ACS and Fairfax County Public Schools' surveys of languages students speak at home. Together, these illustrate the languages spoken throughout the County and therefore are likely spoken by Connector riders.

FINDINGS FROM THE ACS

FTA defines LEP persons as individuals for whom English is not their primary language and who have limited ability to read, write, speak, or understand English. The US Census Bureau includes questions in the ACS to assess English proficiency and other language use among residents of the United States. Accordingly, Fairfax County residents who reported in the ACS that they speak English "less than very well" are considered to have limited English proficiency for purposes of this Four Factor Analysis. Maps displaying the distribution of LEP populations in Fairfax County are found in **Appendix B**: Maps of LEP Populations in Fairfax County by Language.

Table 19 shows the County's overall LEP population by language group for the population five years and older. In total, 14 percent of the population in Fairfax County, or just over 152,000 people, have limited English proficiency.

Table 19: English Proficiency in Fairfax County by Language Group, Population Five Years and Older[12]

Language Spoken at Home[13]	Population Five Years and over by Specified Language Group	Percent of Population by Specified Language Group	Speak English "Less than Very Well" by Specified Language Group	Percent of Specified Language Group Speakers that Speaks English "Less than Very Well"
Spanish	148,648	13.8%	62,078	41.8%
Asian or Pacific Islander	127,002	11.8%	52,490	41.3%
Indo-European	92,536	8.6%	23,437	25.3%
Other Languages	51,155	4.8%	14,212	27.8%
Total Non-English Languages	419,341	39.0%	152,217	36.3%
Total English-only	656,987	61.0%	-	-

Table 20 shows details on the top 10 languages spoken by LEP households in Fairfax County, comparing results from 2021 (submitted in the 2023 Title VI Program) to the most recent five-year estimates available for 2019-2023. This analysis uses both single-year and five-year estimates from the ACS because, during the 2023 Title VI Program update, the US Census Bureau only provided five-year estimates for 2015 and earlier.[14] Since the ACS

[12] U.S. Census Bureau, American Community Survey, 2019-2023, five-year estimates, Table S1601: Language Spoken at Home.
[13] The U.S. Census Bureau collapses 382 language categories into four major groups: Spanish, Asian or Pacific Island Languages, Indo-European Languages, and Other Languages.
[14] The 2014-2018 five-year estimates used in the 2020 Title VI Program were not available for the 2023 analysis.

uses a sample rather than a census of each geography, single-year estimates have larger margins of error than five-year estimates. For example, small nominal increases or decreases may reflect sampling error.

With these limitations in mind, the top 10 languages have changed slightly in the past three years, with multiple languages increasing or decreasing and others moving off the list, with entirely new categories taking their place. Urdu saw the most notable increase in LEP population size, with a 93 percent increase and jumping from ninth to sixth. Chinese also experienced a sizeable increase of 13 percent, while Hindi and other Indic languages and Bengali dropped from the list entirely. Nepali, Marathi, and other Indic languages, as well as the "Other languages of Asia" category entered the tenth and ninth places on the list, respectively. For the top four languages, Spanish and Chinese saw increases in LEP population size, but Korean and Vietnamese saw a decrease. In general, the reduction in linguistic communities whose LEP populations have decreased has been modest.

Table 20: LEP Populations in Fairfax County, Population Five Years and Older - Top 10 Languages

2023 Rank	Top 10 Languages (2023 Title VI Program)	2021[15] Population	2026 Rank	Top 10 Languages (2026 Title VI Program)	2023[16] Population	Percent Change
1	**Spanish or Spanish Creole**	55,752	**1**	**Spanish or Spanish Creole**	59,397	6.5%
2	**Koreans**	17,577	**2**	**Korean**	16,969	-3.5%
3	**Vietnamese**	13,980	**3**	**Vietnamese**	13,841	-1.0%
4	**Chinese**	9,350	**4**	**Chinese**	10,586	13.2%
5	**Arabic**	6,351	**5**	**Arabic**	6,889	8.5%
6	**Amharic**	5,786	**6**	**Urdu**	6,451	92.8%
7	**Hindi and other Indic languages**	5,330	**7**	**Amharic**	5,949	2.8%
8	**Persian (including Farsi, Dari)**	4,775	**8**	**Persian (including Farsi, Dari)**	4,369	-8.5%
9	**Urdu**	3,346	**9**	**Other languages of Asia[17]**	3,064	*
10	**Bengali**	3,099	**10**	**Nepali, Marathi, or other Indic languages**	2,657	*

Table 21 shows the distribution of commute mode based on ability to speak English. The dataset provided a detailed breakdown of commute mode among English and Spanish speakers but collapses all other language groups into a single additional category. Therefore, Spanish is the only LEP population broken out in the table below. Spanish-speaking LEP persons who work in Fairfax County commute by public transportation more than the general population. LEP workers who speak languages other than English and Spanish-speaking persons who speak English very well also commute by public transportation more than the general population. LEP persons

[15] U.S. Census Bureau, American Community Survey, 2021, one-year estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 years and over. During the 2020 Title VI Program, The U.S. Census Bureau only provided five-year estimates for 2015 and earlier, so 2021 one-year estimates were used to provide the most recent data available at the time.

[16] U.S. Census Bureau, American Community Survey, 2023, one-year estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 years and over. The U.S. Census Bureau currently only provides five-year estimates for 2015 and earlier, so 2023 one-year estimates were used to provide the most recent data available.

[17] "Other Languages of Asia" include Burmese, Karen, Turkish, and Uzbek.

who speak Spanish and work in Fairfax County are also more likely to carpool, walk, or use a motorcycle, bicycle, or taxi to travel to work, while they are far less likely to work at home compared to all other populations.

Table 21: Commute Mode Share for Working-age Population in Fairfax County by Language Spoken at Home and Ability to Speak English[18]

Commute Mode	Total Population	Speak Only English	Speak Spanish and Speak English Very Well	Speak Spanish and Speak English Less Than Very Well	Speak Languages Other Than English and Speak English Very Well	Speak Languages Other Than English and Speak English Less Than Very Well
Drove Alone	69.3%	65.2%	61.6%	58.0%	58.0%	64.1%
Carpooled	7.9%	5.6%	12.6%	24.6%	6.9%	12.2%
Public Transportation	2.2%	2.0%	2.7%	4.5%	1.8%	3.0%
Walked	1.6%	1.4%	1.5%	4.1%	1.6%	2.3%
Taxicab, motorcycle, bicycle, or other means	1.7%	1.5%	2.7%	2.8%	1.6%	2.0%
Worked at Home	23.2%	24.3%	18.8%	6.0%	30.1%	16.4%

FINDINGS FROM THE HOME LANGUAGE SURVEY AND FAIRFAX COUNTY PUBLIC SCHOOLS YOUTH SURVEY

The Home Language Survey (HLS) and FCPS Youth Survey provide insight into the languages spoken by households in the County.

HLS is included in the FCPS enrollment packet as part of student registration.[19] Under Title VI of the Civil Rights Act of 1964, U.S. schools are required to identify students with a home language other than English. Fairfax County accomplishes this through its HLS, which gathers information on languages spoken in elementary student households.

As of the beginning of the 2024-2025 school year, 91,454 students attend FCPS elementary schools (kindergarten through 6th grade). As shown in **Figure 8**, 39,838 students speak a language other than English at home (44 percent). **Table 22** shows the most frequently spoken languages FCPS students speak at home other than English. Like the ACS results, Spanish is by far the most prevalent language other than English spoken at home among households where English is not the sole language spoken.

[18] U.S. Census Bureau, American Community Survey, 2019-2023, five-year estimates, Table B08513: Means of Transportation to Work by Language Spoken at Home and Ability to Speak English for Workplace Geography – Universe: Workers 16 years and over.

[19] This section relies on data from the HLS, provided on the Fairfax County website and current as of December 30, 2025.

Figure 8: FCPS Elementary Students Language Spoken at Home

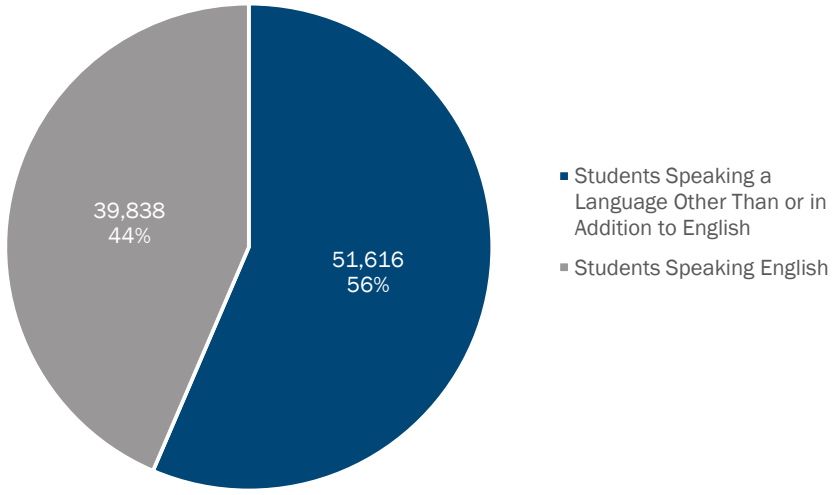


Table 22: FCPS Elementary Students Languages Other Than English Frequently Spoken at Home, HLS 2024-2025

Rank	Language	Number of Students	Percent of Total Speakers of a Language Other Than or in Addition to English	Percentage of All Students
1	Spanish	20,263	39%	22%
2	Arabic	2,397	5%	3%
3	Amharic	1,608	3%	2%
4	Korean	1,606	3%	2%
5	Mandarin	1,340	3%	1%
6	Vietnamese	1,246	2%	1%
7	Urdu	1,196	2%	1%
8	Dari	1,028	2%	1%
9	Farsi, Persian	792	2%	1%
10	Pashtu	759	1%	1%
-	Other	19,381	38%	21%
Language Minority Students	-	51,616	100%	44%
Total Student Population	**-**	**91,454**	**-**	**100%**

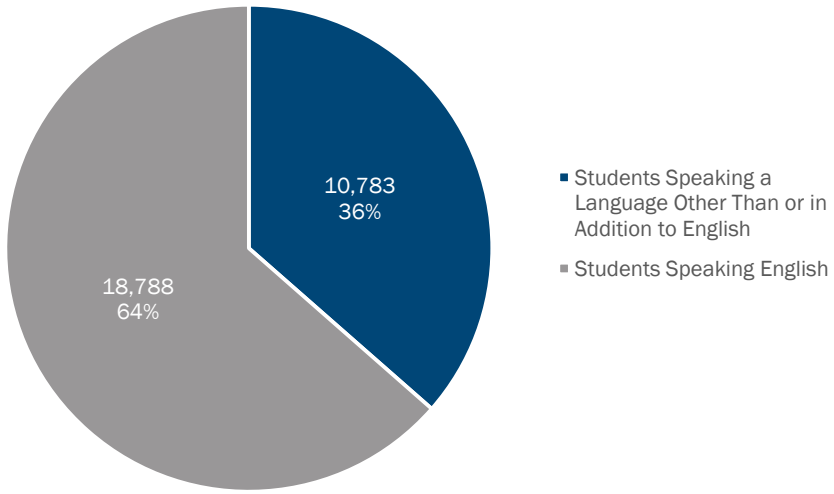
FCPS regularly survey their students to help identify the languages students speak at home.[20] The Fairfax County Youth Survey was conducted online for the first time in 2021 and offered in eight languages: Arabic, Chinese, English, Farsi, Korean, Spanish, Urdu, and Vietnamese. The results of the FCPS Youth Survey largely echo the HLS data (**Table 23**).

[20] This section relies on data from the fall 2024 FCPS Youth Survey of 8th, 10th, and 12th graders, provided by FCDOT.

Table 23: FCPS High School Students Languages Most Often Spoken at Home Other Than English, FCPS Youth Survey 2024

Rank	Language	Number of Students	Percent of Total Speakers of a Language Other Than or in Addition to English	Percentage of All Students
1	Spanish	5,248	49%	18%
2	Arabic	707	7%	2%
3	Korean	511	5%	2%
4	Vietnamese	479	4%	2%
5	Chinese	455	4%	2%
6	Amharic	392	4%	1%
7	Farsi	393	4%	1%
8	Urdu	363	3%	1%
-	Other	2,176	20%	7%
Language Minority Students	-	10,724	100%	36%
Total Student Population	-	**29,584**	-	**100%**

Figure 9: FCPS High School Students Language Spoken at Home



FACTOR 1 SUMMARY

The Factor 1 analysis used two data sources recommended by FTA to describe the LEP population in the Connector service area: the ACS and FCPS surveys. Together, the ACS and FCPS data identify the most common languages spoken by LEP persons in Fairfax County:

- Spanish
- Korean
- Vietnamese
- Chinese (Mandarin, Cantonese)
- Arabic

- Urdu
- Amharic
- Persian (Farsi)

Spanish remains the most prevalent non-English language across both data sources. While a smaller share of the working age population speaks Arabic, a larger share of students in the grades surveyed by FCPS speak Arabic at home, suggesting that Arabic may become spoken more commonly in Fairfax County over time. Most other languages identified in the two lists appear in roughly the same order and proportion. However, Nepali and Marathi are not included in the FCPS list, while Farsi and Dari are separated in the FCPS survey while they are grouped together in the ACS list, and Pashtu appears in the FCPS list but not in the ACS list (though it may be collapsed into the "other Indic Languages" or "other languages of Asia").

The overall most spoken non-English languages have shifted slightly in the past three years, with Nepali, Marathi, and other Indic Languages replacing Bengali as the tenth most populous LEP community, and Urdu rising from the ninth most populous LEP community to the sixth most populous. The top languages (Spanish, Korean, Vietnamese, and Chinese) have seen some change in population size, particularly Chinese with a 13 percent increase, but their prevalence as LEP communities in Fairfax County remains consistent, with Spanish remaining the largest LEP community in Fairfax County. However, significant decreases occurred in LEP populations for Persian (including Farsi and Dari). Furthermore, nearly half of FCPS students live in a home where a language other than English is spoken.

Factor 2: The frequency with which LEP persons come into contact with the program.
Fairfax County conducts surveys of key program areas and assesses major points of contact with the public, such as:

- Use of bus and rail service
- Purchase of passes and tickets through vending machines, outlets, websites, and over the phone
- Participation in public meetings
- Customer service interactions

FINDINGS FROM THE 2025 ORIGIN AND DESTINATION SURVEY

FCDOT's 2025 on-board rider survey collected ridership characteristics, travel patterns, and service perceptions from nearly 4,200 Connector riders across the system. The survey was administered in English, Spanish, and Korean, and samples were taken across routes and times of day. Results were weighted by route-level ridership and day of the week to prevent overrepresentation.

The survey findings show that the majority of riders take bus trips five days per week; home-based work trips make up the most weekday trips; and trips involving personal business (e.g., appointments and shopping) occur most on weekends. The survey also found that 25 percent of riders speak English less than "very well". This includes around 9 percent of total riders that speak English "not well," and 14 percent of total riders that speak English "well." Since the last survey, the share of riders who reported speaking English ''very well'' has decreased from 80 percent in 2019 to 75 percent in 2025. The range among routes aggregated by geographic area (Tysons, Franconia, Reston-Herndon, Huntington, and Centreville-Vienna) varied between 17 to 37 percent speaking English less than "very well."

FINDINGS FROM INTERVIEWS AND FACTOR 2 SUMMARY

Interviews with County staff and results from the survey indicate that LEP individuals encounter Fairfax County programs frequently, often daily, through fixed-route transit use, and related points of contact, including customer service calls about routes, fares, and service issues; in-person assistance at community and senior centers; and outreach at community events and partner-hosted meetings. Multiple interviewees described

routine use of language assistance during these encounters (bilingual staff, translation apps, and interpretation services), reflecting regular ongoing interaction rather than occasional contact; several also noted that while day-to-day service contacts remain frequent, attendance at publicly marketed meetings has declined in some communities, increasing reliance on embedded partners to maintain engagement.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.

FINDINGS FROM THE 2025 ORIGIN AND DESTINATION SURVEY

While the 2025 Origin and Destination survey was not specific to LEP persons, the results demonstrate that the Connector is critical for LEP persons living in the County. The survey found that 44 percent of riders had no alternative to the bus when they were surveyed due to lack of license or car, 28 percent of whom did not have a car to use at all. While these results were not specific to LEP populations, LEP persons would be greatly impacted if transit service were not available. When asked how they would make the trip without the Connector service, 5 percent stated that they would not make the trip and 61 percent stated they would make the trip by car. Specifically, 20 percent would get a ride from someone else, 37 percent would use taxis or ride-hailing services, and 10 percent would drive their own vehicle. Limited English proficiency and other related factors may prevent individuals from obtaining a driver's license, suggesting that the Connector is likely even more important to LEP communities than these figures indicate.

FINDINGS FROM INTERVIEWS

Interviews with County staff indicate that LEP individuals use transit for many of the same core trip purposes as non-LEP individuals, but often with a higher level of dependence. Working adults use transit to commute to jobs, and primary and secondary students use transit to travel to school. Staff also reported that LEP residents use transit for essential daily needs such as errands and shopping, medical appointments, and access to social services and community centers, as well as for recreation. Several interviewees noted that LEP individuals without access to a vehicle and older adults may rely on transit on a daily basis, underscoring the importance of maintaining accessible, reliable service and information.

FACTOR 3 SUMMARY

Interviewees highlighted the following language access resources as most used among LEP individuals:

- Language access line providing over-the-phone translation services in real-time
- Live interpretation at community events
- Translated documents, informational videos, and/or social media posts

The County employs many multilingual individuals who provide internal translation and interpretation services as needed. The County also relies on contractors for translation services. In communication with LEP individuals, interviewees note it is important that translations limit government jargon and complex language as many LEP individuals have a low level of literacy in both English and in their native language. County staff routinely provide written translations to Spanish and often provide translations to other languages at special events that target a specific language community.

County staff also described conducting outreach with the support of community, noting that this approach can be especially effective when heightened concerns about federal immigration enforcement may reduce willingness to engage directly with the County. Staff emphasized the importance of consistent outreach, addressing basic needs (e.g., meals, childcare, transportation), and closing the feedback loop to help sustain relationships over time. Interviewees also recommend partnering with community organizations and nonprofits to maintain a County presence at events that are already occurring in the community. Customer service managers across the Connector divisions reported that LEP individuals of all ages use and benefit from transit system, and that Spanish-speaking riders in particular generate frequent, often daily, interactions with customer

service staff and operators for navigation assistance, lost items, and service-related issues (e.g., delays). Some staff suggested that Spanish-language onboard announcements could further support these routine interactions.

Table 24 summarizes the languages that staff most frequently encounter at each Connector Customer Service Division, as well as the bus routes that staff identified as having the highest LEP ridership.

Table 24: Frequently Encountered Languages by Customer Service Division and the Connector Routes

The Connector Customer Service Division	Language Groups	The Connector Routes
Herndon	Spanish	■ RIBS 1/ RIBS 3 ■ RIBS 2 ■ RIBS 4 ■ RIBS 5 ■ 950 ■ 952
Huntington	Spanish, Farsi, Hindi	■ 109 ■ 171 ■ 308 ■ 310 ■ 371 ■ 401/402
West Ox	Spanish, Hindi, Korean	■ 310 ■ 610 ■ 642 ■ 670/671/672 ■ 901

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

FCDOT currently provides language access resources in multiple formats, including real-time interpretation, visual aids, and translated documents (**Figure 10**). FCDOT is committed to providing adequate language assistance resources, based on identified community needs, regardless of cost. Currently, FCDOT allocates an annual budget of $330,630 to accomplish their language access strategies, including, but not limited to the following:

- Access to the Language Access Line for over-the-phone, real-time interpretation
- Provision of professional live interpretation at community outreach events, as needed
- Translation and printing of service information flyers (**Figure 11**)
- Translation and printing of proposed service change materials for public input (**Figure 12** and **Figure 13**)
- Translation of social media posts and informational videos
- Participate in or hold community events to reach LEP populations.

In addition to these resources, FCDOT staff who speak languages other than English are identified within the department as being available to provide interpretation services. The list of staff who are available to provide interpretation services is periodically updated through a Foreign Language Resource Survey that is distributed to all full-time staff.

Fairfax County Procedural Memorandum 02-08 (April 30, 2004) stipulates that the County must have an official Language Access Coordinator. Rather than requiring each department to maintain its own coordinator position, the memorandum requires individual agencies to coordinate with this central Language Access Coordinator. Procedural Memorandum 02-08 lists the following responsibilities for the Language Access Coordinator:

1. Create a repository of resources and material related to language issues.
2. Develop a database of bilingual staff who are interested in participating in LINCUS, a program providing limited-service telephone interpretation.
3. Work with agencies to educate employees about language resources, accessibility of services and effective use of interpretation and translation services; as well as the available equipment and materials.
4. Work with agencies to ensure effective preparation and review of all translated materials, including the creation and training of Translation Verification Teams (TVTs).
5. Develop standards for translation of materials, including guidelines for documents requiring bidirectional writing formats.
6. Establish a county-wide coding system for all translated material.
7. Develop and distribute standard glossary of county agency names, titles and basic terminologies for use by translation vendors.
8. Work with Department of Information Technology (DIT) on the creation of a Language Access Webpage and the usability of existing technology and assist in developing process for upgrades.
9. Update agencies on any advances in software or on-line translation capabilities, as well as typing software available.
10. Evaluate organization-wide access to LEP information, resources and equipment.

FCDOT's Language Access Coordinator is the Title VI Officer. Procedural Memo 02-08 also stipulates that agency directors are responsible for disseminating the County's Language Access Policy to all employees, and for ensuring that all employees are aware of and have access to language information and available language resources. Each agency is required to assess current LEP service practices (including bilingual direct service capacity) at all levels within the agency and identify appropriate resources (language services, personnel, equipment, training, funding and partnerships) available to support the demand. Agencies must develop protocols to include resource utilization, language vendor selection, and identification of document-types eligible for translation.

Procedural Memo 02-08 also requires that each department provide the necessary resources, within the agency's budget, to support the County's language access policy and initiatives. As additional language access strategies are deemed to be needed, FCDOT will allocate budget resources to meet these needs accordingly.

FCDOT will notify LEP persons about the availability of language assistance through advertising in bus schedules and public meeting notices and ensuring that translated materials are distributed and available throughout the system.

Figure 10: Example Portion of FCDOT 2025 Fare Policies Brochure, Spanish Version



Servicio de Feriado de 2025

Feriado	Servicio Programado
Día de Año Nuevo (Observado) (Wednesday, January 1, 2025)	Domingo
Martin Luther King, Jr. Day	Feriado en día de Semana
George Washington's Day	Feriado en día de Semana
Memorial Day	Domingo
Juneteenth (Observed) (Thursday, June 19, 2025)	Feriado en día de Semana
Día de la Independencia	Sábado
Día del Trabajo	Domingo
Columbus Day + Indigenous Peoples' Day	Feriado en día de Semana
Veterans Day	Feriado en día de Semana
Thanksgiving Day	Domingo
Day after Thanksgiving	Feriado en día de Semana
Christmas Day (Observed) (Monday, December 25, 2025)	Domingo
New Year's Day (Monday, January 1, 2026)	Domingo

Horario del Feriado en día de Semana

Las siguientes rutas operarán en horario de los sábados:

- 303, 306, 333, 352, 363, 462, 371, 406, 310, 321, 322, 371, 401, 402, 423, 463, 467, 558, 559, 574, 605, 610, 615, 622, 630, 642, 651, 672, 703, 721, 803, 901, 921, 924, 937, 950, 952, 954, 983, 8B5 1, 8B5 2, 8B5 3, 8B5 4, 8B5 5.

Las siguientes rutas operarán en el horario de días laborables: 306, 660, 662.

Horario de Sábado

Si la ruta no está en la lista es porque no opera los Sábados

- **Las Rutas que operan los Sábados son:** 101, 306, 333, 352, 363, 462, 371, 306, 330, 321, 322, 371, 401, 402, 423, 463, 467, 558, 559, 574, 605, 610, 615, 622, 630, 642, 651, 662, 672, 703, 721, 803, 901, 921, 924, 937, 950, 952, 954, 983, 8B5 1, 8B5 2, 8B5 3, 8B5 4, and 8B5 5.

Horario de Domingo

Si la ruta no está en la lista es porque no opera los Domingos.

- **Las Rutas que operan los Domingos son:** 306, 306, 333, 352, 363, 462, 371, 330, 321, 322, 371, 401, 402, 423, 463, 467, 558, 559, 574, 605, 615, 622, 630, 642, 651, 662, 672, 721, 803, 901, 921, 924, 937, 950, 952, 954, 983, 8B5 1, 8B5 2, 8B5 3, 8B5 4, and 8B5 5.

Saber cómo sostenerlos Cómo plegarlos

Los coches plegables pueden usarse en el autobús, pero deben ser plegados para que no interfieran con otros pasajeros.

¿ Necesita una Tarjeta SmarTrip®?

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Con seis ubicaciones estratégicas en el Condado de Fairfax, las **Tiendas de Connector** son ideales para sus compras para las diversas opciones de viaje en la región del Norte de Virginia.

Visite una de ellas y adquiera la nueva tarjeta de SmarTrip o añada valor a la que ya tiene. También puede comprar el tipo de pasaje para usarlo en buses de los socios regionales y en los trenes de Virginia Railway Express (VRE).

El personal amigable y experto de las Tiendas de Connector puede también ayudarle a planear eficientemente sus itinerarios de viajes — **gratuitamente** — para viajeros diarios, turistas, o residentes.

Las Tiendas de Connector Stores también informan sobre viajes compartidos, HOV y Express Lanes así como sobre la venta de E-ZPass®.

Ubicaciones y Horas

Franconia-Springfield Metro Station
6880 Frontier Drive, Springfield, VA 22150
Lunes – Viernes: 6:30 a.m. – 7 p.m.

Herndon Metro Station
12530 Sunrise Valley Drive, Herndon, VA 20171
Lunes, Martes, y Jueves: 6:30 a.m.– 10:30 a.m. y 3 p.m.– 7 p.m.

Reston Town Center Transit Station
12013 Bluemont Way, Reston, VA 20190
Lunes – Viernes: 6:30 a.m. – 7 p.m.

Stringfellow Road Park & Ride
4920 Stringfellow Road, Centreville, VA 20120
Lunes, Martes, y Jueves: 6:30 a.m.– 10:30 a.m. y 3 p.m.– 7 p.m.

Tysons-West*Park Transit Station
8300 Jones Branch Drive, McLean, VA 22102
Lunes, Martes, y Jueves: 6:30 a.m.– 10:30 a.m. y 3 p.m.– 7 p.m.

Wiehle-Reston East Metro Station
11989 Reston Station Boulevard, Reston, VA 20190
Lunes – Viernes: 6:30 a.m. – 7 p.m.

Efectivo, crédito, y tarjetas de débito aceptadas en todas las locaciones. Las Tiendas de Connector Stores están cerradas en la mayoría de feriados.

Tarifas, Políticas, e Información General

Válido desde el mayo de 2025

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703-339-7200 TTY 703-339-1608

fairfaxconnector.com BusTracker

Figure 11: Example Portion of FCDOT 2024 Change of Service Notification, Spanish Version



Figure 12: Example Portion of FCDOT Proposed Route, Spanish Version

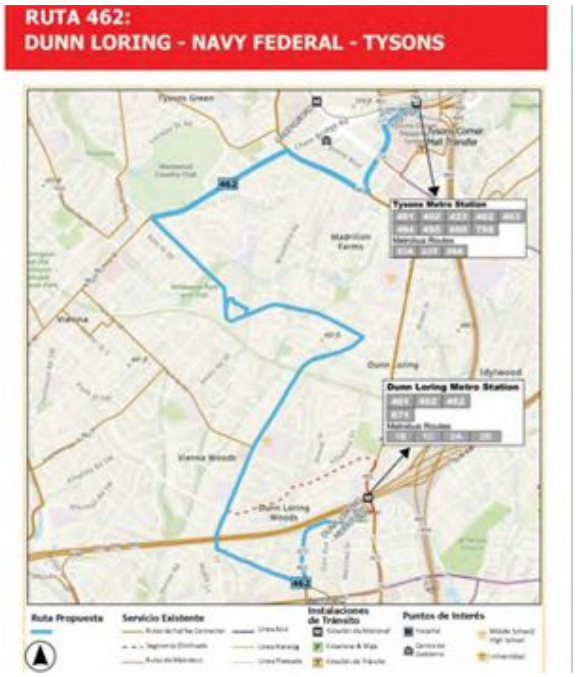
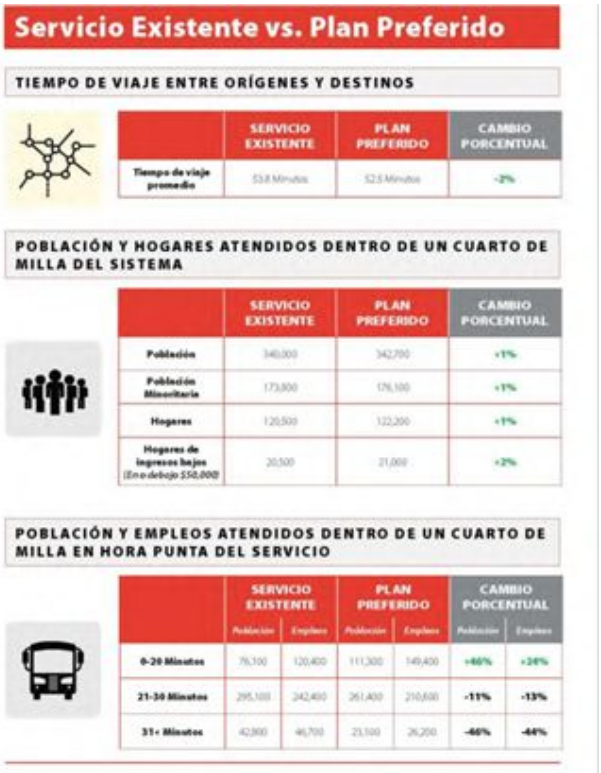


Figure 13: Example Portion of FCDOT Plan Graphic, Spanish Version



2.9.4. MONITORING AND EVALUATION

Per Fairfax County Procedural Memo 02-08, FCDOT, and all other Fairfax County agencies, are responsible for developing a year-end report measuring and monitoring results of Language Access activities. This report must be provided to the county-wide Language Access Coordinator no later than July 31 each year. These reports are required to include a list of all translated materials and costs of all language services for the fiscal year.

To ensure ongoing monitoring and evaluation of the Language Access Plan, FCDOT's Title VI Officer/Language Access Coordinator will include the following information in the annual report, in addition to the list of all translated materials and costs of all language services for the fiscal year:

- Usage of the language line, including volume of calls by language and total costs expended on the language line for transit purposes
- Number of requests for interpretation, by event type, by language for transit-related events
- Any input received from FCDOT staff or contractors regarding language assistance needs they encountered at transit-related events
- Views of the Connector webpages with translated materials and the use of Google Translate on the Connector website
- Any additional language access resources provided for transit service or planning-related needs during the year due to demonstrated need or requests

In addition to the language access strategies that FCDOT currently pursues, **Table 25** delineates a budget for the Title VI Language Access Strategies that FCDOT will implement annually for this Title VI Program.

Table 25: Language Access Plan Strategies – Budget

Activities	Cost *(estimated per fiscal year)*	Assumption
Materials and Notices Translations, Interpretation		
Activity 1: Provide highly visual regional sector maps to bus operators/supervisors for use in the field.	FCDOT staff develop and update these as part of regular duties.	
Activity 2: Print and distribute Fares and Policies Brochure in the 10 languages identified in LAP.	Estimated total: $5,150 ■ Translation: $4,120 ■ Printing: $1,030	*Fares & Policies Brochure (Source: FCDOT)* ■ Existing Spanish Translation: performed by internal approved translator as part of regular duties. ■ Translation per language other than Spanish: $515 - $773
Activity 3: Post Title VI Notice and Complaint forms in Fairfax County DOT offices in the 10 languages identified in LAP	Translation: $4,120	
Activity 4: Print and post Title VI Notice bus cards in Spanish for every vehicle in the Connector fleet	FCDOT staff develop these as part of regular duties. Printing: $1,545	
Activity 5: Service Information Flyers and Online Surveys: FCDOT produces about 25 flyers and eight surveys each year that will be translated the appropriate languages for the area impacted	Estimated total: $41,715 ■ Translation: $41,200 ■ Printing: $515	*Service Information Flyer (Source: FCDOT)* ■ Assumption: Eight surveys translated into Spanish ■ Assumption: Four surveys translated into Chinese, Korean, Amharic and Vietnamese ■ Assumption: 25 flyers translated into Spanish ■ Assumption: Five flyers each in Chinese, Korean, Amharic and Vietnamese
Activity 6: FCDOT will advertise in traditional local ethnic media in advance of service changes, along with targeted online and social media ads.	Estimated: $257,500	Direct mail, in-person, radio, internet, and multi-channel TV advertising campaigns 4x/year
Activity 7: FCDOT sets up a Language Line phone number for 10 languages identified in the LAP.	Estimated: $6,180	*Language Line (Source: FCDOT, Fairfax County OHREP, Languageline.com) currently Liberty Language Services* Costs on a per-use basis. Unit costs depend on language and length of call. Estimated $52 per use.
Activity 8: Language Assistance Tear Sheets on Buses (10 languages)	FCDOT staff develop these as part of regular duties.	
Training and Events		
Activity 9: Pop-Up Events and Community Meetings	FCDOT staff prepare for and conduct these meetings as part of regular duties.	■ Assumption: eight events per year ■ Estimated costs reflect contracted staffing for events, and do not include FCDOT staff time.

Activities	Cost *(estimated per fiscal year)*	Assumption
	Contracted staffing costs: $4,000	
Activity 10: Title VI FCDOT Staff Training	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for ensuring all FCDOT staff receive Title VI training and remain up to date.
Monitoring and Evaluation		
Activity 11: Monthly Data Collection	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for all relevant data collection activities for the LAP.
Activity 12: Annual Data Collection	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for all relevant data collection activities for the LAP.
Activity 13: Annual LAP Report, Updates to Language Access Plan	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for compiling the annual LAP report and incorporating updates to the language access plan.
Contingency	$10,300	The contingency will cover any additional costs incurred over the fiscal year that were not encompassed in this estimate.
Total Estimated Annual Cost		**$330,630**

3. CHAPTER 3: SERVICE STANDARDS AND POLICIES

FCDOT has developed transit service standards and policies to guide the equitable provision of service and amenities in Fairfax County.

3.1. Transit Service Standards

The following service standards, as reflected in the *Fairfax County Transit Strategic Plan* in December 2023, will be used for FCDOT's Title VI service monitoring. The agency will use these metrics to evaluate routes and adjust service based on performance. FCDOT's vehicle load and vehicle headway guidelines are broken into the following discrete route categories that match demand with the appropriate levels of service: Core, Local, Express/Limited-Stop, Feeder, and Circulator.

Route classifications are assigned based on corridor function, land use, and travel markets and are not based on the demographic characteristics of riders or surrounding populations. Core routes form the backbone of FCDOT's bus network, with frequent, reliable service throughout the day along major corridors. Local routes provide all-day service along secondary and neighborhood corridors, creating connections to key activity centers outside the core frequent network. Express and limited-stop routes provide specialized service tailored to peak period and/or long-distance travel demand and may operate with fewer stops to improve travel time and reliability. Feeder routes connect lower-density areas to major routes or transit hubs and prioritize access over frequency. Finally, circulator routes serve specific travel markets, activity centers, or institutional needs, and are designed to support short trips or internal circulation.

3.1.1. VEHICLE LOAD

Vehicle load is the level of passenger crowding that is acceptable for a safe and comfortable ride. Vehicle load is expressed as a ratio of the number of passengers on the vehicle to the number of seats on the vehicle averaged over the peak one-hour in the peak direction. FCDOT uses different vehicle load factors for its different service types. The standard for express/limited-stop routes is 1.00, representing one passenger per seat, because these services often operate on limited-access highways which would pose a safety hazard for standees. The load factor for core routes, local routes, feeder routes, and circulator routes is 1.25, as these services generally do not operate on limited-access highways and standees do not pose the same safety hazard. **Table 26** identifies the capacity and load factor for each type of service FCDOT offers.

Table 26: Maximum Acceptable Vehicle Loads

Service Type	Maximum Load Factor
Core Routes	1.25
Local Routes	1.25
Express/Limited-Stop Routes	1.00

Feeder Routes	1.25
Circulator Routes	1.25

3.1.2. VEHICLE HEADWAY

Vehicle headway represents the amount of time between two vehicles traveling in the same direction on a given route. **Table 27** summarizes the acceptable headway ranges for each type of route during different service periods.

Table 27: Maximum Acceptable Vehicle Headways

Type of Route	Description	Maximum Weekday Peak Period Headway	Maximum Weekday Off-Peak/Weekend Headway
Core Routes	Serve major corridors with high demand; frequent, all-day service with direct routing	10-30 minutes	15-40 minutes
Local Routes	Provide all-day service along neighborhood corridors; balance coverage and accessibility	20-60 minutes	30-60 minutes
Express/Limited-Stop Routes	Provide faster service by limiting stops; connect major origins and destinations, often during peak periods	10-40 minutes	20-60 minutes
Feeder Routes	Connect lower-density areas to major routes or transit hubs; prioritize access over frequency	10-60 minutes	20-60 minutes
Circulator Routes	Operate within dense areas or activity centers; provide short trips focused on internal circulation	10-60 minutes	20-60 minutes

3.1.3. ON-TIME PERFORMANCE

FCDOT requires its operating contractor to maintain a minimum standard of at least 85 percent "on-time bus trips" for each route. FCDOT defines "on-time" as between one minute early and six minutes late leaving scheduled time points as established in the bus route schedule.

3.1.4. SERVICE AVAILABILITY

Service availability is a measure of coverage, indicating how many residents in a service area have access to fixed-route transit. FCDOT sets a standard whereby at least 50 percent of Fairfax County's population are within a quarter mile walking distance of a Connector stop.

3.2. Transit Service Policies

3.2.1. TRANSIT AMENITIES

Transit amenities refer to items of comfort, convenience, and safety that are available to customers. The *Fairfax County Transit Strategic Plan* establishes standards for transit amenities, and FCDOT's process for determining site selection for amenities is outlined in the *Fairfax County Bus Stop Guidelines*.[21] The

[21] Fairfax County Bus Stop Guidelines, July 2004 (Updated April 2017)

County applies the standard operating procedures and policies in these documents to guide decision-making and support equitable distribution of amenities. These policies include the following:

- **Bus shelters:** A bus shelter and pad may be installed at stops with an average of 50 or more boardings per day, at a transit center or park-and-ride lot owned by Fairfax County, or if the stop is at a major activity center.
- **Benches:** Benches with pads may be installed if the stop is located at a transit center or park-and-ride lot or if the stop is a major activity center, generating 25 or more passenger boardings per day, or at stops located near significant populations of seniors, disabled people, students, or other special uses (e.g., tourist attractions).
- **Provision of information:**
  - Bus stop signs should be installed at all locations. These signs consist of two variations: local and regional (for stops jointly served by WMATA's Metrobus) designs. Each bus stop has a unique bus stop ID that can be used for BusTracker real-time arrival and route information available via phone and internet applications.
  - Rider information displays containing schedule and individual system maps should be installed at all transit stations and park-and-ride lots where Connector bus service operates and has designated service bays.
  - Bus System Maps are available at:
    - All Connector Store locations
    - All Metrorail stations in Fairfax County
    - All supervisor offices
    - All middle schools and high schools (Student Bus Pass)
    - INOVA Fairfax Hospital
    - Free-standing displays at all Fairfax County Metrorail stations
    - All community centers
    - Centreville Day Labor Center
    - All Fairfax County libraries
    - Business and hotels upon request
    - Apartment complexes upon request.
- **Escalators and elevators:** The Connector does not generally provide or maintain escalators or elevators at any bus stops apart from the Wiehle-Reston East Metrorail station, Innovation Center Station garage, Herndon-Monroe garage, and Burke Centre garage. The County also maintains elevators at the new Monument Drive Commuter Parking Garage and the Springfield Community Business Center Commuter Parking Garage.
- **Waste receptacles:** Waste receptacles are installed at all stops with a demonstrated littering issue.

3.2.2. VEHICLE ASSIGNMENT

Vehicle assignment refers to the process by which transit vehicles are assigned to routes for revenue service. The Connector's vehicles are assigned to three bus divisions: Herndon, West Ox, and Huntington. However, individual buses are generally not assigned to individual routes. Buses are deployed to individual routes based on fleet availability on the day of service, size of the bus, the capacity needed on the routes served, and the route's roadway characteristics (i.e., buses that travel in residential neighborhoods with narrow streets must be smaller). The Connector tracks the individual buses used on routes via its intelligent transportation systems (ITS) capabilities.

Buses are replaced at the end of their useful life in accordance with the Connector's fleet replacement plan. The Connector has a comprehensive preventive maintenance and component replacement program which ensures a high level of vehicle reliability. The oldest vehicles in the Connector fleet date to 2008, while the average age of the fleet is 9.3 years. In compliance with the Americans with Disabilities Act (ADA), all vehicles in the Connector fleet are low-floor, which is consistent with the Connector's policy is to purchase only low-floor vehicles.

Table 28 is the Connector fleet profile.

Table 28: The Connector Fleet Profile (As of November 8, 2025)

Year	Make	Size (Feet)	Count	Current Age (In 2026)
2008	Orion	30	14	18
2009	New Flyer	40	6	17
2011	New Flyer	40	64	15
2012	New Flyer	35	15	14
2012	New Flyer	40	20	14
2012	Orion (TAGS)	33	2	14
2013	New Flyer	35	15	14
2014	New Flyer	35	16	12
2015	New Flyer	35	12	11
2015	New Flyer	40	5	11
2017	New Flyer	40	10	9
2018	New Flyer	40	3	8
2018	New Flyer	35	10	8
2018	New Flyer	40	1	8
2019	New Flyer	40	4	7
2020	New Flyer	40	11	6
2021	New Flyer	40	28	5
2022	New Flyer	35	16	4
2022	New Flyer	40	28	4
2023	New Flyer	35	2	3
2023	New Flyer	40	2	3
2024	Gillig	29	10	2
2024	New Flyer	40	46	2

3.3. Transit Service Monitoring

The FTA defines a minority bus route as one where one third or more of the route's revenue miles fall within a minority Census block group. A minority Census block group is defined as one in which the percentage minority population exceeds the percentage minority population in the service area. The minority population (all residents who identify as any race other than non-Hispanic white) comprises 52.5 percent of the total population Fairfax County;[22] therefore any Census block group in which the

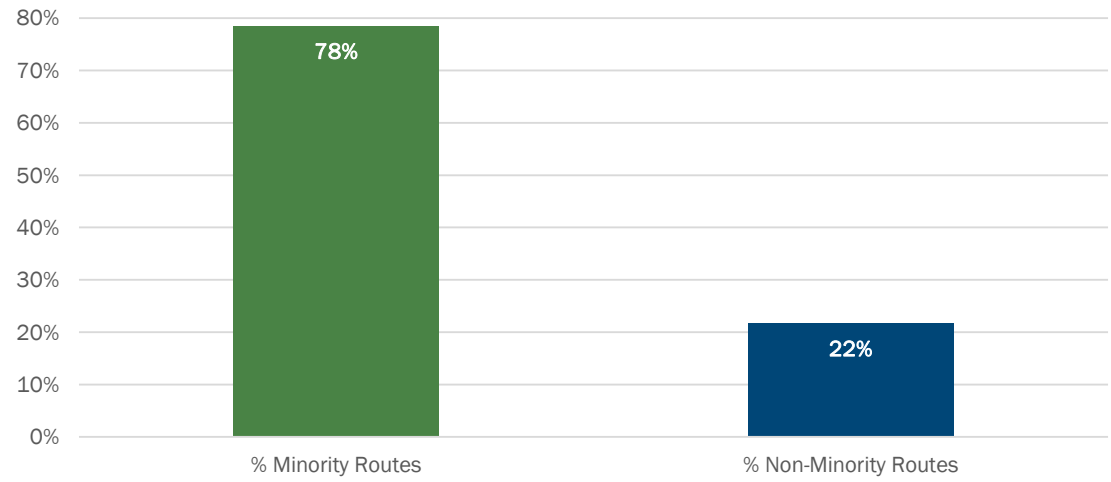
[22] Based on a calculation of block group population from the U.S. Census Bureau, American Community Survey, 2019-2023, five-year estimates.

minority population comprises 52.5 percent of the population or higher is considered to be a minority Census block group.

An initial GIS analysis identified minority routes by the percentage of each route's revenue length that intersect minority Census block groups. This definition of minority routes was applied to all routes except those that run along a highway or have limited stops to the route destination. For commuter routes and express routes, due to the fact that they often run long distances and sometimes on limited access highways where boarding/alighting does not occur, a slightly modified methodology was required. The number of bus stops in minority block groups and in non-minority block groups was counted, and the route was designated as minority or non-minority classification based on whichever type of block group had a greater number of stops. If a route had an equal number of minority and non-minority stops, the route was designated as a minority route to be conservative.

Of the Connector's 88 routes[23], 69 routes (78 percent) are considered minority routes and 19 routes (22 percent) are considered non-minority. The final classification distribution is depicted in **Figure 14**.

Figure 14: Distribution of Minority Routes



The sections that follow evaluate the performance of the Connector per the service standards and policies set forth in Fairfax County's Title VI Program to ensure both transit service and transit amenities are equitably distributed across the service area, regardless of whether a route primarily serves minority or non-minority populations.

3.3.1. VEHICLE LOAD

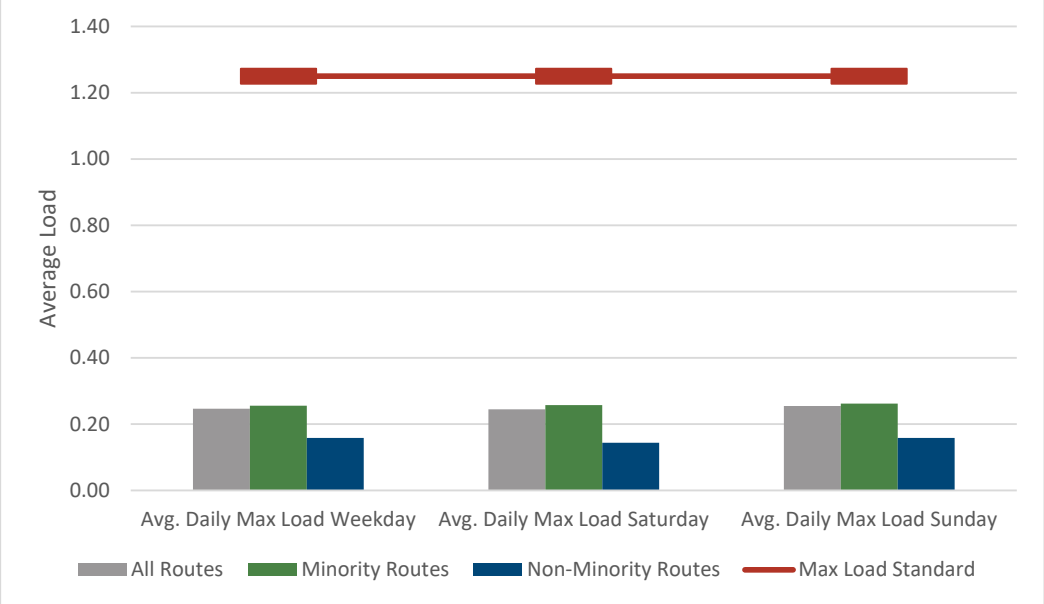
The vehicle load metric is used to determine if a bus is overcrowded. A vehicle load is the average maximum number of people seated and standing during the peak period in the peak direction. Vehicle passenger load is measured by the ratio of passengers on a vehicle (load) to seated capacity (load/seat ratio). Through FCDOT's automatic passenger counter data, the maximum load for all routes for weekdays, Saturdays, and Sundays is available.

[23] Route 480, a seasonal route, was not included in this analysis, due to a lack of data.

Figure 15 and **Figure 16** display the average daily maximum load factors for core routes and local routes on weekdays, Saturdays, and Sundays for the period of February 2025 through May 2025. **Figure 17** through **Figure 19** show the same information for express/limited-stop routes, feeder routes, and circulator routes.[24] For core routes, minority routes have higher average daily maximum load factors than non-minority routes. For feeder routes, minority routes have lower average daily maximum load factors than non-minority routes. The average daily maximum load factors are slightly higher for minority routes for express/limited-stop routes, local routes, and circulator routes.

However, the average maximum loads for minority and non-minority routes are well below the number of seats available on the bus and therefore are well below FCDOT's policy of a 1.25 maximum load factor for core routes, local routes, feeder routes, and circulator routes, and 1.00 for express/limited-stop routes. Overall, only five trips during the analysis period had load factors that surpassed the policy, all of them on express/limited-stop routes: one trip on Route 395 in the weekday PM peak period, two trips on Route 697 in the weekday PM peak period, and two trips on Route 699 in the weekday AM peak period. Route 395 is a non-minority express/limited-stop route, while Route 697 and Route 699 are minority express/limited-stop routes.

Figure 15: Core Route Average Daily Maximum Load Factors -- Standard of 1.25 (February 2025 - May 2025)



[24] Ridership by trip information was not available for route 651, 652, and 670. 652 and 670 began service in Spring 2025, after this data was collected.

Figure 16: Local Route Average Daily Maximum Load Factors -- Standard of 1.25 (February 2025 - May 2025)

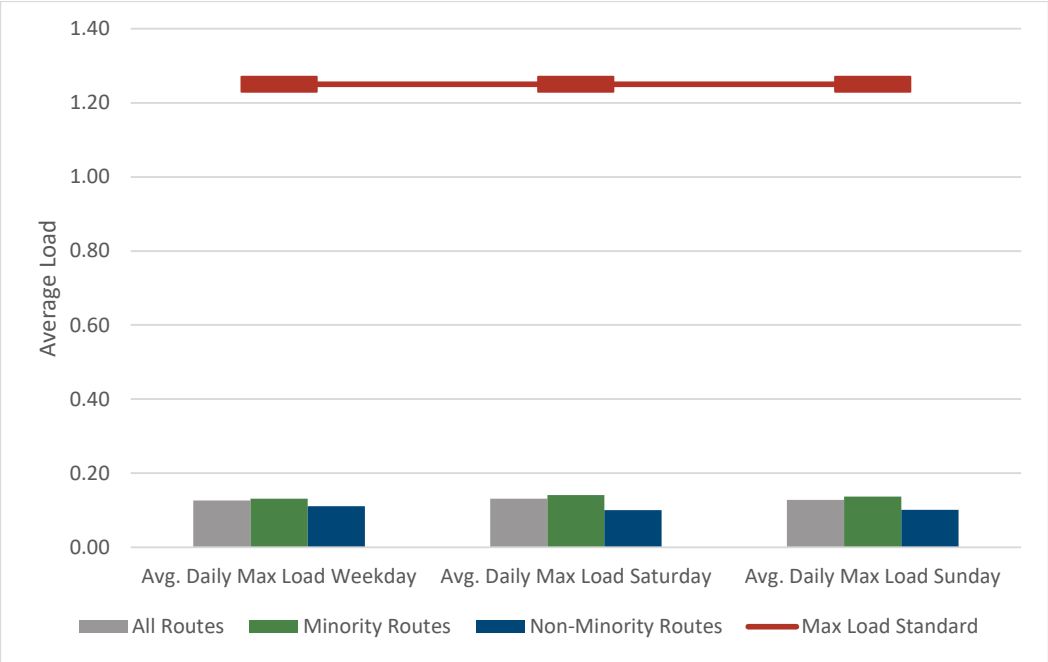


Figure 17: Express/Limited-Stop Route Average Daily Maximum Load Factors -- Standard of 1.00 (February 2025 - May 2025)

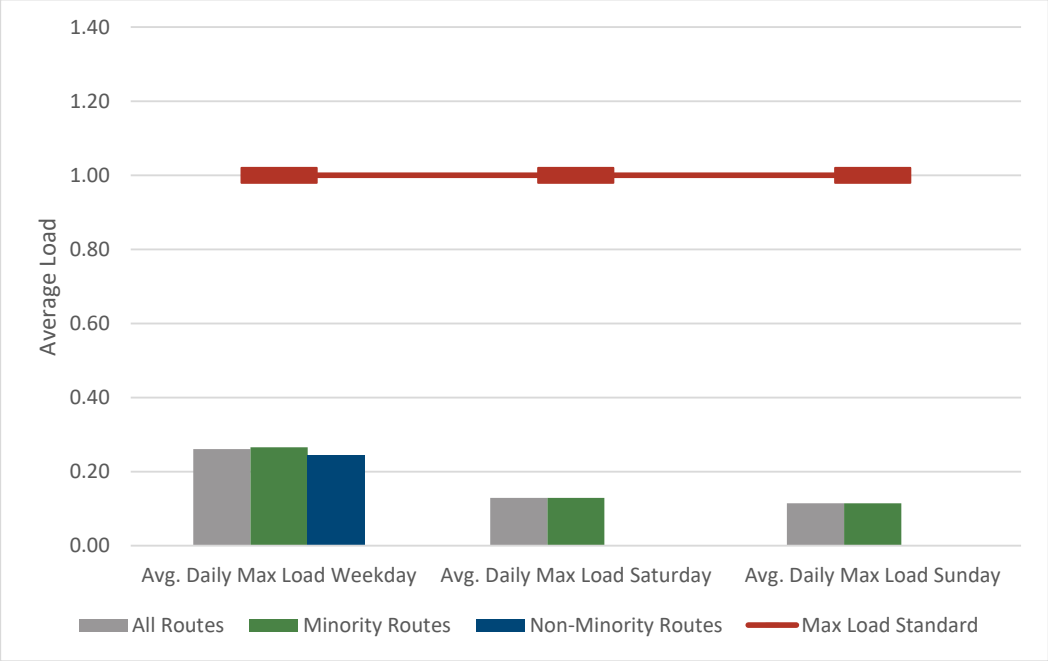


Figure 18: Feeder Route Average Daily Maximum Load Factors -- Standard of 1.25 (February 2025 - May 2025)

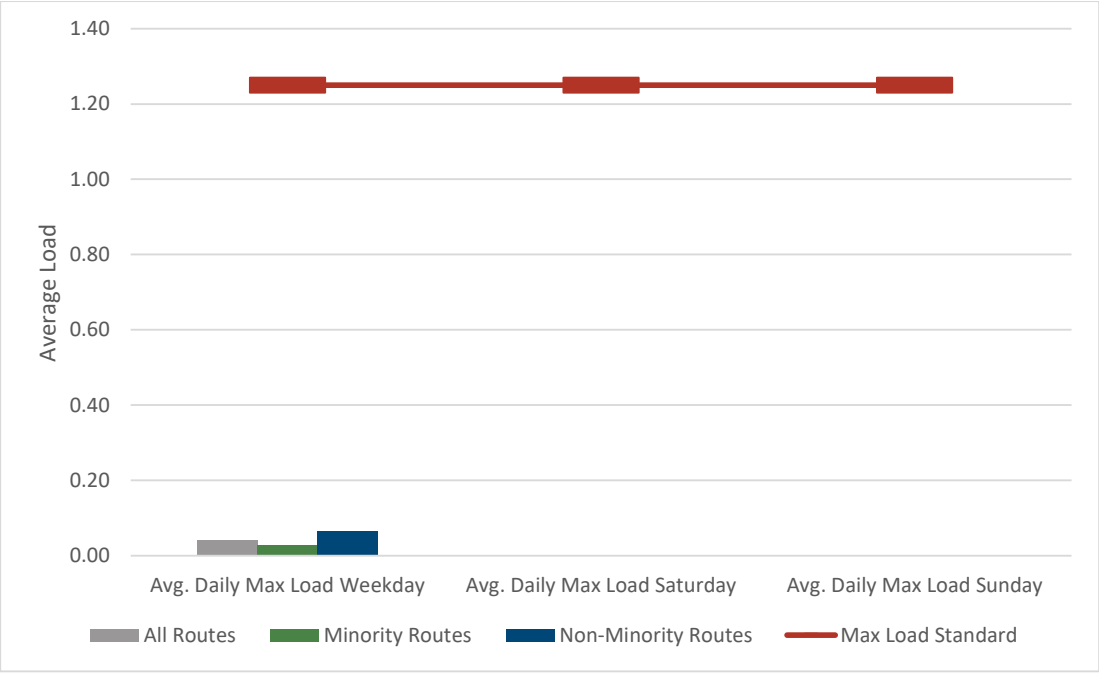
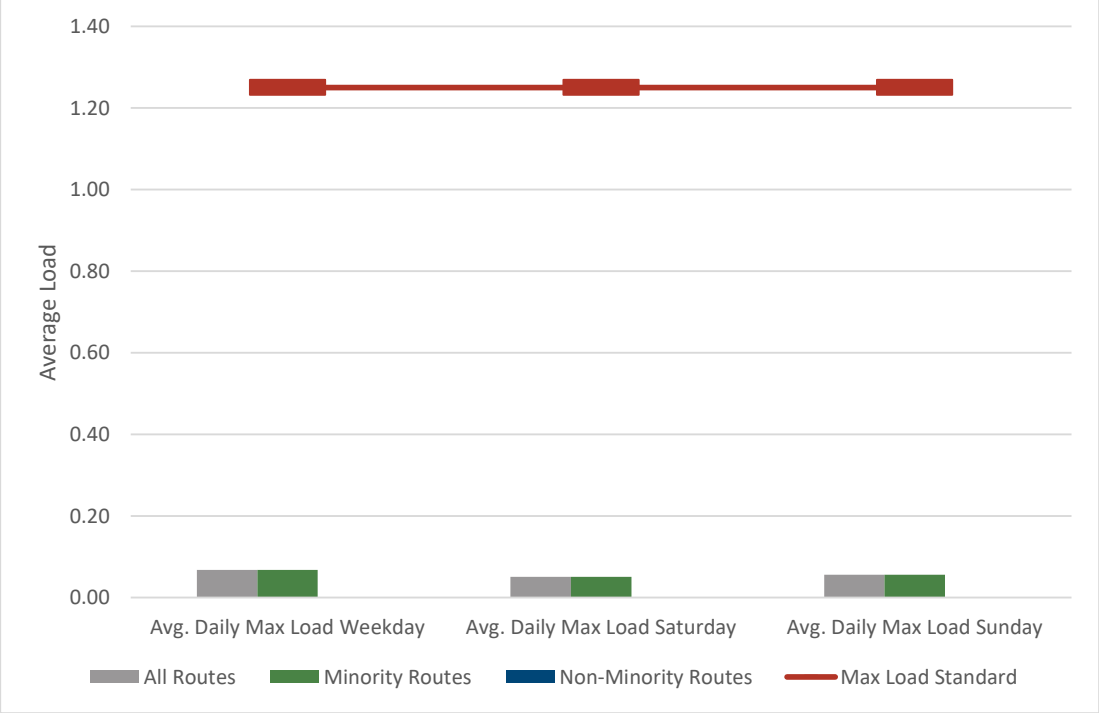


Figure 19: Circulator Route Average Daily Maximum Load Factors -- Standard of 1.25 (February 2025 - May 2025)



3.3.2. SERVICE HEADWAYS

Headway by time of day for both weekday and weekend service is a measure of the level of service of a bus route. **Figure 20** through **Figure 24** illustrate the variation in service headways by day of week and time of day for minority and non-minority routes as well as the standards for each time period. For this calculation, route-level headway information was summarized by time period and route classification and averaged across minority and non-minority routes. The higher end of the headway ranges identified for each route classification in **Table 27** were used as the minimum headway standard for each time period.

The difference in average headways between minority and non-minority routes was minimal across most time periods:

- For local routes, non-minority routes had average headways of four minutes longer during weekday early hours. Minority routes had average headways of at least four minutes longer than non-minority routes during weekday midday, Saturday core and fringe, and Sunday fringe service hours. For all other time periods, the difference in headways between minority and non-minority routes was less than four minutes.
- For express/limited-stop routes, non-minority routes had average headways at least five minutes longer than minority routes during weekday AM peak, midday, PM peak, and evening service hours.
- For core routes, non-minority routes had longer headways during weekday early, weekday midday, weekday PM peak, and weekend service hours. Minority routes had longer headways during weekday AM peak, weekday evening, and weekday late night hours.
- For feeder and circulator routes, minority routes had longer headways of four minutes or more during all time periods.

There were no major discrepancies between minority and non-minority routes for compliance with the standard. For the large majority of time periods, minority and non-minority routes either both met the headway standard or both did not meet the standard for each time period. However, there are a few exceptions. For core routes, minority routes do not meet the headway standard during weekday late night service hours, and non-minority routes do not meet the headway standard during Saturday fringe or Sunday core service hours. For express/limited-stop routes, non-minority routes do not meet the headway standard during weekday midday service hours.

Minority routes generally exhibit lower headways than non-minority routes, consistent with service planning practices that prioritize higher frequency on corridors with greater ridership demand and higher transit propensity. Headways and service span are influenced by factors such as route productivity, network connectivity, land use and density, and available operating resources. TSD incorporates Title VI considerations into both route optimization studies and the evaluation of individual service changes to support equitable service availability, headways, and span.

Figure 20: Average Service Headways (Minutes) - Core Routes

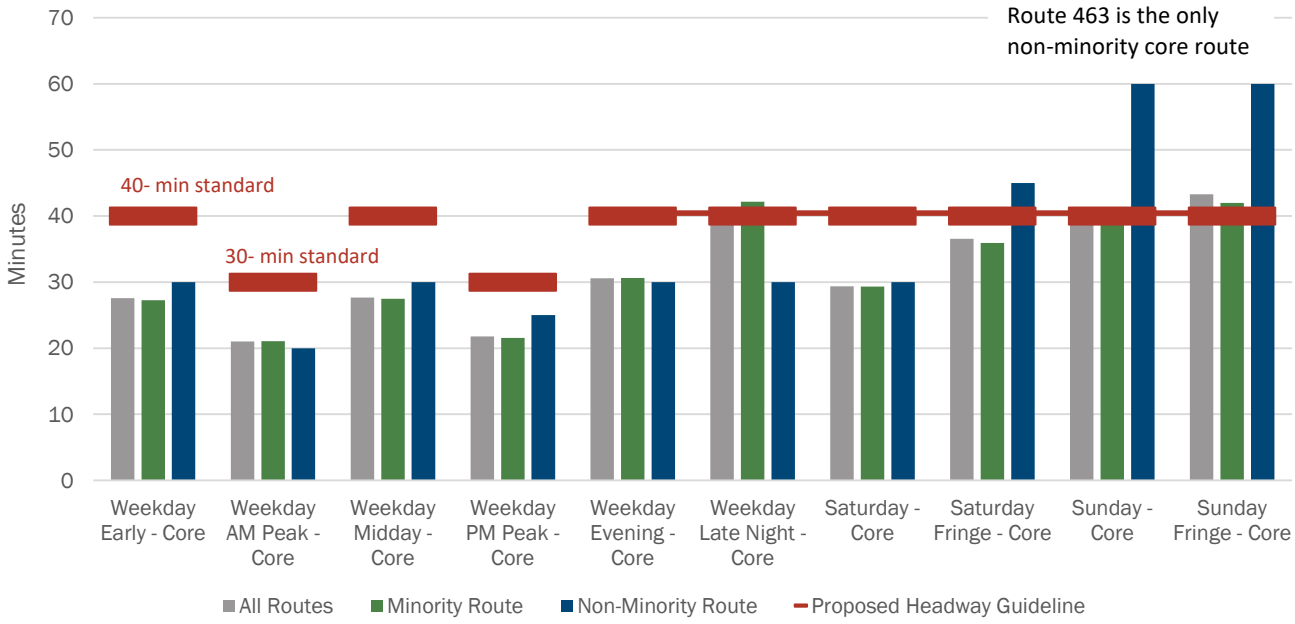


Figure 21: Average Service Headways (Minutes) - Local Routes

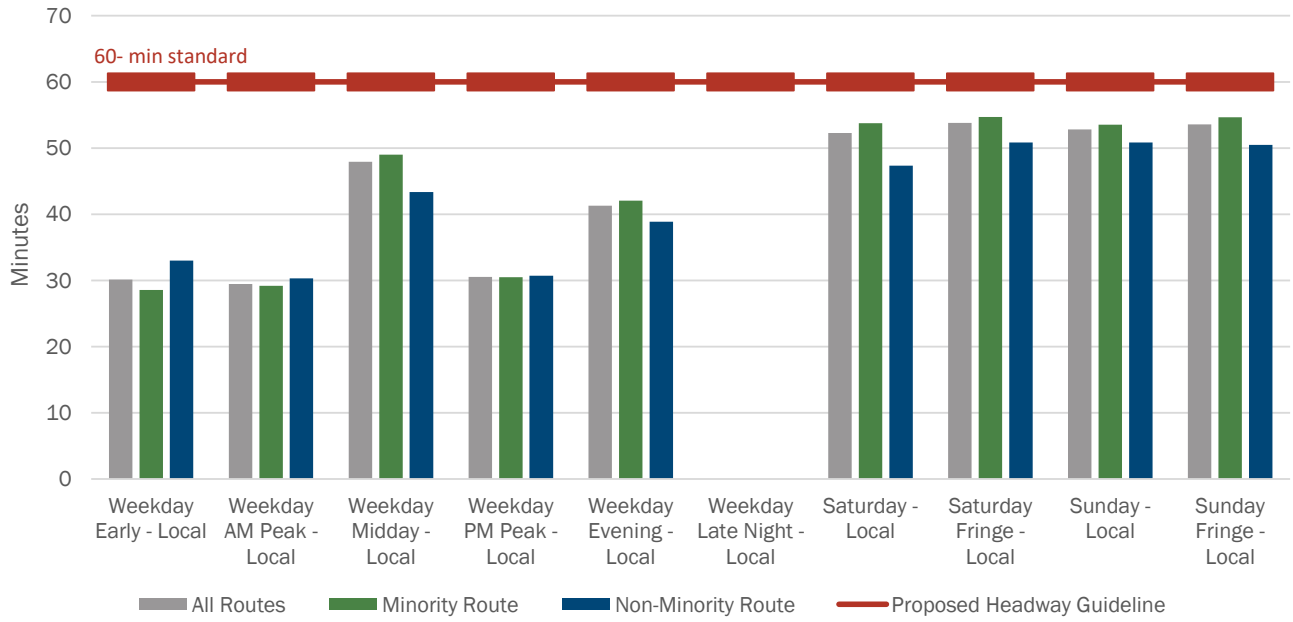


Figure 22: Average Service Headways (Minutes) - Express/Limited-Stop Routes

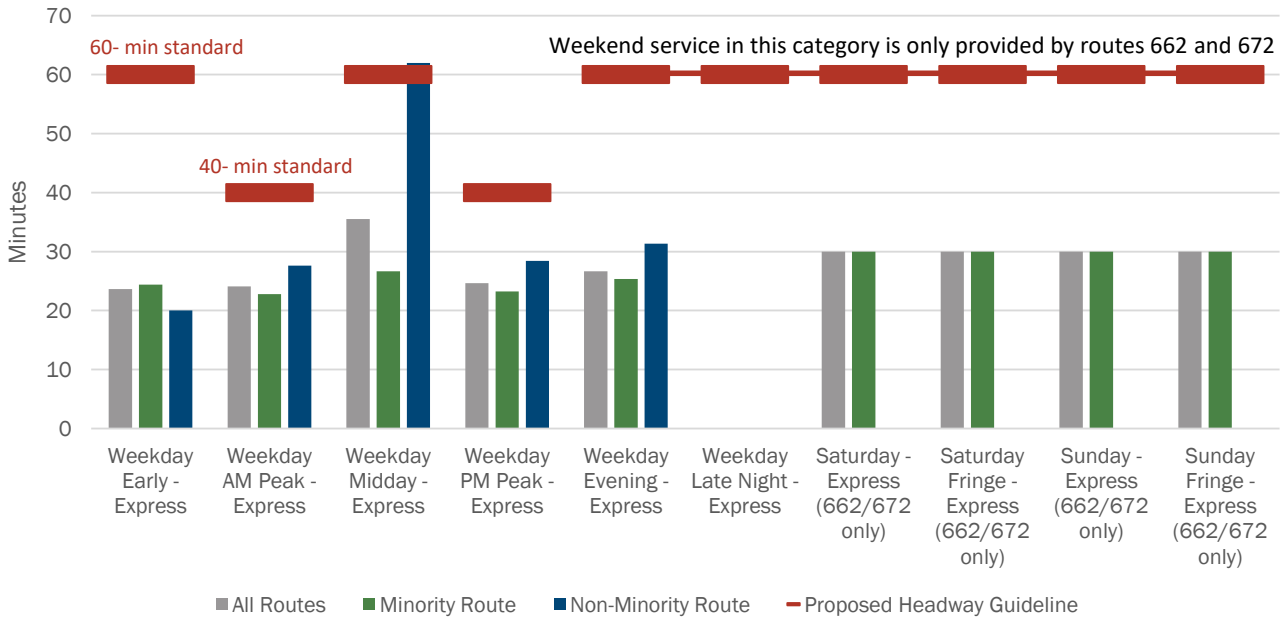


Figure 23: Average Service Headways (Minutes) - Feeder Routes

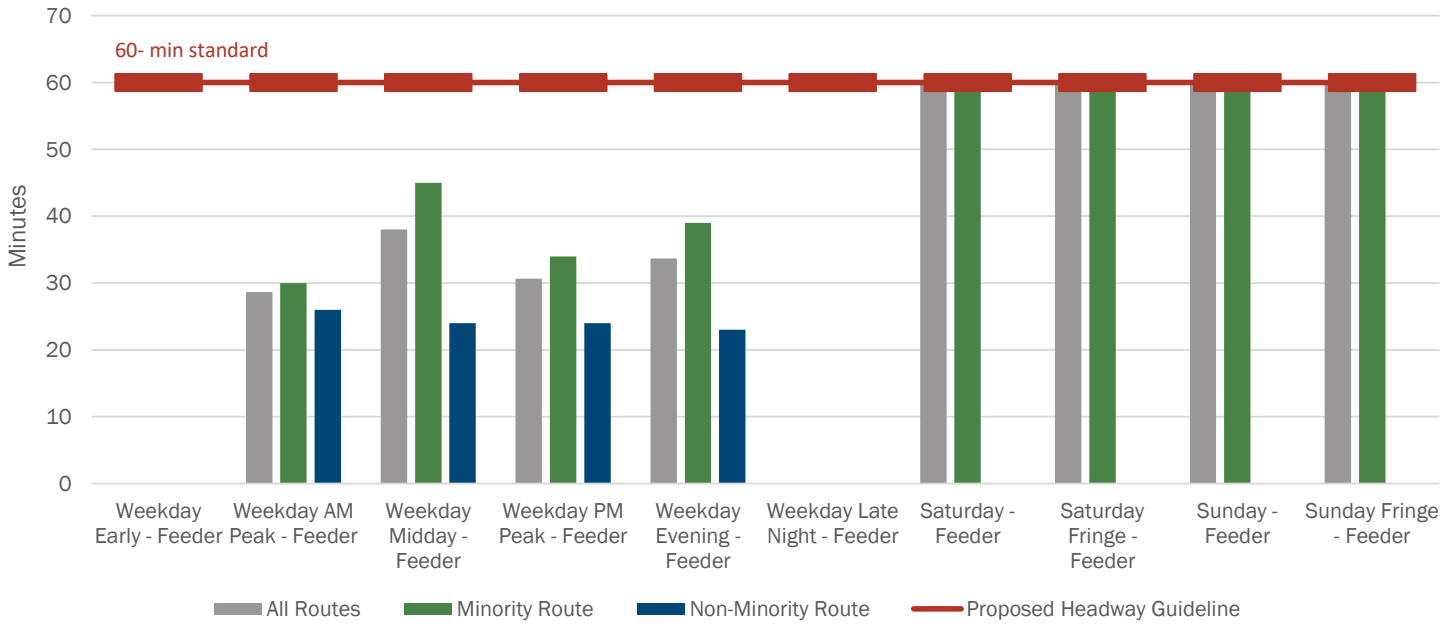
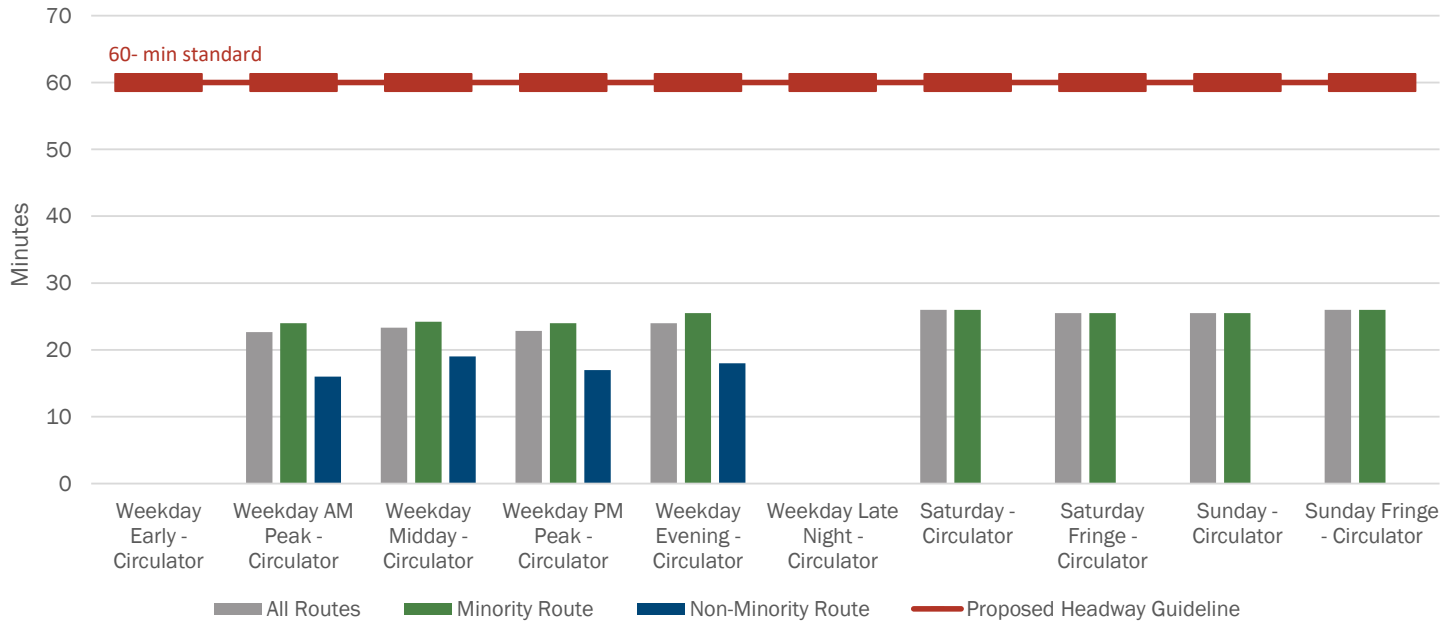


Figure 24: Average Service Headways (Minutes) - Circulator Routes



3.3.3. ON-TIME PERFORMANCE

Average weekday, Saturday, and Sunday on-time performance was analyzed for all routes in the Connector system from February 2025 through May 2025, using CAD-AVL data.

- On weekdays during this period, buses across the entire system arrived on-time 80.6 percent of the time, with minority routes having an average on-time performance of 80.2 percent and non-minority routes having a higher average on-time performance of 81.8 percent (**Figure 25**).
- On Saturdays during this period, buses across the entire system arrived on-time 78 percent of the time, with minority routes having an average on-time performance of 76.9 percent and non-minority routes having a higher average on-time performance of 83.8 percent (**Figure 26**).
- On Sundays during this period, buses across the entire system arrived on-time 78.9 percent of the time, with minority routes having an average on-time performance of 78.2 percent and non-minority routes having a higher average on-time performance of 82.6 percent (**Figure 27**).

None of these figures meet FCDOT's 85.0 percent on-time performance goal. Across all service days, non-minority routes performed on average one to seven percentage points closer to the goal than minority routes from February through May 2025, with the largest difference observed on Saturdays. Since the last Title VI update in 2023, on-time performance has declined across all routes. This decline may reflect post-pandemic travel patterns, including increased roadway traffic volumes that slow bus operations. FCDOT continues to evaluate scheduled runtimes in order to improve schedule adherence.

Figure 25: Average Weekday On-Time Performance (February 2025 - May 2025)

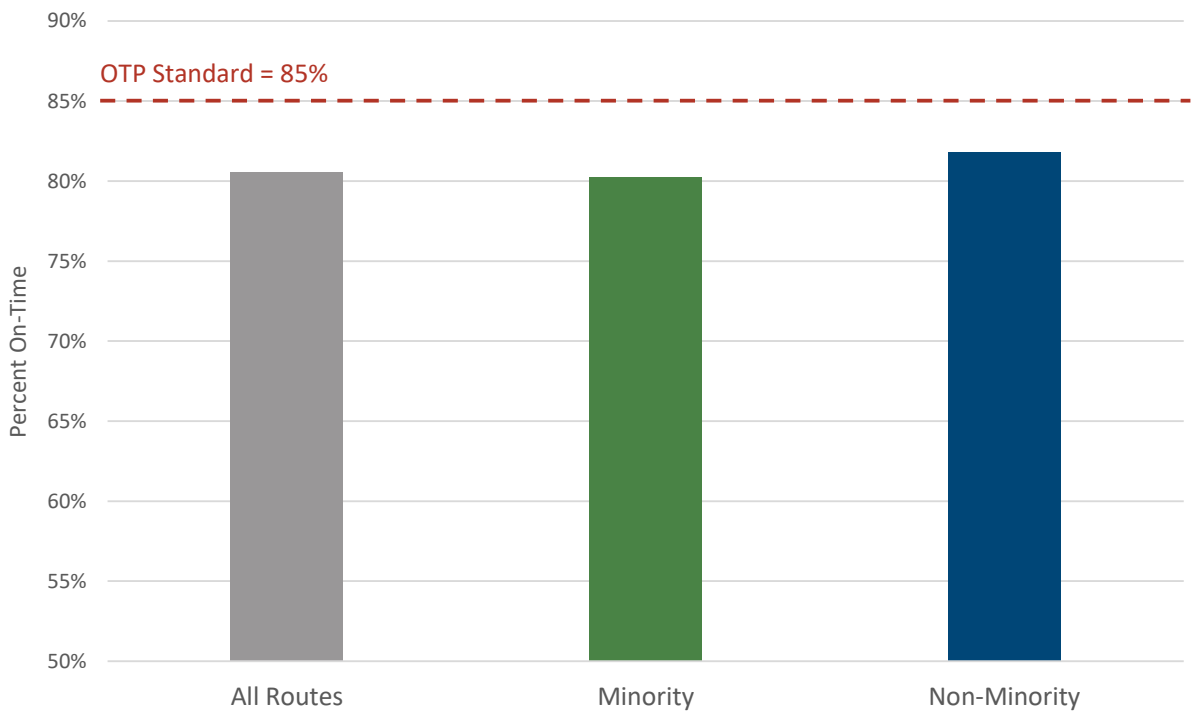


Figure 26: Average Saturday On-Time Performance (February 2025 - May 2025)

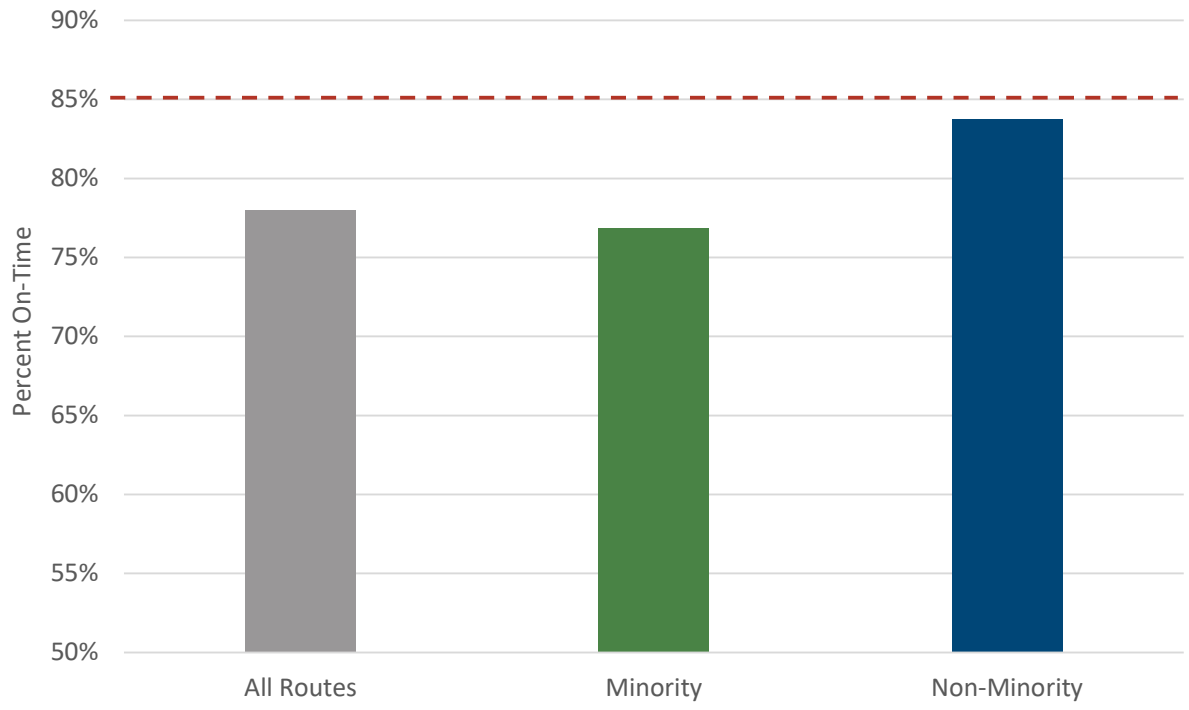
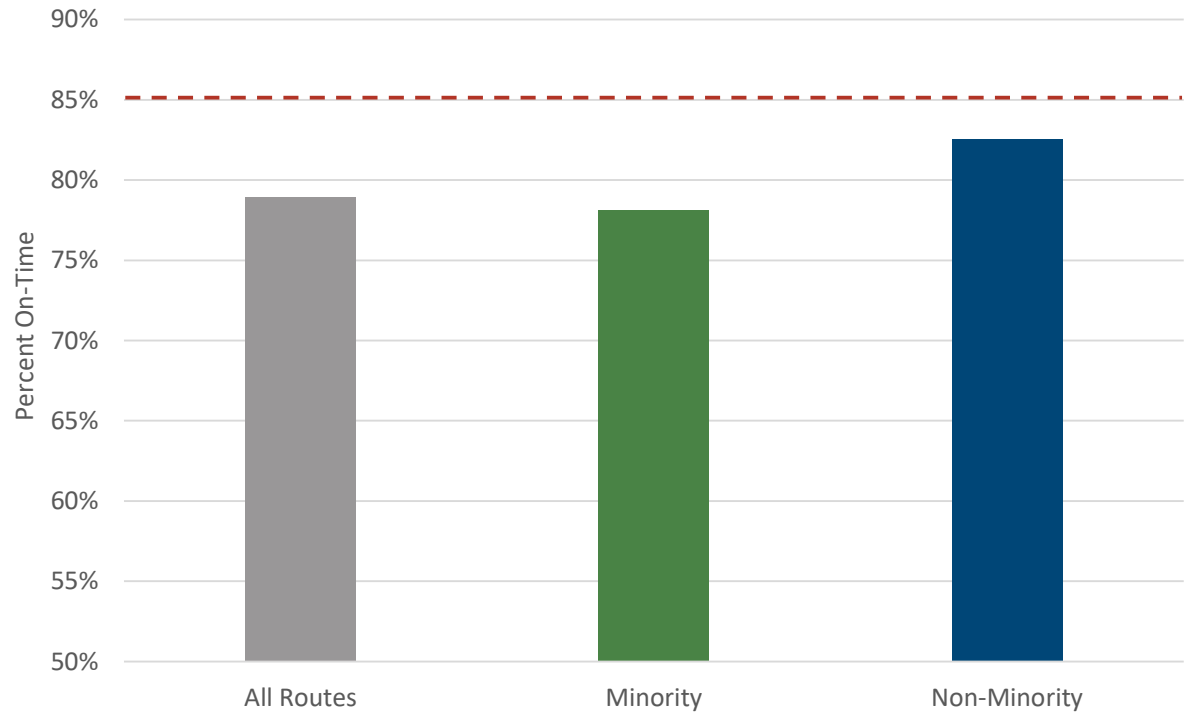


Figure 27: Average Sunday On-Time Performance (February 2025 - May 2025)



3.3.4. SERVICE AVAILABILITY

Service availability measures the percentage of the population within the County that is served by the Connector. As shown in **Table 29**, 56 percent of the minority population in the County lives within walking distance (one quarter of a mile) of a Connector stop.[25] Forty-eight percent of the County's non-minority population lives within walking distance of transit. Overall, the percentage of the minority within walking distance to transit is higher than the percentage of the non-minority population.

Fifty-two percent of all Fairfax County residents live within a quarter mile of a Connector stop. This exceeds FCDOT's service availability standard of providing Connector access to 50 percent of the County's, as measured as population within a quarter mile of a Connector stop. In addition to Connector services, WMATA's Metrobus and Metrorail also serve the denser portions of the County. However, neither Metrobus nor Metrorail services are subject to the County's Title VI analysis.

Table 29: Service Availability Monitoring for Connector Routes

Minority			Non-Minority			Total Population		
Minority Population Served	Total Minority Population in County	Percentage Minority Population Served	Non-Minority Population Served	Total Non-Minority Population in County	Percentage Non-Minority Population Served	Total Population Served	Total Population in County	Percentage Total Population Served
337,918	600,632	56%	261,439	543,842	48%	599,357	1,144,474	52%

3.3.5. TRANSIT AMENITIES

FCDOT tracks the locations of transit amenities, including shelters, benches, and trash receptacles, by stop throughout the service area. An in-depth monitoring analysis was conducted on the distribution of shelters, benches, and trash receptacles between minority and non-minority bus stops. This analysis includes all amenities provided by FCDOT and WMATA served by the Connector including shelters and amenities in Fairfax County installed through advertising contracts. Historically, contracted amenities have not been included in Title VI analyses due to data limitations and lack of ownership, but FCDOT has included them in this report because the agency has some influence over their placement.

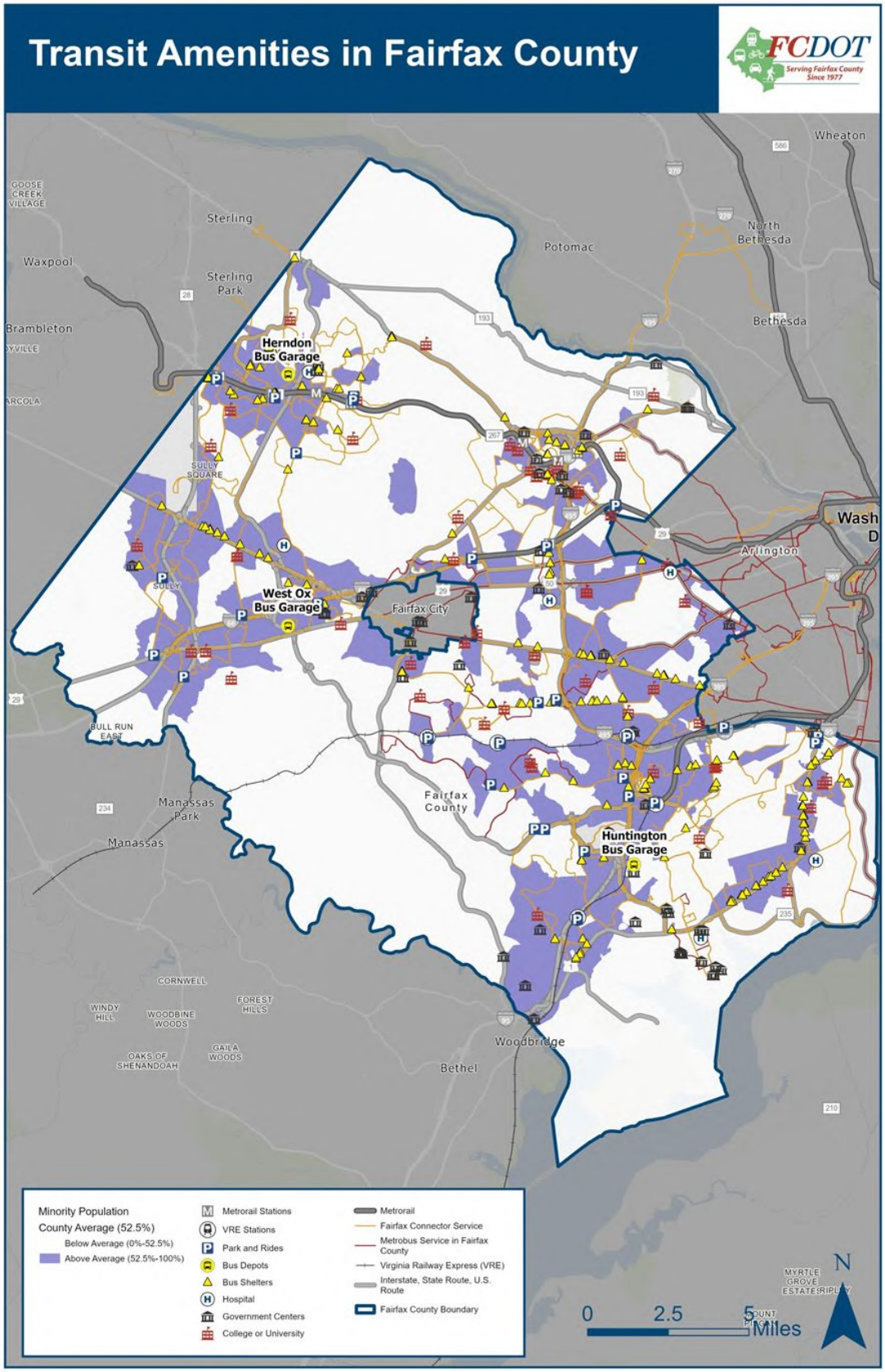
Shelter and Bench Analysis

The *Fairfax County Bus Stop Guidelines*, which were first adopted in 2004 and updated in 2017, delineates the policy for installing bus shelters and benches at bus stops. Within Fairfax County, three potential ways exist for a shelter to be installed: 1) directly through the County-funded shelter program, 2) by an advertising vendor that provides shelters, and 3) through developer proffers associated with development approvals. Among the shelters provided by the shelter advertising vendor, FCDOT has discretion to place 10 percent of the shelters procured through this contract. The remaining 90 percent of these shelters are located by the advertising vendor, on the basis of high ad-revenue locations. The advertising vendor is responsible for the maintenance and upkeep of all shelters that they install. County-owned shelters are maintained by the Stormwater Maintenance department as their funding allows.

Figure 28 shows the system-wide distribution of transit amenities. **Table 30** through **Table 33** show the amenities for bus stops and stations owned by FCDOT and WMATA ("owned") as well as those that were installed through a contractor ("ad vendor").

[25] Source: American Community Survey, Estimates 2019-2023, 5-year estimates.

Figure 28: Transit Amenities in Fairfax County



As noted in the Transit Strategic Plan, the Connector may install a bus shelter at a Connector or Metrobus stop or station with an average of 50 or more boardings per day, a County-owned transit center or park and ride, or when the stop serves a major activity center. A bench may be installed at a stop or station with an average of 25 or more boardings per day, at a County-owned transit center or park and ride lot, or when the stop serves a major activity center or special use destination (e.g., tourism) or is located near substantial populations of seniors, people with disabilities, or students.

Fairfax County has 394 stops (including the county-owned and sponsored by advertisement vendors) with shelters, 348 stops with benches, and 212 stops with trash containers served by the Connector. **Table 30** summarizes stop amenities by minority and non-minority designation. Minority stops/stations are more likely to have a shelter than non-minority. For purposes of this analysis, a stop or station received a "minority" designation if it is located in a census block group where the minority population meets or exceeds 52.5 percent, the proportion of minorities in Fairfax County's total population.

Table 30: Shelters and Benches at Fairfax County Bus Stops Served by the Connector

Type of Stop/Station	Stops/Stations with Shelter	Stops/Stations with Bench	Stops/Stations with Trash Container	Stops/Stations with Advertisement
Minority				
Owned	136	122	36	5
Ad Vendor	115	103	103	115
Total Minority	**251 (64%)**	**225 (65%)**	**139 (65%)**	**120 (66%)**
Non-Minority				
Owned	86	68	18	4
Ad Vendor	57	55	55	57
Total Non-Minority	**143 (36%)**	**123 (35%)**	**73 (35%)**	**61 (34%)**
All Stops/Stations	**394**	**348**	**212**	**181**
All County Owned	222	190	54	9
All Ad Vendor Owned	172	158	158	172

Table 31 displays the number of shelters at Connector stops which were deemed eligible for receiving a shelter, based on the criteria of the stop or station having 50 or more boardings per day. Based on ridership data, 143 stops and stations were deemed eligible for shelters, which is more than the 102 stops and stations that were eligible in 2023. Of the 143 transit stops and stations across Fairfax County that were eligible for a shelter, minority stops and stations were more likely to have a shelter, with 87 percent of eligible minority stops receiving a shelter and 66 percent of eligible non-minority stops receiving a shelter. Overall, 79 percent of eligible stops/stations have shelters. For eligible minority stops with shelters, 59 percent are owned by Fairfax County or WMATA and the remainder are property of the ad vendor. For eligible non-minority stops with shelters, 83 percent are owned by Fairfax County or WMATA and the remainder are property of the ad vendor.

Table 31: Shelter Availability among Connector Stops and Stations which are Eligible for a Shelter (50+ Daily Boardings)

Type of Stop/Station	Minority Stops/Stations Eligible for Shelter	Non-Minority Stops/Stations Eligible for Shelter	Total Stops/Stations Eligible for Shelter
Shelter			
Owned	46	29	75
Ad Vendor	32	6	38
Total with Shelter	**78 (87%)**	**35 (66%)**	**113 (79%)**
No Shelter			
Total with No Shelter	**12 (13%)**	**18 (34%)**	**30 (21%)**
All Eligible Total	**90**	**53**	**143**

Table 32 displays the number of benches at Connector stops that were deemed eligible for receiving a bench, based on the criteria of the stop or station having greater than 25 boardings per day. Of the 262 transit stops and stations across Fairfax County that were eligible for a bench, a larger proportion of eligible minority stops and stations have benches (68 percent) compared to eligible non-minority stops and stations (49 percent). Overall, 61 percent of eligible stops/stations have benches. Of the eligible stops and stations that have benches, the majority (64 percent) are owned by Fairfax or WMATA. Of the stops that are eligible for a bench but do not have a bench, 93 percent are owned by Fairfax or WMATA and the remaining 7 percent are owned by the ad vendor.

Table 32: Bench Availability among Connector Stops and Stations that are Eligible for a Bench (25+ Average Daily Boardings)

Type of Stop/Station	Minority Stops/Stations Eligible for Bench	Non-Minority Stops/Stations Eligible for Bench	Total Stops/Stations Eligible for Bench
Bench			
Owned	70	33	103
Ad Vendor	45	13	58
Total Bench	**115 (68%)**	**46 (49%)**	**161 (61%)**
No Bench			
Owned	47	47	94
Ad Vendor	6	1	7
Total No Bench	**53 (32%)**	**48 (51%)**	**101 (39%)**
All Eligible Total	**168**	**94**	**262**

Other bus stops with shelters or benches not included in the above tables may be eligible if located near a transit center or park and ride lot, or near a major activity center or special use (i.e., tourism) or near significant populations of seniors, people with disabilities, or students. The County regards stops and stations that are not eligible based on any of these criteria as legacy amenities. Such legacy amenities were typically constructed prior to the adoption of the bus stop guidelines. It is also possible that ridership patterns have changed over time, changing eligibility. As these legacy amenities reach the end of their useful lives, Connector staff will re-evaluate whether to replace them, according to the adopted criteria.

Trash Receptacle Analysis

Table 33 displays the trash receptacle inventory at Connector stops in Fairfax County. Of the 212 transit stops and stations which have a trash receptacle, more minority stops have a trash receptacle than non-minority stops, with 9 percent of minority stops receiving a trash receptacle and 5 percent of non-minority stops receiving a trash receptacle. Ad vendor minority and non-minority stops and stations are more likely to have trash receptacles than owned stops and stations. Overall, seven percent of stops/stations have trash receptacles.

Table 33: Trash Receptacle Availability among Connector Stops and Stations

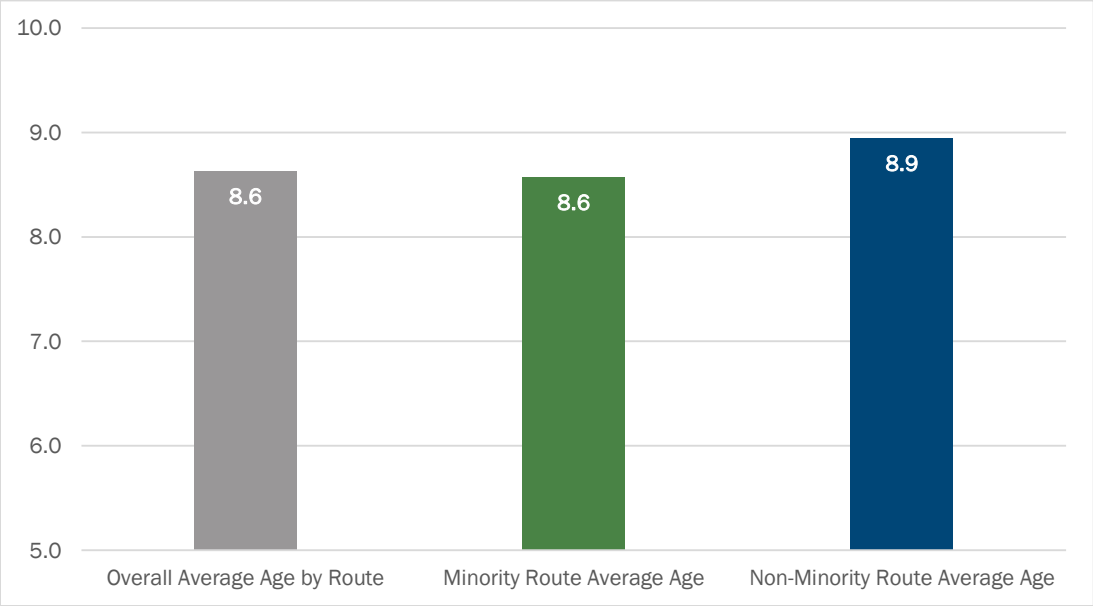
Type of Stop/Station	Minority Stops/Stations	Non-Minority Stops/Stations	Total Stops/Stations
Trash Receptacle			
Owned	36	18	54
Ad Vendor	103	55	158
Total Trash Container	**139 (9%)**	**73 (5%)**	**212 (7%)**
No Trash Receptacle			
Owned	1392	1523	2915
Ad Vendor	12	2	14
Total No Trash Container	**1,404 (91%)**	**1,525 (95%)**	**2,929 (93%)**
All Total	1543	1598	3141

3.3.6. VEHICLE ASSIGNMENT

FCDOT generally assigns Connector vehicles to routes from three operating divisions as follows: North County service area (Reston-Herndon Division), Central service area (West Ox Division), and South County service area (Huntington Division). Specific bus types and sizes from each operating division are assigned to routes based on the capacity needed for each route and road or service area geometry. For example, the Connector only uses 35-foot or smaller buses on RIBS routes in Reston. However, most routes will have several different makes, sizes, and ages of buses operating the route at any given time. This flexibility is needed due to the fact that different buses may be available on a daily basis based on maintenance schedules.

Since the introduction of FCDOT's CAD-AVL system, records are maintained on which specific buses are used on which routes for every run. An analysis of all vehicles used on all routes from February 7, 2025, to March 7, 2025, was conducted to evaluate average vehicle age (**Figure 29**). The average age of all Connector vehicles used by route during this time period was 8.6 years. The distribution of vehicles across minority and non-minority routes is even; there is little discrepancy between the age of vehicles used on minority routes and those used on non-minority routes.

Figure 29: Average Vehicle Age by Route for Trips Between February 7, 2025, to March 7, 2025



3.4. Major Service Change, Disparate Impact, and Disproportionate Burden Policies

3.4.1. INTRODUCTION TO MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES

In accordance with the requirements of FTA Circular 4702.1B, FCDOT must establish policies and thresholds for what constitutes a Major Service Change, Disparate Impact, and Disproportionate Burden for use in future service equity and fare equity analyses. According to the Circular, the County must revisit these policies every

three years and make revisions, as necessary. While a new analysis was completed to ensure these thresholds continue to meet FTA guidelines, the proposed policies and thresholds for FY 2027-2029 are unchanged.[26]

The use of these policies to evaluate proposed service and fare changes prior to implementation is designed to determine whether those changes will have a discriminatory impact based on race, color, or national origin.

A major service change is a numerical threshold that determines when changes are large enough in scale for the individual transit system to require a subsequent service equity analysis.

FTA C 4702.1B defines disparate impact and disproportionate burden as follows:

> "The transit provider shall develop a policy for measuring **disparate impacts**. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission." (FTA C 4702.1B, Chap. IV-13)

> "The transit provider shall develop a policy for measuring **disproportionate burdens** on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode." (FTA C 4702.1B, Chap. IV-17).

FTA C 4702.1B requires that if a disparate impact on minority communities is found, Fairfax County must determine ways to avoid, minimize, or mitigate the impact. Fairfax County can only implement a proposed change that results in a disparate impact, if substantial legitimate justification exists, and there are no alternatives meeting the same legitimate objectives. FCDOT is committed to adequately addressing any adverse impacts that result in a disproportionate burden to low-income communities.

3.4.2. MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES

FCDOT's current major service change, disparate impact, and disproportionate burden policies for the Connector FY 2027-2029 are as follows.

Major Service Change (MSC)

A major service change is defined as an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

FCDOT Major Service Change Policy Key Definitions:

- Daily Revenue Service Hours: The number of hours a bus operates while carrying paying passengers
- Daily Revenue Service Miles: The number of miles a bus operates while carrying paying passengers

[26] The language of the Disparate Impact and Disproportionate Burden policies have been updated to provide clearer language for comprehension and application. The thresholds and their application remain unchanged.

Disparate Impact (DI)

A disparate impact (DI) occurs under the following circumstances:

- For a proposed service increase or fare reduction, **calculate service area minority population percent minus route area minority population percent**. If the result is greater than or equal to +10 percent, then a DI has occurred.
- For a proposed service reduction or fare increase, **calculate route area minority population percent minus service area minority population percent**. If the result is greater than or equal to +10 percent, then a DI has occurred.

For coordinated service changes where multiple route adjustments are implemented together, affected routes may be evaluated collectively to understand systemwide or community-level impacts. This may include evaluating combined changes along shared route segments or within the same census block groups to assess whether the cumulative effects of the proposed changes result in a disparate impact or disproportionate burden.

Disproportionate Burden (DB)

A disproportionate burden (DB) occurs under the following circumstances:

- For a proposed service increase or fare reduction, **calculate service area low-income population percent minus route area low-income population percent**. If the result is greater than or equal to +10 percent, then a DB has occurred.
- For a proposed service reduction or fare increase, **calculate route area low-income population percent minus service area low-income population percent**. If the result is greater than or equal to +10 percent, then a DB has occurred.

For coordinated service changes where multiple route adjustments are implemented together, affected routes may be evaluated collectively to understand systemwide or community-level impacts. This may include evaluating combined changes along shared route segments or within the same census block groups to assess whether the cumulative effects of the proposed changes result in a disparate impact or disproportionate burden.

3.4.3. MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICY DEVELOPMENT

To develop the recommendations for the Major Service Change, Disparate Impact, and Disproportionate Burden policies, FCDOT reviewed the policies and thresholds established in 2020 and the methodology used in their establishment. Staff held an internal work session to review. **Section 3.5** and **Section 3.6** describe the major service changes and major fare changes, respectively, that occurred over the previous three years using the previously established policies. By reviewing the previous analyses that occurred while utilizing the policies, staff were able to evaluate how the policies were utilized and their efficacy in evaluating the equitable distribution of service changes.

Staff also employed a variety of other informational items and data, including:

- Census data analysis on the demographic and socio-economic composition of the population living within a quarter mile of a Connector route, which is the distance recommended by FTA
- Ridership survey data collected in 2025
- Policies in place at peer transit agencies in the Washington, D.C. metropolitan area and across the United States

Major Service Change Policy Development

FTA requires that agencies' Major Service Change policy address both service reductions and service increases for all fixed-route modes of service. FCDOT's current policy, which is the same as the proposed Major Service Change policy, considers the potential addition to or reduction of daily revenue service miles and hours. Revenue service hours and revenue service miles were both included in the policy due to the different types of services offered by the Connector—some Connector routes run for short periods of time over long distances, while other routes run for many hours in revenue service but operate over a smaller geographic area.

FCDOT's service equity analyses of the past three years and public input re-confirmed that the current policy of 25 percent in either revenue service reductions or increases should continue as the threshold for constituting a Major Service Change. The 25 percent threshold triggered 45 major service changes in the time period since the last Title VI update. Of these changes, 11 involved the creation of a new route, 14 involved the elimination of a route, and 20 involved other changes, including changes to route alignments, frequency, span of service, or headway.

Disparate Impact/Disproportionate Burden Policy Development

The Disparate Impact and Disproportionate Burden were evaluated by examining service equity analyses performed since the approval of the previous Title VI Program (**Section 3.5** and **Section 3.6** describe the major service changes and major fare changes, respectively, that occurred over the previous three years using the previously established policies). The minority and low-income percentages of the population living within a quarter mile of routes affected by major service changes were compared with the minority and low-income percentages of the population living within the entire Connector service area. The service equity analyses showed that a 10 percent threshold for both disparate impact and disproportionate burden would again meet the goal of FTA Circular 4702.1B, in that it is not so low as to always identify an impact, nor so high as to never identify an impact. Public input generally agreed with the proposed 10 percent threshold, although responses were mixed for the impacts found when adding service as opposed to removing service. FCDOT's policies must account for both reductions and additions to service.

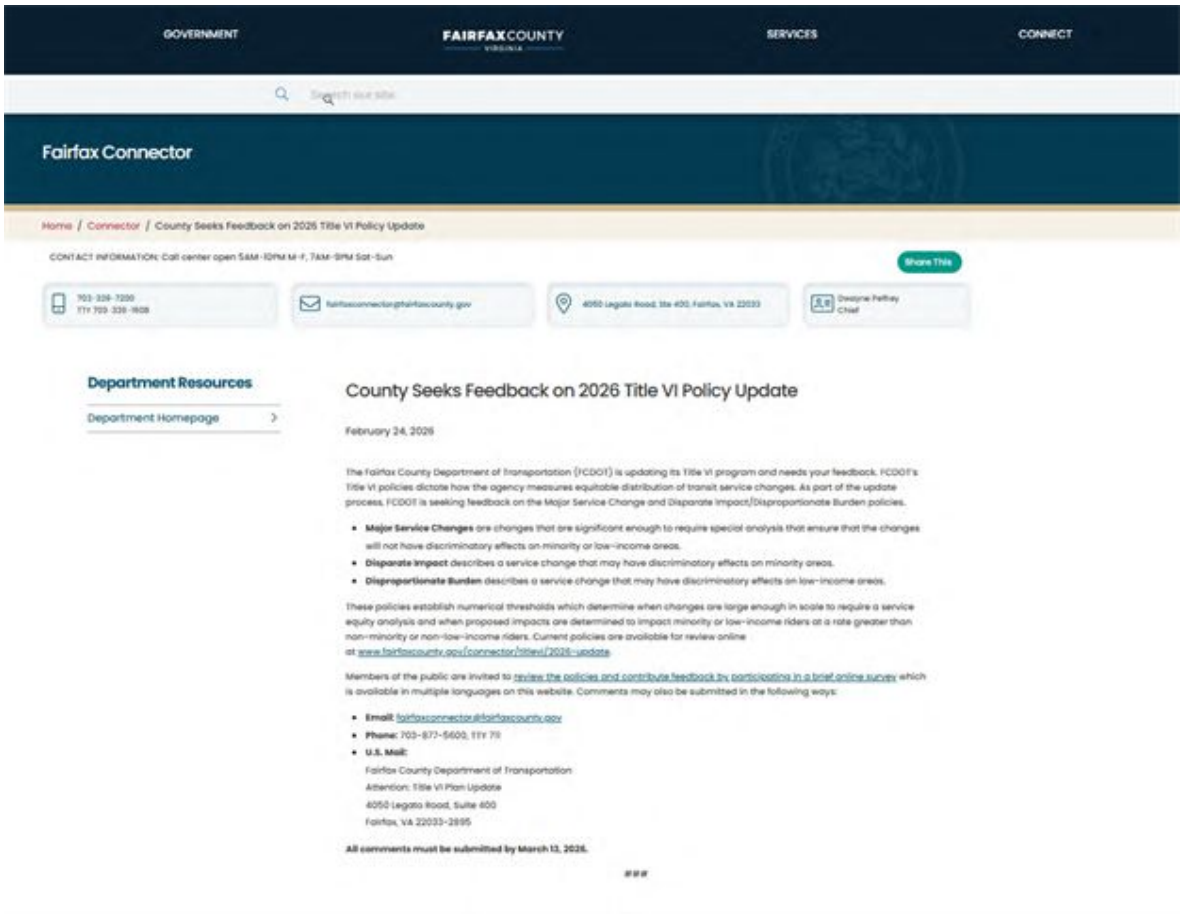
3.4.4. MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICY PUBLIC COMMENT AND STAKEHOLDER INPUT

A public comment period on the proposed Major Service Change and Disparate Impact/Disproportionate Burden policies was held from February 24 to March 16, 2026. **Figure 30** shows FCDOT's press release initiating the public comment period. Members of the public and stakeholders were offered several different options for providing comment, including:

- An online survey
- Virtual stakeholder discussions for representatives of community organizations serving minority and low-income populations
- A webpage featuring both the proposed written policies as well as a recorded presentation video explaining the Major Service Change and Disparate Impact/Disproportionate Burden policies.

The online presentation, also used for the stakeholder discussion presentations, can be found in **Appendix C**: Presentation of Major Service Change, Disparate Impact, and Disproportionate Burden Proposed Policies. Detailed responses collected by FCDOT during the public comment period are contained in **Appendix D**: Major Service Change, Disparate Impact, and Disproportionate Burden Policies – Public Comments Received.

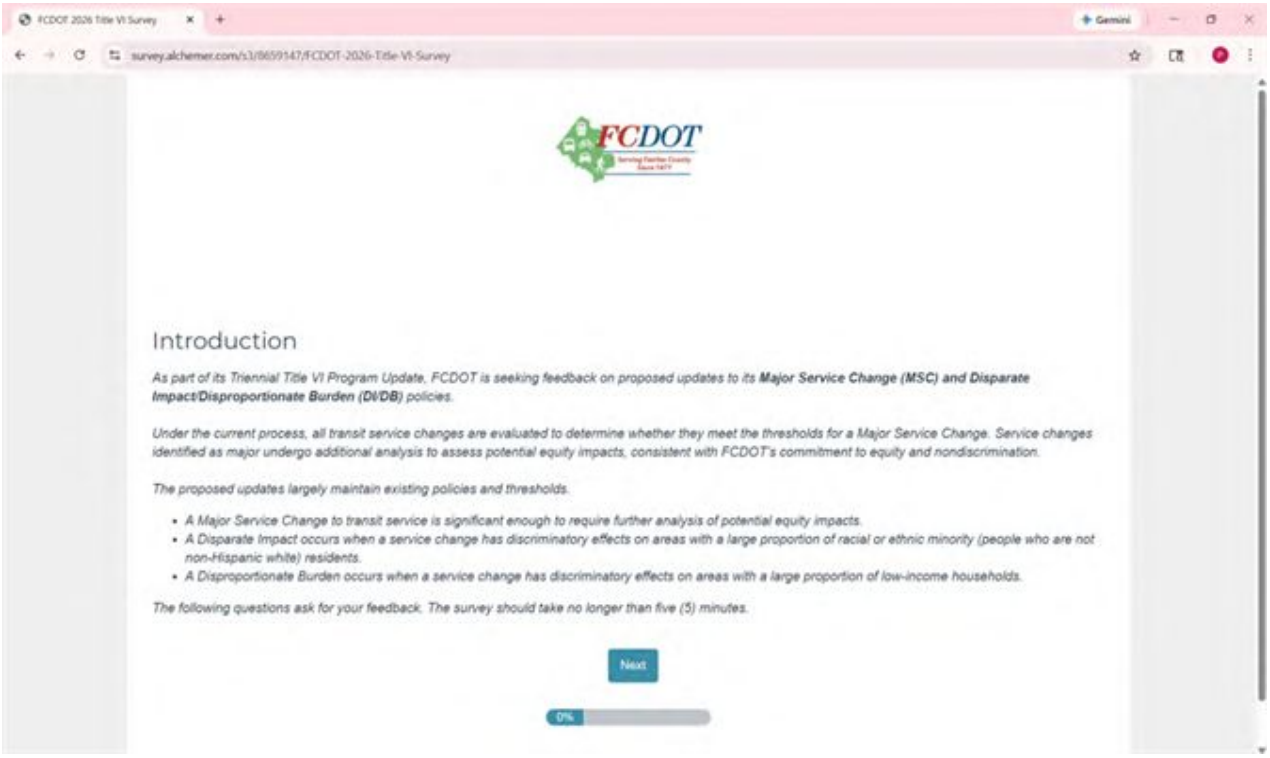
Figure 30: February 24, 2026, Press Release



Online Survey

To solicit feedback on the proposed policies, FCDOT offered an online survey in nine different languages: English, Spanish, Korean, Amharic, Arabic, Cantonese, Simplified Chinese, Urdu, and Vietnamese. The survey questions were identical across all languages. The survey described FCDOT's current Major Service Change and Disparate Impact/Disproportionate Burden policies and asked respondents to provide feedback through multiple-choice and open-ended questions. The survey also described FCDOT's methodology for evaluating impacts of multiple coordinated service changes and invited additional input through open-ended responses. **Figure 31** is a screenshot of the first page of the survey. The survey questions are included in **Appendix E**: FCDOT Title VI Online Survey Results Overview.

Figure 31: Screenshot of First Page of FCDOT Title VI Policy Survey



SUMMARY OF SURVEY RESULTS

FCDOT received 25 responses to the online survey. Overall, respondents were generally supportive of the County's Major Service Change policy. Seventy-one percent agreed with the existing 25 percent threshold for changes to revenue hours and the 25 percent threshold for changes to revenue miles.[27] Comments on the Major Service Change were mixed, but most did not suggest changes to the core methodology. One respondent suggested that any change in hours of operation greater than 15 minutes should be treated as a major service change.

Survey responses regarding FCDOT's ten percent thresholds for Disparate Impacts and Disproportionate Burdens were more mixed. Respondents were asked to comment on the current policy for both service reductions and service additions, based on the distribution of minority and low-income populations in Fairfax County. Comments included suggestions to increase the Disparate Impact threshold to 25 percent, clarify the definition of minority populations to explicitly include people from El Salvador, Mexico, Guatemala, and Honduras, and expand the definition of populations served by a route to include riders making transfers to that route.

Respondents generally agreed with the policy for coordinated service changes. However, several comments recommended that Fairfax Connector provide greater transparency on population data associated with proposed service changes, more fully consider other transportation options available in the area, and strengthen mitigation measures to better reflect community needs.

Additional comments emphasized the importance of balancing equity with service effectiveness. One respondent stated that service should be distributed equitably but that additions in non-low-income or non-

[27] A large share of incomplete/partial/blank responses were received for these questions. However, percentage of blank responses is not considered in this analysis. Percentages accounting for blank responses are included in Appendix E

minority areas should not necessarily be limited, particularly where routes serve high-density or high-need areas. Another respondent recommended closer coordination between service planning and land use planning, noting the importance of expanding access to high-opportunity neighborhoods. Detailed survey results are provided in **Appendix E**: FCDOT Title VI Online Survey Results Overview.

Stakeholder Discussions

FCDOT conducted two virtual stakeholder discussions with community-based organizations to gather feedback directly from stakeholders representing minority, low-income, and limited English proficient populations. Approximately 90 organizations were invited to participate and representatives from 12 organizations attended the meetings. **Table 34** summarizes the meeting logistics and participating organizations.

Each discussion included a 45-60 minute presentation describing FCDOT's Title VI Program update process and reviewing the Major Service Change, Disparate Impact, and Disproportionate Burden policies, including how they would be applied in practice. The moderator paused at key points throughout the presentation to invite discussion and comments, and the remaining portion of each 90-minute session was dedicated to questions, feedback, and open discussion.

Table 34: Stakeholder Discussions – Logistics and Attendees

Date and Time	Location	Attendees
Wednesday, March 11, 2026 11:30 AM - 1:00 PM	Microsoft Teams Web Conference	Seven attendees: ■ Soraya Borja, Vice President of Community-Based Services at Second Story ■ Rob Rutland-Brown, Executive Director at Lorton Community Action Center ■ Anna Ricklin, Health in All Policies Manager at Fairfax County Health Department ■ Norma Lopez, Division Director at Human Services Mobility Management ■ Krystle Trammell, Family Partnership Specialist at Fairfax County Public Schools ■ Harmonie Taddeo, Executive Director at Western Fairfax Christian Ministries ■ Carolyn Amacher, Executive Director at Herndon-Reston FISH, Inc
Thursday, March 12, 2026 2:00 PM - 3:30 PM	Microsoft Teams Web Conference	Five attendees: ■ Eduardo Mantilla-Torres, Outreach and Enrollment Manager at Neighborhood Health ■ Maria Isabel Ballivian, Executive Director at ACCA Child Development Center ■ Megan Hansen, Senior Program Director at Shelter House, Inc ■ Rosemary Kendall, Neighbor School Readiness Team Facilitator at Office for Children, Fairfax County Dept. Family Services ■ Brenda Richardson, Executive Director at ServiceSource

SUMMARY OF STAKEHOLDER DISCUSSIONS

This section summarizes feedback received during the stakeholder discussion meetings. Complete responses from the stakeholder discussions are provided in **Appendix D**: Major Service Change, Disparate Impact, and Disproportionate Burden Policies – Public Comments Received.

Through the presentations and discussions, participants gained a clearer understanding of how FCDOT developed the Major Service Change, Disparate Impact, and Disproportionate Burden policies and how those policies would be applied. Participants asked clarifying questions and shared perspectives on the recommended thresholds associated with each policy. Overall, participants were generally supportive of the proposed thresholds, although one participant suggested using a tiered approach to reflect varying levels of impact rather than relying on a single binary threshold for determining a major service change. Participants also expressed interest in updating the definition of minority populations to include Middle Eastern and North African communities when corresponding data become available.

Additional feedback focused on public engagement and broader service considerations. Participants recommended that FCDOT continue to partner with community-based organizations and hold in-person meetings to gather feedback on the impacts of major service changes. They also emphasized the importance of informing the public about service changes even when those changes do not meet the formal Major Service Change threshold. Broader comments addressed Fairfax Connector service issues and included discussion of onboard and bus stop safety, as well as suggestions for improving coordination of community meetings.

Public Comments Received via Email or US Postal Service

FCDOT received comments electronically via the online survey but did not receive any comments via email. FCDOT did not receive any comments via the US Postal Service.

Overall Responses Received

FCDOT developed an outreach strategy that included a web page with a pre-recorded presentation detailing the proposed policies, an online survey, and stakeholder discussions. The public was guided to the website through an intensive social media outreach strategy that utilized multiple platforms.

For the 2020 and 2023 Title VI Program updates, four individuals participated in the stakeholder discussions. In contrast, 12 individuals participated in the stakeholder discussions. FCDOT received 25 online survey responses for this update, compared with 111 responses in 2020 and 55 responses in 2023. Going forward, FCDOT will continue to explore strategies to improve the effectiveness of its outreach efforts.

3.5. Major Service Changes Implemented from FY 2023 to FY 2026

3.5.1. RELEVANT FAIRFAX COUNTY TITLE VI PROGRAM ELEMENTS

A service equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are those contained in the County's previous Title VI Program, as approved by the Board of Supervisors in July 2023. The Board of Supervisors also approved the Disparate Impact (DI) and Disproportionate Burden (DB) definitions.

Under the previous Title VI Program:

- A **major service change** is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.
- A **disparate impact** occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.
- A **disproportionate burden** occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.

These policies were in effect when the equity analyses for the past three years were conducted.

3.5.2. SUMMARY OF MAJOR SERVICE CHANGES

The service changes proposed for implementation since the approval of Fairfax County's previous Title VI program in 2023 were reviewed as mandated in FTA Circular 4702.1B. Forty-five routes experienced a major service change in this time period. Of these changes, 11 involved the creation of a new route, 14 involved the elimination of a route, and 20 involved other changes, including changes to route alignments, frequency, span of service, or headway. These major service changes are described in **Table 35.**

Table 35: List of Major Service Changes, January 2024 to April 2025

Date of Change	Route	Proposed Service Change(s)	Percent Change in Revenue Hours	Percent Change in Revenue Miles
Jun 2024	310	Frequency and span of service adjustments. New service to the multi-modal facility on Old Keene Mill Road. Weekday span reduced by 14 minutes. Saturday span reduced by 12 minutes and frequency adjusted from 40-50 minutes to 30 minutes. Sunday span increased by 35 minutes and frequency adjusted to 60 minutes.	-1.9% (Saturday) -27.0% (Sunday)	28.4% (Saturday) -10.2% (Sunday)
Jun 2024	423	Alignment and level of service adjustments.	-28.7%	-6.7%
Jun 2024	424	Elimination of route.	-100.0%	-100.0%
Jun 2024	427	New Route 427 operating between North Tysons and Spring Hill Metrorail Station.	100.0%	100%
Jun 2024	432	Alignment and level of service adjustments.	120.5%	78.3%
Jun 2024	463	Alignment and level of service adjustment.	62.8% (Saturday)	62.9% (Saturday)
Jun 2024	466	Elimination of route.	-100.0%	-100.0%
Jun 2024	621	Elimination of route.	-100.0%	-100.0%
Jun 2024	622	Alignment and level of service adjustments.	-6.7% (Weekday) 100.0% (Saturday) 100.0% (Sunday)	-44.3% (Weekday) 100% (Saturday) 100.0% (Sunday)
Jun 2024	623	Elimination of route.	-100.0%	-100.0%
Jun 2024	624	Elimination of route.	-100.0%	-100.0%

Date of Change	Route	Proposed Service Change(s)	Percent Change in Revenue Hours	Percent Change in Revenue Miles
Jun 2024	625	New Route 625 operating between Random Hills and Pender Drive.	100.0%	100.0%
Jun 2024	630	Alignment and level of service adjustments.	159.0%	134.7%
Jun 2024	631	Elimination of route.	-100.0%	-100.0%
Jun 2024	632	Elimination of route.	-100.0%	-100.0%
Jun 2024	634	Elimination of route.	-100.0%	-100.0%
Jun 2024	640	Elimination of route.	-100.0%	-100.0%
Jun 2024	641	Elimination of route.	-100.0%	-100.0%
Jun 2024	642	Realignments and level of service adjustments.	100.0% (Saturday) 100.0% (Sunday)	100.0% (Saturday) 100.0% (Sunday)
Jun 2024	650	Elimination of route.	-100.0%	-100.0%
Jun 2024	651	Alignment and level of service adjustments.	94.9% (Weekday) 100.0% (Saturday) 100.0% (Sunday)	111.8% (Weekday) 100.0% (Saturday) 100.0% (Sunday)
Jun 2024	652	Elimination of route.	-100.0%	-100.0%
Jun 2024	662	New Route 662 operating between Centreville Stone Road Park-and-Ride Lot and Vienna Metrorail Station.	100.0%	100%
Jun 2024	663	New Route 663 operating between Stringfellow, Monument, and Vienna Metrorail Station.	100.0%	100.0%
Jun 2024	671	New Route 671 operating between Chantilly and Dunn Loring Metrorail Station.	100.0%	100.0%
Jun 2024	672	New Route 672 operating between Chantilly, Vienna Metrorail Station, and Dunn Loring Metrorail Station.	100.0%	100.0%
Jun 2024	698	Alignment and level of service adjustments.	106.5%	156.2%
Jun 2024	724	Elimination of route.	-100.0%	-100.0%
Sep 2024	798	New Route 798 operating between Tysons and Bethesda.	100.0%	100.0%
Sep 2024	371	Routes 371, 372, and 373 merged into a realigned Route 371, operating between Lorton and the Franconia- Springfield Metrorail Station.	210.0%	244.0%
Sep 2024	372	See above	-100.0%	-100.0%
Sep 2024	373	See above	100.0%	-100.0%
Sep 2024	494	Alignment, frequency, span of service adjustments. Route shortened on northern and southern ends. Frequency between Franconia and Tysons adjusted from 25 minutes to 15 minutes.	-1.0%	27.0%
Sep 2024	558	Route 558 split to create new Route 559, operating between Wiehle Reston East Metro and Reston Town Center Transit Station. Route 558 will operate between Center Harbor and the Wiehle Metrorail Station.	-57.0%	-43.0%
Sep 2024	559	See above	100.0%	100.0%
Sep 2024	598	New route operating between Reston South Park-and-Ride Lot, the Pentagon, and Crystal City.	100.0%	100.0%
Jan 2025	351	Alignment and span of service adjustments due to gate closures on Metro Access Drive. Routes shifted to Metropolitan Center Drive, Loisdale Road, and Spring Mall Drive. Morning span for	-3.9%	43.4%

Date of Change	Route	Proposed Service Change(s)	Percent Change in Revenue Hours	Percent Change in Revenue Miles
		Route 351 adjusted by six minutes and afternoon span adjusted by 17 minutes. Frequencies of 20-25 minutes during rush hour. Afternoon span for Route 352 adjusted by three minutes. Frequencies of 20-25 minutes during non-rush hour.		
Jan 2025	352	See above	0.9%	44.0%
Jan 2025	610	New Route 610 operating between George Mason University (GMU), and Centreville along Highway 29, stopping at the Fairfax County Government Center.	100.0%	100.0%
Jan 2025	670	New route operating between Chantilly and the Franconia Metrorail Station stopping at the Monument Commuter Parking Garage and Vienna Metrorail Station.	100.0%	100.0%
Jan 2025	921	Frequency and span of service adjustments. Mid-day frequency adjusted to 30-40 minutes. Weekday span adjusted by three minutes and weekend span adjusted by five minutes in the morning and eight minutes in the afternoon.	-0.4%	15.1%
May 2025	352	Frequency and span of service adjustments. Span adjusted by 12 minutes. Off-peak frequency adjusted from 20 to 25 minutes.	-35.2%	-35.7%
May 2025	599	Elimination of route.	-100.0%	-100.0%
May 2025	642	Frequency adjustment. Weekday peak frequency adjusted from 30 minutes to 60-75 minutes.	-27.9%	-31.8%
May 2025	652	New route operating between Chantilly and Stringfellow Park-And-Ride Lot.	100.0%	100.0%

3.5.3. SUMMARY OF ANALYSIS RESULTS

From among the major service changes listed in **Table 35**, changes meeting the threshold of adverse effect were analyzed for disparate impact or disproportionate burden. **Table 36** and **Table 37** list the findings of disparate impact and disproportionate burden analyses, respectively, for the remainder of service changes using the 10 percent threshold that the Board of Supervisors set in the County's 2023 Title VI Program.

All routes with major service changes implemented in June 2024 were classified as potential adverse effect. Disparate impact and disproportionate burden analyses were conducted at the census block group level. Any block group within one-quarter mile of a stop meeting the adverse effect criteria, including added or removed service, frequency change, or span of service change was evaluated for a disparate impact or disproportionate burden by comparing the block group's percentages of minority population and low-income households to the Fairfax County percentages.[28] None of the major service changes constituted a disparate impact or disproportionate burden based on the block group analysis.

All major service changes implemented in September 2024 met the adverse effect threshold and were therefore evaluated for disparate impact or disproportionate burden. The service equity analysis determined that the proposed elimination of Routes 372 and 373 and the addition of new Route 559 would result in a disparate impact. Consistent with the Title VI Circular, a substantial legitimate justification was identified for both the route eliminations and the service addition. Routes 372 and 373 are replaced by Route 371, which provides all-day service, representing a higher level of service than the current peak period service on Route 372 and 373. The disparate impact for Route 559 is associated with the addition of service and reflects that Route 559 maintains service to the segment removed from current Route 558 at the same level of service.

[28] Data from the 2017-2021 American Community Survey 5-year estimates.

Of the major service changes implemented in January 2025, Routes 610, 670, and 921 met the adverse effect threshold and were subject to evaluation for disparate impact or disproportionate burden. The service equity analysis determined that none of these implemented changes constitutes a disparate impact or disproportionate burden.

Of the major service changes implemented in May 2025, Routes 599, 642, and 652 met the adverse effect threshold and were subject to evaluation for disparate impact or disproportionate burden. The service equity analysis determined that none of these implemented changes constitutes a disparate impact or disproportionate burden.

Table 36: Summary of FCDOT Service Equity Analyses: Disparate Impact

Date of Service Change	Routes Affected	Add/Reduce Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent (A)	Service Area Minority Population Percent (B)	Difference (A-B or B-A)	Threshold	Threshold Exceeded?
September 2024	371	Add	24,002	16,083	67.0%	50.7%	-16.3%	10%	No
September 2024	372	Replace	18,201	12,129	70.5%	50.7%	19.8%	10%	Yes
September 2024	373	Replace	21,485	13,985	65.1%	50.7%	14.4%	10%	Yes
September 2024	494	Add	22,623	13,123	58.0%	50.7%	-7.3%	10%	No
September 2024	558	Reduce	16,402	6,135	37.4%	50.7%	-13.3%	10%	No
September 2024	559	Add	9,180	3,335	36.3%	50.7%	14.4%	10%	Yes
September 2024	598	Add	279,441	138,898	49.7%	50.7%	1.0%	10%	No
January 2025	610	Add	42,223	25,201	59.7%	50.7%	-9%	10%	No
January 2025	670	Add	278,342	141,164	50.7%	50.7%	0.0%	10%	No
January 2025	921	Add	16,187	11,177	69.1%	50.7%	-18.4%	10%	No
May 2025	599	Eliminate	218,797	105,840	48.4%	50.7%	-2.3%	10%	No
May 2025	642	Reduce	19,929	11,922	59.8%	50.7%	9.1%	10%	No
May 2025	652	Add	14,801	8,627	58.3%	50.7%	-7.6%	10%	No

Table 37: Summary of FCDOT Service Equity Analyses: Disproportionate Burden

Date of Service Change	Routes Affected	Add/Reduce Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent (A)	Service Area Low-Income Households Percent (B)	Difference (A-B)	Threshold	Threshold Exceeded?
September 2024	371	Add	8.188	1,897	23.2%	19.4%	-3.8%	10%	No
September 2024	372	Replace	5,715	1,331	23.3%	19.4%	3.9%	10%	No
September 2024	373	Replace	7,492	1,769	23.6%	19.4%	4.2%	10%	No
September 2024	494	Add	9,633	2,089	21.7%	19.4%	-2.3%	10%	No
September 2024	558	Reduce	8,080	1,583	19.6%	19.4%	0.2%	10%	No
September 2024	559	Add	4,734	898	19.0%	19.4%	0.4%	10%	No
September 2024	598	Add	104,571	19.532	18.7%	19.4%	0.7%	10%	No
January 2025	610	Add	15,411	3701	24.0%	19.4%	-4.6%	10%	No
January 2025	670	Add	102,890	18,992	18.5%	19.4%	0.9%	10%	No
January 2025	921	Add	5,448	1,272	23.3%	19.4%	-3.9%	10%	No
May 2025	599	Eliminate	82,588	15,973	19.3%	19.4%	-0.1%	10%	No
May 2025	642	Reduce	6,871	1,886	27.5%	19.4%	8.0%	10%	No
May 2025	652	Add	4,941	824	16.7%	19.4%	2.7%	10%	No

3.5.4. CONCLUSION

Based on these results, FCDOT will retain the existing disparate impact and disproportionate burden policies, including the current thresholds and their application in practice. No substantive policy changes are proposed. To improve clarity and support consistent application, FCDOT will add the following language:

"For coordinated service changes where multiple route adjustments are implemented together, affected routes may be evaluated collectively to understand systemwide or community-level impacts. This may include evaluating combined changes along shared route segments or within the same census block groups to assess whether the cumulative effects of the proposed changes result in a disparate impact or disproportionate burden."

3.6. Major Fare Changes Implemented from FY 2023 to FY 2026

3.6.1. RELEVANT FAIRFAX COUNTY TITLE VI PROGRAM ELEMENTS

A fare equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are those contained in the County's previous Title VI Program, as approved by the Board of Supervisors on July 25, 2023. The Disparate Impact and Disproportionate Burden definitions were approved by Board of Supervisors on July 11, 2023.

Under the previous Title VI Program:

- A **disparate impact** occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.
- A **disproportionate burden** occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.

These policies were in place when the equity analyses over the last three years were completed.

3.6.2. SUMMARY OF MAJOR FARE CHANGES

The fare changes proposed for implementation since the approval of Fairfax County's previous Title VI program in 2023 were reviewed as mandated in the FTA Circular 4702.1B. Two fare changes occurred during this period. The first expanded fare free service for all Connector routes to all children ages 12 and younger when accompanied by a paying adult, without a limit on the number of children. The Connector administers existing fare reduction programs such as the free student bus, the reduced fare program for seniors and passengers with disabilities, and free transfers to and from the Washington Metropolitan Area Transit Authority (WMATA) bus and rail. Leading up to this fare change, up to two children age four and younger were able to ride for free when accompanied by an adult paying full fare, while children five and older paid the full fare. To reduce the barriers to transit for minorities and low-income households, the Board directed staff to submit a proposed amendment to the Connector fare policy to continue existing free fare programs while expanding the free fare program to children 12 and younger, accompanied by a paying adult.

The second fare change was a fare increase of 12.5 percent, from $2.00 to $2.25 for local buses and from $4.25 to $4.80 for express bus service, across the Connector system. For seniors, the local bus fare would increase from $1.00 to $1.10, and express bus fares would increase from $2.20 to $2.40. For the Connector circulator services (Routes 350, 423, and 427), fares would increase from 50 cents to 55 cents. For the Connector circulator routes that were currently fare free, the fare would not change. This change was implemented to match WMATA's regional fare increases, in keeping with the Board's past policy of matching regional fare changes. The major proposed fare changes are summarized in **Table 38**.

Table 38: Major Proposed Fare Changes, April 2023

Fare Product	Fare Change
Bus fares for children ages 5-12	Eliminate cost from $2.00 to free
Bus fares on all Connector routes	Increase fares by 12.5 percent - Local buses: $2.00 to $2:25 - Express buses: $4.25 to $4.80 - Circulator routes: $0.50 to $0.55 - Free Circulator routes: Remain fare free

3.6.3. SUMMARY OF ANALYSIS RESULTS

FCDOT staff conducted a Title VI Fare Equity Analysis, as required by the FTA Circular 4702.1B. The analysis found that the proposed fare policy changes would not result in a disparate impact on minority riders or a disproportionate burden on low-income households. Eliminating fares for children ages 5-12 would improve affordability for Connector riders and the communities served. The Connector recognizes that the fare increases can exacerbate existing inequities and restrict access to vital opportunities for County residents, including employment and education. To mitigate potential burdens on low-income riders, the County offers programs and services that provide free and reduced fares. The analysis further emphasized the importance of identifying and enrolling eligible riders in available reduced-fare programs, including the Transit Ridership Incentive Program (TRIP), Seniors and People with Disabilities, and the Student Bus Pass Program.

3.6.4. CONCLUSION

Based on these results, FCDOT will retain existing language of the disparate impact and disproportionate burden policies including the current thresholds and their application in practice. No substantive policy changes are proposed. To improve clarity and support consistent application, FCDOT will add the following language:

“For coordinated service changes where multiple route adjustments are implemented together, affected routes may be evaluated collectively to understand systemwide or community-level impacts. This may include evaluating combined changes along shared route segments or within the same census block groups to assess whether the cumulative effects of the proposed changes result in a disparate impact or disproportionate burden.”

4. APPENDICES

Appendix A: Fairfax County Title VI Accomplishments Questionnaire

Fairfax County Title VI Accomplishments Questionnaire

Prepared by:

Fairfax County Department of Transportation

Transit Services Division & Coordination and Funding Division

Fairfax County's Title VI (Civil Rights) Program will be adopted by the Board of Supervisors and submitted to the FTA in August 2026. As part of the County's Title VI Program, the Fairfax County Department of Transportation has committed to update its Language Access Plan, as well as monitor related activities that may have occurred. To create this update, Transit Services Division and Coordination and Funding Division staff collects data from FCDOT through the questionnaire below.

Title VI of the Civil Rights Act of 1964 states, "No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Each division is asked to identify **accomplishments, issues, and any corrective actions** that have occurred during the past year. If a question does not apply to your section or work, *there is no need to respond*.

Please return completed questionnaires to **Kyle Davis** (Kyle.Davis@fairfaxcounty.gov) in the Transit Services Division and copy **Sara Allred** (Sara.Allred@fairfaxcounty.gov) in the Coordination and Funding Division by **January 30, 2026.**

Public Outreach/Communications

1. Public hearings and meetings:
    a. How many public hearings or meetings were held in 2023-2025? Please list the dates and times, locations, and purpose of the meetings (or attach documentation).
    b. Describe efforts to ensure broad citizen participation in the hearings and meetings, particularly by minorities and women. Describe how effective these efforts were and how minorities and women participated in the public hearings and meetings.
    c. Describe special language services provided. Note the professional language service provided including the name of the service, date provided, and the number of persons served, and any other relevant information during public hearing or meetings held.
    d. Were Fairfax County Title VI policy statements available for use in these public meetings and hearings?

2. Please list any promotional materials created in 2023-2025, including news releases, advertising, brochures, flyers on buses, etc.

3. What have proven to be the most effective ways to connect with current system users and to reach specific Title VI segments (such as minority, non-English speakers, and low-income) of the community within Fairfax County and the general public at large?

4. Describe coordination activities with other organizations such as social service agencies and schools to further the County's Title VI program.

Planning

1. Describe any research, studies, or surveys conducted during the past year that collected data on minority persons, low-income neighborhoods, income levels, physical environments, and travel habits. Please attach or include links.

2. Describe any strategies or actions taken to promote Title VI compliance with regard to planning activities, including monitoring and review processes, and their outcomes and status.

Problem Areas/Issues

1. Over the past 12 months, describe any significant Title VI issues that have arisen, actions taken, and issues that still need to be addressed.

2. Provide a summary of any Title VI concerns and/or issues, if any, raised by representatives of minority communities during the past year.

3. How were you notified of those concerns/issues?

4. Were there any Title VI concerns or issues raised at public hearings?

5. Were any Title VI concerns or issues raised in relation to relocation assistance and/or payments?

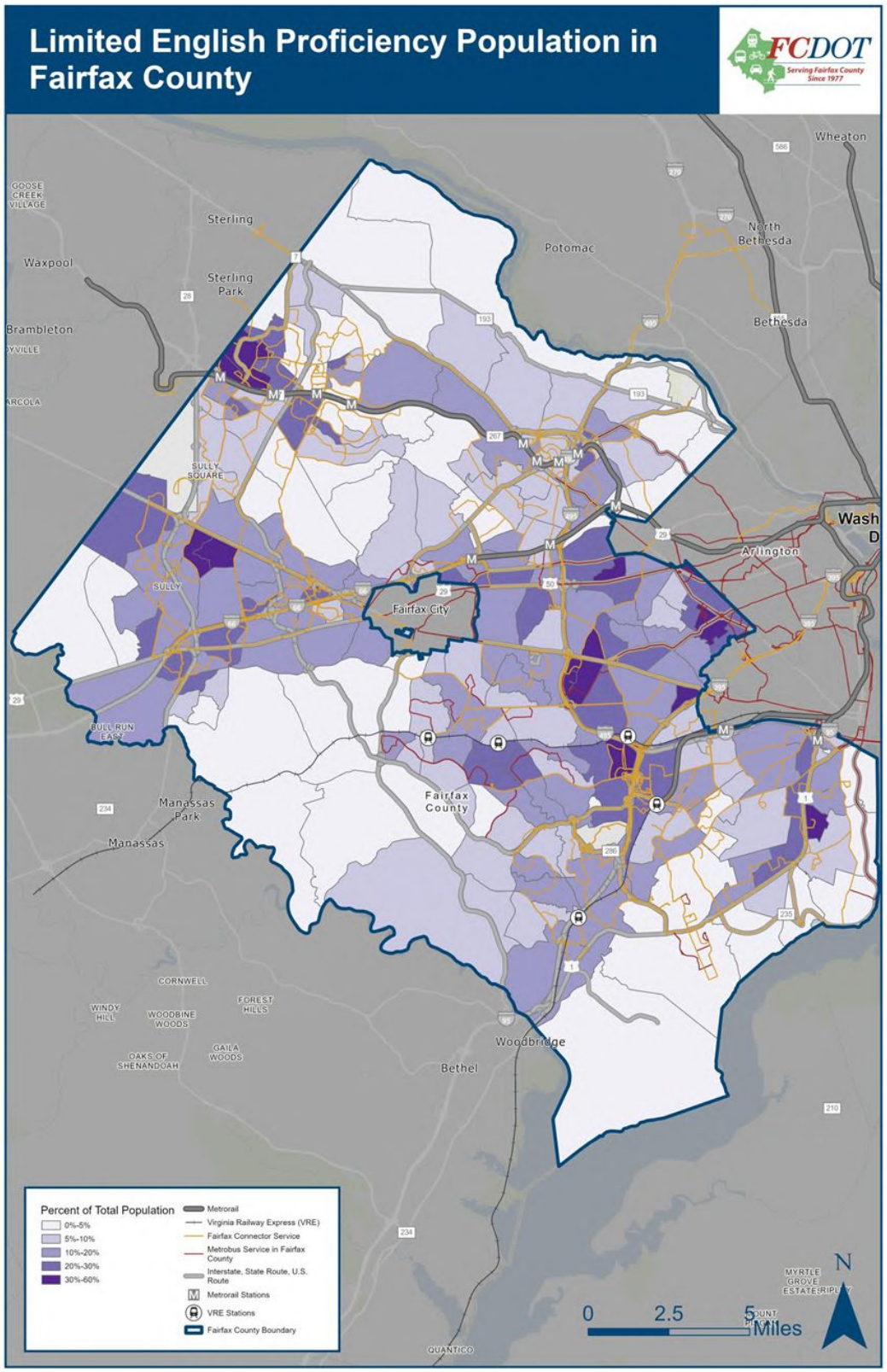
Corrective Actions

1. Were any corrective actions initiated in the past year as a result of Title VI issues? If yes, please explain.

2. Describe actions taken by the division to facilitate and/or address any Title VI concerns (or potential concerns).

Appendix B: Maps of LEP Populations in Fairfax County by Language[29]

Figure 32: Percent of Total Population in Fairfax County that speak English "Less than Very Well"



[29] U.S. Census Bureau, American Community Survey, 2019-2023, five-year estimates, Table C16001: Language Spoken at Home by Ability to Speak English for the Population 5 years and over. Table C16001 was used to provide the most recent data at the census tract level.

Figure 33: Spanish Speakers in Fairfax County that Speak English "Less than Very Well"

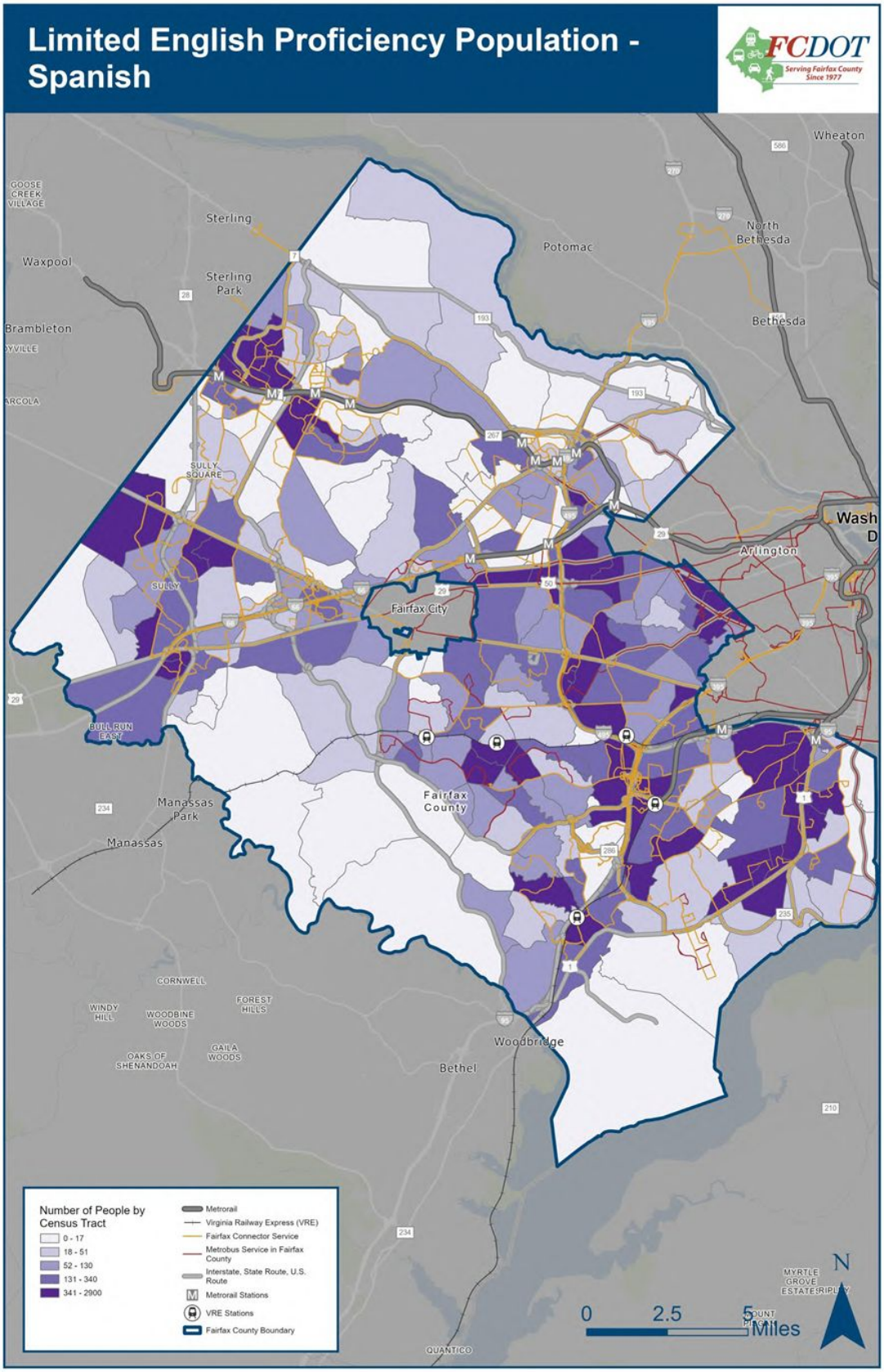


Figure 34: Korean Speakers in Fairfax County that Speak English "Less than Very Well"

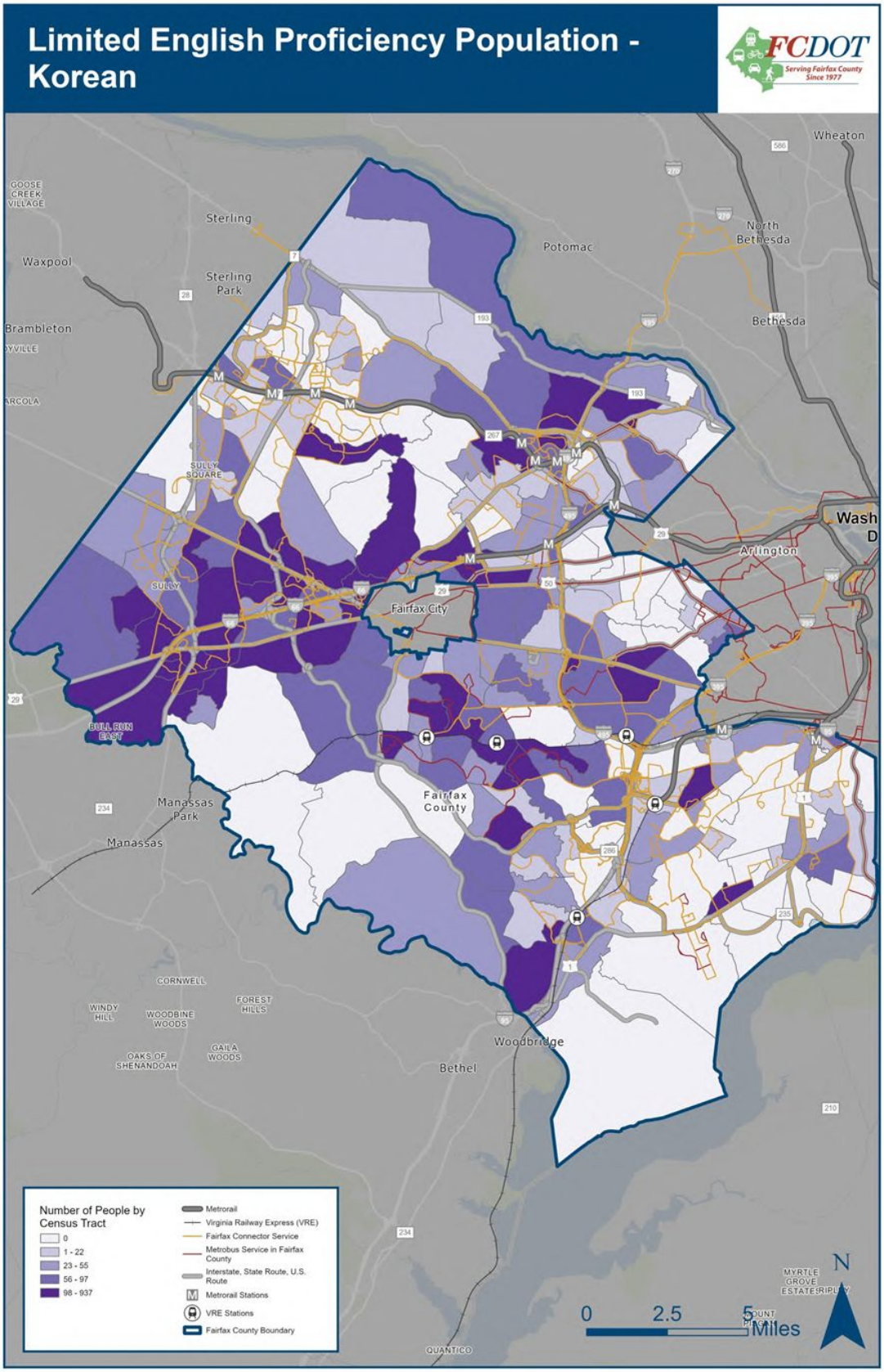


Figure 35: Vietnamese Speakers in Fairfax County that Speak English "Less than Very Well"

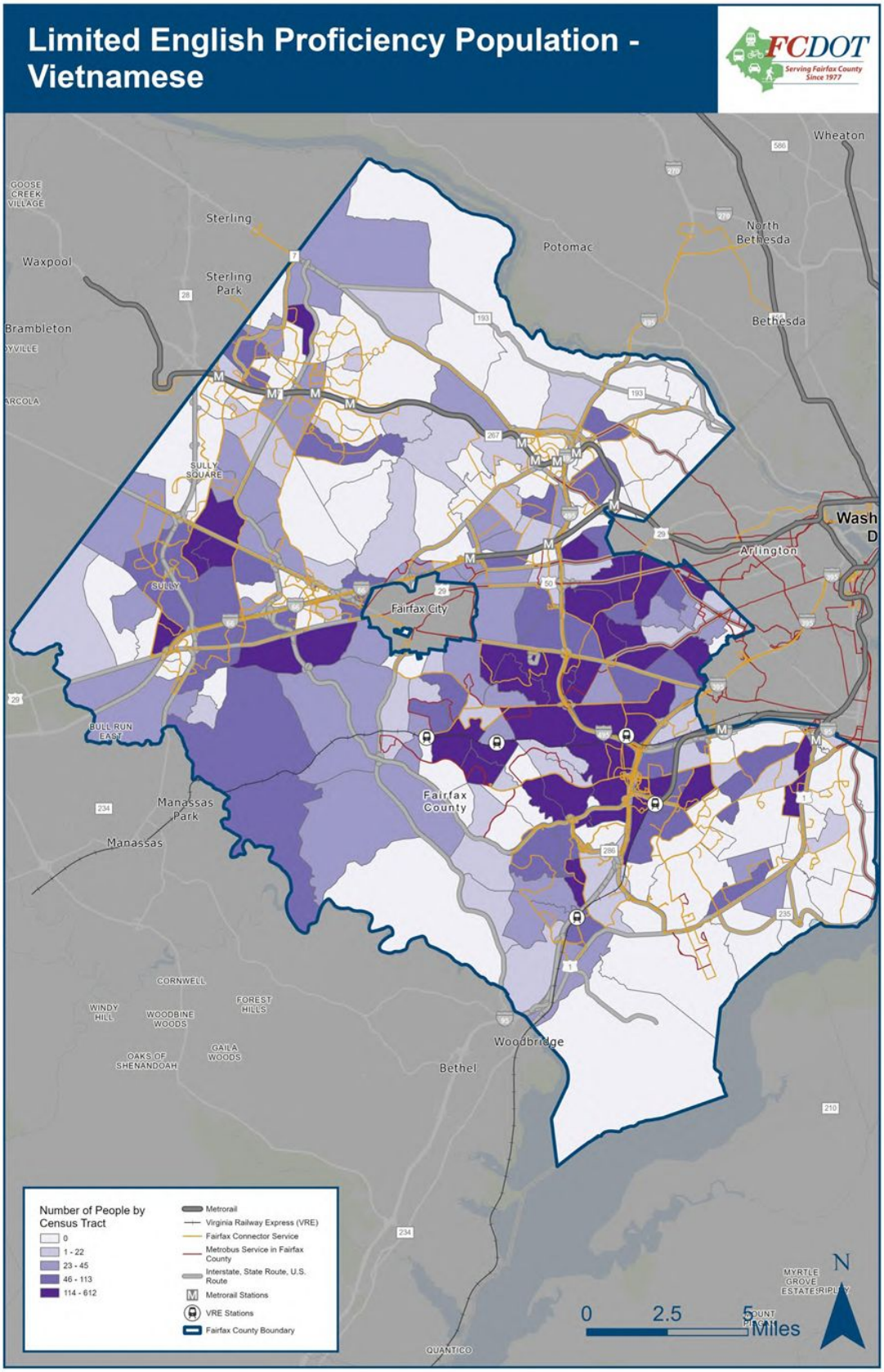


Figure 36: Chinese Speakers in Fairfax County that Speak English "Less than Very Well"

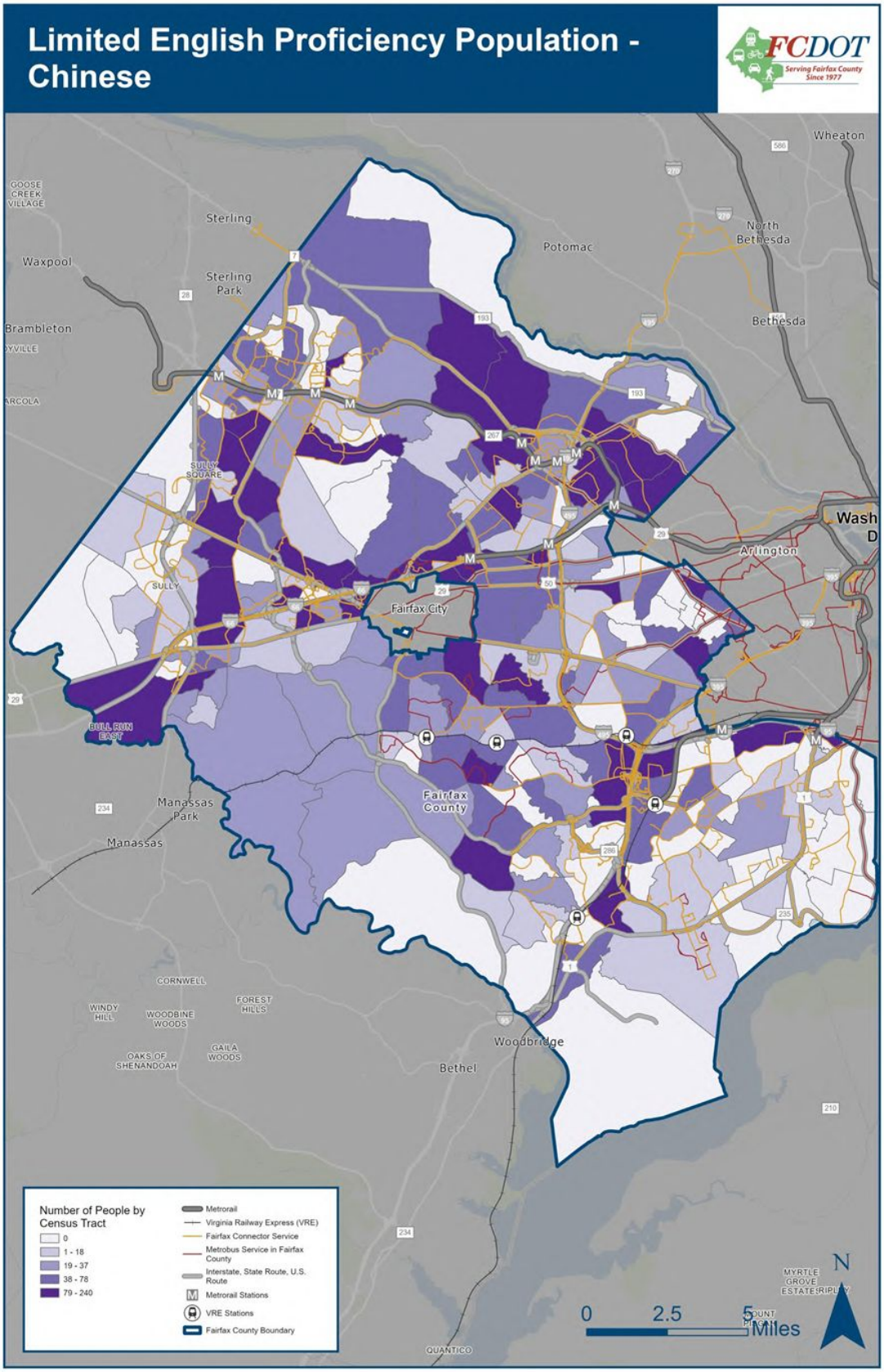


Figure 37: Arabic Speakers in Fairfax County that Speak English "Less than Very Well"

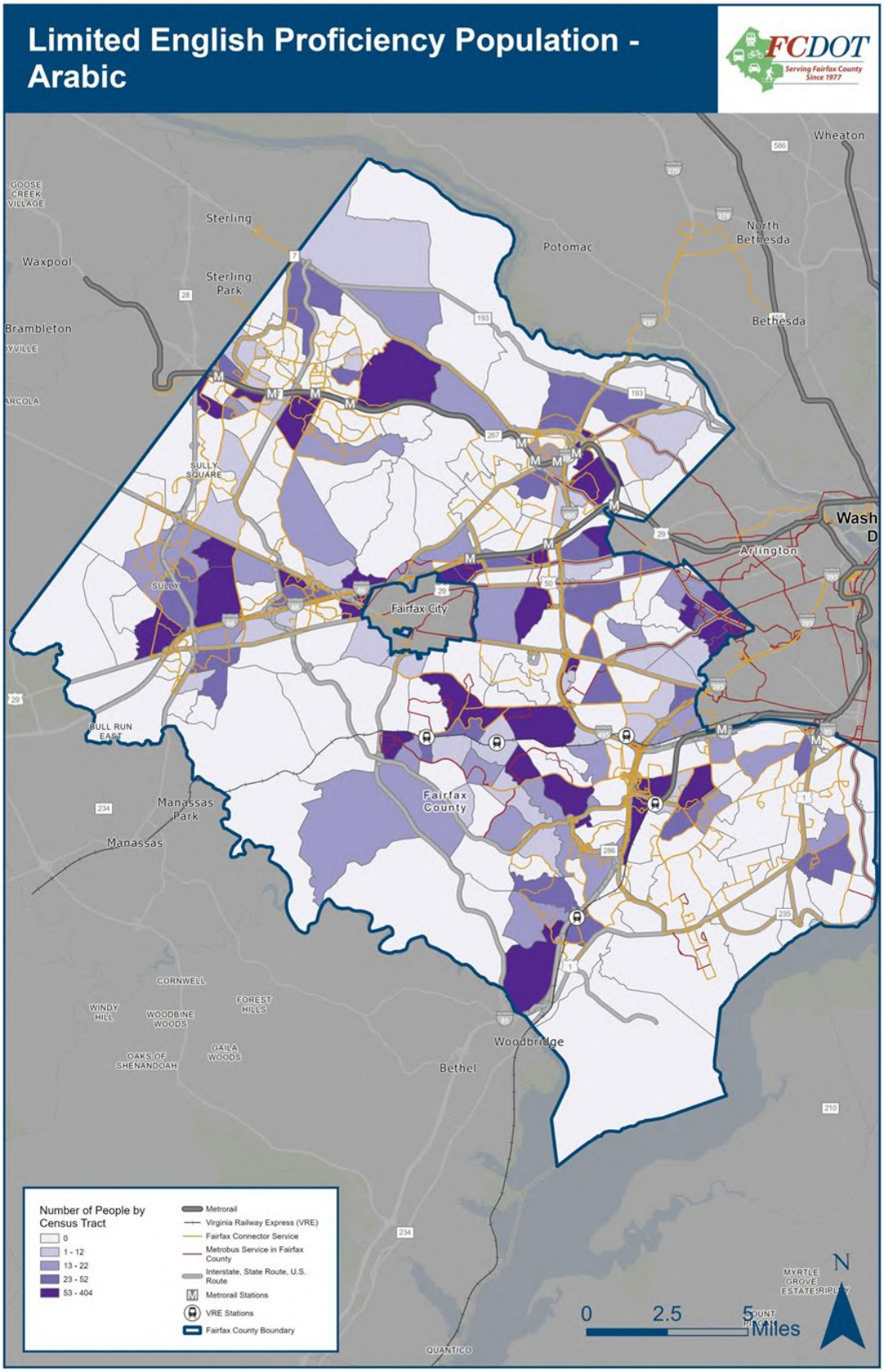


Figure 38: People who Speak "Other Asian and Pacific Island Languages" in Fairfax County that Speak English "Less than Very Well"

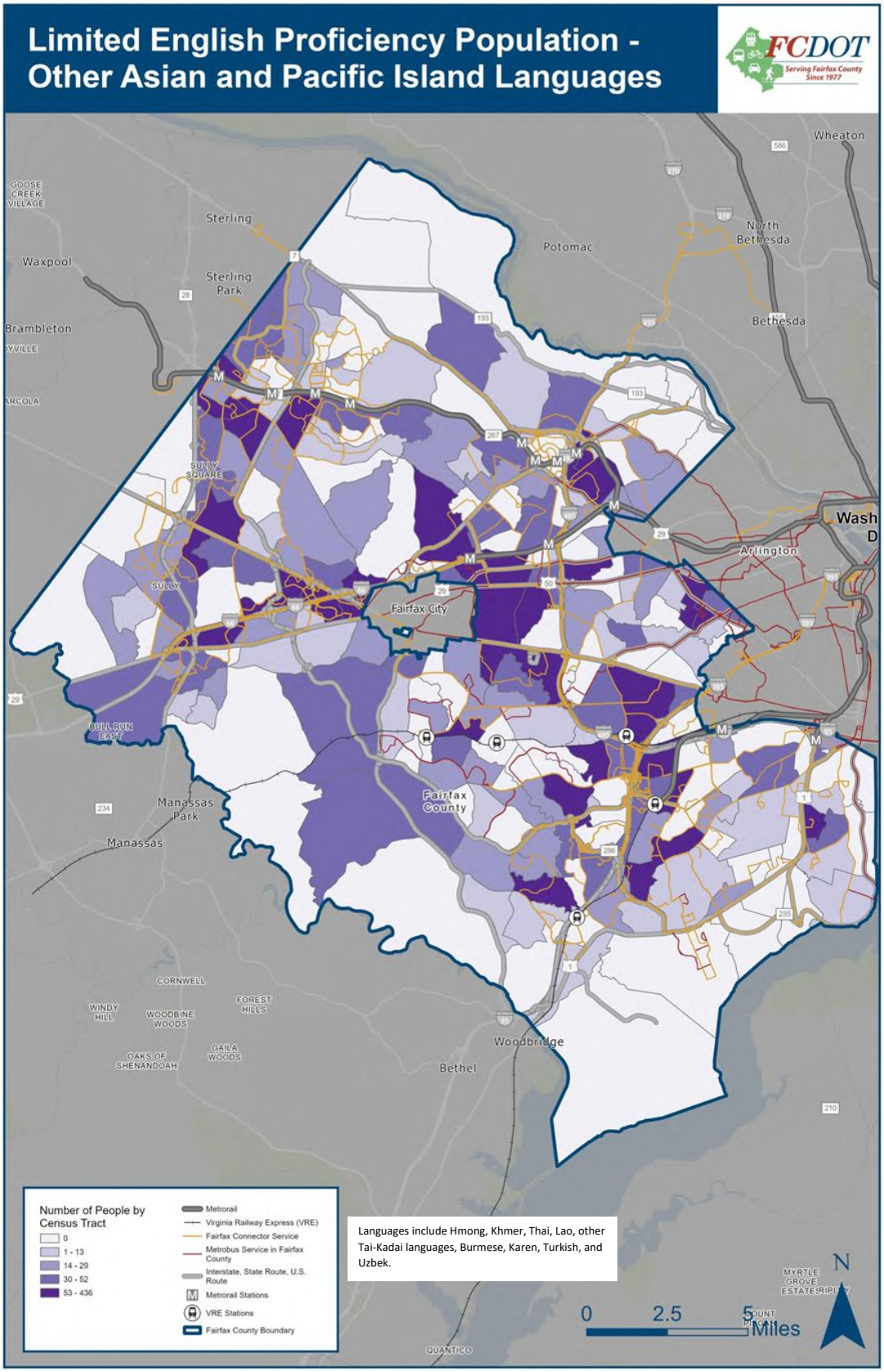
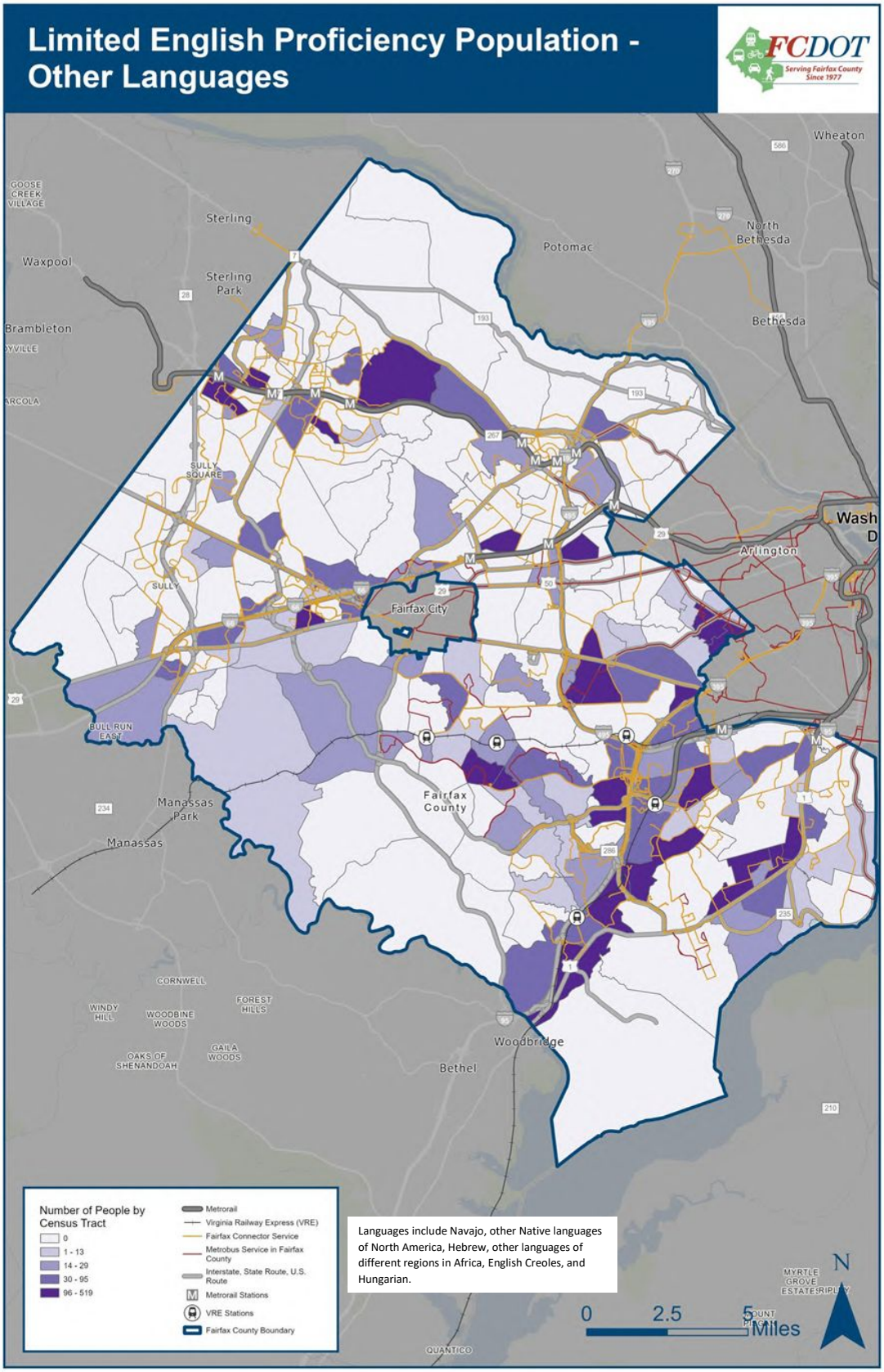
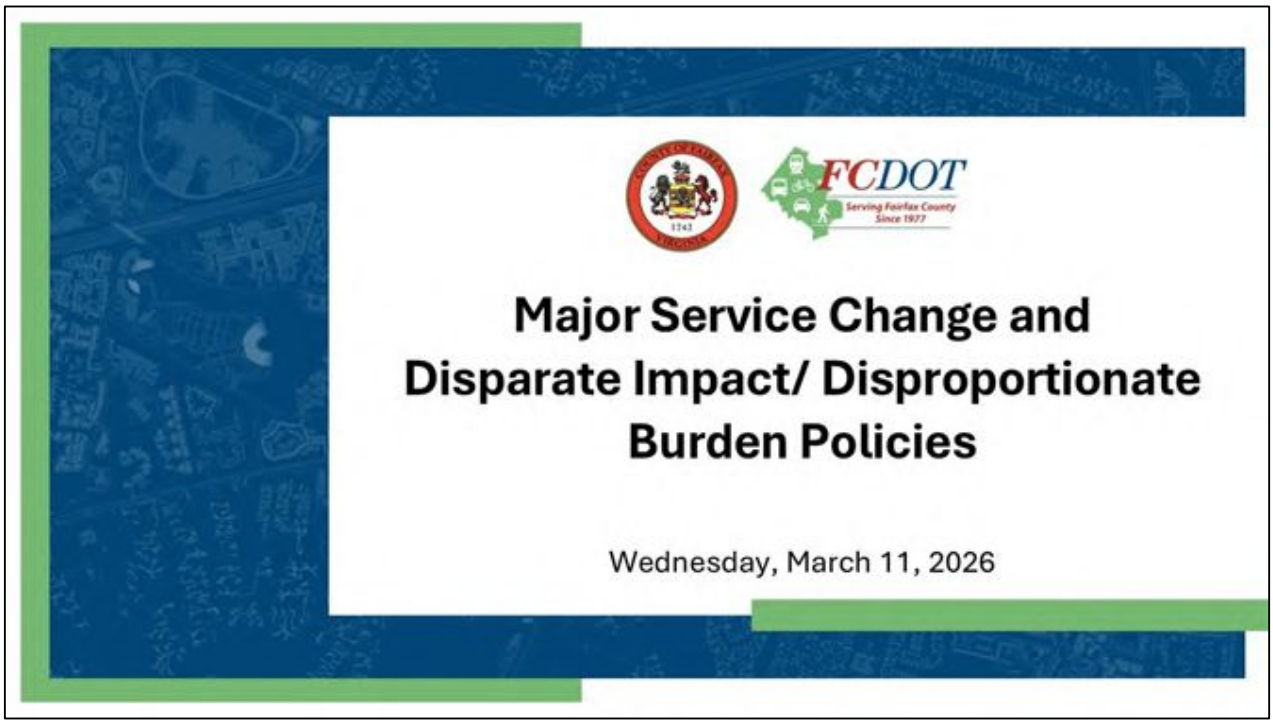
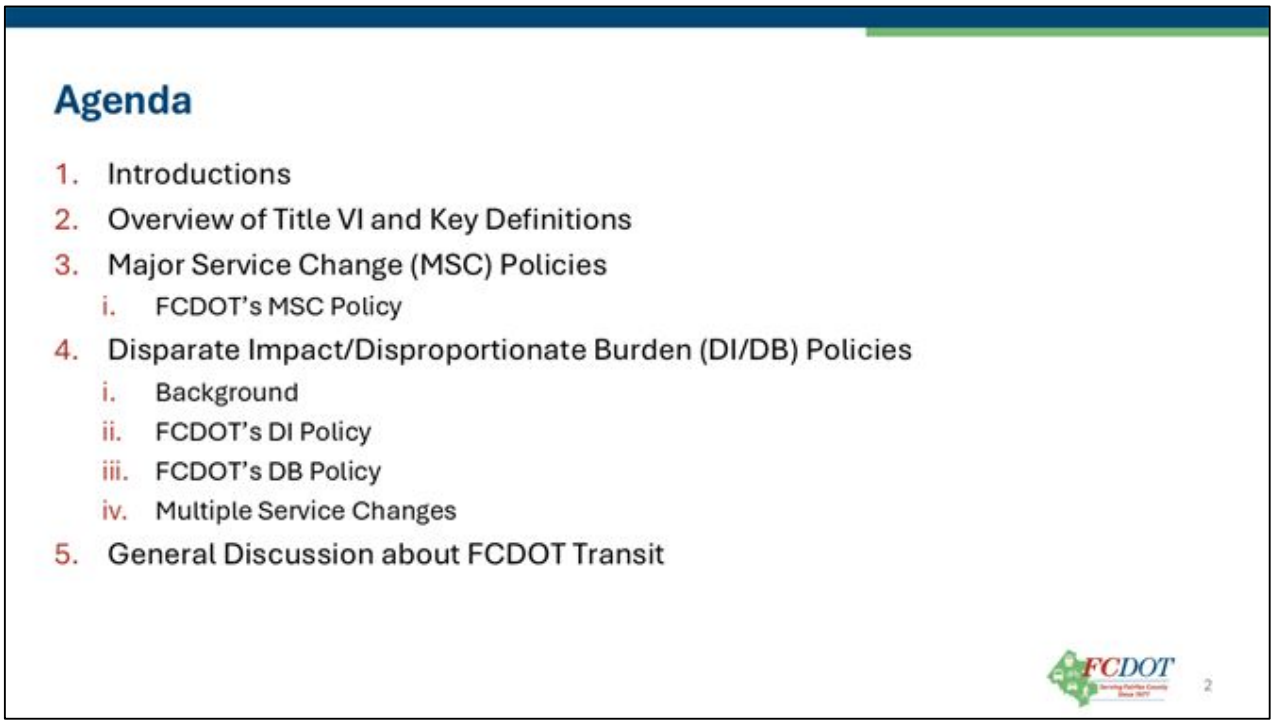


Figure 39: People who Speak "Other Languages" in Fairfax County that Speak English "Less than Very Well"



Appendix C: Presentation of Major Service Change, Disparate Impact, and Disproportionate Burden Proposed Policies







Introductions

Team Introductions

- FCDOT Staff
- Foursquare ITP Staff (consultant team)

Purpose

- To review and discuss:
  - Title VI equity analyses and how they work.
  - Fairfax Connector's service and fare equity policies.
  - Examples of how the policies apply.



Today's discussion will be interactive. We will discuss examples and ask for your thoughts and questions. When providing comments, please share with us the perspectives of the people you serve.

FCDOT 5

Public Survey



We will share a link to the website with a public survey. Please take the survey and distribute it to:

Co-workers

People you serve in your organizational role

The survey closes on March 13th.

FCDOT 6



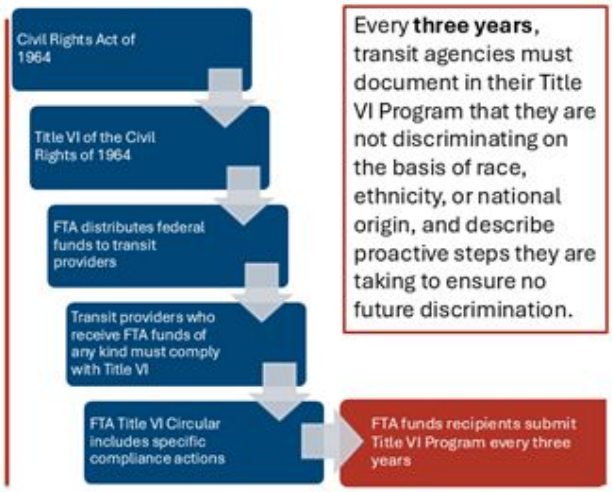
Overview of Title VI and Key Definitions

Title VI of the Civil Rights Act of 1964

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination **under any program or activity receiving federal financial assistance.**"

History – Federal Civil Rights Laws

- Civil Rights Act Titles (or sections)
  - Title I – Voting Rights
  - Title II – Public Accommodation
  - Title III – Public Facilities
  - Title IV – Public Education
  - Title V – Civil Rights Commission
  - **Title VI – Federally Assisted Programs**
  - Title VII – Equal Employment
  - Title VIII – Voter Registration
  - Title IX – Civil Rights Court Cases
  - Title X – Community Relations
  - Title XI - Miscellaneous



Every **three years**, transit agencies must document in their Title VI Program that they are not discriminating on the basis of race, ethnicity, or national origin, and describe proactive steps they are taking to ensure no future discrimination.

9

Key Definitions

Revenue Service Hours: The number of hours a bus operates while carrying paying passengers.

Revenue Service Miles: The number of miles a bus operates while carrying paying passengers.

Route Area: Geographic area impacted by proposed service changes.

Service Area: Geographic area served by the entire transit system.

Minority population: Population who are not non-Hispanic white.
52.5% of Fairfax County is minority.

Low-income population: Households making $74,999 or less.
22.2% of Fairfax County is low-income.

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Major Service Change

FCDOT Major Service Change Definition

- FCDOT does not propose to change its Major Service Change policy from the previous Title VI Program.

Major service change: Either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

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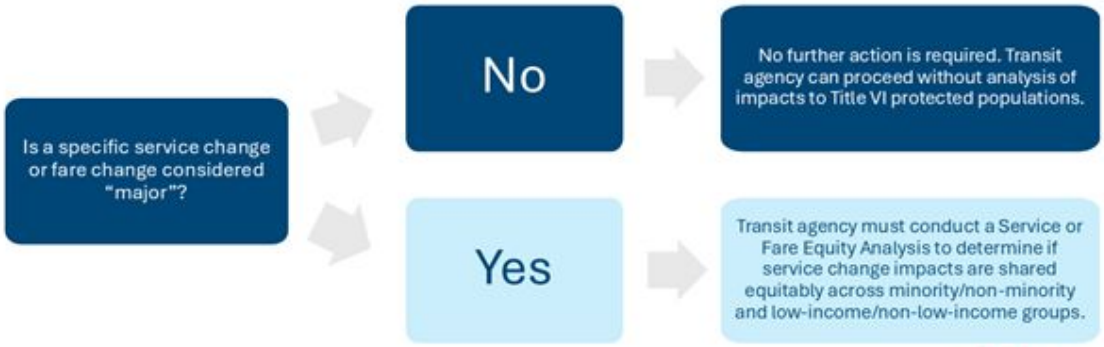
What is a Major Service Change?

- A Major Service Change (MSC) is a change that is significant or "major" enough to warrant further analysis.
- Transit agencies must define what changes qualify as MSC in a written policy.



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What is a Major Service Change (MSC)?

Agencies set their own major service change policies. These policies often qualify changes to:

- **Service availability** (span and/or service days)
- **Service quantity** (frequency and/or revenue miles/hours)
- **Geographic alignments** (areas or neighborhoods served)
- **Fares** (any change)

Major service changes include both:

- **Service reduction**: Reduce or remove service
- **Service expansion**: Expand or add service

Agencies are required to revise and conduct outreach on these policies with every Title VI Program update (i.e., every three years).

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Major Service Change Exemptions

There are several exemptions to the MSC policy for short-term or temporary changes in service.

1. **Seasonal Service Changes**: Adding or removing a route or trips due to seasonal demand; must happen in cycles annually.
2. **Pilots or Demonstration Routes**: Creation, modification, or discontinuation of a demonstration route within the first 12 months of operation.
3. **Temporary Service Changes**: Diversions, frequency changes, or span modifications due to local events, construction, weather, and emergencies (of fewer than 12 months).

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FCDOT Major Service Change Policy Example

– A bus that operated an 8-mile route is shortened, so the route is now only 6 miles.



$$\frac{8-6}{8} \times 100 = \textbf{25 percent}$$

☑ This would be considered a major service change since revenue service miles are reduced by 25 percent.

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FCDOT Major Service Change Policy Example

- A bus route that operated from 8:00 a.m. to 8:00 p.m. with a single vehicle will now operate from 8:00 a.m. to 5:00 p.m.



$$\frac{12-9}{12} \times 100 = \textbf{25 percent}$$

☑ This would be considered a major service change since span of service are reduced by 25 percent.

18

Discussion

- Do you believe the current Major Service Change Policy continues to serve the needs of the community?
- Do you feel the thresholds we use to define a 'major service change' are still appropriate?



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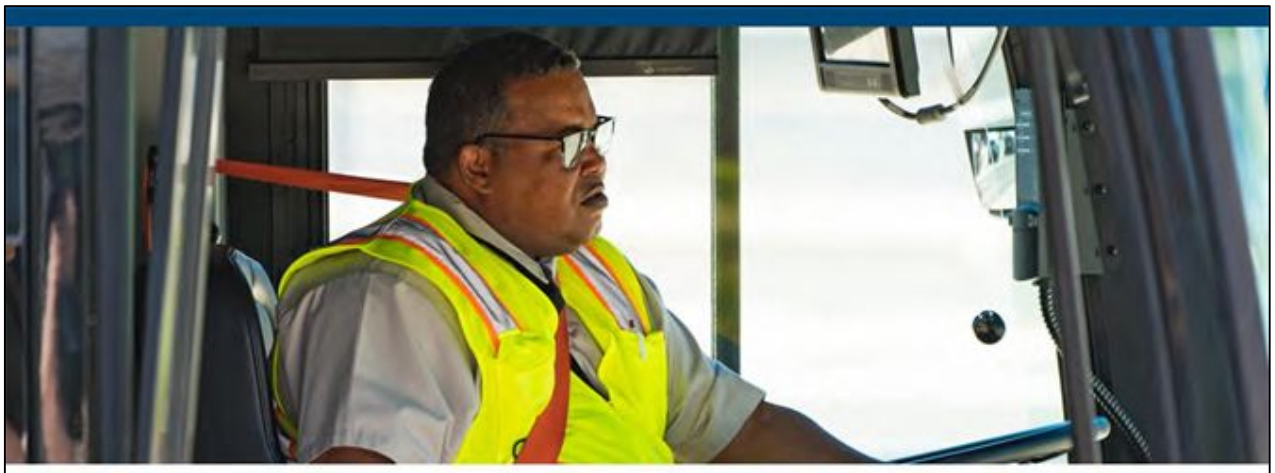

Disparate Impact and Disproportionate Burden (DI/DB) Policies

Equity Analysis Following a Major Service Change

- Every Major Service Change requires a **Service or Fare Equity Analysis**
  - Service changes could have a **Disparate Impact (DI)** on minority riders
  - Service changes could have a **Disproportionate Burden (DB)** on low-income riders
- DI/DB policies help determine when a Major Service Change may result in inequities

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DI/DB Definitions

Disparate Impact: A policy that appears neutral but whose impacts affect racial, ethnic, or national origin groups in a substantially non-neutral way.

Disproportionate Burden: A policy that appears neutral but impacts low-income populations far more than non-low-income populations.

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Disparate Impacts and Disproportionate Burdens

- DIs/DBs can occur when service is **removed or reduced**.
- DIs/DBs can also occur when service is **expanded or added**.
- Service changes that can result in a DI/DB include:

	Service Reduction or Removal	Service Expansion or Addition
Service Changes	**Reduce or remove service** in a way that disproportionately **burdens minority/low-income communities**	**Add or expand service** in a way that **disproportionately benefits non-minority/non-low-income communities**
Fare/Fare Media Changes	**Increase costs or reduce access** in a way that disproportionately **burdens minority and low-income communities**	**Decrease costs or improve access** in a way that **disproportionately benefits non-minority and non-low-income communities**

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Disparate Impact Policy

To determine if a disparate impact (DI) has occurred:

Service Expansion (or fare decrease): Calculate service area minority population percent minus route area minority population percent. If the result is greater than or equal to 10%, then a DI has occurred.



Service Reduction (or fare increase): Calculate route area minority population percent minus service area minority population percent. If the result is greater than or equal to 10%, then a DI has occurred.



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DI Threshold: Example

– Service area is **50% minority** – The transit agency wants to **eliminate** a route	– Service area is **50% minority** – The transit agency wants to **add** a route	– Service area is **50% minority** – The transit agency wants to **eliminate** a route
As long as fewer than 50% + 10% = **60% of people living in the area of the affected route are minority**, the service change passes the service equity test.	As long as more than 50% - 10% = **40% of people living in the area of the affected route are minority**, the service change passes the service equity test.	If more than 50% + 10% = **60% of people living in the area of the affected route are minority**, the service change does **NOT** pass the service equity test.

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Disproportionate Burden Policy

To determine if a disproportionate burden (DB) has occurred:

Service Expansion (or fare decrease): Calculate service area low-income population percent minus route area low-income population percent. If the result is greater than or equal to 10%, then a DB has occurred.

service area low-income population percent − *route area low-income population percent* ≥ 10% DB has occurred

Service Reduction (or fare increase): Calculate route(s) area low-income population percent minus service area low-income population percent. If the result is greater than or equal to 10%, then a DB has occurred.

route area low-income population percent − *service area low-income population percent* ≥ 10% DB has occurred

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DB Threshold: Example

Service area is **19% low-income** The transit agency wants to **decrease frequency of** a route	Service area is **19% low-income** The transit agency wants to **increase frequency of** a route	Service area is **19% low-income** The transit agency wants to **decrease frequency of** a route
As long as fewer than 19% + 10% = **29% of people living in the area of the affected route are low-income**, the service change passes the service equity test.	As long as more than 19% - 10% = **9% of people living in the area of the affected route are low-income**, the service change passes the service equity test.	If more than 19% + 10% = **29% of people living in the area of the affected route are low-income**, the service change does **NOT** pass the service equity test.

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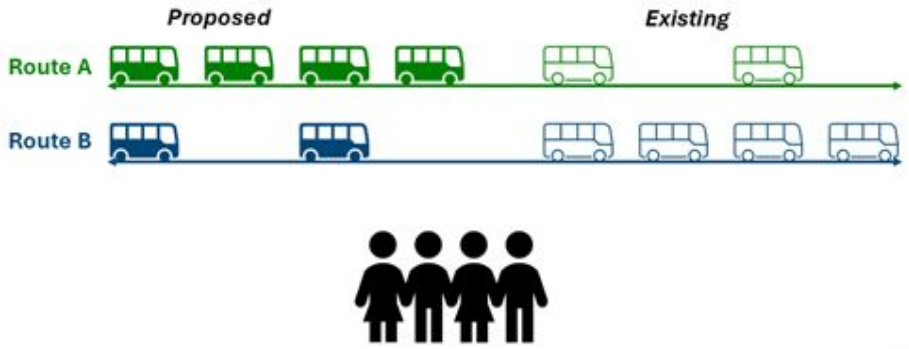
Multiple Service Changes

– In cases where multiple route adjustments overlap or are implemented together, **affected routes may be evaluated collectively** to understand systemwide or community-level impacts.



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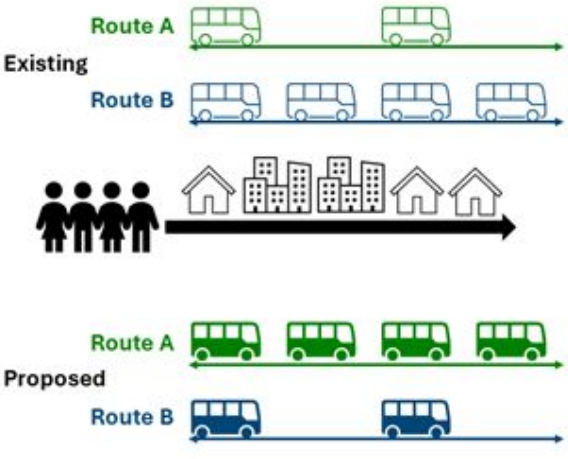
Example 5: Multiple Service Changes

- Route A and Route B both serve many of the same neighborhoods. Under a proposed service change:
  - **Route A** would increase from **2 trips per hour to 4 trips per hour** during peak periods
  - **Route B** would decrease from **4 trips per hour to 2 trips per hour** during those same periods
- Looking at each route separately might suggest that some riders are gaining service while others are losing service.
- Looking at the neighborhood as a whole, the **total amount of service available in the area would stay the same** — service would shift from one route to another.



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What Happens When a DI or DB is Found?

- When a Service Equity Analysis identifies a **Disparate Impact** or **Disproportionate Burden**, Fairfax County must first **avoid, minimize, or mitigate the impact where possible.**

If a Disparate Impact is Identified:

- Fairfax County may still implement the proposed change only if both conditions are met:

1. Show the "substantial legitimate justification" for the change
2. Prove that there are no alternatives that would reduce the harm to the affected community

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Title VI vs ADA – Difference

Type	Title VI of the Civil Rights Act (1964)	ADA & Section 504
Protects Against Discrimination Based On:	Race, Color, National Origin	Disability
Applies To:	Federally funded programs	Public entities & federally funded programs
Primary Focus in Transit:	Service equity & non-discriminatory distribution of benefits/burdens	Accessibility of vehicles, facilities, services, and communications
Key Requirements:	• Equity analysis for service & fare changes • Service standards & monitoring • Language Access Plan • Public Participation Plan	• Accessible vehicles & stops • Paratransit service • Reasonable modifications • ADA complaint procedures
Regulatory Oversight:	FTA Title VI Circular	FTA ADA Circular

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Title VI vs ADA – Intersect

Although Legally Distinct, These Programs Reinforce Each Other

- Title VI ensures service changes do not disproportionately burden minority or low-income communities.
- Many riders with disabilities live in transit-dependent communities.
- Equitable service distribution supports mobility for riders with disabilities.

- Title VI requires inclusive outreach to underserved populations.
- Accessible meetings and outreach methods often benefit disability communities as well.
- Strong engagement improves both Title VI and ADA compliance.

Equity Monitoring | Public Participation | Monitoring Systems | Language Access

- Title VI requires formal documentation and equity evaluation.
- ADA requires accessibility compliance and paratransit monitoring.
- Together, they strengthen overall civil rights oversight.

- Title VI requires Language Access Plans.
- New Bill included disabilities as part of LEP
- Clear communication supports multiple protected populations.

FCDOT



General Discussion

FCDOT

Discussion

- Do you believe the current DI/DB Policy continues to serve the needs of the community?
- Do you feel the thresholds we use to define a 'Disparate Impact' or 'Disproportionate Burden' are still appropriate?



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Discussion

- What have you heard from the community about bus service in Fairfax County?
- What can the County do to make it easier for minority, low-income, and limited English proficient populations to get around?



FCDOT 35

Discussion

- What are the best ways to reach the populations you serve to provide them opportunities to participate in transit planning processes?
- Do you have any other comments about the MSC or DI/DB policies?



FCDOT 36

Public Survey



We will share a link to the website with a public survey. Please take the survey and distribute it to:

- Co-workers
- People you serve in your organizational role

The survey closes on March 13th.

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Thank you!

- To learn more about the Title VI program and the policies covered in this survey, please visit the County's Title VI website:
- https://www.fairfaxcounty.gov/connector/titlevi

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Appendix D: Major Service Change, Disparate Impact, and Disproportionate Burden Policies – Public Comments Received

A public comment period on the proposed Major Service Change and Disparate Impact/Disproportionate Burden policies was held from February 24 to March 16, 2026. Members of the public and stakeholders were offered several different options for providing comment, including:

- An online survey
- Virtual stakeholder discussions for representatives of community organizations serving minority and low-income populations
- A webpage featuring both the proposed written policies as well as a recorded presentation video explaining the Major Service Change and Disparate Impact/Disproportionate Burden policies.

Appendix E: FCDOT Title VI Online Survey Results Overview contains details about the survey questions and a summary of the survey results.

Stakeholder Discussion Meeting Summaries

MARCH 11, 2026, 11:30-1:00 PM STAKEHOLDER MEETING

- Held virtually on Microsoft Teams
- Attendees:
  - Community members:
    - Soraya Borja, Vice President of Community-Based Services at Second Story
    - Rob Rutland-Brown, Executive Director at Lorton Community Action Center
    - Anna Ricklin, Health in All Policies Manager at Fairfax County Health Department
    - Norma Lopez, Division Director at Human Services Mobility Management
    - Krystle Trammell, Family Partnership Specialist at Fairfax County Public Schools
    - Harmonie Taddeo, Executive Director at Western Fairfax Christian Ministries
    - Carolyn Amacher, Executive Director at Herndon-Reston FISH, Inc
  - FCDOT staff:
    - Kyle Davis
    - Hejun Kang
    - Sara Allred
  - Consultant team staff (Foursquare ITP):
    - Brian Siegel
    - Kaiqi Zhang
- Meeting summary:
  - FCDOT welcomed participants.
  - The consultant team delivered a PowerPoint presentation on the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies, and noted that the purpose of the meeting is to solicit input from the public about the proposed policies.
  - Major service change policy discussion
  - Anna thought that 25 percent seemed like a high threshold to wait before running an analysis. She wondered if most agencies establish a threshold and then calculate. If it doesn't shorten the route and doesn't shorten hours but it changes the route direction, how is that calculated?

- Brian explained that the analysis compares the population near the route to the population of the county to see if there is an impact.

- Anna mentioned that within the minority population, there is great diversity. Some people have more need. How does the definition consider that?
  - Brian explained that the minority definition is non-Hispanic White.
- Anna was wondering if the service equity analysis is defined by FCDOT or by the federal government.
  - Brian explained that the service equity analysis is a requirement but the method is determined by each agency. It is the responsibility of the transit agency to determine how to apply it.
- Rob asked what is required when a change does not reach the 25 percent threshold. Rob thought it would be easy to make all the service changes at 24 percent or 23 percent and not make the threshold.
  - Brian explained that agencies should always keep in mind what impacts any changes would have on the community, but the threshold is what triggers further analysis.
- Rob would be interested in seeing a layered approach with different severities, rather than just the binary of reaching the threshold or not.
  - Kyle Davis explained that FCDOT presents to the public anytime there is a service change, even if it doesn't reach 25 percent.
- Norma asked who conducts the analysis, which stakeholders are involved.
  - Kyle Davis answered that it is FCDOT internally who conducts the analysis.
- Norma mentioned that it is good for people with lived experience to analyze data because they may understand it differently in addition to those analyzing it.
  - Hejun mentioned that her team runs the analysis and presents the findings to the Board of Supervisors to review every analysis.
  - Brian mentioned there is a public participation component, so if there is a major service change, FCDOT will share the results of the analysis and seek community feedback.
- Soraya said public transportation is essential for people in the communities she serves to get to work. If there are changes in the buses, especially people working in restaurants or cleaning, they have to walk. If it isn't a late enough bus schedule or if it doesn't serve the place they need, they have to walk. Youth also rely on public transportation to work and attend school. Any changes will affect them, including if they have to pay more for the services.
  - Brian responded that FCDOT will examine the impacts to determine whether it is appropriate or not for every change. Title VI also checks if it will impact low-income or minority populations.
  - Kyle says for any service change FCDOT holds public meetings and people attend and express their concerns. This feedback is taken to consideration before presenting changes to the Fairfax Board of Supervisors. There is a public participation process regardless of whether the changes hits the 25 percent threshold.
- A participant asked whether non-Hispanic White includes those from the Middle East and North African (MENA). The MENA population is now defined federally but not yet at county level.

  - Kaiqi explained that the FCDOT team uses the ACS for race and ethnic data. In March 2024, the federal government announced updates to a data to create a new and separate Middle Eastern or North African category. This new category is required for federal agencies, but it will take time to fully implement across all surveys and data levels. At this point, FCDOT has not been able to address this definition change, but once the data is available, the team will update the analysis framework to match the most updated database.

- Anna mentioned that many agencies are going to no fare system and asked whether it would still be determined using revenue miles or revenue hours.

  - Brian explained that a fare change analysis would be based on the demographics, not on the service hours.
  - Sara clarified that revenue hours and revenue service is an industry term used to describe when the bus is picking up or dropping off passengers, and it is a term used whether there is fare collection or not.

- Anna asked whether the ten percent threshold is determined by FCDOT or the federal government. She also asked what is the methodology for examining multiple routes at once. She is concerned about a small area being left behind if analyzing everything as a whole.

  - Brian explained the ten percent threshold is determined by FCDOT.
  - Hejun responded that for multiple route changes at once, the FCDOT team examines the minority population and low-income population in each Census block group that is affected by the change. It is the smallest geographic unit available from the Census.

- Norma asked what does public participation entail, what is the process, and what steps are involved. Norma also asked what are the demographics of the people participating in the public meetings.

  - Kyle responded that the FCDOT team takes feedback from multiple sources, including from customers, people working behind the scenes like bus drivers, and data like on time performance of a route, overcrowding, or ridership. All of these factors are involved in developing a proposal for service changes. Then, the proposal goes to the public for feedback. The FCDOT makes refinements to the proposal based on the feedback, and then it is brought to the Fairfax County Board of Supervisors to review and approve.
  - Kyle explained that it depends on the specific service change. Online surveys collect demographic information on race, ethnicity and income. The FCDOT team analyzes the survey data. Different demographics respond depending on where the service change is.
  - Brian mentioned that the Title VI requires FCDOT to set a public participation plan, which describes how the agency shares information, conducts meetings, and gathers feedback, specifically from low-income and non-English language population.

- Norma was a former community engagement specialist. When there has been a route change that impacts the residents of a community, she wondered if the members of the community participated in any meetings? She said people will not take up participation opportunities through traditional channels (like attending a feedback meeting) but will engage through trusted community partners. She also said in person is much better. She encouraged coordinating ahead of time to help FCDOT conduct outreach.
- Soraya mentioned that many of the people she serves do not read or write in their native language and she wanted to ask if the survey could be extended and they could organize some meetings and focus groups in person. Soraya mentioned that people in the community she serves do not have access to technology.

- Brian responded that this is helpful and these conversations guide the FCDOT participation processes and in person meetings are definitely important to emphasize.
- Kaiqi asked for Norma and Soraya to fill out the survey and describe what would help improve community engagement and participation to help inform future processes.
- Kyle mentioned that FCDOT switched to virtual meetings during the pandemic and has found higher attendance now. He also sees the benefits of meetings in person too.

- Anna asked if the process would be conducted again in three years.
  - Brian responded that yes, the process would be repeated again every three years.

MARCH 12, 2026, 2:00 PM-3:30 PM STAKEHOLDER MEETING

- Held virtually on Microsoft Teams
- Attendees:
  - Community members:
    - Eduardo Mantilla-Torres, Outreach and Enrollment Manager at Neighborhood Health
    - Maria Isabel Ballivian, Executive Director at ACCA Child Development Center
    - Megan Hansen, Senior Program Director at Shelter House, Inc
    - Rosemary Kendall, Neighbor School Readiness Team Facilitator at Office for Children, Fairfax County Dept. Family Services
    - Brenda Richardson, Executive Director at ServiceSource
  - FCDOT staff:
    - Brent Riddle
    - Kyle Davis
    - Hejun Kang
    - Saul Cieza Mejia
  - Consultant team staff (Foursquare ITP):
    - Brian Siegel
    - Audrey Dombro
- Meeting summary:
  - FCDOT welcomed participants.
  - The consultant team delivered a PowerPoint presentation on the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies, and noted that the purpose of the meeting is to solicit input from the public about the proposed policies.
  - Maria shared that she works at a nonprofit that serves Latino and immigrant families. She described hearing concerns from the community regarding safety using transit during the evenings in Mason District. One incident involved intoxicated people threatening public transit riders. Maria does not know whether it is isolated or a trend, but the families she works with have expressed concerns over using public transit especially when carrying young children.
    - FCDOT staff encouraged people to report any incidents to the Connector Service line and the local supervisor.

- Maria also suggested that it would help to have more street lights, because these incidents often occur when people are waiting for the bus.
  - FCDOT staff stated that lighting, trash cans, and benches can be requested.
- Maria also asked if there was anything specific to share with the families she works with. She mentioned that Fairfax County is experiencing financial challenges, and sometimes changes happen and her community hears about the changes afterward. She encouraged FCDOT to keep the community educated when there are changes because people will not go out of their way to find out.
  - Kyle agreed and explained that whether it is a major service change or not, FCDOT holds meetings and takes the information to the public. The staff tries to get the word out about any change, whether it is major or not.
  - Brian mentioned that the public comment period will be open until the end of the following day and community members can leave their feedback through the survey or by email.

Public Comments Received via Email or US Postal Service

FCDOT received comments electronically via the online survey but did not receive any comments via email. FCDOT did not receive any comments via the US Postal Service.

Appendix E: FCDOT Title VI Online Survey Results Overview

Introduction

A public comment period on the proposed Major Service Change and Disparate Impact/Disproportionate Burden policies was held from February 24 to March 16, 2026. To solicit feedback on Fairfax Connector's current Major Service Change, Disparate Impact, and Disproportionate Burden policies, as well as feedback on the updated language for assessing multiple route adjustments implemented together, FCDOT offered an online survey in nine different languages: English, Spanish, Korean, Amharic, Arabic, Cantonese, Simplified Chinese, Urdu, and Vietnamese. The survey questions were identical in each language and described FCDOT's current Major Service Change and Disparate Impact/Disproportionate Burden policies and asked respondents to provide their opinions about them through multiple-choice and open-ended questions. Then, the survey described FCDOT's methodology for evaluating impacts of multiple coordinated service changes and asked respondents to provide their opinions about it through open-ended responses.

This appendix contains the survey questions followed by the survey results.

Survey Questions

FCDOT 2026 Title VI Survey

Introduction

*As part of its Triennial Title VI Program Update, FCDOT is seeking feedback on proposed updates to its **Major Service Change (MSC)** and **Disparate Impact/Disproportionate Burden (DI/DB)** policies.*

Under the current process, all transit service changes are evaluated to determine whether they meet the thresholds for a Major Service Change. Service changes identified as major undergo additional analysis to assess potential equity impacts, consistent with FCDOT's commitment to equity and nondiscrimination.

The proposed updates largely maintain existing policies and thresholds.

- ***A Major Service Change** to transit service is significant enough to require further analysis of potential equity impacts.*
- ***A Disparate Impact** occurs when a service change has discriminatory effects on areas with a large proportion of racial or ethnic minority (people who are not non-Hispanic white) residents.*
- ***A Disproportionate Burden** occurs when a service change has discriminatory effects on areas with a large proportion of low-income households.*

The following questions ask for your feedback. The survey should take no longer than five (5) minutes.

Major Service Change

Major Service Changes are changes to transit routes that are significant enough to require further analysis on potential equity impacts. If there is a Major Service Change, Fairfax Connector must do further analysis to ensure that the proposed changes will not have discriminatory impacts on minority or low-income areas.

1. The current definition states a Major Service Change would occur if a Fairfax Connector route:

   - Increases or decreases its hours of operation by 25 percent, or
   - Increases or decreases in length by more than 25 percent.

Do you think this policy should remain as-is?

- **Yes, I agree with this Major Service Change policy**
- **No, I think this Major Service Change policy should be updated.**
- **I'm not sure**

2. Provide any additional comments on the Major Service Change policy:

_____

_____

_____

_____

***A Disparate Impact occurs when a service change has discriminatory effects on racial or ethnic minority residents**, meaning those who are not Hispanic or white.*

3. Policy Definition (unchanged):
   - **For a proposed service increase or fare reduction:** A Disparate Impact *may* occur if the route benefiting from the change has a **non-minority population 10% or more higher** than the systemwide average.
   - **For a proposed service reduction or fare increase:** A Disparate Impact *may* occur if the route affected by the change has a **minority population 10% or more higher** than the systemwide average.

   Do you think this policy should remain as-is?

- **Yes, I agree with this Disparate Impact policy**
- **No, I think this Disparate Impact policy should be updated.**
- **I'm not sure**

4. Provide any additional comments on the Disparate Impact policy:

_____

_____

_____

_____

Disproportionate Burden

A Disproportionate Burden occurs when a service change has discriminatory effects on low-income households**; Fairfax County defines low-income households as **those earning less than 50% of the MSA median

household income, adjusted for family size.

5. Policy Definition (unchanged):
   - **For a proposed service increase or fare reduction:** A Disproportionate Burden *may* occur if the benefitted route has a **non-low-income population 10% or more higher** than the system average.
   - **For a proposed service reduction or fare increase:** A Disproportionate Burden *may* occur if the affected route has a **low-income population 10% or more higher** than the system average.

   Do you think this policy should remain as-is?

- **Yes, I agree with this Disproportionate Burden policy**
- **No, I think this Disproportionate Burden policy should be updated.**
- **I'm not sure**

6. Provide any additional comments on the Disproportionate Burden policy:

_____

_____

_____

_____

Multiple Service Changes at the Same Time

7. Fairfax Connector uses two effective methodologies to evaluate Disparate Impact and Disproportionate Burden under Title VI:

   - **Method 1:** Evaluate impacts for **individual route changes**.
   - **Method 2:** For coordinated service changes where **multiple route adjustments are implemented together**, affected routes may be evaluated collectively to understand systemwide or community-level impacts. This may include evaluating combined changes along shared route segments or within the same census block groups to assess whether the cumulative effects of the proposed changes result in a disparate impact or disproportionate burden.

Do you have any comments or suggestions on how the approach for coordinated service changes could work better for you or your community (e.g., how Fairfax Connector should group routes, what impacts should be considered, or how results should be shared)?

_____

_____

_____

_____

8. Do you have any other comments you would like to offer about Fairfax Connector's Major Service Change, Disparate Impact, or Disproportionate Burden policies? For example, if you answered "No" to any of the above questions, how do you think these definitions should change?

_____

_____

_____

_____

Thank You!

Thank you for taking the survey! Your responses will help Fairfax County serve you better.

To learn more about the Title VI program and the policies covered in this survey, please visit the County's Title VI website: https://www.fairfaxcounty.gov/connector/titlevi

Survey Results

TOTAL RESPONSES

Table 39 shows the number of survey responses received in each language, broken down by complete and partial responses. Complete responses include survey entries with all questions answered and partial responses include survey entries with at least one question answered. The survey received a total of 25 responses, with 13 complete responses and 14 partial responses. Eighty percent of responses (20 responses), were completed in English. The remaining twenty percent of responses were completed in Spanish (three responses) and Amharic (two responses). No responses were received in the other six languages.

Table 39: Survey Response Tally by Language

Language	Complete	Partial	Total
English	10	10	20
Spanish	1	2	3
Korean	0	0	0
Amharic	2	0	2
Arabic	0	0	0
Cantonese	0	0	0
Simplified Chinese	0	0	0
Urdu	0	0	0
Vietnamese	0	0	0
Total	**13**	**14**	**25**

MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN QUESTIONS

Table 40 shows the responses to the Major Service Change policy, Disparate Impact Policy, and Disproportionate Burden multiple choice questions, which asked respondents their level of agreement with the existing policy. When asked about their level of agreement with the existing policies, most respondents agreed that the existing policy should remain as-is.[30] However, respondents were significantly more likely to agree that the Major Service Change policy should remain as-is (40 percent of respondents) compared to the Disparate Impact or Disproportionate Burden policies (28 and 32 percent of respondents, respectively). Compared to the Major Service Change policy, respondents were more likely to say that they didn't agree with the Disparate Impact policy (20 percent of respondents), and more likely to provide no response to the Disproportionate Burden policy (56 percent of respondents). Respondents that reported they were unsure made up a very small proportion of responses, while respondents who left the question blank made up around half of all responses.

Table 40: Q1, Q3, and Q5 Multiple Choice Responses - Major Service Change, Disparate Impact, and Disproportionate Burden policies

Q1: Do you think this policy should remain as-is? (Major Service Change policy)

Answer Choices	Count of Responses	Percentage
Yes	10	40.0%
No	3	12.0%
I'm Not Sure	1	4.0%
(blank)	11	44.0%

[30] A large share of incomplete/partial/blank responses were received for these questions. However, percentage of blank responses is not heavily considered in this analysis.

Q3: Do you think this policy should remain as-is? (Disparate Impact policy)

Answer Choices	Count of Responses	Percentage
Yes	7	28.0%
No	5	20.0%
I'm Not Sure	2	8.0%
(blank)	11	44.0%

Q5: Do you think this policy should remain as-is? (Disproportionate Burden policy)

Answer Choices	Count of Responses	Percentage
Yes	8	32.0%
No	1	4.0%
I'm Not Sure	2	8.0%
(blank)	14	56.0%

Questions 2, 4, and 6 asked respondents if they had any comments on the Major Service Change, Disparate Impact, or Disproportionate Burden policies. Open-ended comments from respondents varied significantly.

- **Major Service Change:** Several respondents indicated support for retaining the current 25 percent threshold. One respondent, however, suggested that changes in hours of operation exceeding 15 minutes should be considered major, emphasizing that even modest changes in service span can have significant rider impacts.
- **Disparate Impact:** Respondents offered several suggestions regarding the Disparate Impact policy, including increasing the threshold to 25 percent to better reflect the County's racial diversity and considering both places of residence and places of employment in the analysis. One respondent also noted that the policy may not fully capture impacts on riders who access a route by transfer rather than by living near it. Another commenter recommended clarifying the definition of minority populations, specifically noting populations from El Salvador, Mexico, Guatemala, and Honduras.
- **Disproportionate Burden:** One respondent commented that the Disproportionate Burden policy may not fully capture impacts on riders who do not reside near a route but frequently depend on it through transfers.

The full list of open-ended comments received on the Major Service Change, Disparate Impact, and Disproportionate policy questions are below.

Major Service Change Policy Comments

- Any change in the hours of operation of more than 15 minutes should constitute a major service change because this can result in a large impact. The length component is OK as-is because minor realignments are often necessary, which may impact multiple parts of a longer route.
- Please add bus service to Great Falls, VA, Clifton, VA, Fairfax Station, VA, Great Falls Park, etc.
- It's a very good idea to check and see by eye the changes do an analysis about the major changes once u tried the changes, because, I saw they been screw up the service for no reason.

Disparate Impact Policy Comments

- The racial makeup of Fairfax County is not homogenous. 10% is not high enough to account for the amount

of racial diversity in the county. I suggest 25%.

- A bit confused. Undocumented and/or working class people from El Salvador, Mexico, Guatemala, and the Honduras would likely be most of the low-income residents who would be most affected by fare or service changes. Does the term Hispanic refer to Spanish origin instead of Latino? Either way, there is not a huge African-American population in Fairfax County. The underclass affected by changes would hit heavily Latino and low-income areas.
- If I understand correctly, the policy factors in where people live, but not where they work. If data is available, I think it would be good to also take into account where people work.
- The disparate impact for service increase does not consider the benefit to minority populations that do not reside on the route. For example, a route to Great Falls National Park would probably service mostly non-minorities living along the route, but greatly benefit minorities who would transfer to it. For this "destination-serving" type of route, a finding of discriminatory effects would not be accurate.

Disproportionate Burden Policy Comments

- The disparate impact for service increase does not consider the benefit to low-income populations that do not reside on the route. For example, a route to Great Falls National Park would probably service mostly high-income persons living along the route, but greatly benefit low-income persons who would transfer to it. For this "destination-serving" type of route, a finding of discriminatory effects would not be accurate.

MULTIPLE SERVICE CHANGES AT THE SAME TIME QUESTIONS

Question 7 of the survey, Multiple Service Changes at the Same Time, asked respondents to provide their open-ended comments to the policy utilized when addressing multiple service adjustments that are implemented together. Multiple respondents agreed with the policy, while others made some recommendations. These recommendations included increasing transparency on population statistics near proposed service changes, more thorough consideration of other transportation options in the area, and updating mitigation measures to better address community needs.

The full list of open-ended comments received on the Multiple Service Changes at the Same Time question are below.

Coordinated Service Change Policy Comments

- No
- I agree with the two methods. Fairfax County should also take into account other existing transportation options such as metro, metrobus, shuttles, etc. when looking at route changes.
- The sharing of results is very cryptic. The minority/low-income population percentages should be shared for each route subject to a "major" service change. Also, any DI or DB can be ignored given a justification or mitigation, which is flexible but also renders the DI/DB process ineffective. For example, for the proposed June 2026 service reduction for route 642, a mitigation of providing one midday trip in each direction was provided. Why was this mitigation chosen in place of an early morning trip at 4 AM or late evening trip past 5 PM? The process could benefit from mitigation standards based on the community's needs (e.g., early morning commutes or midday errands).
- I would like to recommend that the route not be eliminated entirely due to low ridership. Instead, please consider maintaining limited service with morning and evening trips to accommodate essential travel needs.
- They should've been pay more attention Abt what kind of changes they're doing, because, most of the people being complained a lot about the service they provide, and sometimes the routes seems useless, which is not good at all. It's important to evaluate by riding or driving the route how they feel on the route to have a true evaluation Abt what changed they can do, without changing stupidly the routes or how it works.

Question 8 of the survey asked respondents to provide any remaining comments they would like to offer about Fairfax Connector's Major Service Change, Disparate Impact, and Disproportionate Burden policies.

The full list of open-ended comments received on the Remaining Comments question are below. The nature of the question means that the comments varied widely, but some of the comments included suggestions to work with land use planning to increase access to high-opportunity neighborhoods, and to expand the population considered in these analysis to include those transferring to certain routes (not just those who live nearby).

Remaining Major Service Change, Disparate Impact, and Disproportionate Burden Policy Comments

- No
- I understand the need to comply with federal law; I do think that the primary focus of the system should be to provide frequent service to places with high population density and places with high job density, regardless of race. Public transit shouldn't be a DEI program, it should be a convenient option for people of all races and income levels. Also, this isn't really Fairfax Connector's issue, but I hope land use planning for the county will consider why Fairfax County is so segregated and how we can change land use planning to allow more people to live in high-opportunity neighborhoods.
- For routes serving major destinations (e.g., Great Falls National Park or Clifton), both DI and DB statements should consider access to destinations only in terms of populations living along the route. People are able to transfer or otherwise travel to reach a route, so the population living along it is not a good sole indication of impact.
- Honestly, the Connector doesn't go anywhere near me or where I go. My primary interaction has been covering for employees when buses were late or in too many cases, didn't come at all. It gets old.
- Evaluate the routes first, ask to the drivers and customers who are in transit to see what they can change or share Abt what routes it's perfect or what route Needs some changes.

Appendix F: Major Service Change, Disparate Impact, and Disproportionate Burden Policies – Fairfax County Board of Supervisors Approval

The Fairfax County Board of Supervisors met, considered, and approved the FCDOT Major Service Change, Disparate Impact, and Disproportionate Burden Policies on July 14, 2026.

Appendix G: FCDOT Service/Fare Equity Analysis Fairfax County Board of Supervisors Approvals

ACTION ITEMS

		FAIRFAX COUNTY BOARD OF SUPERVISORS April 11, 2023
3	**Approved**	Approval of Fairfax Connector Fare Policy Change
		FAIRFAX COUNTY BOARD OF SUPERVISORS January 23, 2024
7	**Approved**	Approval of Fairfax Connector Spring 2024 Service Changes
		FAIRFAX COUNTY BOARD OF SUPERVISORS March 19, 2024
2	**Approved**	Approval of Fairfax Connector Summer 2024 Service Changes
		FAIRFAX COUNTY BOARD OF SUPERVISORS July 16, 2024
3	**Approved**	Approval of FY 2025 Fare Changes for Fairfax Connector and Associated Fare Equity Analysis
		FAIRFAX COUNTY BOARD OF SUPERVISORS September 24, 2024
7	**Approved**	Approval of Fairfax Connector Winter/Spring 2024-2025 Service Changes (Braddock, Dranesville, Franconia, Mount Vernon, Providence, Springfield, and Sully Districts)
		FAIRFAX COUNTY BOARD OF SUPERVISORS April 22, 2025
6	**Approved**	Approval of Fairfax Connector Spring/Summer 2025 Service Changes (Braddock, Franconia, Hunter Mill, Mason, Providence, Springfield and Sully Districts)

Appendix H: FODOT Title VI Plan Fairfax County Board Approval

The Fairfax County Board of Supervisors met, considered, and approved the FCDOT Title VI Program Update on August 25, 2026.

Board Agenda Item
August 25, 2026

ACTION – 4

Approval of Funding Allocations for Active Transportation Improvement Projects and Maintenance

ISSUE:
Board of Supervisors' (Board) approval of new funding allocations for active transportation improvement projects and infrastructure maintenance.

RECOMMENDATION:
The County Executive recommends that the Board approve the allocation of $25,426,590 in funding for active transportation capital and maintenance projects to improve the County's pedestrian and bicycle infrastructure (Attachment 1, supplemented by Attachments 2 and 3). The proposed breakdown of funding is summarized below:

- $9,930,000 for new active transportation (capital) projects
- $6,089,958 in additional funding for projects currently in design or land acquisition
- $4,847,000 in additional funding for projects currently in pre-scoping
- $1,140,000 in local cash match funding for the 2025 Safe Streets and Roads for All grant
- $242,000 for Rectangular Rapid Flashing Beacon (RRFB) maintenance
- $420,000 for studies and planning related to the repaving program
- $500,000 for Capital Bikeshare maintenance
- $1,010,632 provided to the Department of Public Works and Environmental Services (DPWES) to conduct trail and sidewalk maintenance
- $1,197,000 provided to the Fairfax County Park Authority (FCPA) for trail maintenance and renovations
- $50,000 provided to the Fairfax County Police Department (FCPD)

TIMING:
Board approval is requested on August 25, 2026, so that staff can implement these capital and maintenance projects as expeditiously as possible.

Board Agenda Item
August 25, 2026

BACKGROUND:
On October 5, 2021, the Board of Supervisors directed staff to identify funding and projects to improve pedestrian and bicycle access and safety. The Board set a goal to invest $100 million in active transportation access and safety improvement projects over a six-year period. The Board directed staff to compile a list of potential projects and develop a prioritization process. The Board also asked staff to consider maintenance needs in addition to new projects.

The Board previously approved funding of $5,000,000 as part of the FY 2022 Midyear Review, $25,208,830 as part of the FY 2022 Carryover Review, and $26,483,177 as part of the FY 2023 Carryover Review. The Board approved an additional $25,426,590 as part of the *FY 2024 Carryover Review*. As such, the Board has approved collective funding of $82,118,597. Of that approved funding, the Board has allocated approximately $56.7M to date. As presented in the April 7, 2026, Board Transportation Committee meeting, much of the project spending occurs in later stages of the projects.

Of the approximate $25M approved as part of the FY2024 Carryover Review, $1,140,000 is proposed to be allocated for a local cash match for a Safe Streets and Roads for All grant application (approved by the Board in June 2025). For the remaining nearly $24M, County staff conducted a prioritization process of the approximately 2,800 unfunded projects and project requests. Through this process, FCDOT identified 14-16 projects in each district for inclusion on the district's shortlist. Staff presented the results of this analysis and prioritization review in two virtual public meetings on March 11 and 12, 2026, as well as an in-person public meeting on March 21, 2026. Staff obtained public feedback on the shortlisted projects in each district through online surveys. FCDOT then used the results of these analyses and public feedback to develop initial recommendations to each Board office prior to finalizing recommendations.

Attachment 1 includes a detailed list and funding allocation breakdown, which is summarized as follows:

$9,930,000 for Priority Active Transportation Projects (District in Parentheses)

- Guinea Road and Olley Lane (Braddock)
- Maple Avenue and John Robert Way (Braddock)
- Great Falls Street and Sea Cliff Road (Dranesville)
- Birch Road and Kirby Road (Dranesville)
- Franconia Road and Craft Road (Franconia)
- Ladson Lane and Evergreen Farm Place (Franconia)
- Backlick Road and Spring Garden Drive (Franconia)
- Centreville Road at Floris Elementary School (Hunter Mill)
- Reston Parkway and Hopper Street (Hunter Mill)
- Carlin Springs Road and Seminary Road (Mason)

- Lorton Road and Lorton Station Boulevard (Mount Vernon)
- Sherwood Hall Lane and Parkers Lane (Mount Vernon)
- Eskridge Road and Strawberry Lane (Providence)
- Vaden Drive and Royal Victoria Drive (Providence)
- Monument Drive and Fair Ridge Drive (Springfield)
- Hillside Road and Timber Hollow Lane (Springfield)
- Route 50 and Metrotech Drive (Sully)

$6,089,958 for Already Funded Projects in Design or Land Acquisition (District in Parentheses)

- Heritage Drive and Commons Drive (Braddock/Mason)
- Georgetown Pike and Great Falls Library (Dranesville)
- Georgetown Pike and Walker Road (Dranesville)
- Magarity Road and Kennedy Drive (Dranesville/Providence)
- Leesburg Pike and Shreve Road/Haycock Road (Dranesville/Providence)
- Route 7 from Magnolia Avenue across 5930 Leesburg Pike (Mason)
- Lorton Station Boulevard and Harrover Place (Mount Vernon)
- Huntington Avenue and Fenwick Drive (Mount Vernon)
- Eskridge Road and Merrifield Cinema Drive (Providence)
- Graham Road and Rosemary Lane (Providence)
- Eskridge Road and District Avenue (Providence)
- Westfields Boulevard and Walney Road (Sully)
- Leland Road and Sammie Kay Lane (Sully)

$4,847,000 for Already Funded Projects in Prescoping (District in Parentheses)

- Guinea Road and Pierrpont Street (Braddock)
- Lake Braddock Drive and Raintree Road (Braddock)
- Olley Lane and Eastwood Court (Braddock)
- Birch Road from Birch Grove Court to Kirby Road (Dranesville)
- Buckman Road from Martha Washington Street to Bianca Place (Franconia)
- Frying Pan Road at Greg Roy Lane and Dakota Lakes Drive (Hunter Mill)
- Sunset Hills Road and Reston Station Boulevard (Hunter Mill)
- Patrick Henry Drive and Willston Drive (Mason)
- Mount Vernon Highway and Battersea Lane (Mount Vernon)
- Hooes Road and Dudley Drive/Laurel Crest Drive (Mount Vernon)
- Westpark Drive from International Drive to existing sidewalk (Providence)

$1,140,000 in Local Cash Match for 2025 Safe Streets and Roads for All Grant Funding

- Local match for federal grant program
- Grant will help fund an update to the County’s Safety Action Plan and implement demonstration projects to improve road safety

$242,000 for RRFB Maintenance
- Funding for replacing damaged RRFBs

$420,000 for Studies and Planning Related to the Repaving Program
- Funding to assist in road diet studies
- Funding to develop signage and pavement marking plans

$500,000 for Capital Bikeshare Maintenance
- Replacement of 6 stations and 80 bicycles

$1,010,632 for DPWES Trail and Sidewalk Maintenance (Attachment 2)
- Existing active transportation infrastructure maintenance

$1,197,000 for FCPA Trail Maintenance (Attachment 3)
- Includes funding for trail renovation projects

$50,000 for FCPD Equipment
- Funding for speed display signs and traffic data collectors

EQUITY IMPACT:
Active transportation safety and access projects help Fairfax County improve on several of the areas of focus included in the County's One Fairfax equity policy, including Focus Area 1 (community development), Focus Area 11 (a quality built environment) and Focus Area 14 (multi-modal transportation). These projects promote access to employment, educational, and healthcare opportunities; enable County residents to increase physical activity; reduce motor vehicle crashes and the injuries and fatalities they cause; and allow residents more choice in the modes of travel they use.

The prioritization process used to select projects used multiple methods to account for equity considerations. At the beginning of the process, each project was assigned a Need Score, based on its location, which accounted for demographic factors such as race, income, disability, and vehicle access. Projects located in areas with higher concentrations of these demographics received higher Need Scores, and these scores, along with Demand Scores that focused on land uses and key destinations, were used to determine which projects would move forward for further analysis. These demographic factors were also incorporated later in the process, as FCDOT staff analyzed pedestrian destinations around the project location. Projects with the highest Need Scores were automatically assigned the highest possible score on this analysis, which gave them a boost compared to similar projects outside the highest-need areas.

To confirm the equity benefits of the selected projects, staff conducted a geospatial analysis by examining the Vulnerability Index (VI) on a census block group level to ensure that geographic areas and populations are not excluded from the use of the proposed facilities based on various factors, such as educational attainment, language, household vehicle ownership, home ownership, median household income, and uninsured population. Looking at the total number of new capital projects and the highest VI areas served, 23.5% of the new capital projects serve high areas (VI High and Very High categories), 29.4% serve average areas (VI Average category), and 47.1% serve low areas (VI Low and Very Low categories). In evaluating monetary allocations for new proposed capital projects, the analysis shows that 28.8% ($3.035 million) of the total allocations fall within the high VI areas, 25.9% ($2.736 million) of allocations fall within the average VI areas, and 43.3% ($4.777 million) of allocations fall within the low VI areas. Countywide, 17.2% of census blocks are high areas, 25.9% are average areas, and 56.9% are low areas – which shows that the share of funding assigned to projects in high-VI areas meaningfully exceeds their share of the County's area. While projects in high-VI areas should be expected to have the largest equity benefits, even projects in low-VI areas can have a substantial positive equity benefit, as these areas often contain employment, education, and other destinations of crucial importance to individuals without access to a vehicle or unable to drive due to age or disability. It should be noted that staff also purposefully made certain to provide projects in every magisterial district, which may have some impact on the VI distributions. Understanding these vulnerability levels is critical to identifying and addressing potential risks and challenges associated with these projects, enabling successful implementation where the needs of those affected by these projects are met, and any negative impacts are mitigated as much as possible.

FCDOT also ensures inclusive community engagement for new projects by conducting community meetings and public hearings, by using social media and online platforms, and by providing ongoing updates. To address barriers such as language and transportation to/from engagement events, FCDOT reaches out to diverse community groups and utilizes digital communication channels. FCDOT conducted two virtual meetings on shortlisted active transportation projects, as well as a third in-person meeting. The two virtual meetings were scheduled to maximize access, with one held during the day and the other held in the evening. The in-person meeting was hosted by the Korean Community Services Center at their offices in Annandale: meeting materials were shared in Korean and Chinese, and interpretive services were made available upon request. Information about shortlisted projects was also shared through an interactive online map, and feedback about shortlisted projects was solicited through surveys, one for each of the nine Supervisory districts. To provide greater access, one meeting was held in the evening and one was held during the day. Public notifications included issuing a news release (188 subscribers), a posting on the Fairfax County Transportation News webpage, Facebook posts, a boosted post reaching 3,148 Fairfax

County residents, and an announcement on Fairfax Alerts (sent to 9,138 subscribers). The Active Transportation Prioritization process was included as an article in the January and February editions of the Active Transportation Newsletter and was the featured topic in news articles appearing in Annandale Today, FFXnow and the Fairfax County Times. Presentations were made available online in English, Spanish, Korean and Chinese. Two video recordings were also produced in English (152 views) and Spanish (35 views).

FISCAL IMPACT:
Funding is available in Project ST-000051, Bicycle and Pedestrian Access Reserve, in Fund 30050, Transportation Improvements. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment 1 – List of Projects Proposed for Funding Allocation (FCDOT and FCPD)
Attachment 2 – List of DPWES Walkway Maintenance Projects
Attachment 3 – List of FCPA Projects

STAFF:
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$100M for Active Transportation Program
Proposed 2024 Carryover Allocation and Project Selection **2024 Carryover Approved Amount: $25,426,590**

Table 1: Additional Funds Needed for Projects Currently in Design/Land Acquisition

Category	FOCUS No.	Project	Description	Project Status	Election District	Funding Recommendation
FCDOT-TDD	2G40-197-001	Program Management	WPFO Costs not allocated to an individual project and Program Contingency		Countywide	$553,958
FCDOT-TDD	2G40-197-003	Georgetown Pike/ Great Falls Library	Install pedestrian refuge island	Design	Dranesville	$595,000
FCDOT-TDD	2G40-197-019	Route 7 from Magnolia Avenue across 5930 Leesburg Pike	Construct sidewalk on westbound Route 7 across the Liberty Gas Station frontage to connect with the existing sidewalk at the shopping center to the east	Design	Mason	$300,000
FCDOT-TDD	2G40-197-027	Eskridge Road/ Merrifield Cinema Drive	Relocate existing crosswalk and install pedestrian refuge island	Design	Providence	$325,000
FCDOT-TDD	2G40-197-025	Huntington Avenue/ Fenwick Drive	Add signalized crosswalk on west leg with ADA curb ramps, push buttons, and pedestrian signal head as per Huntington Metrorail Area Active Transportation Study	Design	Mount Vernon	$280,000
FCDOT-TDD	2G40-197-030	Heritage Drive/ Commons Drive	Install pedestrian refuge island at existing crosswalk	Design	Braddock, Mason	$225,000
FCDOT-TDD	2G40-197-031	Magarity Road/ Kennedy Drive	Install pedestrian refuge island and relocate bus stops at existing crosswalk	Design	Dranesville, Providence	$450,000
FCDOT-TDD	2G40-197-035	Graham Road/ Rosemary Lane	Install pedestrian refuge island at existing crosswalk	Land Acquisition	Providence	$400,000
FCDOT-TDD	2G40-197-037	Westfields Boulevard/ Walney Road	Add signalized crosswalk, ADA curb ramps, pedestrian push buttons, and pedestrian signal heads on north and south leg. Add pedestrian connection to existing Shared-Use Path	Design	Sully	$350,000
FCDOT-TDD	2G40-197-039	Leland Road/ Sammie Kay Lane	Install pedestrian refuge island at existing crosswalk	Land Acquisition	Sully	$350,000
FCDOT-TDD	2G40-197-050	Georgetown Pike/ Walker Road	Add signalized crosswalks on east and north legs of intersection.	Design	Dranesville	$436,000
FCDOT-TDD	2G40-197-051	Leesburg Pike/ Shreve Road/Haycock Road	Improve existing signalized crosswalks by reducing crossing distance at Shreve Road and Haycock Road by removing the additional southbound through lane on Haycock Road and reducing Shreve Road to one lane at the intersection. Improvements identified in West Falls Church Metrorail Area Active Transportation Study. Developer proffer of $500k available for project.	Design	Dranesville, Providence	$900,000
FCDOT-TDD	ST-000053-010	Lorton Station Boulevard/ Harrover Place	Relocate existing marked crosswalk and install pedestrian refuge island. Study potential Rectangular Rapid Flashing Beacons	Design	Mount Vernon	$650,000
FCDOT-TDD	2G40-197-030	Heritage Drive/ Commons Drive	Install pedestrian refuge island at existing crosswalk	Design	Braddock, Mason	$225,000
FCDOT-TDD	ST-000053-014	Eskridge Road/District Avenue	Relocate crosswalk to south leg. Install pedestrian refuge island or Rectangular Rapid Flashing Beacons	Design	Providence	$275,000
Funds Needed for Projects Currently in Design/Land Acquisition						$6,089,958

Table 2: Additional Funds Needed for Projects Currently in Pre-Scoping

Category	FOCUS No.	Project	Description	Project Status	Election District	Funding Recommendation
Capital Projects Section	2G40-197-009	Hooes Road/Dudley Drive/ Laurel Crest Drive	Install ADA curb ramps and a high visibility crosswalk	Project Initiation	Mount Vernon	$279,000
Capital Projects Section	2G40-197-028	Guinea Road/ Pierrpont Street	Relocate crosswalk to south leg. Install pedestrian refuge island, ADA curb ramps, and sidewalk connection to relocated bus stops. Study potential Rectangular Rapid Flashing Beacons	Project Initiation	Braddock	$485,000
Capital Projects Section	2G40-197-033	Sunset Hills Road/ Reston Station Boulevard	Install ADA curb ramps and a high visibility crosswalk	Project Initiation	Hunter Mill	$232,000
Capital Projects Section	2G40-197-048	Lake Braddock Drive/ Raintree Road	Upgrade existing crosswalk with pedestrian refuge island and curb ramps.	Project Initiation	Braddock	$332,000
Capital Projects Section	2G40-197-049	Olley Lane/ Eastwood Court	Upgrade existing crosswalk with pedestrian refuge island and/or Rectangular Rapid-Flashing Beacons.	Project Initiation	Braddock	$247,000
Capital Projects Section	2G40-197-052	Birch Road from Birch Grove Court to Kirby Road	Construct approximately 470 linear feet of missing active-transportation link on east or west side. (Previous funding for preliminary engineering, land acquisition and utilities only)	Project Initiation	Dranesville	$520,000
Capital Projects Section	2G40-197-053	Buckman Road from Martha Washington Street/Martha Street to Bianca Place	Construct approximately 130 feet of missing active-transportation link on the south side. Add new marked crosswalks crossing Buckman Road and Martha Street.	Project Initiation	Franconia	$504,000
Capital Projects Section	2G40-197-060	Patrick Henry Drive/ Willston Drive	Add new marked crosswalk with pedestrian refuge island and bus stop relocation(s).	Project Initiation	Mason	$579,000
Capital Projects Section	2G40-197-064	Mount Vernon Highway/ Battersea Lane	Upgrade existing crosswalk with pedestrian refuge islands and possible curb extension(s).	Project Initiation	Mount Vernon	$454,000
Capital Projects Section	2G40-197-065	Westpark Drive from International Drive to Existing Sidewalk	Construct approximately 200 linear feet of missing active-transportation link on north side.	Project Initiation	Providence	$983,000
Capital Projects Section	ST-000053-016	Frying Pan Road/ Greg Roy Lane/Dakota Lakes Drive	Upgrade existing marked crosswalk with pedestrian refuge island and/or Rectangular Rapid-Flashing Beacons.	Project Initiation	Hunter Mill	$232,000
Funds Needed for Projects Currently in Pre-Scoping (Capital Projects) (does not include ST-000053-017 and 2G40-197-063)						$4,847,000

Table 3: Approved Grant Local Cash Matches

Category	FOCUS No.	Project	Description	Project Status	Election District	Funding Recommendation
Coordination and Funding Division	2G40-197-089*	SAFE STREETS 4 ALL LCM (2025)	Approved June 24, 2025: Includes development of a Safety Action Plan, Staff Augmenting Consultant (part-time), Turn Calming Demonstration, Quick Build Demonstration, Green Bike Lanes Demonstration, and Neighborhood Greenway Demonstration.	Agreement Development	Countywide	$1,140,000

Note: *denotes new focus project number

Funds for Approved Grant Local Cash Matches $1,140,000

Table 4: Active Transportation Maintenance and Repaving Coordination

Category	FOCUS No.	Project	Description	Project Status	Election District	Funding Recommendation
Active Transportation Section	2G40-197-014	RRFB MAINTENANCE	Replace damaged RRFBs	Maintenance	Countywide	$242,000
Active Transportation Section	2G40-197-015	VDOT REPAVING DESIGN/OPER ANALYSIS	Conduct Road Diet studies and pavement marking and signage plans.	Project Selection	Countywide	$420,000
Active Transportation Section	2G40-197-075*	Capital Bikeshare Equipment Maintenance	Replace 6 stations and 80 bicycles (that have been in operation for 10 - 12 years)	Maintenance	Countywide	$500,000

Note: *denotes new focus project number

Active Transportation RRFB and Capital Bikeshare Maintenance and Restriping Program Design/Operational Analysis $1,162,000

Table 5: Proposed New Projects

Category	FOCUS No.	Project	Description	Project Status	Election District	Funding Recommendation
Capital Projects Section	2G40-197-076*	Guinea Road/ Olley Lane/Harford Lane	(Project 721) Improve pedestrian crossings at the Guinea Road intersection with Olley Lane and Harford Lane by upgrading crosswalk to high-visibility markings, potentially adding pedestrian refuges and additional crosswalk, upgrading curb ramps and pedestrian lighting.	Project Selection	Braddock	$960,000
Capital Projects Section	2G40-197-077*	Maple Avenue/ John Robert Way	(Project 28) Construct approximately 20 feet of Active Transportation facilities along the east side of Maple Avenue at the John Robert Way intersection.	Project Selection	Braddock	$90,000
Capital Projects Section	ST-000053-018*	Great Falls Street/ Sea Cliff Road	(Project 714) Improve the existing marked crosswalk on Great Falls Street at Sea Cliff Road including potential pedestrian refuge, curb extensions, upgraded signage, and pedestrian-scale lighting.	Project Selection	Dranesville	$980,000
Capital Projects Section	2G40-197-078*	Franconia Road/ Craft Road	(Project 732) Improve the existing marked crosswalk on Franconia Road at the Mark Twain Elementary entrance and Craft Road by upgrading pedestrian lighting and potentially constructing curb extensions or pedestrian refuge island.	Project Selection	Franconia	$910,000
Capital Projects Section	2G40-197-079*	Ladson Lane/ Evergreen Farm Place	(Project 641) Install a marked crosswalk on Ladson Lane at Evergreen Farm Place and the Costco entrance including potential curb extensions, upgraded curb ramps, pedestrian lighting, and signage.	Project Selection	Franconia	$330,000
Capital Projects Section	2G40-197-080*	Backlick Road/ Spring Garden Drive	(Project 685) Install new marked crosswalks on the northern and western approaches of the Backlick Road and Spring Garden intersection including upgraded curb ramps, pedestrian lighting, and signage.	Project Selection	Franconia	$430,000
Capital Projects Section	2G40-197-081*	Centerville Road/ Floris Elementary School	(Project 123) Install new marked crosswalk with pedestrian refuge island, reconstructed curb ramps, and upgraded pedestrian-scale lighting at the entrance to Floris Elementary School on Centreville Road.	Project Selection	Hunter Mill	$390,000
Capital Projects Section	2G40-197-082*	Reston Parkway/ Hopper Street	(Project 648) Construct signalized pedestrian marked crosswalk with median refuge across Reston Parkway at the Hopper Street intersection.	Project Selection	Hunter Mill	$650,000
Capital Projects Section	2G40-197-083*	Carlin Springs Road/ Seminary Road	(Project 271) Construct approximately 200 feet of Active Transportation facilities along the west side of Carlin Springs Road just north of the Seminary Road intersection, upgrade curb ramps, and install pedestrian-scale lighting.	Project Selection	Mason	$860,000
Capital Projects Section	2G40-197-084*	Lorton Road/ Lorton Station Boulevard/Armistead Road	(Project 662) Improve existing crosswalks at the Lorton Road intersection with Lorton Station Boulevard and Armistead Road by upgrading curb ramps and pedestrian lighting.	Project Selection	Mount Vernon	$900,000
Capital Projects Section	2G40-197-085*	Sherwood Hall Lane/ Parkers Lane	(Project 166) Install pedestrian signals at Sherwood Hall Lane and Parkers Lane. Add curb ramps on the eastern approach crosswalk. Upgrade southern approach crosswalk markings to high-visibility. Upgrade pedestrian facilities for both separated right-turn lane islands.	Project Selection	Mount Vernon	$450,000

Note: *denotes new focus project number

Table continued on next page

Table 6: Proposed New Projects (continued)

Category	FOCUS No.	Project	Description	Status	Election District	Funding Recommendation
Capital Projects Section	ST-000053-019*	Eskridge Road/ Strawberry Lane	(Project 413) Improve the existing marked crosswalk on Eskridge Road at Strawberry Lane by upgrading the pedestrian lighting and signage and potentially constructing a median pedestrian refuge.	Project Selection	Providence	$460,000
Capital Projects Section	ST-000053-020*	Vaden Drive/ Royal Victoria Drive	(Project 414) Upgrade the Active Transportation crossings at the Vaden Drive and Royal Victoria Drive intersection to improve access to the Providence Community Center including adding and upgrading pedestrian signage, lighting, and curb ramps.	Project Selection	Providence	$360,000
Capital Projects Section	2G40-197-086*	Monument Drive/ Fair Ridge Drive	(Project 552) Improve the existing crosswalks at the Monument Drive and Fair Ridge Drive intersection including constructing additional pedestrian refuge, reconstructing curb ramps, and installing or upgrading pedestrian-scale lighting.	Project Selection	Springfield	$460,000
Capital Projects Section	2G40-197-087*	Hillside Road/ Hall Street/Timber Hollow Lane	(Project 672) Install a marked crosswalk, possible pedestrian refuge or curb extensions, reconstructed curb ramps, and pedestrian-scale lighting on Hillside Road at the Hall Street and Timber Hollow Lane intersection.	Project Selection	Springfield	$500,000
Capital Projects Section	2G40-197-088*	Route 50/ Metrotech Drive/Elmwood Street	(Project 582) Improve Active Transportation facilities at the Route 50 intersection with Metrotech Drive and Elmwood Street including improved pedestrian-scale lighting and potential additional pedestrian refuge islands and crosswalk.	Project Selection	Sully	$1,200,000

Note: *denotes new focus project number

Funds Needed for Proposed New FCDOT Capital Projects **$9,930,000**

Proposed Total DOT Funds **$23,168,958**

Table 7: FCPD Projects

Category	FOCUS No.	Project	Description	Project Status	Election District	Funding Recommendation
FCPD	ST-000054				Countywide	$50,000

Proposed Total Fairfax County Police Department (contact: Major Scott Colwell) **$50,000**

Table 8: DPWES Walkway Maintenance

Category	FOCUS No.	Project	Description	Status	Election District	Funding Recommendation
DPWES	ST-000055	WLK0064004671: 1134 Stuart Hills Way	772 linear feet	Maintenance	Hunter Mill	$43,232
DPWES	ST-000055	WLK0111002922: 11696 Gilman Ln	495 linear feet	Maintenance	Hunter Mill	$27,720
DPWES	ST-000055	WLK0111006380: 11697 Gilman Ln	668 linear feet	Maintenance	Hunter Mill	$37,408
DPWES	ST-000055	WLK0112001163: 1268 Reston Ave	677 linear feet	Maintenance	Hunter Mill	$37,912
DPWES	ST-000055	WLK0112001608: 11715 Caris Glenne Dr	148 linear feet	Maintenance	Hunter Mill	$8,288
DPWES	ST-000055	WLK0112003937: 11601 Tori Glen Ct	187 linear feet	Maintenance	Hunter Mill	$10,472
DPWES	ST-000055	WLK0112005064: 11544 Southington Ln	277 linear feet	Maintenance	Hunter Mill	$15,512
DPWES	ST-000055	WLK0112005632: 11581 Southington Ln	1500 linear feet	Maintenance	Hunter Mill	$84,000
DPWES	ST-000055	WLK0112005632: 11583 Southington Ln	1730 linear feet	Maintenance	Hunter Mill	$96,880
DPWES	ST-000055	WLK0112005780: 1232 Gilman Ct	205 linear feet	Maintenance	Hunter Mill	$11,480
DPWES	ST-000055	WLK0112007013: 1268 Reston Ave	781 linear feet	Maintenance	Hunter Mill	$43,736
DPWES	ST-000055	WLK0112021614: 1204 Danlea Ct	202 linear feet	Maintenance	Hunter Mill	$11,312
DPWES	ST-000055	WLK0112050641: 1203 Danlea Ct	235 linear feet	Maintenance	Hunter Mill	$13,160
DPWES	ST-000055	WLK0112002153: 1210 Reston Ave	743 linear feet	Maintenance	Hunter Mill	$41,608
DPWES	ST-000055	WLK0112007014: 11519 Leesburg Pike	339 linear feet	Maintenance	Hunter Mill	$18,984
DPWES	ST-000055	WLK0172007105: 1700 Reston Pkwy	634 linear feet	Maintenance	Hunter Mill	$35,504
DPWES	ST-000055	WLK0173007205: 12011 Sunset Hills Rd	680 linear feet	Maintenance	Hunter Mill	$38,080
DPWES	ST-000055	WLK0244001756: 13623 Kristin Pl	187 linear feet	Maintenance	Sully	$10,472
DPWES	ST-000055	WLK0244005487: 3019 Centreville Rd	330 linear feet	Maintenance	Sully	$18,480
DPWES	ST-000055	WLK0244006222: 3071 Centreville Rd	382 linear feet	Maintenance	Sully	$21,392
DPWES	ST-000055	WLK0244066500: 13800 Wall Road	627 linear feet	Maintenance	Sully	$35,112
DPWES	ST-000055	WLK0253006120: 2900 Ashdown Forest Dr	335 linear feet	Maintenance	Sully	$18,760
DPWES	ST-000055	WLK0253057286: 2921 Centreville Rd	363 linear feet	Maintenance	Sully	$20,328
DPWES	ST-000055	WLK0253004894: 3032 Burchlawn St	611 linear feet	Maintenance	Sully	$34,216
DPWES	ST-000055	WLK0253006224: 2999 Centreville Rd	663 linear feet	Maintenance	Sully	$37,128
DPWES	ST-000055	WLK0254002298: 2958 Ashdown Forest Dr	464 linear feet	Maintenance	Sully	$25,984
DPWES	ST-000055	WLK0254002447: 3000 Ashburton Manor Dr	602 linear feet	Maintenance	Sully	$33,712
DPWES	ST-000055	WLK0254003680: 12919 Cinnamon Oaks Ct	678 linear feet	Maintenance	Sully	$37,968
DPWES	ST-000055	WLK0332027459: 3857 Dulles South Ct	176 linear feet	Maintenance	Sully	$9,856
DPWES	ST-000055	WLK0332003938: 3935 Avion Park Ct	1335 linear feet	Maintenance	Sully	$74,760
DPWES	ST-000055	WLK0341000022: 14555 Avion Parkway	466 linear feet	Maintenance	Sully	$26,096
DPWES	ST-000055	WLK0341001892: 3901 Stonecroft Blvd	555 linear feet	Maintenance	Sully	$31,080

Proposed Total DPWES Funds (Contact: Peter Vigliotti) **$1,010,632**

Table 9: FCPA Trail Maintenance

Category	FOCUS No.	Project	Description	Status	Election District	Funding Recommendation
FCPA	2G51-052-000	Carney Park	Renovate of 4,000 LF asphalt trail	Maintenance	Braddock	$165,000
FCPA	2G51-052-000	Cub Run SV/Pleasant Hill	Renovate 4,600 LF of asphalt trail.	Maintenance	Sully	$197,000
FCPA	2G51-052-000	Frog Branch SV	Renovate 4,100 LF of asphalt trail.	Maintenance	Sully	$172,000
FCPA	2G51-052-000	Lake Accotink Trails	Renovate 22,000 LF of natural surface trail	Maintenance	Braddock	$200,000
FCPA	2G51-052-000	Pimmit View	Renovate 2,900 LF of asphalt trail	Maintenance	Dranesville	$150,000
FCPA	2G51-052-000	Pine Spring	Renovate 1,600 LF of stream valley trail	Maintenance	Providence	$74,000
FCPA	2G51-052-000	South Run Stream Valley	Renovate 7,000 LF of stream valley trail	Maintenance	Mount Vernon	$239,000

Proposed Total Fairfax County Park Authority (Contact: Tom McFarland) **$1,197,000**

Board Agenda Item
August 25, 2026

ACTION – 5

Resolution to Support the Addition of Alliance Drive and Alliance Court Into the Virginia Highway System (Springfield District)

ISSUE:
Board adoption of the attached resolution (Attachment 1) supporting the addition of Alliance Drive and Alliance Court into the Virginia State Highway System.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution (Attachment 1) supporting the addition of Alliance Drive and Alliance Court into the Virginia State Highway System.

TIMING:
The Board should take action on August 25th, 2026, so that the Virginia Department of Transportation (VDOT) has the support of the Board to finalize the addition and update the State maintenance inventory.

BACKGROUND:
The Fairfax County Department of Transportation (FCDOT) received a request from VDOT on the addition of Alliance Court and Alliance Drive to the Virginia Highway System.

VDOT has requested the support of the County, by a Board Resolution, to add Alliance Drive and Alliance Court to the state highway system pursuant to *Section 33.2-705 of the Code of Virginia*. Alliance Drive and Alliance Court were built in accordance with the West Ox Road Complex- Infrastructure Plan. VDOT is pursuing this request for the addition of Alliance Drive, 0.36 miles, and Alliance Court, 0.49 miles, to the Virginia Highway System as shown on Attachment 2.

EQUITY IMPACT:
None.

Board Agenda Item
August 25, 2026

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – VDOT Maintenance Addition Image
Attachment 3 – Fairfax County Project # 6897-SP-001-2, Plan Sheets – 1 & 9-13
Attachment 4 – VDOT Link Sheet
Attachment 5 – Vicinity Map

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Coello, Deputy Director, 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
Harrison Hyde, Transportation Planner I, SAS, FCDOT

ASSIGNED COUNSEL:
Randall T. Greehan, Assistant County Attorney

ATTACHMENT 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
ADDITION
ALLIANCE DRIVE & ALLIANCE COURT

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 August 25th, 2026, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the completion of Fairfax County Project Plan # 6897-SP-001, "West Ox Road Complex – Infrastructure Plan", caused roadway additions in the Springfield Magisterial District on Tax Map 55-2, 55-4 & 56-1; and

WHEREAS, Alliance Drive was constructed from West Ox Road, Route 608, northwest to Transfer Station Road (a Fairfax County road); and

WHEREAS, Alliance Court was constructed from Alliance Drive east to the entrance of a Virginia Department of Transportation facility; and

WHEREAS, both roads provide access to state and county properties; and

WHEREAS, the subject roadway additions are hereby requested to be added to the Secondary System of State Highways pursuant to Code of Virginia Section §33.2-705; and

NOW THEREFORE, BE IT RESOLVED, that this Board requests the addition of Alliance Drive and Alliance Court as depicted on the Attachments to this Board Item. A copy of this resolution will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

ADOPTED this 25th day of August 2026.

A Copy-Teste:

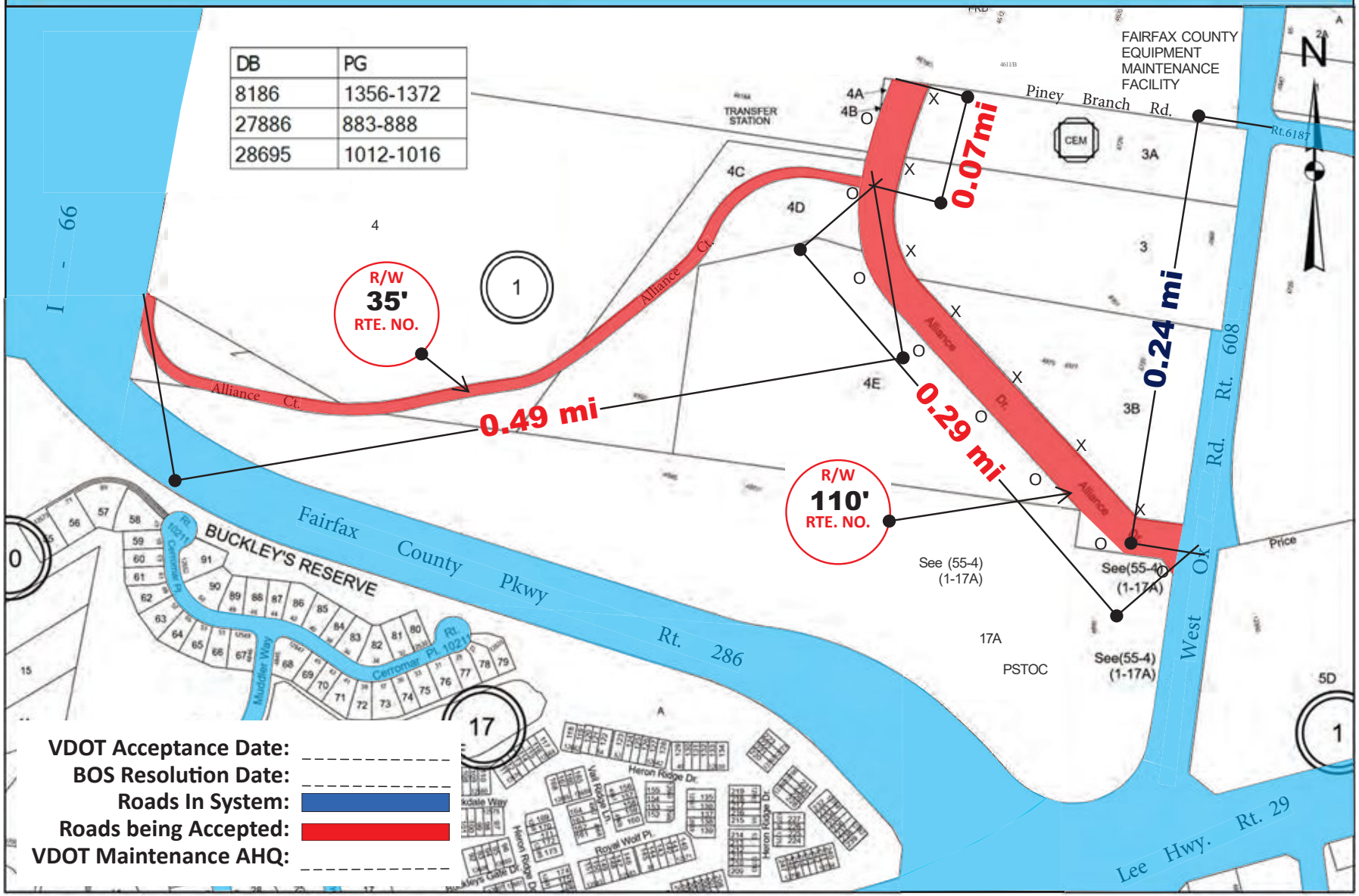
Jill G. Cooper
Clerk for the Board of Supervisors

VDOT Maintenance Addition Image

ATTACHMENT 2

SUBDIVISION - SECTION	D.B.	DISTRICT	Date: 5/19/2026	MAP SCALE	TAX GRID REFERENCE
Alliance Drive & Alliance Court **West Ox Road Complex**	SEE BELOW	SPRINGFIELD		1"=400'	55-2&4 56-1
	PAGES	6897-SP-001	BY: DRB		

VDOT WILL MAINTAIN SIDEWALKS ONLY IF MARKED AS FOLLOWS: X
SIDEWALK MAINTAINED BY FAIRFAX COUNTY IF MARKED AS FOLLOWS: O
TRAILS MAINTAINED BY FAIRFAX COUNTY IF MARKED AS FOLLOWS:



PLAN APPROVAL INFORMATION

RELATED INFORMATION	REQUIRED	NOT REQUIRED	COUNTY I.D. NUMBER	COMMENTS/SHEET NO.
1. CONCURRENT PROCESSING		●		
2. MODIFIED PROCESSING		●		
3. AFFORDABLE DWELLING UNITS		●		
4. R.P.A. DELINEATION	●			SEPARATE RPA PLAN UNDER SEPARATE COVER
5. FLOOD PLAIN STUDY		●		
6. DRAINAGE STUDY		●		
7. CHESAPEAKE BAY ACT EXCEPTION		●		
8. WATER QUALITY IMPACT ASSESSMENT	●			TO BE SUBMITTED UNDER SEPARATE COVER
9. SOILS REPORT APPROVAL	●			APPROVED 4/5/05, SEE SHEET 66
10. ONSITE EASEMENTS	●			TO BE SUBMITTED UNDER SEPARATE COVER
11. OFFSITE EASEMENTS		●		
12. NOTARIZED LETTERS OF PERMISSION		●		
13. ARCHITECTURAL REVIEW BOARD APPROVAL		●		
14. RETURN PLAN TO B.O.S. PRIOR TO APPR.		●		
15. RETURN PLAN TO P.C. PRIOR TO APPR.		●		
16. ADJACENT PROPERTY OWNER NOTIFICATIONS	●			SUBMITTED UNDER SEPARATE COVER
17. OFFSITE UTILITY WORK NOTICES		●		
18. MAJOR UNDERGROUND UTILITY NOTICES		●		
19. REZONING APPROVAL		●		
20. B.O.S. CLERK LETTER/RESOLUTION		●		
21. REZONING PROFFERS/CONDITIONS		●		
22. REZONING DEVELOPMENT PLAN		●		
23. SPECIAL EXCEPTION FOR USE	●			2232 APPLICATION/PUBLIC HEARING SEE SHEET 65
24. SPECIAL PERMIT FOR USE		●		
25. B.Z.A. VARIANCE APPROVAL		●		
26. B.Z.A. CLERK LETTER/RESOLUTION	●			2232 APPLICATION/PUBLIC HEARING SEE SHEET 65
WAIVER 1: DAM BREACH	●			#006897-WDAM-001-1, APPROVED 4/18/05, SEE SHEET 65A
WAIVER 2: TRAIL DEFERRAL	●			#6897-WTL-001-1, APPROVED 4/18/05, SEE SHEET 65A
WAIVER 3: TRANSITIONAL SCREENING DEFERRAL	●			#006897-WTSW-001-1, APPROVED 04/14/05, SEE SHEET 65A
WAIVER 4:		●		
WAIVER 5:		●		
MODIFICATION 1:		●		
MODIFICATION 2:				
MODIFICATION 3:				

PLAN REVIEW FEE COMPUTATION

PLAN TYPE	PUBLIC IMPROVEMENT PLANS (PI)		SUBDIVISION PLANS (SD)		SITE PLANS (SP)	
BASE FEE	BASE FEE= $1,725	$1,725	IF LESS THAN 10 LOTS $4,300	$4,300	BASE FEE= $4,800	$4,800
			IF 10 LOTS OR MORE, ADD $1,500	$	PLUS $890 PER DISTURBED ACRE (OR $2,200 PER DISTURBED HECTARE) (ROUND UP DISTURBED AREA TO WHOLE NUMBER) 64 Ac. X $890	56,960
	SUBTOTAL	1 $	SUBTOTAL	1 $	SUBTOTAL (MAX. = $24,000)	1 $ 24,000
FEES IN ADDITION TO BASE FEE – APPLIES TO ALL PLAN TYPES						
REZONING $1,000						
SPECIAL EXCEPTION OR PERMIT $700						
VARIANCE $520						
MAX. FEE RELATED TO ZONING $1,700	SUBTOTAL	2 $	SUBTOTAL	2 $	SUBTOTAL	2 $ 0
PROBLEM SOIL AREA $520						520
NATURAL DRAINAGE WAY $350						
FLOOD PLAIN AREA $350						
SWM FACILITY (EA) $430					3	1,290
BMP FACILITY (EA) $1,150					3	3,450
FEE RELATED TO DRAINAGE & SOILS	SUBTOTAL	3 $	SUBTOTAL	3 $	SUBTOTAL	3 $ 5,260
IMPROVEMENTS ON PI PLANS (OR	QNTY.(lf.) x $0.58/lf QNTY.(m) x $1.90/m	FEE	*APPLIES ONLY TO PUBLIC IMPROVEMENTS PLANS*			
SANITARY SEWER						
STORM SEWER						
TRAILS						
SIDEWALKS						
ROAD IMPROVEMENTS						
CHANNEL IMPROVEMENTS						
WATERLINE						
	SUBTOTAL	4 $				
TOTAL REVIEW FEE PAYABLE UPON SUBMISSION	ADD 1, 2, 3 & 4 ABOVE	$	ADD 1, 2 & 3 ABOVE	$	ADD 1, 2 & 3 ABOVE	$ 29,260
INSERT FEE $60 PER PAGE		A $		A $		A $
DUE PRIOR TO APPROVAL		B $		B $		B $
RESUBMISSION FEE	50% OF ORIG. FEE	3RD $	$2,300 PER SUBMISSION>2ND	3RD $	$2,300 PER SUBMISSION>2ND	3RD $
DUE ON SUBMISSION		4TH $		4TH $		4TH $

FOR COUNTY USE ONLY

APPROVAL NOTES/CONDITIONS:

AGREEMENTS, PERMITS, ETC

DATE _____ CONSTRUCTION PERMIT RECEIVED
_____ SANITARY SEWER AGREEMENT
DATE _____ CONSERVATION ESCROW AGREEMENT RECEIVED
DATE _____ AGREEMENT AND BOND APPROVED
DATE _____ AGREEMENT EXPIRES
DATE _____ BALANCE OF FEE PAID
NAME _____ RESPONSIBLE LAND DISTURBER (R.L.D.)
_____ R.L.D. CERTIFICATE NUMBER

NOTES AND CONDITIONS

1. THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL RESPONSIBILITIES WHICH MAY BE REQUIRED BY THE CODE OF VIRGINIA OR ANY ORDINANCE ENACTED BY THE COUNTY OF FAIRFAX.

2. THE DESIGN, CONSTRUCTION, FIELD PRACTICES, AND METHODS SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE FAIRFAX COUNTY CODE AND IN THE PUBLIC FACILITIES MANUAL AS AMENDED. FAILURE TO COMPLY WITH THE FAIRFAX COUNTY CODE, THE PUBLIC FACILITIES MANUAL, THE APPROVED PLANS, THE PROVISIONS OF THE CONSTRUCTION AND ESCROW AGREEMENT PERMIT SHALL BE DEEMED A VIOLATION.

3. WATER DISTRIBUTION NOTE: ALL FIRE PROTECTION SYSTEMS WHICH ARE INSTALLED IN COMPLIANCE WITH THESE PLANS AND COUNTY OF FAIRFAX ORDINANCES SHALL BE MAINTAINED IN AN OPERATIVE CONDITION AT ALL TIMES. WHEN NECESSARY TO TEMPORARILY REDUCE OR DISCONTINUE THE PROTECTION IN ORDER TO MAKE TESTS, REPAIRS, ALTERATIONS OR ADDITIONS, NOTIFY THE FAIRFAX COUNTY PUBLIC SAFETY COMMUNICATIONS CENTER AT 703-691-2131.

4. A PERMIT MUST BE OBTAINED FROM THE OFFICE OF THE RESIDENT ENGINEER, VIRGINIA DEPARTMENT OF TRANSPORTATION, NORTHERN VIRGINIA DISTRICT, BEFORE ANY CONSTRUCTION IS STARTED ON ANY EXISTING STATE ROUTE. CONTACT THE VIRGINIA DEPARTMENT OF TRANSPORTATION THREE WORKING DAYS BEFORE EXCAVATION IN ANY STATE RIGHT OF WAY AT 703-383-2888.

5. CONTRACTORS SHALL NOTIFY THE "MISS UTILITY" NOTIFICATION CENTER AT 1-800-552-7001 FOR ANY PROPOSED EXCAVATION, DEMOLITION, OR BLASTING AT LEAST TWO WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION DEMOLITION, OR BLASTING IN ACCORDANCE WITH THE VIRGINIA UNDERGROUND UTILITY DAMAGE PREVENTION ACT. IN ADDITION, NAMES AND TELEPHONE NUMBERS SHALL ALSO BE USED TO SERVE IN AN EMERGENCY CONDITION AS REQUIRED BY SECTION 63-2-2 OF THE FAIRFAX COUNTY CODE.

6. FOR SITES PROPOSING LAND DISTURBING ACTIVITIES OF ONE (1) ACRE OR MORE, THE CONSTRUCTION ACTIVITY OPERATOR MUST REGISTER WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE COMMONWEALTH OF VIRGINIA. THIS IS A REQUIREMENT OF THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES.

7. THE COUNTY INSPECTOR SHALL BE NOTIFIED WHEN ANY IMPROVEMENTS PERTINENT TO HIS INSPECTION DUTIES ARE BEING INSTALLED. SPECIFIC REQUIREMENTS ARE:
   A. THE COUNTY SITE INSPECTOR IS TO BE NOTIFIED AT LEAST 3 DAYS PRIOR TO START OF CONSTRUCTION.
   B. A MINIMUM OF 24 HOURS NOTICE IS REQUIRED WHEN REQUESTING RESIDENTIAL OR NON-RESIDENTIAL USE PERMITS.
   C. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED WHEN REQUESTING TESTS PERTAINING TO SANITARY SEWER ACCEPTANCE.

ZONING REQUIREMENTS

1) ZONING R-1 SUBJECT TO 2232 APPLICATION
2) AVERAGE LOT AREA N/A
3) MIN. LOT AREA 36,000 SF
4) MIN. LOT WIDTH 175 FT
5) MAX. BUILDING HEIGHT 60FT
6) NUMBER OF FLOORS N/A (Commercial/Industrial ONLY)
7) MIN. YARD REQUIREMENTS:
   FRONT 50'B.P./45'(ft) SIDE 45'B.P./20' REAR 45'B.P./25'
8) MAXIMUM FAR 0.20 PUBLIC USE
9) MAXIMUM DENSITY N/A
10) OPEN SPACE REQUIRED N/A
11) ANGLE OF BULK PLANE: FRONT 50 SIDE 45 REAR 45
    (DETAIL(S) ON SHEET __)
12) OVERLAY DISTRICT(S) WSPOD

SUBDIVISION PLAN (SD) TABULATIONS N/A

1) SITE AREA _____ (Ac. or ha) _____ (sq.ft. or sq.m)
2) NUMBER OF LOTS _____
3) AREA OF LOTS _____ (sq.ft. or sq.m)
4) AVERAGE LOT AREA _____ (sq.ft. or sq.m)
5) AREA OF PARCEL/OUTLOT _____ (sq.ft. or sq.m)
6) AREA OF PARCEL/OUTLOT _____ (sq.ft. or sq.m)
7) AREA OF PARCEL/OUTLOT _____ (sq.ft. or sq.m)
8) AREA OF PARCEL/OUTLOT _____ (sq.ft. or sq.m)
9) TOTAL AREA OF OPEN SPACE _____ (sq.ft. or sq.m)
10) AREA OF STREET DEDICATION _____ (sq.ft. or sq.m)
11) DENSITY _____ (D.U./Ac. or D.U./ha)

SITE PLAN (SP) TABULATIONS

(SEE PARKING TABULATION ON SHEET 2)

1) SITE AREA 107,825 (Ac.) 4,697,992 (sq.ft.)
2) AREA OF STREET DEDICATION 16,074 (sq.ft.)
3) USE PUBLIC
4) NUMBER OF LOTS 6
5) AREA OF LOTS _____
6) DENSITY N/A
7) EXISTING BUILDING GROSS FLOOR AREA N/A (sq.ft.)
8) PROPOSED BUILDING GROSS FLOOR AREA N/A (sq.ft.)
9) EXISTING BUILDING NET FLOOR AREA N/A (sq.ft.)
10) PROPOSED BUILDING NET FLOOR AREA N/A (sq.ft. or sq.m)
11) TOTAL FLOOR AREA RATIO (FAR) FOR ENTIRE SITE N/A
12) PROPOSED BUILDING HEIGHT N/A (ft. or m)
13) PROPOSED NUMBER OF FLOORS N/A (Commercial/Industrial ONLY)
13) TOTAL HANDICAPPED PARKING REQUIRED N/A
14) TOTAL HANDICAPPED PARKING PROVIDED N/A
15) TOTAL HANDICAPPED VAN SPACES REQUIRED N/A
16) TOTAL HANDICAPPED VAN SPACES PROVIDED N/A
17) TOTAL PARKING SPACES REQUIRED N/A
18) TOTAL PARKING SPACES PROVIDED N/A
19) LOADING SPACES REQUIRED N/A
20) LOADING SPACES PROVIDED N/A
21) OPEN SPACE REQUIRED N/A % _____ (sq.ft.)
22) OPEN SPACE PROVIDED N/A % _____ (sq.ft.)

FIRE MARSHAL NOTES

AVAILABLE FIRE FLOW 2700 FOR WATERMAIN 'A' ONLY (gal/min)
SOURCE OF FIRE FLOW INFO. FAIRFAX WATER
TYPE OF CONSTRUCTION – BOCA N/A
USE GROUP CLASSIFICATION – BOCA N/A
BUILDING HEIGHT N/A (ft. or m)
BUILDING TO BE FULLY SPRINKLERED YES ☐ NO ☒
IF YES, CHECK APPROPRIATE STANDARD: NFPA 13 ☐ ; NFPA 13D ☐ ; NFPA 13R ☐

SEE PFM CHAPTER 9, PART 2 FOR FULL INFORMATION REQUIRED. FIRE FLOW REQUIREMENTS TO BE DETERMINED BY THE FIRE PREVENTION DIVISION.

SEE FAIRFAX WATER NOTES ON SHEET 2 OF 66.

SOLID WASTE STATEMENT

REFUSE COLLECTION AGENCY N/A
TYPE & SIZE OF CONTAINERS OR EQUIPMENT N/A
FREQUENCY OF COLLECTION N/A

RECYCLING SYSTEM STATEMENT

☐ PFM SECTION 10-407.1A
☐ PFM SECTION 10-407.1B
☐ PFM SECTION 10-407.1C
☐ NO STATEMENT REQUIRED PER PFM 10-0403

SANITARY SEWER STATEMENT

WASTEWATER TREATMENT PLANT UPPER OCCOQUAN

■ THIS SITE IS SUBJECT TO LITTLE ROCKY RUN SANITARY SEWER REIMBURSEMENT CHARGES.

☐ THIS SITE IS SERVED BY ONSITE SEWAGE TREATMENT SYSTEM(S).

STORMWATER STATEMENT

WATERSHED(S) LITTLE ROCKY RUN; POPES HEAD

■ THIS SITE IS LOCATED WITHIN THE W.S.P.O.D. (OCCOQUAN WATERSHED).

NUMBER OF STORMWATER DETENTION FACILITIES 3
NUMBER OF BMP FACILITIES 3
NUMBER OF PRIVATE STORMWATER MANAGEMENT FACILITIES 0
HIGH DENSITY POLYETHYLENE (HDPE) USED ON THIS PROJECT YES☐ NO■

DISTURBED AREA (DA) WITHIN WATERSHED(S):

WATERSHED 1 LITTLE ROCKY RUN DA= 45.4 (Ac.)
WATERSHED 2 POPES HEAD DA= 18.6 (Ac.)
WATERSHED 3 _____ DA= _____ (Ac. or ha)
TOTAL DISTURBED AREA= 64.0 (Ac.)

PROFESSIONAL SEAL AND SIGNATURE — DATE _____
PROFESSIONAL SEAL AND SIGNATURE — DATE _____
PROFESSIONAL SEAL AND SIGNATURE — DATE _____

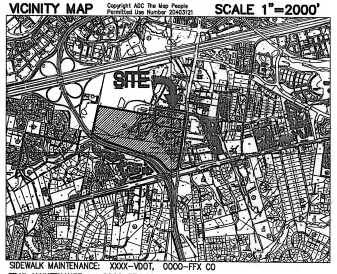
DESIGNATED PLANS EXAMINER (DPE) CERTIFICATE

1ST SUBMISSION REVIEWED & RECOMMENDED FOR SUBMISSION	2ND SUBMISSION REVIEWED & RECOMMENDED FOR APPROVAL
D.P.E. SIGNATURE & PRINTED NAME	D.P.E. SIGNATURE & PRINTED NAME
DATE: REG. NO.:	DATE: 6.14.05 REG. NO.: 194

VICINITY MAP

Copyright ADC The Map People Permitted Use Number 20403121

SCALE 1"=2000'



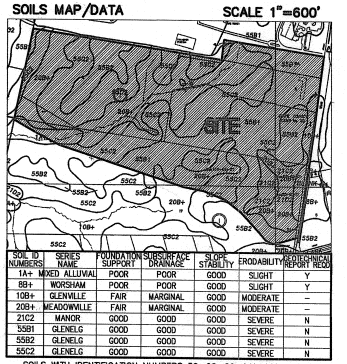
SIDEWALK MAINTENANCE: XXXX-VDOT, OOOO-FFX CO
TRAIL MAINTENANCE: OOOO-FFX CO
ALL OTHER WALKS/TRAILS TO BE OWNER MAINTAINED

TAX MAP REFERENCE NUMBER(S)

MAP PAGE #	DOUBLE CIRCLE #	BLOCK (SINGLE CIRCLE #)	LOT/PARCEL(S) #
55-2	((1))		4, 4A
55-4	((1))		17A
56-1	((1))		3, 3A, 3B

SOILS MAP/DATA

SCALE 1"=600'



SOIL ID NUMBERS	SERIES NAME	FOUNDATION SUPPORT	SUBSURFACE DRAINAGE	SLOPE STABILITY	ERODABILITY	HYDRIC SOILS REPORT REQ'D
1A+	MIXED ALLUVIAL	POOR	POOR	GOOD	SLIGHT	Y
88+	WORSHAM	POOR	POOR	GOOD	SLIGHT	Y
108+	GLENVILLE	FAIR	MARGINAL	GOOD	MODERATE	–
208+	MEADOWVILLE	FAIR	MARGINAL	GOOD	MODERATE	–
21C2	MANOR	GOOD	GOOD	GOOD	SEVERE	N
55B1	GLENELG	GOOD	GOOD	GOOD	SEVERE	N
55B2	GLENELG	GOOD	GOOD	GOOD	SEVERE	N
55C2	GLENELG	GOOD	GOOD	GOOD	SEVERE	N

SOILS WITH IDENTIFICATION NUMBERS 59, 66, 69, 141, 142, AND 152 MAY OVERLIE PARENT BEDROCK FORMATIONS WHICH HAVE BEEN FOUND TO CONTAIN NATURALLY OCCURRING ASBESTOS MINERALS. SPECIAL MINIMUM CONSTRUCTION MEASURES AND PRECAUTIONS ARE REQUIRED IN COMPLIANCE WITH HEALTH DEPARTMENT DIRECTIVES WITHIN THESE SOILS OR WITHIN FILL ORIGINATING FROM THESE SOILS.

ENGINEER'S/SURVEYOR'S CERTIFICATE:

THIS PROPERTY IS IN THE NAME OF SEE SHEET 2 FOR PROPERTY OWNER INFORMATION
AS RECORDED IN
DEED BOOK _____ PAGE _____ OF THE LAND RECORDS OF FAIRFAX COUNTY, VA.

OWNER INFORMATION

( ) OWNER ( ) TRUSTEE
FAIRFAX COUNTY BOARD OF SUPERVISORS (SEE SHEET 2)
NAME PHONE
12000 GOVERNMENT CENTER PARKWAY SUITE 533
FAIRFAX, VA 22035
ADDRESS
( ) A CORPORATION ( ) A PARTNERSHIP ( ) AN INDIVIDUAL

DEVELOPER INFORMATION

( ) DEVELOPER ( ) CONTRACT OWNER ( ) LESSEE
FAIRFAX COUNTY BOARD OF SUPERVISORS
NAME (703) 324-2992 PHONE
12000 GOVERNMENT CENTER PARKWAY SUITE 533
FAIRFAX, VA 22035
ADDRESS
( ) A CORPORATION ( ) A PARTNERSHIP ( ) AN INDIVIDUAL

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.

SIGNATURE
OWNER/DEVELOPER HOSSEN MALAYERI NAME — PROJECT MANAGER TITLE

DATE	RECOMMEND APPROVAL (SIGNATURE & PRINTED NAME)
5.16.05	EMD, STREETLIGHT SECTION, PLANNING & DESIGN DIVISION–DPWES
5.25.05	MDF, PUBLIC WATER AGENCY
5.18.05	B. Pomeroy, SANITARY SEWER REVIEW, EFRD, OSDS – DPWES
6.24.05	B. Sultanz, GEOTECHNICAL REVIEW, EFRD, OSDS – DPWES
7.19.05	SF, STORMWATER REVIEW, EFRD, OSDS – DPWES
06.21.05	CMW RWT, URBAN FORESTRY DIVISION, OSDS – DPWES
07.07.05	GLM, FAIRFAX COUNTY FIRE MARSHAL
	FAIRFAX COUNTY HEALTH DEPARTMENT
06.09.05	L. Nelson, VIRGINIA DEPARTMENT OF TRANSPORTATION
7.19.05	S Patterson, PLAN REVIEWER, ENVIRONMENTAL & FACILITIES REVIEW DIVISION, OSDS – DPWES
7-16-05	Christa Shumaker, DIRECTOR, ENVIRONMENTAL & FACILITIES REVIEW DIVISION, OSDS – DPWES

APPROVED

DATE 10-5-05 BY _____
DIRECTOR, DEPT. OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

THIS PLAN SHALL EXPIRE WITHOUT NOTICE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE COUNTY CODE. REVISIONS DO NOT EXTEND THE APPROVAL PERIOD. THE APPROVAL PERIOD IS INDEPENDENT OF THE AGREEMENT EXPIRATION DATE.

THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

CERTIFICATE OF NO CHANGE

(FOR SUBMISSION OTHER THAN THE FIRST)
I HEREBY CERTIFY THAT NO CHANGES HAVE BEEN MADE THAT WOULD AFFECT THE PRIOR APPROVAL BY THE

FIRE MARSHAL DATED March 3, 2005
WATER AUTHORITY DATED May 25, 2005
HEALTH DEPARTMENT DATED n/a
VDOT DATED June 6, 2005
DPWES-WPMD (SAN. SEW.) DATED May 18, 2005
DPWES-STREETLIGHTS DATED May 11, 05

SHEET INDEX

1. COVER SHEET
2-2B. GENERAL NOTES AND DETAILS
3-3A. OVERALL SITE PLAN
4-8. EXISTING CONDITIONS/DEMOLITION PLAN
9-13. SITE PLAN
14-16. SPINE ROAD PLAN AND PROFILE
17-20. SPUR ROAD PLAN AND PROFILE
21. INTERCHANGE RAMP PLAN AND PROFILE
22. WEST OX ROAD TURN LANE
23-26. STORM DRAIN PROFILES & COMPUTATIONS
27. WATER MAIN PROFILES
28-29A. SANITARY PLAN AND PROFILE
30-30A 'SPINE ROAD' MEDIAN LANDSCAPE PLAN
31. SITE DETAILS
32-35. SHEETS INTENTIONALLY OMITTED
36-40. SEDIMENT AND EROSION CONTROL PLAN–PHASE I
41-45. SEDIMENT AND EROSION CONTROL PLAN–PHASE II
46-49A. SEDIMENT AND EROSION CONTROL NOTES AND DETAILS
50-61. STORMWATER MANAGEMENT COMPUTATIONS, NOTES, AND DETAILS
62. BMP COMPUTATIONS, NOTES AND DETAILS
62A-62C. DAM BREACH ANALYSIS
62D. POND PLANTING PLAN
63-63B. ADEQUATE OUTFALL ANALYSIS
64-64G. BUCKLEY'S RESERVE SWM PLANS (INFORMATION ONLY)
65-65A. CORRESPONDENCE
66. GEOTECHNICAL REQUIREMENTS

DESIGN ENGINEER / SURVEYOR
FIRM NAME: VIKA INC.
ADDRESS: 8180 GREENSBORO DR. SUITE 200 McLEAN VA. 22102
PHONE NO.: 703-442-7800 FAX NO.: 703-761-2787
PROJ. MANAGER: EDMUND J. IGNACIO, P.E. EMAIL: EIGNACIO@VIKA.COM

WEST OX ROAD COMPLEX INFRASTRUCTURE PLAN

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

COUNTY NUMBER
6897-SP-001-2

SITE REVIEW ENGINEER _____

SHEET 1 OF 66

REVISED: 7/1/03

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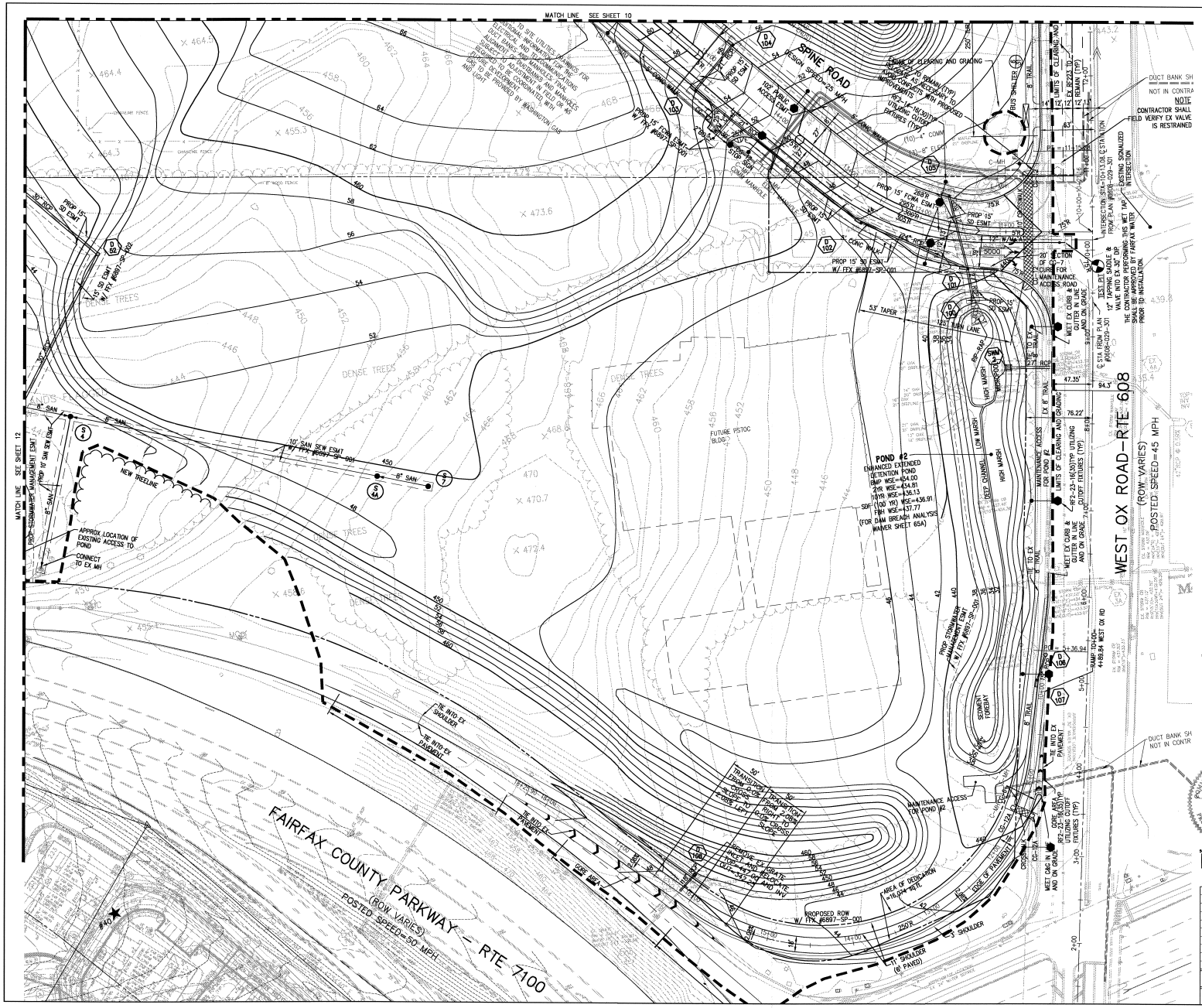

VIKA

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

VIKA, INCORPORATED
8180 GREENSBORO DRIVE, SUITE 200 ■ MCLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)761-2787
MCLEAN, VA ■ GERMANTOWN, MD

WEST OX ROAD COMPLEX INFRASTRUCTURE PLAN

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

SITE PLAN

COMMONWEALTH OF VIRGINIA
EDMUND J. IGNACIO
No. 033579
PROFESSIONAL ENGINEER
8/24/05

VIKA REVISIONS

NO.	DESCRIPTION	REVIEW BY	APPROVED	DATE
	ADDENDUM 1- REV GRADES AND TOP OF WALL ELEVATIONS 8/21/05			
	VDOT COMMENTS 8-10-05			
	INSERTS 7-14-05			
	2nd. SUB. JUNE, 2005			
	STREET LIGHT SUB 5/9/05			

REVISION APPROVED BY:
DIVISION OF DESIGN REVIEW

DATE: JAN., 2005
DES. EJI | DWN. CADD
SCALE: 1"=50'
PROJECT/FILE NO. 6823
SHEET NO. 9 OF 66

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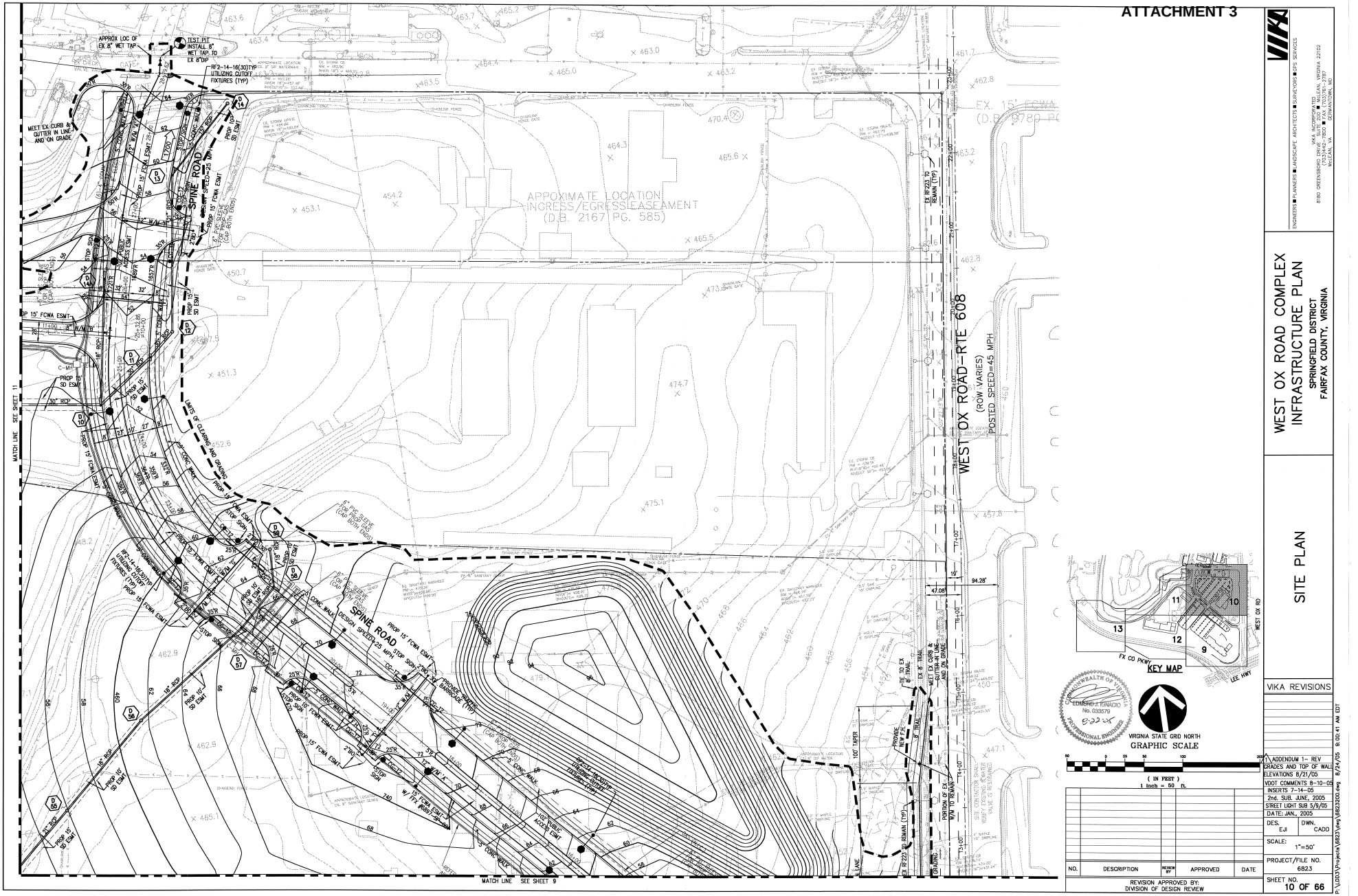
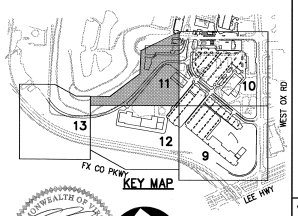

ATTACHMENT 3
WEST OX ROAD COMPLEX
INFRASTRUCTURE PLAN
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
SITE PLAN
WEST OX ROAD - RTE 608
(ROW VARIES)
POSTED SPEED=45 MPH
SPINE ROAD
APPOXIMATE LOCATION
INGRESS/EGRESS EASEMENT
(D.B. 2167 PG. 585)
KEY MAP
GRAPHIC SCALE
1 inch = 50 ft.
VIKA REVISIONS
ADDENDUM 1- REV GRADES AND TOP OF WALL ELEVATIONS 8/21/05
VDOT COMMENTS 8-10-05
INSERTS 7-14-05
2nd. SUB. JUNE, 2005
STREET LIGHT SUB 5/9/05
DATE: JAN., 2005
DES. EJI
DWN. CADD
SCALE: 1"=50'
PROJECT/FILE NO. 6823
SHEET NO. 10 OF 66
NO. DESCRIPTION REVIEW BY APPROVED DATE
REVISION APPROVED BY: DIVISION OF DESIGN REVIEW
MATCH LINE SEE SHEET 11
MATCH LINE SEE SHEET 9





COMMONWEALTH OF VIRGINIA
EDMUND D'IGNAZIO
No. 033579
PROFESSIONAL ENGINEER
8-22-05

VIRGINIA STATE GRID NORTH

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

NO.	DESCRIPTION	REVIEW BY	APPROVED	DATE

REVISION APPROVED BY:
DIVISION OF DESIGN REVIEW

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VIKA, INCORPORATED
8180 GREENSBORO DRIVE, SUITE 200 ■ MCLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)761-2787
MCLEAN, VA GERMANTOWN, MD

WEST OX ROAD COMPLEX INFRASTRUCTURE PLAN

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

SITE PLAN

VIKA REVISIONS

ADDENDUM 1- REV GRADES AND TOP OF WALL ELEVATIONS 8/21/05
VDOT COMMENTS 8-10-05
INSERTS 7-14-05
2nd. SUB. JUNE, 2005
DATE: JAN., 2005

DES.	DWN.
EJI	CADD

SCALE: 1"=50'

PROJECT/FILE NO. 6823

SHEET NO. 11 OF 66

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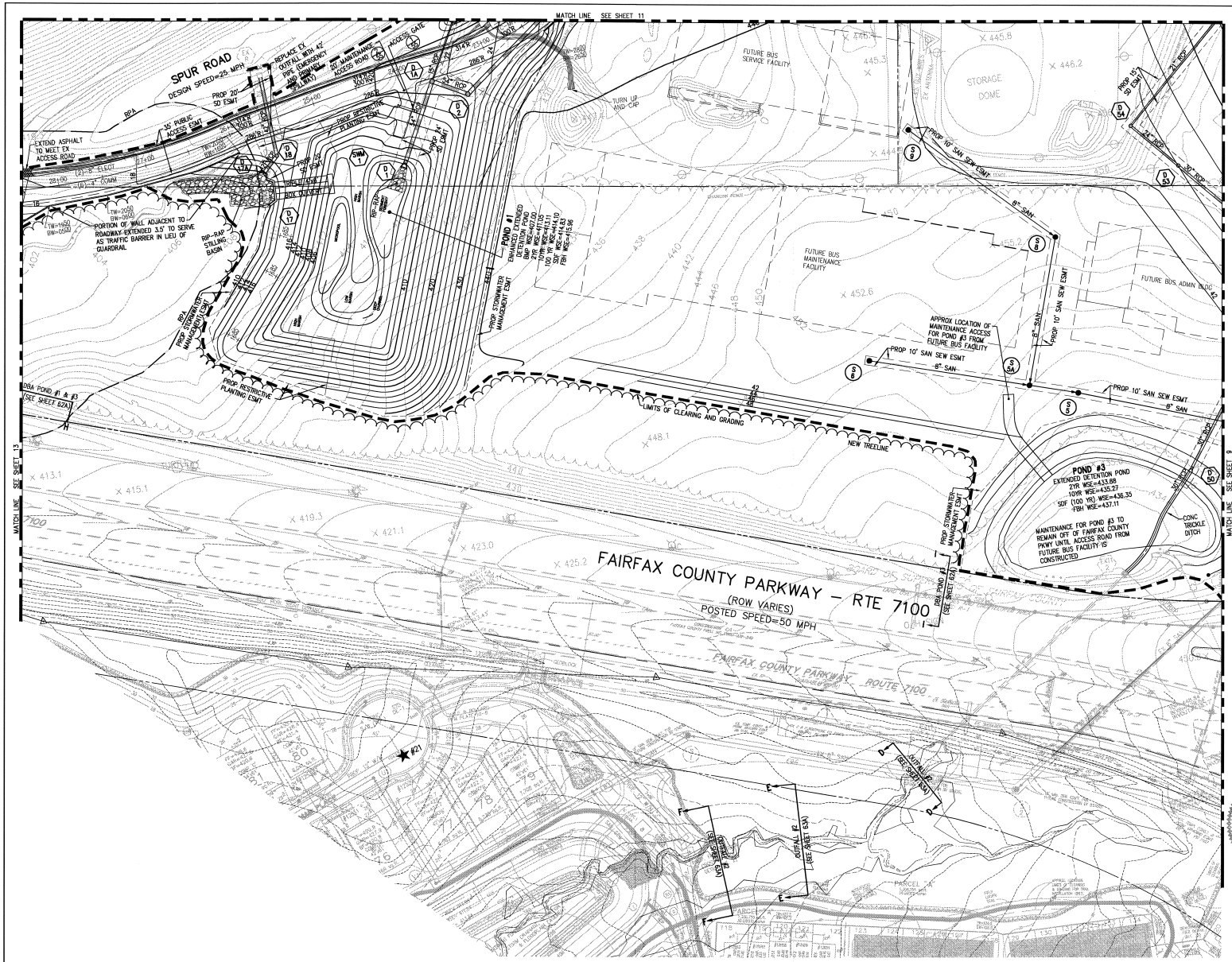

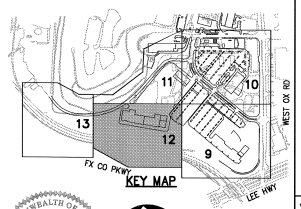

EDWARD J. IGNACIO
No. 033579
8/24/05
PROFESSIONAL ENGINEER

VIRGINIA STATE GRID NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

NO.	DESCRIPTION	REVIEW BY	APPROVED	DATE

REVISION APPROVED BY:
DIVISION OF DESIGN REVIEW

VIKA

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VIKA, INCORPORATED
8180 GREENSBORO DRIVE, SUITE 200 ■ MCLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)761-2787
MCLEAN, VA ■ GAITHERSBURG, MD

WEST OX ROAD COMPLEX INFRASTRUCTURE PLAN

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

SITE PLAN

VIKA REVISIONS

ADDENDUM 1– REV GRADES AND TOP OF WALL ELEVATIONS 8/21/05
VDOT COMMENTS 8-10-05
INSERTS 7-14-05
2nd. SUB. JUNE, 2005
DATE: JAN., 2005

DES.	DWN.
EJI	CADD

SCALE: 1"=50'

PROJECT/FILE NO. 6823

SHEET NO. 12 OF 66

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ATTACHMENT 3



VIKA

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VIKA INCORPORATED
8180 GREENSBORO DRIVE SUITE 200 ■ McLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)761-2787
McLEAN, VA GERMANTOWN, MD

WEST OX ROAD COMPLEX INFRASTRUCTURE PLAN

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

SITE PLAN

VIKA REVISIONS

1 ADDENDUM 1- REV GRADES AND TOP OF WALL ELEVATIONS 8/21/05
VDOT COMMENTS 8-10-05
INSERTS 7-14-05
2nd. SUB. JUNE, 2005
DATE: JAN., 2005

DES. EJI | DWN. CADD

SCALE: 1"=50'

PROJECT/FILE NO. 6823

SHEET NO. 13 OF 66

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VDOT Link Sheet

ATTACHMENT 4

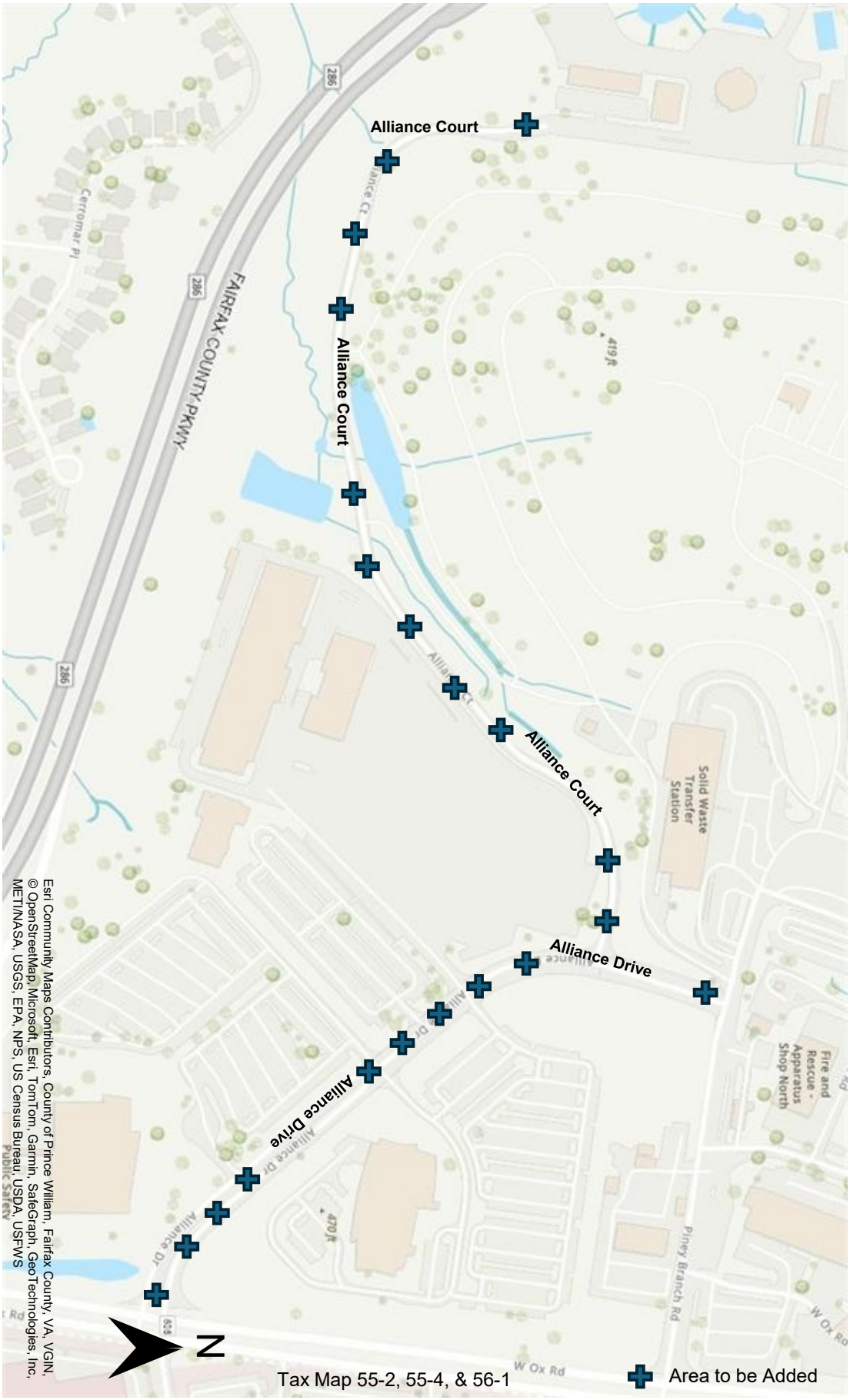
West Ox Road Complex - Infrastructure Plan
Plan # 6897-SP-001
Springfield District – Tax Map 55-2, 55-4 & 56-1

Segment	Street Name/Route #	Addition	Abandonment	Discontinuance	From	To
	Alliance Drive	0.36 mi			CL Ox Road, Route 608 – 0.24 mi S CL Piney Branch Road, Route 6187	0.36 mi NW to CL Piney Branch Road (Fairfax County)
	Alliance Court	0.49 mi			CL Alliance Drive – 0.29 mi NW CL West Ox Road, Route 608	0.49 mi SW to VDOT Maintenance Facility

Alliance Drive And Alliance Court Addition Vicinity Map

Springfield District

Attachment 5



Board Action Item
August 25, 2026

ACTION – 6

Authorization to Make Loans to Franconia Development Partners, LLC of up to $12,000,000 to Finance the Development of the Former Franconia Governmental Center (Franconia District)

ISSUE:
Board of Supervisors' authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to provide subordinate financing of up to $12,000,000 to Franconia Development Partners LLC (Developer), for the development of 120 units of affordable housing (the Project) in the Franconia District.

RECOMMENDATION:
The County Executive recommends the Board authorize the FCRHA to make the proposed loans for the development of the project in an amount not to exceed $12,000,000.

TIMING:
Immediate. Board action is requested on August 25, 2026, to increase the competitiveness of the Developer's application for the State's Affordable and Special Needs Housing (ASNH) funding program later this summer.

BACKGROUND:
The FCRHA is the owner of a 3.32-acre property consisting of five adjacent parcels, commonly known as 6121 Franconia Road (in the Franconia District), which was formerly the site of the Franconia Governmental Center. The FCRHA authorized an Interim Agreement with Developer on October 17, 2024. The FCRHA authorized a Comprehensive Agreement with the Developer on July 23, 2026, which contains the Option to Lease.

Developer:
The Department of Housing and Community Development (HCD) selected Developer, a limited liability company comprised of SCG Development Partners, LLC (SCG), a Delaware limited liability company, Good Shepherd Housing and Family Services, Inc. (GSH), a Virginia corporation, and NFP Affordable Housing Corp. (NFP), a Delaware corporation through a competitive "Request for Proposal" (RFP) process pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA). SCG is a

trusted leader in affordable housing development and has delivered more than 5,000 affordable units. The NFP founder and Executive Director has successfully acquired and rehabilitated over 500 units of affordable housing in Fairfax County. GSH has provided affordable housing, supportive services, and emergency financial services to low-income and working families and individuals in Fairfax County for more than forty years.

Project Description:
The Project is anticipated to include the construction of up to 120 affordable housing units with surface and structured parking, as well as approximately 6,000 square feet of interior space designated for amenity uses, under a 99-year ground lease from the FCRHA. Affordability levels are anticipated to be income averaged at or below 60% of Area Median Income (AMI), with the flexibility for lower and higher income levels as allowed by the Low-Income Housing Tax Credit (LIHTC) program.

The benefits of the development are expected to include the following:

a) Up to 120 new units of affordable housing in the Franconia District serving households with incomes averaged at or below 60% of AMI, subject to the applicable program affordability requirements.

b) Bus stop adjacent to the development.

c) Property will be designed to incorporate amenities including, but not limited to, elevators, a fitness center, package lockers, on-site property management, a community room, a social room, parking and bike storage.

d) A new publicly accessible urban park.

e) Additional public benefits as outlined in the approved zoning.

<u>Summary of Anticipated Project Financing</u>
The Developer plans on using four percent LIHTC, funding from the Virginia Department of Housing and Community Development's (DHCD) ASNH program, a deferred developer fee, and is requesting subordinate financing of up to $12,000,000. The Borrower will repay the FCRHA subordinate financing loan out of net cash flow, and the unpaid principal will bear three percent interest. The financing plan is described more fully in Attachment 2. Loan terms are detailed in the Term Sheet included as Attachment 3. The funding of this FCHRA subordinate financing may include allocations from the Affordable Housing Development and Investment Fund (AHDI), Housing Trust Fund (HTF), and/or other sources, at FCRHA's discretion. The Developer currently anticipates closing on the financing in the fourth quarter of 2027.

EQUITY IMPACT:
The proposed Project will contribute to the Board's goal of creating 10,000 affordable housing units by 2034.

The location of the proposed Project is accessible to important community amenities such as transportation, schools, retail and recreation. The location and population served align with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) providing a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport.

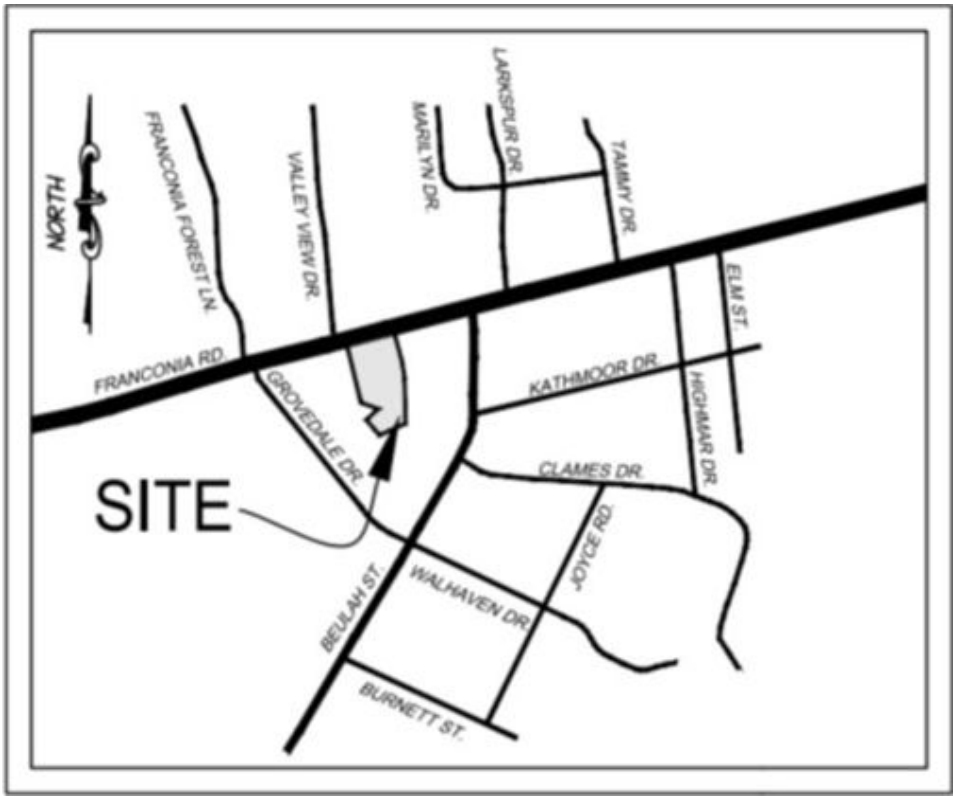
FISCAL IMPACT:
The requested loan amount, not to exceed $12,000,000, will be sourced from existing appropriations in the AHDI Fund. The interest rate on the loan(s) would be 3 percent simple interest per annum (Attachment 3 – Loan Term Sheet for FCRHA Subordinate Financing). The ongoing loan monitoring fee to the FCRHA will be in conformance with rates at the time of the loan issuance, paid annually after construction completion.

ENCLOSED DOCUMENTS:
Attachment 1 – Project Location Map
Attachment 2 – Appraised Value, Proposed Unit Mix, Rent Structure and Financing Plan
Attachment 3 – Loan Term Sheet for FCRHA Subordinate Financing

STAFF:
Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing & Community Development (HCD)
Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD
Callahan Seltzer, Division Director, Real Estate & Community Development Finance, HCD
Mark Buenavista, Division Director, Capital Planning and Development (CPD), HCD
Rachel Waldman, Associate Director, Real Estate Finance, HCD
Jeremy Welsh-Loveman, Real Estate Finance Project Manager, Real Estate Finance, HCD

Attachment 1

Project Location Map



Appraised Value, Proposed Unit Mix, Rent Structure and Financing Plan

Appraised Value:
An independent appraisal company, The Robert Paul Jones Company LLC, confirmed that the total appraised value of the Former Franconia Governmental Center Project fully collateralizes the sum of the anticipated senior debt and FCRHA subordinate loan. According to the appraisal dated July 2, 2026, the appraised value is $40,550,000. The final loans will be structured to fully collateralize the total requested funds.

The Department of Tax Administration (DTA) has reviewed the appraisal and determined that the valuation methodology and value conclusions were appropriate and reasonable.

Proposed Unit Mix:

Room Type	Units
1-bed	46
2-beds	58
3-beds	16
Total	**120**

The proposed unit mix is subject to change depending on further underwriting, analysis, and negotiations with the development team. The proposed affordability levels for all units will be an average of 60% AMI, as applicable with an average affordability level up to the 60% of AMI level and all rents will be in conformance with the Low-Income Housing Tax Credit (LIHTC) program, as set by Virginia Housing (VH).

Current Estimated Financing Plan:
Franconia Development Partners, LLC is proposing to finance the Project using 4 percent LIHTC along with a variety of sources, including, but not limited to, mortgages financed by Virginia Housing, subordinate financing through the FCRHA (FCRHA Loans), and Affordable and Special Needs Housing (ASNH) funds from the Virginia Department of Housing and Community Development (DHCD). The total amount of Affordable Housing Development and Investment Fund (AHDI) subordinate financing will not exceed $12,000,000. The funding of this loan may include allocations from the AHDI Fund, Housing Trust Fund (HTF), and/or other sources as listed in the item, at the FCRHA's discretion. The sources of funds and allocation between sources may be revised before closing to reach an optimal financing structure. Given that the financial closing of this project is over a year away, there are still a number of unknowns and uncertainties regarding project costs and financing. The proposed sources of funding for the Project, along with the uses of such funds in delivering the Project, are listed below:

Estimated Sources and Uses as of June 2026:

Sources	Amount
Tax Credit Equity	$ 15,540,000
VH First Mortgage (Including REACH)	$ 13,577,000
VH Second Mortgage	$ 5,616,393
FCRHA Subordinate AHDI Loan	$ 12,000,000
Virginia DHCD: ASNH	$ 2,000,000
Deferred Developer Fee	$ 1,227,900
Total Sources	**$ 49,858,670**

Uses	Amount
Acquisition	$ 12,609
Hard Construction Cost	$ 30,674,937
Construction Contingency	$ 1,533,747
Architecture & Engineering	$ 1,836,623
Soft Costs	$ 7,512,192
Financing/ Interest	$ 2,950,061
Reserves	$ 1,247,501
Developer Fee	$ 4,091,000
Total Uses	**$ 49,858,670**

HCD staff will continue to underwrite the Project as other sources are committed, including LIHTC equity and additional sources sought by the Developer. The RHA recommended approval of up to $12,000,000 for this Project, but the final loan amount remains subject to final underwriting, including evaluation of the Loan to Value, County loan per unit, and leveraging ratios as set forth in the 2026 Notice of Funding Availability.

Franconia Governmental Center

Loan Term Sheet for FCRHA Subordinate Financing

Borrowers:	Franconia Development Partners, LLC
Developer:	Franconia Development Partners, LLC, a single purpose entity controlled by SCG Development Partners (SCG), Good Shepherd Housing and Family Services, Inc., and NFP Affordable Housing Corp. (NFP).
Project Address:	6121 Franconia Road, VA 22310
Loan Amounts:	Up to $12,000,000. The funding of this loan may include allocations from the Affordable Housing Development and Investment Fund (AHDI), Housing Trust Fund (HTF), and/or other sources, at FCRHA's discretion. If the FCRHA uses multiple funding sources, each source may comprise a separate loan. The terms will apply to each loan.
Interest Rate:	Each loan will incur 3 percent simple interest per annum. Interest will start to accrue on funds as they are disbursed. Interest can be deferred or waived during construction.
Repayment:	Loan will be repaid from annual net cash flow (NCF). NCF includes cash flow remaining after payment of must-pay debt service, operating expenses, operating reserves, deferred developer fee, and such other expenses as the FCRHA may approve. Payments made will be applied first to accrued interest, and then to principal. All outstanding principal and accrued but unpaid interest will be due on the maturity date.
Loan Term:	Loan term will be the longer of (i) term of first-position permanent loan or (ii) 30 years following conversion of first-position loan to permanent financing.
Security:	FCRHA Loans will be subordinate to the first trust mortgage and may be lower in priority lien position, if acceptable to the FCRHA in its sole discretion. (If the project is funded with AHDI and/or other FCRHA funds, then the AHDI loan will be in second position, followed by other FCRHA loans in third position, fourth position, etc.)

Affordability:	Borrower will rent units to households that income average at or below 60% of Area Median Income (AMI) and must comply with all applicable affordability requirements, including LIHTC requirements during the LIHTC compliance period. FCRHA loan affordability restrictions will be recorded in the land records for the property and will run with the land for the term of the loans(s).
Option & ROFR:	Borrower will provide FCRHA with an option to purchase the property and a right of first refusal (ROFR) for the property. Each of the FCRHA's option and ROFR rights will be subordinate to senior debt financing and will not apply to offers where the purchaser is related to the Developer.
Developer Fee:	Borrower may pay a developer fee to Developer, the total and deferred amounts of which are subject to the approval of the FCRHA. Borrower may recoup its deferred developer fee in full before making payments on the FCRHA loan(s), subject to terms to be finalized between FCRHA and Borrowers. Borrower will make no other payments to Developer (or affiliates of Developer) without the prior consent of the FCRHA.
Monitoring Fees:	The FCRHA will receive an annual monitoring fee of no less than $7,500 per loan, escalating at 3 percent annually, for monitoring project compliance with loan and other affordability requirements. Underwriting staff will negotiate the monitoring fee to be maximally advantageous to the FCRHA, but in any event the initial annual monitoring fee will be no less than $7,500. The monitoring fees may be cash flow dependent, but must be paid prior to any other cash flow dependent payment and will accrue when not paid fully in a given year.
Reserves:	At funding, Borrower will establish a repair and replacement reserve. The amount of the reserve must be approved by the FCRHA.
Transfers:	Borrower may not transfer the property, in whole or in part, by operation of law or otherwise, without the prior approval of the FCRHA, not to be unreasonably withheld, and subject to the FCRHA's rights under the ROFR.
Senior Loan:	The first position loan must have a fixed interest rate, provided that the FCRHA may approve a variable rate senior construction loan in its sole discretion. The permanent first position loan must amortize.

First position lender must enter into intercreditor or subordination agreement with FCRHA on terms reasonably acceptable to the FCRHA including, without limitation, the right to cure defaults, to acquire the senior debt, and to acquire ownership of the property.

Other Loans: Borrower may not subject the property to any deed of trust or other lien, whether senior or subordinate to the FCRHA loan(s), and whether secured or unsecured, without the prior approval of the FCRHA, except as specifically permitted in the loan documents.

Refinancing: Borrower may not refinance senior debt on the Project without FCRHA's consent. FCRHA loans will become due upon any refinancing of the senior permanent loan. The FCRHA, in its sole discretion, may agree to resubordinate one or more of the FCRHA loans upon such refinancing.

Termination: If the Borrower does not obtain an award of funding from the Virginia Department of Housing and Community Development's (DHCD) Affordable and Special Needs Housing (ASNH) program in fall 2026 for the FY 2027 funding, the FCRHA reserves the right to terminate this loan commitment at the sole discretion of FCRHA staff. Notwithstanding the foregoing, this commitment expires on December 31, 2027, unless extended in writing by the FCRHA. Any such extension will be at the sole discretion of FCRHA staff.

Closing: Borrower will execute FCRHA loan documents concurrently with Borrower's construction loan closing (Closing). Unless waived by the FCRHA in its sole discretion, the following conditions must be met before Closing:

- Fully executed construction loan documents and construction contract.
- Fully executed partnership/operating agreement of Borrower, with admission of investor.
- Fully executed loan commitment for permanent loan, and all necessary approvals for any other permanent and ongoing funding sources.
- A satisfactory appraisal, dated no earlier than 6 months before Closing, showing a property value that exceeds the aggregate debt on the property.
- ALTA survey and Lender's title insurance policy for the benefit of the FCRHA, from a title company acceptable to the FCRHA.
- Zoning letter from the Fairfax County Department of Planning and Development, site plan, building permits, etc.

- Borrower organizational documents (including good standing certificate and authorizing resolutions).
- Legal opinion of Borrower's counsel.
- Final underwriting acceptable to the FCRHA, including sources and uses, development budget, annual operating expenses, 30-year cash flow analysis, and a development schedule.
- Such other documents and information as the FCRHA may reasonably require.

Funding: FCRHA loan funds shall be disbursed at construction completion or earlier as may be permitted under the loan documents. Conditions precedent to funding the FCRHA loan(s) shall be detailed in the loan documents, and shall include the following:

- Certificate of substantial completion from project architect or other certification, as appropriate.
- Payment and performance bond specifying the FCRHA as a named insured.
- No outstanding defaults under any loan, construction, or other project-related agreement.
- Final construction lien releases, all occupancy permits, and a set of as-built drawings for the project.
- Such other items and information as the FCRHA may reasonably require.

The FCRHA may permit full or partial exceptions to any provision in this term sheet in its sole discretion. In the event of any conflict between this term sheet and any fully executed FCRHA loan document, the terms of the FCRHA loan document will control. No third party may rely on the contents of this term sheet.

All references to the FCRHA in this term sheet are inclusive of Assistant Secretaries acting on behalf of the FCRHA.

[Signatures on the following page]

FCRHA:

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

By: _____
Name:
Title:

BORROWER(S):

Franconia Development Partners, LLC

By: _____
Name:
Title:

Board Agenda Item
August 25, 2026

ACTION – 7

Approval of the FY 2026 and FY 2027 Community Services Performance Contract Amendment Between the Fairfax-Falls Church Community Services Board and the Virginia Department of Behavioral Health and Developmental Services to Accept FY 2027 Funding

ISSUE:
Board of Supervisors approval of the FY 2026 and FY 2027 Community Services Performance Contract Amendment between the Fairfax-Falls Church Community Services Board (CSB) and the Virginia Department of Behavioral Health and Developmental Services (DBHDS) and to accept associated FY 2027 funding (both awards included in Exhibit A and future funds awarded in Exhibit Ds). 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 agreement and any supplemental agreements, including but not limited to Exhibit Ds, on behalf of the County.

RECOMMENDATION:
The County Executive recommends that the Board approve the FY 2026 and FY 2027 Community Services Performance Contract between the CSB and DBHDS and accept FY 2027 funding. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive, and/or designee appointed by the County Executive to enter into the agreement and any supplemental agreements, including but not limited to Exhibit Ds, on behalf of the County.

TIMING:
Board action is requested on August 25, 2026.

BACKGROUND:
The Community Services Performance Contract delineates the responsibilities between the Virginia Department of Behavioral Health and Developmental Services and the community services boards and behavioral health authority for the purpose of providing local public mental health, developmental and substance abuse services. It specifies the conditions to be met for a community services board to receive State-controlled funds, identifies the groups of consumers to be served with State-controlled funds and includes requirements to ensure accountability to the State.

As specified in the Code of Virginia, the community services board must make its proposed performance contract available for public review and comment prior to approving and submitting the biennial contract. The proposed FY 2026 and FY 2027 Community Services Performance Contract was available for 30 days for public review and comment. Notices of the comment period were posted at various public facilities, sent electronically through numerous distribution lists and posted on the CSB's web page. Comments were received until August 10, 2026.

After the public comment period, the Executive Committee of the CSB Board approved the FY 2026 and FY 2027 Community Services Performance Contract, and the contract has been presented to the Cities of Fairfax and Falls Church for review and approval.

The FY 2026 and FY 2027 Community Services Performance Contract details funding in Exhibit A of the contract with budget appropriated in the County's financial system in both Fund 40040, Fairfax-Falls Church Community Services Board, and Fund 50000, Federal-State Grant Fund, depending on the funding mechanism (e.g., grant funding, reimbursement for services, formula-based allocation). However, in addition to the funding outlined in Exhibit A, throughout the year, DBHDS may award funding for specific programs and services through Exhibit Ds. This funding has not yet been accounted for in the County's financial system; therefore, the budget will be appropriated at a quarterly review.

In FY 2027, the contract allocates a total of $87,410,449 to the CSB which includes $56,353,230 in State funds, $25,744,624 in fees which primarily include Medicaid, and $5,312,526 in federal funds. This is an increase of $2,056,258 or 2.40% percent from the FY 2026 contract, largely attributed to the estimated revenues from State funds.

EQUITY IMPACT:
The FY 2026 and 2027 Community Performance contract is mandated in the Code of Virginia. The terms of the contract allow the Fairfax-Falls Church CSB to receive both state and federal pass-through funds that will help vulnerable residents of Fairfax County. There is no negative equity impact anticipated as a result of this action item. The services that will be provided as a result of this contract have a high potential of advancing equity in the County.

FISCAL IMPACT:
Funding was appropriated in Fund 40040, Fairfax-Falls Church Community Services Board or held in reserve for anticipated grant funding in Fund 50000, Federal-State Grant Fund as part of the FY 2027 Adopted budget. Reconciliation and any

required adjustments, including appropriation of supplemental funding through Exhibit Ds, will be included at a quarterly review. There is no impact on the General Fund.

ENCLOSED DOCUMENTS:
Attachment 1: FY 2026 and FY 2027 Community Services Performance Contract Amendment

STAFF:
Christopher Leonard, Deputy County Executive
Jordan Scheff, Executive Director, Fairfax-Falls Church Community Services Board

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COMMONWEALTH of VIRGINIA

DARYL WASHINGTON, LCSW
COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
Post Office Box 1797
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Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

July 1, 2026

RE: AMENDMENT 4 AMENDED AND RESTATED FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS – Contract No. P1636.4

Dear CSB Executive Directors,

The attached final FY26-27 amended Community Services Performance Contract (PC) and supplemental documents are ready for your execution through DocuSign. The following are the only documents amended for this review cycle (further details provided below), all other PC documents not included remain in full force and effect. See Performance Contract No. P1636.3 for all other documents not included here.

1. Performance Contract Master Agreement (General Terms and Conditions)
    a. Medicaid Billing Language
2. Exhibit B- Continuous Quality Improvement (CQI)
3. Exhibit E - PC Schedule and Process
4. Exhibit F - Federal Grant Requirements
5. Exhibit G - CSB Master Programs Services Requirements
6. Exhibit I - IT Security & Compliance
7. Exhibit M: Department of Justice Settlement Agreement Requirements (DOJ SA)
8. Addendum I - Administrative Requirements and Processes and Procedures
    a. Appendix C: Unspent Balances Principles and Procedures
    b. Appendix E: Administrative Requirements for Accounts Receivables
    c. Appendix F: Regional Program Operations Procedures
9. State and Federal Indiret Cost Rate Policy
10. Local Match

It is important for the smooth continuity of the process to have signed performance contracts returned to the Department as soon as practicable. Please keep in mind that Code requires CSBs on or before **September 30th** to:

1. Make the proposed contract available for public review and solicit public comments for a period of 30 days before submitting it for local approval.
2. Submit its proposed performance contract to the governing body (city council or board of supervisors) for review and approval. CSBs to have their PC approved or renewed by the governing body of each city or county that established it. If no action is taken by the governing body of each city or county that established it by the deadline, the contract is deemed approved or renewed.
3. Sign its PC and return to the Department.

To avoid disruptions in service continuity and allow sufficient time to complete public review and comment about the contract and negotiation and approval of the contract, the Department provides semi-monthly payments of state-controlled funds to the community services boards. It is important for the smooth continuity of the process to have signed performance contracts returned to the Department as soon as practicable.

The performance contract is a transactional agreement between the Department and the Community Services Boards and Behavioral Health Authority community partners. Changes to this agreement may be made periodically to improve the business relationship, funding and delivery of program services for better alignment with the strategic initiatives of the Commonwealth.

We encourage you to take the time to familiarize yourself with all these documents to understand what is required but we would like to bring your attention to certain changes from this review period.

AMENDMENTS - FY2026 and 2027 Community Services Performance Contract Effective July 1, 2026

Certain amendments provided below are in compliance with required Code of Virginia and Budget amendment changes Items 299#1s and 299 #8s. Outlined here are the material changes to the PC for your review.

1.1 **Performance Contract Master Agreement (General Terms and Conditions)– Medicaid Billing Language Amendment** - Item 299 #8s- the PC is amended to include the required budget amendment language.

1.2 **Exhibit B: Continuous Quality Improvement (CQI)-** this Exhibit has been amended based on the work done internally and externally to bring clarity to certain BH QMS core measures, established measure benchmarks and track progress toward targets, and Quality Improvement Initiatives to address systemic issues.

1.3 **Exhibit E: Performance Contract Schedule and Process** – amended to provide the CSBs specific due dates for Department required reporting submissions for the performance contract, financial data, program related required data submissions, local government audits and Certified Public Accountant (CPA) audits for FY26-27. It also provides specific dates for disbursement of state and federal funds to the CSBs. And provides clarity around local match due dates.

1.4 **Exhibit F: Federal Grant Requirements** – amended to add an addendum for Health and Human Services require language regarding Compliance with Civil Rights. Also, required SAMHSA language regarding Charitable Choice was removed but needs to be put back in the PC to reflect the current federal grants and their general and specific terms and conditions. These are required material changes that are not negotiable as a Subrecipient of federal funds. We encourage you to familiarize yourself with this information as a Subrecipient of federal funds.

1.5 **Exhibit G: Community Services Boards Master Programs Services Requirements** – this exhibit has been amended to provide clarity around terms and conditions and points of contact for certain programs services that a CSB may provide to reduce the amount of Exhibits D the Department and CSBs will have to review, process, and track. Keep in mind that this is not inclusive of all programs/services a CSB may provide, just those that it may have received on a regular basis for review and execution that have well established baseline requirements, with minimal to no changes, and/or part of ongoing baseline funding received from the Department.

1.6 **Exhibit I - IT SECURITY AND COMPLIANCE -** PC is amended to add Exhibit I for CSBs compliance with certain state and federal laws to protect sensitive healthcare data and protect both parties from unnecessary data security risk.

1.7 **Exhibit M: Department of Justice Settlement Agreement**: amended as required for clarity with DOJ compliance to ensure compliance and align with the QI strategy. These are required material

changes that are not negotiable. Please review to understand the requirements.

1.8 Addendum I Administrative Requirements and Processes and Procedures

a. **Appendix C: Unspent Balances Principles and Procedures** – amended in its entirety to provide clarity, alignment with DBHDS policies, Appropriation Act and General Assembly funding expectations.
b. **Appendix E: Administrative Requirements for Accounts Receivables** – amended to add language for changes requested by Commissioner Washington to look at development of KPIs in the first quarter of SFY27 by the established workgroup to obtain better data around Medicaid billing.
c. **Appendix F: Regional Program Operations** -amended to incorporate missing language from sunset of the Core Services Taxonomy.
d. **CSB Executive Director and Chief Financial Officer Training** – amended to add language for training of CSB essential staff to improve engagement with DBHDS, establish role clarity, compliance, and system access requirements.

1.9 FY27 State and Federal IDCR Policy – DBHDS policy was revised to provide clarity around federal and state indirect cost rate requirements for CSBs and DBHDS staff.

1.10. Local Match – No changes to the PC- awareness that directs the Department of Behavioral Health and Developmental Services to examine alternatives to the current 10.0 percent local match requirement on state Community Services Board funding and to report to the Behavioral Health Commission by November 1, 2026, with recommendations**.** *See Item 299#1s*

The Department would like to thank you all for your service to the community and for working with us.

All your hard work and dedication to both your communities and our community services system is much valued and appreciated.

If you need help or have questions, please email performancecontractsupport@dbhds.virginia.gov

Thank you,

Chaye Neal-Jones, Director
Office of Enterprise Management Services

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AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS
Fairfax-Falls Church Community Services Board
Contract No. P1636.762.4

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ENDMENT 4

AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS
Fairfax-Falls Church Community Services Board
Contract No. P1636.762.4

Other Performance Contract Document Attachments

☐ Exhibit A: Resources and Services (Only available through the electronic reporting application provided by the Department)
☒ Exhibit B: Continuous Quality Improvement (CQI) Process and CSB Performance Measures
☐ Exhibit C: PHI Data Sharing and Use Agreement (Repurposed effective July 1, 2025)
☐ Exhibit D: Individual CSB Performance Measures (Provided separately as needed by the Department)
☒ Exhibit E: Performance Contract Schedule and Process
☒ Exhibit F: Federal Grant Requirements
☐ Exhibit F(B): Single Audit Exemption Form (Template Document provided by Department)
☒ Exhibit F(C): Assurance of Compliance - Title VI of the Civil Rights Act of 1964
☒ Exhibit G: Community Services Boards Master Programs Services Requirements
☐ Exhibit H: Regional Local Inpatient Purchase of Services (LIPOS) Requirements
☒ Exhibit I: IT Security and Compliance
☐ Exhibit J: Certified Preadmission Screening Clinicians Requirements
☐ Exhibit K: State Hospital Census Management Admission and Discharge Requirements
☒ Exhibit L: List of Acronyms (See Table of Contents)
☒ Exhibit M: Department of Justice Settlement Agreement
☒ Addendum I: Administrative Requirements and Processes and Procedures
☐ Addendum II: Partnership Agreement
☐ Addendum III: RESERVED FOR FUTURE USE

ENDMENT 4

AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS
Fairfax-Falls Church Community Services Board
Contract No. P1636.762.4

1. Purpose

The Department of Behavioral Health and Developmental Services (the "Department") and the Community Service Board or Behavioral Health Authority (the "CSB") collectively hereinafter referred to as "the Parties", enter into this contract for the purpose of funding services provided directly or contractually by the CSB in a manner that ensures accountability to the Department and quality of care for individuals receiving services and implements the mission of supporting individuals by promoting recovery, self-determination, and wellness in all aspects of life.

Title 37.2 of the Code of Virginia, hereafter referred to as the Code, establishes the Virginia Department of Behavioral Health and Developmental Services, hereafter referred to as the Department, to support delivery of publicly funded community mental health (MH), developmental (DD), and substance use (SUD), services and supports and authorizes the Department to fund those services.

Sections 37.2-500 through 37.2-512 of the Code require cities and counties to establish community services boards for the purpose of providing local public mental health, developmental, and substance use disorder services; §§ 37.2-600 through 37.2-615 authorize certain cities or counties to establish behavioral health authorities that plan and provide those same local public services.

This contract refers to the community services board, local government department with a policy-advisory community services board, or behavioral health authority named in this contract as the CSB. Section 37.2-500 or 37.2-601 of the Code requires the CSB to function as the single point of entry into publicly funded mental health, developmental, and substance use disorder services. The CSB fulfills this function for any person who is located in the CSB's service area and needs mental health, developmental, or substance use disorder services to the greatest extent possible and within the resources available to the CSB for this purpose.

Sections 37.2-508 and 37.2-608 of the Code and State Board Policy 4018, establish this contract as the primary accountability and funding mechanism between the Department and the CSB, and the CSB is applying for the assistance provided under Chapter 5 or 6 of Title 37.2 by submitting this contract to the Department.

The CSB exhibits, addendums, appendices, Administrative Requirements and Processes and Procedures, CCS Extract and CARS or successor (hereinafter referred to as "Data Reporting Mechanism"), and Partnership Agreement documents are incorporated into and made a part of this contract by reference. The documents may include or incorporate ongoing statutory, regulatory, policy, and other requirements that are not contained in this contract. The CSB shall comply with all provisions and requirements. If there is a conflict between provisions in any of those documents and this contract, the language in this contract shall prevail.

2. Defined Terms

Appropriation Act is defined as an Act for the appropriation of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509 of the Code of Virginia and to provide a portion of the revenues for a two year period.

Data Reporting Mechanism is defined as CCS Extract and CARS or their successors

Federal Fiscal Year the Federal Fiscal Year begins on October 1 of the calendar and ends on September 31 of the subsequent calendar year.

Federal Funds the Federal Funds are funds that are allocated by the federal government and are provided to the Department of Behavioral Health and Developmental Services as the State of Virginia's authority for the allocation, management, and oversight for the use of these specific funds. The funds are considered restricted and must be used or encumbered during the federal fiscal year or extensions. Any unused funds are required to be returned to the Department by the CSB and from there to the federal government in a timely manner.

Fiscal Agent the Fiscal Agent has two specific purposes.

The specific local government that is selected by the local governments or government participating in the establishment of a specific CSB and identified in the local resolutions passed by each locality in its creation of the CSB. If the participating governments decide to select a different fiscal agent, it must be done through a local resolution passed by each participating local government that created the CSB.

The second purpose of Fiscal Agent is the specific CSB that has been selected by the CSB Region to receive state-controlled funds from the Department and manage those funds in a way that has been identified in a memorandum of understanding (MOU) agreed to by each participating CSB in a regionally funded activity. If the CSB acting as Fiscal Agent changes by decision of the Regional CSB, then that change must be noted in a revision to the existing MOU.

Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) is an agreed upon process for the management of services, funds, or any rules or regulations that govern the processes all participating parties agree to follow for the common good of the participating parties. In the case of the Community Services Performance Contract, or any activities funded through the Community Service Performance Contract, the MOU is agreed upon and signed for the delivery of services identified and funded through the Region the participating community services boards or behavioral health authority provide services in.

Populations Served are defined as adults with serious mental illnesses, children with or at risk of serious emotional disturbance, individuals with developmental disabilities, or individuals with substance use disorders to the greatest extent possible within the resources available to it for this purpose.

Restricted Funds are funds identified separately in letters of notification, performance contracts, Exhibits D and the Department's Data Reporting Mechanism(s) to be used for specified purposes; CSB must account for, and report expenditures associated with these funds to the Department. The uses of restricted funds usually are controlled and specified by a funding source, such as federal mental health and substance abuse block grants or the Appropriations Act passed by the General Assembly. The Department may restrict funds that would otherwise be unrestricted.

State Fiscal Year the State Fiscal Year (FY) begins July 1 of the calendar year and ends June 30 of the subsequent calendar year.

State General Funds these are funds that are appropriated by the Virginia General Assembly and are

identified in each current Appropriation Act. The act is not considered law until it is signed by the Governor of Virginia.

Unrestricted Funds are funds identified separately in letters of notification, performance contracts, and Department's Data Reporting Mechanism(s) but without specified purposes; CSB do not have to account or report expenditures associated with them separately to the Department.

3. Relationship

The Department functions as the state authority for the public mental health, developmental, and substance use disorder services system, and the CSB functions as the local authority for that system. The relationship between and the roles and responsibilities of the Department, the state hospitals and the CSB are described in the Partnership Agreement between the parties. This contract shall not be construed to establish any employer-employee or principal-agent relationship between employees of the CSB or its board of directors and the Department.

4. Term and Termination

Term: This contract shall be in effect for a term of two years, commencing on July 1, 2025, and ending on June 30, 2027.

Termination: The Department may terminate all or a portion of this contract immediately at any time during the contract period if funds for this activity are withdrawn or not appropriated by the General Assembly or are not provided by the federal government. In this situation, the obligations of the Department and the CSB under this contract shall cease immediately. The CSB and the Department shall make all reasonable efforts to ameliorate any negative consequences or effects of contract termination on individuals receiving services and CSB staff.

The CSB may terminate all or a portion of this contract immediately at any time during the contract period if funds for this activity are withdrawn or not appropriated by its local government(s) or other funding sources. In this situation, the obligations of the CSB and the Department under this contract shall cease immediately. The CSB and Department shall make all reasonable efforts to ameliorate any negative consequences or effects of contract termination on individuals receiving services and CSB staff.

5. Contract Amendment

This contract, including all exhibits and incorporated documents, constitutes the entire agreement between the Department and the CSB and may be amended only by mutual agreement of the parties, in writing and signed by the Parties hereto, except for the services identified in Exhibit A, amendments to services under Exhibit A shall be in accordance with the performance contract revision instructions contained in Exhibit E.

6. Services

Exhibit A of this contract includes all mental health, developmental, and substance use disorder services provided or contracted by the CSB that are supported by the resources described in this contract.

7. Service Change Management

The CSB shall notify the Department 45 days prior to seeking to provide a new category or subcategory or stops providing an existing category or subcategory of services if the service is funded with more than 30 percent of state or federal funds or both by the Department. The CSB shall provide sufficient information to the Office of Management Services (OEMS) through the performancecontractsupport@dbhds.virginia.gov for its review and approval of the change, and the CSB shall receive the Department's approval before implementing the new service(s) or stopping the existing service(s).

Pursuant to 12VAC35-105-60 of the *Rules and Regulations for Licensing Providers by the Department of*

Behavioral Health and Developmental Services, the CSB shall not modify a licensed service(s) without submitting a modification notice to the Office of Licensing in the Department at least 30 days in advance of the proposed modification.

8. Funding Requirements

A. Funding Resources

Exhibit A of this contract provides an example of the following resources: state funds and federal funds appropriated by the General Assembly and federal government and allocated by the Department to the CSB, and any other funds associated with or generated by the services shown in Exhibit A. The CSB must review the most recent version of Exhibit A sent by the Department's Fiscal and Grants Management Office.

B. Funding Allocations

1. The Department shall inform the CSB of its state and federal fund allocations in its letter of notification (LON). Allocations of state and federal funds shall be based on state and federal statutory and regulatory requirements, provisions of the Appropriation Act, State Board policies, and previous allocation amounts.
2. The Department may reduce or restrict state or federal funds during the contract term if the CSB reduces significantly or stops providing services supported by those funds as documented in its community services reports. These reductions shall not be subject to provisions in Section 14.A.and B. of this contract. The Commissioner or designee shall communicate all adjustments to the CSB in writing.
3. Continued disbursement and /or reimbursement of state or federal funds by the Department to the CSB may be contingent on documentation in the CSB's Data Reporting Mechanism that it is providing the services supported by these funds.

C. Expenses for Services

The CSB shall provide those services funded by the Department set forth in Exhibit A and documented in the CSB's financial management system. The CSB shall distribute its administrative and management expenses across the program areas (mental health, developmental, and substance use disorder services), emergency services, and ancillary services on a basis that is auditable and satisfies Generally Accepted Accounting Principles. CSB administrative and management expenses shall be reasonable and subject to review by the Department.

D. Use of Funds

1. The Department has the authority to impose additional conditions or requirements for use of funds, separate from those established requirements or conditions attached to appropriations of state-controlled funds by the General Assembly, the Governor, or federal granting authorities. The Department shall, when possible, provide sufficient notice in writing to the CSB of changes to the use of funds.

2. **Medicaid Billing** - The CSB shall maximize billing and collecting Medicaid payments and other fees in all covered services to enable more efficient and effective use of the state and federal funds allocated to it and report to the Department on the total Medicaid revenue each year. The CSB shall develop mechanisms to inform clients on how to apply for Medicaid coverage.

3. **Supplanting**- State Board Policy 6005 and based on the Appropriation Act prohibition against using state funds to supplant funds provided by local governments for existing services, there should be no reduction of local matching funds as a result of a CSB's retention of any balances of unspent state

funds.

E. Availability of Funds

The Department and the CSB shall be bound by the provisions of this contract only to the extent of the funds available or that may hereafter become available for the purposes of the contract.

F. Local Match

Pursuant to § 37.2-509 of the Code allocations from the Department to any community services board for operating expenses, including salaries and other costs, or the construction of facilities shall not exceed 90 percent of the total amount of state and local matching funds provided for these expenses or such construction, unless a waiver is granted by the Department and pursuant to State Board Policy 4010 and the *Departments established Minimum Ten Percent Local Matching Fund Waiver Request Process*.

G. Local Contact for Disbursement of Funds

1. If the CSB is an operating CSB and has been authorized by the governing body of each city or county that established it to receive state and federal funds directly from the Department and act as its own fiscal agent pursuant to Subsection A.18 of § 37.2-504 of the Code, must send notification to the Department and include:
   a. Name of the Fiscal Agent's City Manager or County Administrator or Executive
   b. Name of the Fiscal Agent's County or City Treasurer or Director of Finance
   c. Name, title, and address of the Fiscal Agent official or the name and address of the CSB if it acts as its own fiscal agent to whom checks should be electronically transmitted
2. The notification must be sent to:

   Fiscal and Grants Management Office
   Virginia Department of Behavioral Health and Developmental Services
   Eric.Billings@dbhds.virginia.gov

H. Unanticipated Changes in the Use of Funds Due to a Disaster

The Department reserves the right to re-purpose the currently allocated funds to a CSB. This action will not be done without clear deliberations between the Parties. The decision can rest on the requirements outlined in an Executive Order issued by the Governor, changes to the ability of the Department or the CSB to provide contracted services to the preservation of health and safety of individuals receiving services or the health and safety of staff providing services, or to decisions made by local government forbidding the provision of services, the funding allocations, the specific services intended to be funded, and the types and numbers of individuals projected to be served.

9. Billing and Payment Terms and Conditions

A. Federal Funds Invoicing

The CSB shall invoice the Department on a monthly basis no later than the 20th of the following month for which reimbursement is being requested. The CSB will utilize the Departments grants management system to invoice the Department for federal funds reimbursement. The CSB may be asked to include supporting documentation when the Department determines it is necessary to meet federal grant requirements. The CSB understands and agrees to all of the following:

1. CSB shall only be reimbursed for actual, reasonable, and necessary costs based on its award amounts.
2. An invoice under this agreement shall include only reimbursement requests for actual, reasonable, and necessary expenditures.
3. Expenditures required in the delivery of services shall be subject to any other provision of this

agreement relating to allowable reimbursements.

4. An invoice under this agreement shall not include any reimbursement request for future expenditures.
5. An invoice under this agreement shall be processed when the Department's FSGMO is in receipt of any required documentation.

B. Payment Terms

1. Federal Funds are reimbursed to the CSB monthly. To receive payment, the CSB must file for reimbursement as provided in the policies and procedures established by the Office of Fiscal Services and Grants Management.
2. State Funds shall be disbursed by the Department's Fiscal Services and Grants Management Office as set forth in its established policies and procedures and outlined in an applicable Exhibit D or Exhibit G.

C. Reconciliation and Closeout Disclosures

The CSB shall comply with state and federal grant reconciliation and closeout disclosures, and applicable policies and procedures established by the Office of Fiscal Services and Grants Management. If a CSB does not return its signed Exhibit(s) D, Notices of Award, or other required documentation in a timely manner this may result in a delay in or ineligibility for receiving funding.

Unexpended federal funds must either be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
Office of Fiscal and Grants Management
PO Box 1797
Richmond, VA 23218-1797
C/O Eric Billings

Or

CSB may return the funds electronically through an ACH transfer. The transfer would be made to DBHDS' Truist account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
Routing Number: 061000104
EIN: 546001731

Name and Address of Bank:
Truist Bank
214 North Tryon Street
Charlotte, NC 28202

If the ACH method of payment is utilized, please send an email indicating your intent to submit funds electronically to:

Eric.Billings@dbhds.virginia.gov
Benjamin.wakefield@dbhds.virginia.gov
mailto:Christine.Kemp@dbhds.virginia.gov

Approval to execute an ACH payment is not required, but DBHDS must be aware that the payment is

coming to account for it properly.

10. CSB Responsibilities

A. Exhibit A

Exhibit A shall be submitted electronically through the report provided by the Department. At the end of each fiscal year, the CSB shall provide an end year report that provides the actual array of services, the actual cost of those services, and the actual service capacity to provide those services.

B. Populations Served

The CSB shall provide the services needed to adults with serious mental illnesses, children with or at risk of serious emotional disturbance, individuals with developmental disabilities, or individuals with substance use disorders to the greatest extent possible within the resources available to it for this purpose.

C. Scope of Services

Exhibit G of this performance contract provides a scope of certain Code mandated and other program services a CSB may be responsible for providing but are not limited to those in Exhibit G.

D. Response to Complaints

Pursuant to § 37.2-504 or § 37.2-605 of the Code, the CSB shall implement procedures to satisfy the requirements for a local dispute resolution mechanism for individuals receiving services and to respond to complaints from individuals receiving services, family members, advocates, or other stakeholders as expeditiously as possible in a manner that seeks to achieve a satisfactory resolution and advises the complainant of any decision and the reason for it.

The CSB shall acknowledge complaints that the Department refers to it within five (5) business days of receipt and provides follow up commentary on them to the Department within 10 business days of receipt. The CSB shall post copies of its procedures in its public spaces and on its website, provide copies to all individuals when they are admitted for services.

E. Quality of Care

1. **Department CSB Performance Measures:** CSB staff shall monitor the CSB's outcome and performance measures in Exhibit B, identify and implement actions to improve its ranking on any measure on which it is below the benchmark, and present reports on the measures and actions at least quarterly during scheduled meetings of the CSB board of directors.
2. **Quality Improvement and Risk Management:** The CSB shall develop, implement, and maintain a quality improvement plan, itself or in affiliation with other CSBs, to improve services, ensure that services are provided in accordance with current acceptable professional practices, and address areas of risk and perceived risks. The quality improvement plan shall be reviewed annually and updated at least every four years.
    a. The CSB shall develop, implement, and maintain, itself or in affiliation with other CSB, a risk management plan or participate in a local government's risk management plan. The CSB shall work with the Department to identify how the CSB will address quality improvement activities.
    b. The CSB shall implement, in collaboration with other CSBs in its region, the state hospitals and training centers serving its region, and private providers involved with the public mental health, developmental, and substance use disorder services, regional utilization and management procedures and practices.
3. **Critical Incidents:** The CSB shall implement procedures to ensure that the executive director is

informed of any deaths, serious injuries, or allegations of abuse or neglect as defined in the Department's Licensing (12VAC35-105-20) and Human Rights (12VAC35-115-30) Regulations when they are reported to the Department. The CSB shall provide a copy of its procedures to the Department upon request.

F. Reporting Requirements and Data Quality

1. **Individual Outcome and CSB Provider Performance Measures**

   a. **Measures**: Pursuant to § 37.2-508 or § 37.2-608 of the Code, the CSB shall report the data for individual outcome and CSB provider performance measures in Exhibit B of this contract to the Department.

   b. **Individual CSB Performance Measures**: The Department may negotiate specific, time-limited measures with the CSB to address identified performance concerns or issues. The measures shall be included in an Exhibit D.

   c. **Individual Satisfaction Survey**: Pursuant to § 37.2-508 or § 37.2-608 of the Code, the CSB shall participate in the Annual Survey of Individuals Receiving Services, the Annual Youth Services Survey for Families (i.e., Child MH survey), and the annual QSRs and the NCI Survey for individuals covered by the DOJ Settlement Agreement.

2. **Electronic Health Record**
   The CSB shall implement and maintain an electronic health record (EHR) that has been fully certified and is listed by the Office of the National Coordinator for Health Information Technology-Authorized Testing and Certification Body to improve the quality and accessibility of services, streamline, and reduce duplicate reporting and documentation requirements, obtain reimbursement for services, and exchange data with the Department and its state hospitals and training centers and other CSB.

3. **Reporting Requirements**

CSBs are required to report data to DBHDS related to program services funded in part or in whole by state and/or federal funds.

For purposes of reporting to the Department, the CSB shall comply with State Board Policy 1030 and shall:

a. Report individual characteristic and service data to the Department, as required by § 37.2- 508 or § 37.2-608 of the Code, the federal Substance Abuse and Mental Health Services Administration, and Part C of Title XIX of the Public Health Services Act - Block Grants, § 1943 (a) (3) and § 1971 and § 1949, as amended by Public Law 106- 310, and as permitted under 45 CFR §§ 164.506 (c) (1) and (3) and 164.512 (a) (1) and (d) of the HIPAA regulations and §32.1-127.1:03.D (6) of the Code, and as defined in the current Data Reporting Mechanism specifications, including the current Business Rules.

b. Follow the current Data Reporting Mechanism specifications, when responding to reporting requirements established by the Department.

c. Complete the National Survey of Substance Abuse Treatment Services (N-SSATS) annually that is used to compile and update the National Directory of Drug and Alcohol Abuse Treatment Programs and the on-line Substance Abuse Treatment Facility Locator.

d. Follow the user acceptance testing process described in Appendix D of the CSB Administrative Requirements for new data reporting releases and participate in the user acceptance testing process when requested to do so by the Department.

e. Report program service data on substance abuse prevention and mental health promotion services provided by the CSB that are supported wholly or in part by the SABG set aside for prevention services through the prevention data system. Report all prevention and any other mental health promotion services financial data (report funding, expenditure, and cost data on these services) through the Department's Data Reporting Mechanism.

f. Report data and information required by the current Appropriation Act.

g. Report data identified collaboratively by the Department and the CSB working through the VACSB DMC.

4. **Routine Reporting Requirements**

The CSB shall account for all services, funds, expenses, and costs accurately and submit reports to the Department in a timely manner using current programmatic and financial Data Reporting Mechanism, or other software provided by the Department. All reports shall be provided in the form and format prescribed by the Department in accordance . The CSB shall provide the following information and meet the following reporting requirements:

a. Types and service capacities of services provided, costs for services provided, and funds received by source and amount and expenses paid by program area and for emergency and ancillary services semi-annually in CARS, and state and federal block grant funds expended by service category with the end-of-the-fiscal year CARS report.

b. Demographic characteristics of individuals receiving services and types and amounts of services provided to each individual monthly through the current Data Reporting Mechanism.

c. Federal Balance Report.

d. PATH reports (mid-year and at the end of the fiscal year).

e. Amounts of state, local, federal, Medicaid, other fees, other funds used to pay for services by service category in each program area and emergency and ancillary services in the end of the fiscal year CARS report; and

f. Other reporting requirements in the current Data Reporting Mechanism specifications.

5. **Subsequent Reporting Requirements:** In accordance with State Board Policy 1030, the CSB shall work with the Department through the VACSB DMC to ensure that current data and reporting requirements are consistent with each other and the current , the current Data Reporting Mechanism and the federal substance abuse Treatment Episode Data Set (TEDS) and other federal reporting requirements. The CSB also shall work with the Department through the VACSB DMC in planning and developing any additional reporting or documentation requirements beyond those identified in this contract to ensure that the requirements are consistent with the current , the current Data Reporting Mechanism, and the TEDS and other federal reporting requirements.

6. **Data Elements:** The CSB shall work with the Department through the DMC to standardize data definitions, periodically review existing required data elements to eliminate elements that are no longer needed, minimize the addition of new data elements to minimum necessary ones, review CSB business processes so that information is collected in a systematic manner, and support efficient extraction of required data from CSB electronic health record systems whenever this is possible.

7. **Streamlining Reporting Requirements:** The CSB shall work with the Department through the VACSB DMC to review existing reporting requirements including the current Data Reporting Mechanism to determine if they are still necessary and, if they are, to streamline and reduce the number of portals through which those reporting requirements are submitted as much as possible; to ensure reporting requirements are consistent with the current Data Reporting Mechanism

specifications and ; and to maximize the interoperability between Department and CSB data bases to support the electronic exchange of information and comprehensive data analysis.

8. **Data Quality:** The CSB shall review data quality reports from the Department on the completeness and validity of its Data Reporting Mechanism data to improve data quality and integrity. When requested by the Department, the CSB executive director shall develop and submit a plan of correction to remedy persistent deficiencies in the CSB's Data Reporting Mechanism submissions and, upon approval of the Department, shall implement the plan of correction.

9. **Providing Information:** The CSB shall provide any information requested by the Department that is related to the services, funds, or expenditures in this contract or the performance of or compliance with this contract in a timely manner, considering the type, amount, and availability of information requested. Provision of information shall comply with applicable laws and regulations governing confidentiality, privacy, and security of information regarding individuals receiving services from the CSB.

10. **Reviews:** The CSB shall participate in the periodic, comprehensive administrative and financial review of the CSB conducted by the Department to evaluate the CSB's compliance with requirements in the contract and CSB Administrative Requirements and the CSB's performance. The CSB shall address recommendations in the review report by the dates specified in the report or those recommendations may be incorporated in an Exhibit D.

11. **Language Access**: To support Virginia's efforts to ensure all people with DD and their families have access to Medicaid information, the CSB will post a message for individuals with DD and their families related to the DMAS document titled "Help in Any Language" to the CSB website and provide the information through other means, as needed, or requested by individuals with DD and their families who are seeking services. This document can be accessed at: https://dmas.virginia.gov/media/2852/language-taglines-for-dmas.pdf or by contacting DBHDS or DMAS.

11. Subcontracting

A subcontract means a written agreement between the CSB and another party under which the other party performs any of the CSB's obligations. Subcontracts, unless the context or situation supports a different interpretation or meaning, also may include agreements, memoranda of understanding, purchase orders, contracts, or other similar documents for the purchase of services or goods by the CSB from another organization or agency or a person on behalf of an individual.

If the CSB hires an individual not as an employee but as a contractor (e.g., a part- time psychiatrist) to work in its programs, this does not constitute subcontracting under this section. CSB payments for rent or room and board in a non-licensed facility (e.g., rent subsidies or a hotel room) do not constitute subcontracting under this section, and the provisions of this section, except for compliance with the Human Rights regulations, do not apply to the purchase of a service for one individual.

The CSB may subcontract any requirements in this contract. The CSB shall remain fully and solely responsible and accountable for meeting all of its obligations and duties under this contract, including all services, terms, and conditions, without regard to its subcontracting arrangements.

Subcontracting shall comply with applicable statutes, regulations, and guidelines, including the Virginia Public Procurement Act, § 2.1-4300 et seq. of the Code. All subcontracted activities shall be formalized in written contracts between the CSB and subcontractors. The CSB agrees to provide copies of contracts or other documents to the Department on request.

A. Subcontracts

The written subcontract shall, as applicable and at a minimum, state the activities to be performed, the time schedule and duration, the policies, and requirements, including data reporting, applicable to the subcontractor, the maximum amount of money for which the CSB may become obligated, and the manner in which the subcontractor will be compensated, including payment time frames. Subcontracts shall not contain provisions that require a subcontractor to make payments or contributions to the CSB as a condition of doing business with the CSB.

B. Subcontractor Compliance

The CSB shall require that its subcontractors comply with the requirements of all applicable federal and state statutes, regulations, policies, and reporting requirements that affect or are applicable to the services included in this contract. The CSB shall require that its subcontractors submit to the CSB all required Data Reporting Mechanism on individuals they served and services they delivered in the applicable format so that the CSB can include this data in its Data Reporting Mechanism submissions to the Department.

1. The CSB shall require that any agency, organization, or person with which it intends to subcontract services that are included in this contract is fully qualified and possesses and maintains current all necessary licenses or certifications from the Department and other applicable regulatory entities before it enters into the subcontract and places individuals in the subcontracted service.

2. The CSB shall require all subcontractors that provide services to individuals and are licensed by the Department to maintain compliance with the Human Rights Regulations adopted by the State Board.

3. The CSB shall, to the greatest extent practicable, require all other subcontractors that provide services purchased by the CSB for individuals and are not licensed by the Department to develop and implement policies and procedures that comply with the CSB's human rights policies and procedures or to allow the CSB to handle allegations of human rights violations on behalf of individuals served by the CSB who are receiving services from such subcontractors. When it funds providers such as family members, neighbors, individuals receiving services, or others to serve individuals, the CSB may comply with these requirements on behalf of those providers, if both parties agree.

C. Subcontractor Dispute Resolution

The CSB shall include contract dispute resolution procedures in its contracts with subcontractors.

D. Quality Improvement Activities

The CSB shall, to the extent practicable, incorporate specific language in its subcontracts regarding the quality improvement activities of subcontractors. Each vendor that subcontracts with the CSB should have its own quality improvement system in place or participate in the CSB's quality improvement program.

12. Compliance with Laws

CSB shall comply with all applicable federal, state, and local laws and regulations to include, but not limited to, those detailed below. If any laws or regulations that become effective after the execution date of this contract substantially change the nature and conditions of this contract, they shall be binding upon the parties, but the parties retain the right to exercise any remedies available to them by law or other provisions of this contract.

A. DATA PRIVACY

1. The Parties shall comply with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (1996) and its accompanying standards found at 45 CFR 160, 162, and 164 (HIPAA), the Virginia Health Records Privacy Act found at § 32.1-127.1:03 of the Code of Virginia, 42 CFR Part 2,

the 21st Century Cures Act, and the HITECH Act by their compliance dates, and where federal requirements and applicable state statutes or regulations are contrary and state statutes or regulations are more stringent, as defined in 45 CFR §160.202.

2. The Parties shall execute a "PHI Data Sharing and Use Agreement" Exhibit C as a part of this Agreement governing the use, disclosure, and safeguarding of any HIPAA or 42 CFR Part 2- protected health information (PHI), personally identifiable information (PII), and other confidential data that the CSB exchanges with the Department and its state facilities to ensure the privacy and security of sensitive data. Additionally, should the CSB determine any third party, including those under contract with DBHDS and the Commonwealth, is a Business Associate of the CSB, the CSB shall be responsible for entering into business associate agreements (BAA) with vendors providing data platform, exchange, or other services/solutions to implement the Performance Contract, including those under contract with DBHDS and the Commonwealth.
3. The Parties shall ensure sensitive data, including HIPAA-PHI, PII, and other confidential data, exchanged electronically with the Department, its state hospitals and training centers, other CSBs, other providers, regional or persons meets the requirements in the Federal Information Processing Standards (FIPS) 140-2 standard and is encrypted using a method supported by the Department and CSB. To ensure the privacy and security of PHI, PII, and other confidential data and as necessary to comply with HIPAA, each Party shall execute a BAA with any person or entity, other than the party's workforce, who performs functions or activities on behalf of, or provides certain services to, the Party that involve access by the person or entity to PHI, PII, or other confidential data.

B. Employment Anti-Discrimination

1. The CSB shall conform to the applicable provisions of Title VII of the Civil Rights Act of 1964 as amended, the Equal Pay Act of 1963, Sections 503 and 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Act of 1974, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Virginians With Disabilities Act, the Virginia Fair Employment Contracting Act, the Civil Rights Act of 1991, regulations issued by Federal Granting Agencies, and other applicable statutes and regulations, including § 2.2-4310 of the Code. The CSB agrees as follows:
2. The CSB will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by federal or state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the CSB. The CSB agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
3. The CSB, in all solicitations or advertisements for employees placed by or on behalf of the CSB, will state that it is an equal opportunity employer.
4. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting these requirements.

C. Service Delivery Anti-Discrimination

1. The CSB shall conform to the applicable provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Virginians with Disabilities Act, the Civil Rights Act of 1991, regulations issued by the U.S. Department of Health and Human Services pursuant thereto, other applicable statutes and regulations, and as further stated below.
2. Services operated or funded by the CSB have been and will continue to be operated in such a manner that no person will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under such services on the grounds of race, religion, color, national origin, age, gender, or disability.
3. The CSB and its direct and contractual services will include these assurances in their services policies and practices and will post suitable notices of these assurances at each of their facilities in areas

accessible to individuals receiving services.

4. The CSB will periodically review its operating procedures and practices to ensure continued conformance with applicable statutes, regulations, and orders related to non- discrimination in service delivery.

D. General State Requirements

The CSB shall comply with applicable state statutes and regulations, State Board regulations and policies, and Department procedures, including the following requirements.

E. Conflict of Interests

Pursuant to § 2.2-3100.1 of the Code, the CSB shall ensure that new board members are furnished with receive a copy of the State and Local Government Conflict of Interests Act by the executive director or his or her designee within two weeks following a member's appointment, and new members shall read and become familiar with provisions of the act.

The CSB shall ensure board members and applicable CSB staff receive training on the act. If required by § 2.2-3115 of the Code, CSB board members and staff shall file annual disclosure forms of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 of the Code. Board members and staff shall comply with the Conflict of Interests Act and related policies adopted by the CSB board of directors.

F. Freedom of Information

Pursuant to § 2.2-3702 of the Code, the CSB shall ensure that new board members are furnished with a copy of the Virginia Freedom of Information Act by the executive director or his or her designee within two weeks following a member's appointment, and new members shall read and become familiar with provisions of the act.

The CSB shall ensure board members and applicable staff receive training on the act. Board members and staff shall comply with the Freedom of Information Act and related policies adopted by the CSB by the CSB board of directors.

G. Protection of Individuals Receiving Services

1. **Human Rights.** The CSB shall comply with the current *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*. The CSB shall adhere to any human rights guidance documents published by the Department. In the event of a conflict between any of the provisions in this contract and provisions in these regulations, the applicable provisions in the regulations shall apply.

   The CSB shall cooperate with any Department investigation of allegations or complaints of human rights violations, including providing any information needed for the investigation as required under state law and as permitted under 45 CFR § 164.512 (d) in as expeditious a manner as possible.

2. **Disputes.** The filing of a complaint as outlined in the Human Rights Regulations by an individual or his or her family member or authorized representative shall not adversely affect the quantity, quality, or timeliness of services provided to that individual unless an action that produces such an effect is based on clinical or safety considerations and is documented in the individual's individualized services plan.

H. Licensing

The CSB shall comply with the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services.* The CSB shall establish a system to ensure ongoing

compliance with applicable licensing regulations. CSB staff shall provide copies of the results of licensing reviews, including scheduled reviews, unannounced visits, and complaint investigations, to all members of the CSB board of directors in a timely manner and shall discuss the results at a regularly scheduled board meeting. The CSB shall adhere to any licensing guidance documents published by the Department.

13. Department Responsibilities

A. Program and Service Reviews

The Department shall develop and implement policies, processes and procedures for regular, ongoing monitoring of CSB performance to ensure compliance with the requirements of this agreement. The Department may conduct or contract for reviews of programs or services provided or contracted by the CSB under this contract to examine their quality or performance at any time as part of its monitoring and review responsibilities or in response to concerns or issues that come to its attention, as permitted under 45 CFR § 164.512 (a), (d), and (k) (6) (ii) and as part of its health oversight functions under § 32.1-127.1:03 (D) (6) and § 37.2-508 or § 37.2-608 of the Code or with a valid authorization by the individual receiving services or his authorized representative that complies with the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. The CSB shall provide ready access to any records or other information necessary for the Department to conduct program or service reviews or investigations of critical incidents.

B. State Facility Services

1. **Availability:** The Department shall make state facility services available, if appropriate, through its state hospitals and training centers when individuals located in the CSB's service area meet the admission criteria for these services.
2. **Bed Utilization:** The Department shall track, monitor, and report on the CSB's utilization of state hospital and training center beds and provide data to the CSB about individuals receiving services from its service area who are served in state hospitals and training centers as permitted under 45 CFR §§ 164.506 (c) (1), (2), and (4) and 164.512(k) (6) (ii). The Department shall distribute reports to CSB on state hospital and training center bed utilization by the CSB for all types of beds (adult, geriatric, child, and adolescent, and forensic) and for TDO admissions and bed day utilization.

   In addition, the Department and the CSB shall work jointly to identify or develop other mechanisms, as appropriate, that will be employed collaboratively by the CSB and the state hospitals to manage the utilization of state hospital beds.
3. **Continuity of Care:** The Department shall manage its state hospitals and training centers in accordance with State Board Policy 1035, to support service linkages with the CSB, including adherence to the applicable continuity of care procedures, and the current Exhibit K and other applicable document provided by the Department. The Department shall assure state hospitals and training centers use teleconferencing technology to the greatest extent practicable to facilitate the CSB's participation in treatment planning activities and fulfillment of its discharge planning responsibilities for individuals in state hospitals and training centers for whom it is the case management CSB.
4. **Medical Screening and Medical Assessment**: When working with CSB and other facilities to arrange for treatment of individuals in the state hospital, the state hospital shall assure that its staff follows the current Medical Screening and Medical Assessment Guidance Materials. The state hospital staff shall coordinate care with emergency rooms, emergency room physicians, and other health and behavioral health providers to ensure the provision of timely and effective medical screening and medical assessment to promote the health and safety of and continuity of care for individuals receiving services.
5. **Planning:** The Department shall involve the CSB, as applicable and to the greatest extent

possible, in collaborative planning activities regarding the future role and structure of state hospitals and training centers.

C. Quality of Care

The Department in collaboration with the VACSB Data Management and Quality Leadership Committees and the VACSB/DBHDS Quality and Outcomes Committee shall identify individual outcome, CSB provider performance, individual satisfaction, individual and family member participation and involvement measures, and quality improvement measures, pursuant to § 37.2-508 or § 37.2-608 of the Code, and shall collect information about these measures and work with the CSB to use them as part of the Continuous Quality Improvement Process described in Appendix E of the CSB Administrative Requirements to improve services.

D. CSB Performance Dashboard

1. The Department shall develop a dashboard ("Performance Dashboard") to display performance data for all CSBs, to include:
    a. Each CSB's revenues, costs, and services;
    b. Individuals served;
    c. Measures in Exhibit B; and
    d. Any other information deemed necessary by the Department
2. The Department and CSB shall work collaboratively to identify additional performance measures for reporting on the Performance Dashboard, as determined appropriate and beneficial to understand the community behavioral health system across the Commonwealth of Virginia.
3. The Department shall provide access to the dashboard to CSB.
4. The Department shall collaborate with the CSB to ensure all dashboard data is accurate before it is posted publicly on the Performance Dashboard and to determine the frequency at which the data will be updated.
5. The Department shall work with the CSB to identify and implement actions to improve the CSB's ranking on any outcome or performance measure on which it is below the benchmark.

E. Utilization Management

The Department shall work with the CSB, state hospitals and training centers serving it, and private providers involved with the public mental health, developmental, and substance use disorder services system to implement regional utilization management procedures and practices.

F. Human Rights

The Department shall operate the statewide human rights system described in the current *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental* Services, by monitoring compliance with the human rights requirements in those regulations.

G. Licensing

The Department shall license programs and services that meet the requirements in the current *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services* and conduct licensing reviews in accordance with the provisions of those regulations. The Department shall respond in a timely manner to issues raised by the CSB regarding its efforts to coordinate and monitor services provided by independent providers licensed by the Department.

H. Peer Review Process

The Department shall implement a process in collaboration with volunteer CSB to ensure that at least five percent of community mental health and substance abuse programs receive independent peer reviews annually, per federal requirements and guidelines, to review the quality and appropriateness of services. The Department shall manage this process to ensure that peer reviewers do not monitor their own programs.

I. Electronic Health Record (EHR)

The Department shall implement and maintain an EHR in its central office and state hospitals and training centers that has been fully certified and is listed by the Office of the National Coordinator for Health Information Technology- Authorized Testing and Certification Body to improve the quality and accessibility of services, streamline and reduce duplicate reporting and documentation requirements, obtain reimbursement for services, and exchange data with CSB.

J. Reviews

The Department shall review and take appropriate action on audits submitted by the CSB in accordance with the provisions of this contract and the CSB Administrative Requirements. The Department may conduct a periodic, comprehensive administrative and financial review of the CSB to evaluate the CSB's compliance with requirements in the contract and CSB Administrative Requirements and the CSB's performance. The Department shall present a report of the review to the CSB and monitor the CSB's implementation of any recommendations in the report.

K. Reporting and Data Quality Requirements

In accordance with State Board Policy 1030, the Department shall work with CSB through the VACSB DMC to ensure that current data and reporting requirements are consistent with each other and the current t, the current Data Reporting Mechanism, and the Treatment Episode Data Set (TEDS) and other federal reporting requirements.

1. The Department also shall work with CSB through the DMC in planning and developing any additional reporting or documentation requirements beyond those identified in this contract to ensure that the requirements are consistent with the current , current Data Reporting Mechanism, and TEDS and other federal reporting requirements.
2. The Department shall work with the CSB through the DMC to develop and implement any changes in data platforms used, data elements collected, or due dates for all existing reporting mechanisms, Data Reporting Mechanism and stand-alone spreadsheet or other program- specific reporting processes.

L. Data Submission

The Department shall collaborate with CSB through the DMC in the implementation and modification of the current Data Reporting Mechanism, which reports individual characteristic and service data that is required under § 37.2-508 or § 37.2-608 of the Code, the federal Substance Abuse and Mental Health Services Administration, and Part C of Title XIX of the Public Health Services Act - Block Grants, §1943 (a) (3) and § 1971 and § 1949, as amended by Public Law 106-310, to the Department and is defined in the current Data Reporting Mechanism specifications, including the current Business Rules.

1. The Department will receive and use individual characteristic and service data disclosed by the CSB through Data Reporting Mechanism as permitted under 45 CFR§§ 164.506 (c) (1) and (3) and 164.512 (a) (1) of the HIPAA regulations and § 32.1- 127.1:03.D (6) of the Code and shall implement

procedures to protect the confidentiality of this information pursuant to § 37.2-504 or § 37.2-605 of the Code and HIPAA.

2. The Department shall follow the user acceptance testing process described in Addendum I Administrative Requirements and Processes and Procedures for new data reporting releases.

M. Data Elements

The Department shall work with CSB through the DMC to standardize data definitions, periodically review existing required data elements to eliminate elements that are no longer needed, minimize the addition of new data elements to minimum necessary ones, review CSB business processes so that information is collected in a systematic manner, and support efficient extraction of required data from CSB electronic health record systems whenever this is possible.

The Department shall work with the CSB through the DMC to develop, implement, maintain, and revise or update a mutually agreed upon electronic exchange mechanism that will import all information related to the support coordination or case management parts of the ISP (parts I-IV) and VIDES about individuals who are receiving DD Waiver services from CSB EHRs into WaMS. If the CSB does not use or is unable to use the data exchange, it shall enter this data directly into WaMS.

N. Streamlining Reporting Requirements

The Department shall work with CSB through the DMC to review existing reporting requirements including the current Data Reporting Mechanism to determine if they are still necessary and, if they are, to streamline and reduce the number of portals through which those reporting requirements are submitted as much as possible; to ensure reporting requirements are consistent with the current Data Reporting Mechanism specifications; and to maximize the interoperability between Department and CSB data bases to support the electronic exchange of information and comprehensive data analysis.

O. Data Quality

The Department shall provide data quality reports to the CSB on the completeness and validity of its Data Reporting Mechanism data to improve data quality and integrity. The Department may require the CSB executive director to develop and implement a plan of correction to remedy persistent deficiencies in the CSB's Data Reporting Mechanism submissions. Once approved, the Department shall monitor the plan of correction and the CSB's ongoing data quality.

P. Surveys and Additional Data Reporting Requests

The Department shall ensure that all surveys and requests for data have been reviewed for cost effectiveness and developed through a joint Department and CSB process. The Department shall comply with the *Procedures for Approving CSB Surveys, Questionnaires, and Data Collection Instruments and Establishing Reporting Requirements*, reissued by the Commissioner. The Department shall provide advance notification, when possible, to CSB for all surveys and requests for data. All negotiated surveys, new data collection instruments, and data reporting requirements will be communicated, at minimum, to the CSB executive director and chief financial officer.

Q. Communication

1. The Department shall provide technical assistance and written notification to the CSB regarding changes in funding source requirements, such as regulations, policies, procedures, and interpretations, to the extent that those changes are known to the Department.

2. The Department shall resolve, to the extent practicable, inconsistencies in state agency requirements

that affect requirements in this contract.

3. The Department shall provide any information requested by the CSB that is related to performance of or compliance with this contract in a timely manner, considering the type, amount, and availability of the information requested.

4. The Department shall issue new or revised policy, procedure, and guidance documents affecting CSB via letters, memoranda or emails from the Commissioner, Deputy Commissioner, or applicable Assistant Commissioner to CSB executive directors and other applicable CSB staff and post these documents in an easily accessible place on its web site within 10 business days of the date on which the documents are issued via letters, memoranda, or emails.

R. Department Comments or Recommendations on CSB Operations or Performance

The Commissioner of the Department may communicate significant issues or concerns about the operations or performance of the CSB to the executive director and CSB board members for their consideration, and the Department agrees to collaborate as appropriate with the executive director and CSB board members as they respond formally to the Department about these issues or concerns.

The executive director and CSB board members shall consider significant issues or concerns raised by the Commissioner of the Department at any time about the operations or performance of the CSB and shall respond formally to the Department, collaborating with it as appropriate, about these issues or concerns.

14. Compliance and Remediation

The Department may utilize a variety of remedies, including requiring the CSB to enter into a performance improvement plan or corrective action plan, delaying payments, and reducing allocations or payments, to ensure CSB compliance with this performance contract. Specific remedies, described in Exhibit E of this contract, may be taken if the CSB fails to satisfy the reporting requirements in this contract.

A. In accordance with subsection G of § 37.2-508 of the Code, or if a behavioral health authority, subsection G of § 37.2-608 of the Code, the CSB shall not be eligible to receive state-controlled funds for mental health, developmental, or substance abuse services after September 30 of each year unless:

1. Its performance contract has been approved or renewed by the governing body of each city or county that established it and by the Department.

2. It provides revenue, cost, and services data and information, and aggregate and individual data and information about individuals receiving services, notwithstanding the provisions of § 37.2-400 or any regulations adopted thereunder, to the Department in the format prescribed by the Department.

3. It uses standardized cost accounting and financial management practices approved by the Department.

4. The CSB is in substantial compliance with its performance contract or is making progress to come into substantial compliance through the Department's remediation process. In accordance with subsection E of § 37.2-508, or if a behavioral health authority, subsection E of § 37.2-608, of the Code, the Department may terminate all or a portion of this contract, after unsuccessful use of the remediation process described in Section 14.C.3 below and after affording the CSB, or behavioral health authority, an adequate opportunity to use the appeal process described in Section 14.C.3.f.

B. Remediation Process

The parties shall attempt in good faith to promptly resolve any disputes regarding implementation of this performance contract, controversy or claims arising out of or relating to this performance contract, or CSB noncompliance with the terms of this performance contract identified by the Department during its contract compliance review and performance management efforts.

1. If the Department determines that the informal dispute resolution process is unsuccessful at addressing any CSB noncompliance with this performance contract or any Exhibit, the Department may use the following process to ensure CSB compliance:

   a. Describe the situation or condition, such as a pattern of failing to achieve a satisfactory level of performance on a significant number of major outcomes or performance measures in the contract, that if unresolved could result in substantial noncompliance.

   b. Require the CSB to implement a performance improvement plan or corrective action plan with specific actions and timeframes approved by the Department to address the situation or condition; and

   c. Include the performance measures that will document a satisfactory resolution of the situation or condition. If the CSB does not implement the performance improvement plan (PIP) or corrective action plan (CAP) successfully within the approved timeframes, the Department, as a condition of continuing to fund the CSB, may request changes in the management and operation of the CSB's services linked to those actions and measures to obtain acceptable performance. These changes may include realignment or re-distribution of state-controlled resources or restructuring the staffing or operations of those services. The Department shall review and approve any changes before their implementation. Any changes shall include mechanisms to monitor and evaluate their execution and effectiveness.

2. If the CSB determines the informal dispute resolution process is unsuccessful at addressing any CSB performance contract or any Exhibit, the CSB may use the following process:

   a. The dispute must be sent to the Office of Enterprise Management Services (OEMS) email address at performancecontractsupport@dbhds.virginia.gov with a detail description of the dispute.

   b. The OEMS shall review and respond to the dispute within 15 calendar days of receipt of dispute.

   c. If the CSB does not agree with the decision by the OEMS, they may request a review by the Department's Deputy Commissioner for Community Services or designee within 7 calendar days of receipt of the OEMS decision.

3. **Remediation After Failure to Substantially Comply:** If the Department determines that the CSB fails to substantially comply with the requirements of this performance contract, the following remediation process shall be used to allow the CSB an opportunity to come into compliance.

   a. The Department shall provide written notification to the CSB's board chairperson, executive director, and governing body of each city or county that established the CSB of the Department's determination that the CSB fails to substantially comply with this performance contract. The written notice shall describe in detail the factors leading to the determination of substantial noncompliance.

   b. Within 15 calendar days of the CSB's receipt of notice of substantial noncompliance, the CSB shall submit a written notice to the Department's OEMS Director or designee, through the performancecontractsupport@dbhds.virginia.gov email address stating its desire to use the remediation process.

      If the CSB does not submit a notice requesting remediation during the designated timeframe, the Department shall move forward with its intended enforcement action in accordance with § 37.2-508 (withholding or reducing funds, repayment of funds, or termination of all or part of this performance contract) and notify the CSB board chairperson, executive director, and governing body of each city or county that established the CSB.

   c. If the CSB submits a request to remediate, OEMS shall, within 15 days after receipt of the CSB's remediation request, submit the justification for the Department's determination of substantial noncompliance and the CSB's remediation request to the Department's Deputy Commissioner for

Community Services for review and approval to move forward with a CAP to address the substantial compliance issues with its contract.

d. The OEMS shall work with the Deputy Commissioner for Community Services to develop the CAP that the CSB will implement to address the issue(s) identified in the Department's notice. The CAP shall include specific, measurable, attainable, reasonable, and time-specific actions the CSB must meet. The CAP shall include specific times at which the Department shall provide updates to the CSB and its chairperson regarding the CSB's progress toward coming into substantial compliance.

e. If the CSB fails to comply with the CAP, the Department may move forward with its enforcement action due to the CSB's failure to come into substantial compliance and shall notify the CSB board chairperson, executive director, and governing body of each city or county that established the CSB of that decision.

f. **Appeal of Enforcement Action:** The CSB may appeal the Department's enforcement action and shall use the appeal process outlined as follows:

i. Within 15 days of receipt of the Department's notification in accordance with 14.C.3.e, that it is taking enforcement action, the CSB may provide a written request to use the appeal process. This written notice shall be submitted to the Department's OEMS Director or designee, through the performancecontractsupport@dbhds.virginia.gov email address stating its desire to use the appeal process.

If the CSB does not submit a notice requesting an appeal during the designated timeframe, the Department shall move forward with its enforcement action.

ii. If the CSB submits a request to appeal, the OEMS Director or designee shall, within 15 days after the Department's receipt of the CSB's request to appeal, facilitate the following process:

a) Notify the CSB within seven days of receipt of the written notice that a panel will be appointed within 15 days to conduct a panel conference to consider the issues identified in the Department's notice.

b) Establish a panel of five (5) disinterested persons that shall be appointed to the panel conference. The panel members shall elect a chairman, and the chairman shall convene the panel.

c) Inform each panel member of the nature of the issues identified in the Department's notice. Each panel member shall sign a statement indicating that he has no interest in this matter. Any person with an interest in the underlying issues shall be relieved of panel responsibilities, and another person shall be selected as a panel member.

d) Schedule panel conference not more than 15 days after the appointment of the final panel member.

e) Contact the parties for a panel conference at a mutually convenient time, date, and place. Confirmation of the time, date, and place of the panel conference will be communicated to all parties at least seven days in advance of the panel conference by the OEMS.

f) Handle any multiple appeal notices independently and sequentially so that an initial appeal will not be delayed by a second appeal.

iii. At the panel conference, the CSB shall present evidence first, followed by the Department. The panel may hear rebuttal evidence after the initial presentations by the CSB and the Department. The panel may question either party to obtain a clear understanding of the facts.

iv. Subject to provisions of the Freedom of Information Act, the panel shall convene in closed session at the end of the hearing and shall issue written recommended findings of fact within seven days of the hearing. The recommended findings of fact shall be submitted to the Department's Chief Deputy of Community Services and to the Commissioner or their designee(s) for the final decision.

The findings of fact shall be final and conclusive and shall not be set aside by the Commissioner unless they are (a) fraudulent, arbitrary, or capricious; (b) so grossly erroneous as to imply bad faith; (c) in the case of termination of the contract due to failure to perform, the criteria for performance measurement are found to be erroneous, arbitrary, or capricious; or (d) not within the CSB's purview.

v. The Department shall send the final decision on the CSB's appeal by certified mail to the CSB board chairperson, executive director, and governing body of each city or county that established the CSB no later than 120 days after receipt of the CSB's written notice invoking the appeal process.

vi. If the CSB's appeal is unsuccessful, the Department may take its intended enforcement action, including withholding or reducing funds, requiring repayment of funds, or terminating all or part of the CSB's performance contract as provided in § 37.2-508(C)(6)(c).

vii. Upon terminating all or a portion of a performance contract pursuant to § 37.2-508(E), the Department, only after consulting with the governing body of each city or county that established the CSB that was a party to the performance contract, may negotiate a performance contract with another community services board, a behavioral health authority, or a private nonprofit or for-profit organization or organizations to obtain services that were the subject of the terminated performance contract in accordance with § 37.2-508(F).

viii. The CSB may seek judicial review of a final decision to withhold or reducing funds, require repayment of funds, or terminate this contract in the Circuit Court for the City of Richmond within 30 days of receipt of the final decision.

15. Liability

To the extent permitted by applicable law, The CSB shall defend or compromise, as appropriate, all claims, suits, actions, or proceedings arising from its performance of this contract. The CSB shall obtain and maintain sufficient liability insurance to cover claims for bodily injury and property damage and suitable administrative or directors' and officers' liability insurance. The CSB may discharge these responsibilities by means of a proper and sufficient self-insurance program operated by the state or a city or county government. The CSB shall provide a copy of any policy or program to the Department upon request. This contract is not intended to and does not create by implication or otherwise any basis for any claim or cause of action by a person or entity not a party to this contract arising out of any claimed violation of any provision of this contract, nor does it create any claim or right on behalf of any person to services or benefits from the CSB or the Department.

16. Severability

Each paragraph and provision of this contract is severable from the entire contract, and the remaining provisions shall nevertheless remain in full force and effect if any provision is declared invalid or unenforceable.

17. Counterparts and Electronic Signatures

Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS
Fairfax-Falls Church Community Services Board
Contract No. P1636.762.4

18. Signatures

In witness thereof, the Department and the CSB have caused this performance contract to be executed by the following duly authorized officials.

VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

By: _____

Name: Daryl Washington

Title: Commissioner

Date: _____

Fairfax-Falls Church Community Services Board

By: Signed by: Andrew Scalise 0F84EC6C747B4CF...

Name: Andrew Scalise

Title: Chairperson

Date: 7/9/2026 | 20:12 EDT

By: Signed by: Jordan Scheff CFBD971BA1574F8...

Name: **Jordan Scheff**

Title: Executive Director

Date: 7/9/2026 | 12:21 EDT

Docusign Envelope ID: B0873FB0-AD7A-8568-80E1-B2F376AE49F4

AMENDMENT 4
AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS
Fairfax-Falls Church Community Services Board
Contract No. P1636.762.4

19. Exhibit L: List of Acronyms			
Acronym	**Name**	**Acronym**	**Name**
ACE	Adverse Childhood Experiences	NCI	National Core Indicators
ACT Community Treatment (ACT) – Effective 7.1.2021	Assertive Community Treatment (ACT) – Effective July 1, 2021		
BAA	Business Associate Agreement (for HIPAA compliance)	NGRI	Not Guilty by Reason of Insanity
CARS	Community Automated Reporting System	OEMS	Office of Management Services
CCS	Community Consumer Submission -sunset effective July 1, 2025	PACT	Program of Assertive Community Treatment– Retired as of 7.1.2021, See Assertive Community Treatment (ACT)
CFR	Code of Federal Regulations	PATH	Projects for Assistance in Transition from Homelessness
CIT	Crisis Intervention Team	PHI	Protected Health Information
CPMT	Community Policy and Management Team (CSA)	PII	Personally Identifiable Information
CQI	Continuous Quality Improvement	PSH	Permanent Supportive Housing
CRC	Community Resource Consultant (DD Waivers)	QSR	Quality Service Reviews
CSA	Children's Services Act (§ 2.2-5200 et seq. of the Code)	RCSU	Residential Crisis Stabilization Unit
CSB	Community Services Board	RDAP	Regional Discharge Assistance Program
DAP	Discharge Assistance Program	REACH	Regional Education Assessment Crisis Services Habilitation
DBHDS	Department	RFP	Request for Proposal
DD	Developmental Disabilities	RMG	Regional Management Group
Department	Department of Behavioral Health and Developmental Services	RST	Regional Support Team (DD Waivers)

AMENDMENT 4
AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
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DMAS	Department of Medical Assistance Services (Medicaid)	RUMCT	Regional Utilization Management and Consultation Team
DOJ	Department of Justice (U.S.)	SABG	Federal Substance Abuse Block Grant
EBL	Extraordinary Barriers to Discharge List	SDA	Same Day Access
EHR	Electronic Health Record	SFTP	Secure File Transfer Protocol
FTE	Full Time Equivalent	SPF	Strategic Prevention Framework
HIPAA	Health Insurance Portability and Accountability Act of 1996	TDO	Temporary Detention Order
ICC	Intensive Care Coordination (CSA)	VACSB	Virginia Association of Community Services Boards
ICF	Intermediate Care Facility	VIDES	Virginia Individual DD Eligibility Survey
IDAPP	Individualized Discharge Assistance Program Plan	WaMS	Waiver Management System (DD Waivers)
LIPOS	Local Inpatient Purchase of Services	SPQM	Service Process Quality Management

FY 2027 Performance Contract Financial Summary

Fairfax-Falls Church Community Services Board

Mental Health Services

	FY 2027 Beginning Balance	FY 2027 Revenues	FY 2027 Transfers In/Out	FY 2027 Expenditures	FY 2027 Refunds	FY 2027 Ending Balance
Fund Type						
State Funds	$26,669,185.59	$36,984,854.72	-$9,361,189.52	$40,737,777.10	$0.00	$13,555,073.69
Local Matching Funds	$0.00	$89,518,534.00	$0.00	$89,518,534.00	$0.00	$0.00
Fees	$0.00	$11,154,770.00	$0.00	$11,154,770.00	$0.00	$0.00
Federal Funds	$0.00	$1,979,191.00	$0.00	$1,979,191.00	$0.00	$0.00
Other Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Funds	**$26,66G,185.5G**	**$13G,637,34G.72**	**-$G,361,18G.52**	**$143,3G0,272.10**	**$0.00**	**$13,555,073.6G**

Developmental Services

	FY 2027 Beginning Balance	FY 2027 Revenues	FY 2027 Transfers In/Out	FY 2027 Expenditures	FY 2027 Refunds	FY 2027 Ending Balance
Fund Type						
State Funds	$6,077,104.34	$10,341,580.42	$0.00	$12,886,620.42	$0.00	$3,532,064.34
Local Matching Funds	$0.00	$68,111,928.00	$0.00	$68,111,928.00	$0.00	$0.00
Fees	$0.00	$12,454,949.00	$0.00	$12,454,949.00	$0.00	$0.00
Federal Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Other Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Funds	**$6,077,104.34**	**$G0,G08,457.42**	**$0.00**	**$G3,453,4G7.42**	**$0.00**	**$3,532,064.34**

Substance Use Disorder Services

	FY 2027 Beginning Balance	FY 2027 Revenues	FY 2027 Transfers In/Out	FY 2027 Expenditures	FY 2027 Refunds	FY 2027 Ending Balance
Fund Type						
State Funds	$1,770,633.06	$9,026,794.52	-$87,400.00	$8,939,394.52	$0.00	$1,770,633.06
Local Matching Funds	$0.00	$36,975,047.00	$0.00	$36,975,047.00	$0.00	$0.00
Fees	$0.00	$2,134,905.00	$0.00	$2,134,905.00	$0.00	$0.00
Federal Funds	$0.00	$3,333,334.68	$0.00	$3,333,334.68	$0.00	$0.00
Other Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Funds	**$1,770,633.06**	**$51,470,081.20**	**-$87,400.00**	**$51,382,681.20**	**$0.00**	**$1,770,633.06**

Local Match Calculation

Total State Funds	$46,904,640.14
Compensation Increase Adjustment	
Regional Funding Expended On Behalf of the Region	
Part C State Funds	$0.00
Total Local Funds	$194,605,509.00
Total Adjusted State and Local Funds	$241,510,149.14
Local Match Percentage	**80.58%**

Exhibit A: Mental Health Services

Funding Source	FY 2027 Beginning Balance	FY 2027 Revenues	FY 2027 Transfers In/Out	FY 2027 Expenditures	Refunds	Ending Balance	Comments
Fees							
MH Dual Eligible Special Needs Plans Fees						$0.00	
MH Medicaid Fees		$8,901,179.00		$8,901,179.00		$0.00	
MH Medicare Fees		$232,530.00		$232,530.00		$0.00	
MH Fees: Other		$2,021,061.00		$2,021,061.00		$0.00	
Total Fees	**$0.00**	**$11,154,770.00**	**$0.00**	**$11,154,770.00**	**$0.00**	**$0.00**	
Federal Funds							
MH FBG Funds							
MH FBG 2025 (1B02SM020332-01)							
MH FBG Crisis Services (93.958)						$0.00	
MH FBG Geriatrics (93.958)						$0.00	
MH FBG Peer Services (93.958)						$0.00	
MH FBG SED Child & Adolescent (93.958)						$0.00	
MH FBG SMI (93.958)						$0.00	
MH FBG Young Adult SMI (93.958)						$0.00	
MH FBG 202C (1B02SM020712-01)							
MH FBG Crisis Services (93.958)		$160,000.00		$160,000.00		$0.00	
MH FBG Geriatrics (93.958)		$0.00				$0.00	
MH FBG Peer Services (93.958)		$0.00				$0.00	
MH FBG SED Child & Adolescent (93.958)		$268,084.00		$268,084.00		$0.00	
MH FBG SMI (93.958)		$1,115,793.00		$1,115,793.00		$0.00	
MH FBG Young Adult SMI (93.958)		$435,314.00		$435,314.00		$0.00	
MHBG BSCA Year 3 (1B02SM08228C-01)							
MH FBG Crisis Services (93.958)						$0.00	
MH FBG Young Adult SMI (93.958)						$0.00	
MHBG BSCA Year 4 (1B02SM020C23-01)							
MH FBG Crisis Services (93.958)						$0.00	
MH FBG Young Adult SMI (93.958)						$0.00	
Total MH FBG Funds	$0.00	$1,979,191.00	$0.00	$1,979,191.00	$0.00	$0.00	
Other MH Federal Funds							
MH Federal 288 State and Territorial Cooperative Agreements (23.243)							
MH Federal 988 State and Territorial Cooperative Agreements (5H79FG001218-03)						$0.00	
MH Federal PATH (23.150)							
MH Federal PATH 2024 (1X06SM090124-01)						$0.00	
MH Federal PATH 2025 (1X06SM090474-01)						$0.00	
MH Federal State & Local Fiscal Recovery Fund (21.027)						$0.00	
MH Other Federal - DBHDS						$0.00	
MH Other Federal - COVID Support *						$0.00	
MH Other Federal - CSB *						$0.00	
Total Other Federal Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Total Federal Funds	**$0.00**	**$1,G7G,1G1.00**	**$0.00**	**$1,G7G,1G1.00**	**$0.00**	**$0.00**	
State Funds							
Regional Funds - Restricted							

MH CIT - Assessment Sites		$0.00					$0.00
MH Crisis Response & Child Psychiatry		$0.00					$0.00
MH Crisis Stabilization	$415,733.93	$847,953.00	-$175,000.00	$678,344.00			$410,342.93
MH DAP	$3,734,424.79	$6,240,957.00	-$1,478,830.00	$5,148,100.00			$3,348,451.79
MH Expanded Community Capacity		$0.00					$0.00
MH First Aid	$92,501.41	$62,500.00	-$32,000.00	$126,502.01			-$3,500.60
MH Forensic Discharge Planning		$0.00					$0.00
MH LIPOS **	$1,505.94	$0.00		$4,491,200.00			-$4,489,694.06
MH Peer Services		$0.00					$0.00
MH Permanent Supportive Housing		$0.00					$0.00
MH Recovery Academy **		$0.00					$0.00
MH-STEP VA Clinician's Crisis Dispatch	$2,083,712.75	$2,798,744.30		$3,392,393.00			$1,490,064.05
MH STEP-VA Crisis	$10,522,540.69	$6,484,482.00	-$6,904,568.00	$6,445,422.00			$3,657,032.69
MH-STEP VA Data Systems and Clinicians Processes	$503,868.37	$448,750.00	-$727,956.00	$224,702.00			-$39.63
MH STEP-VA Marcus Alert	$616,530.98	$600,000.00	$15,000.00	$600,000.00			$631,530.98
MH STEP-VA Outpatient	$452,168.03	$308,000.00		$355,172.80			$404,995.23
MH STEP-VA Peer Support	$64,281.74	$100,000.00		$130,000.00			$34,281.74
MH STEP-VA Regional Management	$144,652.18	$209,300.00		$203,013.00			$150,939.18
MH STEP-VA Veterans Services	$236,348.71	$174,600.00		$178,332.00			$232,616.71
MH Suicide Prevention	$104,310.10	$70,500.00	-$32,000.00	$141,630.99			$1,179.11
MH Transfers from DBHDS Facilities							$0.00
Total Regional Funds - Restricted	$18,972,579.62	$18,345,786.30	-$9,335,354.00	$22,114,811.80	$0.00		$5,868,200.12
Regional Funds - Unrestricted							
MH Geriatrics Services		$0.00					$0.00
MH Other Merged Regional Funds		$777,525.00		$777,525.00			$0.00
MH Recovery	$115,789.15	$75,000.00		$75,000.00			$115,789.15
MH State Regional Deaf Services	$9,732.40	$23,750.00	-$25,835.52	$7,646.88			$0.00
Total Regional Funds - Unrestricted	$125,521.55	$876,275.00	-$25,835.52	$860,171.88	$0.00		$115,789.15
Non-Regional Funds - Restricted							
MH Adult Outpatient Competency Restoration Services		$0.00					$0.00
MH Adult Restoration **		$0.00					$0.00
MH Adult Restoration SSA **		$0.00					$0.00
MH Adult DAP **		$376,321.00		$376,321.00			$0.00
MH Child & Adolescent Services Initiative	$84,743.20	$515,529.00		$515,529.00			$84,743.20
MH Children's Outpatient Services	$0.91	$75,000.00		$75,000.00			$0.91
MH CIT - Assessment Sites	$46,179.14	$570,709.00		$570,709.00			$46,179.14
MH Comprehensive Crisis System **		$0.00					$0.00
MH Crisis Stabilization		$0.00					$0.00
MH CSB Workforce **		$0.00					$0.00
MH DAP Pilots **		$1,500,000.00		$1,500,000.00			$0.00
MH Dementia **		$0.00					$0.00
MH Docket Pilot JMHCP Match	$41,440.43	$125,207.00		$125,207.00			$41,440.43
MH Expand Telepsychiatry Capacity	$22,743.00	$3,249.00		$3,249.00			$22,743.00
MH Forensic Discharge Planning	$36,975.59	$118,876.00		$118,876.00			$36,975.59
MH Geriatric Specialists **		$0.00					$0.00
MH Gero-Psychiatric Services		$0.00					$0.00
MH Jail Diversion Services	$483.50	$321,050.00		$321,050.00			$483.50
MH Juvenile Competency Restoration		$0.00					$0.00
MH Juvenile Detention	$288,027.84	$111,724.00		$111,724.00		$288,027.84	
MH Law Reform		$530,387.00		$530,387.00		$0.00	
MH PACT		$893,367.00		$893,367.00		$0.00	
MH PACT - Forensic Enhancement		$0.00				$0.00	
MH Peer Services		$0.00				$0.00	
MH Permanent Supportive Housing	$2,781,697.92	$1,197,674.00		$1,197,674.00			$2,781,697.92
MH Problem Gambling	$29,409.70	$49,000.00		$49,000.00			$29,409.70
MH Rural Jail Diversion		$0.00					$0.00
MH Supervised Residential Care **		$0.00					$0.00

MH-STEP VA Ancillary Services	$475,620.89	$270,000.00		$270,000.00			$475,620.89
MH-STEP VA Care Coordination Services	$336,590.53	$284,201.00		$284,201.00			$336,590.53
MH-STEP VA Case Management Services	$91,232.55	$91,300.00		$91,300.00			$91,232.55
MH STEP-VA Outpatient	$1,549,953.04	$915,870.00		$915,870.00			$1,549,953.04
MH STEP-VA Peer Support	$444,588.32	$221,185.00		$221,185.00			$444,588.32
MH STEP-VA Primary Care Screening	$514,324.35	$450,177.00		$450,177.00			$514,324.35
MH-STEP VA Psychiatric Rehabilitation Services	$178,818.27	$85,513.00		$85,513.00			$178,818.27
MH STEP-VA Same Day Access	-$1,219,872.77	$267,844.00		$267,844.00			-$1,219,872.77
MH STEP-VA Veterans Services	$249,515.65	$98,763.00		$98,763.00			$249,515.65
MH Transfers from DBHDS Facilities							$0.00
MH Young Adult SMI	$1,388,743.65	$572,428.00		$572,428.00			$1,388,743.65
MH Youth DAP **		$0.00					$0.00
MH Youth Peer Support Services		$0.00					$0.00
MH One-Time Restricted State Funds							$0.00
Total Non-Regional Funds - Restricted	$7,341,215.71	$9,645,374.00	$0.00	$9,645,374.00	$0.00		$7,341,215.71
Non-Regional Funds - Unrestricted							
MH Demo Proj-System of Care (Child)		$0.00				$0.00	
MH Geriatrics Services		$0.00				$0.00	
MH Other Merged Regional Funds		$0.00				$0.00	
MH Pharmacy		$1,455,990.00		$1,455,990.00		$0.00	
MH Recovery	$229,868.71	$468,192.00		$468,192.00		$229,868.71	
MH State Children's Services		$0.00				$0.00	
MH State Funds		$6,193,237.42		$6,193,237.42		$0.00	
MH State NGRI Funds		$0.00				$0.00	
MH One-Time State Funds						$0.00	
Total Non-Regional Funds - Unrestricted	$229,868.71	$8,117,419.42	$0.00	$8,117,419.42	$0.00	$229,868.71	
Total State Funds	**$26,66G,185.5G**	**$36,G84,854.72**	**-$G,361,18G.52**	**$40,737,777.10**	**$0.00**	**$13,555,073.6G**	
Other Funds							
MH Other Funds						$0.00	
Total Other Funds	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	
Local Matching Funds							
MH In-Kind Contributions						$0.00	
MH Local Government Appropriations		$89,518,534.00		$89,518,534.00		$0.00	
MH Local Interest Revenue						$0.00	
MH Philanthropic Cash Contributions						$0.00	
Total Local Matching Funds	**$0.00**	**$8G,518,534.00**	**$0.00**	**$8G,518,534.00**	**$0.00**	**$0.00**	
Total MH Funds	**$26,66G,185.5G**	**$13G,637,34G.72**	**-$G,361,18G.52**	**$143,3G0,272.10**	**$0.00**	**$13,555,073.6G**	

*** - State and Federal Funds derived from non-DBHDS entities**

**** - State Fund revenue amounts represent highest potential payment as awards are paid out on a reimbursement basis**

Exhibit A: Developmental Services

Funding Source	FY 2027 Beginning Balance	FY 2027 Revenues	FY 2027 Transfers In/Out	FY 2027 Expenditures	Refunds	Ending Balance	Comments
Fees							
DD Dual Eligible Special Needs Plans Fees						$0.00	
DD Medicaid DD Waivers		$10,495,305.00		$10,495,305.00		$0.00	
DD Medicaid ICF/IDD Fees						$0.00	
DD Medicare Fees		$202,200.00		$202,200.00		$0.00	
DD Other Medicaid Fees		$1,757,444.00		$1,757,444.00		$0.00	
DD Fees: Other						$0.00	
Total DD Fees	**$0.00**	**$12,454,G4G.00**	**$0.00**	**$12,454,G4G.00**	**$0.00**	**$0.00**	
Federal Funds							
Part C Early Intervention Grant (84.181)							
Part C Early Intervention Grant 2024 (H181A240017)						$0.00	
Part C Early Intervention Grant 2025 (H181A250017)		$0.00				$0.00	
DD Other Federal - DBHDS						$0.00	
DD Other Federal - COVID Support *						$0.00	
DD Other Federal - CSB *						$0.00	
Total Federal Funds	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	
State Funds							
Regional Funds - Restricted							
DD Crisis Stabilization - Adult	$1,854,069.66	$3,449,743.00		$3,476,080.00		$1,827,732.66	
DD Crisis Stabilization - Children	$4,223,034.68	$2,989,589.00		$5,508,292.00		$1,704,331.68	
DD Transfers from DBHDS Facilities						$0.00	
Total Regional Funds - Restricted	$6,077,104.34	$6,439,332.00	$0.00	$8,984,372.00	$0.00	$3,532,064.34	
Non-Regional Funds - Restricted							
DD Part C Early Intervention		$0.00				$0.00	
DD Rental Subsidies		$0.00				$0.00	
DD Support Coordinators		$2,950,000.00		$2,950,000.00		$0.00	
DD Transfers from DBHDS Facilities						$0.00	
DD Trust Fund		$0.00				$0.00	
DD One-Time Restricted State Funds						$0.00	
Total Non-Regional Funds - Restricted	$0.00	$2,950,000.00	$0.00	$2,950,000.00	$0.00	$0.00	
Non-Regional Funds - Unrestricted							
DD Crisis Stabilization - Adult		$0.00				$0.00	
DD Crisis Stabilization - Children		$166,666.00		$166,666.00		$0.00	
DD OBRA Funds		$0.00				$0.00	
DD State Funds		$785,582.42		$785,582.42		$0.00	
DD One-Time State Funds						$0.00	
Total Non-Regional Funds - Unrestricted	$0.00	$952,248.42	$0.00	$952,248.42	$0.00	$0.00	
Total State Funds	**$6,077,104.34**	**$10,341,580.42**	**$0.00**	**$12,886,620.42**	**$0.00**	**$3,532,064.34**	
Other Funds							
DD Other Funds						$0.00	
DD Workshop Funds						$0.00	
Total Other Funds	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	
Local Matching Funds							

DD In-Kind Contributions						$0.00
DD Local Government Appropriations		$68,111,928.00		$68,111,928.00		$0.00
DD Local Interest Revenue						$0.00
DD Philanthropic Cash Contributions						$0.00
Total Local Matching Funds	**$0.00**	**$68,111,G28.00**	**$0.00**	**$68,111,G28.00**	**$0.00**	**$0.00**
Total DD Funds	**$6,077,104.34**	**$G0,G08,457.42**	**$0.00**	**$G3,453,4G7.42**	**$0.00**	**$3,532,064.34**

*** - State and Federal Funds derived from non-DBHDS entities**

**** - State Fund revenue amounts represent highest potential payment as awards are paid out on a reimbursement basis**

Exhibit A: Substance Use Disorder Services

Funding Source	FY 2027 Beginning Balance	FY 2027 Revenues	FY 2027 Transfers In/Out	FY 2027 Expenditures	Refunds	Ending Balance	Comments
Fees							
SUD Dual Eligible Special Needs Plans Fees						$0.00	
SUD Medicaid Fees		$1,449,029.00		$1,449,029.00		$0.00	
SUD Medicare Fees		$70,770.00		$70,770.00		$0.00	
SUD Fees: Other		$615,106.00		$615,106.00		$0.00	
Total Fees	**$0.00**	**$2,134,G05.00**	**$0.00**	**$2,134,G05.00**	**$0.00**	**$0.00**	
Federal Funds							
SUD FBG Funds							
SUD FBG 2025 (1B08TI088137-01)							
SUD FBG Alcohol and Drug Treatment (93.959)						$0.00	
SUD FBG Prevention (93.959)						$0.00	
SUD FBG Recovery (93.959)						$0.00	
SUD FBG Women (Includes LINK at 6 CSBs) (93.959)						$0.00	
SUD FBG 202C (1B08TI088501-01)							
SUD FBG Alcohol and Drug Treatment (93.959)		$2,357,198.80		$2,357,198.80		$0.00	
SUD FBG Prevention (93.959)		$522,972.00		$522,972.00		$0.00	
SUD FBG Recovery (93.959)		$84,951.88		$84,951.88		$0.00	
SUD FBG Women (Includes LINK at 6 CSBs) (93.959)		$368,212.00		$368,212.00		$0.00	
Total SUD FBG Funds	$0.00	$3,333,334.68	$0.00	$3,333,334.68	$0.00	$0.00	
Other SUD Federal Funds							
SUD Federal Opioid Response 2025 (5H72TI087780-02)							
SUD Federal Opioid Response - Prevention (93.788)						$0.00	
SUD Federal Opioid Response - Recovery (93.788)						$0.00	
SUD Federal Opioid Response - Treatment (93.788)						$0.00	
SUD Federal Opioid Response 202C (NA)							
SUD Federal Opioid Response - Prevention (93.788)						$0.00	
SUD Federal Opioid Response - Recovery (93.788)						$0.00	
SUD Federal Opioid Response - Treatment (93.788)						$0.00	
SUD SBIRT Youth Grant (23.243)							
SUD SBIRT Youth Grant 2025 (5H79TI084066-05)						$0.00	
SUD Federal State & Local Fiscal Recovery Fund (21.027)						$0.00	
SUD Strategic Prevention Framework Partnerships for Success (23.243)							
SUD SPF PFS Grant 2025 (5H79SP084225-02)						$0.00	
SUD Other Federal - DBHDS						$0.00	
SUD Other Federal - COVID Support *						$0.00	
SUD Other Federal - CSB *						$0.00	
Total Other Federal Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Total Federal Funds	**$0.00**	**$3,333,334.68**	**$0.00**	**$3,333,334.68**	**$0.00**	**$0.00**	
State Funds							
Regional Funds - Restricted							
SUD Community Detoxification	$376,250.00	$115,000.00	-$87,400.00	$27,600.00		$376,250.00	
SUD Facility Reinvestment		$0.00				$0.00	
SUD STEP-VA		$886,861.00		$886,861.00		$0.00	
SUD Transfers from DBHDS Facilities						$0.00	

Total Regional Funds - Restricted	$376,250.00	$1,001,861.00	-$87,400.00	$914,461.00	$0.00	$376,250.00
Non-Regional Funds - Restricted						
SUD Community Detoxification		$0.00				$0.00
SUD DD Training/SUD Youth Services/COVID	$286,946.00	$303,703.63		$303,703.63		$286,946.00
SUD MAT	$1,107,437.06	$132,675.93		$132,675.93		$1,107,437.06
SUD Opioid Abatement Authority Funding*						$0.00
SUD Permanent Supportive Housing Women		$0.00				$0.00
SUD Recovery		$0.00				$0.00
SUD SARPOS		$112,810.59		$112,810.59		$0.00
SUD Transfers from DBHDS Facilities						$0.00
SUD Women (Includes LINK at 4 CSBs)		$54,673.13		$54,673.13		$0.00
SUD One-Time Restricted State Funds						$0.00
Total Non-Regional Funds - Restricted	$1,394,383.06	$603,863.28	$0.00	$603,863.28	$0.00	$1,394,383.06
Non-Regional Funds - Unrestricted						
SUD HIV/AIDS		$30,892.00		$30,892.00		$0.00
SUD Jail Services/Juvenile Detention		$199,248.55		$199,248.55		$0.00
SUD Region V Residential		$0.00				$0.00
SUD State Funds		$7,190,929.69		$7,190,929.69		$0.00
SUD One-Time State Funds						$0.00
Total Non-Regional Funds - Unrestricted	$0.00	$7,421,070.24	$0.00	$7,421,070.24	$0.00	$0.00
Total State Funds	**$1,770,633.06**	**$G,026,7G4.52**	**-$87,400.00**	**$8,G3G,3G4.52**	**$0.00**	**$1,770,633.06**
Other Funds						
SUD Other Funds						$0.00
Total Other Funds	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
Local Matching Funds						
SUD In-Kind Contributions						$0.00
SUD Local Government Appropriations		$36,975,047.00		$36,975,047.00		$0.00
SUD Local Interest Revenue						$0.00
SUD Philanthropic Cash Contributions						$0.00
Total Local Matching Funds	**$0.00**	**$36,G75,047.00**	**$0.00**	**$36,G75,047.00**	**$0.00**	**$0.00**
Total SUD Funds	**$1,770,633.06**	**$51,470,081.20**	**-$87,400.00**	**$51,382,681.20**	**$0.00**	**$1,770,633.06**

*** - State and Federal Funds derived from non-DBHDS entities**

**** - State Fund revenue amounts represent highest potential payment as awards are paid out on a reimbursement basis**

Local Government Tax Appropriation

Locality	Amount
Falls Church	$1,300,672.00
Fairfax City	$2,678,672.00
Fairfax	$190,626,165.00
Total	**$1G4,605,50G.00**

Amounts Match Service Pages

Total Administrative Costs **$44,726,880.00**

Board Management Salary Costs

Position	Beginning Salary for FY 2027	Salary Range Ending	Budgeted Total Salary for FY 2027	Tenure (Years)
Executive Director	$275,000.00	Negotiable	$275,000.00	0.00

Integrated Behavioral and Primary Healthcare Questions

1. Is the CSB participating in a partnership with a federally qualified health center, free clinic, or local health department to integrate the provision of behavioral health and primary health care?	Yes
2. If yes, who is the partner?	Federally Qualified Health Center
Name of Partner: Neighborhood Health and Health Works	
3. Where is primary health (medical) care provided?	Another Site
If Another Site specify: Sharon Bulova and Gartlan Center	
4. Where is behavioral health care provided?	
If Another Site specify: Both provide healthcare at various locations	

AMENDMENT
4AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT – SUPPLEMENTAL DOCUMENT
EXHIBIT B: Continuous Quality Improvement (CQI) Process
for Behavioral Health Performance Measures
Contract No. P1636.4

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EXHIBIT B: Continuous Quality Improvement (CQI) Process
for Behavioral Health Performance Measures
Contract No. P1636.4

I. Introduction

The Department, the Community Services Boards and Behavioral Health Authority (CSB) are committed to a collaborative continuous quality improvement (CQI) process aimed at improving the quality, transparency, accessibility, consistency, integration, and responsiveness of services across the Commonwealth pursuant to Code §37.2-508(C) and §37.2-608(C). Exhibit B establishes the CQI framework through which CSBs, providing community behavioral health services, and the Department engage in the CQI processes that are established to track progress towards meeting established benchmarks, identify barriers to achievement, and understand and address root causes that impacts progress. For the purposes of this Exhibit, "benchmark" is defined as the measure target for achievement that is established by the Department in collaboration with CSB.

II. Measure Development

The establishment of benchmarks is a collaborative process with the CSBs and exists as part of the

III. Technical Assistance

An opportunity for technical assistance exists when a CSB requires support in meeting an established goal. The following graduated response will be employed to support the CSB to achievement.

Technical Assistance (TA)
For the purposes of this Exhibit, technical assistance (TA) is defined as targeted, collaborative support provided by the Department to CSBs for the purposes of improving performance on the core measures outlined in Section V of this exhibit. The Department may initiate the process for its provision of TA when a CSB's performance does not meet the benchmark. Upon receipt of Department notification of the requirement for CSB participation in TA, the CSB shall respond to the Department within 10 business days to confirm receipt and establish next steps.

Additionally, TA may be requested by the CSB at any time. A CSB may request TA from the Department by completing the Exhibit B TA Request form. The Department shall respond to the CSB request for TA within 10 business days to confirm receipt and establish next steps.

The Department will work to address CSB-raised concerns or identified Department data issues as part of the technical assistance process.

IV. Performance Monitoring

1. **Performance Improvement Plan (PIP)**
   Develop a Performance Improvement Plan (PIP). For the purposes of this Exhibit, a PIP is defined as a written, collaborative agreement between the Department and the CSB that identifies specific action steps required to support the CSB in meeting identified benchmarks for core performance measures as outlined in Section V of this exhibit. A PIP will not be entered into until at least 6 months of TA has been provided in order to allow for the review of at least 2consecutive reporting periods , or as otherwise established by the Department.

2. **Corrective Action Plan (CAP)**
   In the event PIP implementation does not result in improvement regarding core performance measures pursuant to Section V of this exhibit; the Department may seek other remedies as outlined in the Compliance and Remediation section of the performance contract such as initiating a CAP. For the purpose of this Exhibit, a CAP is defined as a written plan to address lack of achievements with identified benchmarks for

core performance measures outlined in Section V of this exhibit. If the CSB refuses to participate in the TA and/or PIP process, a CAP will be initiated by the Department. If the CSB disagrees with the CAP they shall utilize the Compliance and Remediation of the performance contract.

V. Performance Measures

CSB Core Performance Measures: The CSB and Department agree to use the CSB Core Performance Measures, developed by the Department in collaboration with the VACSB Data Management, Quality Leadership, and/ Quality and Outcomes Committees (Q&O) to monitor outcome and performance measures for the CSBs and improve the performance on measures where the CSB falls below the benchmark. These performance measures include:

A. 1. Suicide Screening Measure
Percent of individuals ages six and older that receive Columbia Suicide Severity Rating Scale screening within 30 days before or 5 days after a new MH or SUD case has been opened.
Benchmark: The CSB shall conduct a Columbia Suicide Severity Rating Scale screening for at least 86 percent of individuals with a new MH or SUD case opening.

B. 2. Same Day Access Measures
ISERV Definition: The percentage of consumers with comprehensive needs assessment provided within 10 business days of first contact as well as the mean number of days from the first contact. DBHDS and CSB will collaborate to determine how to collect this information in FY26.
Benchmark: CSB and DBHDS will work together to establish by the end SFY27

Appointment Kept: Percentage of new consumers with comprehensive needs assessment who keep and attend a follow up appointment within 30 days.
Benchmark: At least 70 percent of the individuals seen in SDA who are determined to need a follow-up service will return to attend that service within 30 calendar days of the SDA assessment.

C. 3. SUD Engagement Measure (Block Grant SAMSHA/DBHDS Requirement)
Percentage of individuals 13 years or older with a new/existing admission to CSB services as a result of a new SUD diagnosis who initiate services within 14 days of diagnosis and attend at least two follow up SUD services within 30 days.
Benchmark: The CSB shall have at least 65% of SUD clients engage in treatment per this definition of engagement.

D. 4. DLA-20 Measure to be replaced by the WHODAS in FY27
The percentage of individuals receiving STEP-VA services assessed using the WHODAS who demonstrate improvement in their WHODAS score over a 6-month period.
Benchmark: CSB and DBHDS will work together to establish by end of SFY27

VI. Additional Expectations and Elements Being Monitored

The data elements and expectations of this section are active expectations regarding CSB operations and implementation. The Department in collaboration with the VACSB Data Management, Quality Leadership, and Quality and Outcomes Committees will monitor outcome and performance measures in this section.

A. Outpatient Primary Care Screening and Monitoring

1. Primary Care Screening

Measures - The percentage of Adults with a SMI diagnosis and children with SED, engaged in MH CM and Psychiatry services, who receive an annual primary care screening to include height, weight and therefore, BMI.
Benchmark - CSB and DBHDS will work together to establish by end of SFY27.
Outcomes - To provide yearly primary care screening to identify and provide related care coordination to ensure access to needed physical health care to reduce the number of individuals with serious mental illness (SMI), known to be at higher risk for poor physical health outcomes largely due to unidentified chronic conditions.
Monitoring- CSB must report the screen completion as required by DBHDS.

2. Antipsychotic Metabolic Screening

Measures - The percentage of individuals, receiving STEP-VA services, over the age of 3 years old, receiving antipsychotic medications prescribed by a CSB, who have undergone metabolic screenings within 1 year of identification and comply with recommended metabolic screening schedule (at least annually)
Benchmark - CSB and DBHDS will work together to establish by end of SFY27
Outcomes - To provide screening in order to identify and provide related care coordination to ensure access needed to physical health care as well as additional information for psychiatric providers. Individuals with serious mental illness (SMI) or serious emotional disturbance (SED) are known to be at higher risk for poor physical health outcomes.
Monitoring - CSB must report the screen completion as required by DBHDS

B. Outpatient Services

Outpatient services are foundational services for any behavioral health system. Outpatient services may include diagnosis and evaluation, screening and intake, counseling, psychotherapy, behavior management, psychiatry, psychological testing and assessment, laboratory, and ancillary services.

Measures - Percent of CSB Outpatient provider staff that have received the required 8 hours of trauma focused training within the first year of employment and 4 hours in each subsequent year or until 40 hours of trauma-focused training can be demonstrated
Benchmark - Benchmark is 95% of above-mentioned staff.
Monitoring: Provide training data regarding required trauma training yearly in July when completing evidence-based practice survey.

C. Service Members, Veterans, and Families (SMVF)

1. Training Measures - Percent of CSB Direct Services Staff that receive military cultural competency training within 90 days of hire and every 3 years of employment thereafter.

Benchmark – 95% of CSB staff delivering direct services to the SMVF population

2. Identifying SMVF members

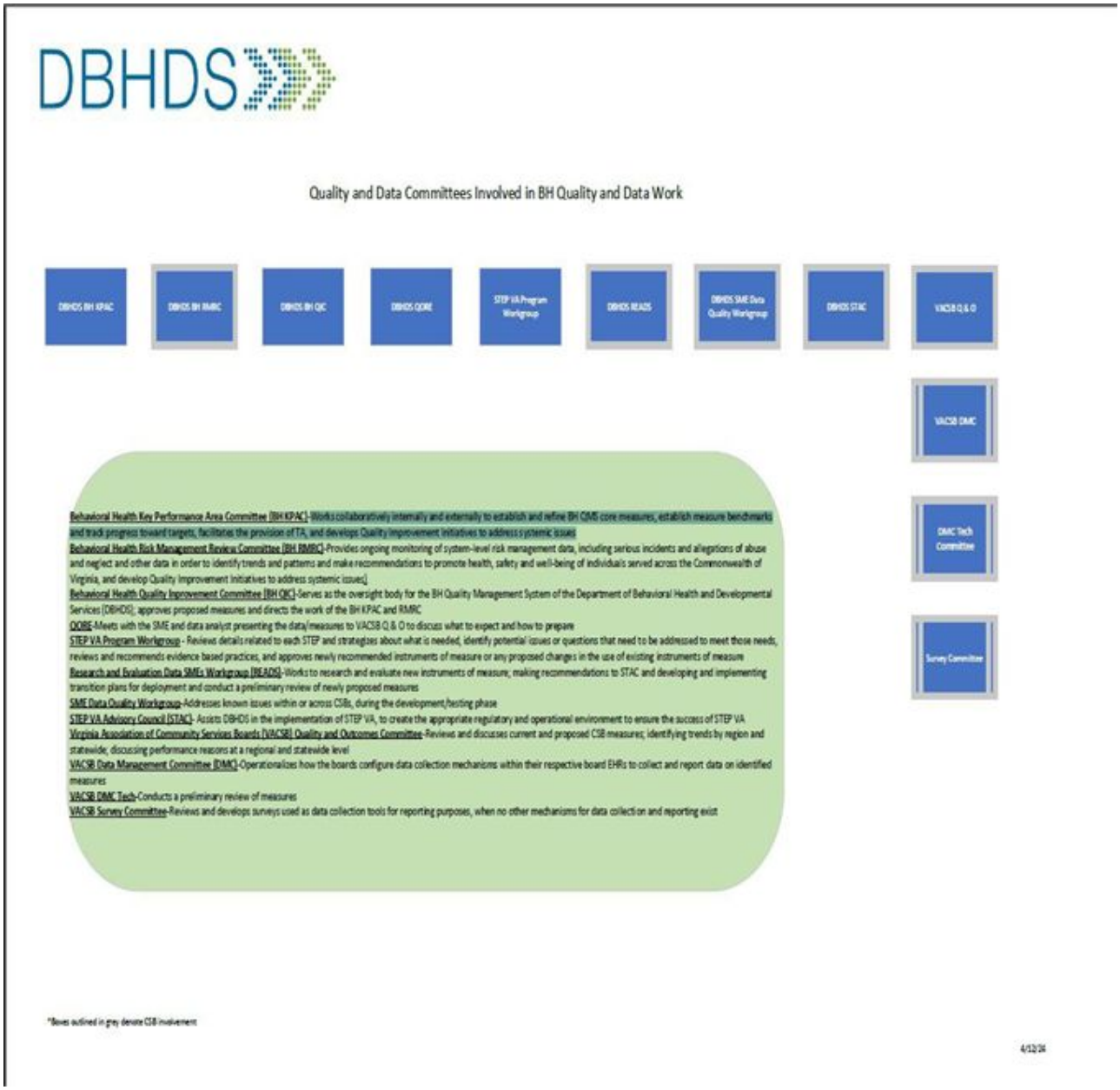
Measures- At admission, health records in all program areas will contain a valid entry for the Military Status demographic variable.

Benchmark- The CSB shall ensure the Benchmark of 90% of individuals will have a valid entry at admission for MH/SUD services.

3. DBHDS has the ability to pull data from the Columbia Suicide Screening responses and trends for this particular subgroup; measure language and benchmarking are the same as in bullet A above.

D. Peer and Family Support Services

1. **Peer FTEs (STEP-VA Funded)**
   (a) **Measure**: Total number of Peer Support Services FTE offering peer support services in mental health and/or substance use treatment settings funded by STEP-VA allocations.
   (b) **Benchmark**: Year 1 will allow for monitoring and benchmarking.
2. **Peer FTEs (Total)**
   (a) **Measure:** Total number of Peer Support Services FTE offering peer support services in CSB/BHA from all funding sources.
   (b) Benchmark: Year 1 will allow for monitoring and benchmarking
3. **Peer Certification and Registration**
   (a) **Measure**: Peer Supporters will obtain certification within 15 months of hire and be registered within 18 months of hire (from the Board of Counseling)
   (b) **Benchmark**: There is not a benchmark at this time as FY24 is the first year collecting this information. DBHDS and the CSB will revisit setting a benchmark by the end of SFY27.


DBHDS
Quality and Data Committees Involved in BH Quality and Data Work
DBHDS BH KPAC
DBHDS BH RMRC
DBHDS BH QIC
DBHDS QORE
STEP VA Program Workgroup
DBHDS READS
DBHDS SME Data Quality Workgroup
DBHDS STAC
VACSB Q & O
VACSB DMC
DMC Tech Committee
Survey Committee
Behavioral Health Key Performance Area Committee (BH KPAC)-Works collaboratively internally and externally to establish and refine BH CIMS core measures, establish measure benchmarks and track progress toward targets, facilitates the provision of TA, and develops Quality Improvement initiatives to address systemic issues
Behavioral Health Risk Management Review Committee (BH RMRC)-Provides ongoing monitoring of system-level risk management data, including serious incidents and allegations of abuse and neglect and other data in order to identify trends and patterns and make recommendations to promote health, safety and well-being of individuals served across the Commonwealth of Virginia, and develop Quality Improvement Initiatives to address systemic issues.
Behavioral Health Quality Improvement Committee (BH QIC)-Serves as the oversight body for the BH Quality Management System of the Department of Behavioral Health and Developmental Services (DBHDS); approves proposed measures and directs the work of the BH KPAC and RMRC
QORE-Meets with the SME and data analyst presenting the data/measures to VACSB Q & O to discuss what to expect and how to prepare
STEP VA Program Workgroup - Reviews details related to each STEP and strategizes about what is needed, identify potential issues or questions that need to be addressed to meet those needs, reviews and recommends evidence based practices, and approves newly recommended instruments of measure or any proposed changes in the use of existing instruments of measure
Research and Evaluation Data SMEs Workgroup (READS)-Works to research and evaluate new instruments of measure; making recommendations to STAC and developing and implementing transition plans for deployment and conduct a preliminary review of newly proposed measures
SME Data Quality Workgroup-Addresses known issues within or across CSBs, during the development/testing phase
STEP VA Advisory Council (STAC)- Assists DBHDS in the implementation of STEP VA, to create the appropriate regulatory and operational environment to ensure the success of STEP VA
Virginia Association of Community Services Boards (VACSB) Quality and Outcomes Committee-Reviews and discusses current and proposed CSB measures; identifying trends by region and statewide; discussing performance reasons at a regional and statewide level
VACSB Data Management Committee (DMC)-Operationalizes how the boards configure data collection mechanisms within their respective board EHRs to collect and report data on identified measures
VACSB DMC Tech-Conducts a preliminary review of measures
VACSB Survey Committee-Reviews and develops surveys used as data collection tools for reporting purposes, when no other mechanisms for data collection and reporting exist
*Boxes outlined in grey denote CSB involvement
4/12/24

DBHDS

Behavioral Health Quality and Data Committees and Virginia Association of Community Services Boards Data Governance Engagement

DBHDS BH KPAC | DBHDS BH RMRC | DBHDS BH QIC | DBHDS QORE | STEP VA Program Workgroup | DBHDS READS | DBHDS SME Data Quality Workgroup | DBHDS STAC | VACSB Q & O | VACSB DMC | DMC Tech Committee | Survey Committee

"In 2023, the Department of Behavioral Health and Developmental Services (DBHDS) launched an initiative to revamp its data governance strategy, resulting in the establishment of a robust Data Governance Program. Comprising the Data Governance Council, Data Decision Team, and Working Groups, this program aims to optimize the agency's objectives by providing strategic direction, facilitating decision-making processes, and operationalizing data governance activities.

With Data Quality as a starting point, DBHDS can begin to understand how best to engage the Community Service Boards (CSBs) in the larger framework. We are grateful to have received CSB participant recommendations from the Data Management Committee (DMC) to support DBHDS' data governance program. As providers of data to DBHDS, CSBs are encouraged to actively engage in this framework by participating in meetings, providing input on data-related matters, and adhering to established policies and standards. Additionally, CSBs can contribute their domain-specific expertise to inform decision-making and support the implementation of data governance practices.

To further involve CSBs in our Data Governance Program, our next steps involve securing 1-2 volunteers from the DMC's list of potential participations to be part of the Quality Working Group. This group presents CSBs with the opportunity to actively contribute to improving data quality and alleviating administrative burdens. By participating in this collaborative effort, CSBs can directly influence the development and implementation of data quality standards, policies, and best practices that align with their organization's needs and objectives."

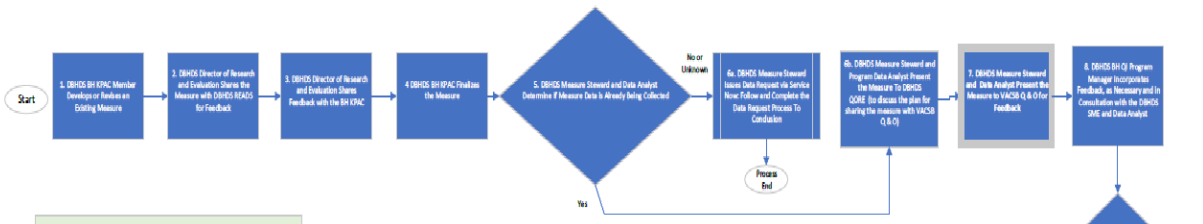
DBHDS Data Governance Team

*Boxes outlined in grey denote CSB involvement

4/12/24

DBHDS

Behavioral Health Measure Development Process



Please note: STAC and the VACSB Survey Committee are not included in this process; as the former has activities that are separate from those of the measure development process and the latter's involvement is embedded in the Data Request Sub Process already in existence.

*Boxes outlined in grey denote CSB involvement

4/12/24

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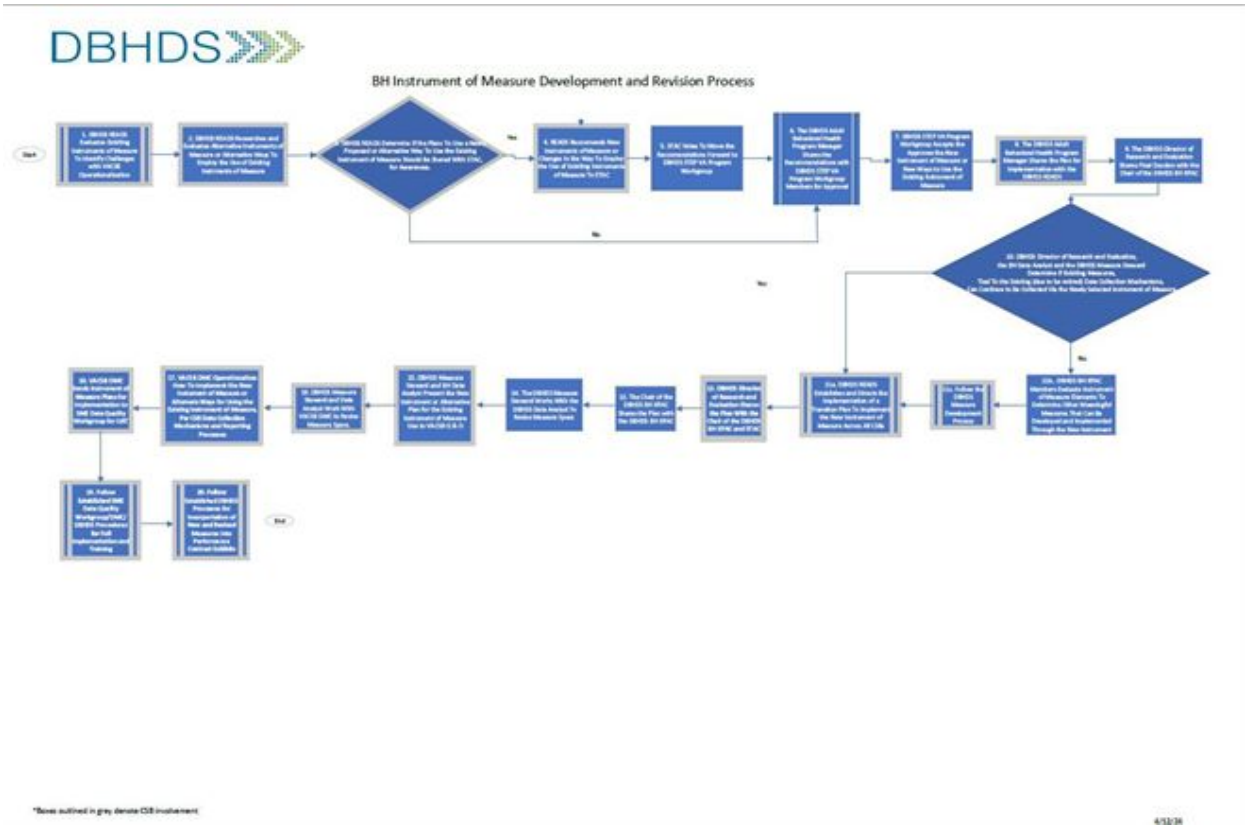
EXHIBIT B: Continuous Quality Improvement (CQI) Process
for Behavioral Health Performance Measures
Contract No. P1636.4



AMENDMENT 3
AMENDED AND RESTATED
FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT – SUPPLEMENTAL DOCUMENT
Exhibit E: Performance Contract Schedule and Process
Contract No. P1636.3

Purpose
The purpose of this Exhibit is to provide the CSB with the schedule and process for providing the community services performance contract and other required program and financial data to the Department. It also provides administrative performance requirements and processes specific to this Exhibit.

DUE DATE	DESCRIPTION
5-20-26	1. The Office of Fiscal and Grants Management (OFGM) distributes the Letters of Notification (LON) to CSB with state and federal block grant funds allocations. **NOTE:** *State funds are contingent on the implementation of the fiscal year budget as passed by the General Assembly and signed into law by the Governor. The Code of Virginia allows the Governor to make certain adjustments to the Budget. Changes in Federal legislation, inclement weather and uncertain revenue collections, are just a few examples of events that may require adjustments to the budget in order to maintain the balanced budget as required by Virginia's constitution.* 2. The Department distributes the current fiscal year performance contract and associated report. to CSB. CSB must only provide allocations of state and federal funds or amounts subsequently revised by or negotiated and approved by the Department and have actual appropriated amounts of local matching funds.
See Section II for the Department's State (790) and Federal Funding Disbursement Schedules	
	New State Fiscal Year Begins
07-01-26	The current fiscal year performance contract, revisions, or Exhibits D that may be due at this time should be signed and submitted electronically by the CSB.
07-17-26	The Department distributes the end of the fiscal year report.
07-31-26	1. Prior fiscal year Q4 Turnover and Vacancy Reporting is due. 2. End of fiscal Staffing and Compensation Report is due for prior fiscal year
08-05-26	1. The Performance Contract budget report is due back to the Department. 2. **Local Match**: If the CSB did not meet the minimum 10 percent local matching funds requirement based on the beginning of the prior fiscal year, it must submit a written request for a waiver, pursuant to § 37.2-509 of the Code and State Board Policy 4010 and the Minimum Ten Percent Matching Funds Waiver Request Guidelines sent to the OEMS performancecontractsupport@dbhds.virginia.gov email address.

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09-02-26	1. CSB send end of the fiscal year report to the Department. 2. OFGM reviews the financial portions of reports for any discrepancies and works with CSB to resolve deficiencies.

9-18-2026	CSB must resubmit approved revised end of the year financial reports no later than 09-18-2025. This is the final closeout date. The Department will not accept report corrections after this date.
09-30-26	1. All CSB signed performance contracts and applicable Exhibits D/NOAs are due to the Department for final signature by the Commissioner pursuant to § 37.2-508 of the Code. 2. Federal Balance Reports are sent to CSB. Inaccurate or no submission of reports from end of fiscal year or performance contract reports and/or unsigned performance contracts will be out of compliance and may result in delayed payment disbursement until signed contract is received by the Department and/or a one- time, one percent reduction not to exceed $15,000 of state funds apportioned for CSB administrative expenses.
10-1-26	**New Federal Fiscal Year Begins**
10-03-26	After the Commissioner signs the contracts, a fully executed copy of the performance contract and applicable Exhibits D will be sent to the CSB electronically by OEMS.
10-16-26	CSB submits Federal Balance Reports to the OFGM.
10-31-26	Q1 Turnover and Vacancy Reporting is due.
12-02-26	1. CSB that are not local government departments or included in local government audits send one copy of their Certified Public Accountant (CPA) audit reports for the previous fiscal year on all CSB operated programs to the Department's Office of Budget and Financial Reporting (OBFR). 2. CSB must complete the Exhibit F (B) Single Audit Exemption Form if it is not subject to a single audit. 3. CSB submit a copy of CPA audit reports for all contract programs for their last full fiscal year, ending on June 30th, to the OBFR. For programs with different fiscal years, reports are due three months after the end of the year. 4. The CSB shall have a management letter and plan of correction for identified material deficiencies which must be sent with these reports. 5. Audit reports for CSB that are local government departments or are included in local government audits are submitted to the Auditor of Public Accounts (APA) by the local government.
12-29-26	CSB end of the fiscal year reports that are not accurate and/or incomplete, payments may not be released
01-06-27	The Department distributes the mid-year performance contract fiscal report to CSB for completion.
01-30-27	Q2 Turnover and Vacancy Reporting is due.

AMENDMENT 3
AMENDED AND RESTATED
FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT – SUPPLEMENTAL DOCUMENT
Exhibit E: Performance Contract Schedule and Process

02-18-27	CSB send complete mid-year reports.
03-31-27	CSB must submit their final, complete and accurate mid-year financial reports.
04-30-27	Q3 Turnover and Vacancy Reporting is due.
	New State Fiscal Year Begins
07-01-27	The current fiscal year performance contract, revisions, and Exhibits D/NOAs that may be due at this time should be signed and submitted electronically by the CSB.
07-15-27	The Department distributes the end of the fiscal year performance contract report for completion by CSB.
08-05-26 08-05-27	1. The Performance Contract budget report is due back to the Department. 2. **Local Match**: If the CSB did not meet the minimum 10 percent local matching funds requirement based on the beginning of the prior fiscal year, it must submit a written request for a waiver, pursuant to § 37.2-509 of the Code and State Board Policy 4010 and the Minimum Ten Percent Matching Funds Waiver Request Guidelines sent to the OEMS performancecontractsupport@dbhds.virginia.gov email address.

Contract No. P1636.3

	Matching Funds Waiver Request Guidelines sent to the OMS performancecontractsupport@dbhds.virginia.gov email address.
08-31-27	1. CSB sends complete end of the fiscal year report. 2. OFGM reviews financial portions of reports for any discrepancies and works with CSB to resolve deficiencies.
9-18-2027	CSB must resubmit approved revised program and financial reports. This is the final closeout date. The Department will not accept report corrections after this date.
09-30-27	All CSB signed performance contracts and applicable Exhibits D are due to the Department for final signature by the Commissioner pursuant to § 37.2-508 of the Code. Inaccurate or no submission of reports from 9-18-2026 and/or unsigned performance contracts will be out of compliance and may result in a one- time, one percent reduction not to exceed $15,000 of state funds apportioned for CSB administrative expenses.
10-02-27	After the Commissioner signs the contracts, a fully executed copy of the performance contract and applicable Exhibits D/NOAs will be sent to the CSB electronically by OMS.
10-13-27	CSB submits Federal Balance Reports to the OFGM.

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12-02-27	1. CSBs that are not local government departments or included in local government audits send one copy of their Certified Public Accountant (CPA) audit reports for the previous fiscal year on all CSB operated programs to the Department's Office of Budget and Financial Reporting (OBFR). 2. CSB submit a copy of CPA audit reports for all contract programs for their last full fiscal year, ending on June 30th, to the OBFR. For programs with different fiscal years, reports are due three months after the end of the year. 3. The CSB shall have a management letter and plan of correction for identified material deficiencies which must be sent with these reports. 4. Audit reports for CSB that are local government departments or are included in local government audits are submitted to the Auditor of Public Accounts (APA) by the local government.
01-05-28	The Department distributes of the mid-year financial performance contract report to CSB for completion.
02-16-28	CSB send complete mid-year financial performance contract reports.
03-31-28	CSB must submit their final, complete and accurate mid-year financial performance contract reports.

I. Administrative Performance Requirements

The CSB shall meet these administrative performance requirements in submitting its performance contract, contract revisions, and mid-year and end-of-the-fiscal year performance contract reports and required program service data through the reporting mechanism established by the Department.

A. The performance contract and any revisions submitted by the CSB shall be:

1. Complete all required information is displayed in the correct places and all required Exhibits, including applicable signature pages, are included.
2. Consistent with Letter of Notification allocations or figures subsequently revised by or negotiated with the Department.
3. Prepared in accordance with instructions by the Department.
4. Received by the due dates listed in this Exhibit. If the CSB does not meet these performance contract requirements, the Department may delay future payments of state and federal funds until satisfactory performance is achieved.

B. Mid-year and end-of-the-fiscal year performance contract reports submitted by the CSB shall be:

1. Complete, all required information is displayed in the correct places, all required data are included in the reports, and any other required information not included in reports are submitted.
2. Consistent with the state and federal grant funds allocations in the Letter of Notification or figures subsequently revised by or negotiated with the Department.
3. Prepared in accordance with instructions provided by the Department.
4. All related funding, expense, and cost data are consistent, and correct within a report, and errors identified are corrected; and
5. Received by the due dates listed in this Exhibit

C. If the CSB does not meet these requirements for its mid-year and end-of-the-fiscal year reports, the Department may delay future payments until satisfactory performance is achieved. The Department may impose one-time reductions of state funds apportioned for CSB administrative expenses on a CSB for its failure to meet the requirements in its end-of-the-fiscal year report may have a one percent reduction not to exceed $15,000 unless an extension has been granted by the Department.

D. If the CSB fails to meet other reporting requirements in this Exhibit, the Department may delay payments until satisfactory performance is achieved.

E. If the Department is at fault for the CSB not submitting timely reports, no penalty shall be applied to CSB.

F. If the Department negotiates a performance improvement plan or corrective action plan with a CSB because of unacceptable data quality, and the CSB fails to satisfy the requirements by the end of the contract term, the Department may impose a one-time one percent reduction not to exceed a total of $15,000 of state funds apportioned for CSB administrative expenses and other applicable noncompliance penalties.

G. The CSB shall not allocate or transfer a one-time reduction of state funds apportioned for administrative expenses to direct service or program costs.

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MASTER AGREEMENT – SUPPLEMENTAL DOCUMENT
Exhibit E: Performance Contract Schedule and Process
Contract No. P1636.3

H. Process for Obtaining an Extension of the End-of-the-Fiscal Year Report Due Date

1. **Extension Request**: The Department will grant an extension only in very exceptional situations such as a catastrophic information system failure, a key staff person's unanticipated illness or accident, or a local emergency or disaster situation that makes it impossible to meet the due date.
2. It is the responsibility of the CSB to obtain and confirm the Department's approval of an extension of the due date within the time frames specified below. Failure of the CSB to fulfill this responsibility constitutes prima facie acceptance by the CSB of any resulting one-time reduction in state funds apportioned for administrative expenses.
3. As soon as CSB staff becomes aware that it cannot submit the end-of-the-fiscal year report by the due date to the Department, the executive director must inform the Office of Management Services (OMS) through the performancecontractsupport@dbhds.virginia.gov email mailbox that it is requesting an extension of this due date. This request should be submitted as soon as possible and describe completely the reason(s) and need for the extension and state the date on which the report will be received by the Department.
4. The request for an extension must be received in the OMS no later than 5:00 p.m. on the fourth business day before the due date through the performancecontractsupport@dbhds.virginia.gov email mailbox.
5. The OMS will act on all requests for due date extensions that are received in accordance with this process and will notify the requesting CSB of the status of their requests within 2 business of receipt of the request.

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II. CSB Payment Disbursement Schedule

FY 2026 CSB Payment Key Dates			
Warrant #	Payment Date Due to A/P Payment Adjustments due from CO Program Staff		
1	July 8, 2025	June 20, 2025	June 13, 2025
2	July 15, 2025	July 7, 2025	June 27, 2025
3	August 1, 2025	July 22, 2025	July 15, 2025
4	August 15, 2025	August 5, 2025	July 25, 2025
5	September 3, 2025	August 15, 2025	August 8, 2025
6	September 15, 2025	September 5, 2025	August 29, 2025
7	October 1, 2025	September 23, 2025	September 16, 2025
8	October 15, 2025	October 3, 2025	September 26, 2025
9	November 3, 2025	October 17, 2025	October 10, 2025
10	November 17, 2025	November 3, 2025	October 28, 2025
11	December 1, 2025	November 17, 2025	November 7, 2025
12	December 15, 2025	December 5, 2025	November 28, 2025
13	January 2, 2026	December 15, 2025	December 8, 2025
14	January 15, 2026	January 2, 2026	December 26, 2025
15	February 2, 2026	January 16, 2026	January 9, 2026
16	February 17, 2026	February 2, 2026	January 23, 2026
17	March 2, 2026	February 18, 2026	February 6, 2026
18	March 16, 2026	March 2, 2026	February 20, 2026
19	April 1, 2026	March 20, 2026	March 13, 2026
20	April 15, 2026	April 3, 2026	March 27, 2026
21	May 1, 2026	April 22, 2026	April 15, 2026
22	May 15, 2026	May 1, 2026	April 27, 2026
23	June 1, 2026	May 22, 2026	May 15, 2026

24	June 15, 2026	June 8, 2026	June 2, 2026

CY 2025 Federal Reimbursement Schedule

Beginning of Submission Period	Due Date for Requests	Due Date for L1 Approval	Due Date for L2 Approval	Drawdowns Due/Final Review Date	Date of Payment
December 21, 2024	January 21, 2025	February 3, 2025	February 10, 2025	February 13, 2025	February 20, 2025
January 22, 2025	February 20, 2025	March 3, 2025	March 11, 2025	March 14, 2025	March 20, 2025
February 21, 2025	March 20, 2025	April 4, 2025	April 14, 2025	April 16, 2025	April 21, 2025
March 21, 2025	April 21, 2025	May 2, 2025	May 12, 2025	May 16, 2025	May 20, 2025
April 22, 2025	May 20, 2025	June 4, 2025	June 13, 2025	June 17, 2025	June 20, 2025
May 21, 2025	June 20, 2025	July 3, 2025	July 14, 2025	July 17, 2025	July 21, 2025
June 21, 2025	July 21, 2025	August 4, 2025	August 13, 2025	August 15, 2025	August 20, 2025
July 22, 2025	August 20, 2025	September 3, 2025	September 15, 2025	September 17, 2025	September 22, 2025
August 21, 2025	September 19, 2025	October 3, 2025	October 13, 2025	October 15, 2025	October 20, 2025
September 20, 2025	October 20, 2025	November 3, 2025	November 13, 2025	November 17, 2025	November 20, 2025
October 21, 2025	November 20, 2025	December 4, 2025	December 15, 2025	December 17, 2025	December 22, 2025
November 21, 2025	December 19, 2025	January 5, 2026	January 14, 2026	January 16, 2026	January 21, 2026

ayments that remain unexpended at the end of the period of performance should be refunded to DBHDS. If the period of performance coincides with the federal grant award period, the funds will be refunded through the Federal Balance Report

CY 2026 Federal Reimbursement Schedule

Month	Beginning of Submission Period	Due Date for Requests	Due Date for L1 Approval	Due Date for L2 Approval	Drawdowns Due/Final Review Date	Date of Payment
January	December 20, 2025	January 20, 2026	February 3, 2026	February 10, 2026	February 13, 2026	February 20, 2026
February	January 21, 2026	February 20, 2026	March 3, 2026	March 10, 2026	March 13, 2026	March 20, 2026
March	February 21, 2026	March 20, 2026	April 3, 2026	April 10, 2026	April 13, 2026	April 20, 2026
April	March 21, 2026	April 20, 2026	May 4, 2026	May 11, 2026	May 14, 2026	May 20, 2026
May	April 21, 2026	May 20, 2026	June 3, 2026	June 10, 2026	June 15, 2026	June 22, 2026
June	May 21, 2026	June 19, 2026	July 2, 2026	July 10, 2026	July 13, 2026	July 20, 2026
July	June 20, 2026	July 20, 2026	August 3, 2026	August 10, 2026	August 14, 2026	August 20, 2026
August	July 21, 2026	August 20, 2026	September 3, 2026	September 10, 2026	September 14, 2026	September 21, 2026
September	August 21, 2026	September 21, 2026	October 2, 2026	October 12, 2026	October 14, 2026	October 20, 2026
October	September 22, 2026	October 20, 2026	November 3, 2026	November 10, 2026	November 13, 2026	November 20, 2026
November	October 21, 2026	November 20, 2026	December 3, 2026	December 10, 2026	December 14, 2026	December 21, 2026
December	November 21, 2026	December 21, 2026	January 4, 2027	January 12, 2027	January 15, 2027	January 20, 2027

Note: Upfront payments that remain unexpended at the end of the period of performance should be refunded to DBHDS. If the period of performance coincides with the federal grant award period, the funds will be refunded through the Federal Balance Report process in the fall.

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FY2026 AND 2027: Administrative Requirements and Processes and Procedures

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Appendix E: Administrative Requirements for Accounts Receivables

Background

A. CSB Responsibilities

1. Before the end of the first quarter of FY27, the established small workgroup comprised of Chief Executive Officers (CFO) and Executive Directors (ED) and DBHDS representatives shall meet to revise the current language in this section with key performance indicators that take in consideration but not limited to the following:

    1. Clean Claim Rate (CCR)
    2. Days in Accounts Receivable (A/R)
    3. Initial Denial Rate
    4. Monitoring A/R aging
    5. Final Denial Write-offs
    6. Net collection rates
    7. Eligibility conversion rate

8. CSB shall develop and implement systems that are adequate to properly account for and report their client receivables.
9. CSB shall establish and implement receivable collection policy that includes procedures for billing, re-billing, processing denials and write offs. Such procedures should address the frequency of billing, monitoring of denials and frequency of re-billing such denials of client receivables.
10. CSB shall write off client receivable accounts when all collection procedures have been exhausted and categories of such write offs need to be defined in their receivable policy.
11. CSB shall collect minimum prescribed information from clients including their insurance information that aids in collecting receivables.
12. CSB shall strive to consistently pursue client receivables collect its client receivables including Medicaid, Medicare, and third-party insurers and limit the percentage of receivables over 120 days (excluding self-pay) to 15% or less of the total AR (excluding self-pay) unless actively collecting on those accounts.

B. Department Responsibilities

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1. Before the end of the first quarter of FY27, Department shall convene meeting with the established small workgroup comprised of CFOs and EDs to revise the current language in this section with key performance indicators that take in consideration but not limited to the following: Clean Claim Rate (CCR)
2. Days in Accounts Receivable (A/R)
3. Initial Denial Rate
4. Monitoring A/R aging
5. Final Denial Write-offs
6. Net collection rates
7. Eligibility conversion rate
8. The Department shall attend the established VACSB State Steering Committee meetings that address issues around collecting receivables.
9. The Department shall attend VARO (Virginia Association of Reimbursement Officers) conference that address issues around collecting receivables.
10. The Department shall consult with the CSB Executive Director and/or Chief Executive Officer in advance of sharing data with the General Assembly, Behavioral Health Commission, JLARC or posting on any public facing dashboards.

C. Reporting Requirements

CSB shall report total client receivables, including accounts aged 30 days, 31-60 days, 61-90 days, 91-120, 120 days and over, by payor type, to DBHDS Finance on a quarterly basis within 30 days of the close of the quarter using the established DBHDS report template. CSB shall send the reports to sharon.wilson@dbhds.virginia.gov

Appendix F: Regional Program Operations ~~Operating Principles~~

A regional program can be a highly effective way to allocate and manage resources, coordinate the delivery and manage the utilization of high cost or low incidence services, and promote the development of services where economies of scale and effort could assist in the diversion of individuals from admission to state facilities.

A regional program is funded by the Department through the community services board or behavioral health authority, hereafter referred to as the CSB, and operated explicitly to provide services to individuals who receive services from the CSBs participating in the program. A regional

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program may be managed by the participating CSBs or by one CSB, have single or multiple service sites, and provide one or more types of service. A regional program also may include self contained, single purpose programs (e.g., providing one type of core service, usually residential) operated by one CSB for the benefit of other CSBs or programs contracted by one CSB that serve individuals from other CSBs.

Each individual receiving services provided through a regional program must be identified as being served by a particular CSB. That CSB will be responsible for contracting for and reporting on the individuals that it serves and the services that it provides; and each individual will access services through and have his or her individualized services plan managed by that particular CSB.

Regional Program Operating Principles

The regional program operating principles provide guidance for CSBs to implement and manage identified regional programs and to account for services provided by the programs. The principles also provide guidance for the Department to monitor regional programs on a more consistent basis.

1. **Regional Program Funding:** Depending on the design of a regional program, the Department may disburse state and/or federal funds for a regional program to each participating CSB or to one CSB that operates a regional program or agrees to serve as the fiscal agent for a regional program. All regional programs shall be included in the performance contract and reflected in required reports.

a. If the Department disburses regional program funds to each participating CSB, each participating CSB shall follow existing performance contract and report requirements and procedures for that portion of the regional program funded by that CSB.

b. If the Department disburses regional program funds to a CSB that operates a regional program on behalf of the other CSBs in a region, the operating CSB shall follow existing performance contract and report requirements and procedures, as if the regional program were its own program.

c. If the Department disburses regional program funds to a CSB that has agreed to serve as the fiscal agent (fiscal agent CSB) for the regional program, disbursements will be based on, accomplished through, and documented by appropriate procedures, developed and implemented by the region.

d. When funds are disbursed to a fiscal agent CSB, each participating CSB shall identify, track, and report regional program funds that it receives and spends as funds for that regional program. Each participating CSB, including the fiscal agent CSB, shall reflect in its financial and program reports only its share of the regional program, in terms of individuals served, services provided, funds received, expenses made, and costs of the services. Any

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monitoring and reporting of and accountability for the fiscal agent CSB's handling of state or federal funds for a regional program shall be accomplished through the performance contract and reports. Alternately, if the participating CSBs elect, each CSB may perform these functions for its share of the regional program.

e. When funds are disbursed to a fiscal agent CSB that pays a contract agency to deliver regional program services, the fiscal agent CSB and participating CSBs may elect to establish an arrangement in which the fiscal agent CSB reports all of the funds and expenditures in the fiscal report while the participating CSBs and the fiscal agent CSB report information about the program service delivery. Alternately, if the participating CSBs elect, the fiscal agent CSB may admit the individuals served by other participating CSBs and, for purposes of this regional program, treat those individuals as its own for documentation and reporting purposes.

f. Regional programs should receive the same state funding increases as regular CSB grant-funded activities, such as the salary increases for community services provided from time to time by the General Assembly in the Appropriation Act.

2. **Financial Reporting:** All funds, expenses, and costs for a regional program shall be reported to the Department only once; they may be reported by individual CSBs, the CSB that serves as the fiscal agent, or both, depending on how the regional program is designed and operates. For example, the fiscal agent CSB might report the revenues and expenses for a regional program provided by a contract agency, and a CSB that refers individuals it serves to that regional program may report the service and cost information related to those individuals.

3. **Consumer Reporting:** Each individual who receives services through a regional program shall be reported to the Department only once for a particular service. However, an individual who receives services from more than one CSB should be reported by each CSB that provides a service to that individual. For example, if an individual receives outpatient mental health services from one CSB and residential crisis stabilization services from a second CSB operating that program on behalf of a region, the individual would be admitted to each CSB and each CSB would report information about the individual and the service it provided to the individual.

4. **Service Reporting:** Each service provided by a regional program shall be reported only once, either by the CSB providing or contracting for the service or the CSB that referred individuals it served to the regional program operated or contracted by another CSB or by the region.

5. **Contracted Regional Programs:** When the case management CSB refers an individual to a regional program that is operated by a contract agency and paid for by the regional program's fiscal agent CSB, the case management CSB shall report the service and cost information, and funding and expense information. Alternately, if the participating CSBs elect, the fiscal agent

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CSB could admit the individual for this service and report information about the individual receiving services, services, costs, funds, and expenses itself; in this situation, the case management CSB would report nothing about this service.

6. **Transfers of Resources Among CSBs:** CSBs may transfer state, local, and federal funds to each other to pay for services that they purchase from each other.

7. **Regional Administrative and Management Expenses:** CSBs and the Department have provider and local or state authority roles that involve non-direct services tasks such as utilization management and regional authorization committees. These roles incur additional administrative and management expenses for the programs. CSBs shall report these expenses as part of their costs of delivering regional services. The Department shall factor in and accept reasonable administrative and management expenses as allowable costs in regional programs in accordance with the DBHDS Federal and State Indirect Cost Rate Policy.

8. **Local Supplements:** If a CSB participating in a regional program supplements the allocation of state and/or federal funds received by the CSB operating that program through transferring resources to the operating CSB, the participating CSB shall show the transfer as an expense on financial forms but not as a cost on service forms in its performance contract and reports. Then, the participating CSB will avoid displaying an unrealistically low service cost in its reports for the regional program and double counting individuals served by and service units delivered in the regional program, since the operating CSB already reports this information.

9. **Balances:** CSBs shall follow Appendix C of this Addendum. Each region shall establish procedures for monitoring expenditures of regional program funds.

10. **Issue Resolution:** Regional program funding issues, such as the amount, sources, or adequacy of funding for the program, the distribution of state allocations for the regional program among participating CSBs, and financial participation of each CSB whose individuals receive services from the regional program, should be resolved at the regional level among CSBs participating in the program, with the Department providing information or assistance as needed or required.

Regional Program Models

The following models have been developed for CSBs and the Department to use in designing, implementing, operating, monitoring, and evaluating regional programs. These models are paradigms that could be altered by mutual agreement among the CSBs and the Department as regional circumstances warrant. However, to the greatest extent possible, CSBs and the Department shall adhere to these models to support and reinforce more consistent approaches to the operation,

management, monitoring, and evaluation of regional programs. CSBs should review these models and, in consultation with the Department, implement the applicable provisions of the model or models best suited to their particular circumstances, so that the operations of any regional program will be congruent with one of these models.

1. Operating CSB-Funded Regional Program Model

1. The CSB that operates a regional program receives state and/or federal from the Department for the program. The operating CSB provides the services, projects the total funding and cost for the regional program in its performance contract and contract revision(s), and reports all data on total actual individuals served, units of service(s) delivered, funding, expenses, costs, and static capacities. Other CSBs, which refer individuals to the regional program for services~~, project~~ and report nothing for the regional program in their contracts for the program service or financial data.
2. The operating CSB admits individuals receiving services from the regional program to the applicable program area (all MH, DV, or SA services) and develops individualized services plans (ISPs) for them for service(s) provided by the regional program. When individuals complete receiving all services from the regional program, they are discharged from the applicable program area by the operating CSB, unless they are receiving other services in that program area from that operating CSB. If individuals are also receiving services from the operating CSB in another program area, the CSB admits them to that program area. The operating CSB provides appropriate information about the services provided and other clinical information to the CSB that referred the individual to the regional program for clinical record keeping purposes at the referring CSB.
3. The operating CSB is responsible for ensuring that all data is accurately maintained in its information system, for performance contract and reporting purposes, on individuals receiving services from a regional program operated by that CSB.
4. Each of the other CSBs with individuals receiving services from this regional program admits those individuals to the applicable program area and provides a service, such as case management, consumer monitoring, or another appropriate service, but not in service(s) provided by the regional program. Thus, individuals receiving services from a regional program will appear in the data reporting for two CSBs, but not for the same services.
5. If the other CSBs with individuals receiving services from this regional program provide additional funds to the operating CSB to supplement the funds that the operating CSB receives from the Department for the regional program, the other CSBs show the revenues and expenses for this supplement on the financial forms in their performance contracts, contract revisions, and reports. However, the other CSBs do not show any services provided, individuals served, or costs for the regional program's services on the service forms in their contracts, revisions, or reports. Thes other CSBs include an explanation on the Financial Comments page of the difference between the expenses on the financial forms and the costs on the service forms. The

operating CSB shows the services provided, individuals served, and total costs (including costs supported by supplements from the other CSBs) for the regional program's services on its service forms, but it does not show any revenues or expenses associated with the supplements on the financial pages in its contract, contract revision(s), and reports. The operating CSB includes an explanation of the difference between the expenses on the financial forms and the costs on the service forms on the Financial Comments page.

6. All of the CSBs, to the extent practicable, determine individual CSB allocations of the state and/or federal funds received from the Department, based on service utilization or an agreed upon formula in collaboration with the Department.

7. This model also could be adapted by a region to handle its LIPOS services, if one CSB receives all of the LIPOS funds, admits all of the individuals receiving LIPOS services, and pays all of the LIPOS providers. Participating CSBs should negotiate this adaptation with the Department.

2. All Participating CSBs-Funded Regional Program Model

1. Each CSB that participates and receives state and/or federal funds from the Department for the regional program, may supplement this amount with other funds available to it if the funds received from the Department are not sufficient to cover the regional program's expenses. Each participating CSB uses those funds to purchase services from the regional program for the individuals it serves, projects the funding and cost for the regional program in its performance contract and reports actual individuals served and units of service(s) delivered, funding, expenses, costs, and static capacities in its performance only for the individuals it serves.

2. The regional program operated by one of the participating CSBs functions like a contract agency provider. All of the individual, service, static capacity, funding, expense, and cost information for the whole program is maintained separately and is not included in the contract, contract revision(s), program and financial reports of the CSB operating the program. The participating CSBs, including the CSB operating the program, include only the parts of this information that apply to the individuals it serves in their contracts, contract revisions, reports, and extracts. The regional program is licensed by the Department, when applicable, and develops and maintains individualized services plans (ISPs) for individuals that it serves.

3. Each participating CSB admits individuals receiving services from the regional program to the applicable program area (all MH, DV, or SA services) for the services provided by the regional program. The services provided by the regional program are listed in the ISPs maintained by the participating CSBs for these individuals. When individuals complete receiving all services from the regional program, they are discharged from the applicable program area by the participating CSB, unless they continue to receive other services in that program area from that participating CSB. The regional program provides appropriate information about the services provided and other clinical information to the CSB that referred the individual to the program, as any contract agency would provide such information to the contracting CSB.

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4. Each participating CSB, including the CSB operating the regional program, ensures that the appropriate information about the individuals it serves and their services is entered into its information system and reported for that participating CSB.

3. Fiscal Agent CSB-Funded Regional Program Model

1. One CSB receives state and/or federal funds from the Department and acts as the fiscal agent for a regional program. The Department disburses the regional allocation to the fiscal agent CSB on behalf of all CSBs participating in the regional program.

2. The fiscal agent CSB, in collaboration with the other participating CSBs, develops agreed-upon procedures that describe how the CSBs implement the regional program and jointly manage the use of these funds on a regional basis. The procedures also establish and describe how unused funds can be reallocated among the participating CSBs to ensure the greatest possible utilization of the funds. These procedures should be documented in a regional memorandum of agreement (MOA) that is available for review by the Department.

3. The fiscal agent CSB receives the semi-monthly payments of funds from the Department for the regional program. The fiscal agent CSB disburses the regional program funds to individual CSBs, including itself when applicable, in accordance with the procedures in paragraph 2. The fiscal agent CSB displays such disbursements on a Transfer In/Out line of the applicable resources page in its final performance contract revision and its reports. The other CSBs receiving the transferred funds show the receipt of these funds on the same line. CSBs provide more detailed information about these transfers on the Financial Comments pages of contract revisions and reports.

4. Each CSB implementing a regional program accounts for and reports the funds and expenses associated with the program in its final performance contract reports. The fiscal agent CSB displays the total amount of the allocation as funding and all Transfers Out in its financial reports, but it only displays in its reports the expenses for any regional program that it implements.

5. As an alternative to items 1 through 4 above for certain programs, such as the Discharge Assistance Program, and with the concurrence of the Department, instead of one CSB acting as a fiscal agent, all CSBs participating in that program establish a regional mechanism for managing the use of the regional program funds. The CSBs decide through this regional management mechanism how the total amount of funds for the program should be allocated among them on some logical basis (e.g., approved regional discharge assistance program ISPs). The region informs the Department of the allocations, and the Department adjusts the allocation of each participating CSB and disburses these allocations directly to the participating CSBs. Those CSBs agree to monitor and adjust allocations among themselves during the fiscal year through this regional management mechanism to ensure the complete utilization of these regional program funds, in accordance with the MOA in item 2 above.

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6. Each CSB implementing a regional program ensures that appropriate information about the individuals it serves and their services is entered into its information system

A variation of this model, the Fiscal Agent CSB-Funded Regional Local Inpatient POS Program Model, can be used to implement and manage regional local acute psychiatric inpatient bed purchases.

3.a. Fiscal Agent CSB-Funded Regional Local Inpatient POS Program Model

1. One CSB agrees to act as the fiscal agent for the regional Local Inpatient Purchase of Services (LIPOS) program. The Department disburses the regional LIPOS allocation to the fiscal agent CSB on behalf of all of the CSBs participating in the regional LIPOS program.

2. The fiscal agent CSB, in collaboration with all of the participating CSBs and with consultation from the Department, develops procedures that describe how the CSBs will implement the regional LIPOS program and jointly manage the use of these funds on a regional basis. The procedures include regional utilization management mechanisms, such as regional authorization committees (RACs) and regional procurements of beds through contracts with private providers. Such contracts may reserve blocks of beds for use by the region or purchase beds or bed days on an as available basis. The procedures also establish and describe how unused funds can be reallocated among the participating CSBs to ensure the greatest possible utilization of the funds. These procedures should be documented in a regional memorandum of agreement (MOA) that is available for review by the Department.

3. The fiscal agent CSB receives the semi-monthly payments of funds from the Department for the regional LIPOS program. The fiscal agent CSB disburses regional LIPOS funds to individual CSBs or uses such funds itself to pay for the costs of local inpatient hospitalizations that have been approved by a regional review and authorization body established by and described in the MOA in item 2 of this section. The fiscal agent CSB displays such disbursements on a Transfer In/Out line of the mental health resources page in its final performance contract revision and reports, and the CSB receiving the transferred funds shows the receipt of these funds on the same line. CSBs provide more detailed information about these transfers on the Financial Comments page of contract revisions and reports.

4. The CSB that purchases local inpatient services accounts for and reports the funds and expenses associated with its LIPOS in its final performance contract revision and financial reports. The fiscal agent CSB displays the total amount of the allocation as funds and all Transfers Out in its CARS reports, but it displays in its reports only the expenses for its own LIPOS.

5. The CSB that purchases the local inpatient services ensures that appropriate information about individuals, services, and costs is entered into its management information system

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4. Fiscal Agent CSB-Funded Contract Agency Regional Program Model

1. One CSB receives state and/or federal ~~sometimes other~~ funds from the Department and acts as the fiscal agent for a regional program that is contracted by this fiscal agent CSB to a public or private agency. The Department disburses the regional allocation to the fiscal agent CSB on behalf of all CSB participating in the contracted regional program.

2. The fiscal agent CSB contracts with and provides set monthly payments to a regional program provided by a public or private contract agency on behalf of all of the CSB participating in this regional program. The contract may purchase a pre-set amount of specified services from the contract agency and pay the agency a predetermined cost, whether or not the participating CSBs use the services.

3. Each participating CSB referring one of the individuals it serves to this contracted regional program admits the individual, enrolls him in the regional program service, and refers him to the contract agency. The contract agency provides information to the referring (case management) CSB, and that CSB maintains information about the individual and the service units in its information system.

4. The fiscal agent CSB provides program cost information to each referring CSB, based on its use of the regional program, and the referring CSB enters this information in the cost column of the program services form but does not enter any funding or expenditure information in its performance contract report~~.~~ The fiscal agent CSB enters the funding and expenditure information associated with the regional program on the financial forms in its performance contract report, but it enters cost information on the program services form only for the individuals that it referred to the regional program. Each CSB will explain the differences between the financial and program service forms in its performance contract report on the Financial Comments page. The Department will reconcile the differences among the participating CSBs' reports using these comments. Because of the difficulty in calculating the program cost information for each participating CSB, program cost information would only need to be included in end of the fiscal year performance contract reports.

5. All of the participating CSBs, to the extent practicable, determine individual CSB allocations of the state and sometimes other funds received from the Department, based on service utilization or an agreed-upon formula in collaboration with the Department.

This model also could be adapted by a region to handle its LIPOS services, if one CSB acts as the fiscal agent and pays all of the LIPOS providers. This adaptation should be negotiated with the Department by the participating CSBs.
Regional Program Procedures

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A regional program is funded by the Department through the community services board or behavioral health authority, hereafter referred to as the CSB and operated explicitly to provide services to individuals who receive services from the CSBs participating in the program.

1. Purpose

The CSB may collaborate and act in concert with other CSBs or with other CSBs and state hospitals or training centers, hereafter referred to as state facilities, to operate regional programs, provide or purchase services on a regional basis, conduct regional utilization management, or engage in regional quality improvement efforts. Regional programs include but limited to regional discharge assistance programs (RDAP), local inpatient purchases of services (LIPOS), and other programs such as residential or ambulatory crisis stabilization programs. These procedures apply to all regional programs. While this appendix replaces earlier regional memoranda of agreement (MOAs), CSBs, state facilities, private providers participating in the regional partnership, and other parties may still need to develop MOAs to implement specific policies or procedures to operate regional or sub-regional programs or activities. Also, an MOA must be developed if a regional program intends to establish a peer review committee (e.g., a regional utilization review and consultation team) whose records and reviews would be privileged under § 8.01-581.16 of the Code of Virginia. When the CSB receives state and/or federal funds from the Department for identified regional programs or activities, it shall adhere to the applicable parts of these procedures, which are subject to all applicable provisions of the community services performance contract. In the event of a conflict between any regional program procedures and any provisions of the contract, provisions of the contract shall prevail.

2. Regional Management Group (RMG)

a. The participating CSBs and/or state facilities shall establish an RMG. The executive director of each participating CSB and the director of each participating state facility shall each serve on or appoint one member of the RMG. The RMG shall manage the regional program and coordinate the use of funding provided for the regional program, review the provision of services offered through the regional program, coordinate and monitor the effective utilization of the services and resources provided through the regional program, and perform other duties that the members mutually agree to carry out. An RMG may deal with more than one regional program.

b. Although not members of the RMG, designated staff in the Central Office of the Department shall have access to all documents maintained or used by this group, pursuant to applicable provisions of the performance contract, and may attend and participate in all meetings or other activities of this group.

c. In order to carry out its duties, the RMG may authorize the employment of one or more regional managers to be paid from funds provided for a regional program and to be employed by a participating CSB. The RMG shall specify the job duties and responsibilities for and supervise the regional manager or managers.

3. Regional Utilization Review and Consultation Team (RURCT)

a. The RMG shall establish a RURCT pursuant to § 8.01-581.16 of the Code of Virginia to, where applicable:

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1.) review the implementation of the individualized services plans (ISPs) or individualized Discharge Assistance Program plans (IDAPPs) developed through the regional program to ensure that the services are the most appropriate, effective, and efficient services that meet the clinical needs of the individual receiving services and report the results of these reviews to the RMG;

2.) review individuals who have been on the state facility extraordinary barriers to discharge list for more than 30 days to identify or develop community services and funding appropriate to their clinical needs and report the results of these reviews and subsequent related actions to the RMG;

3.) review, at the request of the case management CSB, other individuals who have been determined by state facility treatment teams to be clinically ready for discharge and identify community services and resources that may be available to meet their needs;

4.) facilitate, at the request of the case management CSB, resolution of individual situations that are preventing an individual's timely discharge from a state facility or a private provider participating in the regional partnership or an individual's continued tenure in the community;

5.) identify opportunities for two or more CSBs to work together to develop programs or placements that would permit individuals to be discharged from state facilities or private providers participating in the regional partnership more expeditiously;

6.) promote the most efficient use of scarce and costly services; and

7.) carry out other duties or perform other functions assigned by the RMG.

b. The RURCT shall consist of representatives from participating CSBs in the region, participating state facilities, private providers participating in the regional partnership, and others who may be appointed by the RMG, such as the regional manager(s) employed pursuant to section II.C. The positions of the representatives who serve on this team shall be identified in local documentation.

c. The RURCT shall meet monthly or more frequently, when necessary, for example, depending upon census issues or the number of cases to be reviewed. Minutes shall be recorded at each meeting. Only members of the team and other persons who are identified by the team as essential to the review of an individual's case, including the individual's treatment team and staff directly involved in the provision of services to the individual, may attend meetings. All proceedings, minutes, records, and reports and any information discussed at these meetings shall be maintained confidential and privileged, as provided in § 8.01-581.17 of the Code of Virginia.

d. For the regional program, the RURCT or another group designated by the RMG shall maintain current information to identify and track individuals served and services provided through the regional program. This information may be maintained in participating CSB information systems or in a regional data base. For example, for the RDAP, this information shall include the individual's name, social security number or other unique identifier, other unique statewide identifier, legal status, case management CSB, state hospital of origin, discharge date, state re-hospitalization date (if applicable), and the cost of the IDAPP. This team shall maintain automated or paper copies of records for each RDAP-funded IDAPP. Changes in responsibilities of the case management CSB, defined in the core services taxonomy, and the transfer of RDAP funds shall be reported to the Offices of Grants Management and Mental Health Services in the Department as soon as these changes or transfers are known or at least monthly.

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e. For RDAP, the RURCT shall conduct utilization reviews of ISPs as frequently as needed to ensure continued appropriateness of services and compliance with approved IDAPPs and reviews of quarterly utilization and financial reports and events related to the individual such as re-hospitalization, as appropriate. This utilization review process may result in revisions of IDAPPs or adjustment to or redistribution of RDAP funds. This provision does not supersede utilization review and audit processes conducted by the Department pursuant to the performance contract.

f. Although not members of the RURCT, designated staff in the Central Office of the Department shall have access to all documents, including ISPs or IDAPPs, maintained or used by this body, pursuant to applicable provisions of the performance contract, and may attend and participate in all meetings as non-voting members and in other activities of this team.

4. **Operating Procedures for Regional Programs:** These operating procedures establish the parameters for allocating resources for and monitoring continuity of services provided to individuals receiving regional program services. Some of the procedures apply to regional programs generally; others apply to particular regional programs, although they may be able to be adapted to other regional programs.

   a. Funding for a regional program shall be provided and distributed by the Department to participating CSBs or to a CSB on behalf of the region through their community services performance contracts in accordance with the conditions specified the contract, often in an Exhibit D.

   b. Each participating CSB or a CSB on behalf of the region shall receive semi-monthly payments of state funds from the Department for the regional program through its community services performance contract, as long as it satisfies the requirements of this appendix and the performance contract, based upon its total base allocation of previously allotted and approved regional program funds.

   c. Participating CSBs and state facilities shall develop agreed-upon procedures that describe how they will implement a regional program and jointly manage the use of regional program funds on a regional basis. These procedures shall be reduced to writing and provided to the Department upon request.

   d. Regional program funds may be used to support the activities of the RMG and RURCT.

   e. Within the allocation of funds for the regional program, funds may be expended for any combinations of services and supports that assure that the needs of individuals are met in community settings. ISPs or IDAPPs must be updated and submitted, as revisions occur or substitute plans are required, to the RMG for approval according to procedures approved by the RMG.

   f. Regional program funds used to support ISPs or IDAPPs shall be identified on a fiscal year basis. Amounts may be adjusted by the RMG to reflect the actual costs of care based on the regional program's experience or as deemed appropriate through a regional management and utilization review process.

   g. The CSB responsible for implementing an individual's regional program ISP or IDAPP shall account for and report the funds and expenses associated with the regional program ISP or IDAPP in its community services performance contract and in its quarterly performance contract reports submitted through to the Department.

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h. The CSB responsible for implementing an individual's regional program ISP or IDAPP shall ensure that the appropriate information about that individual and his or her services is entered into its management information system so that the information can be through reports to the Department.

i. The participating CSBs may use regional program funds to establish and provide regional or sub-regional services when this is possible and would result in increased cost effectiveness and clinical effectiveness.

j. Operation of a RDAP is governed by the Discharge Assistance Program Manual issued by the Department and provisions of Exhibit C of the performance contract.

5. General Terms and Conditions

a. CSBs, the Department, and any other parties participating in a regional program agree that they shall comply with all applicable provisions of state and federal law and regulations in implementing any regional programs to which these procedures apply. The CSB and the Department shall comply with or fulfill all provisions or requirements, duties, roles, or responsibilities in the current community services performance contract in their implementation of any regional programs pursuant to these procedures.

b. Nothing in these procedures shall be construed as authority for the CSB, the Department, or any other participating parties to make commitments that will bind them beyond the scope of these procedures.

c. Nothing in these procedures is intended to, nor does it create any claim or right on behalf of any individual to any services or benefits from the CSB or the Department.

6. Project Management

a. The Department shall be responsible for the allocation of regional program state and federal funds and the overall management of the regional program at the state level.

b. The RMG shall be responsible for overall management of the regional program and coordination of the use of funding provided for the regional program in accordance with these procedures.

c. The CSB shall be responsible for managing regional program funds it receives in accordance with these regional program procedures.

d. Payments generated from third party and other sources for any regional program shall be used by the region or CSB to offset the costs of the regional program. The CSB shall collect and utilize all available funds from other appropriate specific sources before using state and federal funds to ensure the most effective use of these state and federal funds. These other sources include Medicare; Medicaid-fee-for service, targeted case management payments, rehabilitation payments, and ID waiver payments; other third-party payors; auxiliary grants; SSI, SSDI, and direct payments by individuals; payments or contributions of other resources from other agencies, such as social services or health departments; and other state, local, or Department funding sources.

e. The Department may conduct on-going utilization review and analyze utilization and financial information, and events related to individuals served, such as re-hospitalization, to ensure the continued appropriateness of services and to monitor the outcomes of the regional program. The utilization review process may result in adjustment to or reallocation of state general and federal funding allocations for the regional program.

AMENDMENT 4
AMENDED AND RESTATED FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT MASTER AGREEMENT - SUPPLEMENTAL DOCUMENT
Exhibit F: Federal Grant Compliance Requirements
Contract No. P1636.4

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I. Background

State agencies often administer federal awards received as pass-through funds to other non-federal entities. These non-federal recipient entities are called Subrecipients, and they assist in carrying out various federally funded programs. Subrecipients are typically units of local government (i.e. city and county agencies) but also include other entities such as Native American tribes, other state agencies, and institutions of higher education, special districts and non-profits. The nature of these relationships is governed by federal statute, regulations, and policies in addition to state laws and regulations. The source of the funding determines the regulations and policies that govern the provision of the funds. The Substance Abuse and Mental Health Services Administration (SAMHSA) is the primary source of federal funds awarded to DBHDS. DBHDS also receives funds from the U.S. Department of Justice, U.S. Department of Education, and other federal entities.

As a primary recipient of federal funds, state agencies serve a pass-through role in which funds are sub-awarded to Subrecipients. federal regulations require that pass-through entities provide monitoring of their Subrecipient which is outlined in Sections 200.300 through 200.476 in 2 C.F.R. Part 200 and Sections 75.300 through 75.477 in 45 C.F.R. Part 75 for SAMHSA awards. Further, audit requirements contained in 2 C.F.R. Part 200, Subpart F and 45 C.F.R. Part 75, Subpart F for SAMHSA awards, require that pass-through entities monitor the activities of their Subrecipient, as necessary, to ensure that federal awards are used appropriately and that performance goals are achieved.

In order to further the provision of necessary goods and services to the community, DBHDS may enter federally funded subrecipient relationships with Community Service Boards (CSBs). This exhibit provides certain compliance requirements and other specific and general grant information for the federal grant funds that DBHDS passes-through to the CSBs.

II. Defined Terms

Administrative Proceeding – A non-judicial process that is adjudicatory in nature to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the federal and State level but only in connection with performance of a federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

Capital Expenditures – Expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.

Conference – A meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-federal entity and is necessary and reasonable for successful performance under the federal award.

Conviction – For purposes of this award term and condition, a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

De Minimis Rate – Pursuant to 2 CFR 200.414, this is the default indirect cost rate for any non-federal entity that does not have a current negotiated (including provisional) indirect cost rate. The rate is set at 15% of modified total direct costs (MTDC).

Drug-Free Workplace – A site for the performance of work done in connection with a specific award to a Subrecipient, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the federally funded project.

Employee - An individual employed by the subrecipient who is engaged in the performance of the project or program under this award; or another person engaged in the performance of the project or program under this award and not compensated by the subrecipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

Entity – Any of the following, as defined in 2 CFR Part 25: a Governmental organization, which is a State, local government, or Indian tribe; a foreign public entity; a domestic or foreign nonprofit organization; a domestic or foreign for-profit organization; a federal agency, but only as a subrecipient under an award or sub-award to a non-Federal entity.

Equipment – Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $10,000.

Executive – Officers, managing partners, or any other employees in management positions.

Expenditure – A transaction for which cash has been dispersed to an entity to pay for a good or service.

Forced labor - Labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Funding Opportunity Announcement (FOA) – The document that all federal agencies utilize to announce the availability of grant funds to the public. This is used interchangeably with NOFO.

Indirect Costs (IDC) – Costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved.

Intangible Property – Intangible property means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

Major Medical Equipment – An item intended for a medical use that has a cost of more than $5,000 per unit.

Minor Renovation, Remodeling, Expansion, and Repair of Housing – Improvements or renovations to existing facilities or buildings that do not total more than $5,000.

Modified Total Direct Cost – The MTDC base consists of 1) all direct salaries and wages; 2) applicable fringe benefits; 3) materials and supplies; 4) services; 5) travel, and 6) up to the first $50,000 of each subaward or contract (regardless of the period of performance of the subaward or contract under the award).

The MTDC base **must exclude**: expenditures for equipment; capital expenditures; charges for patient care; rental costs; tuition reimbursement; scholarships and fellowships; participant support costs [direct costs for items such as travel allowances and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences or training projects], and; the portion of each subaward or contract in excess of $50,000.

Notice of Award (NOA) – The official award document issued by the federal granting agency that notifies the primary recipient of their award amount.

Notice of Funding Opportunity (NOFO) – The document that all federal agencies utilize to announce the availability of grant funds to the public. This is used interchangeably with FOA.

Obligation – Orders placed for property and services, contracts and subawards made, and similar transactions during the Period of Performance.

Pass-Through Entity - Pass-through entity means a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program.

Period of Performance – The timeframe in which the Subrecipient may incur obligations on funding received because of an agreement between DBHDS and the CSB which is funded with federal grant money.

Recipient – The non-federal entity that receives a grant award from a federal entity. The recipient may be the end user of the funds or may serve as a pass-through to subrecipient entities.

Subaward – A legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received the federal award and that the recipient awards to an eligible subrecipient.

Subrecipient – A non-federal entity that receives a subaward from the recipient (or Pass-Through Entity) under this award to carry out part of a federal award, including a portion of the scope of work or objectives, and is accountable to the Pass-Through Entity for the use of the Federal funds provided by the subaward. Grant recipients are responsible for ensuring that all sub-recipients comply with the terms and conditions of the award, per 45 CFR §75.101.

Supplant – To replace funding of a recipient's existing program with funds from a federal grant.

System of Award Management (SAM) – The Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at: http://www.sam.gov).

Total compensation – The cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)): salary and bonus; awards of stock, stock options, and stock appreciation rights (use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments); earnings for services under non-equity incentive plans (this does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees); change in pension value (this is the change in present value of defined benefit and actuarial pension plans); above-market earnings on deferred compensation which is not tax-qualified and; other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of

life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000. [75 FR 55669, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

Total value of currently active grants, cooperative agreements, and procurement contracts – Only the Federal share of the funding under any Federal award with a recipient cost share or match; and the value of all expected funding increments under a federal award and options, even if not yet exercised [81 FR 3019, Jan. 20, 2016].

Unique Entity Identifier (UEI) – The identifier required for SAM registration to uniquely identify business entities.

Unliquidated Obligations – An invoice for which the Subrecipient has already been allocated funding to pay by the pass-through entity that falls within the timeframe for expending unliquidated obligations provided in Section III of this Exhibit. Unliquidated Obligations cannot include personnel costs and are limited to goods or services that were purchased or contracted for prior to the end of the Period of Performance but were not yet expensed as the goods or services were not yet received or the Subrecipient had not yet received an invoice.

III. Federal Grant Requirements for DBHDS as the Pass-through Entity

As the pass-through entity for federal grant funds, DBHDS must comply and provide guidance to the subrecipient in accordance with U.S. C.F.R. 2 § 200.332 and CFR 45 § 75.352 (for SAMHSA awards). DBHDS shall:

A. Ensure every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward. If any of these data elements change, DBHDS will include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. This information includes:

1. Subrecipient name (which must match the name associated with its unique entity identifier).
2. Subrecipient's unique entity identifier.
3. Federal Award Identification Number (FAIN).
4. Federal Award Date (see § 200.1 and § 75.2 Federal award date) of award to the recipient by the awarding agency.
5. Subaward Period of Performance Start and End Date (Dates within which DBHDS may expend funds).
6. Subaward Budget Period Start and End Date (Dates within which the subrecipient may expend funds from a subaward).
7. Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient.
8. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation.
9. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity.
10. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA).
11. Name of Federal awarding agency, pass-through entity, and contract information for awarding official of the pass-through entity.
12. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement.
13. Identification of whether the award is R&D; and
14. Indirect cost rate for the Federal award (including if the de minimis rate is charged per § 200.414 and § 75.414).

B. Comply with all Federal statutes, regulations and the terms and conditions of the Federal award.

C. Negotiate with the subrecipient an approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient or a de minimis indirect cost rate as defined in § 200.414(f) and § 75.414(f).

D. Be responsible for monitoring the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include, but is not limited to the following:

1. Reviewing financial and performance reports required by the pass-through entity.
2. Following up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.
3. Issuing a management decision for audit findings pertaining to the federal award provided to the subrecipient from the pass-through entity as required by § 200.521 and § 75.521.
4. The Department shall evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.
5. The Department shall verify that every subrecipient is audited as required by subpart F when it is expected that the subrecipient's federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in §200.501 and §75.501.
6. The Department shall consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.

IV. General Federal Grant Requirements for the Department and CSBs

The federal grants listed in Section IV of this Exhibit have requirements that are general to the federal agency that issues the funds. Included below are the general grant terms and conditions for each of the federal agencies for which DBHDS is the pass-through entity to the CSBs.

A. SAMHSA GRANTS

1. **Grant Oversight:** The CSBs and the Department are legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 2 CFR 200.331 - 200.333 and 45 CFR 75.351 – 75.353, Sub-recipient monitoring and management.
2. **Acceptance of the Terms of an Award:** By drawing or otherwise obtaining funds from DBHDS that resulted from funds obtained from the Health and Human Services (HHS) Payment Management System), the subrecipient acknowledges acceptance of the terms and conditions of the award and is obligated to perform in accordance with the requirements of the award. If the subrecipient cannot accept the terms, the subrecipient should notify the Program contact at DBHDS prior to the execution of its Exhibit D or Notice of Award. Once the Exhibit D or Notice of Award is executed by the subrecipient, the contents of the Exhibit D or Notice of Award are binding on the subrecipient until modified and signed by both parties.

   Certification Statement: By invoicing DBHDS for funds, the subrecipient certifies that proper financial management controls and accounting systems, to include personnel policies and procedures, have been established to adequately administer Federal awards and drawdown funds. Recipients of Department of Health and Human Services'(DHHS) grants or cooperative agreement awards, and their Subrecipient, must comply with all terms and conditions of their

awards, including: (a) terms and conditions included in the HHS Grants Policy Statement in effect at the time of a new, non-competing continuation, or renewal award (HHS Grants Policy Statement Oct. 1, 2024), including the requirements of HHS grants administration regulations; (b) requirements of the authorizing statutes and implementing regulations for the program under which the award is funded; (c) applicable requirements or limitations in appropriations acts; and (d) any requirements specific to the particular award specified in program policy and guidance, the FOA, the NOFO, or the NOA.

3. **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards**: The NOA issued is subject to the administrative requirements, cost principles, and audit requirements that govern Federal monies associated with this award, as applicable, in the Uniform Guidance 2 CFR Part 200 as codified by HHS at 45 CFR Part 75.
4. **Award Expectations:** The eligibility and program requirements originally outlined in the FOA or NOFO must continue to be adhered to as the funded project is implemented. Recipients must comply with the performance goals, milestones, outcomes, and performance data collection as reflected in the FOA and related policy and guidance. Additional terms and/or conditions may be applied to this award if outstanding financial or programmatic compliance issues are identified by Substance Abuse and Mental Health Services Administration (SAMHSA). Subrecipient must comply with the Scope of Services of their award.
5. **Flow down of requirements to sub-recipients:** The grantee, as the awardee organization, is legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 2 CFR 200.331 – 2 CFR 200.332 and 45 CFR 75.351 – 75.353, Subrecipient monitoring and management.
6. **Risk Assessment:** SAMHSA's Office of Financial Advisory Services (OFAS) may perform an administrative review of the subrecipient organization's financial management system. If the review discloses material weaknesses or other financial management concerns, grant funding may be restricted in accordance with 45 CFR 75 and 2 CFR 200, as applicable. DBHDS reviews and determines the risk associated with its Subrecipient. As part of the risk assessment process, DBHDS may perform an administrative review of the subrecipient's financial management system.
7. **Improper Payments:** Any expenditure by the Subrecipient which is found by auditors, investigators, and other authorized representatives of DBHDS, the Commonwealth of Virginia, the U.S. Department of Health and Human Services, the U.S. Government Accountability Office or the Comptroller General of the United States to be improper, unallowable, in violation of federal or state law or the terms of the NOA, FOA, NOFO or this Exhibit, or involving any fraudulent, deceptive, or misleading representations or activities of the Subrecipient, shall become Subrecipient's liability, to be paid by Subrecipient from funds other than those provided by DBHDS for the given program or any other funding agreements between DBHDS and the Subrecipient. This provision shall survive the expiration or termination of the applicable Performance Contract.
8. **Treatment of Property and Equipment:** If the Program permits the Subrecipient or entities that receive funding from the Subrecipient to purchase real property or equipment with grant funds, the Program retains a residual financial interest, enabling the Program to recover the assets or determine final disposition. This will be accomplished on a case-by-case basis, according to the federal grant guidelines applicable to the grant that is funding the service(s) in accordance with 2 CFR 200.1 and 45 CFR 75.2. Equipment is defined in the defined terms section of this Exhibit.
9. **Program Income:** Program income accrued under this grant award must be reported to the Recipient and must be used to further the objectives of the grant project and only for allowable costs.

10. **Financial Management:** The Subrecipient shall maintain a financial management system and financial records and shall administer funds received in accordance with all applicable federal and state requirements, including without limitation:
    1) the Uniform Guidance, 2 C.F.R. Part 200 and 45 C.F.R. Part 75.
    2) the NOA; and
    3) FOA or NOFO

    The Subrecipient shall adopt such additional financial management procedures as may from time to time be prescribed by DBHDS if required by applicable laws, regulations or guidelines from its federal and state government funding sources. Subrecipient shall maintain detailed, itemized documentation and records of all income received and expenses incurred pursuant to this Exhibit.
11. **Audit of Financial Records:** The Subrecipient shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) 2 CFR 200.500 - 200.521 (Audits of States, Local, Governments and Non-Profit organizations) and 45 CFR 75.500 – 75.521 as applicable. The Subrecipient will, if total Federal funds expended are $1,000,000 or more a year, have a single or program specific financial statement audit conducted for the annual period in compliance with the General Accounting Office audit standards (2 CFR 200.501(a) and 45 CFR 75-501(a)).

    If total federal funds expended are less than $1,000,000 for a year the Subrecipient is exempt from federal audit requirements (2 CFR 200.501(d) and 45 CFR 75-501(d)), but the Subrecipient's records must be available to the Pass-Through Agency and appropriate officials of HHS, SAMHSA, the U.S. Government Accountability Office and the Comptroller General of the United States, and it must still have a financial audit performed for that year by an independent Certified Public Accountant. Further, the subrecipient shall complete the certification letter included in Exhibit F (B) disclosing that they are not subject to the single audit requirement.

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

    Pursuant to 2 CFR 200.334 and 45 CFR 75.361, the Subrecipient shall retain all books, records, and other relevant documents for three (3) years from the end of the calendar year in which the grant period terminates. If any litigation, claim, or audit is initiated prior to the expiration of the 3-year period, all records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. DBHDS, its authorized agents, and/or federal or state auditors shall have full access to and the right to examine any of said materials during said period.
12. **Accounting Records and Disclosures:** The Subrecipient must maintain records which adequately identify the source and application of funds provided for financially assisted activities, including awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The Subrecipient should expect that the Recipient and SAMHSA may conduct a financial compliance audit and on-site program review of this project as outlined in paragraph (11).
13. **Standards for Documentation of Personnel Expenses:** The Subrecipient shall comply with 2 CFR 200.430 and 45 CFR 75.430 Compensation-Personal Services and 2 CFR 200.431 and 45 CFR 75.431 Compensation-Fringe Benefits as required by the Federal Office of Management and Budget (OMB) Circular 2 CFR 200 (Cost Principles for State, Local and Indian Tribal Government). Per Standards for Documentation of Personnel Expenses 2 CFR

200.430(g)(3) and 45 CFR 75.430(g)(3) in accordance with Department of Labor regulations implementing the Fair Labor Standards Act (FLSA) (29 CFR Part 516), charges for the salaries and wages of nonexempt employees, in addition to the supporting documentation described in this section (2 CFR 200.430 and 45 CFR 75.430), must also be supported by the appropriate records.

14. **Non-Supplant:** Federal award funds must supplement, not replace (supplant) nonfederal funds. Applicants or award recipients and Subrecipient may be required to demonstrate and document that a reduction in non-federal resources occurred for reasons other than the receipt of expected receipt of federal funds.
15. **Unallowable Costs:** All costs incurred prior to the award issue date and costs not consistent with the FOA/NOFO, 2 CFR Part 200, 45 CFR Part 75, and the HHS Grants Policy Statement, are not allowable.
16. **Executive Pay:** Pursuant to Executive Order and effective January 1, 2024, the amount of direct salary to Executive Level II of the Federal Executive Pay scale is restricted to $221,900.
17. **Intent to Utilize Funding to Enter into a Procurement/Contractual Relationship:** If the Subrecipient utilizes any of these funds to contract for any goods or services, the Subrecipient must ensure that the resultant contract complies with the terms of Appendix II, 45 C.F.R. 75 which governs the contractual provisions for non-federal entity contracts under federal awards issued by the Department of Health and Human Services.
18. **Ad Hoc Submissions:** Throughout the project period, SAMHSA or DBHDS may require submission of additional information beyond the standard deliverables. This information may include, but is not limited to the following:
    - Payroll
    - Purchase Orders
    - Contract documentation
    - Proof of Project implementation
19. **Conflicts of Interest Policy:** Subrecipient must establish written policies and procedures to prevent employees, consultants, and others (including family, business, or other ties) involved in grant-supported activities, from involvement in actual or perceived conflicts of interest. The policies and procedures must:
    - Address conditions under which outside activities, relationships, or financial interest are proper or improper.
    - Provide for advance disclosure of outside activities, relationships, or financial interest to a responsible organizational official.
    - Include a process for notification and review by the responsible official of potential or actual violations of the standards; and
    - Specify the nature of penalties that may be imposed for violations.
20. **Administrative and National Policy Requirements:** Public policy requirements are requirements with a broader national purpose than that of the Federal sponsoring program or award that an applicant/recipient/subrecipient must adhere to as a prerequisite to and/or condition of an award. Public policy requirements are established by statute, regulation, or Executive order. In some cases, they relate to general activities, such as preservation of the environment, while, in other cases they are integral to the purposes of the award-supported activities. An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal statute and regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.
21. **Marijuana Restriction:** Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. 75.300(a) (requiring HHS to

"ensure that Federal funding is expended in full accordance with U.S. statutory requirements."); 21 U.S.C. § 812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the Drug Enforcement Agency and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

22. **Confidentiality of Alcohol and Drug Abuse Patient Records:** The regulations (42 CFR 2) are applicable to any information about alcohol and other drug abuse patients obtained by a "program" (42 CFR 2.11), if the program is federally assisted in any manner (42 CFR 2.12b). Accordingly, all project patient records are confidential and may be disclosed and used only in accordance with 42 CFR Part 2. The recipient and/or subrecipient is responsible for assuring compliance with these regulations and principles, including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.
23. **Drug-Free Workplace:** The Subrecipient agrees to 1) provide a drug-free workplace for the Subrecipient's employees; 2) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition; 3) state in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient that the Subrecipient maintains a drug-free workplace; and 4) include the provisions of the foregoing clauses in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor.
24. **Promotional Items:** Pursuant to 2 CFR 200.421 and 45 CFR 75.421, SAMHSA grant funds may not be used for Promotional Items. Promotional items include but are not limited to clothing and commemorative items such as pens, mugs/cups, folders/folios, lanyards, and conference bags. HHS Policy on the Use of Appropriated Funds for Promotional Items: https://www.hhs.gov/grants/contracts/contract-policies-regulations/spending-on-promotionalitems/index.html
25. **SAM and UEI Requirements:** This award is subject to requirements as set forth in 2 CFR 25.300 - Requirement for recipients to ensure subrecipients have a unique entity identifier. This requires the subrecipient to obtain a Unique Entity Identifier (UEI) to be eligible to receive subrecipient awards.
26. **Acknowledgement of Federal Funding in Communications and Contracting:** As required by HHS appropriations acts, all HHS recipients and Subrecipient must acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds. Recipients and Subrecipient are required to state: (1) the percentage and dollar amount of the total program or project costs financed with Federal funds; and (2) the percentage and dollar amount of the total costs financed by nongovernmental sources.
27. **Acknowledgement of Federal Funding at Conferences and Meetings:** Allowable conference costs paid by the non-Federal entity as a sponsor or host of the conference may include rental of facilities, speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences unless further restricted by the terms and conditions of the Federal award. As needed, the costs of identifying, but not providing, locally available dependent-care resources are allowable. Conference hosts/sponsors must exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs to the Federal award. The HHS awarding agency may authorize exceptions where appropriate for programs including Indian tribes, children,

and the elderly. See also 2 CFR 200.438/45 CFR 75.438, 2 CFR 200.456/45 CFR 75.456, 2 CFR 200.475 - 476/45 CFR 75.474, - 75.475.

When a conference is funded by a grant or cooperative agreement, the recipient and/or subrecipient must include the following statement on all conference materials (including promotional materials, agenda, and Internet sites):

Funding for this conference was made possible (in part) by (insert grant or cooperative agreement award number) from SAMHSA. The views expressed in written conference materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services; nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.

Conference materials and other publications must include language that conveys the following:

a. The publication, event or conference was funded [in part or in whole] by SAMHSA Grant (Enter Grant Number from the appropriate federal NOA that was sent out to your CSB).
b. The views expressed in written materials or by conference speakers and moderators do not necessarily reflect the official policies of the U.S. Department of Health and Human Services or the Executive Branch of the Commonwealth of Virginia.
c. Mention of trade names, commercial practices or organizations does not imply endorsement by the U.S. Government or the Commonwealth of Virginia.

28. **Mandatory Disclosures:** Consistent with 2 CFR 200.113 and 45 CFR 75.113, the Subrecipient must disclose in a timely manner, in writing to the HHS Office of Inspector General (OIG), all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, waste, abuse, or gratuity violations potentially affecting the Federal award. Subrecipient must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:

U.S. Department of Health and Human Services
Office of Inspector General ATTN: Mandatory Grant Disclosures, Intake Coordinator
330 Independence Avenue, SW, Cohen Building Room 5527
Washington, DC 20201
Fax: (202) 205-0604
(Include "Mandatory Grant Disclosures" in subject line) or email:
MandatoryGranteeDisclosures@oig.hhs.gov

Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 and 45 CFR 75.371 remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376 and 31U.S.C. 3321).

The Subrecipient will notify DBHDS when violations are reported to HHS Office of Inspector General within three business days.

29. **Lobbying Restrictions:** Pursuant to 2 CFR 200.450 and 45 CFR 75.450, no portion of these funds may be used to engage in activities that are intended to support or defeat the enactment of legislation before the Congress or Virginia General Assembly, or any local legislative body, or to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any federal, state or local government, except in presentation

to the executive branch of any State or local government itself. No portion of these funds can be used to support any personnel engaged in these activities. These prohibitions include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

30. **Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(G)), amended by 2 C.F.R. Part 175:** The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. SAMHSA may unilaterally terminate this award, without penalty, if a private entity recipient, or a private entity subrecipient, or their employees:
    a) Engage in severe forms of trafficking in persons during the period that the award is in effect.
    b) Procure a commercial sex act during the period that the award is in effect; or,
    c) Use forced labor in the performance of the award or subawards under the award. The text of the full award term is available at 2 C.F.R. 175.15(b). See http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf

31. **Accessibility Provisions:** Recipients and Subrecipient of Federal Financial Assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights law. This means that recipients and Subrecipient of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency.

    The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see:
    http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html
    Recipients and Subrecipient of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see-
    http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html
    Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under Federal civil rights laws at https://www.hhs.gov/civil- rights/index.html or call 1-800-368-1019 or TDD 1-800- 537-7697.

    Also note that it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients and Subrecipient should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=6.

32. **Executive Order 13410: Promoting Quality and Efficient Health Care:** This Executive Order promotes efficient delivery of quality health care using health information technology, transparency regarding health care quality and price, and incentives to promote the widespread adoption of health information technology and quality of care. Accordingly, all recipients and Subrecipient that electronically exchange patient level health information to external entities where national standards exist must:

a) Use recognized health information interoperability standards at the time of any HIT system update, acquisition, or implementation, in all relevant information technology systems supported, in whole or in part, through their federally funded agreement/contract with DBHDS. Please consult www.healthit.gov for more information, and
b) Use Electronic Health Record systems (EHRs) that are certified by agencies authorized by the Office of the National Coordinator for Health Information Technology (ONC), or that will be certified during the life of the grant. For additional information contact: Jim Kretz, at 240-276-1755 or Jim.Kretz@samhsa.hhs.gov.

33. **Travel:** Funds used to attend meetings, conferences or implement the activities of this grant must not exceed the lodging rates and per diem for Federal travel and Meal/Incidental expenses provided by the General Services Administration. These rates vary by jurisdiction.

34. **English Language:** All communication between the Pass-Through Agency and the Subrecipient must be in the English language and must utilize the terms of U.S. dollars. Information may be translated into other languages. Where there is inconsistency in meaning between the English language and other languages, the English language meaning shall prevail.

35. **Intangible Property Rights:** Pursuant to 2 CFR 200.315 and 45 CFR 75.322:
    a) Title to intangible property (as defined in the Definitions Section of this Exhibit) acquired under a federal award vest upon acquisition in the non-Federal entity. The non-federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the federal awarding agency (SAMHSA). When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 CFR 200.313(e) and 45 CFR 75.320(e).
    b) The non-federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a federal award. The awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so.
    c) The Non-Federal entity is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401.
    d) The federal government has the right to: 1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal Award; and 2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
    e) Freedom of Information Act:
        1) In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal Government in developing an agency action that has the force and effect of law, the HHS awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the HHS awarding agency obtains the research data solely in response to a FOIA request, the HHS awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the HHS awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).
        2) Published research findings means when:
        (i) Research findings are published in a peer-reviewed scientific or technical journal; or

(ii) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. "Used by the Federal Government in developing an agency action that has the force and effect of law" is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

3) Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: Preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (e.g., laboratory samples). Research data also do not include:
(i) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
(ii) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in research study.

f) The requirements set forth in paragraph (E)(1) of this part do not apply to commercial organizations.

The Pass-Through Agency reserves the irrevocable right to utilize any Intangible Property described above, royalty-free, for the completion of the terms of this Grant and any associated agreement.

36. **National Historical Preservation Act and Executive Order 13287, Preserve America:** The Subrecipient must comply with this federal legislation and executive order.

37. **Welfare-to-Work:** The Subrecipient is encouraged to hire welfare recipients and to provide additional needed training and mentoring as needed.

38. **Applicable Laws and Courts:** Awards of federal funds from DBHDS shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The Subrecipient shall comply with all applicable federal, state and local laws, rules and regulations.

39. **Immigration Reform and Control Act of 1986:** The Subrecipient certifies that the Subrecipient does not and shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

40. **Construction Purchases:** SAMHSA grant funds may not be used for the purchase or construction of any building or structure to house any part of the program (Applicants may request up to $5,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project).

41. **Residential or Outpatient Treatment:** SAMHSA grant funds may not be used to provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible).

42. **Inpatient Services:** SAMHSA grant funds may not be used to provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.

43. **Direct Payments to Individuals:** SAMHSA grant funds may not be used to make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services. Note: A recipient or treatment or prevention provider may provide up to $30 in non-cash incentives to individuals to participate in required data collection follow-up and other treatment or prevention services.

44. **Meals:** Meals are allowable so long as they are part of conferences or allowable non-local travel and do not exceed the per diem reimbursement rate allowed for the jurisdiction by the General Services Administration. Grant funds may be used for light snacks, not to exceed $3.00 per person per day.

45. **Sterile Needles or Syringes:** Funds may not be used to provide sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.

46. **Compliance with Federal Regulations/Statute/Policy:** The Subrecipient agrees to enforce, administer, and comply with any applicable federal regulations, statutes, or policies that are not otherwise mentioned including 2 C.F.R. § 200, 45 C.F.R. § 75, the Health and Human Services Grants Policy Statement, or any other source.

A. Treasury Grants

1. Grant Oversight: The CSBs and the Department are legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 2 CFR 200.331 - 200.333, Sub-recipient monitoring and management.

2. Acceptance of the Terms of an Award: By drawing or otherwise obtaining funds, the Subrecipient acknowledges acceptance of the terms and conditions of the award and is obligated to perform in accordance with the requirements of the award. If the Subrecipient cannot accept the terms, the Subrecipient should notify the Program contact at DBHDS prior to the agreement. Once the agreement is signed by the Subrecipient, the contents are binding on the Subrecipient unless and until modified by a revised agreement signed by DBHDS.

3. Certification Statement: By invoicing DBHDS for funds, the Subrecipient certifies that proper financial management controls and accounting systems, to include personnel policies and procedures, have been established to adequately administer Federal awards and drawdown funds. Recipients of Coronavirus State and Local Recovery Funds, and their subrecipients, must comply with all terms and conditions of their awards, including: (a) requirements of the authorizing statutes and implementing regulations for the program under which the award is funded; (b) applicable requirements or limitations in appropriations acts; and (c) any requirements specific to the particular award specified in program policy and guidance.

4. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: The agreement issued is subject to the administrative requirements, cost principles, and audit requirements that govern Federal monies associated with this award, as applicable, in the Uniform Guidance 2 CFR Part 200.

5. Award Expectations: The eligibility and program requirements originally outlined in the Federal Guidance issued because of the American Rescue Plan Act 2021 must continue to be adhered to as the funded project is implemented. Recipients must comply with the performance goals, milestones, outcomes, and performance data collection as determined by DBHDS. Additional terms and/or conditions may be applied to this award if outstanding financial or programmatic compliance issues are identified by or amended guidance is provided by the US Department of Treasury and/or Commonwealth of Virginia Department of Planning & Budget. Subrecipients must comply with the Scope of Services of this agreement as outlined in the Performance Contract.

6. Flow down of requirements to sub-recipients: The grantee, as the awardee organization, is legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 2 CFR 200.331-332 - Subrecipient monitoring and management.

7. Risk Assessment: The responsible federal agency may perform an administrative review of the Subrecipient organization's financial management system. If the review discloses material weaknesses or other financial management concerns, grant funding may be restricted in accordance with 2 CFR 200.206, as applicable. DBHDS reviews and determines the risk associated with its subrecipients. As part of the risk assessment process, DBHDS may perform an administrative review of the Subrecipient's financial management system.

8. Improper Payments: Any expenditure by the Subrecipient under the terms of this Agreement which is found by auditors, investigators, and other authorized representatives of DBHDS, the Commonwealth of Virginia, the U.S. Government Accountability Office or the Comptroller General of the United States, or any other federal agency to be improper, unallowable, in violation of federal or state law or the terms of the this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of the Subrecipient, shall become Subrecipient's liability, to be paid by Subrecipient from funds other than those provided by DBHDS under this Agreement or any other agreements between DBHDS and the Subrecipient. This provision shall survive the expiration or termination of this Agreement.

9. Limitations on Expenditures: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to the Effective Date of this agreement, or following the end of the Period of Performance. DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are:
   1) Reasonable and necessary to carry out the agreed upon Scope of Services in Section III and Attachment C of this Agreement,
   2) Documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and
   3) Incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

10. Treatment of Property and Equipment: If the Program permits the Subrecipient or entities that receive funding from the Subrecipient to purchase real property or equipment with grant funds, the Program retains a residual financial interest, enabling the Program to

recover the assets or determine final disposition. This will be accomplished on a case-by-case basis, according to the federal guidelines in accordance with 2 CFR 200.313.

11. Program Income: Program income accrued under this grant award must be reported to the Recipient and must be used to further the objectives of the grant project and only for allowable costs.

12. Financial Management: The Subrecipient shall maintain a financial management system and financial records and shall administer funds received pursuant to this agreement in accordance with all applicable federal and state requirements, including without limitation:
    a) the Uniform Guidance, 2 C.F.R. Part 200.
    b) State and Local Fiscal Recovery Funds – Compliance and Reporting Guidance Ver 1.1 dated June 24, 2021
    c) The Subrecipient shall adopt such additional financial management procedures as may from time to time be prescribed by DBHDS if required by applicable laws, regulations or guidelines from its federal and state government funding sources. Subrecipient shall maintain detailed, itemized documentation and records of all income received and expenses incurred pursuant to this Agreement.

13. Audit of Financial Records: The Subrecipient shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) 2 CFR 200 (Audits of States, Local, Governments and Non-Profit organizations) as applicable. The Subrecipient will, if total Federal funds expended are $1,000,000 or more a year, have a single or program specific financial statement audit conducted for the annual period in compliance with the General Accounting Office audit standards (2 CFR 200 Subpart F – Audit Requirements).

    If total federal funds expended are less than $1,000,000 for a year the Subrecipient is exempt from federal audit requirements (2 CFR 200-501(d)), but the Subrecipient's records must be available to the Pass-Through Agency and appropriate officials of HHS, SAMHSA, the U.S. Government Accountability Office and the Comptroller General of the United States, and it must still have a financial audit performed for that year by an independent Certified Public Accountant. Further, the subrecipient shall complete the certification letter included in Exhibit F (B) disclosing that they are not subject to the single audit requirement.

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

    Pursuant to 2 CFR 200.334, the Subrecipient shall retain all books, records, and other relevant documents for three (3) years from the end of the calendar year in which the grant period terminates. In the event that any litigation, claim, or audit is initiated prior to the expiration of the 3-year period, all records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. DBHDS, its authorized agents, and/or federal or state auditors shall have full access to and the right to examine any of said materials during said period.

14. Accounting Records and Disclosures: The Subrecipient must maintain records which adequately identify the source and application of funds provided for financially assisted activities, including awards and authorizations, obligations, unobligated balances, assets,

liabilities, outlays or expenditures, and income. The Subrecipient should expect that the Primary Recipient or responsible federal agency may conduct a financial compliance audit and on-site program review of this project as outlined in paragraph (11).

15. Standards for Documentation of Personnel Expenses: The Subrecipient shall comply with 2 CFR 200.430 Compensation-Personal Services and 2 CFR 200.431 Compensation-Fringe Benefits as required by the Federal Office of Management and Budget (OMB) Circular 2 CFR 200 (Cost Principles for State, Local and Indian Tribal Government). Per Standards for Documentation of Personnel Expenses 2 CFR 200.430(i) in accordance with Department of Labor regulations implementing the Fair Labor Standards Act (FLSA) (29 CFR Part 516), charges for the salaries and wages of nonexempt employees, in addition to the supporting documentation described in this section (2 CFR 200.430(i)(3)), must also be supported by records

16. Non-Supplant: Federal award funds must supplement, not replace (supplant) nonfederal funds. Applicants or award recipients and subrecipients may be required to demonstrate and document that a reduction in non-federal resources occurred for reasons other than the receipt of expected receipt of federal funds.

17. Unallowable Costs: All costs incurred prior to the award issue date and costs not consistent with the allowable activities under the guidance for the Coronavirus State and Local Fiscal Recovery Funds, 31 CFR 35, and 2 CFR 200 Subpart E – Cost Principles, are not allowable under this award.

18. Executive Pay: Pursuant to Executive Order and effective January 1, 2024, the amount of direct salary to Executive Level II of the Federal Executive Pay scales restricted to $221,900.

19. Intent to Utilize Funding to Enter into a Procurement/Contractual Relationship:
If the Subrecipient utilizes any of these funds to contract for any goods or services, the Subrecipient must ensure that the resultant contract complies with the terms of Appendix II, 2 CFR 200 which governs the contractual provisions for non-federal entity contracts under federal awards issued by the US Department of Treasury.

20. Ad Hoc Submissions: Throughout the project period, the responsible federal agency or DBHDS may determine that a grant or Subrecipient Funding Agreement requires submission of additional information beyond the standard deliverables. This information may include, but is not limited to the following:
    - Payroll
    - Purchase Orders
    - Contract documentation
    - Proof of Project implementation

21. Conflicts of Interest Policy: Subrecipients must establish written policies and procedures to prevent employees, consultants, and others (including family, business, or other ties) involved in grant-supported activities, from involvement in actual or perceived conflicts of interest. The policies and procedures must:
    • Address conditions under which outside activities, relationships, or financial interest are proper or improper;
    • Provide for advance disclosure of outside activities, relationships, or financial interest to a responsible organizational official;

• Include a process for notification and review by the responsible official of potential or actual violations of the standards; and
• Specify the nature of penalties that may be imposed for violations.

22. Administrative and National Policy Requirements: Public policy requirements are requirements with a broader national purpose than that of the Federal sponsoring program or award that an applicant/recipient/subrecipient must adhere to as a prerequisite to and/or condition of an award. Public policy requirements are established by statute, regulation, or Executive order. In some cases, they relate to general activities, such as preservation of the environment, while, in other cases they are integral to the purposes of the award-supported activities. An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal statute and regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.

23. Marijuana Restriction: Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 2 C.F.R. 200.300(a) (requiring HHS to "ensure that Federal funding is expended in full accordance with U.S. statutory requirements."); 21 U.S.C. § 812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the Drug Enforcement Agency and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

24. Confidentiality of Alcohol and Drug Abuse Patient Record: The regulations (42 CFR 2) are applicable to any information about alcohol and other drug abuse patients obtained by a "program" (42 CFR 2.11), if the program is federally assisted in any manner (42 CFR 2.12(b)). Accordingly, all project patient records are confidential and may be disclosed and used only in accordance with 42 CFR Part 2. The recipient and/or subrecipient is responsible for assuring compliance with these regulations and principles, including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.

25. Drug-Free Workplace: During the performance of this agreement, the Subrecipient agrees to 1) provide a drug-free workplace for the Subrecipient's employees; 2) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition; 3) state in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient that the Subrecipient maintains a drug-free workplace; and 4) include the provisions of the foregoing clauses in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

26. Promotional Items: Pursuant to 2 CFR 200.421(e), Federal funding awarded under Coronavirus State and Local Recovery Funds may not be used for Promotional Items.

Promotional items include but are not limited to clothing and commemorative items such as pens, mugs/cups, folders/folios, lanyards, and conference bags.

27. SAM and UEI Requirements: This award is subject to requirements as set forth in 2 CFR 25 - Universal Identifier And System For Award Management. This includes the following:

    A. Requirement for SAM: Unless exempted from this requirement under 2 CFR 25.110, the Subrecipient must maintain its information in SAM, until the final financial report required under this agreement or receive the final payment, whichever is later. The information must be reviewed and updated at least annually after the initial registration, and more frequently if required by changes in the information or the addition of another award term.

    B. Requirement for Unique Entity Identifier (UEI) if you are authorized to make subawards under this award, you: Must notify potential subrecipients that no governmental organization, foreign public entity, domestic or foreign nonprofit organization, or Federal agency serving as a subrecipient may receive a subaward unless the entity has provided its unique entity identifier; and

    May not make a subaward to a governmental organization, foreign public entity, domestic or foreign nonprofit organization, or Federal agency serving as a subrecipient, unless the entity has provided its unique entity identifier.

28. Mandatory Disclosures: Consistent with 2 CFR 200.113, the Subrecipient must disclose in a timely manner, in writing to the US Department of Treasury and the primary recipient, all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, waste, abuse, or gratuity violations potentially affecting the Federal award. Subrecipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the US Department of Treasury, all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

    Failure to make required disclosures can result in any of the remedies described in 45 CFR 200.339 -Remedies for Noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376 and 31 U.S.C. 3321). The Subrecipient will notify DBHDS when violations are reported to the federal government within three business days.

29. Lobbying Restrictions: Pursuant to 2 CFR 200.450, no portion of these funds may be used to engage in activities that are intended to support or defeat the enactment of legislation before the Congress or Virginia General Assembly, or any local legislative body, or to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any federal, state or local government, except in presentation to the executive branch of any State or local government itself. No portion of these funds can be used to support any personnel engaged in these activities. These prohibitions include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

30. Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(G)) amended by 2 C.F.R. Part 175:
The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. SAMHSA may unilaterally terminate this award, without penalty, if a private entity recipient, or a private entity subrecipient, or their employees:
a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
b) Procure a commercial sex act during the period of time that the award is in effect; or,
c) Use forced labor in the performance of the award or subawards under the award.
d) The text of the full award term is available at 2 C.F.R. 175.15(b).

31. Accessibility Provisions: Recipients and subrecipients of Federal Financial Assistance (FFA) from the Coronavirus State and Local Recovery Fund are required to administer their programs in compliance with Federal civil rights law implemented by US Department of Treasury as codified in 31 CFR part 22 and 31 CFR part 23.

    These requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

32. Executive Order 13410: Promoting Quality and Efficient Health Care: This Executive Order promotes efficient delivery of quality health care through the use of health information technology, transparency regarding health care quality and price, and incentives to promote the widespread adoption of health information technology and quality of care. Accordingly, all recipients and subrecipients that electronically exchange patient level health information to external entities where national standards exist must:
a) Use recognized health information interoperability standards at the time of any HIT system update, acquisition, or implementation, in all relevant information technology systems supported, in whole or in part, through this agreement/contract. Please consult www.healthit.gov for more information, and
b) Use Electronic Health Record systems (EHRs) that are certified by agencies authorized by the Office of the National Coordinator for Health Information Technology (ONC), or that will be certified during the life of the grant. For additional information contact: Jim Kretz, at 240-276-1755 or Jim.Kretz@samhsa.hhs.gov.

33. Travel: Funds used to attend meetings, conferences or implement the activities of this grant must not exceed the lodging rates and per diem for Federal travel and Meal/Incidental expenses provided by the General Services Administration. These rates vary by jurisdiction.

34. English Language: All communication between the Pass-Through Agency and the Subrecipient must be in the English language and must utilize the terms of U.S. dollars.

Information may be translated into other languages. Where there is inconsistency in meaning between the English language and other languages, the English language meaning shall prevail.

35. Intangible Property Rights Pursuant to 2 CFR 200.315:
    A. Title to intangible property (as defined in the Definitions Section of this Agreement) acquired under a Federal award vest upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency (SAMHSA). When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 CFR 200.313(e).
    B. The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a federal award. The awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so.

       The Non-Federal entity is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401.
    C. The Federal Government has the right to: 1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal Award; and 2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

36. Freedom of Information Act:
    1) In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal Government in developing an agency action that has the force and effect of law, the HHS awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the HHS awarding agency obtains the research data solely in response to a FOIA request, the HHS awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the HHS awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

    2) Published research findings means when: (i) Research findings are published in a peer-reviewed scientific or technical journal; or(ii) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal Government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

    3) Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: Preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also do not include:(i) Trade secrets, commercial

information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and(ii) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

The requirements set forth in paragraph (E)(1) of this part do not apply to commercial organizations. The Pass-Through Agency reserves the irrevocable right to utilize any Intangible Property described above, royalty-free, for the completion of the terms of this Grant and Agreement.

37. National Historical Preservation Act and Executive Order 13287, Preserve America: The Subrecipient must comply with this federal legislation and executive order.

38. Welfare-to-Work: The Subrecipient is encouraged to hire welfare recipients and to provide additional needed training and mentoring as needed.

39. Applicable Laws and Courts: This agreement shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The Subrecipient shall comply with all applicable federal, state and local laws, rules and regulations.

40. Immigration Reform and Control Act of 1986: By entering into a written agreement with the Commonwealth of Virginia, the Subrecipient certifies that the Subrecipient does not, and shall not during the performance of the agreement for goods and/or services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

41. Construction Purchases: Coronavirus State and Local Recovery Funds may not be used for the purchase or construction of any building or structure to house any part of the program (Applicants may request up to $5,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project).

42. Meals: Meals are allowable so long as they are part of conferences or allowable non-local travel and do not exceed the per diem reimbursement rate allowed for the jurisdiction by the General Services Administration. Grant funds may be used for light snacks, not to exceed $3.00 per person per day.

43. Sterile Needles or Syringes: Funds may not be used to provide sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.

44. Compliance with Federal Regulations/Statute/Policy: The Subrecipient agrees to enforce, administer, and comply with any applicable federal regulations, statutes, or policies that are not otherwise mentioned in this agreement including 2 C.F.R. § 200, or any other source.

V. Federal Grant Specific Requirements

There are additional requirements to the grants included in Section IV of this Exhibit that are not universal to all grants that DBHDS administers. Included below, by grant name, is a list of the grant specific requirements as required by federal statute, regulation, and policy. Use this link for Allowable Recovery Support Services Expenditures through the SUBG and the MHBG.

A. SAMHSA GRANTS

1. State Opioid Response Grant (SUD Federal Opioid Response)

Pursuant to the Notice of Award received by DBHDS and the Notice of Funding Opportunity Announcement (TI-24-008) associated with the State Opioid Response Grant, the following are requirements of the funding distributed to the Subrecipient from this grant.

a. Restrictions on Expenditures: State Opioid Response Grant funds may not be used to:

i. Pay for services that can be supported through other accessible sources of funding such as other federal discretionary and formula grant funds, e.g. HHS (CDC, CMS, HRSA, and SAMHSA), DOJ (OJP/BJA) and non-federal funds, 3rd party insurance and sliding scale self-pay among others.

ii. Pay for a grant or subaward to any agency which would deny any eligible client, patient, or individual access to their program because of their use of Food and Drug Administration (FDA)-approved medications for the treatment of substance use disorders.

iii. Provide incentives to any health care professional for receipt of any type of professional training development.

iv. Make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services (See U.S.C. § 1320a-7b).

v. Funds may not be used to make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services (See 42 U.S.C. § 1320a-7b).

vi. A recipient or treatment or prevention provider may provide up to $30 noncash incentive to individuals to participate in required data collection follow-up. This amount may be paid for participation in each required follow-up interview. For programs including contingency management as a component of the treatment program, clients may not receive contingencies totaling more than $75 per budget period. The incentive amounts may be subject to change. SOR funds cannot be utilized for Contingency management without an approval from DBHDS. All subrecipients receiving funding to support contingency management must have a written policy and procedures that outline the intention and goals regarding contingency management, and step-by- step instructions that explains how to implement the policy.

b. Expenditure Guidelines:

i. Grant funds:

a) For treatment and recovery support services grant funds shall only be utilized to provide services to individuals that specifically address opioid or stimulant misuse issues. If either an opioid or stimulant misuse problem (history) exists concurrently with other substance use, all substance use issues may be addressed. Individuals who have no history of or no current issues with opioids or stimulants misuse shall not receive treatment or recovery services with SOR grant funds.

b) Shall be used to fund services and practices that have a demonstrated evidence-base, and that are appropriate for the population(s) of focus.

c) If medications for the treatment of opioid use disorder (MOUD) are made available to those diagnosed with opioid use disorder (OUD), they shall include FDA-approved treatments such as: methadone, buprenorphine products, including

single-entity buprenorphine products, buprenorphine/naloxone tablets, films, buccal preparations, long-acting injectable buprenorphine products, and injectable extended-release naltrexone.

d) May only fund FDA approved products.

c. Limitations on Reimbursements: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or more than 40 days after the appropriate Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under any associated agreement.

d. Closeout: Final payment request(s) must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations.

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
PO Box 1797
Richmond, VA 23218-1797
C/O Eric Billings

Funds for this grant may also be returned via an electronic ACH payment to DBHDS' Truist Bank account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
Routing Number: 061000104
EIN: 546001731

Name and Address of Bank:
Truist Bank
214 North Tryon Street
Charlotte, NC 28202

If the ACH method is utilized, the Subrecipient shall provide email notification of their intention to provide payment electronically to:

Eric.Billings@dbhds.virginia.gov

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

The Subrecipient agrees, to the extent permitted by law, that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. DBHDS understands that CSB is a political subdivision of the Commonwealth of Virginia and is legally prohibited from entering hold harmless and indemnification provisions. Local governments in Virginia have sovereign immunity from tort suits and cannot waive or contract away their immunity or assume the liability of another absent specific statutory authority. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

2. **Substance Abuse Prevention and Treatment Block Grant (SUD FBG)**
Pursuant to the Substance Abuse Prevention and Treatment Block Grant (SAPTBG) Funding Agreement and relevant federal statutes, the following are requirements of the funding distributed to the Subrecipient.

   a. **Restrictions on Expenditures:** No SAPTBG funds may not be used for any of the following purposes:
      i. To provide inpatient hospital services.
      ii. To make cash payments to intended recipients of health services.
      iii. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling with DBHDS, Federal Grants Manager approval) any building or other facility, or purchase major medical equipment as defined in the Defined Terms section of this Exhibit.
      iv. To satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds; or
      v. To provide financial assistance to any entity other than a public or non-profit entity.
      vi. To provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, unless the Surgeon General of the Public Health Service determines that a demonstration needle exchange program would be effective in reducing drug abuse and the risk that the public will become infected with the etiologic agent for acquired immune deficiency syndrome.
   b. **Grant Guidelines:**
      i. In the case of an individual for whom grant funds are expended to provide inpatient hospital services, as outlined above (A.a.), the Subrecipient shall not incur costs that are in excess of the comparable daily rate provided for community-based, non-hospital, residential programs of treatment for substance abuse (42 US Code § 300x-31(b)(2)).
      ii. No entity receiving SAPTBG funding may participate in any form of discrimination on the basis of age as defined under the Age Discrimination Act of 1975 (42 US Code § 6101), on the basis of handicap as defined under section 504 of the Rehabilitation Act of 1973

(29 US Code § 794), on the basis of sex as defined under Title IX of the Education Amendments of 1972 (20 US Code § 1681) or on the basis of race, color, or national origin as defined under Title VI of the Civil Rights Act of 1964 (42 US Code § 2000) (42 US Code § 300x-57(a)(1)).

iii. No person shall on the ground of sex, or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under section 300x or 300x-21 of title 42 US Code (42 US Code § 300x-57(a)(2)).

iv. This funding source is designated to plan, implement, and evaluate activities that prevent or treat substance use disorder, including to fund priority substance use disorder treatment and support services for individuals without insurance or for whom coverage is terminated for short periods of time. Further these funds can be utilized to fund those priority treatment and support services that demonstrate success in improving outcomes and/or supporting recovery that are not covered by Medicaid, Medicare, or private insurance, fund primary prevention by providing universal, selective, and indicated prevention activities and services for persons not identified as needing treatment, and collecting performance and outcome data to determine the ongoing effectiveness of behavioral health promotion, treatment, and recovery support services. To the extent possible, other funding sources must be utilized first except where prohibited by law or regulation. Substance Abuse Block Grant funding must, however, be the payor of last resort when providing treatment services to pregnant women, women with children, children, and individuals with Tuberculosis or HIV pursuant to 45 CFR 96.124, 127, and 128.

v. Target and priority populations are pregnant and parenting women and intravenous (IV) drug users. In providing treatment services to these target and priority populations, providers must offer treatment in order of population preference as outlined in 45 CFR 96.131 (a) which is as follows:
   a) Pregnant injecting drug users.
   b) Pregnant substance abusers.
   c) Injecting drug users.
   d) All others

vi. Allowable SAPTBG services include: Healthcare Home/Physical Health (General and specialized outpatient medical services, Acute Primary care, General Health Screens, Tests and Immunizations, Comprehensive Care Management, Care coordination and Health Promotion, Comprehensive Transitional Care, Individual and Family Support, Referral to Community Services), Prevention and Promotion (Including Promotion, such as Screening, Brief Intervention and Referral to Treatment, Brief Motivational Interviews, Screening and Brief Intervention for Tobacco Cessation, Parent Training, Facilitated Referrals, Relapse Prevention/Wellness Recovery Support, Warm Line); Engagement Services (including Assessment, Specialized Evaluations (Psychological and Neurological), Service Planning (including crisis planning), Consumer/Family Education, Outreach); Outpatient Services (including Individual evidenced based therapies, Group therapy, Family therapy, Multi-family therapy, Consultation to Caregivers); Medication Services (including Medication management, Pharmacotherapy including MAT; Laboratory services); Community Rehabilitative Support (including Parent/Caregiver Support, Skill building (social, daily living, cognitive), Case management, Behavior management, Supported employment, Recovery housing, Therapeutic mentoring, Traditional healing services); Recovery Supports (including Peer Support, Recovery Support Coaching, Recovery Support Center Services, Supports for Self-Directed Care); and Other Habilitative Supports (including Respite; Supported Education; Transportation; Assisted living services; Recreational services; Trained behavioral health interpreters; Interactive communication technology devices); Intensive Support Services (including

Substance abuse intensive outpatient; Partial hospital; Intensive home based services; Multi-systemic therapy; Intensive Case Management); Out of Home Residential Services (including Crisis residential/stabilization, Clinically Managed 24 Hour Care (SA), Clinically Managed Medium Intensity Care (SA), Adult Substance Abuse Residential, Adult Mental Health Residential, Youth Substance Abuse Residential Services, Children's Residential Mental Health Services, Therapeutic foster care); and Acute Intensive Services (including Mobile crisis, Peer based crisis services, Urgent care, 23 hr. observation bed, Medically Monitored Intensive Inpatient (SA), 24/7 crisis hotline services).

c. **Limitations on Reimbursements**: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or more than 40 days after the appropriate Award Period included in its Exhibit D, Exhibit G, or Notice of Award.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under any associated agreement.

d. **Closeout**: Final payment request(s) must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations.

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
PO Box 1797
Richmond, VA 23218-1797
C/O Eric Billings

Funds for this grant may also be returned via an electronic ACH payment to DBHDS' Truist Bank account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
Routing Number: 061000104
EIN: 546001731

Name and Address of Bank:
Truist Bank
214 North Tryon Street
Charlotte, NC 28202

If the ACH method is utilized, the Subrecipient shall provide email notification of their intention to provide payment electronically to:

Eric.Billings@dbhds.virginia.gov

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

The Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to a program funded by this grant. Subrecipient's obligations to DBHDS under this Exhibit shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of any associated agreement.

3. **Community Mental Health Services Block Grant (MH FBG)**
Pursuant to the Community Mental Health Services Block Grant (CMHSBG) Funding Agreement and relevant federal statutes, the following are requirements of the funding distributed to the Subrecipient.
   a. **Restrictions on Expenditures:** CMHSBG funds may not be used for any of the following purposes:
      1. To provide inpatient services.
      2. To make cash payments to intended recipients of health services.
      3. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling with DBHDS, Federal Grants Manager approval) any building or other facility or purchase major medical equipment (as defined in the Definitions section of this Exhibit).
      4. To satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds; or
      5. To provide financial assistance to any entity other than a public or non-profit entity. (42 US Code § 300x-5(a))

   b. **Grant Guidelines:**

      1. No entity receiving CMHSBG funding may participate in any form of discrimination on the basis of age as defined under the Age Discrimination Act of 1975 (42 US Code § 6101), on the basis of handicap as defined under section 504 of the Rehabilitation Act of 1973 (29 US Code § 794), on the basis of sex as defined under Title IX of the Education Amendments of 1972 (20 US Code § 1681) or on the basis of race, color, or national origin as defined under Title VI of the Civil Rights Act of 1964 (42 US Code § 2000) (42 US Code § 300x-57(a)(1)).
      2. No person shall on the ground of sex, or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under section 300x or 300x-21 of title 42 US Code (42 US Code § 300x-57(a)(2)).
      3. The Subrecipient must provide the services through appropriate, qualified community programs, which may include community mental health centers, child mental-health

programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs. Services may be provided through community mental health centers only if the centers provide: 1) Services principally to individuals residing in a defined geographic area (hereafter referred to as a "service area"); 2) Outpatient services, including specialized outpatient services for children with a Serious Emotional Disturbance (SED), the elderly, individuals with a Serious Mental Illness (SMI), and residents of the service areas of the center who have been discharged from inpatient treatment at a mental health facility; 3) 24-hour-a-day emergency care services; 4) Day treatment or other partial hospitalization services, or psychosocial rehabilitation services; 5) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of such admission; 6) Services within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay; and 7) Services that are accessible promptly, as appropriate, and in a manner which preserves human dignity and assures continuity of high quality care (42 US Code § 300x-2(c)).

4. Treatment and competency restoration services may be provided to individuals with a serious mental illness or serious emotional disturbance who are involved with the criminal justice system or during incarceration.
5. Medicaid and private insurance, if available, must be used first.

c. **Limitations on Reimbursements**: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or more than 40 days after the appropriate Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under any associated agreement.

d. **Closeout**: Final payment request(s) must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations.

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
PO Box 1797
Richmond, VA 23218-1797
C/O Eric Billings

Funds for this grant may also be returned via an electronic ACH payment to DBHDS' Truist Bank account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
Routing Number: 061000104
EIN: 546001731

Name and Address of Bank:
Truist Bank
214 North Tryon Street
Charlotte, NC 28202

If the ACH method is utilized, the Subrecipient shall provide email notification of their intention to provide payment electronically to:

Eric.Billings@dbhds.virginia.gov

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

The Subrecipient agrees, to the extent permitted by law, that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. DBHDS understands that CSB is a political subdivision of the Commonwealth of Virginia and is legally prohibited from entering hold harmless and indemnification provisions. Local governments in Virginia have sovereign immunity from tort suits and cannot waive or contract away their immunity or assume the liability of another absent specific statutory authority. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

4. **Projects for Assistance in Transition from Homelessness (PATH)**
Pursuant to the Notice of Award received by DBHDS, Notice of Funding Opportunity Announcement (SM-24-F2), and relevant statutes associated with the Project for Assistance in Transition from Homelessness (PATH) Grant, the following are requirements of the funding distributed to the Subrecipient.

   a. **Restrictions on Expenditures:** PATH funds may not be used for any of the following purposes:
      1. To support emergency shelters or construction of housing facilities.
      2. For inpatient psychiatric treatment costs or inpatient substance use disorder treatment costs; or
      3. To make cash payments to intended recipients of mental health or substance use disorder services (42 U.S. Code § 290cc-22(g)).
      4. For lease arrangements in association with the proposed project utilizing PATH funds beyond the project period nor may the portion of the space leased with PATH funds be used for purposes not supported by the grant.

b. **Grant Guidelines:**
   1. All funds shall be used for the purpose of providing the following:
      a) Outreach services including the prioritization of eligible veterans.
      b) Screening and diagnostic treatment services.
      c) Habilitation and rehabilitation services.
      d) Community mental health services.
      e) Alcohol or drug treatment services.
      f) Staff training including the training of individuals who work in shelters, mental health clinics, substance abuse programs, and other organizations serving eligible individuals.
      g) Support for the training and certification of provider staff in the SSI/SSDI Outreach, Access, and Recovery (SOAR) model, designed to increase access to disability income benefits for eligible individuals who are experiencing or at risk of homelessness.
      h)
      i) Case management services including:
         i. Preparing a plan for the provision of community mental health services to the eligible homeless individual involved and reviewing such plan not less than once every three months.
         ii. Helping in obtaining and coordinating social and maintenance support services for eligible individuals, including services related to daily living activities, peer support, personal financial planning, transportation, and obtaining identification and other essential documents.
         iii. Providing recovery support services such as job training, educational services, and relevant housing services, including use of peer providers to assure that these services are successfully accessed by eligible individuals.
         iv. Helping in obtaining and coordinating income support services, housing assistance, food stamps, and supplemental social security income benefits.
         v. Providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act if the eligible individuals are receiving aid under title XVI of such act and if the applicant is designated by the Secretary to provide such services.
         vi. Referring eligible individuals for such other services as may be appropriate.
         vii. Supportive and supervisory services in residential settings including shelters, group homes, recovery housing, supported apartments and other residential settings specifically serving those living with SMI or COD.
         viii. Housing services, as specified in Section 522(b)(10) of the PHS Act, as amended, including: Minor renovation, expansion, and repair of housing (as defined in the Definitions section of this Exhibit).
         ix. Planning of housing.
         x. Technical assistance in applying for housing assistance.
         xi. Improving the coordination of housing services.
         xii. Security deposits.
         xiii. The costs associated with matching eligible homeless individuals with appropriate housing situations.
         xiv. One-time rental payments to prevent eviction.
   2. All funds shall only be utilized for providing the services outlined above to individuals who:
      a) Are suffering from a serious mental illness; or
      b) Are suffering from a serious mental illness and from a substance use disorder; and
      c) Are homeless or at imminent risk of becoming homeless (42 U.S. Code § 290cc-22(a)).
   3. Funding may not be allocated to an entity that:
      a) Has a policy of excluding individuals from mental health services due to the existence or suspicion of a substance use disorder; or

b) Has a policy of excluding individuals from substance use disorder services due to the existence or suspicion of mental illness (42 U.S. Code § 290cc-22(e)).

4. Match amounts agreed to with DBHDS may be:
   a) Cash.
   b) In-kind contributions, that are fairly evaluated, including plant, equipment, or services.
   c) Amounts provided by the federal government or services assisted or subsidized to any significant extent by the Federal Government, shall not be included in determining the amount of match (42 U.S. Code § 290cc-23(b)).
5. Subrecipient may not discriminate on the basis of age under the Age Discrimination Act of 1975 (42 U.S. Code § 6101 et seq.), on the basis of handicap under section 504 of the Rehabilitation Act of 1973 (29 U.S. Code § 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S. Code § 1681 et seq.), or on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 (42 U.S. Code § 2000d et seq.)(42 U.S. Code § 290cc-33(a)(1)).

6. The Subrecipient shall not exclude from participation in, deny benefits to, or discriminate against any individuals that are otherwise eligible to participate in any program or activity funded from the PATH grant (42 U.S. Code § 290cc-33(a)(2)).

   a. **Limitations on Reimbursements**: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or following one year after the end of the appropriate Award Period provided in section IV.

      DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under any associated agreement.

   b. **Closeout**: Final payment request(s) must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for remaining allowable costs.

      Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

      DBHDS
      PO Box 1797
      Richmond, VA 23218-1797
      C/O Eric Billings

      Funds for this grant may also be returned via an electronic ACH payment to DBHDS' Truist Bank account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
Routing Number: 061000104
EIN: 546001731

Name and Address of Bank:
Truist Bank
214 North Tryon Street
Charlotte, NC 28202

If the ACH method is utilized, the Subrecipient shall provide email notification of their intention to provide payment electronically to:

Eric.Billings@dbhds.virginia.gov
Benjamin.wakefield@dbhds.virginia.gov

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

The Subrecipient agrees, to the extent permitted by law, that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. DBHDS understands that CSB is a political subdivision of the Commonwealth of Virginia and is legally prohibited from entering into hold harmless and indemnification provisions. Local governments in Virginia have sovereign immunity from tort suits and cannot waive or contract away their immunity or assume the liability of another absent specific statutory authority. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

5. Screening Brief Intervention and Referral to Treatment Grant

Pursuant to the Notice of Award received by DBHDS and the Notice of Funding Opportunity Announcement (NOFO) (TI-24-010) associated with the FY 2024 Screening, Brief Intervention and Referral to Treatment Grant, the following are requirements of the funding distributed to the Subrecipient because of this agreement.

a. **Restrictions on Expenditures: Screening Brief Intervention and Referral to Treatment** Grant funds may not be used for any of the following purposes: None for this grant.

b. **Grant Guidelines:**
   1. Funds shall be used to fund services and practices that have a demonstrated evidence-base, and that are appropriate for the population(s) of focus. An evidence-based practice refers to approaches to prevention or treatment that are validated by some form of documented research evidence.

2. All patients must be screened for substance use. Such screening will be conducted by the Subrecipient or subcontractors of Subrecipient ("Subcontractors"). The Subrecipient or Subcontractors are also encouraged to screen for risk of suicide as well. If a patient screens positive for drug misuse, the Subrecipient or Subcontractors' staff will conduct a brief assessment to ascertain specific type(s) of drug(s) used, consumption level, and impact on functions of daily living to best determine level of severity and refer patients to specialty providers who can determine which specific type of treatment is needed. Subrecipients and Subcontractors with robust mental health services available must screen and assess clients for the presence of co-occurring serious mental illness and SUD and use the information obtained from the screening and assessment to develop appropriate treatment approaches for the persons identified as having such co-occurring disorders. In their interventions with children, Subrecipients or Subcontractors must also incorporate education for parents about the dangers of use of, and methods of, discouraging substance use.
3. Subrecipients or Subcontractors, as applicable, must utilize third party reimbursements and other revenue realized from the provision of services to the extent possible and use SAMHSA grant funds only for services to individuals who are not covered by public or commercial health insurance programs, individuals for whom coverage has been formally determined to be unaffordable, or for services that are not sufficiently covered by an individual's health insurance plan. Subrecipients or Subcontractors, as applicable, are also expected to facilitate the health insurance application and enrollment process for eligible uninsured clients. Subrecipients or Subcontractors, as applicable, should also consider other systems from which a potential service recipient may be eligible for services (for example, the Veterans Health Administration or senior services), if appropriate for and desired by that individual to meet his/her needs. In addition, Subrecipients or Subcontractors, as applicable, are required to implement policies and procedures that ensure other sources of funding are utilized first when available for the individual.
4. All SAMHSA recipients are required to collect and report certain data so that SAMHSA can meet its obligations under the Government Performance and Results (GPRA) Modernization Act of 2010. Recipients are required to submit data via SAMHSA's Performance Accountability and Reporting System (SPARS); and access will be provided upon notification of award.

c. **Limitations on Reimbursements**: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or following 40 days after the end of the Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable.

d. **Closeout**: Final payment request(s) must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations.

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed

to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
PO Box 1797
Richmond, VA 23218-1797
C/O Eric Billings

Funds for this grant may also be returned via an electronic ACH payment to DBHDS' Truist Bank account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
Routing Number: 061000104
EIN: 546001731

Name and Address of Bank:
Truist Bank
214 North Tryon Street
Charlotte, NC 28202

If the ACH method is utilized, the Subrecipient shall provide email notification of their intention to provide payment electronically to:

Eric.Billings@dbhds.virginia.gov

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

The Subrecipient agrees, to the extent permitted by law, that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. DBHDS understands that CSB is a political subdivision of the Commonwealth of Virginia and is legally prohibited from entering hold harmless and indemnification provisions. Local governments in Virginia have sovereign immunity from tort suits and cannot waive or contract away their immunity or assume the liability of another absent specific statutory authority. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

6. <u>Strategic Prevention Framework – Partnerships for Success Grant</u>

Pursuant to the Notice of Award received by DBHDS and the Notice of Funding Opportunity Announcement (NOFO) (SP-23-003) associated with the FY 2024 Strategic Prevention Framework –

Partnerships for Success Grant, the following are requirements of the funding distributed to the Subrecipient because of this agreement.

e. **Restrictions on Expenditures: Screening Brief Intervention and Referral to Treatment** Grant funds may not be used for any of the following purposes:
   1. Pay for the purchase or construction of any building or structure to house any part of the program.
   2. Provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.
   3. Pay for housing other than recovery housing which includes application fees and security deposits.
   4. Make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services (See 42 U.S.C. § 1320a-7b).

f. **Grant Guidelines:**
   a. Subrecipients must use the grant money to fund comprehensive, data-driven substance disorder use prevention strategies to continue to accomplish the following goals:
      i. Prevent the onset and reduce the progression of substance use disorder.
      ii. Reduce substance use disorder-related problems.
      iii. Strengthen prevention capacity/infrastructure at the state, tribal, and community levels.
      iv. Leverage, redirect and align state/tribal-wide funding streams and resources for prevention.

g. **Limitations on Reimbursements**: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or following 40 days after the end of the Award Period included in section IV.

   DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable.

h. **Closeout**: Final payment request(s) must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations.

   Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

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A. Treasury Grants

1. **State and Local Fiscal Recover Fund Grant:** Pursuant to the Interim Final Rule issued by US Department of Treasury pertaining to Coronavirus State and Local Recovery Funds, SLFRF Compliance and Reporting Guidance Ver 2.1 dated November 15, 2021, and 31 CFR 35(A), the following are requirements of the funding distributed to the Subrecipient:
   - **a. Restrictions on Expenditures:** State and Local Fiscal Recovery Fund Grant funds may not be used to:
     - i Pay Funds shall not be used to make a deposit to a pension fund. Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.
     - ii Funds shall not be used towards funding debt service, legal settlements or judgments, and / or deposits to rainy day funds or financial reserves.

b. Expenditure Guidelines:
Grant funds: Shall be used to pay for services and practices that have a demonstrated evidence-base, which are inclusive of: mental health treatment, substance misuse treatment, other behavioral health services, hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventative medicine.

c. Limitations on Reimbursements: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or after the appropriate Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, Exhibit G, or Notice of Award 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

d. Closeout: Final payment request(s) under any associated Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until the end of the Period of Performance to pay for remaining allowable costs unless otherwise instructed in their subaward document by DBHDS.

Any funds remaining unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any unexpended funds remaining at the end of the Period of Performance or, available at the end of a liquidation period for obligations incurred if allowed by the subaward document, will be returned to DBHDS within 30 days of the end of the relevant period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Eric Billings

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Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

The Subrecipient agrees, to the extent permitted by law, that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. DBHDS understands that CSB is a political subdivision of the Commonwealth of Virginia and is legally prohibited from entering into hold harmless and indemnification provisions. Local governments in Virginia have sovereign immunity from tort suits and cannot waive or contract away their immunity or assume the liability of another absent specific statutory authority. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

VI. Charitable Choice

The CSB assures that it is and will continue to be in full compliance with the applicable provisions of 45 CFR Part 54, Charitable Choice Regulations, and 45 CFR Part 87, Equal Treatment for Faith-Based Organizations Regulations, in its receipt and use of federal Mental Health Services and SABG funds and federal funds for Projects for Assistance in Transitions from Homelessness programs. Both regulations prohibit discrimination against religious organizations, provide for the ability of religious organizations to maintain their religious character, and prohibit religious organizations from using federal funds to finance inherently religious activities.

VII. List of Federal Grants

The federal grants that DBHDS passes-through to the CSB and the required identifying information that should be used to categorize and track these funds are found in the DBHDS grants management system.

AMENDMENT 4 AMENDED AND RESTATED

FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT MASTER AGREEMENT - SUPPLEMENTAL DOCUMENT

Exhibit F_C: Federal Grant Compliance Requirements

Contract No. P1636.3

Assurance of Compliance

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Under the Paperwork Reduction Act of 1995, as amended, and 5 C.F.R. § 1320.5(b)(2)(i), persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is 0945-0008. In lieu of completing this hard copy form and mailing it in, the Applicant may provide this assurance via the U.S. Department of Health and Human Services' Assurance of Compliance online portal at https://ocrportal.hhs.gov/ocr/aoc/instruction.jsf.

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, THE AGE DISCRIMINATION ACT OF 1975, SECTION 1557 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT, AND FEDERAL CONSCIENCE AND NONDISCRIMINATION LAWS

The Applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts, property, discounts or other Federal financial assistance from the U.S. Department of Health and Human Services.

THE APPLICANT HEREBY AGREES THAT IT WILL COMPLY WITH:

1. Title VI of the Civil Rights Act of 1964, as amended (codified at 42 U.S.C. § 2000d et seq.), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 80), to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin (including limited English proficiency) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.
2. Section 504 of the Rehabilitation Act of 1973, as amended (codified at 29 U.S.C. § 794), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 84), to the end that, in accordance with Section 504 of that Act and the Regulation, no otherwise qualified individual with a disability in the United States shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.
3. Title IX of the Education Amendments of 1972, as amended (codified at 20 U.S.C. § 1681 et seq.), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45C.F.R. Part 86), to the end that, in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex (including pregnancy, sexual orientation, and gender identity), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives Federal financial assistance from the Department.

AMENDMENT 4 AMENDED AND RESTATED

FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT MASTER AGREEMENT - SUPPLEMENTAL DOCUMENT

Exhibit F_C: Federal Grant Compliance Requirements

Contract No. P1636.3

Assurance of Compliance

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

4. The Age Discrimination Act of 1975, as amended (codified at 42 U.S.C. § 6101 et seq.), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 91), to the end that, in accordance with the Act and the Regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.
5. Section 1557 of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18116), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services(45 CFR Part 92), to the end that, in accordance with Section 1557 and the Regulation, no person in the United States shall, on the ground of race, color, national origin (including limited English proficiency), age, disability, or sex (including pregnancy, sexual orientation, and gender identity) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any health program or activity for which the Applicant receives Federal financial assistance from the Department.

As applicable, the Church Amendments, as amended (codified at 42 U.S.C. § 300a-7), the Coats-Snowe Amendment (codified at 42 U.S.C. § 238n), the Weldon Amendment (e.g., Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, Div. H, Title V § 507(d), 136 Stat 49, 496 (Mar. 15, 2022)) as extended by the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, Pub. L. No. 117-180, Div. A, § 101(8) (Sep. 30, 2022); , Section1553 of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18113), and Section1303(b)(4) of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18023(b)(4)), and45 C.F.R. Part 88, to the extent that the rights of conscience are protected and associated discrimination and coercion are prohibited, in any program or activity for which the Applicant receives Federal financial assistance .Consistent with applicable court orders, the version of Part 88 in effect as of [October 20, 2022] is found at 76 Fed. Reg. 9968-9977 (Feb. 23, 2011).

The Applicant agrees that compliance with this assurance constitutes a material condition of continued receipt of Federal financial assistance, and that it is binding upon the Applicant, its successors, transferees, and assignees for the period during which such assistance is provided.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. The Applicant further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this assurance.

AMENDMENT 4
AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT – SUPPLEMENTAL DOCUMENT
Exhibit G: Community Services Boards Master Programs Services Requirements
Contract No. P1636.3

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Purpose
The Community Services Board or Behavioral Health Authority (the "CSB") shall comply with certain program service requirements for those community services it provides and the Department of Behavioral Health and Developmental Services ("DBHDS" or " Department") funds under this Exhibit G (the "Exhibit"). All terms, provisions and agreements set forth in the most current version of the Community Services Performance Contract remain in effect, except to the extent expressly modified herein. If the terms set forth in this Exhibit are inconsistent with the most current version of the Community Services Performance Contract, the terms set forth in this Exhibit shall apply.

Notification of Award
For program services under this Exhibit, the Department's Fiscal Services and Grants Management Office (the "FSGMO") and Budget Development Office works with the program offices to provide notification of federal and state grant awards, and baseline funding allocations to the CSB prior to funding disbursement and/or reimbursement. The notice will provide applicable federal and state grant specific information such as: award amounts, period of performance, reconciliation and close out.

See ATTACHMENT 1 of this Exhibit for additional information regarding all state funded program services.

Billing And Payment Terms and Conditions
CSB shall comply with Section 9 of the performance contract.

Indirect Cost Rate
CSB shall comply with the most current version of the DBHDS State and Federal Indirect Cost Rate Policy unless otherwise contractually negotiated.

Regional Program Procedures
CSB shall comply with the Regional Program Procedures unless otherwise contractually negotiated.

Use of Funds
Funds provided under this agreement shall not be used for any purpose other than as described herein and/or outlined in Exhibit F: Federal Grant Requirements, ~~a~~nd other federal and state laws or regulations.

CSB agrees that if it does not fully implement, maintain, or meet established terms and conditions as established herein or as subsequently modified by agreement of the Parties, the Department shall be able to recover part or all the disbursed funds as allowable under the terms and conditions of the performance contract.

Limitations on Reimbursements
CSB shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the period of performance.

Reporting Requirements
CSB shall comply and collaborate with the Department regarding all standard and additional reporting requirements pursuant to but not limited to the Reporting and Data Quality Requirements of the performance contract, established data processes and procedures, Exhibit E: Performance Contract Schedule and Process, this Exhibit, and by the Department as required by its funding authorities.

Monitoring, Review, and Audit
The Department may monitor and review the use of the funds, performance of the Program or Service, and compliance with this agreement, which may include onsite visits to assess the CSB's governance, management

and operations, and review relevant financial and other records and materials. In addition, the Department may conduct audits, including onsite audits, at any time during the term of this agreement with advance notification to the CSB.

Technical Assistance
The CSB and the Department shall work in partnership to address technical assistance needs to provide the program services herein.

Other Terms and Conditions
This exhibit may be amended pursuant to Section 5 of the performance contract.

Federal Funded Program Services
This section describes certain program services that have a primary funding source of federal funds but there may also be other sources of funding provided by the Department for these services.

10.1 Children's Mental Health Block Grant

Scope of Services and Deliverables
Children's Mental Health Block Grant funds are to be used to reduce states' reliance on hospitalization and develop effective community-based mental health services for children with Serious Emotional Disturbance (SED). Children with SED includes persons up to age 18 who have a diagnosable behavioral, mental, or emotional issue (as defined by the DSM). The state MHBG allotments are used to support community programs, expanded children's services, home-based crisis intervention, school-based support services, family and parenting support/education, and outreach to special populations

The purpose of these funds is to provide community-based services to youth (up to age 18), who have serious emotional disturbance with the goal of keeping youth in the community and reducing reliance on out-of-home placements. Services may include assessments and evaluations, outpatient or office-based treatment, case management, community-based crisis services, intensive community-based supports, community-based home services, and special populations of youth with SED such as juvenile justice, child welfare, and/other under-served populations. Services cannot be used for residential or inpatient care.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall use the Children's Mental Health Block Grant funds to reduce states' reliance on hospitalization and develop effective community-based mental health services for children with Serious Emotional Disturbance (SED). Children with SED includes persons up to age 18 who have a diagnosable behavioral, mental, or emotional issue (as defined by the DSM). This condition results in a functional impairment that substantially interferes with, or limits, a child's role or functioning in family, school, or community activities.
2. The CSB shall comply with the additional uses or restrictions for this grant pursuant to Exhibit F of the performance contract.

B. The Department Responsibilities: The Department agrees to comply with the following requirements. The Department will periodically review case files through regional consultant block grant reviews to ensure funds are being spent accordingly.

10.2. Assertive Community Treatment (ACT) Program Services

Scope of Services and Deliverables
Assertive Community Treatment (ACT) provides long term needed treatment, rehabilitation, and

support services to identified individuals with severe and persistent mental illness especially those who have severe symptoms that are not effectively remedied by available treatments or who because of reasons related to their mental illness resist or avoid involvement with mental health services in the community. ACT services are offered to outpatients outside of clinic, hospital, or program office settings for individuals who are best served in the community.

ACT is a highly coordinated set of services offered by a group of medical, behavioral health, peer recovery support providers and rehabilitation professionals in the community who work as a team to meet the complex needs of individuals with severe and persistent mental illness. An individual who is appropriate for ACT requires this comprehensive, coordinated approach as opposed to participating in services across multiple, disconnected providers, to minimize risk of hospitalization, homelessness, substance use, victimization, and incarceration. An ACT team provides person-centered services addressing the breadth of individuals' needs and is oriented around individuals' personal goals. A fundamental charge of ACT is to be the first line (and generally sole provider) of all the services that an individual receiving ACT needs. Being the single point of responsibility necessitates a higher frequency and intensity of community-based contacts between the team and individual, and a very low individual-to-staff ratio. ACT services are flexible; teams offer personalized levels of care for all individuals participating in ACT, adjusting service levels to reflect needs as they change over time.

An ACT team assists individuals in advancing toward personal goals with a focus on enhancing community integration and regaining valued roles (e.g. worker, daughter, resident, spouse, tenant, or friend). Because an ACT team often works with individuals who may demonstrate passive or active resistance to participation in services, an ACT team must carry out thoughtfully planned assertive engagement techniques including rapport-building strategies, facilitating the individual in meeting basic needs, and motivational interviewing interventions. The team uses these techniques to identify and focus on individuals' life goals and motivations to change. Likewise, it is the team's responsibility to monitor individuals' mental status and provide needed supports in a manner consistent with their level of need and functioning. The ACT team delivers all services according to a recovery-based philosophy of care. Individuals receiving ACT should also be engaged in a shared decision-making model, assistance with accessing medication, medication education, and assistance in medication to support skills in taking medication with greater independence. The team promotes self-determination, respects the person participating in ACT as an individual in their own right, and engages registered peer recovery specialists to promote hope that recovery from mental illness and regaining meaningful roles and relationships in the community are possible.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall design and implement its ACT program in accordance with requirements in the Department's Licensing Regulations for ACT in *12 VAC 35-105-1360 through 1410*, *Department of Medical Assistance Services Regulations and Provider Manual Appendix E*, and in accordance with best practice as outlined in the Tool Measurement of Assertive Community Treatment (TMACT). The final ratings of a TMACT review are used to set the reimbursement rate with DMAS.
2. The CSB shall reserve any restricted state mental health funds earmarked for ACT that remain unspent only for ACT program services unless otherwise authorized by the Department in writing.
3. The CSB shall prioritize admission to ACT for adults with serious mental illnesses who are currently residing in state hospitals, have histories of frequent use of state or local psychiatric inpatient services, or are homeless.
4. The CSB shall participate in ACT fidelity monitoring (TMACT review) every 12-18 months and assist Department staff as requested with any case-level utilization review activities, making records of individuals receiving ACT services available and providing access to individuals receiving ACT services for interviews.
5. The CSB shall follow the Tool for Measurement of ACT (TMACT) review process.

6. CSB ACT staff shall participate in ACT network meetings with other ACT teams as requested by the Department.
7. New ACT programs shall obtain and provide documentation of individual team-level training and technical assistance at least quarterly for the first two years of operation from recognized experts approved by the Department.
8. Each new ACT team staff shall successfully complete an introductory ACT 101 training. The Department recommends the University of North Carolina's Institute for Best Practices (or an equivalent training as approved by DBHDS) within the first 120 calendar days of the team member's date of hire.
9. For each year of employment thereafter, each ACT team member (excluding the program assistant) shall receive an additional three hours of training in an area that is fitting with their area of expertise and role within the team. This additional training may be in the form of locally provided training, online workshops, or regional or national conferences. The CSB shall maintain documentation of completed training activities.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall monitor ACT implementation progress of new ACT programs through quarterly reports submitted to the Department's Office of Adult Community Behavioral Health by the CSB. This will be a 2-year monitoring process for new ACT programs.
2. The Department shall monitor ACT fidelity using the Tool for Measurement of Assertive Community Treatment (TMACT).
3. The Department shall provide the process for the Tool for Measurement of ACT (TMACT) review.
4. The Department shall provide the data collection and additional reporting database, submission due dates, and reporting protocols to the CSB. DBHDS will provide advance notification to the CSB regarding data collection and additional reporting database, submission due dates, and reporting protocols in sufficient time to allow for compliance.

C. Reporting Requirements: The CSB and the DBHDS will work in collaboration to provide a standardized mechanism for ACT teams to track
outcomes, which can then guide their own performance initiatives.Pregnant Women and Women with Dependent Children Services

10.3. Scopes and Deliverable Services

The Substance Use Prevention, Treatment, and Recovery Block Grant (SUBG) has numerous requirements for services for the Pregnant Women and Women with Dependent Children (PPW). Per CFR, Title 45, Subtitle A, Subchapter A, Part 96, Subpart L, 596.124 Certain allocations mandate that all programs providing such services will treat the family as a unit and therefore will admit both women and their children into treatment services, if appropriate. Community Services Board, at a minimum, treatment programs receiving funding for such services also provide or arrange for the provision of the following services to pregnant women and women with dependent children, including women who are attempting to regain custody of their children.

A. The CSB Responsibilities

1. The CSB shall admit pregnant women into services within 48 hours of request and provide interim services (per SUBG) if unable to provide services; and notify the Department's designee, Women's Services, and Specialty Population Manager within in 48 hours.
2. The CSB shall adhere to the following federal guidelines for the PPW population and utilize the federal set-a-side and state general funds to provide or refer to the following services:

a. primary medical care for women, including referral for prenatal care and, while the women are receiving such services, childcare.
b. Refer the children of women enrolled in services to primary pediatric care, including immunization, for their children.
c. Gender-specific substance use treatment and other therapeutic interventions for women which may address issues of relationships, sexual and physical abuse and parenting, and childcare while the women are receiving these services.

3. Therapeutic interventions for children in the custody of women in treatment which
4. may, among other things, address their developmental needs, their issues of sexual and physical abuse, and neglect; and sufficient case management and transportation to ensure women attend treatment appointments.
5. Collaboration with local birthing hospitals per VA Code 32.1-127 B6 for individuals who deliver Substance Exposed Infants (SEIs) and coordinate discharge planning.

B. The Department Responsibilities

1. The Department shall monitor the utilization of the federal and state general funds for the PPW population.
2. The Department shall be responsible for conducting physical site visits and federal block grant reviews biennially and can increase in frequency based upon the technical needs of the CSB.

10.4 Project Link Program

Scope of Services and Deliverables

Project LINK is a specialized program that provides intensive case management, home visiting, treatment, prevention, and recovery services as well as linkage to said services for women of childbearing age (14-44 years old), pregnant, and parenting women impacted by substance use disorders or co-occurring disorders. The CSB is responsible for maintaining a Project LINK supervisor to manage the requirements of the program. Additionally, each site is responsible for collaboration with birthing hospitals to coordinate discharge planning with individuals who deliver Substance Exposed Infants (SEI) per VA Code 32.127.B6. Each program is responsible for advisory meetings with agencies in its catchment, to integrate and coordinate additional service needs with community stakeholders.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall work collaboratively with the DBHDS Addiction Wellness and Recovery Services (AWRS) Women's Services Coordinator and Specialty Population Manager to fulfill the SUBG Woman set aside requirement.
2. The program will provide the Evidence-Based Program (EBP) Nurturing Program for Families in Substance Abuse Treatment and Recovery and a trauma program such as Seeking Safety, Beyond Trauma, Trauma Recovery and Empowerment Model, or Eye Movement Desensitization and Reprocessing (EMDR).
3. Submit Project LINK Service Delivery and Outcomes at Discharge, narrative, and financial reports bi-annually.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. Provide oversight and monitor the Project LINK program to ensure the scope and deliverables are met as well as provide technical assistance as required.

2. Communicate in a timely manner about changes to the program and funding allocations
3. Facilitate quarterly Project LINK Managers and Directors meeting as well as virtual and onsite program visits.

C. Reporting Requirements: The CSB shall electronically submit all required Project LINK reports per the following schedule below.

1st Report	April 30th
Reporting period: October 1 - March 31st	(Service Delivery and Outcomes at Discharge Report)
2nd Report	October 30th
Reporting Period April 1 -September 30th	(Annual Service Delivery and Outcomes Discharge Report; Narrative Report; Project LINK Budget)

10.5. State Opioid Response Program Services (SOR)

SOR Prevention Program - The SOR grant was awarded to Virginia to combat the opioid epidemic and build upon programs started with State Targeted Response R/OPT-R and SOR. The purpose of the SOR program is to address the public health crisis caused by escalating opioid misuse, opioid use disorder (OUD), and opioid-related overdose across the nation. States and territories are expected to use the resources to: increase access to U.S. Food and Drug Administration (FDA)-approved medications for the treatment of opioid use disorder (MOUD); support the continuum of prevention, harm reduction, treatment, and recovery support services for OUD and other concurrent substance use disorders; and support the continuum of care for stimulant misuse and use disorders, including those involving cocaine and methamphetamine.

The SOR prevention grant awards support the implementation of effective strategies identified by the Virginia Evidence-Based Outcomes Workgroup. The categories of approved strategies include: coalition development, heightening community awareness/education, supply reduction/environmental, tracking and monitoring, and community education as part of harm reduction efforts. A portion of SOR Prevention funds are approved for the ACEs Project and Prevention Mini Wellness Grants .

1. Adverse Childhood Experiences (ACEs) Project

Scope of Services and Deliverables

SOR Prevention grant funds for the Adverse Childhood Experiences (ACEs) Project must be used to fund prevention strategies that have a demonstrated evidence-base, and that are appropriate for the population(s) of focus.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall work collaboratively with DBHDS and OMNI Institute technical assistance team to fulfill requirements of the grant. This collaboration includes responding to information requests in a timely fashion, entering data in the Performance Based Prevention System (PBPS), submitting reports by established deadlines.

2. CSB understands that SOR prevention funds are restricted and shall be used only for approved SOR prevention strategies (from the CSB's approved SOR Logic Model).
3. CSB understands that changes to the budget (greater than a variance of 25 percent among approved budget items) and/or requests for additional funding must be sent via an email to the SOR Prevention Coordinator.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall adhere to SOR grant guidelines established by the Substance Abuse and Mental Health Services Administration (SAMHSA), including reporting on statewide and CSB-specific data, accomplishments, and challenges.

2. The Department's Behavioral Health Wellness Consultant/ACEs Lead shall maintain regular monthly communication with the CSB and monitor SOR ACEs Project performance.
3. The Department, particularly the SOR Prevention Coordinator and ACEs Lead, will respond to inquiries in a timely manner, fulfill requests for training and share regular updates regarding the grant. Every effort will be made to provide at least two weeks lead time prior to report deadlines.
4. The Department will provide a budget template for annual budget submission.

2. SOR Prevention Program - Prevention Mini Wellness Grants

3. Scope of Services and Deliverables

A portion of SOR Prevention funds were approved for the Prevention Mini Wellness Grants .

Prevention Mini Wellness

-Grants provide CSB an award of funds to perform equity-oriented activities and programing throughout their agency and community. Funds can be used in innovative ways to meet the professional development and community needs of the populations being served. Grants recognize that minority communities may require interventions tailored to their unique needs. Grants should explicitly work to address the needs of marginalized populations.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall use the SOR Prevention grant funds for Prevention Mini Wellness Grants to fund strategies that have a demonstrated evidence-base and are appropriate for the population(s) of focus.
2. The CSB shall work collaboratively with DBHDS and the Human Services Program Consultant, to complete all approved objectives from the application. This collaboration includes participating in a mid-grant check-in, completing a final grant report.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall adhere to SOR grant guidelines established by the Substance Abuse and Mental Health Services Administration (SAMHSA), including reporting on statewide and CSB-specific data, accomplishments, and challenges.
2. The Department's Human Services Program Consultant will perform a mid-grant check-in and will provide the format and collect the final grant report.

4. SOR - Treatment and Recovery Services

Scope of Services and Deliverables

1. Develop and provide opioid misuse prevention, treatment, and recovery support services for the purposes of addressing the opioid and stimulant misuse and overdose crisis.
2. Implement service delivery models that enable the full spectrum of treatment and recovery support services facilitating positive treatment outcomes.
3. Implement community recovery support services such as peer supports, and recovery coaches.
4. Increase the number of Opioid Treatment Programs (OTP). Expand Medication-Assisted Treatment (MAT) for justice-involved individuals.
5. Create pathways for new treatment and recovery providers/organizations. Increase treatment for pregnant and post-partum women.
6. Support Peer Support Services in emergency departments.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall comply with the Department's approved budget plan for services.
2. The CSB may employ SA MAT treatment personnel and recovery personnel
3. The CSB may provide treatment and recovery services to include drug/medical supplies, drug screens, lab work, medical services, residential treatment, childcare services, client transportation, contingency management, recruitment services and treatment materials, employment resources, recovery wellness planning resources, overdose prevention and response materials, and temporary recovery housing.
4. The CSB shall collect SAMSHA Unified Performance Reporting Tool (SUPRT) data for each person receiving services at intake, discharge, and 6-month time points. This data must be submitted to OMNI Institute within five business days of survey completion.
5. All the SUPRT must be submitted to Omni Institute within five (5) business days of survey completion.
6. CSB receiving treatment or recovery funding under the SOR grant must complete a treatment or recovery Quarterly Survey every quarter of the grant.
7. The Quarterly Survey must be submitted to OMNI Institute within two weeks of request by Omni Institute.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall be responsible for submitting required reporting to SAMHSA in accordance with the SOR Notice of Award.
2. The Department shall conduct physical and/or virtual site visits or program audit on a bi-annual basis, or more frequently, if necessary. Each site visit will be documented in a written report submitted to the Director of Addiction Recovery and Wellness Supports .
3. The SOR team will provide quarterly reports to CSB.

C. Reporting Requirements: The CSB shall submit the Quarterly Treatment and Recovery Reporting Surveys through the online survey link that will be provided by Omni Institute each quarter. All surveys must be submitted no later than the following dates:

Quarter 1	January 15
Quarter 2	April 15
Quarter 3	July 15

	Quarter 4	October 15	

The CSB shall collect SUPRT data for each person receiving services at intake, discharge, and 6-month time points. This data must be submitted to OMNI Institute within five business days of survey completion.

10.6. Regional Suicide Prevention Initiative

Scope of Services and Deliverables
To increase capacity to address suicide prevention and promote mental health wellness, the Department funding for regional suicide prevention plans that implement evidenced based initiatives and strategies that promote a comprehensive approach to suicide prevention across the lifespan in the Commonwealth.

The regional or sub regional initiatives are intended to extend the reach and impact of suicide prevention efforts, afford greater access to suicide prevention resources by affected communities, and leverage and reduce costs for individual localities related to training or other suicide prevention action strategies.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.
1. The CSB shall provide an action plan that includes (but not limited to) the following strategies and activities:
   a. mental health wellness and suicide prevention trainings based on community need and capacity to provide.
   b. activities for September Suicide Prevention Awareness Month and May Mental Health Awareness Month.
   c. identification of anticipated measurable outcomes.
   d. a logic model; and
   e. a budget and budget narrative.
2. These funds shall be used only for the implementation of the Regional Suicide Prevention Initiative described in the Regional Suicide Prevention plan (and or supplement plan) approved by the Department.
3. Any restricted state funds that remain unexpended or unencumbered at the end of the fiscal year may be carried over to the following year to be used only for Regional Suicide Prevention Initiative expenses authorized by the Department in consultation with the participating regional CSB.
4. Any federal funds that remain unexpended or unencumbered by the end of the Performance Period the CSB must contact the Department at least 30 days prior to the end of the Performance Period to discuss permissible purposes to expend or encumber those funds.

B. The Department Responsibilities: The Department agrees to comply with the following requirement.
1. The Department shall monitor Regional Suicide Prevention Initiative program implementation progress through a semi-annual report and annual report submitted by the Regional Suicide Prevention Initiative Lead CSB, other data gathering and analysis, periodic visits to the region to meet with Regional Suicide Prevention Initiative partners, and other written and oral communications with Regional Suicide Prevention Initiative team members.
2. The Department may adjust the CSB's allocation of continued state funds for the Regional Suicide Prevention Initiative based on the CSB's compliance with its responsibilities, including the requirements for maximizing resources from other sources.

3. The Department will provide guidelines for the annual plan and a template for the semi-annual and annual report for the CSB to use.

C. Reporting Requirements:

1. Mental Health First Aid and Suicide Prevention activities shall be included in each CSB's Prevention data system.
2. The Regional Suicide Prevention Initiative CSB shall submit its quarterly report to the Department per the schedule below.

Report Due Date		Reporting Time Frame
1st Quarter Report	October 15	July 1– September 30
2nd Quarter Report	January 15	October 1– December 31
3rd Quarter Report	April 15	January 1– March 31
4th Quarter Report	July 15	April 1– June 30

10.7. Supplemental Substance Abuse Block Grant Funded Program Services - (Prevention and Treatment)

Scope of Services and Deliverables
This allocation provides supplemental funding to support additional allowable uses of Substance Use Prevention, Treatment and Recovery Services (SUPTRS) Block Grant funding. This funding source is designated to plan, implement, and evaluate activities that prevent or treat substance use disorder. The priorities for the use of these funds include: the funding of substance use disorder treatment and support services for the uninsured or for whom coverage is terminated for short periods of time; the treatment and support services that demonstrate success in improving outcomes and/or supporting recovery that are not covered by Medicaid, Medicare, or private insurance; primary prevention by providing universal, selective, and indicated prevention activities; prevention services for persons not identified as needing treatment; and the collection of performance and outcome data to determine the ongoing effectiveness of behavioral health promotion, treatment, and recovery support services. SUPTRS funds are to be the funds of last resort: Medicaid and private insurance, if available, must be used first. Target and priority populations are pregnant and parenting women, and intravenous (IV) drug users, to include those in need of interim services.

Any treatment services provided with SABG funds must follow treatment preferences established in 45 CFR 96.131(a):

1. Pregnant injecting drug users
2. Pregnant substance abusers
3. Injecting drug users
4. All others

Complete details of allowable services can be found in Exhibit F of the performance contract.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements

1. The CSB shall prioritize SUPTRS priority populations including the uninsured, pregnant women and women with dependent children, and people who inject drugs
2. The CSB shall follow all other federal requirements pursuant to Exhibit F.

B. The Department Responsibilities: The CSB agrees to comply with the following requirements. The Department shall monitor uses of these supplemental funds in the same manner it monitors uses of SUPTRS treatment and recovery base funding, including SAMHSA measures and on-site or virtual reviews. These funds will be monitored as part of existing review processes.

10.8. Substance Use Prevention, Treatment and Recovery Block Grant (SUPTR) Prevention Set Aside Services

Scope of Services and Deliverables

Access to Substance Abuse Treatment for Opioid Use Disorder (OUD)The CSB shall ensure that individuals requesting treatment for opioid use disorder drug abuse, including prescription pain medications, regardless of the route of administration, receive rapid access to appropriate treatment services, as defined in 45 CFR § 96.126, within 14 days of making the request for treatment or 120 days after making the request if the CSB has no capacity to admit the individual on the date of the request and within 48 hours of the request it makes interim services, as defined in 45 CFR § 96.121, available until the individual is admitted.

The SUPTRS BG Prevention Set aside is intended to prevent Substance Use Disorders (SUD) by implementing an array of strategies including information dissemination, education, alternatives, problem ID and referral, community capacity building and environmental approaches that target individuals, communities and the environment, guided by the Strategic Prevention Framework (SPF) planning model.

The CSB shall use the Institute of Medicine (IOM) model to identify target populations based on levels of risk: universal, selective, and indicated. The CSB shall utilize the Center for Substance Abuse Prevention (CSAP)s evidenced- based strategies: information dissemination, education and skill building, alternatives, problem identification and referral, community-based process, and environmental approaches. Community-based process/coalitions and environmental approaches that impact the population as a whole are keys to achieving successful outcomes and are Department priorities.

Substance abuse prevention services may not be delivered to persons who have substance use disorders to prevent continued substance use as mandated by the federal Substance Abuse Block grant.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. **General Capacity Requirements**
   Each CSB shall work collaboratively with the DBHDS Community BH Division team and the OMNI Institute technical assistance team to fulfill requirements of the grant. This collaboration includes responding to information requests in a timely fashion, entering data in the Performance Based Prevention System (PBPS), submitting reports by established deadlines.
   a. Each CSB must complete an evaluation plan, in collaboration with the OMNI Institute technical assistance team, which is revised and approved annually and includes:
      i. A logic model which includes all the required priority strategies all CSBs must implement and any discretionary strategies the CSB has elected to implement.
      ii. A measurement plan documenting how all required metrics will be tracked and reported.

b. All prevention programs, practices, and strategies must be evidence-based or evidence-informed and approved by the DBHDS Community BH Division team. Only strategies that align with the state-identified priorities and/or the CSB's logic model outcomes will be approved.
c. Each CSB must maintain a license(s) for the Performance-Based Prevention System (PBPS) and record all implemented strategies in the PBPS. The resources to support this have been added to the CSB base allocation.
d. Each CSB must maintain a minimum of 1 FTE Prevention Lead position. This position leads and ensures compliance and implementation of all Prevention priority strategies.
e. Prevention funding should be used for prevention staff to attend at least one national prevention-related conference per year. Any national conferences outside of the NPN Prevention Research Conference, NATCON, CADCA National or Mid-Year Conferences must have prior DBHDS approval. Each CSB receives $3000 in their base allocation to help support this capacity building effort.
f. Submit an annual budget for SUPTR Prevention Set Aside utilizing DBHDS' template.
g. CSBs must enter all report data into PBPS by the 15th of the month for the month prior.

2. Counter Tools

a. The CSB shall conduct store audits of and merchant education with 100 percent of tobacco/nicotine retailers in its service area over a two-year period. Any retailer to be found in violation in the previous year is to be given priority for merchant education.
b. The CSB also must maintain and update a list of tobacco/nicotine retailers in its catchment area over the two-year period.
c. Data must be entered into the Counter Tools and PBPS systems.
d. The CSB base allocation includes $10,000 for these strategies.
e. Tobacco education programs for youth with the goal of reducing prevalence of use are not to be identified as SYNAR activities.

3. ACEs Trainings

a. All CSBs should ensure there are at least 1ACE Interface presenter or Master Trainer either on staff or available to them through their community partners.
b. All CSBs must conduct at least 6 ACEs trainings annually that focus on either/or the implications of early childhood adversity, resilience, or healing centered relationships. These can all be reported as ACEs trainings.
c. All ACEs training data (including number of trainings held and number of people trained) must be reported in PBPS.
d. CSBs which are designated as Self-Healing Communities and are receiving additional funding to address ACEs must complete all items noted above and the following:
    i. Submit a quarterly narrative report on all ACEs strategies and measures.
    ii. Engage in a local Trauma-Informed Community Network (TICN) or other trauma-centered coalition

4. Community Coalition Development

a. The CSB shall support or lead at least one community coalition and be involved in a minimum of 6-10 coalition meetings a year.
b. The CSB should maintain membership in CADCA and/or CCoVA each year.
c. The CSB and its associated coalition should ensure youth engagement in the coalition either as a sub-group of the coalition or a separate youth coalition.
d. The CSB should maintain a social media presence to publicize prevention/coalition activities and messaging (Facebook page, Instagram, website, etc.) Websites should be updated monthly at a minimum and social media bi-weekly to ensure information and resources remain relevant and engages the community.

e. Every 2 years, each CSB must complete a coalition readiness assessment and an assessment of representation in the coalition of the following 12 sectors: youth; parents; businesses; media; school; youth-serving organizations; law enforcement; religious/fraternal organizations; civic and volunteer organizations; healthcare professionals; state, local and tribal governments; and other organizations involved in reducing illicit substance use.

5. Mental Health First Aid

a. Each CSB must have at least one staff trained to deliver MHFA courses.
b. Each CSB trained MHFA trainer must provide a minimum of 3 Youth and/or Adult MHFA trainings annually to the population catchment area to maintain certification. (Example: Two CSB trained staff can co-facilitate and provide 3 trainings per year.) Residents of other catchment areas may attend, but the primary target audience needs to be the CSB's catchment area.
c. Ensure a minimum of 45 community participants are trained annually in MHFA (across all trainers at the CSB; no minimum number per trainer.
d. If a CSB receives more than 3 requests for MHFA training, they may use RSPI funds to contract with another provider if they are unable to fulfill this community need due to staff capacity. CSBs are still responsible for capturing evaluation data from these trainings and entering them in the data system. An MOU must be established with the subcontractor that indicates the CSB be allowed to capture the data from the training, including number participants and, when appropriate, evaluation forms.

6. Suicide Prevention

a. CSBs will have at least one staff member trained in at least one suicide prevention training on the approved list below to contribute to suicide prevention training efforts in their region.
    i. Applied Suicide Intervention Skills Training (ASIST) (in-person only)
    ii. safeTALK (in-person only)
    iii. QPR (Question, Persuade, Refer)
    iv. The ASK Workshop
    v. More than Sad, Talk Saves Lives, L.E.T.S. or other suicide prevention training developed by the American Foundation for Suicide Prevention (virtual or in-person)
    vi. Any other training listed in the Suicide Prevention Resource Center's Best Practice Registry (Best Practices Registry)
    vii. One-hour or more Lock and Talk Training listed in the Lock and Talk website portal
b. Each CSB must take the lead on providing 3 suicide prevention trainings in their catchment area or Region.
c. Each CSB must train a minimum of 45 participants in suicide prevention trainings.
d. CSBs are encouraged to partner with other CSBs in their region to fulfill the training needs of their community and ensure the minimum number or participants required to hold a course is met.
e. CSBs may subcontract with a certified trainer should the request for the delivery of suicide prevention training exceed the CSB's staff capacity. An MOU must be established with the subcontractor that indicates the CSB be allowed to capture data from the training including number of participants and, when appropriate, evaluation forms.
f. CSBs will actively promote trainings via their websites, social media and in-person events and community networks

g. CSBs will assist community members who are seeking suicide prevention training with accessing training. CSBs will take lead on coordinating a training for groups interested in suicide prevention training within their catchment.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall adhere to SABG Prevention Set Aside, grant guidelines established by the Substance Abuse and Mental Health Services Administration (SAMHSA), including reporting on statewide and CSB-specific data, accomplishments and challenges.
2. The Department's SABG Prevention Set Aside Behavioral Health Wellness Consultants shall maintain regular communication with the CSB, monitor performance through reporting, and provide technical assistance to the CSB upon request.
3. The Department will work with the CSB to mutually agree on annual site visit dates.
4. The Department, particularly the SABG Prevention Set Aside Behavioral Health Wellness Consultants will respond to inquiries in a timely fashion, fulfill requests for training and share regular updates regarding the grant.
5. Every effort will be made to provide at least two weeks lead time prior to report deadlines by DBHDS in partnership with OMNI Institute federal reporting contractor.
6. The Department will provide a budget template for annual budget submission

C. Reporting Requirements: All data is reported into the Prevention data system and must be submitted by the 15th of the month for the month prior.

10.9. Adult Mental Health Block Grant

The Community Mental Health Services Block Grant (MHBG) program's objective is to support the grantees in carrying out plans for providing comprehensive community mental health services. The target populations served under this grant are adults with serious mental illness (SMI). This includes persons ages 18 and older who have a diagnosable behavioral, mental, or emotional condition—as defined by the Psychiatric Association's Diagnostic and Statistical Manual (DSM), where their condition substantially interferes with, or limits, one or more major life activities (ex. basic daily living, accessing community resources).

A. CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall use the funds Mental Health Block Grant funds to reduce states' reliance on hospitalization and develop effective community-based mental health services for adults with serious mental illness (SMI).
2. The CSB shall follow the state performance measurement requirements.
3. The CSB shall follow all other federal requirements pursuant to Exhibit F.

B. Department Responsibilities:

1. The Department shall monitor the use of MHBG funds by means of on-site reviews at least every two years.
2. The Department shall provide technical assistance as deemed necessary or upon request to ensure the state performance measurement requirements are met.

State Funded Program Services

This section describes certain program services with a primary funding source of state general funds but there may also be other sources of funding provided by the Department for the services provided.

11.1. Auxiliary Grant in Supportive Housing Program (AGSH)

Scope of Services and Deliverables

Section 37.2-421.1 of the Code of Virginia provides that DBHDS may enter into an agreement for the provision of supportive housing for individuals receiving auxiliary grants pursuant to §51.5-160 with any provider licensed to provide mental health community support services, intensive community treatment, programs of assertive community treatment, supportive in-home services, or supervised living residential services. The Auxiliary Grant (AG) funds shall not be disbursed directly to the CSB or DBHDS. The Department for Aging and Rehabilitative Services (DARS) shall maintain administrative oversight of the Auxiliary Grant program, including the payment of AG funds from DSS to individuals in the program.

A. The CSB Responsibilities: The CSB shall comply with the following requirements pursuant.

1. For everyone served by the provider under this agreement, the provider shall ensure the following basic services:
   a. the development of an individualized supportive housing service plan ("ISP").
   b. access to skills training.
   c. assistance with accessing available community-based services and supports.
   d. initial identification and ongoing review of the level of care needs; and
   e. ongoing monitoring of services described in the individual's ISP.
2. Assist AGSH recipients with securing and maintaining lease-based rental housing. This residential setting shall be the least restrictive and most integrated setting practicable for the individual that:
   a. complies with federal habitability standards.
   b. provides cooking and bathroom facilities in each unit.
   c. affords dignity and privacy to the individual; and
   d. includes rights of tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§55-248.2 et seq.).
   e. provides rental levels that leave sufficient funds for other necessary living expenses, and
   f. the provider shall not admit or retain recipients who require ongoing, onsite, 24-hour supervision and care or recipients who have any of the conditions or care needs described in subsection D of §63.2-1805.
3. The provider is expected to be full census (based on approved budget) within 12 months of operation and to maintain census of no less than 90% thereafter.
4. Request approval, in writing, of DBHDS for an AGSH recipient to live with a roommate freely chosen by the individual.
5. Adhere to all components of the AGSH Provider Operating Guidance.
6. Licensing/Certification Requirements:
   a. The CSB shall maintain all relevant DBHDS licenses in good standing. Provide documentation of licensure status for relevant services to the Department for Aging and Rehabilitative Services (DARS) at initial certification and annually thereafter.
   b. The CBS shall maintain annual certification with DARS in accordance with §51.5-160 Section D.

B. The Department Responsibilities:

1. DBHDS or its designee shall conduct annual inspections to determine whether the provider is following the requirements of this agreement. DBHDS will provide 30 days written notice for routine annual inspections. DBHDS may also conduct inspections at any time without notice.
2. DBHDS will work with the Provider to develop and implement AGSH data reporting requirements including data elements, formats, timelines and reporting deadlines.

3. Pursuant to §37.2-421.1 Section C., DBHDS may revoke this agreement if it determines that the provider has violated the terms of the agreement or any federal or state law or regulation.

C. Reporting Requirements: The CSB shall collect and report recipient level identifying information and outcome data at least quarterly no later than the 15th day following the end of the month (i.e., October 15th, January 15th, April 15th, and July 15th) and provide to DBHDS as requested**.**

11.2. Children's Mental Health Initiative (MHI) Funds

Scope of Services and Deliverables
The Mental Health Initiative (MHI) Fund was established by the General Assembly in FY 2000 to create a dedicated source of funding for mental health and substance abuse services for children and adolescents with serious emotional disturbances, at risk for serious emotional disturbance, and/or with co-occurring disorders with priority placed on those children who, absent services, are at-risk for removal from the home due to placement by a local department of social services, admission to a congregate care facility or acute care psychiatric hospital or crisis stabilization facility, commitment to the Department of Juvenile Justice, or parental custody relinquishment.
These services have the purpose of keeping children in their homes and communities and preserving families whenever possible.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. MHI funds must be used exclusively to serve currently unserved children and adolescents or provide additional services to underserved children and adolescents with serious emotional disturbances, at risk for serious emotional disturbance, and/or with co-occurring disorders with priority placed on those children who, absent services, are at-risk for removal from the home due to placement by a local department of social services, admission to a congregate care facility or acute care psychiatric hospital or crisis stabilization facility, commitment to the Department of Juvenile Justice, or parental custody relinquishment. These funds shall be used exclusively for children and adolescents, not mandated for services under the Children's Services Act. Underserved refers to populations which are disadvantaged because of their ability to pay, ability to access care, or other disparities for reasons of race, religion, language group, sexual orientation or social status.
2. Children and adolescents must be under 18 years of age at the time services are initiated. MHI funds can be used to bridge the gap between the child and adolescent and adult service systems, if the service was initiated before the adolescent's 18th birthday. Services used to bridge the gap can only be used for up to one (1) year. MHI funds cannot be used to initiate new services once an adolescent turns 18 years of age.
3. MHI funds must be used to purchase services which will be used to keep the child or adolescent in the least restrictive environment and living in the community.
4. CSBs may use MHI funds to support personnel used to provide services to children and families. Each service provided shall be linked to an individualized service plan for an individual child and submit the required program and financial data reports in the format established by the Department.
5. MHI funds should not be used when another payer source is available.
6. Services must be based on the individual needs of the child or adolescent and must be included in an individualized services plan. Services must be child-centered, family focused, and community-based. The participation of families is integral in the planning of these services.

7. CSBs must develop policies and procedures for accessing MHI funds for appropriate children and adolescents
8. The CSBs shall develop a Mental Health Initiative funding plan in collaboration with the local Family and Assessment Planning Teams and/or Community Policy and Management Team. The funding plan shall be approved by the Community Policy and Management Teams of the localities. The CSB should seek input and guidance in the formulation of the protocol from other FAPT and CPMT member agencies. A copy of the plan shall be kept on file at the CSB.

    a. The MHI Fund Protocol shall at minimum:
        i. Clearly articulate the target population to be served within the serious emotional disturbance, at risk for serious emotional disturbance, and/or with co-occurring disorders, non-CSA mandated population.
        ii. Establish defined protocols and procedures for accessing services, ensuring that all key stakeholder agencies have a method to link into services.
        iii. Clearly articulate the kinds or types of services to be provided; and
        iv. Provide for a mechanism for regular review and reporting of MHI expenditures.
        v. Includes effective date and reviewed or updated dates as appropriate.
        vi. Includes acknowledgment that the protocol has been approved by the Community Policy and Management Teams.
    b. Types of services that these funds may be used for include but are not limited to: crisis intervention and stabilization, outpatient, intensive in-home, intensive care coordination, case management, Family Support Partners, evidence-based practices, therapeutic day treatment, alternative day support (including specialized after school and summer camp, behavior aide, or other wrap-around services), and, supervised family support services.
    c. All expenditures shall be linked to an individualized service plan for an individual child. Expenditures may be for something that is needed by more than one child, providing it can be linked to the individualized service plan of each child.
    d. CSBs may use MHI funds to support personnel used to provide services to children and families. For example, the funds may be used to create a position dedicated to serving the non-CSA mandated population of children in the community; however, as stated above, each service provided should be linked to an individualized service plan for an individual child.
    e.
    f. MHI funds may not be used for residential care services, partial or full hospitalizations, or for CSA sum sufficient populations. MHI funding may not be used to purchase vehicles, furniture, computers, or to provide training.
9. The CSB may carry-forward a balance in the MHI fund during the biennium in which the funds were distributed.

B. The Department Responsibilities: The Department shall establish a mechanism for regular review and reporting of MHI Fund expenditures including monitoring unspent balances.

C. Reporting Requirements:
All services shall be linked to an individualized service plan for an individual child in accordance with applicable business rules and HL7 interface specifications, including the use of the MHI Client Transaction Type. Expenditures may be for something that is needed by more than one child, providing it can be linked to the individualized service plan of each child.

1. The CSB shall submit the required program and financial data reports in the format established by the Department.
2. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow for compliance.

11.3. Permanent Supportive Housing (PSH)

Scope of Services and Deliverables

A. The CSB Responsibilities: If the CSB receives state mental health funds for PSH for adults with serious mental illness and/or pregnant or parenting women with substance use disorder, it shall fulfill these requirements:

1. Comply with requirements in the Virginia Department of Behavioral Health and Developmental Services Permanent Supportive Housing Program Operating Manual and any subsequent additions or revisions to the requirements agreed to by the participating parties. If the implementation of the program is not meeting its projected implementation schedule, the CSB shall provide a written explanation to and seek technical assistance from the Office of Community Housing in the Department.
2. Ensure that individuals receiving PSH have access to an array of clinical and rehabilitative services and supports based on the individual's choice, needs, and preferences and that these services and supports are closely coordinated with the housing-related resources and services funded through the PSH initiative.
3. Assist Department staff as requested with any case-level utilization review activities, making records of individuals receiving PSH available and providing access to individuals receiving PSH for interviews.
4. Comply with requirements related to the implementation of the Virginia Low-Income Housing Tax Credit (LIHTC) Qualified Allocation Plan First Leasing Preference.
5. Reserve any current restricted state mental health funds for PSH that remain unspent at the end of the fiscal year to be used only for PSH activities in subsequent fiscal years as authorized by the Department.
6. Participate in PSH training and technical assistance in coordination with the Community Housing and any designated training and technical assistance providers.
7. Ensure twelve-month housing stability of PSH tenants of no less than 85%

B. Reporting Requirements: Track and report the expenditure of restricted state mental health PSH funds separately in the implementation status reports required in subsection f below. Based on these reports, the Department may adjust the amount of state funds on a quarterly basis up to the amount of the total allocation to the CSB. The CSB shall include applicable information about individuals receiving PSH services and the services they receive.

1. CSB shall submit data about individuals following guidance provided by the Office of

Community Housing

2. The CSB shall submit the required program and financial data reports in the format established by the Department.
3. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow for compliance and in accordance with Section 6 of this Exhibit.

11.4. Forensic Services

Scope Services and Deliverables

A. The CSB Responsibilities: The CSB shall comply with the following requirements:

1. The CSB shall designate appropriate staff to the roles of Forensic Admissions Coordinator, Adult Outpatient Restoration Coordinator, and NGRI Coordinator to collaborate with the local courts, the forensic staff of state facilities, and the Department. The CSB shall notify the Department's Office of Forensic Services of the name, title, and contact information of these designees and shall inform the Director of any changes in these designations. The CSB shall ensure that designated staff completes all recommended training identified by the Department.
2. The Code of Virginia requires that court-ordered forensic evaluations of competency to stand trial and mental state at the time of the offense, and restoration treatment be performed on an outpatient basis unless the results of an outpatient evaluation indicate that hospitalization is necessary or if the defendant is already in DBHDS custody under certain legal statuses. The CSB shall consult with their local courts and the Forensic Coordinator at the designated DBHDS hospital as needed in placement decisions for individuals with a forensic status, based upon evaluation of the individual's clinical condition, age, need for a maximum security, and other relevant factors.
3. Adult forensic evaluations should be completed by forensic evaluators with the requisite training and education as required by the Code and the Department. Evaluations of competency to stand trial (§ 19.2-169.1) and mental state at the time of the offense (§§ 19.2-168.1, 19.2-169.5) must be completed by an evaluator who is currently on the List of Qualified Evaluators maintained by the Department. Only if the CSB employs qualified forensic evaluators will it be eligible to perform forensic evaluations ordered by local courts. To the greatest extent possible, the CSB will assist the courts in identifying qualified forensic evaluators to perform adult outpatient forensic evaluations, if such assistance is requested by the courts.
4. Upon receipt of a court order pursuant to § 16.1-356 of the Code of Virginia, the CSB shall provide or arrange for the provision of a juvenile competency evaluation by a qualified forensic evaluator.
5. Upon receipt of a court order pursuant to § 16.1-357, the CSB shall submit the court order to the DBHDS Juvenile Justice Program Supervisor. The Supervisor will determine if the restoration will be provided by DBHDS Juvenile Justice Program or the CSB.
6. Upon receipt of a court order for the provision of adult outpatient competency restoration services pursuant to § 19.2-169.2 of the Code of Virginia, the CSB shall provide or arrange for the provision of services to restore the individual to competency to stand trial. These services shall be delivered in the community where the individual is currently located, or in a local or regional jail, juvenile detention center (when a juvenile is being tried as an adult), Department of Corrections facility, or in another location suitable for the delivery of the restoration

services when determined to be appropriate. These services may include treatment and restoration services, case management, assessment services, the provision of medications and medication management services, and other services that may be needed by the individual in order to restore them to competency and to prevent their admission to a state hospital.

7. Upon written notification from a DBHDS facility that an individual has been hospitalized pursuant to § 19.2-169.1 (competency evaluation), § 19.2-169.2 (competency restoration), § 19.2-169.3 (unrestorable incompetent), § 19.2-169.5 & 168.1 (mental status at the time of the offense evaluation), or § 19.2-169.6 (emergency treatment from jail), the CSB shall provide discharge planning in accordance with the provisions of the C*ollaborative Discharge Requirements for Community Services Boards and State Hospitals: Adult & Geriatric*.
8. The CSB shall provide follow-up care and discharge planning coordination to patients returning from a state facility to local or regional jails or juvenile detention centers. The CSB shall work with jail mental health and correctional staff to assist with reentry planning from the jail back to the community.
9. The CSB shall provide discharge planning for persons found not guilty by reason of insanity who are being treated in DBHDS facilities pursuant to § 19.2-182.2 through § 19.2 -182.7, and § 19.2-182.11 of the Code of Virginia, and in accordance with the Department's NGRI Manual: Guidelines for Management of Individuals Acquitted Not Guilty by Reason of Insanity (February 2023) and the provisions of the C*ollaborative Discharge Requirements for Community Services Boards and State Hospitals: Adult & Geriatric.*
10. Upon written notification from DBHDS that an individual found Not Guilty by Reason of Insanity has been placed onto outpatient temporary custody status pursuant to § 19.2-182.2, the CSB shall initiate contact with the individual as soon as possible for the purpose of making referrals to CSB services and other providers as needed, as well as to assess and provide feedback to the Department on the individual's progress. The CSB will provide NGRI coordination and supervision while the individual completes the outpatient temporary custody evaluation process and will work jointly with the Department to develop conditional or unconditional release plans as required by Code.
11. The CSB will review and sign an NGRI acquitter's Risk Management Plan for Escorted Community, Unescorted Community, Conditional Release, and Unconditional Release in accordance with the timelines outlined in the Department's NGRI Manual: Guidelines for Management of Individuals Acquitted Not Guilty by Reason of Insanity (February 2023) and the Collaborative Discharge Requirements for Community Services Boards and State Hospitals: Adult & Geriatric.
12. The CSB will implement and monitor compliance with court-ordered Conditional Release Plans (CRPs) for persons found Not Guilty by Reason of Insanity and released with conditions pursuant to § 19.2-182.2 through § 19.2 -182.7, and § 19.2-182.11 of the Code of Virginia. The CSB is responsible for providing the Office of Forensic Services copies of any written correspondence and court orders issued for NGRI acquitters in the community.

B. Reporting Requirements

Not Guilty by Reason of Insanity (NGRI):

1. The CSB shall supply information to the Office of Forensic Services for individuals adjudicated not guilty by reason of insanity (NGRI), as required under § 37.2-508 or § 37.2-608 of the Code and as permitted under 45 CFR §§ 164.506 (c) (1) and (3), 164.512 (d), and 164.512 (k) (6) (ii).
2. The CSB shall submit written reports to the court for individuals adjudicated Not Guilty by Reason of Insanity (NGRI), documenting the person's progress and adjustment in the community. Pursuant to § 19.2-182.7 these reports shall be submitted no less frequently than

every six months from the date of release and are required for the duration of conditional release. The CSB shall also provide to the Department's Office of Forensic Services written monthly reports on the person's progress and adjustment in the community for their first 12 continuous months in the community following discharge to conditional release.

11.5 Adult Competency to Stand Trial Restoration (MH Adult Outpatient Competency Restoration Services)

Scope of Service and Deliverables

The CSB shall coordinate the provision of Adult Outpatient Competency Restoration and Outcome Evaluation Services to any individual so ordered who is currently residing in their service area or who is in custody in a local or regional jail or state correctional facility within the boundaries of their service area.

A. The CSB Responsibilities:

1. Upon receipt of a court order for Adult Outpatient Competency Restoration services pursuant to Virginia Code §19.2-169.2, the CSB shall provide Adult Outpatient Restoration Services, including initial restoration assessment, restoration services, and restoration case management services as defined in the DBHDS Definitions for Adult Outpatient Restoration Services.
2. As soon as possible following receipt of the court order, the CSB shall determine the location of the defendant and outreach the court or attorneys to gather all necessary collateral documentation (such as the initial competency evaluation, prior treatment records, charging documents or warrants, police reports or other collateral information specific to the criminal charges). If the defendant is not presently residing in the CSB's catchment area, the CSB is responsible for ensuring that the court amends the order and appoints the appropriate CSB based on the defendant's location.
3. At the conclusion of restoration services, the CSB shall arrange for an outcome competency to stand trial evaluation by a licensed clinical psychologist or psychiatrist who has the requisite forensic training and experience prescribed by the Code of Virginia.
4. The CSB shall transmit a cover letter issued from the CSB to the court and attorneys at the conclusion of restoration services, outlining the findings of the outcome evaluator and including a copy of the outcome evaluation if it was coordinated by the CSB.
5. The CSB shall provide the DBHDS Office of Forensic Services electronic copies of the court order, outcome evaluation, and CSB cover letter to the court, along with the DBHDS Adult Outpatient Competency Restoration Services Report within 60 days of the conclusion of services.
6. Upon receiving confirmation from the Office of Forensic Services that all of the required documentation is complete, the CSB shall submit its claim for payment using the Departments grants management system and claims reimbursement process.
7. The CSB shall use the Departments grants management system support mailbox webgrants@dbhds.virginia.gov for any WebGrants technical assistance and training as needed.

B. The Department Responsibilities:

1. The Department shall provide technical assistance and case consultation upon request to the CSB related to Adult Outpatient Competency Restoration cases.
2. The Department shall notify the CSB when available funding has been exhausted.
3. The Department shall provide WebGrants training and technical assistance as needed to the CSBs.
4. The Department shall ensure timely review and approval of CSB reimbursement claims pursuant to the claim's reimbursement process.

C. Payment Terms:

1. The Department shall provide the CSB payment for the provision of Adult Outpatient

Restoration Services, including restoration assessment, restoration services, and restoration case management, as defined in the DBHDS Definitions for Adult Outpatient Restoration Services, Revised 1/24/2025.

2. The Department shall disperse payment to the CSB for outcome competency evaluations coordinated and paid for by the CSB at the conclusion of restoration services. The Department will issue payments according to the DBHDS Adult Outpatient Competency Restoration Payment Guidelines, Revised 1/24/2025.
3. Funds will be paid out to the CSB on a reimbursement basis only through WebGrants. The CSB will submit invoices for reimbursement based on actual services provided during the period of performance. Payment is contingent on the availability of funds.
4. The Department may, at its reasonable discretion, modify payment dates or amounts, or terminate this agreement and provide advance notification of any such changes in writing and work collaboratively with CSB/BHA when possible, regarding any changes to this Agreement.
5. The CSB shall ensure that all reimbursement requests are supported by actual expenses that further the Adult Outpatient Competency Restoration program. The CSB shall be reimbursed up to the approved amount for these costs. The CSB shall maintain records of these expenses in the event of future audits.

11.6. Gambling Prevention

Scope of Service and Deliverables

The Problem Gambling Treatment and Support Fund (9039) via the Community BH Division, Problem Gambling Prevention Program intends to prevent and minimize harm from the expansion of legalized gambling by implementing the Strategic (SPF) planning model. CSB's will continue to utilize data collected and research to identify and implement strategies to prevent problem gambling. Making data driven decisions to determine and revise priorities and select evidence-based strategies based upon the priorities identified.

To increase capacity to address problem gambling prevention the Department also provides funding for CSB level problem gambling prevention data collection, capacity building, and strategy implementation.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall provide a proposed budget.
2. These funds shall be used only for the implementation of the Problem Gambling Prevention Services described herein. Funding may be used to hire or maintain staff working on problem gambling prevention (PGP), provide stipends, travel related to PGP services, incentives for data collection, promotion/awareness items, and membership and attendance to organizations whose mission includes the mitigation of gambling problems.
3. Participate in surveys by coordinating collection of data for your CSB catchment area on gambling and gaming behaviors.
4. Each CSB that receives problem gambling prevention funding will participate in conducting the Young Adult Survey, a PG Community Readiness Assessment, and Environmental Scan, and will ensure a minimum of two (2) different strategies to prevent problem gambling will be included in your CSB logic model. Those CSB's receiving enough funding to pay for at least a half time staff will need to implement at least 3 strategies. This may include:
    a. Information dissemination.
    b. Education.

c. Alternative strategies.
d. Environmental
e. Community-Based Process; and/or
f. Problem Identification and Referral

5. The CSB shall continue to build capacity in their CSB by assigning at least one person to oversee the problem gambling prevention work and share information about problem gambling with their communities. This includes attending and participating in all DBHDS Community BH Division sponsored problem gambling trainings and webinars
6. The CSB may either hire or maintain a current part time staff person, add hours on to a current part time position in the organization, or adjust a current employee's workload to allow for time to lead and ensure compliance and implementation of all problem gambling prevention activities.
7. Any restricted state Problem Gambling Treatment and Support funds that remain unexpended or unencumbered at the end of the fiscal year may be carried over to the following year to be used only for Problem Gambling Prevention strategy expenses authorized by the Department.
8. If you have a casino or racino in your catchment area, continue to build relationships with those businesses and coordinate prevention and responsible gambling services for those facilities.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall monitor Problem Gambling Prevention Services program implementation progress through a quarterly report submitted by the CSB Problem Gambling Prevention Services Lead, other data gathering and analysis, periodic on-site or virtual visits to meet with the CSB Problem Gambling Prevention Services staff, and other written and oral communications with CSB Problem Gambling Prevention Services team members.
2. The Department may adjust the CSB's allocation of continued state funds for the Problem Gambling Prevention Services based on the CSB's compliance with its responsibilities, including the requirements for maximizing resources from other sources
3. The Department will respond to inquiries in a timely fashion, fulfill requests for training and share regular updates regarding the grant.
4. Every effort will be made to provide reporting forms at least two weeks prior to report deadlines by DBHDS and in accordance with Section 6 of this Exhibit.
5. The Department will provide a template for the plan and quarterly report for the CSB to use.

C. Reporting Requirements: The CSB shall track and account for its state Problem Gambling Treatment and Support Fund as restricted problem gambling prevention State funds, reporting expenditures of those funds separately in its quarterly reports.

Submit a quarterly report on problem gambling prevention activities to the DBHDS Problem Gambling Prevention Coordinator (due by the 15th of October, January, April, and July and in accordance with Section 6 of this Exhibit.

11.7. Mental Health Services in Juvenile Detention Centers

Scope of Services and Deliverables

The Mental Health in Juvenile Detention Fund was established to create a dedicated source of funding for mental health services for youth detained in juvenile detention centers.

A CSB's primary role in a juvenile detention center is providing short-term mental health and substance use disorder services to youth detained in the center with mental illnesses or mental illnesses and co-occurring substance use disorders. As part of this role, a CSB also consults with juvenile detention center staff on the needs and treatment of youth. This may include case consultation with detention center staff. Since the youth have been court ordered to the center, they are under the jurisdiction of the center for care. A CSB provides consultation and behavioral health services in support of the centers care of youth and should establish and maintain positive, open, and professional communication with center staff in the interest of providing the best care to the youth.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall provide mental health and substance use services to youth detained in the juvenile detention center, this may include youth who are pre-adjudicated, youth who are post-adjudicated, youth who are post-dispositional, and youth who are in a community placement program. Since most youth have short lengths of stay, clinical services in juvenile detention should be designed to provide short term mental health and substance use services. At times, a youth may have a long length of stay and the CSB should be prepared to provide services as needed. Below are examples of core services a CSB typically provides with this funding to most of the youth it serves in juvenile detention centers:
    a. Case management,
    b. Consumer Monitoring,
    c. Assessment and Evaluation,
    d. Crisis Services
    e. Medical Services, or
    f. Individual or group therapy when appropriate (coded as outpatient services)
2. The CSB shall provide discharge planning for community-based services for youth with identified behavioral health and/or substance use issues who return to the community.
3. The CSB shall document provided mental health and substance use services while a youth is in detention in the CSBs electronic health record (EHR).
4. The CSB shall have a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or contract with the juvenile detention center in which the CSB provides services. The MOU, MOA, or contract shall outline the roles and responsibilities of each entity, outline a plan for continued services if there is a vacancy, a dispute resolution process as well as outline a plan for regular communication between the CSB and Juvenile Detention Center. MOU/MOA and contracts shall be reviewed bi-annually.
5. The CSB shall notify the Office of Child and Family Services of any significant staffing changes or vacancies that cannot be filled within 90 days.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

The Department shall establish a mechanism for regular review of reporting Mental Health in Juvenile Detention fund expenditures, data, and MOUs/MOAs or contracts to include a process by the Office of Child and Family Services.

C. Reporting Requirements:

1. The CSB shall account for and report the receipt and expenditure of these restricted funds separately.
2. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in compliance with Section 6 of this Exhibit.
3. The CSB biennially, shall provide a copy of a signed MOU/MOA or contract to the Department.

11.7 State Regional Discharge Assistance Program (RDAP - MH Regional DAP)

Scope of Services and Deliverables

The Department and the CSB agree to implement the following requirements for management and utilization of all current state regional discharge assistance program (RDAP) funds to enhance monitoring of and financial accountability for RDAP funding, decrease the number of individuals on state hospital extraordinary barriers to discharge lists (EBLs), and return the greatest number of individuals with long lengths of state hospital stays to their communities.

A. The CSB Responsibilities:

1. The CSB shall comply with the current Discharge Assistance Program Manual issued by the Department.
2. The CSB, through the RMG and RUMCT on which it participates, shall ensure that other funds such as Medicaid payments are used to offset the costs of approved IDAPPs to the greatest extent possible so that state RDAP funds can be used to implement additional IDAPPs to reduce EBLs.
3. All state RDAP funds allocated within the region shall be managed by the regional management group (RMG) and the regional utilization management and consultation team (RUMCT) on which the CSB participates.
4. On behalf of the CSBs in the region, the regional manager funded by the Department and employed by a participating CSB shall assure accurate and timely entry and reporting of all relevant IDAPP and expenditure data in the DBHDS DAP Portal.
5. If the CSB has unspent funds they may be utilized subsequent years to support one-time IDAPPS. Any other use of funds must be reviewed and approved by DBHDS in accordance with the DAP manual.

B. The Department Responsibilities:

1. The Department shall work with the VACSB, representative CSBs, and regional managers to develop clear and consistent criteria for identification of individuals who would be eligible for individualized discharge assistance program plans (IDAPPs) and acceptable uses of state RDAP funds and standard terminology that all CSBs and regions shall use for collecting and reporting data about individuals, services, funds, expenditures, and costs.
2. The Department may conduct utilization reviews of the CSB or region at any time to confirm the effective utilization of state RDAP funds and the implementation of all approved ongoing and one-time IDAPPs.
3. Annually DBHDS will revise allocations to the Regional Fiscal Agent CSB based on previous year's use of funds to assure all needs are met statewide.

C. Reporting Requirements: The regional Manager shall assure accurate and timely data entry of IDAPPS and expenditures monthly into the DAP Portal. Reports on allocation, use and expenditures shall be available to both DBHDS and the Regional offices in the DAP portal at any time.

11.8 Housing Flexible Funding Program (State Rental Assistance Program) (790 Funds DD SRAP)

Scope of Services and Deliverables
Individuals with developmental disabilities face numerous financial barriers to making the initial transition to integrated, independent housing and to maintaining this housing. Most adults with developmental disabilities have income below 30% of the area median income. Those who have Medicaid or Supplemental Security Income must meet strict asset limits that prevent them from saving enough to cover one-time, upfront expenses to rent housing or to cover expenses that, if not paid, could jeopardize their housing stability.

The Flexible Funding Program enables adults with developmental disabilities to overcome financial barriers to making initial transitions to integrated, independent housing and to maintaining housing stability. Six Community Services Boards administer the Program in their respective DBHDS regions. Program operations include:

1. making Flexible Funding applications and program materials available to support coordinators in the region
2. providing technical assistance to support coordinators on the program requirements and application process
3. reviewing and adjudicating Flexible Funding applications in accordance with the Flexible Funding 2.0 Guidelines ("the Guidelines")
4. authorizing and processing payment or reimbursement for approved goods and services in accordance with the Flexible Funding 2.0 Guidelines ("the Guidelines")
5. tracking and reporting per person and aggregated program expenditures in the Flexible Funding workbook provided by DBHDS in accordance with the Flexible Funding 2.0 Guidelines ("the Guidelines").

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB shall designate a Flexible Funding program administrator and a fiscal administrator who are responsible for program implementation. The program administrator and fiscal administrator may be the same staff person or different staff people. The CSB shall provide contact information for each administrator (including name, title, address, email and phone number) to the DBHDS Office of Community Housing.
2. The CSB shall ensure it can access the DBHDS cloud-based electronic file sharing system which contains program materials required to administer the Program.
3. The CSB shall implement strategies to pay time-sensitive expenses such as, but not limited to holding fees, security deposits and moving company charges as soon as possible. Strategies may include issuing promissory notes, notifying vendors that applicants' Flexible Funding requests have been approved, or identifying third parties that can front payment of expenditures immediately and request reimbursement from Flexible Funding.
4. The CSB shall submit programmatic and financial reports in accordance with the Guidelines using the Flexible Funding workbook provided by DBHDS.
5. The CSB shall maintain program and financial records in accordance with the Guidelines.

6. The CSB shall direct all communication regarding Flexible Funding applications and decisions to the support coordinator identified on the application. If the CSB denies an application in whole or in part, the program administrator must inform the support coordinator in writing and must offer appeal rights in accordance with the Guidelines. Support coordinators are responsible for informing applicants about the status of their applications.
7. The CSB shall review and adjudicate requests for reasonable accommodations within the program in accordance with the Guidelines.
8. The CSB has the option to delegate the review and adjudication of Flexible Funding applications to a single point of contact within each local CSB within the region. The CSB can approve and issue reimbursements to local CSBs that approve their own applications and make payments in accordance with the Guidelines.
9. The CSB shall provide periodic trainings for support coordinators in the region regarding the Guidelines and the application process.
10. Administrative costs include, but are not limited to, Flexible Funding program personnel salaries and benefits, rent, utilities, telephone/Internet service, equipment, supplies, and travel.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall develop and issue Guidelines for administering the Program to the CSB.
2. The Department shall issue Program Memoranda to the CSB to clarify the guidelines as needed. If there is a conflict between the Guidelines and a Program Memorandum, the Program Memorandum shall prevail.
3. The Department shall provide the CSB access to its cloud-based file sharing system, which shall contain program materials required to administer the Program.
4. The Department shall provide the CSB training and technical assistance with completing program reports, reviewing applications, and interpreting program guidelines.
5. The Department shall process appeal requests from applicants or their designated representatives in accordance with the Guidelines.
6. The Department shall monitor the CSB in accordance with Section J of this Agreement.
7. The Department shall distribute additional funding allocations for the Program to the CSB.

C. Performance Outcome Measures:

1. 90% of all Flexible Funding applications submitted within the fiscal year are reviewed and adjudicated within 10 days of receiving completed applications.
2. 90% of all Flexible Funding applications submitted within the fiscal year are approved in accordance with the maximum funding caps identified in the Guidelines.

D. Reporting Requirements:

The CSB will provide the following reports to DBHDS OCH:

1. A quarterly expense report that summarizes the balance at the beginning of the quarter, expenditures for the reporting quarter and the year to date, and the balance at the end of the quarter. The report will reflect this information for each line item, including but not limited to program expenditures and administrative expenditures. This report will also identify the number of discrete persons served each quarter.
2. A completed program status report that details information about approved applications disbursed during the current reporting quarter and previous quarters/fiscal years.

3. The CSB will submit quarterly expenses and program status reports in a DBHDS-provided Excel workbook that is hosted on a DBHDS-approved, cloud-based storage system by the 30th of the month following the end of the 1st, 2nd and 3rd quarter. The CSB may submit the quarterly expense and program status report for the 4th quarter (e.g., the end of the fiscal year) within 45 days of the end of the quarter.

11.9. Substance Abuse Residential Purchase of Services (SARPOS -SGF)

Scope of Services

SARPOS funds may be used for residential settings, programs, or services that "meet the intent" of providing services that support recovery. SARPOS funds have traditionally been made available to support community-based residential medically managed/monitored withdrawal, contracted residential, transitional living programs, and other residential services that support recovery. SARPOS funding is not intended to be long term. If being used to support transitional services, there should be a plan related to how the individual will be able to maintain housing after the supports are removed. SARPOS funding is prioritized for priority populations- pregnant substance use, injecting substance use, other opioid use populations. SARPOS fund shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use disorders. Funded services shall focus on recovery models and the use of best practices.

1. SARPOS funds have traditionally been made available to support community-based residential medically managed/monitored withdrawal, contracted residential, transitional living programs, and other residential services that support recovery.
2. Funds may be used for short term. If funding is being used to support transitional housing a plan should exist for maintaining housing post the use of SARPOS funds.
3. Funding may also be used to provide services that support recovery in the community setting to include transportation to or from treatment, and medical appointment when there are no other means of transportation available, the purchase of training, registration, courses, licenses, certification, etc. that leads to financial recovery/ability to gain skills for specific trade/employment, items needed to maintain or gain employment include work uniforms, glasses, etc.
4. Additionally, the purchase of tools and types of equipment, i.e. barber clippers, work tools, safety glasses, hard hats, etc. required to begin employment if there is no other funding source may be obtained.
5. Payment for medications needed while in a residential setting or for medications needed for medication assisted treatment (MAT) while in medically managed detoxification or other residential care if no other revenue sources are available.
6. Non-MAT psychiatric care for those clients working toward application for Medicaid. Funds of last resort.
7. SARPOS funds may be used for individuals in need of residential settings, programs, or services that "meet the intent" of providing services that support recovery for persons with SUDs and persons with co-occurring MH and SUDs if the funds are addressing the SUD. (e.g., half-way house, Oxford House).
8. SARPOS funds may also be used to address barriers an individual may experience to entering residential services or to mitigate factors that might impede continued residential services. Examples include:

a) Funds for transportation to or from the residential services, if no other means of transportation is available.
b) Purchase of clothing or personal hygiene products that may be needed while in residential services if no other resource is available.
c) Payment for a brief stay in a motel if the individual does not have a safe residence while awaiting a bed in a residential setting.
d) Payment for medications needed while in a residential setting or for medications needed for medication assisted treatment (MAT) while in medically managed detoxification or other residential care if no other revenue sources are available.
e) Payment for children to reside with their mother while she participates in residential treatment, if no other revenue sources are available.

9. SARPOS funds should not be substituted for other funds dedicated to these purposes. CSBs are encouraged to first explore utilization of other funds available for residential services (e.g. transformation funds for crisis stabilization, SA diversion funds, co-occurring disorders funds). CSBs can use other SA state general funds or SA federal funds for SUD residential needs in addition to SARPOS funds if the funds are not in an earmarked restricted category.

A. The CSB Responsibilities: To implement the SARPOS funds, the CSB agrees to comply with the following requirements.

1. CSBs should develop memorandums of agreement/contracts with community providers for residential services that follow all Federal and state laws and regulations concerning confidentiality, human rights, and SAPTBG requirements, including data collection. The CSB is responsible for ensuring that contracted providers are adhering to these requirements.
2. Where possible, CSBs are encouraged to engage, in collective and regional negotiation with potential vendors for the most cost effective and highest quality care for individuals.
3. The CSB must provide and document care coordination services and discharge for individuals funded via SARPOS, if applicable. The residential service provider must also collaborate with the CSB in discharge planning and appropriate transition back into the community, including the need for treatment or other services at a different level of care.

B. The Department Responsibilities: To implement the SARPOS funds, the Department agrees to comply with the following requirements.

1. Monitor use of these funds to assure that they are being used to support evidence-based treatment/recovery supports and will not permit use of these funds for non-evidence-based approaches, and review services during Programming Monitoring and Oversight (PMO) and Department review visits.
2. Support the effective implementation of the program through technical assistance to develop implementation plans, address implementation challenges, and modify performance targets to address emerging issues.
3. The Department shall provide technical assistance when requested.
4. The Department reserves the rights to recover unexpended SARPOS funds and to reallocate those funds to CSBs that have documented the need for additional substance abuse residential purchase of services funds.

11.10 Substance Use Medication Assisted Treatment (SUD MAT)

Scope of Services: This allocation provides supplemental funding to support the ongoing effort to decrease substance use and the overdose rates throughout the Commonwealth. These funds must be prioritized for individuals who are not covered by insurance; however, can be used for those who are under insured. These are state general funds for the current state fiscal year.

The designated uses for these funds are:

Long-acting, injectable prescription drug treatment regimens for individuals within the community who need medication assisted treatment.

Non-narcotic, non-addictive prescription drug treatment regimens to (i.e., manage withdrawal Long-acting, injectable prescription drug treatment regimens for individuals who need medication assisted treatment while (i) on probation, (ii) incarcerated, or (iii) upon their release to the community. This is to include those with current or recent criminal justice involvement (within the last 12 months).

Non-narcotic, non-addictive prescription drug treatment regimens to (i.e., manage withdrawal symptoms, reduce drug cravings, help prevent relapse, treat co-occurring disorders (e.g., depressive or anxiety disorders).

Non-drug treatment regimens to include IOP, residential, partial hospitalization, social detox, etc.) for individuals who are not clinically able or for other reasons related to treatment barriers to participate in buprenorphine or methadone-based drug treatment regimens.

A. The CSB Responsibilities: the CSB agrees to comply with the following requirements.

The CSB shall utilize the funding to expand MAT and MAT support services to uninsured and under insured SU consumers as stated above.

B. The Department Responsibilities:

1. The Department shall continue to monitor use of the MAT funds.
2. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow for compliance and in accordance with.

C. Reporting Requirements:

1. The CSB shall provide financial reporting for the utilization of the MAT and its supportive services.
2. The CSB shall submit the required program and financial data reports in the format established by the Department.

11.11. HIV/EIS/Harm Reduction

Scope of Services
This funding is to support the ongoing effort to reduce the risks, harm, and negative consequences associated with drug use, to include programs and interventions that are not abstinence based but are aimed at reducing the transmission of HIV and other communicable diseases and improving the health outcomes of individuals at risk.

The designated uses for these funds are:

1. Prevention, treatment, and peer staff that provide services to those with HIV, at risk of developing communicable diseases, or at risk for developing substance use.
2. Prevention Service to include education and outreach programs to raise awareness about HIV transmission and prevention, distribution of condoms and other safer sex supplies, and PrEP (pre-exposure prophylaxis) services for high-risk individuals.
3. Harm Reduction Strategies to include support of CHR sites and services that reduces the spread of HIV among people who inject drugs, and access to opioid substitution therapy (e.g., methadone) to help individuals reduce or eliminate drug use.
4. Testing and Counseling such as confidential HIV testing services, including rapid testing options, and pre-and post-test counseling to provide support and information about HIV and its implications.
5. Linkage to Care such as referral services to connect individuals with medical care, including antiretroviral therapy (ART) for those who are HIV-positive, and support for navigating healthcare systems and accessing necessary services.
6. FDA approved Drug Test Strips which encourages safer drug use.
7. Supportive mental health and substance use treatment services, and peer support programs that provide social support and shared experiences.
8. Community Engagement such as advocacy.

A. The CSB Responsibilities: the CSB agrees to comply with the following requirements.
The CSB shall utilize funding to support HIV/EIS/Harm reduction services to the uninsured and under insured SUD population as stated above.

B. The Department Responsibilities:
1. The Department shall continue to monitor use of the HIV/EIS funds.
2. The Department shall review communicate in a timely fashion with each CSB/BHA about changes to the programming and where funding needs may be assessed and readdressed.

C. Reporting Requirements:
1. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time and in compliance with Section 6 of this Exhibit.
2. The CSB shall provide financial reporting for the utilization of the HIV/EIS and its supportive services.
3. The CSB shall submit the required program and financial data reports in the format established by the Department.

11.12. System Transformation of Excellence and Performance (STEP – VA)

Scope of Services
STEP-VA is an initiative designed to improve the community behavioral health services available to all Virginians. All CSBs in Virginia are statutorily required to provide all STEP-VA services. These services include Same Day Access, Primary Care Screening, Outpatient Services, Crisis Services, Peer and Family Support Services, Psychiatric Rehabilitation, Veterans Services, and Case Management and Care Coordination. the Department anticipates fewer admissions to state and private hospitals, decreased emergency room visits, and reduced involvement of individuals with behavioral health disorders in the criminal justice system as STEP-VA has been implemented across the Commonwealth. Peer and Family Support Services, Psychiatric Rehabilitation, Case Management and Care Coordination performance expectation are outlined in Exhibits D as the Department works with CSBs to establish program requirements and benchmark.

1. **For all steps of STEP-VA**
   a. All CSB will establish a quality management program and continuous quality improvement plan to assess the access, quality, efficiency of resources, behavioral healthcare provider training, and patient outcomes of those individuals receiving outpatient services through the CSB. This may include improvement or expansion of existing services, the development of new services, or enhanced coordination and referral process to not directly provided by the CSB.
   b. **The Department agrees to comply with the following requirements**
      i. Determine the need for site visits based on monitoring, particularly if the Programs are not accomplishing its missions, and/or meeting its goals as described in this document. Based on this identified need and regular on-going scheduled site-visits:
      ii. Conduct in-person or virtual visits/check-ins with the CSB program leadership to ensure compliance with the scope and requirements of services; and to review outcomes, which include challenges and successes of the programs.

2. **Outpatient Services**

Scope of Services and Deliverables
Outpatient services are foundational services for any behavioral health system. Outpatient services may include diagnosis and evaluation, screening and intake, counseling, psychotherapy, behavior management, psychiatry, psychological testing and assessment, laboratory and ancillary services. As one of the required services for STEP-VA, the purpose of the Outpatient Services step is to ensure the provision of high quality, evidence-based, trauma-informed, culturally competent, accessible behavioral health services that addresses a broad range of diagnoses and considers an individual's course of illness across the lifespan from childhood to adulthood.

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CSB will offer evidence based and best practices as part of their programming and implementation of Outpatient Services to the adults, children and families in the community.
2. The CSB/BHA shall increase capacity and community access to Children's Outpatient services.
3. The individual will receive a service with a high quality CSB outpatient provider or a referral to a non-CSB outpatient behavioral health service within 30 business days of the completed Comprehensive Needs Assessment, if clinically indicated. The quality of outpatient behavioral health services is the key component of this step.
4. CSB shall establish expertise in the treatment of trauma related conditions.
5. CSB should provide a minimum for outpatient behavioral healthcare providers of 8 hours of trauma focused training in treatment modalities to serve adults, children/adolescents and their families within the first year of employment and 4 hours in each subsequent years or until 40 hours of trauma-focused treatment can be demonstrated.
6. Provide training data regarding required trauma training yearly in August when completing federal Block Grant reporting (Evidence Based Practice Survey) sent by DBHDS.
7. STEP Virginia requires that each CSB offer, at a minimum, the following Evidence Based Practices for psychotherapy: Cognitive Behavioral Therapy (CBT) and Motivational Interviewing (MI) and the following EBP's for Psychiatry: Medication Management and Long-Acting Injectable Psychotropic Medications.

8. STEP Virginia requires each CSB also utilize at least one EBP which meets the needs identified by the locality's community needs assessment : Acceptance and Commitment Therapy, Collaborative Assessment and Management of Suicidality (CAMS), Cognitive Behavioral Intervention for Trauma in Schools (CBITS), Dialectical Behavior Therapy (DBT), Eye Movement Desensitization and Reprocessing (EMDR), Functional Family Therapy (FFT), Hi-Fidelity Wraparound (HFW), Integrated Treatment for Co-Occurring Disorders, Living in Balance, Medication Assisted Treatment (MAT), Moral Resonation Therapy, Motivational Enhancement Therapy, Multi-Systemic Family Therapy (MFT), Parent Child Interaction Therapy (PCIT), Screening, Brief Intervention, and Referral to Treatment (SBIRT), Seeking Safety, Solution Focused Brief Therapy, Trauma Focused CBT (TF-CBT), Effective but underutilized medications for SUD treatment.

3. Primary Care Screening and Monitoring

Scope of Services and Deliverables
Individuals with SMI or SED, populations primarily served by the CSB, are known to be at higher risk for poor physical health outcomes largely due to unidentified chronic conditions. Therefore, it is important for behavioral health staff to provide related care coordination to ensure access to needed physical health care.

a) Any child diagnosed with a serious emotional disturbance, or any adult diagnosed with a serious mental illness and receiving MH CM and Psychiatry services will be provided or referred for a primary care screening on a yearly basis.
b) These clients are required to be provided with a yearly primary care screening to include, at minimum, height, weight, blood pressure, and BMI. This screening may be done by the CSB, or the individual may be referred to a primary care provider to have this screening completed.
c) If the screening is done by a primary care provider, the CSB is responsible for the screening results to be entered in the patient's CSB electronic health record. The CSB will actively support this connection and coordinate care with physical health care providers for all service recipients.
d) On an annual basis, CSB shall screen and monitor for metabolic syndrome (following the American Diabetes Association guidelines) any individual receiving STEP-VA services over age 3, with a diagnosis of SMI prescribed an antipsychotic medication by a CSB prescriber,
e) Individuals with SMI, a population primarily served by the CSB, are known to be at higher risk for poor physical health outcomes largely due to unidentified chronic conditions.
f) For the population includes all individuals over age 3 who receive psychiatric medical services by the CSB. CSB must report the screen completion and monitoring completion in the regular submissions of EHR data to DBHDS.

4. Same Day Access (SDA)

Scope of Services and Deliverables
SDA serves children adolescents, and adults seeking behavioral health services. Military status will be considered, and appropriate services and referrals made based on that status. CSB's have flexibility to adopt two versions of Same Day Access, depending on the needs of their community and staffing.

a) An individual may walk into or contact a CSB to request mental health or substance use

disorder services and receive a comprehensive clinical behavioral health assessment from a licensed or license-eligible clinician the same day. Based on the results of the comprehensive assessment, if the individual is determined to need services, the individual will receive an appointment for face-to-face or other direct services within 30 business days of the completed CNA.

b) SDA can also provide a mental health and substance use risk screening and triage to individuals at the time the individual first contacts the CSB/BHA for services. The screening and triage may be completed in person, by telephone, or via telehealth, and will include, at a minimum, the presenting need and a screening for risk of harm to self or others, and for risk of accidental overdose. Appointments are not necessary for this initial screening. Individuals determined to be at high risk will be seen for a full assessment within 24 hours; individuals in an active crisis will be routed to Emergency Services immediately. Individuals determined to be at low or moderate risk will be seen for assessment within 10 business days. Based on the results of the comprehensive assessment, if the individual is determined to need services offered by the CSB, the individual will receive an appointment for face-to-face or other direct services in the program offered by the CSB within 30 calendar days, sooner if indicated by clinical circumstances.

   The Comprehensive Needs Assessment must still contain all elements outlined in Policy 12VAC25-105-650 of the Virginia Administrative Code. The Comprehensive Needs Assessment must be completed by a LMHP or LMHP-E. The Comprehensive Needs Assessment should identify which CSB services will best meet the needs identified and should describe how the appropriate criteria are met for the receiving services. The first service or visit with the receiving program should take place within 30 calendar days of the initial date of contact.

c) SDA emphasizes engagement of the individual, uses concurrent EHR documentation during the delivery of services, implements techniques to reduce appointment no shows, and uses centralized scheduling.

Reporting Requirements

1. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow for compliance and in accordance with Section 6 of this Exhibit.
2. The CSB shall report the date of each SDA comprehensive assessment, whether the assessment determined that the individual needed services offered by the CSB, and the date of the first service offered at the CSB for all individuals seeking mental health or substance use disorder services from the CSB.

5. Service Members, Veterans, and Families (SMVF)

Scope of Services and Deliverables

As one of the nine required services for System Transformation Excellence and Performance (STEP-VA), the purpose of the Service Members Veterans and Families (SMVF) step is to ensure SMVF receive needed mental health, substance abuse, and supportive services in the most efficient and effective manner available. Services shall be high quality, evidence-based, trauma-informed, culturally competent, and accessible. Per the Code of Virginia, CSB core services, as of

July 1, 2021, shall include mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility.

A. CSB Responsibilities

1. All CSBs shall ensure they have clinician(s) who specialize in treatment for post-traumatic stress disorder and other forms of trauma including from military and/or combat service including military sexual trauma and substance use disorders.
2. CSBs shall ensure behavioral health services including but not limited to MH, SUD, Co-Occurring and Youth/Adolescents. Clinical services for this population shall align with federal clinical guidelines from Veterans Affairs and Department of Defense which can be found at https://www.healthquality.va.gov.
3. CSBs shall identify and refer SMVF seeking services to internal providers that have been trained in military cultural competency (MCC); provide resource information pertaining to Military Treatment Facilities (MTFs), Veterans Health Administration (VHA) facilities, and Virginia Department of Veterans Services (DVS) offer coordination of services with agencies indicated above.
4. As it pertains to those CSB's who implement Regional STEP VA Services for Service Members, Veterans, and Families (SMVF) the CSB shall:
    a. Ensure that the Program is implemented as a regional program and is not specific to the physical location of the program.
    b. Ensure the participating CSBs in the region develop a Memorandum of Understanding (MOU) outlining the mission, vision, and goals of the regional partnerships to support the Program and provide this to the Department upon request.
    c. Offer evidence based and best practices as part of their programming and implementation.
    d. Support at least 1.0 FTE Regional Navigator SMVF position to provide dedicated capacity at the regional level to support regional and state level SMVF initiatives; support the connectedness of SMVF system needs across regional, state, and federal level; serve as a resource to CSBs in the region in meeting SMVF metrics; oversee regional training and capacity-building funds, liaise with relevant partners at the state and federal levels, and participate in regional and state SMVF initiatives focused on suicide prevention at the intersection of SMVF populations
    e. Support a Regional Navigator to form and support cross referral and training partnerships with regional Department of Veterans Services, Military Treatment Facilities, and Veterans Health Administration facilities and serve on SMVF work groups to enhance regional services and partnerships (e.g. Governor's Challenge teams, etc.) and support and grow best practices within the region and individual CSBs in their region
    f. Support regional goals to implement, enhance, and promote the goals of Lock and Talk at the intersection of the SMVF population including but not limited to regional planning and capacity building, lethal means safety, social media campaigns, and other activities.
    g. The CSB shall support regional training and capacity building in the region in service to SMVF, specifically:

i. ensuring access to clinical training for CSB providers to increase the availability for citizens to evidence-based, trauma-focused therapy such as prolonged exposure, cognitive processing therapy, and eye movement desensitization and reprocessing (EMDR).
ii. Supporting workforce training (for CSB direct services staff) on military culture and resources available to Service Members and their Families (SMVF); and
iii. Providing educational materials and outreach activities to support clinical needs of SMVF, as needed.

B. The Department Responsibilities:

1. Conduct in-person or virtual visits/check-ins at least every two years with the designated CSB leadership to ensure compliance with the scope and requirements of services.
2. Determine the need for additional site visits (virtual or in-person) based on the monitoring of the four key SMVF metrics, for CSBs not reaching SMVF performance measurement goals.
3. Establish a process to provide feedback to CSB regarding performance measurement goals outcomes.
4. Provide technical assistance to regional navigators and/or CSB leadership responsible for SMVF performance metrics to assist in reaching the desired outcomes.

C. Reporting Requirements:

1. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow for compliance and time to allow for compliance and in accordance with Section 6 of this Exhibit.
2. The CSB shall submit the required program and financial data reports in the format established by the Department.

6. STEP-VA Ancillary (936) – Restricted (MH SGF BASELINE)

Background: The purpose of this funding is to support the CSB in its efforts to modernize information technology infrastructure regarding data, business analytics, and critical operating systems including financial management systems. These funds shall be used to invest in infrastructure resources that will enhance the CSB's ability to comply with ongoing and evolving data sharing, fiscal, and reporting requirements between DBHDS and the CSB.

A. The CSB Responsibilities

1. Investment in infrastructure that enhances the CSB's ability to collect, manage, and/or analyze data, to meet data sharing requirements with DBHDS.
2. Perform critical business functions such as financial management improvements.
3. Investment may be in human capital with IT/Data Management expertise or in technology that enhances data capture and management, financial management, or other critical management needs.

B. Reporting Requirements: The CSB shall account for these funds in compliance with reporting requirements of the most recent version of the community services performance contract.

Other Program Services

This section includes certain program services initiatives CSB may engage in with the Department such as, but not limited to regional programs, pilot and other projects,

12.1. Mental Health Crisis Response and Child Psychiatry Funding –Regional Program Services Children's Residential Crisis Stabilization Units (CRCSU)

Scope of Services and Deliverables
Children's Residential Crisis Stabilization Units (CRCSU) are a crucial part of the community-based continuum of care in Virginia. The expectations outlined in this document support the strategic vision of DBHDS to provide access to quality, person-centered services and supports in the least restrictive setting, and that exemplify clinical and management best practices for CRCSUs. CRCSUs should demonstrate consistent utilization, evidence-based clinical programming, and efficient operations. CRCSUs provide treatment for individuals requiring less restrictive environments than inpatient care for managing their behavioral health crises.

1. Children's Residential Crisis Stabilization Unit

a. Staffing:

1. The CRCSU staffing plan will be reviewed by the CSB clinical director at least quarterly to determine staffing needs and to ensure that staffing patterns meet the needs of the individuals served.
2. Reviews are to ensure that staffing plans maximize the unit's ability to take admissions 24 hours a day seven (7) days a week. The CRCSU will follow the Service Description and Staffing as defined in Part VIII Crisis Services in Chapter 105 Rules and Regulations for Licensing Providers by The Department of Behavioral Health and Developmental Services.
3. The CRCSU will include family members, relatives and/or fictive kin in the therapeutic process and/or family support partners, unless it is not deemed clinically appropriate.
4. The CRCSU will have a well-defined written plan for psychiatric coverage. The plan must address contingency planning for vacations, illnesses, and other extended absences of the primary psychiatric providers. Plans will be reviewed and updated as needed. Plans will be consistent with licensing and DMAS regulations.
5. The CRCSU will have a well-defined written plan for nursing and/or clinical staff coverage. The plan must address contingency planning for vacations, vacancies, illnesses, and other extended staff absences. Plans will be reviewed and updated as needed. Plans will be consistent with licensing and DMAS regulations.
6. The CRCSU will have a well-defined written plan for staffing all provider coverage during weather related events and other natural and man-made disasters or public health emergencies. Plans will be reviewed and updated as needed.
7. CRCSU will have access to a Licensed Mental Health Professional (LMHP) or Licensed Mental Health Professional Eligible (LMHP-E) on-site during business hours and after hours, as needed, for 24/7 assessments.

b. Admission and Discharge Process:

1. Individuals considered for admission should not have reached their 18th birthday prior to admission.
2. The CRCSU shall review and streamline their current admission process to allow for admissions 24 hours a day seven (7) days a week. CSB admission process shall not require a physician's order or any signature during the referral/pre-admission process. Medical screenings shall not be required and shall be conducted at the nursing assessment at time of admission and ongoing as needed. The CRCSU shall develop well-defined written policies and procedures for reviewing requests for admission. The CRCSU will maintain written documentation of all requests and denials that include clinical information that

could be used for inclusion or exclusion criteria. Admission denials must be reviewed by the LMHP or CSU Director within 72 hours of the denial decision.

3. The CSU shall agree to the following exclusionary criteria:
    i. The individual's psychiatric condition is of such severity that it can only be safely treated in an inpatient setting due to violent aggression or other anticipated need for physical restraint, seclusion or other controls.
        a. This may include: individuals demonstrating evidence of active suicidal behavior. Individuals with current violent felony charges pending. Individuals demonstrating evidence of current assaultive or violent behavior that poses a risk to peers in the program or CRCSU staff. Individuals demonstrating sexually inappropriate behavior, such as sexually touching another child who is significantly older or younger that is not considered developmentally normal, within the last 12 months. Individuals with repetitive fire starter within the last 12 months.
    ii. The individual's medical condition is such that it can only be safely treated in a medical hospital as deemed by a physician which may include individuals deemed to have medical needs that exceed the capacity of the program.
    iii. The CSB shall limit medical denials to be consistent with the following resources: **Criteria for Medical Assessment Prior to Admission to a Psychiatric Hospital, Inpatient Psychiatric or Crisis Stabilization Unit** (EFFECTIVE NOVEMBER 5, 2018 (virginia.gov). The CSB shall follow the Exclusion Criteria listed on page 4 in this document. **DMAS Appendix G language**-The individual is not appropriate for this service if there is a presence of any condition of sufficient severity to require acute psychiatric inpatient, medical, or surgical care. The individual does not voluntarily consent to admission except for temporary detention orders pursuant to §37.2-800 et. seq. and §16.1-335 et seq. of the Code of Virginia. This may include individuals that are unable or unwilling to participate in the programmatic requirements to ensure safety of staff and residents of the program. Individuals unable or unwilling to participate with the goals set out in individualized service plan (ISP). Individuals who demonstrate or report inability to function in a group setting without causing significant disruption to others and are not able to participate in alternative programming.
    iv. The individual can be safely maintained and effectively participate in a less intensive level of care. This may include individuals whose needs can be better met through other services such as individuals with a primary diagnosis of substance use disorder with current active use, individuals with ID/DD diagnosis better served by REACH programming.
    v. The request for service authorization is being pursued to address a primary issue of housing need, including individuals who were in some form of housing placement prior to admission to the CRCSU and are not currently allowed to return and do not meet medical necessity criteria
    vi. Admission does not meet medical necessity criteria and is being used solely as an alternative to incarceration.
5. Individuals admitted to the CRCSU should be at risk of serious emotional disturbance or seriously emotionally disturbed. The CRCSU shall accept and admit at least 60% of referrals made.
6. The CRCSU shall develop well-defined written policies and procedures for accepting step-downs from the Commonwealth Center for Children and Adolescents.

7. The CRCSU will follow discharge planning requirements as cited in the DBHDS licensing regulations 12VAC35-105-1880
8. CRCSUs will assess the integrated care needs of individuals upon admission and establish a plan for care coordination and discharge that addresses the individual's specialized care needs consistent with licensing and DMAS medical necessity
9. The CSB shall admit and continue to serve youth regardless of Medicaid status or Medicaid ability/willingness to pay if the admission and services provided are consistent with your program description.

c. Programming

1. The CRCSU will have a well-defined written schedule of clinical programming that covers at least eight (8) hours of services per day (exclusive of meals and breaks), seven (7) days a week. Programming will be trauma informed, appropriate for individuals receiving crisis services, and whenever possible will incorporate evidence-based and best practices.
2. Programming must be flexible in content and in mode of delivery to meet the needs of individuals in the unit at any point in time.
3. The CRCSU will always maintain appropriate program coverage. The unit will have a written transition staffing plan(s) for changes in capacity.
4. The CRCSU manager, director, or designee shall implement a review process to evaluate both current and closed records for completeness, accuracy, and timeliness of entries. (12VAC35-105- 920)
5. Programming will contain a mix of services to include but not limited to clinical, psycho educational, psychosocial, relaxation, and physical health.
6. Alternate programming must be available for individuals unable to participate in the scheduled programming due to their emotional or behavioral dysregulation.
7. The CRCSU manager, director, or designee shall outline how each service offers a structured program of individualized interventions and care designed to meet the individuals' physical and emotional needs; provide protection, guidance and supervision; and meets the objectives of any required individualized services plan. The CRCSU will provide scheduled recreational activities to include but not limited to art, music, pet therapy, exercise, and yoga, acupuncture, etc.

d. Resources:

1. The CRCSU will develop a well-defined written process for building collaborative relationships with private and state facilities, emergency services staff, CSB clinical staff, schools, Family and Assessment Planning Teams (FAPT) and local emergency departments in their catchment area. Ideally, these collaborative relationships will facilitate the flow of referrals to the CRCSU for diversion and step down from a hospital setting and to transition an individual from a CRCSU to a higher level of care. This process will be documented in the CRCSUs policies and procedures.
2. The CRCSU will participate in meetings in collaboration with DBHDS and other CRCSUs at least quarterly

A. The CSB Responsibilities: The CSB agrees to comply with the following requirements.

1. The CRCSU will comply with all DBHDS licensing requirements.
2. The CRCSU will provide data as per the provided DBHDS standardized spreadsheet for the CRCSU on a quarterly basis until such time this request is discontinued upon full operation of the retrieval of data from the Crisis Data Platform. Data request will be in accordance with Section 6 of this Exhibit.

3. The CRCSU will be responsible for following the DBHDS process for providing the bed registry data metrics into the DBHDS crisis data platform as per the DBHDS Bed Registry Standards and in accordance with Section 6 of this Exhibit.
4. CRCSUs shall be considered regional programs and is not specific to the physical location of the program. The CSBs in the Region will revise the Memorandum of Understanding (MOU) governing the Regional CRCSU and provide this to the Department upon request.
5. The CRCSU will offer evidence based and best practices as part of their programming and have an implementation/ongoing quality improvement for these in the context of the applicable regulations. The CRCSU shall develop a written plan to maintain utilization at 75% averaged over a year and submit to DBHDS annually, Crisis Services Coordinator with ongoing revisions as needed.
6. The CRCSU will develop a written plan to ensure the CRCSUs remain open, accessible, and available always as an integral part of DBHDSs community-based crisis services.
7. The CRCSU will develop a written plan to accept individuals accepting step-downs from Commonwealth Center for Children and Adolescents.
8. The CSB shall meet the reporting requirements required in the Reporting Requirements and Data Quality of the most current version of the Community Services Performance Contract.

B. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall provide Technical Assistance (TA), to include but not limited to: networking meetings, training, and site visits to the CSB upon request or if the staff determines based on yearly monitoring visits that the project is not accomplishing its mission or meeting its goals as described above.
2. The Department will initiate Performance Improvement Plans (PIP) after Technical Assistance has been provided and a CRCSU continues to not meet established benchmarks and goals. The purpose of the PIP is to have a period of collaborative improvement.
3. The Department will initiate Corrective Action Plans (CAP) if benchmarks and goals continue to not be met after TA and PIPs. on the procedures outlined above.
4. The Department shall determine need for site visits based on monitoring that the CRCSU is not accomplishing its mission or meeting its goals as described in this document. The CRCSU will construct a corrective action plan for units not meeting their goals and collaborate with the CRCSU to implement the plan.
5. The Department shall monitor data to ensure data submitted through reports meets the expectations as outlined in this document and in the CRCSU written plans.
6. The Department shall schedule quarterly meetings with the CRCSU points of contact.

C. Reporting Requirements for Children's Residential Crisis Stabilization Unit

1. Annually submit as part of the yearly programmatic monitoring a plan to DBHDS to streamline the admission process to allow for 24 hours a day, 7 day a week admission.
2. The CSB shall submit the required program and financial data reports in the format established by the Department.
3. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow for compliance and in accordance with Section 6 of this Exhibit.

4. CRCSU will provide additional data points (developed in accordance with Section 6 of this Exhibit) as requested to DBHDS Office of Crisis Services, no later than the 15th of the month following the reporting month.
5. Providing data, as per the provided DBHDS standardized spreadsheet, for the CRCSU on a quarterly basis until such time this request is discontinued upon full operation of the retrieval of data from the Crisis Data Platform.
6. Crisis Stabilization Units (CSUs) will be required to input bed registry information into the DBHDS crisis data platform to maintain accurate, real-time tracking of bed availability and enhance crisis system coordination.as per the DBHDS Bed Registry Standards per Code of Virginia (Chapter 3, Article 1, 37.2-308.1)

2. Child Psychiatry and Children's Crisis Response- Regional Funding (CRCSU)

Scope of Services and Deliverables
The funds are provided to the CSB as the regional fiscal agent to fund other CSBs in the designated region, other regional programs, or private providers if necessary to provide Child Psychiatry and Children's Crisis Response services.

A. The CSB Responsibilities

1. **Child Psychiatry and Crisis Response** the regional fiscal agent shall require a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or a contract with all CSBs in their region if Child Psychiatry and Crisis Clinician Services are to be provided by individual boards. The MOU or MOA shall outline the roles, responsibilities of the regional fiscal agent and each board receiving funding, funding amounts, data and outcomes to be shared with the regional fiscal agent, and how children can access child psychiatry and crisis clinician services. The MOU, MOA, or contract shall be developed by the CSB providing the services, reviewed by the regional fiscal agent, and executed once agreed upon.
2. If the CSB fiscal agent is providing regional Child Psychiatry and Crisis Clinician Services, then the regional fiscal agent shall develop the MOU, MOA, or contract to be reviewed by each CSB in the region and executed once agreed upon. Each CSB shall have access to a board-certified Child and Adolescent Psychiatrist who can provide assessment, diagnosis, treatment and dispensing and monitoring of medications to youth and adolescents involved with the community services board.
3. The CSB may hire a psychiatric nurse practitioner due to the workforce shortage of child and adolescent psychiatrists or contract within the region to have access.
4. The psychiatrist's role may also include consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards' staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders.
5. CSBs must include, in the MOA/MOU, a description on how the CSB creates new or enhances existing community-based crisis response services in their health planning region, including, but not limited to mobile crisis response and community stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities.
6. Funds cannot be used to fund emergency services pre-screener positions if their role is to function as an emergency services clinician.

B. The CSB Responsibilities: In order to implement the CSB Fiscal Agent agrees to comply with the following requirements.

1. The Regional Fiscal Agent shall notify the department of any staffing issues for these services such as a reduction in staffing or an extended vacancy.
2. The Regional Fiscal Agent shall consult with the Office of Crisis Services about any changes to the services allocation.
3. The CSB may charge an administrative cost in accordance with DBHDS State and Federal Indirect Cost Rate Policy and DBHDS Regional Program Procedures when the role the CSB is serving for the region.
4. The Regional Fiscal Agent shall receive monthly Child Psychiatry reports from each CSB which include: the hours of service provided by the child psychiatrist, the number of children served, and consultation hours with other health providers. This shall occur when the Regional Fiscal Agent is passing the funding to another CSB within the region to manage the responsibility of providing psychiatric services.
5. The Regional Fiscal Agent shall provide the executed MOU, MOA, or contract with each CSB to the Department's Office of Crisis Services for its review.

C. The Department Responsibilities: The Department agrees to comply with the following requirements.

1. The Department shall distribute the funds in the regular semi-monthly electronic funds transfers, beginning with the July 1 payment of each state fiscal year.
2. The Department shall establish a mechanism for regular review of reporting Child Psychiatry Services through the Child Psychiatry and Children's Crisis Response Funding expenditures, data, and MOUs/MOAs to include a process by the Office of Services and will regularly share this data with the CSB's for proactive programming.
3. The Department will annually review Child Psychiatry and Children's crisis response spending.
4. The Department shall provide Technical Assistance (TA) as needed to the CSB's.

D. Reporting Requirements: **For Regional Fiscal Agent for Child Psychiatry and Crisis Response Responsibilities**.

1. The CSB shall account for and report the receipt and expenditure of these performance contract restricted funds separately.
2. The CSB shall provide a copy of a signed MOU/MOA to the Department.
3. The CSB should notify the department of staffing issues for these programs, such as a reduction in staffing or an extended vacancy.

4. The CSB may carry-forward a balance in the Child Psychiatry and Children's Crisis Response Fund during the biennium in which the funds were distributed.

12.2. Case Management Services Training

The CSB shall ensure that all direct and contract staff that provide case management services have completed the case management curriculum developed by the Department and that all new case management staff complete it within 30 days of employment. The CSB shall ensure that developmental disability case managers or support coordinators complete the ISP training modules developed by the Department within 60 days of their availability on the Department's web site or within 30 days of employment for new developmental disability case management or support coordination staff.

12.3. Developmental Case Management Services Organization

The CSB shall structure its developmental case management or support coordination services so that a case manager or support coordinator does not provide a DD Waiver service other than services facilitation and a case management or support coordination service to the same individual. This will ensure the independence of services from case management or service coordination and avoid perceptions of undue case management or support coordination influence on service choices by an individual.

12.4. Regional Programs

The CSB shall manage or participate in the management of, account for, and report on regional programs in accordance with the Regional Program Operating Principles and the Regional Program Procedures. The CSB agrees to participate in any utilization review or management activities conducted by the Department involving services provided through a regional program.

CSB Code Mandated Services		
Services	**Mandated**	**Description**
Certification of Preadmission Screening Clinicians	VA Code Mandated	The CSB and Department prioritize having emergency custody order or preadmission screening evaluations performed pursuant to Article 16 of Chapter 11 of Title 16.1, Chapters 11 and 11.1 of Title 19.2, and Chapter 8 of Title 37.2 in the Code provided by the most qualified, knowledgeable, and experienced CSB staff.
Department of Justice Settlement Agreement (DOJ SA)	Compliance with DOJ SA	See Exhibit M of the performance contract.
Discharge Planning	VA Code Mandated	Section 37.2-500 of the Code of Virginia requires that CSB must provide emergency services.
Emergency Services Availability	VA Code Mandated	Section 32.2-500 of the code requires the CSB shall have at least one local telephone number, and where appropriate one toll-free number, for emergency services telephone calls that is available to the public 24 hours per day and seven days per week throughout its service area.
Preadmission Screening	VA Code Mandated	The CSB shall provide preadmission screening services pursuant to § 37.2-505 or § 37.2-606, § 37.2-805, § 37.2-809 through § 37.2-813, § 37.2-814, and § 16.1-335 et seq. of the Code and in accordance with the Continuity of Care Procedures in Appendix A of the CSB Administrative Requirements for any person who is located in the CSB's service area and may need admission for involuntary psychiatric treatment. The CSB shall ensure that persons it designates as preadmission screening clinicians meet the qualifications established by the Department per section 4.h and have received required training provided by the Department.
Preadmission Screening Evaluations	VA Code Mandated	1.) The purpose of preadmission screening evaluations is to determine whether the person meets the criteria for temporary detention pursuant to Article 16 of Chapter 11 of Title 16.1, Chapters 11 and 11.1 of Title 19.2, and Chapter 8 of Title 37.2 in the Code and to assess the need for hospitalization or treatment. Preadmission screening reports required by § 37.2-816 of the Code shall comply with requirements in that section.
STEP-VA	VA Code Mandated and Appropriations Act MM.1	Pursuant to 37.2-500 and 37.2-601 of the Code Same Day Mental Health Assessment Services (SDA or Same Day Access) Outpatient Primary Care Screening Services

		Outpatient Behavioral Health and Substance Use Disorder Services Peer Support and Family Support Services Mental Health Services for Military Service Members, Veterans, and Families (SMVF) **Crisis Services** **Psychiatric Rehabilitation** **Care Coordination**
Virginia Psychiatric Bed Registry	VA Code Mandated	The CSB shall participate in and utilize the Virginia Psychiatric Bed Registry required by § 37.2-308.1 of the Code to access local or state hospital psychiatric beds or residential crisis stabilization beds whenever necessary to comply with requirements in § 37.2-809 of the Code that govern the temporary detention process.
Substance Exposed Infants (SEI)		The Code of Virginia §§ 32.1-127 B6 - Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan. The Code of Virginia 63.2-1509 B - For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of § 32.1-127.

ATTACHMENT 1- Program Services - State General Funding Line Items

Background

This section provides funding details related to Community Mental Health Services, Substance Abuse Prevention and Treatment, and Developmental Disabilities 790 (grants to localities) and 720 (central office) state general funding allocations per the CSB's letter of notification (LON) of funding. The funds are to be utilized by Community Services Boards in Virginia to deliver services to vulnerable populations through programs as indicated in the tables below and within the guidelines associated with award documentation. CSB shall use this document to cross-reference various program service funding sources, appropriation language and any additional requirements that may be found in its LON, Exhibits D, Exhibit G or other Exhibits that are part of the most current version of the community services performance contract.

Fund Types: All fund types associated with CSB funding allocations are provided in DBHDS's grants management system (WebGrants).

General Funds (790 Grants to localities) – These are funds are appropriated from Virginia taxpayers provided by the General Assembly for state functions. These funds make up the majority of DBHDS budget and are disbursed through the DBDHS established warrant payment schedule. Majority of general funds are found in WebGrants as part of baseline funding see tables below for details.

Special/Non-General Funds (720 Central Office Funding) – These are funds that the agencies can raise through revenue collection and DBHDS has the authority to allocate funding as need for special projects and other initiatives. (Ex: 988 Fund, Hospital Insurance Revenue, and Problem Gambling Fund).

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**
	GENERAL FUNDS 790 – GRANTS TO LOCALITIES				
	COMMUNITY MENTAL HEALTH				
1	MH Permanent Supportive Housing	State Budget Bill HB6001, Item 297, Section Y1, 2, 3 (Ch. 2, 2024 Special Session I) - Funding shall be used for permanent supportive housing for individuals with	Exhibit G – Section 11 NOA3075	Community Mental Health Services Restricted Baseline Funding 0813 – 0000124083 2026.MH.CSBCode	Office of Community Housing janna.wiener@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		serious mental illness.			
2	MH Permanent Supportive Housing - Regional	State Budget Bill HB6001, Item 297, Section Y1. (Ch. 2, 2024 Special Session I) - Funding shall be used for permanent supportive housing for individuals with serious mental illness.	Exhibit G – Section 11 NOA3075	Community Mental Health Services Restricted Baseline Funding 0813 – 0000116676 2026.MH.CSBCode	Office of Community Housing janna.wiener@dbhds.virginia.gov
3	MH Expand Telepsychiatry Capacity	State Budget Bill HB6001, Item 297, Section Z. GG. (Ch. 2, 2024 Special Session I) - Funding shall be used for telepsychiatry and telemedicine services.	Exhibit D D3087	Community Mental Health Services Restricted Baseline Funding 0817 – 0000124082 Restricted Baseline Funding 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Supports (MHWRS) Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov
4	MH State Funds	State Budget Bill HB6001, Item 297, Section RR (Ch.2, 2024 Special Session I) – Funding is for general Mental Health purposes. Additionally, a portion of the funding is provided for the costs of compensation increases given to Community Services Boards or a Behavioral	NOA2025 D3076	Community Mental Health Services Restricted Baseline Funding 0824 – 0000124083 Unrestricted Baseline 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		Health Authority staff as of January 1, 2024.			
5	MH State Regional Deaf Services	Regional Deaf Services Program works in cooperation with local Community Service Boards to provide language accessible and culturally sensitive services to persons with a hearing loss. The funding goes back to at least FY2005 and is paid out via the warrants. To the extent that funding is not needed for these purposes, or the CSB determines that funds are not needed elsewhere for the effective administration of services, CSB's may utilize these funds for any other mental health purpose.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0831 – 0000116676 Unrestricted 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum @dbhds.virginia.gov
6	MH State Children's Services (MHI)	As of 2014, funding is provided for children's mental health services, including child psychiatry, crisis response, and screening. To the extent that funding	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0837 – 0000124083 2026.MH.CSBCode	Office of Child & Family Services Katharine Hunter Katharine.hunter@ dbhds.virginia.gov Kari Savage kari.savage@dbhds .virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		is not needed for these purposes, or the CSB determines that funds are not needed elsewhere for the effective administration of services, CSB's may utilize these funds for any other purpose.			
7	MH Regional DAP	State Budget Bill HB6001, Item 297, Section W and FF (Ch. 2, 2024 Special Session I) - Funding shall be used to provide community-based services or acute inpatient services in a private facility to individuals residing in state hospitals who have been determined clinically ready for discharge, and for continued services for those individuals currently being served under a discharge assistance plan.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0841 – 0000116676 2026.MH.CSBCode	Office of Patient Clinical Services Heather Rupe Heather.rupe@dbhds.virginia.gov
8	MH PACT	State Budget Bill HB6001, Item 297, Section JJ. (Ch. 2, 2024 Special Session I)	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0848 - 0000124083	Office of Mental Health Wellness Recovery Services (MHWRS) Jeff VanArnam

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		- Funds shall be used to support ACT program start-up and cover costs of individuals not eligible for Medicaid.		2026.MH.CSBCode	Jeff.vanarnam@dbhds.virginia.gov Meredith Nusbaum Meredith.Nusbaum@dbhds.virginia.gov
9	MH PACT Forensic Enhancement	State Budget Bill HB6001, Item 297, Section JJ. (Ch. 2, 2024 Special Session I) – Funds shall be used to add additional staff with forensic expertise and increase the number of NGRI or other justice involved individuals to existing ACT programs.	Exhibit D D3158 D3183	Community Mental Health Services Restricted Baseline Funding Funds 0848 – 0000108563 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Jeff VanArnam Jeff.vanarnam@dbhds.virginia.gov Meredith Nusbaum - Meredith.Nusbaum@dbhds.virginia.gov
10	MH Law Reform	State Budget Bill HB6001, Item 297, Section P. (Ch. 2, 2024 Special Session I) – Funding will support emergency services, crisis stabilization, case management, and inpatient and outpatient mental health treatment for individuals in need of urgent care or meeting treatment criteria.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0831 – 0000116676 Unrestricted 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Nicole Gore Nicole.gore@dbhds.virginia.gov Meredith Nusbaum Meredith.Nusbaum@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
11	MH Children's Outpatient Services	State Budget Bill HB6001, Item 297, Section K. (Ch. 2, 2024 Special Session I) - Funds shall be used to provide outpatient clinician services to children with mental health needs.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0851 – 0000124083 2026.MH.CSBCode	Office of Child & Family Services Katharine Hunter Katharine.hunter@dbhds.virginia.gov
12	MH Child & Adolescent Services Initiative	State Budget Bill HB6001, Item 297, Section I. (Ch. 2, 2024 Special Session I) - Funds provided for mental health services for children and adolescents with serious emotional disturbances, at risk for serious emotional disturbance, and/or with co-occurring disorders with priority placed on those children who, absent services, are at risk for removal from the home due to placement by a local department of social services, admission to a congregate care facility or acute care psychiatric	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding 0854-01000-0000124083 2026.MH.CSBCode	Office of Child & Family Services Katharine Hunter katharine.hunter@dbhds.virginia.gov Kari Savage kari.savage@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		hospital or crisis stabilization facility, commitment to the Department of Juvenile Justice, or parental custody relinquishment. These funds shall be used exclusively for children and adolescents, not mandated for services under the Children's Services Act.			
13	Mental Health Juvenile Detention	State funding that supports children's behavioral health services in each of the 23 juvenile detention centers (23 CSBs).	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0984-01000-0000124083 2026.MH.CSBCode	Office of Child & Family Services Katharine Hunter katharine.hunter@dbhds.virginia.gov
14	MH Expanded Community Capacity - Regional	State Budget Bill HB6001, Item 297, Section R. (Ch. 2, 2024 Special Session I) - Funding shall be used for community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement or provide discharge assistance for	General terms and conditions of the Performance Contract- P1636	Community Mental Health Services Restricted Baseline Funding Funds 0861 – 0000116676 2026.MH.CSBCode	Office of Patient Clinical Services Heather Rupe heather.rupe@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		patients in a state mental health facility.			
15	MH Young Adult SMI	State Budget Bill HB6001, Item 297, Section M. (Ch. 2, 2024 Special Session I) - Funds shall be used for community-based mental health outpatient services for youth and young adults.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0871 – 0000124083 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Jeff VanArnam jeffrey.vanarnam@dbhds.virginia.gov Meredith Nusbaum meredith.nusbaum@dbhds.virginia.gov
16	MH Adult Outpatient Competency Restoration Services	DBHDS will pay the CSB only if the CSB is directly ordered by the Court to provide services to restore an adult's competency to stand trial pursuant to §19.2-169.2 for restoration assessment, restoration services, and restoration case management.	Exhibit G – Section 11 Currently paid based on invoicing from CSB	Community Mental Health Services Restricted Baseline Funding Funds 0874 – 0000124083 2026.MH.CSBCode	Office of Forensic Services Sarah Davis Sarah.davis@dbhds.virginia.gov Jessica Morriss Jessica.morriss@dbhds.virginia.gov
17	720 Adult Restoration SSA Funds	Funds are used to supplement payments for restoration services after MH Adult Outpatient Competency Restoration Services are exhausted.	Exhibit D D3158	Community Mental Health Services Restricted Baseline Funding Funds 72000-09180-XXX-02003-0000108461-499033	Office of Forensic Services Sarah Davis Sarah.davis@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
18	MH Crisis Response & Child Psychiatry - Regional	State Budget Bill HB6001, Item 297, Section J. (Ch. 2, 2024 Special Session I) - Funds shall be used to provide child psychiatry and children's crisis services for children with behavioral health needs. Funds may also be used to create new or enhance existing community-based crisis services in a health planning region.	Exhibit G – Section 12	Community Mental Health Services Restricted Baseline Funding Funds 0877 – 0000116676 2026.MH.CSBCode	Crisis Support and Services Bill Howard william.howard@dbhds.virginia.gov Curt Gleeson curt.gleeson@dbhds.virginia.gov
19	MH CIT Assessment Sites	State Budget Bill HB6001, Item 297, Section T.1, T.2., T.3, QQ.1, QQ.2, QQ.3 (Ch. 2, 2024 Special Session I) - Funding is provided for Crisis Intervention Assessment Centers in six unserved rural communities.	Exhibit D D3119	Community Mental Health Services Restricted Baseline Funding Funds 0878 – 0000124083 2026.MH.CSBCode	Crisis Support and Services Bill Howard Bill.howard@dbhds.virginia.gov Stephen Craver Stephen.craver@dbhds.virginia.gov
20	MH CIT Assessment Sites - Regional	State Budget Bill HB6001, Item 297, Section T.1, T.2, T.3, QQ.1, QQ.2, QQ.3 (Ch. 2, 2024 Special Session I) - Funding is provided to	Exhibit D D3062	Community Mental Health Services Restricted Baseline Funding Funds 0878 – 0000116676 2026.MH.CSBCode	Crisis Support and Services Bill Howard Bill.howard@dbhds.virginia.gov Stephen Craver Stephen.craver@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		support CIT initiatives, including basic and advanced CIT training and law enforcement diversion, through one-time awards for advanced concepts in CIT Assessment Site program.			
21	MH Gero-Psychiatric Services	State Budget Bill HB6001, Item 297, Section EE. (Ch. 2, 2024 Special Session I) - Funding is provided for one regional, multi-disciplinary team for older adults. This team shall provide clinical, medical, nursing, and behavioral expertise and psychiatric services to nursing facilities and assisted living facilities.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0897 – 0000124083 2026.MH.CSBCode	Office of Patient Clinical Services Heather Rupe Heather.rupe@dbhds.virginia.gov
22	MH Geriatrics Services	State Budget Bill HB6001, Item 297, Section N. (Ch. 2, 2024 Special Session I) - Funding is provided for two specialized geriatric mental health services programs.	Exhibit D D3180 D3132	Community Mental Health Services Unrestricted Baseline Funding Funds 0911 – 0000124083 2026.MH.CSB Code	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
23	MH Tele-mental Health	State Budget Bill HB6001, Item 297, Section HH. (Ch. 2, 2024 Special Session I) - Funding is provided to establish the Appalachian Tele-mental Health Initiative, a tele-mental health pilot program.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0913 – 0000124083 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Rebekah Cimino rebekah.cimino@dbhds.virginia.gov Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov
24	MH Peer Services	State Budget Bill HB6001, Item 297, Section SS. (Ch. 2, 2024 Special Session I) - Funding is provided for peer wellness stay programs.	Exhibit D D3079	Community Mental Health Services Restricted Baseline Funding Funds 0915 – 0000124083 2026.MH.CSBCode	Office of Mental Health, Wellness and Recovery Supports Alethea Lambert Alethea.lambert@dbhds.virginia.gov
25	MH STEP-VA Same Day Access	State Budget Bill HB6001, Item 297, Section KK.2 (Ch. 2, 2024 Special Session I) - Funding is provided for same day access to mental health screening services.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000116671 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Katie Powers Katie.powers@dbhds.virginia.gov
26	MH STEP-VA Primary Care Screening	State Budget Bill HB6001, Item 297, Section KK.3 (Ch. 2, 2024 Special Session I) - Funding is provided for primary care outpatient screening services.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000116672 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Katie Powers Katie.powers@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
27	MH STEP-VA Outpatient	State Budget Bill HB6001, Item 297, Section KK.4 (Ch. 2, 2024 Special Session I) - Funding is provided for outpatient mental health and substance use services.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000116673 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Katie Powers Katie.powers@dbhds.virginia.gov
28	MH STEP-VA Crisis	State Budget Bill HB6001, Item 297, Section KK.6 (Ch. 2, 2024 Special Session I) - Funding is provided for crisis services for individuals with mental health or substance use disorders.	Exhibit D D2308 D1958 D1336 D1047 D3103	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000116674 2026.MH.CSBCode	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov April Dovel april.dovel@dbhds.virginia.gov
29	MH STEP-VA Marcus Alert	State Budget Bill HB6001, Item 297, Section LL. (Ch. 2, 2024 Special Session I) - Funding shall be provided to establish mental health awareness response and community understanding services alert system programs and community care teams pursuant to legislation adopted in the 2020 Special Session I	Exhibit D D2308	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000125101 2026.MH.CSBCode	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov April Dovel april.dovel@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		of the General Assembly.			
30	MH STEP-VA Outpatient - Regional	State Budget Bill HB6001, Item 297, Section KK.4 (Ch. 2, 2024 Special Session I) - Funding is provided for outpatient mental health and substance use services.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000116675 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Katie Powers larissa.carpenter@dbhds.virginia.gov
31	MH STEP-VA Veteran's Services	State Budget Bill HB6001, Item 297, Section KK.7 (Ch. 2, 2024 Special Session I) - Funding is provided for military and veterans services.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000117236 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Patrick Wessels Patrick.wessels@dbhds.virginia.gov
32	MH STEP-VA Peer Support	State Budget Bill HB6001, Item 297, Section KK.8 (Ch. 2, 2024 Special Session I) - Funding is provided for peer support and family services.	Exhibit D - pending	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000117237 2026.MH.CSBCode	Office of Mental Health, Wellness and Recovery Supports Alethea Lambert Alethea.lambert@dbhds.virginia.gov Sherea Ryan Sherea.ryan@dbhds.virginia.gov
33	MH STEP-VA Ancillary Services	State Budget Bill HB6001, Item 297, Section KK.9 (Ch. 2, 2024 Special Session I) - Funding is provided for the ancillary costs of expanding services at Community Services Boards	NOA3106	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000117238 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		and Behavioral Health Authorities.			
34	MH STEP-VA Clinician's Crisis Dispatch	State Budget Bill HB6001, Item 297, Section KK.10 (Ch. 2, 2024 Special Session I) - Crisis Call Center Fund is provided for crisis call center dispatch staff.	Exhibit D D3103	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000117239 Restricted	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov April Dovel april.dovel@dbhds.virginia.gov
35	MH STEP-VA Clinician's Crisis Dispatch – Crisis Call Center Fund	State Budget Bill HB6001, Item 297, Section KK.10 (Ch. 2, 2024 Special Session I) - Crisis Call Center Fund is provided for crisis call center dispatch staff.	Exhibit D D3103	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000122027 Restricted	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov April Dovel april.dovel@dbhds.virginia.gov
36	MH STEP-VA Veteran's Services – Regional	State Budget Bill HB6001, Item 297, Section KK.7 (Ch. 2, 2024 Special Session I) - Funding is provided for military and veterans services.	Exhibit G – Section 11	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000117240 Restricted Baseline Funding 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Patrick Wessels Patrick.wessels@dbhds.virginia.gov
37	MH STEP-VA Peer Support – Regional	State Budget Bill HB6001, Item 297, Section KK.8 (Ch. 2, 2024 Special Session I) - Funding is provided for peer support and family services.	Exhibit D D3185	Community Mental Health Services Restricted Baseline Funding Funds 0936 –0000118862 Restricted Baseline Funding 2026.MH.CSBCode	Office of Mental Health, Wellness and Recovery Supports Alethea Lambert Alethea.lambert@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
38	MH STEP-VA Psychiatric Rehabilitation Services	State Budget Bill HB6001, Item 297, Section KK.11 (Ch. 2, 2024 Special Session I) - Funding is provided for psychiatric rehabilitation services.	Exhibit D D3087	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000121695 Restricted	Office of Mental Health Wellness Recovery Services (MHWRS) Jeff VanArnam Jeff.vanarnam@dbhds.virginia.gov
39	MH STEP-VA Care Coordination Services	State Budget Bill HB6001, Item 297, Section KK.12 (Ch. 2, 2024 Special Session I) - Funding is provided for care coordination services.	Exhibit D D3087	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000121696 Restricted	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov
40	MH STEP-VA Case Management Services	State Budget Bill HB6001, Item 297, Section KK.13 (Ch. 2, 2024 Special Session I) - Funding is provided for STEP-VA-specific case management services.	Exhibit G – Section 12	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000121697 Restricted Baseline Funding 2026.MH.CSBCode	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum@dbhds.virginia.gov
41	MH STEP-VA Data Systems & Clinical Processes	State Budget Bill HB6001, Item 297, Section KK.15 (Ch. 2, 2024 Special Session I) - Funding is provided for grants to Community Services Boards	Exhibit D D3182	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000121692 Restricted Baseline Funding 2026.MH.CSBCode	Strategic Planning & Execution Craig Camidge craig.camidge@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		for the cost of transitioning data systems and clinical processes.			
42	MH STEP-VA Regional Management	State Budget Bill HB6001, Item 297, Section KK.14 (Ch. 2, 2024 Special Session I) - Funding is provided for regional management of STEP-VA services.	Exhibit D D1047	Community Mental Health Services Restricted Baseline Funding Funds 0936 – 0000121693 Restricted	Office of Mental Health Wellness Recovery Services (MHWRS) Meredith Nusbaum Meredith.nusbaum @dbhds.virginia.gov
43	MH Crisis Stabilization	State Budget Bill HB6001, Item 297, Section P, PP, TT (Ch. 2, 2024 Special Session I) - Funding shall be used for crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.	Exhibit D D3103	Community Mental Health Services Restricted Baseline Funding Funds 0962 – 0000124083 Restricted	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov
44	MH Crisis Stabilization – Regional	State Budget Bill HB6001, Item 297, Section P, PP, TT (Ch. 2, 2024 Special Session I) - Funding shall be used for crisis stabilization and related services statewide intended to delay or deter	Exhibit D D3103	Community Mental Health Services Restricted Baseline Funding Funds 0962 – 0000116676 Restricted	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		placement in a state mental health facility.			
45	MH Demo Project System of Care (Child)	Funding for five community mini grants for "Bringing Systems of Care to Scale in Virginia." The mini-grant projects are part of a larger state System of Care Expansion Implementation Grant awarded by the Substance Abuse and Mental Health Services.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0969 – 0000124083 Unrestricted	Office of Child & Family Services Katharine Hunter Katharine.hunter@dbhds.virginia.gov
46	MH Recovery	State Budget Bill HB6001, Item 297, Section O. (Ch. 2, 2024 Special Session I) - Funds shall be used for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0985 – 0000116676 Unrestricted	Office of Mental Health, Wellness and Recovery Supports Alethea Lambert Alethea.lambert@dbhds.virginia.gov
47	MH Recovery – Regional	State Budget Bill HB6001, Item 297, Section O. (Ch. 2, 2024 Special Session I) - Funds shall be used for consumer-directed programs offering	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0985 – 0000116676 Unrestricted	Office of Mental Health, Wellness and Recovery Supports Alethea Lambert Alethea.lambert@dbhds.virginia.gov Sherea Ryan Sherea.ryan@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		specialized mental health services that promote wellness, recovery and improved self-management.			
48	MH Pharmacy	Supports medication and pharmacy services to uninsured CSB consumers (formerly provided by DBHDS Aftercare Pharmacy)	Funding is provided for pharmaceutical supplies that treat MH issues General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding Funds 0988 – 0000124083 Unrestricted	Office of Enterprise Management Services Chaye Neal-Jones Chaye.neal-jones@dbhds.virginia.gov Heather.Norton@dbhds.virginia.gov
49	MH Jail Diversion Services	State Budget Bill HB6001, Item 297, Section S. (Ch. 2, 2024 Special Session I) - Funds shall be used for jail diversion and reentry services.	Exhibit D D3071	Community Mental Health Services Restricted Baseline Funding Funds 0989 – 0000124083 Restricted	Office of Forensic Services Sarah Davis sarah.davis@dbhds.virginia.gov Ashley Anderson ashley.anderson@dbhds.virginia.gov
50	MH Rural Jail Diversion	State Budget Bill HB6001, Item 297, Section V. (Ch. 2, 2024 Special Session I) - Funding is provided to establish an Intercept 2 diversion program in up to three rural communities. The funding shall be used for staffing and to provide	Exhibit D D3071	Community Mental Health Services Restricted Baseline Funding Funds 0989 – 0000110287 Restricted 2026.MH.CSBcode	Office of Forensic Services Sarah Davis sarah.davis@dbhds.virginia.gov Ashley Anderson ashley.anderson@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		access to treatment services.			
51	MH Forensic Discharge Planning – Regional	State Budget Bill HB6001, Item 297, Section U. (Ch. 2, 2024 Special Session I) - Funding is provided for CSB staff positions to provide discharge planning in jails for individuals with serious mental illness.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding 0989 – 0000114581 Restricted 2026.MH.CSBcode	Office of Forensic Services Sarah Davis sarah.davis@dbhds.virginia.gov Ashley Anderson ashley.anderson@dbhds.virginia.gov
52	MH Docket Pilot JMHCP Match	State Budget Bill HB6001, Item 297, Section NN. (Ch. 2, 2024 Special Session I) - Funding shall be used to expand and provide additional support to existing mental health dockets.	Exhibit D D3162	Community Mental Health Services Restricted Baseline Funding 0989 – 0000110287 Restricted 2026.MH.CSBcode	Office of Forensic Services Sarah Davis sarah.davis@dbhds.virginia.gov Jessica Peay j.peay@dbhds.virginia.gov
53	MH Forensic Discharge Planning	State Budget Bill HB6001, Item 297, Section U. (Ch. 2, 2024 Special Session I) - Funding is provided for CSB staff positions to provide discharge planning in jails for individuals with serious mental illness.	General terms and conditions of the Performance Contract-P1636	Community Mental Health Services Restricted Baseline Funding 0989 – 0000118011 Restricted 2026.MH.CSBcode	Office of Forensic Services Sarah Davis sarah.davis@dbhds.virginia.gov Ashley Anderson ashley.anderson@dbhds.virginia.gov
	SUBSTANCE ABUSE PREVENTION AND TREATMENT				

AMENDMENT 3
AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT – SUPPLEMENTAL DOCUMENT
Exhibit G: Community Services Boards Master Programs Services Requirements
Contract No. P1636.3

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
54	SUD State Funds	State funds shall be used as determined by DBHDS.	General terms and conditions of the Performance Contract-P1636 Flexible funding. See DBHDS point of Contact for allowable	Substance Abuse Prevention and Treatment (SUD SGF) 0815-0000124083 Unrestricted Baseline Funding 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov
55	SUD Permanent Supportive Housing Women	State Budget Bill HB6001, Item 297, Section Z-AA. (Ch. 2, 2024 Special Session I) - Funding shall be used to provide permanent supportive housing to pregnant or parenting women with substance use disorders.	Exhibit G-Section 11 NOA3105	Substance Abuse Prevention and Treatment (SUD SGF) 0821 – 0000124083 Restricted 2026.SUD.CSBCode	Office of Community Housing janna.wiener@dbhds.virginia.gov Monica Spradlin Monica.spradlin@dbhds.virginia.gov
56	SUD Women (Includes LINK at 4 CSBs)	Funds are now being allocated out of federal funds. Includes A) an allocation to each CSBs to offset outreach case management services provided to hospital referred postpartum substance using women per Code of Virginia §32.1-127. and B) funding to 3 CSBs for the implementation of Project LINK	Exhibit G – Section 10	Substance Abuse Prevention and Treatment (SUD SGF) 0826 – 0000124083 Restricted Baseline Funding 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov Glenda Knight Glenda.knight@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		services across a collaboration of multiple CSBs. Project LINK provides intensive case management and home visiting services to substance using pregnant, parenting and "at risk" women and their families			
57	SUD Residential Region V CSBs only	Each of the CSBs in Region V receive an allocation to provide community or residential services. This funding was allocated when Serenity House funding was terminated, and Green Street closed.	General terms and conditions of the Performance Contract-P1636 Flexible funding See DBHDS point of Contact for allowable	Substance Abuse Prevention and Treatment (SUD SGF) 0864 – 0000124083 Unrestricted 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov

58	SARPOS	State Budget Bill HB6001, Item 297, Section DD. (Ch. 2, 2024 Special Session I) - Funding shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use disorders. Funded services shall focus on recovery models and the use of best practices.	Exhibit G – Section 11	Substance Abuse Prevention and Treatment (SUD SGF) 0816 Restricted 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**

59	SUD DD Training/SUD Youth Services/COVID	State Budget Bill HB6001, Item 297, Section OO. (Ch. 2, 2024 Special Session I) - Funding is provided for substance use disorder-specific training of the intellectual disability and developmental disability provider workforce, the development and implementation of substance use disorder treatment services specific to transition age youth up the age of 25, and additional critical substance use disorder services related to the COVID19 pandemic.	Exhibit D D3098	Substance Abuse Prevention and Treatment (SUD SGF) 0869 – 0000123914 Restricted baseline funding 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov Office of Child & Family Services Katharine Hunter katharine.hunter@dbhds.virginia.gov
60	SUD STEP-VA -Regional	State Budget Bill HB6001, Item 297, KK.5. (Ch. 2, 2024 Special Session I) -	General terms and conditions of the Performance Contract-P1636 Funding use	Substance Abuse Prevention and Treatment (SUD SGF) 0870 – 0000116676	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**
		Funding is provided for crisis detoxification services.	See DBHDS point of Contact for allowables	Restricted 2026.SUD.CSBCode	

61	SUD Jail Services/Juvenile Detention	Funding is used for Jail and Court Based Services and are provided for youth and adults who have problems related to substance use and/or co-occurring disorder that are criminal justice involved. Services can be provided within the jail, if within the community to individuals recently released from incarceration less than 60 days), and to drug court individuals.	General terms and conditions of the Performance Contract-P1636 Flexible funding See DBHDS point of Contact for allowables	Substance Abuse Prevention and Treatment (SUD SGF) 0872 – 0000124083 Unrestricted 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov
62	SUD Community Detoxification	State Budget Bill HB6001, Item 297, Section CC. (Ch. 2, 2024 Special Session I) - Funding is provided for community detoxification and sobriety services for individuals in crisis.	General terms and conditions of the Performance Contract-P1636	Substance Abuse Prevention and Treatment (SUD SGF) 0894 – 0000124083 Restricted Baseline 2026.SUD.CSBCode	Office of Patient Clinical Services Heather Rupe Heather.rupe@dbhds.virginia.gov
63	SUD Community	State Budget Bill HB6001, Item 297, Section CC. (Ch. 2, 2024	General terms and conditions of the Performance Contract-P1636	Substance Abuse Prevention and Treatment (SUD SGF)	Office of Patient Clinical Services Heather Rupe

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**

	Detoxification - Regional	Special Session I) - Funding is provided for community detoxification and sobriety services for individuals in crisis.		0894 – 0000116676 Restricted Baseline funding 2026.SUD.CSBCode	Heather.rupe@dbhds.virginia.gov
64	SUD Facility Reinvestment - Regional	Block of money given to enhance SU services. These funds were originally state hospital funds that were taken from the hospital (Western State Hospital DeJarnette Center) and taken into the Central Office and disbursed to the CSBs. Funds used for community-based substance use disorder residential treatment. Focused on short-term, medically managed detox.	Exhibit D D3134	Substance Abuse Prevention and Treatment (SUD SGF) 0903 – 0000116676 Restricted Baseline funding 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov
65	SUD HIV/AIDS	Funds are used for HIV and/or Harm Reduction prevention and treatment services. Such services include, but are not limited to: Staff	Exhibit G-Section 11	Substance Abuse Prevention and Treatment (SUD SGF) 0938 – 0000124083 Unrestricted Baseline funding 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**

		HIV and Communicable Disease Testing Referrals Linkage and Coordination to Care Outreach Services PrEP Condom Distribution Fentanyl Test Strips			
66	SUD MAT	State Budget Bill HB6001, Item 297, Section BB. (Ch. 2, 2024 Special Session I) - Funding is provided to increase access to medication assisted treatment for individuals with substance use disorders.	NOA3147R NOA3146T Exhibit G - 11	Substance Abuse Prevention and Treatment (SUD SGF) 0986 – 0000124083 Restricted Baseline funding 2026.SUD.CSBCODE 2026.SUD.CSBCode	Addiction Wellness and Recovery Services (AWRS) Candace Roney Candace.roney@dbhds.virginia.gov
67	SUD Recovery	State Budget Bill HB6001, Item 297, Section DD. (Ch. 2, 2024 Special Session I) - Funding shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use	NOA3147R	Substance Abuse Prevention and Treatment (SUD SGF) 0990 – 0000124083 Restricted funding 2026.SUD.CSBCode	Office of Mental Health, Wellness and Recovery Supports Alethea Lambert Alethea.lambert@dbhds.virginia.gov Sherea Ryan Sherea.ryan@dbhds.virginia.gov

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**

		disorders. Funded services shall focus on recovery model and the use of best practices.			
	DEVELOPMENTAL SERVICES				
68	DD State Funds	Developmental disabilities appropriations fund programs that support people with developmental disabilities and their families.	General terms and conditions of the Performance Contract-P1636 See	Developmental Services (DD SGF) 0830 – 0000124083 Restricted baseline funding 2026.DD.CSBCode	Community Services Heather Norton Heather.norton@dbhds.virginia.gov
69	DD OBRA Funds	OBRA FUNDS are intended for ID/RC (DD)individuals residing in a nursing facility to better integrate them into the community through covering the costs of equipment purchases or program participation that is not covered by Medicaid OBRA funds are reserved for ID/RC (DD) individuals that have participated in a Preadmission/ Resident Review (PASRR) screening and that	General terms and conditions of the Performance Contract-P1636	Developmental Services (DD SGF) 0855 – 0000124083 Unrestricted baseline funding 2026.DD.CSBCode	Division of Developmental Services Martin Kurylowski martin.kurylowski@dbhds.virginia.gov Lisa Rogers lisa.rogers@dbhds.virginia.gov John Clay john.clay@dbhds.virginia.gov

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**

		have had specialized services recommended.			
70	DD Rental Subsidies	State Budget Bill HB6001, Item 297, Section Z. (Ch. 2, 2024 Special Session I) - Funds shall be used to cover rent and utility assistance for participants with ID/DD and administrative fees for the partner agencies.	Exhibit D D0334	Developmental Services (DD SGF) 0922 – 0000124083 Restricted baseline funding 2026.DD.CSBCode	The Office of Community Housing Jeannie Cummins Jeannie.cummins@dbhds.virginia.gov Janna Wiener Janna.wiener@dbhds.virginia.gov
71	DD Crisis Stabilization - Children	State Budget Bill HB6001, Item 297, Section L. (Ch. 2, 2024 Special Session I) - Funds shall be used for crisis services for children with intellectual or developmental disabilities.	Exhibit D D3191 D3181	Developmental Services (DD SGF) 0923 – 0000124083 Restricted baseline funding 2026.DD.CSBCode	Crisis Support and Services Bill Howard william.howard@dbhds.virginia.gov Community Services Heather Norton heather.norton@dbhds.virginia.gov Linda Bassett linda.bassett@dbhds.virginia.gov
72	DD Crisis Stabilization - Children Regional	State Budget Bill HB6001, Item 297, Section L. (Ch. 2, 2024 Special Session I) - Funds shall be used for crisis services for children with intellectual or developmental disabilities.	Exhibit D D3181	Developmental Services (DD SGF) 0923 – 0000116676 Restricted baseline funding 2026.DD.CSBCode	Crisis Support and Services Bill Howard william.howard@dbhds.virginia.gov Community Services Heather Norton heather.norton@dbhds.virginia.gov Linda Bassett

	Funding Line-Item	**Appropriation Act Use/Restrictions**	**Additional Funding Requirements Found In**	**State General Fund Award Name/Coding/ WebGrants Number**	**DBHDS Point of Contact**

					linda.bassett@dbhds.virginia.gov
73	DD Crisis Stabilization Adult	State Budget Bill HB6001, Item 297, Section Q. (Ch. 2, 2024 Special Session I) - Funds shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.	Exhibit D D3164	Developmental Services (DD SGF) 0993 – 0000124083 Restricted baseline funding 2026.DD.CSBCode	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov Community Services Heather Norton Heather.norton@dbhds.virginia.gov Linda Bassett Linda.bassett@dbhds.virginia.gov
74	DD Crisis Stabilization Adult - Regional	State Budget Bill HB6001, Item 297, Section Q. (Ch. 2, 2024 Special Session I) - Funds shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.	Exhibit D D3164	Developmental Services (DD SGF) Restricted baseline funding 0993-0000116676 2026.DD.CSBCode	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov Community Services Heather Norton Heather.norton@dbhds.virginia.gov Linda Bassett Linda.bassett@dbhds.virginia.gov

Attachment 1

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
	GENERAL FUNDS 720 – CENTRAL OFFICE FUNDING				
	MENTAL HEALTH AND SUICIDE PREVENTION				
75	Suicide Prevention	Funding shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services, in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.	Exhibit D D1774	Mental Health and Suicide Prevention – Restricted baseline funding 72000-08230-XXX-01000-BHD78018-444002	Community BH Division Alisha Jarvis alisha.anthony@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
76	Mental Health First Aid	Funding shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall also be used to cover the cost of personnel dedicated to this activity, training manuals, and certification for all those receiving the training.	Exhibit G – Section 10	Mental Health and Suicide Prevention – Restricted baseline funding 72000-08230-XXX-01000-BHD78024-444002	Community BH Division Laura Robertson laura.robertson@dbhds.virginia.gov
	PROBLEM GAMBLING				
77	Recovery Services	Funding shall be used for problem gambling prevention, treatment, and recovery.	Exhibit G – Section 10 (Baseline Requirements) Exhibit D (Any additional requirements) D3073	Problem Gambling Appropriation 72000-08530-XXX-09039-BHD90000-499033	Community BH Division Anne Rogers Anne.Rogers@dbhds.virginia.gov
78	Behavioral Health Wellness	Funding shall be used for problem gambling prevention, treatment, and recovery.	Exhibit D Exhibit D3073 Exhibit D1959	Problem Gambling Appropriation 72000-09350-XXX-09039-BHD90000-499033	Community BH Division Anne Rogers Anne.Rogers@dbhds.virginia.gov
	COMMUNITY INTEGRATION				
79	LIPOS	Funding is provided to divert admissions from state hospitals by	Exhibit H of the Performance Contract P1636	Community Integration	Office of Patient Clinical Services

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		purchasing acute inpatient or community-based psychiatric services at private facilities. This funding shall be allocated to Community Services Boards and a Behavioral Health Authority for such purpose in an efficient and effective manner so as not to disrupt local service contracts and to allow for expeditious reallocation of unspent funding between Community Services Boards and a Behavioral Health Authority.		72000-08830-XXX-01000-BHD90000-444002	Heather Rupe Heather.Rupe@dbhds.virginia.gov
80	Youth DAP	Funding shall be used to address census issues at state facilities by providing community-based services for children and adolescents determined clinically ready for discharge or for the diversion of admissions of children and adolescents to	Exhibit K of the Performance Contract P1636 (baseline requirements) Exhibit D (any other requirements) D3166	Community Integration 72000-08460-XXX-01000-BHD78026-444002	Office of Patient Clinical Services Heather Rupe Heather.Rupe@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		state facilities by purchasing acute inpatient services, step-down services, or community-based services as an alternative to inpatient care.			
81	Adult DAP	Funding shall be used to address census issues at state facilities by providing community-based services for those individuals determined clinically ready for discharge or for the diversion of admissions to state facilities by purchasing acute inpatient or community-based psychiatric services.	Exhibit K of the Performance Contract P1636 (baseline requirements) Exhibit D (any other requirements) 8008.3014 D1916 D3089 D3091	Community Integration 72000-08460-XXX-01000-72000-08460-XXX-01000-BHD78025-444002	Office of Patient Clinical Services Heather Rupe Heather.Rupe@dbhds.virginia.gov
82	Chesapeake CPEP	Funding is provided for comprehensive psychiatric emergency programs (CPEP) – Provides $10 million in one-time funding for CPEPs or similar models of psychiatric care in emergency departments. This is a continuation	Exhibit D (as needed)	Community Integration 72000-08460-XXX-01000-0000123231-444002	Office of Patient Clinical Services Heather Rupe Heather.Rupe@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		of the $10 million provided in the Chapter 1 budget in FY 2024.			
83	DAP Pilots	Funding is provided for the Department of Behavioral Health and Developmental Services (DBHDS) to pursue alternative inpatient options to state behavioral health hospital care or to increase capacity in the community for patients on the Extraordinary Barriers List through projects that will reduce census pressures on state hospitals. Proposals shall be evaluated on: (i) the expected impact on state hospital bed use, including the impact on the extraordinary barrier list; (ii) the speed by which the project can become operational; (iii) the start-up and ongoing costs of the project; (iv) the sustainability	Exhibit D (as needed)	Community Integration 72000-08790-XXX-01000-BHD90000-444002	Office of Patient Clinical Services Heather Rupe Heather.Rupe@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		of the project without the use of ongoing general funds; (v) the alignment between the project target population and the population currently being admitted to state hospitals; and (vi) the applicant's history of success in meeting the needs of the target population. No project shall be allocated more than $2,500,000 each year. Projects may include public-private partnerships, to include contracts with private entities. The department shall give preference to projects that serve individuals who would otherwise be admitted to a state hospital operated by DBHDS, that can be rapidly implemented and provide the best long-term outcomes for patients. Consideration may be given to regional projects			

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		addressing comprehensive psychiatric emergency services, complex medical and neuro-developmental needs of children and adolescents receiving inpatient behavioral health services and addressing complex medical needs of adults receiving inpatient behavioral health services.			
84	Supervised Residential Care	Funding is provided for supervised residential care for 100 individuals. The department shall give priority to projects that prioritize individuals on the state's extraordinary barriers list. Projects may include public-private partnerships, to include contracts with private entities. Notwithstanding any other provision of law, contracts entered	Exhibit D D3139	Community Integration 72000-07080-XXX-01000-0000124443-444002	Office of Patient Clinical Services Heather Rupe Heather.Rupe@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		into pursuant to this paragraph shall be exempt from competition as otherwise required by the Virginia Public Procurement Act, §§ 2.2-4300 through 2.2-4377, Code of Virginia. The Department shall report quarterly on projects awarded with details on each project and its projected impact on the state's extraordinary barriers list. The report shall be submitted to the Chairs of House Appropriations and Senate Finance and Appropriations Committee no later than 30 days after each quarter ends.			
85	Mobile Crisis	Funding is provided for the one-time costs of establishing additional mobile crisis services in underserved areas.	Exhibit D D3103	Mobile Crisis 72000-08500-XXX-01000-0000124444-444002	Crisis Support and Services Bill Howard William.howard@dbhds.virginia.gov
86	Dementia	Funding shall be used to support the diversion and	Exhibit D D3091 D3089	Community Integration	Office of Patient Clinical Services

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		discharge of individuals with a diagnosis of dementia. Priority shall be given to those individuals who would otherwise be served by state facilities; to establish contracts to support the diversion and discharge into private settings of individuals with a diagnosis of dementia; for mobile crisis program targeted for individuals with a diagnosis of dementia; for pilot programs for individuals with dementia or geriatric individuals who may otherwise be admitted to a state facility.		72000-09722-XXX-01000-BHD90000-444002	Heather Rupe Heather.Rupe@dbhds.virginia.gov
87	ASAM 3.7	Funding is provided to support the costs of medically monitored high-intensity inpatient services (ASAM 3.7) for youth and adolescents with serious mental illness or substance use	Exhibit D (as needed)	ASAM 3.7 Medically Monitored 72000-09630-XXX-01000-BHD90000-444002	Office of Child and Family Services Katharine Hunter Katharine.Hunter@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		disorder who may otherwise require inpatient hospitalization.			
88	Geriatric Specialists	Funding is provided for geriatric behavioral specialists to provide training and consultative services and support.	Exhibit D D3180	72000-07160-XXX-01000-BHD90000-499033	Community Integration Office of Patient Clinical Services Heather Rupe Heather.Rupe@dbhds.virginia.gov
89	Workforce Development (Supplemental Funding)	Funding shall be provided to grow the Virginia Community Services Board (CSB) workforce. The Department of Behavioral Health and Developmental Services (DBHDS) shall allocate the funding based on the size of the CSB or behavioral health authority's workforce. The funding may be used to support paid internships and scholarship opportunities for students or staff earning behavioral health or other relevant certifications and degrees at two-	Exhibit D D3138	2000-09600-XXX-01000-0000125164-499014-Restricted	Office of Enterprise Management Services Chaye Neal-Jones Chaye.neal-jones@dbhds.virginia.gov

	Funding Line-Item	Appropriation Act Use/Restrictions	Additional Funding Requirements Found In	State General Fund Award Name/Coding/ WebGrants Number	DBHDS Point of Contact
		and four-year colleges and universities and other educational career development settings, to cover clinical supervision hours, for reimbursement for the costs of obtaining licenses, certification, and exams necessary for employment in relevant careers, to provide loan repayment, and other initiatives that may assist in growing the CSB workforce.			

AMENDMENT 4 AMENDED AND RESTATED
FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT MASTER AGREEMENT AND SUPPLEMENTAL DOCUMENTS
Exhibit I: IT SECURITY AND COMPLIANCE
[vCSBName]
Contract No. P1636.[vCSBCode].4

As the healthcare technology landscape continues to evolve, it is important for all healthcare operations to responsibly leverage new technology to improve patient care and business operations.

DBHDS recognizes that CSBs are healthcare entities subject to various federal and state regulation including but not limited to HIPAA and 42 CFR Part 2. To support compliance with these regulations, the Department and CSBs will establish a collaborative workgroup by the end of the first quarter of the 2027 fiscal year. The workgroup will develop IT Security and Compliance protocols to protect sensitive healthcare data and protect both parties from unnecessary data security risk.

The below, baseline requirements exist today. The workgroup may identify more requirements for this section to be included in future agreements.

Background

The Department expects all CSBs to comply with the IT Security and Artificial Intelligence requirements outlined in this section. These requirements align with current Commonwealth of Virginia Executive Orders, as well as applicable state and federal laws and regulations.

The Parties acknowledge that security standards will continue to evolve, and updates may be required as future versions of standards are released. DBHDS will monitor security and reporting initiatives related to the overall security posture and will coordinate with CSBs in a timely manner to implement evolving controls and address new security requirements.

Scope

The Department, as a healthcare oversight agency, is required to ensure IT Security and Compliance for all systems owned and operated by the Department. Further, the Department is required to ensure all data entering IT systems owned and operated by the Department, via integration or other means, do not pose avoidable risks to data security.

CSBs are responsible for the compliance of their business and data systems in accordance with federal and state laws and regulations. The Department does not oversee or bear any responsibility for a CSB's use of security controls, artificial intelligence tools, tools, processes and workflows that do not impact data or IT systems owned or operated by the department.

IT Security and Compliance
Regardless of other provisions in this agreement, each CSB must comply with State Code § 2.2-5514, "Prohibited products and services and required incident reporting."

Access Control for Department Systems

CSBs are responsible for managing the access their employees receive to Department owned or operated systems if such access is granted based upon an individual's business needs associated with the CSB. The aforementioned workgroup will develop processes and procedures for cataloging all DBHDS systems to

which CSB users have access as well as the process CSBs will use to notify DBHDS of the occurrence of, or need for access suspension. CSBs will be responsible for maintaining documentation of their users' access to DBHDS systems and must notify the established DBHDS IT points of contact in a timely manner when access changes are needed, access is no longer required, personnel are terminated, or a breach occurs.

Artificial Intelligence (AI)

The Commonwealth of Virginia recognizes the value of Artificial Intelligence (AI) technologies and has implemented guardrails to protect the privacy, security, and confidentiality of Commonwealth applications and data.

The VITA Policy Standards for the Utilization of Artificial Intelligence by the Commonwealth of Virginia govern the Department's use of these tools and may govern interactions between the parties in cases involving sensitive information.

Finally, under no circumstances will an unauthorized AI tool have access to DBHDS systems directly or indirectly via access to CSB systems. This is to maintain compliance with the VITA Enterprise Architecture Standard (EA225) which requires compliance with all applicable solution business requirements, including design/architecture, availability/performance, capacity, continuity, integration/interoperability, technology, and security requirements outlined in the standard.

AMENDMENT 4
FY26 –27 Community Services Performance Contract
Exhibit M: Department of Justice Settlement Agreement Requirements
Contract No. P1636. [CSB Code].4

The CSB and the Department agree to comply with the requirements set forth in the Settlement Agreement for *United States v. Commonwealth of Virginia*, Civil Action No. 3:12cv00059-JAG, entered by the U.S. District Court for the Eastern District of Virginia on August 23, 2012 [Section IX.A, p. 36], and the subsequent Permanent Injunction in the same case, filed on January 15, 2025, between the U.S. Department of Justice (DOJ) and the Commonwealth of Virginia. This includes the terms of the Permanent Injunction, as well as the compliance indicators agreed to by the parties and filed with the Court on January 14, 2020.

Sections identified in text or brackets refer to sections in the agreement requirements that apply to the target population defined in section III.B of the Agreement: individuals with developmental disabilities who currently reside in training centers, (ii) meet criteria for the DD Waiver waiting list, including those currently receiving DD Waiver services, or (iii) reside in a nursing home or an intermediate care facility (ICF).

To support Virginia's efforts to ensure all people with DD and their families have access to Medicaid information, the CSB will post a message for individuals with DD and their families related to the DMAS document titled "Help in Any Language" to the CSB website and provide the information through other means, as needed, or requested by individuals with DD and their families who are seeking services. This document can be accessed at https://dmas.virginia.gov/media/2852/language-taglines-for-dmas.pdf or by contacting DBHDS or DMAS.

1.) Case Managers or Support Coordinators shall provide anyone interested in accessing DD Waiver Services with a DBHDS provided resource guide (i.e. the Individual and Family Support Program (IFSP) First Steps Document) that contains information including but not limited to case management eligibility and services, family supports- including the IFSP Funding Program, family and peer supports, and information on the My Life, My Community Website, information on how to access REACH services, and information on where to access general information. [section III.C.2. a-f, p. 1].

2.) Case management services, defined in section III.C.5.b, shall be provided to all individuals receiving Medicaid Home and Community-Based Waiver services under the Agreement by case managers or support coordinators who are not directly providing or supervising the provision of Waiver services to those individuals [section III.C.5.c, p. 8].

3.) **For individuals receiving case management services** pursuant to the Agreement, the individual's case manager or support coordinator shall meet with the individual face-to-face on a regular basis and shall conduct regular visits to the individual's residence, as dictated by the individual's needs [section V.F.1, page 26].
   a. At these face-to-face meetings, the case manager or support coordinator shall: observe the individual and the individual's environment to assess for previously unidentified risks, injuries, needs, or other changes in status; assess the status of previously identified risks, injuries, needs, or other changes in status; assess whether the individual's individual support plan (ISP) is being implemented appropriately and remains appropriate for the individual; and ascertain whether supports and services are being implemented consistent with the individual's strengths and preferences and in the most integrated setting appropriate to the individual's needs.
   b. The case manager or support coordinator shall document in the ISP the performance of these observations and assessments and any findings, including any changes in status or significant events that have occurred since the last face-to-face meeting.
   c. If any of these observations or assessments identifies an unidentified or inadequately addressed risk, injury, need, or change in status, a deficiency in the individual's support plan or its implementation,

or a discrepancy between the implementation of supports and services and the individual's strengths and preferences, then the case manager or support coordinator shall report and document the issue in accordance with Department policies and regulations, convene the individual's service planning team to address it, and document its resolution.

4.) DBHDS shall develop and make available training for CSB case managers and leadership staff on how to assess change in status and that ISPs are implemented appropriately. DBHDS shall provide a tool with elements for the case managers to utilize during face-to-face visits to assure that changes in status as well as ISP are implemented appropriately and documented.
   a. CSB shall ensure that all case managers and case management leadership complete the training that helps to explain how to identify change in status and that elements of the ISP are implemented appropriately prior to using the On-Site Visit Tool. The CSB shall deliver the contents of the DBHDS training through support coordinator supervisors or designated trainers to ensure case managers understand the definitions of a change in status or needs and the elements of appropriately implemented services, as well as how to apply and document observations and needed actions.
   b. CSB shall ensure that all case managers use the DBHDS On-Site Visit Tool during one face-to-face visit each quarter for individuals with Targeted Case Management and at one face-to-face visit per month for individuals with Enhanced Case Management to assess at whether or not each person receiving services under the waiver experienced a change in status and to assess whether or not the ISP was implemented appropriately. The completed On-Site Visit Tool and from the visit that will be avialable to DBHDS within 30 days of completion.

5.) Using the process developed jointly by the Department and Virginia Association of Community Services Boards (VACSB) Data Management Committee (DMC), the CSB shall report the number, type, and frequency of case manager or support coordinator contacts with individuals receiving case management services [section V.F.4, p. 27].

6.) **Key indicators** - The CSB shall report key indicators, selected from relevant domains in section V.D.3 on page 24, from the case manager's or support coordinator's face-to-face visits and observations and assessments [section V.F.5, p 27]. Reporting in WaMS shall include the provision of data and actions related to DBHDS defined elements regarding a change in status or needs and the elements of appropriately implemented services in a format, frequency, and method determined by DBHDS [section III.C.5.b.i.].

7.) Enhanced Case Management (ECM) **Face-to-Face Visits** - The individual's case manager or support coordinator shall meet with the individual face-to-face at least every calendar month, and at least one such visit every two months must be in the individual's place of residence, for any individuals who [section V.F.3, pages 26 and 27]:
   a. Receive services from providers having conditional or provisional licenses;
   b. Have more intensive behavioral or medical needs as defined by the Supports Intensity Scale category representing the highest level of risk to individuals
   c. Have an interruption of service greater than 30 days;
   d. Encounter the crisis system for a serious crisis or for multiple less serious crises within a three-month period;
   e. Have transitioned from a training center within the previous 12 months; or
   f. Reside in congregate settings of five or more individuals. Refer to Enhanced Case Management Criteria Instructions and Guidance and the Case Management Operational Guidelines issued by the Department.

<u>The status of any individual receiving Enhanced Case Management (ECM) may be reviewed after 90 days to determine whether continued ECM support is necessary. This review must be documented in the individual's record and must include a description of the individual's status at the time of the decision, along with justification for the reason(s) continued ECM support is not required.</u>

AMENDMENT 4
FY26 –27 Community Services Performance Contract
Exhibit M: Department of Justice Settlement Agreement Requirements
Contract No. P1636. [CSB Code].4

The Case Manager or Support Coordinator (SC) shall provide each individual receiving Developmental Disabilities (DD) Waiver services, and the Substitute Decision-Maker (SDM), if applicable, with a choice of qualified service providers. This choice shall be presented prior to any discussion of service options.
The SC shall furnish the DBHDS Service Selection Guide to the individual and, where applicable, the SDM. The guide shall be provided in either electronic or printed format prior to the presentation of provider options.
Provider options shall be based on the individual's expressed preferences and shall include, but not be limited to, community non-waiver services and resources, Community Services Board (CSB) providers, and non-CSB waiver providers.
The SC shall document the individual's and, if applicable, the SDM's provider selection using the Virginia Informed Choice Form. This form shall be completed within the Waiver Management System (WaMS) for all referrals to the Regional Support Team (RST) [section III.C.5.c, p. 8].
The CSB SC shall complete the Virginia Informed Choice Form to document both provider and SC selection upon initiation of a new service request; when a change occurs in provider, service, or service setting; when the individual expresses dissatisfaction with a current service or provider; and no less than once annually.
The CSB will document the selected Support Coordinator's name on the Virginia Informed Choice form to indicate individuals, and as applicable Substitute Decision-Maker's, choice of the assigned SC.

8.) **Support Coordinator Quality Review (SCQR)** - The CSB shall complete the Support Coordinator Quality Review process for a statistically significant sample size as outlined in the Support Coordinator Quality Review Process.

a. DBHDS shall annually pull a statistically significant stratified sample of individuals receiving HCBS waiver and send this to the CSB to be utilized to complete the review.
b. Each year, the CSB shall complete the number of Support Coordinator Quality Reviews and provide data to DBHDS as outlined by the process.
c. DBHDS shall analyze the data submitted to determine the following elements are met:
    i. The CSB offered each person the choice of case manager/provider
    ii. The case manager assesses risk, and risk mitigation plans are in place
    iii. The case manager assesses whether the person's status or needs for services and supports have changed and the plan has been modified as needed.
    iv. The case manager assists in developing the person's ISP that addresses all of the individual's risks, identified needs and preferences.
    v. The ISP includes specific and measurable outcomes, including evidence that employment goals have been discussed and developed, when applicable.
    vi. The ISP was developed with professionals and nonprofessionals who provide individualized supports, as well as the individual being served and other persons important to the individual being served.
    vii. The ISP includes the necessary services and supports to achieve the outcomes such as medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, respite, and other services necessary.
    viii. Individuals have been offered choice of providers for each service.
    ix. The case manager completes face-to-face assessments that the individual's ISP is being implemented appropriately and remains appropriate to the individual by meeting their health and safety needs and integration preferences.
    x. The CSB has in place and the case manager has utilized where necessary, established strategies for solving conflict or disagreement within the process of developing or revising ISPs, and addressing changes in the individual's needs, including, but not limited to, reconvening the planning team as necessary to meet the individuals' needs.

d. DBHDS shall review the data submitted and complete a semi-annual report that includes a review of data from the Support Coordinator Quality Reviews and provide this information to the CSB. To assure consistency between reviewers, DBHDS shall complete an inter-rater reliability process.
e. If two or more records do not meet 86% compliance for two consecutive quarters, the CSB shall receive technical assistance provided by DBHDS. As requested by DBHDS, the CSB will submit a performance improvement plan when two or more indicators (Item 9c above) are found to be below 60% during any year reviewed.
f. The CSB shall cooperate with DBHDS and facilitate its completion of on-site annual retrospective reviews at the CSB to validate findings of the CSB Support Coordinator Quality Review to provide technical assistance for any areas needing improvement.

9.) **Education about Integrated Community Options** - Case managers or support coordinators shall offer education about integrated community options to any individuals living outside of their own or their families' homes and, if relevant, to their authorized representatives or guardians [section III.D.7, p. 14]. Case managers shall offer this education at least annually through the completion of the Virginia Informed Choice form and at the following times:

a. At enrollment in a DD Waiver
b. When there is a request for a change in Waiver service provider(s)
c. When an individual is dissatisfied with a current Waiver service provider,
d. When a new service is requested
e. When an individual wants to move to a new location, or
f. When a regional support team referral is made as required by the Virginia Informed Choice Form

10.) **Co-occurring Mental Health conditions or engaging in challenging behaviors** for individuals receiving case management services identified to have co-occurring mental health conditions or engaging in challenging behaviors, the individual's case manager or support coordinator shall assure that effective community based behavioral health and/or behavioral supports and services are identified and accessed where appropriate and available.

a. If the case manager or support coordinator incurs capacity issues related to accessing needed behavioral support services in their designated Region, every attempt to secure supports should be made to include adding the individual to several provider waitlists (e.g., based upon individualized needs, this may be inclusive of psychotherapy, psychiatry, counseling, applied behavior analysis/positive behavior support providers, etc.) and following up with these providers quarterly to determine waitlist status. [SA. Provision: III.C.6.a.i-iii Filing reference: 7.14, 7.18]
b. DBHDS will provide the practice guidelines and a training program for case managers regarding the minimum elements that constitute an adequately designed behavioral program, as provided under Therapeutic Consultation waiver services, and what can be observed to determine whether the plan is appropriately implemented. The CSB shall ensure that all case managers and case management leadership complete the training such that case managers are aware of the practice guidelines for behavior support plans and of key elements that can be observed to determine whether the plan is appropriately implemented. [SA. Provision: III.C.6.a.i-iii Filing reference: 7.16, 7.20]

11.) The CSB shall identify children and adults who are at risk for crisis through the standardized on-site visit tool or through the utilization of the crisis elements contained in the tool at intake, and if the individual is identified as at risk for crisis or hospitalization, shall refer the individual to REACH. [SA. Provision: III.C.6.a.i-iii Filing reference: 7.2]

12.) **Enhanced Case Management -** For individuals who receive enhanced case management, the case manager or support coordinator shall utilize the standardized on-site visit tool during monthly visits; for individuals that receive targeted case management, the case manager or support coordinator shall use the standardized on-site visit tool during quarterly visits. Any individual that is identified as at risk for crisis shall be referred to REACH. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.3] This tool can be adapted to electronic health records when all elements of the standardized format are included.

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13.) The CSB shall ensure that CSB Executive Directors, Developmental Disability Directors, case management or support coordination supervisors, case managers or support coordinators, and intake workers participate in training on how to identify children and adults who are at risk for going into crisis.
   a. CSBs shall ensure that training on identifying risk of crisis for intake workers and case managers (or support coordinators) shall occur within 6 months of hire. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.5]

14.) The CSB shall provide data on implementation of the crisis elements as requested by DBHDS when it is determined that an individual with a developmental disability has been hospitalized and has not been referred to the REACH program.
   a. The CSB shall provide to DBHDS upon request copies of the on-site visit tool, or documentation of utilization of the elements contained within the tool during a crisis screening, for quality review purposes to ensure the tool is being implemented as designed and is appropriately identifying people at risk of crisis. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.6]
   b. DBHDS shall develop a training for the CSB to utilize when training staff on assessing an individual's risk of crisis/hospitalization.
   c. DBHDS shall initiate a quality review process to include requesting documentation for anyone psychiatrically hospitalized who was not referred to the REACH program and either actively receiving case management during the time frame or for whom an intake was completed prior to hospitalization. The CSB shall promptly, but within no more than 5 business days, provide the information requested.
   d. DBHDS shall request information to verify presence of DD diagnosis for persons who are psychiatrically hospitalized and are not known to the REACH program. The CSB shall promptly, within 5 business days, provide the information requested. [S.A. Provision: III.C.6.b.ii.A Filing references 8.6, 8.7]

15.) **CSB Case manager shall work with the REACH program** to identify a community residence within 30 days of admission to the program including making a referral to the RST when the system has been challenged to find an appropriate provider within this timeframe.
   a. If a waiver eligible individual is psychiatrically hospitalized, is a guest at a REACH Crisis Therapeutic Home (CTH), or is residing at an Adult Transition Home and requires a waiver to obtain a community residence, the CSB shall submit an emergency waiver slot request. [S.A. Provision III.C.6.b.ii.A Filing reference 10.2]

16.) **CSB emergency services** shall be available 24 hours per day and seven days per week, staffed with clinical professionals who shall be able to assess crises by phone, assist callers in identifying and connecting with local services, and, where necessary, dispatch at least one mobile crisis team member adequately trained to address the crisis for individuals with developmental disabilities [section III.C.6.b.i.A, p. 9].
   a. The mobile crisis team shall be dispatched from the Regional Education Assessment Crisis Services Habilitation (REACH) program that is staffed 24 hours per day and seven days per week by qualified persons able to assess and assist individuals and their families during crisis situations and that has mobile crisis teams to address crisis situations and offer services and support on site to individuals and their families within one hour in urban areas and two hours in rural areas as measured by the average annual response time [section III.C.6.b.ii, pages 9 and 10].
   b. All Emergency services staff and their supervisors shall complete the REACH training, created and made available by DBHDS, that is part of the emergency services training curriculum.

c. DBHDS shall create and update a REACH training for emergency staff and make it available through the agency training website.
d. CSB emergency services shall notify the REACH program of any individual suspected of having a developmental disability who is experiencing a crisis and seeking emergency services as soon as possible, preferably prior to the initiation of a preadmission screening evaluation in order to allow REACH and emergency services to appropriately divert the individual from admission to psychiatric inpatient services when possible.
e.
f. If the CSB has an individual receiving services in the REACH CTH program with no plan for discharge to a community residence and a length of stay that shall soon exceed 30 concurrent days, the CSB Executive Director or his or her designee shall provide a weekly update describing efforts to achieve an appropriate discharge for the individual to the Department's Assistant Commissioner of Developmental Services or his/her designee.
g. DBHDS shall notify the CSB Executive Director or designee when it is aware of a person at the REACH CTH who is nearing a 30-day concurrent stay.

17.) **Comply with State Board Policy 1044 (SYS) 12-1 Employment First** [section III.C.7.b, p. 11]. This policy supports identifying community-based employment in integrated work settings as the first and priority service option offered by case managers or support coordinators to individuals receiving day support or employment services.
a. CSB case managers shall take the on-line case management training modules and review the case management manual within 30 days of hire.
b. CSB case managers shall initiate meaningful employment conversations with individuals starting at the age of 14 until the age of retirement (65).
c. CSB case managers shall discuss employment with all individuals, including those with intense medical or behavioral support needs, as part of their ISP planning processes.
d. CSB case managers shall document goals for or toward employment for all individuals 18-64 or the specific reasons that employment is not being pursued or considered.
e. DBHDS shall maintain training and tools for case managers regarding meaningful conversation about employment, including for people with complex medical and behavioral support needs. The CSB shall utilize this training, the SC Employment Module, with its staff and document its completion within 30 days of hire.

18.) CSB case managers or support coordinators shall liaise with the Department's regional community resource consultants regarding responsibilities as detailed in the Performance Contract [section III.E.1, p. 14].

19.) Case managers or support coordinators shall participate in discharge planning with individuals' personal support teams (PSTs) for individuals in training centers and children in ICF/IIDs for whom the CSB is the case management CSB, pursuant to § 37.2-505 and § 37.2-837 of the Code that requires the CSB to
develop discharge plans in collaboration with training centers [section IV.B.6, p. 16].

20.) In developing discharge plans, CSB case managers or support coordinators, in collaboration with facility PSTs, shall provide to individuals and, where applicable, their authorized representatives, specific options for types of community residences, services, and supports based on the discharge plan and the opportunity to discuss and meaningfully consider these options [section IV.B.9, p. 17].

21.) CSB case managers or support coordinators and PSTs shall coordinate with specific types of community providers identified in discharge to provide individuals, their families, and, where applicable, their authorized representatives with opportunities to speak with those providers, visit community residences (including, where feasible, for overnight visits) and programs, and facilitate conversations and meetings with individuals currently living in the community and their families before being asked to make choices regarding options [section IV.B.9.b, p. 17].

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22.) CSB case managers or support coordinators and PSTs shall assist individuals and, where applicable, their authorized representatives in choosing providers after providing the opportunities described in subsection 13 above and ensure that providers are timely identified and engaged in preparing for individuals' transitions [section IV.B.9.c, p.17]. Case managers or support coordinators shall provide information to the Department about barriers to discharge for aggregation and analysis by the Department for ongoing quality improvement, discharge planning, and development of community-based services [IV.B.14, p. 19].

23.) In coordination with the Department's Post Move Monitor, the CSB shall conduct post- move monitoring visits within 30, 60, and 90 days following an individual's movement from a training center to a community setting [section IV.C.3, p.19]. The CSB shall provide information obtained in these post move monitoring visits to the Department within seven business days after the visit.

24.) If a CSB provides day support or residential services to individuals in the target population, the CSB shall implement risk management and quality improvement processes, including establishment of uniform risk triggers and thresholds that enable it to adequately address harms and risks of harms, including any physical injury, whether caused by abuse, neglect, or accidental causes [section V.C.1, p. 22].

25.) Using the protocol and the real-time, web-based incident reporting system implemented by the Department, the CSB shall report any suspected or alleged incidents of abuse or neglect as defined in § 37.2-100 of the Code, serious injuries as defined in 12 VAC 35- 115-30 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services* or deaths to the Department within 24 hours of becoming aware of them [section V.C.2, p. 22].

26.) CSBs shall participate with the Department to collect and analyze reliable data about individuals Receiving services under this Agreement from each of the following areas:

a. safety and freedom from harm
b. physical, mental, and behavioral
c. avoiding crises
d. choice and self-determination
e. community inclusion, health and well-being
f. access to services
g. provider capacity
h. stability [section V.D.3, pgs. 24 & 25]

27.) CSBs shall participate in the regional quality council established by the Department that is responsible for assessing relevant data, identifying trends, and recommending responsive actions in its region [section V.D.5.a, p. 25].

29.) CSB's shall review and provide annual feedback on the Quality Review Team (QRT) End of Year Report.

30.) CSBs shall participate in DBHDS initiatives that ensure the reliability and validity of data submitted to the Department. Participation may include reviews of sampled data, the comparison of data across DBHDS and CSB systems, and the involvement of operational staff to include information technology. Meeting frequency shall be semi-annually, but not more than monthly depending on the support needed.

31.) CSBs shall provide access to the Independent Reviewer to assess compliance with this Agreement. The Independent Reviewer shall exercise his access in a manner that is reasonable and not unduly burdensome to the operation of the CSB and that has minimal impact on programs or services to individuals receiving

services under the Agreement [section VI.H, p. 30 and 31]

32.) **The CSB shall cooperate with the Department and any designated third-party vendors in the implementation of the National Core Indicators (NCI) Surveys and Quality Service Reviews (QSRs) for individuals selected to participate under the Agreement. Such cooperation shall include: (i) notifying individuals and their authorized representatives of their selection for participation in NCI individual surveys or QSRs; (ii) providing timely access to requested information, including health records; (iii) assisting with individual-specific follow-up activities as necessary; and (iv) completing NCI surveys.** [section V.I, p. 28].

33.) The CSB shall notify the community resource consultant (CRC) and regional support team (RST) in the following circumstances using the RST referral form in the waiver management system (WaMS) application to enable the RST to monitor, track, and trend community integration and challenges that require further system development:
   a. within five calendar days of an individual being presented with any of the following residential options: an ICF, a nursing facility, a training center, or a group home/congregate setting with a licensed capacity of five beds or more;
   b. if the CSB is having difficulty finding services within 30 calendar days after the individual's enrollment in the waiver; or
   c. immediately when an individual is displaced from his or her residential placement for a second time [sections III.D.6 and III.E, p. 14].

34.) DBHDS shall provide data to CSBs on their compliance with the RST referral and implementation process.
   a. DBHDS shall provide information quarterly to the CSB on individuals who chose less integrated options due to the absence of something more integrated at the time of the RST review and semi-annually
   b. DBHDS shall notify CSBs of new providers of more integrated services so that individuals who had to choose less integrated options can be made aware of these new services and supports.
   c. CSBs shall offer more integrated options when identified by the CSB or provided by DBHDS.
   d. CSBs shall accept technical assistance from DBHDS if the CSB is not meeting expectations.

35.) Case managers or support coordinators shall collaborate with the CRC to ensure that person-centered planning and placement in the most integrated setting appropriate to the individual's needs and consistent with his or her informed choice occur [section III.E.1- 3, p. 14].
   a. CSBs shall collaborate with DBHDS CRCs to explore community integrated options including working with providers to create innovative solutions for people.
   b. The Department encourages the CSB to provide the Independent Reviewer with access to its services and records and to individuals receiving services from the CSB; however, access shall be given at the sole discretion of the CSB [section VI.G, p. 31].

36.) **Developmental Case Management Services**
   a. Case managers or support coordinators employed or contracted by the CSB shall meet the knowledge, skills, and abilities qualifications in the Case Management Licensing Regulations, 12 VAC 35-105-1250. During its inspections, the Department's Licensing Office may verify compliance as it reviews personnel records.
   b. Reviews of the individual support plan (ISP), including necessary assessment updates, shall be conducted with the individual quarterly or every 90 days and include modifications in the ISP when the individual's status or needs and desires change.
   c. During its inspections, the Department's Licensing Office may verify this as it reviews the ISPs including those from a sample identified by the CSB of individuals who discontinued case management services.
   d. The CSB shall ensure that all information about each individual, including the ISP and VIDES, is imported from the CSB's electronic health record (EHR) or through WaMS direct entry (see 36.e.) to the Department on or prior to the effective date of the ISP through an electronic exchange mechanism

mutually agreed upon by the CSB and the Department into the electronic waiver management system (WaMS). CSBs must continue to provide the information to provider agencies in a timely manner to prevent any interruption in an individual's services.

e. If the CSB is unable to submit via the data exchange process, it shall enter this data directly through WaMS, when the individual is entered the first time for services, or when his or her living situation changes, her or his ISP is reviewed annually, or whenever changes occur, including the individual's Race and the following information:

i.	full name	viii.	level of care information
ii.	social security number	ix.	change in status
iii.	Medicaid number	x.	terminations
iv.	CSB unique identifier	xi.	transfers
v.	current physical residence address	xii.	waiting list information
vi.	living situation (e.g., group home	xiii.	bed capacity of the group home if that is chosen
vii.	family home, or own home)	xiv.	Current support coordinator's name

f. Case managers or support coordinators and other CSB staff shall comply with the SIS® Administration Process and any changes in the process within 30 calendar days of notification of the changes.

g. Case managers or support coordinators shall notify the Department's service authorization staff that an individual has been terminated from all DD waiver services within 10 business days of termination.

h. Case managers or support coordinators shall assist with initiating services within 30 calendar days of waiver enrollment and shall submit Request to Retain Slot forms as required by the Department. All written denial notifications to the individual, and family/caregiver, as appropriate, shall be accompanied by the standard appeal rights (12VAC30-110).

i. Case managers or support coordinators shall complete the level of care tool for individuals requesting DD Waiver services within 60 calendar days of application for individuals expected to present for services within one year.

j. Case managers or support coordinators shall comply with the DD waitlist process, DD waitlist review process and slot assignment process and implement any recommendations or changes in the processes within 30 calendar days of written notice from the Department.

37.) **Targeted Technical Assistance**

a. The CSB shall participate in technical assistance as determined by the Case Management Steering Committee. Technical assistance may be comprised of virtual or on-site meetings, trainings, and record reviews related to underperformance in any of the following areas monitored by the committee: Regional Support Team referrals, Support Coordination Quality Review results, Individual Support Plan entry completion, and case management contact data.

b. DBHDS shall provide a written request that contains specific steps and timeframes necessary to complete the targeted technical assistance process.

c. The CSB shall accommodate technical assistance when recommended within 45 days of the written request.

d. CSB failure to participate in technical assistance as recommended or demonstrate improvement within 12 months may result in further actions under Exhibit I of this contract.

38.) CSB Quality Improvement Committees will review annually the DMAS-DBHDS Quality Review Team's End of Year report on the status of the performance measures included in the DD HCBS Waivers' Quality Improvement Strategy with accompanying recommendations to the DBHDS Quality Improvement Committee. CSB documentation of these reviews and resultant CSB-specific quality improvement activities will be reported to DBHDS within 30 days of receiving the report.

39.) **Support Coordination Training Requirements**

DD Support Coordination Training Requirements			
Training	**Location**	**Timeframe**	**Supplemental Information**
General Orientation	CSB per 12VAC35-105-450	w/in 15 days of hire	
SC Modules 1-10	https://sccmtraining.partnership.vcu.edu/sccmtrainingmodules/	w/in 30 days of hire	
SC Employment Module	https://covlc.virginia.gov/ [keyword search: Employment]	w/in 30 days of hire	
Independent Housing Curriculum for SCs	https://covlc.virginia.gov/ [keyword search: Housing]	w/in 30 days of hire	
KSA related trainings for DD TCM only	CSB per 12VAC30-50-490	8 hours annually	
Behavioral Training	https://covlc.virginia.gov/ [keyword search: Behavioral]	w/in 180 days of hire	
On-site Visit Tool (OSVT) Training	https://dbhds.virginia.gov/wp-content/uploads/2022/03/osvt-training-slides-understanding-change-in-status-10.30.20-final-sm.pptx	Prior to use	
Completing the Crisis Risk Assessment Elements of the OSVT	https://covlc.virginia.gov/ [keyword search: Crisis]	Prior to use	
Understanding PC ISP v4.0 Parts I-IV	https://vimeo.com/1008790734/700ec3fddc	Prior to facilitating an ISP meeting	
Individual Support Plan (ISP) Modules 1-5	https://covlc.virginia.gov/ [keyword search: ISP] [keyword search: ISP]	Prior to facilitating an ISP meeting	
HCBS Rights Training	https://www.medicaid.gov/medicaid/ home-community-based-services/home-community-based- services-training-series	Prior to site visits	

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FY26 –27 Community Services Performance Contract
Exhibit M: Department of Justice Settlement Agreement Requirements
Contract No. P1636. [CSB Code].1

AMENDMENT
AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT
ADDENDUM I
ADMINISTRATIVE REQUIREMENTS AND PROCESSES AND PROCEDURES

Appendix E: Administrative Requirements for Accounts Receivables

Background

A. CSB Responsibilities

1. Before the end of the first quarter of FY27, the established small workgroup comprised of Chief Executive Officers (CFO) and Executive Directors (ED) and DBHDS representatives shall meet to revise the current language in this section with key performance indicators that take in consideration but not limited to the following:

    1. Clean Claim Rate (CCR)
    2. Days in Accounts Receivable (A/R)
    3. Initial Denial Rate
    4. Monitoring A/R aging
    5. Final Denial Write-offs
    6. Net collection rates
    7. Eligibility conversion rate

8. CSB shall develop and implement systems that are adequate to properly account for and report their client receivables.
9. CSB shall establish and implement receivable collection policy that includes procedures for billing, re-billing, processing denials and write offs. Such procedures should address the frequency of billing, monitoring of denials and frequency of re-billing such denials of client receivables.
10. CSB shall write off client receivable accounts when all collection procedures have been exhausted and categories of such write offs need to be defined in their receivable policy.
11. CSB shall collect minimum prescribed information from clients including their insurance information that aids in collecting receivables.
12. CSB shall strive to consistently pursue client receivables collect its client receivables including Medicaid, Medicare, and third-party insurers and limit the percentage of receivables over 120 days (excluding self-pay) to 15% or less of the total AR (excluding self-pay) unless actively collecting on those accounts.

B. Department Responsibilities

AMENDMENT
AMENDED AND RESTATED
FY2026 AND FY2027 COMMUNITY SERVICES PERFORMANCE CONTRACT
MASTER AGREEMENT
ADDENDUM I
ADMINISTRATIVE REQUIREMENTS AND PROCESSES AND PROCEDURES

1. Before the end of the first quarter of FY27, Department shall convene meeting with the established small workgroup comprised of CFOs and EDs to revise the current language in this section with key performance indicators that take in consideration but not limited to the following: Clean Claim Rate (CCR)
2. Days in Accounts Receivable (A/R)
3. Initial Denial Rate
4. Monitoring A/R aging
5. Final Denial Write-offs
6. Net collection rates
7. Eligibility conversion rate
8. The Department shall attend the established VACSB State Steering Committee meetings that address issues around collecting receivables.
9. The Department shall attend VARO (Virginia Association of Reimbursement Officers) conference that address issues around collecting receivables.
10. The Department shall consult with the CSB Executive Director and/or Chief Executive Officer in advance of sharing data with the General Assembly, Behavioral Health Commission, JLARC or posting on any public facing dashboards.

C. Reporting Requirements

CSB shall report total client receivables, including accounts aged 30 days, 31-60 days, 61-90 days, 91-120, 120 days and over, by payor type, to DBHDS Finance on a quarterly basis within 30 days of the close of the quarter using the established DBHDS report template. CSB shall send the reports to sharon.wilson@dbhds.virginia.gov

Appendix F: Regional Program Operations ~~Operating Principles~~

A regional program can be a highly effective way to allocate and manage resources, coordinate the delivery and manage the utilization of high cost or low incidence services, and promote the development of services where economies of scale and effort could assist in the diversion of individuals from admission to state facilities.

A regional program is funded by the Department through the community services board or behavioral health authority, hereafter referred to as the CSB, and operated explicitly to provide services to individuals who receive services from the CSBs participating in the program. A regional

program may be managed by the participating CSBs or by one CSB, have single or multiple service sites, and provide one or more types of service. A regional program also may include self contained, single purpose programs (e.g., providing one type of core service, usually residential) operated by one CSB for the benefit of other CSBs or programs contracted by one CSB that serve individuals from other CSBs.

Each individual receiving services provided through a regional program must be identified as being served by a particular CSB. That CSB will be responsible for contracting for and reporting on the individuals that it serves and the services that it provides; and each individual will access services through and have his or her individualized services plan managed by that particular CSB.

Regional Program Operating Principles

The regional program operating principles provide guidance for CSBs to implement and manage identified regional programs and to account for services provided by the programs. The principles also provide guidance for the Department to monitor regional programs on a more consistent basis.

1. **Regional Program Funding:** Depending on the design of a regional program, the Department may disburse state and/or federal funds for a regional program to each participating CSB or to one CSB that operates a regional program or agrees to serve as the fiscal agent for a regional program. All regional programs shall be included in the performance contract and reflected in required reports.

a. If the Department disburses regional program funds to each participating CSB, each participating CSB shall follow existing performance contract and report requirements and procedures for that portion of the regional program funded by that CSB.

b. If the Department disburses regional program funds to a CSB that operates a regional program on behalf of the other CSBs in a region, the operating CSB shall follow existing performance contract and report requirements and procedures, as if the regional program were its own program.

c. If the Department disburses regional program funds to a CSB that has agreed to serve as the fiscal agent (fiscal agent CSB) for the regional program, disbursements will be based on, accomplished through, and documented by appropriate procedures, developed and implemented by the region.

d. When funds are disbursed to a fiscal agent CSB, each participating CSB shall identify, track, and report regional program funds that it receives and spends as funds for that regional program. Each participating CSB, including the fiscal agent CSB, shall reflect in its financial and program reports only its share of the regional program, in terms of individuals served, services provided, funds received, expenses made, and costs of the services. Any monitoring and reporting of and accountability for the fiscal agent CSB's handling of state

or federal funds for a regional program shall be accomplished through the performance contract and reports. Alternately, if the participating CSBs elect, each CSB may perform these functions for its share of the regional program.

e. When funds are disbursed to a fiscal agent CSB that pays a contract agency to deliver regional program services, the fiscal agent CSB and participating CSBs may elect to establish an arrangement in which the fiscal agent CSB reports all of the funds and expenditures in the fiscal report while the participating CSBs and the fiscal agent CSB report information about the program service delivery. Alternately, if the participating CSBs elect, the fiscal agent CSB may admit the individuals served by other participating CSBs and, for purposes of this regional program, treat those individuals as its own for documentation and reporting purposes.

2. Regional programs should receive the same state funding increases as regular CSB grant-funded activities, such as the salary increases for community services provided from time to time by the General Assembly in the Appropriation Act.

a.

3. **Financial Reporting:** All funds, expenses, and costs for a regional program shall be reported to the Department only once; they may be reported by individual CSBs, the CSB that serves as the fiscal agent, or both, depending on how the regional program is designed and operates. For example, the fiscal agent CSB might report the revenues and expenses for a regional program provided by a contract agency, and a CSB that refers individuals it serves to that regional program may report the service and cost information related to those individuals.

4. **Consumer Reporting:** Each individual who receives services through a regional program shall be reported to the Department only once for a particular service. However, an individual who receives services from more than one CSB should be reported by each CSB that provides a service to that individual. For example, if an individual receives outpatient mental health services from one CSB and residential crisis stabilization services from a second CSB operating that program on behalf of a region, the individual would be admitted to each CSB and each CSB would report information about the individual and the service it provided to the individual.

5. **Service Reporting:** Each service provided by a regional program shall be reported only once, either by the CSB providing or contracting for the service or the CSB that referred individuals it served to the regional program operated or contracted by another CSB or by the region.

6. **Contracted Regional Programs:** When the case management CSB refers an individual to a regional program that is operated by a contract agency and paid for by the regional program's fiscal agent CSB, the case management CSB shall report the service and cost information, and funding and expense information. Alternately, if the participating CSBs elect, the fiscal agent

CSB could admit the individual for this service and report information about the individual receiving services, services, costs, funds, and expenses itself; in this situation, the case management CSB would report nothing about this service.

7. **Transfers of Resources Among CSBs:** CSBs may transfer state, local, and federal funds to each other to pay for services that they purchase from each other.

8. **Regional Administrative and Management Expenses:** CSBs and the Department have provider and local or state authority roles that involve non-direct services tasks such as utilization management and regional authorization committees. These roles incur additional administrative and management expenses for the programs. CSBs shall report these expenses as part of their costs of delivering regional services. The Department shall factor in and accept reasonable administrative and management expenses as allowable costs in regional programs in accordance with the DBHDS Federal and State Indirect Cost Rate Policy.

9. **Local Supplements:** If a CSB participating in a regional program supplements the allocation of state and/or federal funds received by the CSB operating that program through transferring resources to the operating CSB, the participating CSB shall show the transfer as an expense on financial forms but not as a cost on service forms in its performance contract and reports. Then, the participating CSB will avoid displaying an unrealistically low service cost in its reports for the regional program and double counting individuals served by and service units delivered in the regional program, since the operating CSB already reports this information.

10. **Balances:** CSBs shall follow Appendix C of this Addendum. Each region shall establish procedures for monitoring expenditures of regional program funds.

11. **Issue Resolution:** Regional program funding issues, such as the amount, sources, or adequacy of funding for the program, the distribution of state allocations for the regional program among participating CSBs, and financial participation of each CSB whose individuals receive services from the regional program, should be resolved at the regional level among CSBs participating in the program, with the Department providing information or assistance as needed or required.

Regional Program Models

The following models have been developed for CSBs and the Department to use in designing, implementing, operating, monitoring, and evaluating regional programs. These models are paradigms that could be altered by mutual agreement among the CSBs and the Department as regional circumstances warrant. However, to the greatest extent possible, CSBs and the Department shall adhere to these models to support and reinforce more consistent approaches to the operation,

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management, monitoring, and evaluation of regional programs. CSBs should review these models and, in consultation with the Department, implement the applicable provisions of the model or models best suited to their particular circumstances, so that the operations of any regional program will be congruent with one of these models.

1. Operating CSB-Funded Regional Program Model

1. The CSB that operates a regional program receives state and/or federal from the Department for the program. The operating CSB provides the services, projects the total funding and cost for the regional program in its performance contract and contract revision(s), and reports all data on total actual individuals served, units of service(s) delivered, funding, expenses, costs, and static capacities. Other CSBs, which refer individuals to the regional program for services and report nothing for the regional program in their contracts for the program service or financial data. ~~;~~.
2. The operating CSB admits individuals receiving services from the regional program to the applicable program area (all MH, DV, or SA services) and develops individualized services plans (ISPs) for them for service(s) provided by the regional program. When individuals complete receiving all services from the regional program, they are discharged from the applicable program area by the operating CSB, unless they are receiving other services in that program area from that operating CSB. If individuals are also receiving services from the operating CSB in another program area, the CSB admits them to that program area. The operating CSB provides appropriate information about the services provided and other clinical information to the CSB that referred the individual to the regional program for clinical record keeping purposes at the referring CSB.
3. The operating CSB is responsible for ensuring that all data is accurately maintained in its information system, for performance contract and reporting purposes, on individuals receiving services from a regional program operated by that CSB.
4. Each of the other CSBs with individuals receiving services from this regional program admits those individuals to the applicable program area and provides a service, such as case management, consumer monitoring, or another appropriate service, but not in service(s) provided by the regional program. Thus, individuals receiving services from a regional program will appear in the data reporting ~~CCS 3 extracts~~ for two CSBs, but not for the same services.
5. If the other CSBs with individuals receiving services from this regional program provide additional funds to the operating CSB to supplement the funds that the operating CSB receives from the Department for the regional program, the other CSBs show the revenues and expenses for this supplement on the financial forms in their performance contracts, contract revisions, and reports. However, the other CSBs do not show any services provided, individuals served, or costs for the regional program's services on the service forms in their contracts, revisions, or reports. Thes other CSBs include an explanation on the Financial Comments page of the difference between the expenses on the financial forms and the costs on the service forms. The operating CSB shows the services provided, individuals served, and total costs (including costs

supported by supplements from the other CSBs) for the regional program's services on its service forms, but it does not show any revenues or expenses associated with the supplements on the financial pages in its contract, contract revision(s), and reports. The operating CSB includes an explanation of the difference between the expenses on the financial forms and the costs on the service forms on the Financial Comments page.

6. All of the CSBs, to the extent practicable, determine individual CSB allocations of the state and/or federal ~~and sometimes other~~ funds received from the Department, based on service utilization or an agreed upon formula in collaboration with the Department.

7. This model also could be adapted by a region to handle its LIPOS services, if one CSB receives all of the LIPOS funds, admits all of the individuals receiving LIPOS services, and pays all of the LIPOS providers. Participating CSBs should negotiate this adaptation with the Department.

2. All Participating CSBs-Funded Regional Program Model

1. Each CSB that participates and receives state and/or federal ~~sometimes other~~ funds from the Department for the regional program, ~~Each participating CSB~~ may supplement this amount with other funds available to it if the funds received from the Department are not sufficient to cover the regional program's expenses. Each participating CSB uses those funds to purchase services from the regional program for the individuals it serves, projects the funding and cost for the regional program in its performance contract and reports actual individuals served and units of service(s) delivered, funding, expenses, costs, and static capacities in its performance only for the individuals it serves.

2. The regional program operated by one of the participating CSBs functions like a contract agency provider. All of the individual, service, static capacity, funding, expense, and cost information for the whole program is maintained separately and is not included in the contract, contract revision(s), program and financial reports of the CSB operating the program. The participating CSBs, including the CSB operating the program, include only the parts of this information that apply to the individuals it serves in their contracts, contract revisions, reports, and extracts. The regional program is licensed by the Department, when applicable, and develops and maintains individualized services plans (ISPs) for individuals that it serves.

3. Each participating CSB admits individuals receiving services from the regional program to the applicable program area (all MH, DV, or SA services) for the services provided by the regional program. The services provided by the regional program are listed in the ISPs maintained by the participating CSBs for these individuals. When individuals complete receiving all services from the regional program, they are discharged from the applicable program area by the participating CSB, unless they continue to receive other services in that program area from that participating CSB. The regional program provides appropriate information about the services provided and other clinical information to the CSB that referred the individual to the program, as any contract agency would provide such information to the contracting CSB.

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4. Each participating CSB, including the CSB operating the regional program, ensures that the appropriate information about the individuals it serves and their services is entered into its information systemand reported ~~in the~~ for that participating CSB.

3. Fiscal Agent CSB-Funded Regional Program Model

1. One CSB receives state and/or federal ~~sometimes other~~ funds from the Department and acts as the fiscal agent for a regional program. The Department disburses the regional allocation to the fiscal agent CSB on behalf of all CSBs participating in the regional program.

2. The fiscal agent CSB, in collaboration with the other participating CSBs, develops agreed-upon procedures that describe how the CSBs implement the regional program and jointly manage the use of these funds on a regional basis. The procedures also establish and describe how unused funds can be reallocated among the participating CSBs to ensure the greatest possible utilization of the funds. These procedures should be documented in a regional memorandum of agreement (MOA) that is available for review by the Department.

3. The fiscal agent CSB receives the semi-monthly payments of funds from the Department for the regional program. The fiscal agent CSB disburses the regional program funds to individual CSBs, including itself when applicable, in accordance with the procedures in paragraph 2. The fiscal agent CSB displays such disbursements on a Transfer In/Out line of the applicable resources page in its final performance contract revision and its reports. The other CSBs receiving the transferred funds show the receipt of these funds on the same line. CSBs provide more detailed information about these transfers on the Financial Comments pages of contract revisions and reports.

4. Each CSB implementing a regional program accounts for and reports the funds and expenses associated with the program in its final performance contract ~~revision and CARS~~ reports. The fiscal agent CSB displays the total amount of the allocation as funding and all Transfers Out in its financial ~~CARS~~ reports, but it only displays in its reports the expenses for any regional program that it implements.

5. As an alternative to items 1 through 4 above for certin programs, such as the Discharge Assistance Program, and with the concurrence of the Department, instead of one CSB acting as a fiscal agent, all CSBs participating in that program establish a regional mechanism for managing the use of the regional program funds. The CSBs decide through this regional management mechanism how the total amount of funds for the program should be allocated among them on some logical basis (e.g., approved regional discharge assistance program ISPs). The region informs the Department of the allocations, and the Department adjusts the allocation of each participating CSB and disburses these allocations directly to the participating CSBs. Those CSBs agree to monitor and adjust allocations among themselves during the fiscal year through this regional management mechanism to ensure the complete utilization of these regional program funds, in accordance with the MOA in item 2 above.

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Each CSB implementing a regional program ensures that appropriate information about the individuals it serves and their services is entered into its information system
A variation of this model, the Fiscal Agent CSB-Funded Regional Local Inpatient POS Program Model, can be used to implement and manage regional local acute psychiatric inpatient bed purchases.

3.a. Fiscal Agent CSB-Funded Regional Local Inpatient POS Program Model

1. One CSB agrees to act as the fiscal agent for the regional Local Inpatient Purchase of Services (LIPOS) program. The Department disburses the regional LIPOS allocation to the fiscal agent CSB on behalf of all of the CSBs participating in the regional LIPOS program.

2. The fiscal agent CSB, in collaboration with all of the participating CSBs and with consultation from the Department, develops procedures that describe how the CSBs will implement the regional LIPOS program and jointly manage the use of these funds on a regional basis. The procedures include regional utilization management mechanisms, such as regional authorization committees (RACs) and regional procurements of beds through contracts with private providers. Such contracts may reserve blocks of beds for use by the region or purchase beds or bed days on an as available basis. The procedures also establish and describe how unused funds can be reallocated among the participating CSBs to ensure the greatest possible utilization of the funds. These procedures should be documented in a regional memorandum of agreement (MOA) that is available for review by the Department.

3. The fiscal agent CSB receives the semi-monthly payments of funds from the Department for the regional LIPOS program. The fiscal agent CSB disburses regional LIPOS funds to individual CSBs or uses such funds itself to pay for the costs of local inpatient hospitalizations that have been approved by a regional review and authorization body established by and described in the MOA in item 2 of this section. The fiscal agent CSB displays such disbursements on a Transfer In/Out line of the mental health resources page in its final performance contract revision and reports, and the CSB receiving the transferred funds shows the receipt of these funds on the same line. CSBs provide more detailed information about these transfers on the Financial Comments page of contract revisions and reports.

4. The CSB that purchases local inpatient services accounts for and reports the funds and expenses associated with its LIPOS in its final performance contract revision and financial reports. The fiscal agent CSB displays the total amount of the allocation as funds and all Transfers Out in its CARS reports, but it displays in its reports only the expenses for its own LIPOS.

The CSB that purchases the local inpatient services ensures that appropriate information about individuals, services, and costs is entered into its management information system

4. Fiscal Agent CSB-Funded Contract Agency Regional Program Model

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1. One CSB receives state and/or federal ~~sometimes other~~ funds from the Department and acts as the fiscal agent for a regional program that is contracted by this fiscal agent CSB to a public or private agency. The Department disburses the regional allocation to the fiscal agent CSB on behalf of all CSB participating in the contracted regional program.

2. The fiscal agent CSB contracts with and provides set monthly payments to a regional program provided by a public or private contract agency on behalf of all of the CSB participating in this regional program. The contract may purchase a pre-set amount of specified services from the contract agency and pay the agency a predetermined cost, whether or not the participating CSBs use the services.

3. Each participating CSB referring one of the individuals it serves to this contracted regional program admits the individual, enrolls him in the regional program service, and refers him to the contract agency. The contract agency provides information to the referring (case management) CSB, and that CSB maintains information about the individual and the service units in its information system.

4. The fiscal agent CSB provides program cost information to each referring CSB, based on its use of the regional program, and the referring CSB enters this information in the cost column of the program services form ~~(pages AP-1 through AP-4)~~ but does not enter any funding or expenditure information in its performance contract report ~~(CARS).~~ The fiscal agent CSB enters the funding and expenditure information associated with the regional program on the financial forms in its performance contract report, but it enters cost information on the program services form only for the individuals that it referred to the regional program. Each CSB will explain the differences between the financial and program service forms in its performance contract report on the Financial Comments page. The Department will reconcile the differences among the participating CSBs' reports using these comments. Because of the difficulty in calculating the program cost information for each participating CSB, program cost information would only need to be included in end of the fiscal year performance contract ~~(CARS)~~ reports.

5. All of the participating CSBs, to the extent practicable, determine individual CSB allocations of the state and sometimes other funds received from the Department, based on service utilization or an agreed-upon formula in collaboration with the Department.

This model also could be adapted by a region to handle its LIPOS services, if one CSB acts as the fiscal agent and pays all of the LIPOS providers. This adaptation should be negotiated with the Department by the participating CSBs.

Regional Program Procedures

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A regional program is funded by the Department through the community services board or behavioral health authority, hereafter referred to as the CSB and operated explicitly to provide services to individuals who receive services from the CSBs participating in the program.

1. Purpose

The CSB may collaborate and act in concert with other CSBs or with other CSBs and state hospitals or training centers, hereafter referred to as state facilities, to operate regional programs, provide or purchase services on a regional basis, conduct regional utilization management, or engage in regional quality improvement efforts. Regional programs include but limited to regional discharge assistance programs (RDAP), local inpatient purchases of services (LIPOS), and other programs such as residential or ambulatory crisis stabilization programs. These procedures apply to all regional programs. While this appendix replaces earlier regional memoranda of agreement (MOAs), CSBs, state facilities, private providers participating in the regional partnership, and other parties may still need to develop MOAs to implement specific policies or procedures to operate regional or sub-regional programs or activities. Also, an MOA must be developed if a regional program intends to establish a peer review committee (e.g., a regional utilization review and consultation team) whose records and reviews would be privileged under § 8.01-581.16 of the Code of Virginia. When the CSB receives state and/or federal funds from the Department for identified regional programs or activities, it shall adhere to the applicable parts of these procedures, which are subject to all applicable provisions of the community services performance contract. In the event of a conflict between any regional program procedures and any provisions of the contract, provisions of the contract shall prevail.

2. Regional Management Group (RMG)

a. The participating CSBs and/or state facilities shall establish an RMG. The executive director of each participating CSB and the director of each participating state facility shall each serve on or appoint one member of the RMG. The RMG shall manage the regional program and coordinate the use of funding provided for the regional program, review the provision of services offered through the regional program, coordinate and monitor the effective utilization of the services and resources provided through the regional program, and perform other duties that the members mutually agree to carry out. An RMG may deal with more than one regional program.

b. Although not members of the RMG, designated staff in the Central Office of the Department shall have access to all documents maintained or used by this group, pursuant to applicable provisions of the performance contract, and may attend and participate in all meetings or other activities of this group.

c. In order to carry out its duties, the RMG may authorize the employment of one or more regional managers to be paid from funds provided for a regional program and to be employed by a participating CSB. The RMG shall specify the job duties and responsibilities for and supervise the regional manager or managers.

3. Regional Utilization Review and Consultation Team (RURCT)

a. The RMG shall establish a RURCT pursuant to § 8.01-581.16 of the Code of Virginia to, where applicable:

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1.) review the implementation of the individualized services plans (ISPs) or individualized Discharge Assistance Program plans (IDAPPs) developed through the regional program to ensure that the services are the most appropriate, effective, and efficient services that meet the clinical needs of the individual receiving services and report the results of these reviews to the RMG;

2.) review individuals who have been on the state facility extraordinary barriers to discharge list for more than 30 days to identify or develop community services and funding appropriate to their clinical needs and report the results of these reviews and subsequent related actions to the RMG;

3.) review, at the request of the case management CSB, other individuals who have been determined by state facility treatment teams to be clinically ready for discharge and identify community services and resources that may be available to meet their needs;

4.) facilitate, at the request of the case management CSB, resolution of individual situations that are preventing an individual's timely discharge from a state facility or a private provider participating in the regional partnership or an individual's continued tenure in the community;

5.) identify opportunities for two or more CSBs to work together to develop programs or placements that would permit individuals to be discharged from state facilities or private providers participating in the regional partnership more expeditiously;

6.) promote the most efficient use of scarce and costly services; and

7.) carry out other duties or perform other functions assigned by the RMG.

b. The RURCT shall consist of representatives from participating CSBs in the region, participating state facilities, private providers participating in the regional partnership, and others who may be appointed by the RMG, such as the regional manager(s) employed pursuant to section II.C. The positions of the representatives who serve on this team shall be identified in local documentation.

c. The RURCT shall meet monthly or more frequently, when necessary, for example, depending upon census issues or the number of cases to be reviewed. Minutes shall be recorded at each meeting. Only members of the team and other persons who are identified by the team as essential to the review of an individual's case, including the individual's treatment team and staff directly involved in the provision of services to the individual, may attend meetings. All proceedings, minutes, records, and reports and any information discussed at these meetings shall be maintained confidential and privileged, as provided in § 8.01-581.17 of the Code of Virginia.

d. For the regional program, the RURCT or another group designated by the RMG shall maintain current information to identify and track individuals served and services provided through the regional program. This information may be maintained in participating CSB information systems or in a regional data base. For example, for the RDAP, this information shall include the individual's name, social security number or other unique identifier, other unique statewide identifier, legal status, case management CSB, state hospital of origin, discharge date, state re-hospitalization date (if applicable), and the cost of the IDAPP. This team shall maintain automated or paper copies of records for each RDAP-funded IDAPP. Changes in responsibilities of the case management CSB, defined in the core services taxonomy, and the transfer of RDAP funds shall be reported to the Offices of Grants Management and Mental Health Services in the Department as soon as these changes or transfers are known or at least monthly.

e. For RDAP, the RURCT shall conduct utilization reviews of ISPs as frequently as needed to ensure continued appropriateness of services and compliance with approved IDAPPs and reviews of quarterly utilization and financial reports and events related to the individual such as re-hospitalization, as appropriate. This utilization review process may result in revisions of IDAPPs or adjustment to or redistribution of RDAP funds. This provision does not supersede utilization review and audit processes conducted by the Department pursuant to the performance contract.

f. Although not members of the RURCT, designated staff in the Central Office of the Department shall have access to all documents, including ISPs or IDAPPs, maintained or used by this body, pursuant to applicable provisions of the performance contract, and may attend and participate in all meetings as non-voting members and in other activities of this team.

4. **Operating Procedures for Regional Programs:** These operating procedures establish the parameters for allocating resources for and monitoring continuity of services provided to individuals receiving regional program services. Some of the procedures apply to regional programs generally; others apply to particular regional programs, although they may be able to be adapted to other regional programs.

   a. Funding for a regional program shall be provided and distributed by the Department to participating CSBs or to a CSB on behalf of the region through their community services performance contracts in accordance with the conditions specified the contract, often in an Exhibit D.

   b. Each participating CSB or a CSB on behalf of the region shall receive semi-monthly payments of state funds from the Department for the regional program through its community services performance contract, as long as it satisfies the requirements of this appendix and the performance contract, based upon its total base allocation of previously allotted and approved regional program funds.

   c. Participating CSBs and state facilities shall develop agreed-upon procedures that describe how they will implement a regional program and jointly manage the use of regional program funds on a regional basis. These procedures shall be reduced to writing and provided to the Department upon request.

   d. Regional program funds may be used to support the activities of the RMG and RURCT.

   e. Within the allocation of funds for the regional program, funds may be expended for any combinations of services and supports that assure that the needs of individuals are met in community settings. ISPs or IDAPPs must be updated and submitted, as revisions occur or substitute plans are required, to the RMG for approval according to procedures approved by the RMG.

   f. Regional program funds used to support ISPs or IDAPPs shall be identified on a fiscal year basis. Amounts may be adjusted by the RMG to reflect the actual costs of care based on the regional program's experience or as deemed appropriate through a regional management and utilization review process.

   g. The CSB responsible for implementing an individual's regional program ISP or IDAPP shall account for and report the funds and expenses associated with the regional program ISP or IDAPP in its community services performance contract and in its quarterly performance contract reports submitted through to the Department.

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h. The CSB responsible for implementing an individual's regional program ISP or IDAPP shall ensure that the appropriate information about that individual and his or her services is entered into its management information system so that the information can be through reports to the Department.

i. The participating CSBs may use regional program funds to establish and provide regional or sub-regional services when this is possible and would result in increased cost effectiveness and clinical effectiveness.

j. Operation of a RDAP is governed by the Discharge Assistance Program Manual issued by the Department and provisions of Exhibit C of the performance contract.

5. General Terms and Conditions

a. CSBs, the Department, and any other parties participating in a regional program agree that they shall comply with all applicable provisions of state and federal law and regulations in implementing any regional programs to which these procedures apply. The CSB and the Department shall comply with or fulfill all provisions or requirements, duties, roles, or responsibilities in the current community services performance contract in their implementation of any regional programs pursuant to these procedures.

b. Nothing in these procedures shall be construed as authority for the CSB, the Department, or any other participating parties to make commitments that will bind them beyond the scope of these procedures.

c. Nothing in these procedures is intended to, nor does it create any claim or right on behalf of any individual to any services or benefits from the CSB or the Department.

6. Project Management

a. The Department shall be responsible for the allocation of regional program state and federal funds and the overall management of the regional program at the state level.

b. The RMG shall be responsible for overall management of the regional program and coordination of the use of funding provided for the regional program in accordance with these procedures.

c. The CSB shall be responsible for managing regional program funds it receives in accordance with these regional program procedures.

d. Payments generated from third party and other sources for any regional program shall be used by the region or CSB to offset the costs of the regional program. The CSB shall collect and utilize all available funds from other appropriate specific sources before using state and federal funds to ensure the most effective use of these state and federal funds. These other sources include Medicare; Medicaid-fee-for service, targeted case management payments, rehabilitation payments, and ID waiver payments; other third-party payors; auxiliary grants; SSI, SSDI, and direct payments by individuals; payments or contributions of other resources from other agencies, such as social services or health departments; and other state, local, or Department funding sources.

e. The Department may conduct on-going utilization review and analyze utilization and financial information, and events related to individuals served, such as re-hospitalization, to ensure the continued appropriateness of services and to monitor the outcomes of the regional program. The utilization review process may result in adjustment to or reallocation of state general and federal funding allocations for the regional program.

Appendix C: Management of Unexpended State Funds

Purpose

The purpose of this Appendix is to establish standardized limits, approval requirements, and oversight responsibilities for the accumulation and use of unexpended state funds by Community Services Boards (CSBs) and Regional Programs administered by a Regional fiscal agent.

Unexpended balance refers to funds allocated or awarded to a CSB that are not spent or paid out by the CSB during a fiscal year or other appropriation term.

For the purposes of this Appendix the definition for Unexpended, Unspent and Carry Over funds is the same.

Section 1: CSB Unspent Balance Requirements

1.2 State General Funds

1. Regional Program Funds

   Unexpended regional program funds may be managed by the fiscal agent and participating CSBs, and in accordance with Appendix F: Regional Program Operations of Addendum I Administrative Requirements and Processes and Procedures, and that provided:

   1. All uses are approved collectively by participating CSBs in their established Memorandum of Agreement (MOA).
   2. Uses comply with allowable purposes or an alternative use proposed by the region, in line with the appropriation act and authorized by DBHDS.
   3. Procedures for managing regional funds are documented in the regional program's Memorandum of Agreement (MOA) and align with this Appendix and the current performance contract.

   Balances may be:

   1. Prorated to individual CSBs for local use as outlined in original plan from the Department. Meaning, funds are divided among the individual CSBs. Each CSB gets its own share based on a formula. It can be based on population, need, or another prorated method- based on an agreed upon methodology to deliver the service in that region through the prior agreed upon plan unless circumstances have changed and the methodology needs to change. The money is then used locally by each CSB according to the plan approved by Department.
   2. Allocated collectively for regional initiatives. Means, instead of part of the regional funds going to each CSB separately, the funds are pooled together. The combined amount is used for projects or initiatives that benefit the entire region, not just a single CSB. Decisions about use are made at the regional level rather than by individual CSBs.

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3. Managed by the fiscal agent as agreed by all participating CSBs.

2. Non-Regional Funds:

   Funds allocated to an individual CSB to develop a program service within the operational scope of that individual CSB. Unexpended General Fund balances awarded to individual CSBs are managed by the CSB and in compliance with requirements outlined in Section 2.

Section 2: Allowable Uses of Unspent State Fund Balances

Consistent with the intent of the Grants to Localities item in the Appropriation Act, Board Policy 6005(FIN)94-2, and §§ 37.2-500 or 37.2-601 of the Code of Virginia:

1. CSBs may use unspent balances of state funds only for mental health, developmental, and substance use disorder services purposes.
2. Any other uses are prohibited and constitute a violation of the CSB's performance contract.
3. Categories:

   - Restricted – Limited to the permissible purpose.
   - Unrestricted –Funds are used solely for allowable mental health, developmental, or substance use disorder service purposes consistent with the Appropriation Act and applicable Code of Virginia provisions. Unrestricted balances will be monitored by the Department.

Repayment Obligation

Funds used for disallowed, unauthorized or out-of-scope activities must be repaid immediately to the Department or the Department shall reduce future disbursements to offset amount(s) owed. It is the expectation of the Department that CSBs request technical assistance if uncertain of permissible use of funding.

Section 3: Collective Uses of Unspent State Fund Balances

A group of CSBs may pool unspent balances to address one-time issues or needs that are more effectively or efficiently addressed collectively. CSBs shall share these written plans with the Department for review.

- Pooled restricted funds must adhere to original restrictions.
- All uses must comply with principles and procedures in this Appendix.

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Section 4: Carryforward Limits

1. Individual CSBs: May carry forward from previous fiscal year(s)up to 25% of the total state appropriation allocated for the current fiscal year. DBHDS shall provide timely notification regarding the individual funding line items within a defined funding category which exceed the 25% cap and work collaboratively with the CSBs regarding the funding line items that should be paused in order to spend down those funds which exceed the 25% cap.
2. Regional Programs: May carry forward from previous fiscal year(s) up to 25% of the total state appropriation allocated for the current fiscal year. DBHDS shall provide timely notification regarding the individual funding line items within a defined funding category which exceed the 25% cap and work collaboratively with the CSBs regarding which funding line items should be paused in order to spend down those funds which exceed the 25% cap.
3. The 25% carryforward limitation shall apply only to restricted state fund balances.
4. There shall be no percentage cap on the carryforward of unrestricted (non-restricted) state fund balances. Unrestricted state funds may be carried forward without limitation, provided that:

Funds are used solely for allowable mental health, developmental, or substance use disorder service purposes consistent with the Appropriation Act, Board Policy 6005(FIN)94-2, and §§ 37.2-500 or 37.2-601of the Code of Virginia.

> Monthly reporting regarding the above will be provided by DBHDS to CSBs until such time as funding line item in questions is below the 25% threshold. At which point, funding will resume at the original dispensation.

Section 5: Exception Process

CSBs and Regional Programs may request exceptions to percentage limits for documented, one-time, or strategic uses, including:

1. Capital projects
2. Time-limited investments
3. Infrastructure, technology, or security enhancements
4. Transitional program requirements
5. Urgent needs identified by the Department
6. Funds distributed in the last two quarters of the fiscal year

Capital Project Exception

Amounts reserved for approved capital projects shall be excluded from carryforward calculations if:

Appendix C: Management of Unexpended State Funds

1. Approved by the CSB board and follows Appendix F: Regional Program Operations of Addendum I Administrative Requirements and Processes and Procedures.
2. Documented in a specific exhibit as capital with standardized language provided by the Department
3. Funds are designated for purchase, construction, renovation, or replacement of land/buildings; purchase/replacement of capital equipment or facility-related machinery; or purchase of information technology system equipment or software.

Department Authority:

The Department may approve, modify, or deny exception requests and provide timely communication to CSBs. Requests must include:

1. A clearly stated decision
2. Detailed justification for the decision
3. Cost estimate
4. Timeline
5. Explanation of why expenditure cannot be accommodated within standard limits.
6. Any proposed alternatives or adjustments which might result in approval if the request has been denied

Department Responsibilities:

Responses to CSB requests for capital project exceptions will be provided to the CSB within 2 weeks of receipt . CSBs reserves the right to appeal anydecision or escalate if a response is not timely. The appeal process begins with working with the Deputy Commissioner of Community. If a timely agreeable resolution is not achieved the CSB reserves the right to appeal to the Commissioner of DBHDS within 90 days of receipt of the response. Responses will include:

1. A clearly stated decision
2. A detailed justification for the decision
3. Any proposed alternatives or adjustments which might result in approval if the request has been denied

Section 6: Reporting Requirements

CSBs and Regional Programs shall report all unexpended balances, proposed carryforwards, and exception requests in the format required in mid-year and end-of-year performance contract reporting.

Section 7: Carryforward Balances Oversight

The Department shall review all carryforward requests above 25% to assess:

Appendix C: Management of Unexpended State Funds

1. Progress toward expenditure
2. Compliance with intended use
3. Overall program service performance
4. Emerging risks or delays

CSBs and Regional Programs shall provide updated expenditure reports using a jointly developed template provided by DBHDS at a cadence that is mutually agreed upon. Section 8: Effective Period of Restrictions

Restricted state funds remain restricted as originally appropriated. After the biennium, any unexpended restricted funds shall remain restricted for permissible purposes.

The Department may request accounting of accumulated restricted fund. The Department may direct CSBs to repurpose or reallocate funds within existing programs, services or projects, based on need and with appropriate authority from the General Assembly where required.

Section 9: Department Responsibilities

Allocations of State Funds

Per State Board Policy 6005 and §§ 37.2-509 or 37.2-611 of the Code of Virginia, the Department shall allocate funds in Grants to Localities without applying estimated year-end balances to next year's awards and in accordance with procedures established by the Department and performance contracts. Allocations of state-controlled funds to the CSBs shall be determined by the Department, after careful consideration of all of the factors noted in the current Board Policy and Code and providing sufficient notification to CSB before implementing any reduction of state-controlled funds

Review of Unspent Balances

The Department may require CSBs to report any unspent funds from the previous year. If a CSB's unspent funds are above allowed limits, the Department may pause current-year payments. If performance data shows ongoing low program service performance and high unspent balances, the Department may also withhold current-year funds. The Department may create additional requirements for how unspent funds are identified, used, reported, or redistributed.

The Department will work with CSBs to resolve compliance issues. It will provide guidance on what is allowed and not allowed use of unspent funds, including a timely review and approval process, and will offer technical assistance when needed.

Reinstatement: DBHDS may reinstate payments to CSBs within the current fiscal year if it determines that withholding such payments results in a material operational impact. Material operational impact includes, but is not limited to, disruptions to service delivery, staffing,

Appendix C: Management of Unexpended State Funds

compliance requirements, or continuity of care. DBHDS will provide written notification of any decision to reinstate payments, including the effective date and any applicable term.

Applicable Exhibits/Addendums

- Appendix C Implementation Guide (TO BE DEVELOPED JOINTLY)
- Exhibit G: Community Services Boards Master Programs Services Requirements
- Appendix F: Regional Program Operations of Addendum I Administrative Requirements and Processes and Procedures Addendum I: Carryforward Reporting Template (electronic form)
- Addendum I: Exception Request Form (electronic form)

BOILER PLATE

The funds identified in this Exhibit are designated and approved as Capital Project funds in accordance with Appendix C: Management of Unexpended State Funds. These funds are restricted solely to the capital purpose described. Amounts designated and approved as Capital Project funds shall be excluded from the calculation of the 25% restricted state fund carryforward limitation for the applicable fiscal year(s).

Attachment 1

DBHDS Program Funding
State and Federal Indirect Cost Rate Policy

Version 2.0

Effective Date: July 1, 2026

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DBHDS Program Funding
State and Federal Indirect Cost Rate Policy

Federal Indirect Cost Rate

The Office of Management and Budget (OMB) updated grant guidance effective October 1, 2024, allowing:

- An increase in the allowable indirect cost rate from 10% to 15% of Modified Total Direct Costs (MTDC).
- An increase in the MTDC subaward ceiling from $25,000 to $50,000.
- An increase in the threshold for equipment from $5,000 to $10,000.
- The revised rate can only be claimed on costs incurred after Oct. 1, 2024

Community Services Boards (CSBs) with a negotiated Indirect Cost Rate above 15% from their cognizant federal agency shall be honored by DBHDS.

Definitions

Indirect Costs: Includes costs incurred for a common or joint purpose benefiting more than one cost objective (e.g., accounting, HR, procurement, administration).

Modified Total Direct Cost (MTDC) Includes all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $50,000 of each subaward (regardless of the period of performance of the subawards under the award).

MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of $50,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

Federal Negotiated Indirect Cost Rate (NICRA)

Pass-through entities (PTE) must accept all federally negotiated indirect cost rates for subrecipients per 2 CFR § 200.332(b)(4). The pass-through entity must not require the use of the de minimis indirect cost rate (current 15%) if the subrecipient has an approved indirect cost rate negotiated with the Federal Government. (§ 200.332 Requirements for pass-through entities)

DBHDS Program Funding
State and Federal Indirect Cost Rate Policy

DBHDS State Indirect Cost Rate (IDCR)

The indirect cost rate in Virginia varies by organization and funding source. Rates for state agencies are often set by the Virginia Department of Planning and Budget (DPB). DBHDS does not have a DPB-established rate; therefore, DBHDS Executive Leadership must establish, review, and approve any changes.

State Indirect Cost Rate Definitions

Direct Administrative Costs: Includes costs directly related to program administration (e.g., salaries, fringe benefits, materials, supplies, contractual costs).

Indirect Costs: Includes Costs benefiting multiple programs within a CSB (e.g., administrative staff salaries, finance, quality, postage, security).

Program Services

Effective July 1, 2026 the allowable individual program services (non-regional) indirect cost rate will be set at 15%. Due to program-specific considerations, DBHDS may, under certain circumstances, apply a rate lower than 15%.

The Federal Negotiated Indirect Cost Rate (NICRA) is not applicable to state funds. Use of the Federal Negotiated Indirect Cost Rate (NICRA) for state general funds must be reviewed and approved through a contract agreement with the Department.

Regional Administrative Indirect Cost Rate

Effective July 1, 2026 the Regional Administrative Indirect Cost Rate for state funding may be allocated directly to CSBs by DBHDS, through the Regional Fiscal Agent, who may retain a portion for administrative costs:

- **Pass-through only: Up to 5%** - For the purposes of this policy, pass-through means for the purchase of services on behalf of individuals. If the Regional Fiscal Agent is only passing the funding through to another CSB or service entity and does not enter into a contract or manage the program for which the funds are intended, the Regional Fiscal Agent may retain the allocation amount for Administrative Costs.
- **Subcontract management: Up to 7.5%** - If the Regional Fiscal Agent enters into a subcontract with another entity which will allow the third party to administer the service or program, the Regional Fiscal Agent may retain the allocation for Administrative Costs.

DBHDS Program Funding
State and Federal Indirect Cost Rate Policy

- **Direct program administration: Up to 15% -** If the Regional Fiscal Agent is directly administering the program or service for which the funds are intended, the Regional Fiscal Agent may retain the allocation for Administrative Costs.

The Federal Negotiated Indirect Cost Rate (NICRA) is not applicable to state funds. Use of the Federal Negotiated Indirect Cost Rate (NICRA) for state general funds must be reviewed and approved through a contract agreement with the Department.

Where to Find Current Rates

- Federal IDCR
  - Code of Federal Regulations
  - WebGrants: Navigate to People and Organizations → Organization Database → Organization Information → Federally-Approved Indirect Cost Rate.
  - OEMS System of Record (SoR): CSB Lookup, column titled Indirect Cost Rate.
- DBHDS State Indirect Cost Rate (IDCR) – TBD

Version History

Version	Date	Change By	Rationale
1.0	02/19/2026	Chaye Neal-Jones	Merged federal and state policy; sunset Regional Administrative Fees Policy and revise the language dated 4/20/202.Received internal and external stakeholder input.

Board Agenda Item
August 25, 2026

CONSIDERATION – 1

Acceptance of Fairfax County Public Art Master Plan

ISSUE:
Acceptance of Fairfax County Public Art Master Plan as advisory guidance to staff.

TIMING:
Board consideration is requested on August 25, 2026.

BACKGROUND:
In May 2010, the Fairfax County Board of Supervisors adopted a Comprehensive Plan Policy Amendment with goals and objectives for arts venues and public art described in a Visual and Performing Arts Policy. On December 9, 2025, the Board further adopted a recommendation folding the original 2010 goals of the Visual and Performing Arts Policy into the PLACEMAKING, URBAN DESIGN AND THE ARTS section of the Comprehensive Plan policy, as shown in Objectives 12-14.

To help achieve the goals related to arts venues, the Fairfax County Arts Committee (CAC) and ArtsFairfax worked collaboratively on a Fairfax County Master Arts Plan for Facilities, and the Board of Supervisors unanimously approved acceptance of the plan at their meeting on July 11, 2023. In addition to the work creating a master arts plan for facilities, the CAC and ArtsFairfax appointed a Task Force to develop a Public Art Master Plan for the County. That Task Force was comprised of a representative group of volunteer stakeholders with expertise in public art, placemaking and community arts development along with key representatives of County agencies involved in public art. Members' affiliations are described on the Acknowledgements pages of the Plan. The Task Force initiated its work with extensive research into the current work in the field of public art and studied two comparator counties with similar demographics and geography for distillation of best practices applicable to a Fairfax County context.

Outreach that informs the Plan included the launch of the ArtsFairfax Public Art Locator which provided people across the County an opportunity to explore the public art around them and upload images of it to the Geographic Information Systems (GIS) application on the County web platform. More than 220 artworks were documented in this way. Interviews with Board members and their staffs in each magisterial district helped inform the opportunities recommended. Additionally, an informal, cross-county survey of civic and arts stakeholders elicited responses from 62 participants representing their

organizations' views and colleagues' perspectives that by and large validated the Task Force's research and interviews.

Ongoing artist roundtables and meetings with Magisterial Districts' arts advisory committees or councils provided other regular avenues for discussion of and input to planning for public art in a variety of County locations. Members of the Fairfax County Planning Commission reviewed the Plan; they anticipate the Commission will see increasing numbers of proposals before it that include public artwork proffers or attributes and they will find this Plan very helpful in addressing those options.

The resulting Fairfax County Public Art Master Plan is crafted to guide the County, developers, and communities in achieving a high-quality public art collection for everyone to enjoy. Public art attracts businesses, residents, and visitors to Fairfax County. This plan's recommendations will facilitate the County, its partners, stakeholders, and property owners with the commissioning and stewardship of public artworks in ways that reflect the County's rich diversity and strengthen local identity. Most importantly, the Plan's recommendations support outcomes consistent with the goals and strategies outlined in the Countywide Strategic Plan and One Fairfax policy.

EQUITY IMPACT:
The Fairfax County Public Art Master Plan considers the Countywide Strategic Plan and One Fairfax policy as essential components informing its recommendations. The principles and strategies identified in the Plan are consistent with the outcomes anticipated by the One Fairfax Equity Focus Area #11, "A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people."

The Plan recommends that public art projects and approaches to their realization be accomplished using an equity lens across all the processes involved with site and artist selections, as well as the principles and practices enshrined in the County's Engage Fairfax Framework. The Plan's recommendations will assist County agencies and stakeholders in assuring that public art is available and accessible to the many communities within Fairfax County regardless of socio-economic or other status limitations. The strategies recommended by the Plan are designed to vividly illustrate Fairfax County's rich cultural tapestry and opportunities for all to experience art.

Board Agenda Item
August 25, 2026

FISCAL IMPACT:
Various future public art programs, strategies and projects will have fiscal impacts that will be managed through ongoing budget activities of the County.

ENCLOSED DOCUMENTS:
Attachment 1: Fairfax County Public Art Master Plan

STAFF:
Christopher Leonard, Deputy County Executive
Lloyd Tucker, Chair, Fairfax County Arts Committee and Director, Fairfax County Neighborhood and Community Services

ASSIGNED COUNSEL:
Martin R. Desjardins, Assistant County Attorney

FAIRFAX COUNTY

PUBLIC ART MASTER PLAN



"Convergence" by Zachary Oxman
September 2017 | Stainless steel, bronze | Reston, VA
Photo Credit: Lesnick Photo, Public Art Reston

ACKNOWLEDGMENTS

The Fairfax County Public Art Master Plan was made possible by the dedication and expertise of the Public Art Master Plan Task Force, working in collaboration with our colleagues in Fairfax County Government and ArtsFairfax. We benefited tremendously from the insights into public art planning that we gained from talking to experts in Montgomery County, Maryland, and Mecklenburg County, North Carolina.

The recommendations in this Plan reflect the tireless service of the members of the Fairfax County Board of Supervisors and their staff teams. Their commitment to knowing the aspirations of their constituents and the people who volunteer to build community ensured that the Fairfax County Public Art Master Plan reflects the County's diversity, history, and passion for beauty.

PUBLIC ART MASTER PLAN TASK FORCE: 2022 – 2026

Leila Gordon, Chair

Stuart Holt, President & CEO ArtsFairfax

Linda Sullivan, Former President & CEO ArtsFairfax

Sarah Berry, Public Artist

Suzanne Bissell, Development Consultant

Katie Cristol, Former Executive Director, Tysons Community Alliance

Kelley Choi, ArtsFairfax

Jai Cole, Executive Director, Fairfax County Park Authority

Regina Coyle, Franconia District Office

Anne Fletcher, Arts Specialist, Capital One

Keith Gordon, Executive Director, Workhouse Arts Foundation

Deirdre Johnson, Federal Realty

Evan Kaufman, Southeast Fairfax Development Corporation

Rachel Kizielewicz, Former Executive Director, Workhouse Arts Foundation

Michael Liberman, Chair, ArtsFairfax, Retired Director of Fairfax County Cable and Consumer Services

Lisa Mariam, Director, Osher Lifelong Learning Institute, George Mason University

Ricki Marion, Public Art Manager, Public Art Reston

Allison Mui Mitchell, ArtsFairfax

Margaret Parker, former Chair, Public Art Reston

Joe Ritchey, Founder, Public Art Reston

Leon Scioscia, Former Executive Director, Workhouse Arts Foundation

Jason Zogg, Tysons Community Alliance

FAIRFAX COUNTY BOARD OF SUPERVISORS: 2022 – 2026

Chairman, At-Large – Jeffrey C. McKay

Vice Chairman, Sully – Kathy L. Smith

Braddock District:
James R. Walkinshaw (2022 – 2025)
Rachna Sizemore Heizer (2025 – Present)

Dranesville District:
John Foust (2022 – 2024)
James N. Bierman, Jr. (2024 – Present)

Franconia District:
Rodney L. Lusk

Hunter Mill District:
Walter L. Alcorn

Mason District:
Penelope A. Gross (2022 – 2024)
Andres F. Jimenez (2024 – Present)

Mount Vernon District:
Daniel G. Storck

Providence District:
Dalia A. Palchik

Springfield District:
Pat Herrity

FAIRFAX COUNTY PLANNING COMMISSION

Chairman, At-Large – Phillip Niedzielski-Eichner
Vice Chairman, Sully – Evelyn S. Spain
Secretary, Providence – Jeremy Hancock
Parliamentarian, At-Large – Candice Bennett

Braddock District – Mary Cortina
Dranesville District – Alyssa Batchelor-Causey
Franconia District – Chris Landgraf
Hunter Mill District – John Carter
Mason District – Alis Wang
Mount Vernon District – Walter Clarke
Springfield District – James Thomas
At-Large – Timothy Sargeant

FAIRFAX COUNTY GOVERNMENT SENIOR MANAGEMENT TEAM

County Executive
Bryan J. Hill

Deputy County Executives
Christopher A. Leonard
Ellicia Seard-McCormick
Thomas G. Arnold
Jennifer L. Miller

Chief Financial Officer
Christina Jackson

Chief Equity Officer
Toni Zollicoffer

FAIRFAX COUNTY ARTS COMMITTEE

Lloyd Tucker, Chair
ArtsFairfax
Celebrate Fairfax
Countywide Strategic Plan Coordination
Department of Cable and Consumer Services
Department of Economic Initiatives
Department of Information Technology
Department of Management and Budget
Department of Neighborhood and Community Services
Department of Planning and Development
Facilities Management Department
Fairfax County Park Authority
Fairfax County Public Library
Fairfax County Public Schools
George Mason University
McLean Community Center
Office of the County Executive
Office of Human Rights and Equity Programs
Office of Public Affairs
One Fairfax
Reston Community Center
Tysons Community Alliance
Visit Fairfax
Workhouse Arts Foundation

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Department of Neighborhood and Community Services' Communications Team

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. To request an alternative format of materials call 703-324-4600, TTY 711.
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ARTSFAIRFAX

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APPENDICES

Appendix 1: Facilities Management Department (FMD) Procedural Memorandum 25-32 Public Art Policy

Appendix 2: Comparator Communities Benchmarking

EXECUTIVE SUMMARY

In 2010, the Fairfax County Board of Supervisors adopted the Visual and Performing Arts Element as an amendment to the Fairfax County Comprehensive Plan's Policy Plan. On December 9, 2025, the Board further adopted a Plan amendment that incorporated the original 2010 goals, objectives, and policies into the Land Use Element of the Policy Plan as the Placemaking, Urban Design, and Arts section. That section notes:

> Placemaking refers to a collaborative community understanding by which the public realm is shaped to strengthen the connection between people and places. Placemaking and urban design facilitate creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution for the benefit of all. Intentionally designing and shaping open spaces and streetscapes capitalizes on a local community's assets, culture, and the potential to improve vitality, while creating accessible, safe places that are active both day and night. These places can also include space for public art or art venues, which provide economic, social and educational benefits and are an integral component of a high quality of life. (see pages 36-38, Objectives 12-14)

Concurrent with land use planning activities, a Fairfax County Public Art Master Plan Task Force was established by ArtsFairfax on behalf of Fairfax County government. In September 2022, the Task Force began work on a master plan for public art that could support the goals of both the original and revised arts policy. Members of the Task Force represented developers and arts and design experts, as well as County agencies and partner organizations. Their work over nearly four years was enhanced by discussions with the County Executive, close collaboration with members of the Board of Supervisors and their staff teams, and engagement with community stakeholders across the County. This Executive Summary outlines the highlights of each of the Plan's key chapters.

PURPOSE – For many jurisdictions, creating a public art master plan responds to the increasing relevance of the role the arts play in successful placemaking. Public art provides both substantial economic and social returns on investment by increasing tourism and related business performance, and by generating community pride and cohesion. The Fairfax County Public Art Master Plan has been crafted **to guide the County, developers, and communities in achieving a high-quality public art collection for everyone to enjoy.** It reflects these key principles: including public art in suitable spaces as an early consideration, connecting it to the places and people for whom it's intended, using sound processes to realize it, documenting and maintaining it, and reviewing and updating the Plan regularly.

BACKGROUND – For purposes of the Fairfax County Public Art Master Plan, the definition of public art is cited from the Americans for the Arts public art topic page and is explored in relation to the Task Force's research as well as the particulars that pertain to Fairfax County's arts ecosystem. The context for the County's Plan recommendations is provided by the Countywide Strategic Plan goals and One Fairfax policy requirements.

EXISTING CONDITIONS – Starting with present realities, this section describes the role of the Fairfax County Arts Committee and includes links to smaller jurisdiction and community-based plans along with present County agency-specific policies. A Fairfax County Public Art Locator app was developed during the Task Force efforts to document existing public artworks.

BENCHMARKING – To understand the field and best practices used in similar counties, the Task Force researched the approaches of Montgomery County in Maryland and Mecklenburg County in North Carolina. Important common anchors of the benchmark plans are: having funding that is protected from economic cycles of boom and bust, establishing a partnership with a local area arts agency to shepherd a public art master plan, using a structured process in land use activities that considers public art potential, ensuring public art is included in public facilities, pairing public art projects with robust community engagement practices, and appropriately documenting and maintaining public artworks.











FAIRFAX COUNTY STAKEHOLDER INVESTIGATIONS AND CONCLUSIONS – Following the research of the two comparator communities' plans and approaches, the Task Force conducted interviews with members of the Fairfax County Board of Supervisors (BOS) and their staff teams. Additionally, based on input from those offices and information available to ArtsFairfax, a survey of dozens of identified stakeholders was conducted. Results of those activities are summarized. Stakeholders represented views of civic organizations, arts community activists, neighborhood groups and educators.

CASE STUDIES – For real-life validation of findings, the Task Force collected detailed examples from Fairfax County agencies and partners for a variety of recent public art projects. These projects offered different funding approaches, media choices, art forms and sites where public artworks are contributing to revitalizing areas, beautifying local neighborhoods, and celebrating important cultural and historical attributes or milestones. The examples include valuable "lessons learned" that inform the Plan recommendations.

OPPORTUNITIES FOR PUBLIC ART – A table for Fairfax County and private landowners was created for the Fairfax County Arts Committee and ArtsFairfax to use and review annually to ensure that these near-term possibilities come to fruition and that others are added as conditions warrant. The table is organized by Fairfax County Magisterial District for ease of reference and to ensure an equitable geographic distribution of results.

FUNDING PUBLIC ART – The success of the Fairfax County Public Art Master Plan depends on the key recommendations made with respect to the means and methods of creating public artworks, and critically, to ensure that success with adequate financial support. This support should include the following: creation of an Arts Reserve Fund, underwriting an ArtsFairfax public art program, accessing resources through partnerships and collaboration, and pursuing grants, donations, and other contributions.

IMPLEMENTATION AND BEST PRACTICES – Accountable and sound execution of public art projects is outlined along with guidance to address the fundamental management issues of accepting public art projects via development, ownership, intellectual property and contracts. Clear processes and strategies related to site selection, artist solicitation and project documentation are outlined. Sound community input and feedback engagement practices included in the Plan are directly linked to current Fairfax County approaches outlined in the Engage Fairfax Framework.

COLLECTION MANAGEMENT – For public artworks to be available to generations of Fairfax County residents and visitors requires intentional efforts to document them with the Public Art Locator and to maintain them. This section also details how artworks might be relocated or deaccessioned appropriately.

CONCLUSION – The key elements needed for executing the Fairfax County Public Art Master Plan are described again. They ensure that a high-quality public art portfolio will be available to all who call the County home or come here to enjoy its beauty. Public art in Fairfax County will reflect the vibrant creativity that is a hallmark of the County's diversity, rich history, and economic vitality.

PURPOSE

The arts play an increasingly vital role in placemaking as Fairfax County continues to evolve from lower-density, commuter-oriented suburbs into more connected, mixed-use, and economically diverse communities where people can live, work, play, and visit. Across the County, newly developed and revitalized areas of the County place greater emphasis on public spaces that offer entertainment and enrichment for all ages. This shift reflects a growing desire for local arts and culture experiences, rather than only traveling to Washington, D.C.

The value of public art has been demonstrated consistently across the nation. Public art provides both substantial economic and social returns on investment (ROI) by increasing tourism and related business performance, and by generating community pride and cohesion. The most familiar exemplar of the economic benefits derived from public art has been the impact of the artworks installed in Chicago's Millennium Park. This $490 million project (including a $270 million city investment), has generated massive ROI, producing roughly $1.4 billion in annual tourism revenue and over $2.6 billion in nearby real estate development. With roughly 20 million annual visitors, the park acts as a major economic engine. (See: Design and Innovation: A Park for the Ages | Smart Cities Dive)

Closer to home, the impact of public art in forging new cultural pride and positive community building activity is amply illustrated in Richmond, Virginia. Neighborhoods with prominent murals, particularly in areas like Manchester and downtown, have seen a boost in pedestrian activity and higher visitor numbers, aiding local businesses. Most significantly, these communities have initiated new events and gatherings prompted by the art. These are exemplified by the RVA Street Art Festival in the Manchester area, focusing on improving the urban landscape, fostering community, and providing a significant boost to the local economy. Another example is the Hillside Court that includes a renovated basketball court with a large mural by local Richmond artist Hamilton Glass, as part of a $600,000 renovation project in the community. (See: Property, poverty, and aerosol: Street art's impact on Richmond – Scalawag; Richmond Approves Funding for Art on Hillside Court Playground)

The Fairfax County Public Art Master Plan has been crafted **to guide the County, developers, and communities in achieving a high-quality public art collection for everyone to enjoy.** Public artwork attracts businesses, residents, and visitors to Fairfax County. This Plan's research, analyses, and recommendations will enable the County, its partners, stakeholders, and property owners to commission and steward public artworks in ways that reflect the County's rich diversity and strengthen local identity.

The Plan is based on the following key principles:

- Public art should be integrated early in the planning and design of public facilities and sites, and in privately-owned spaces that are publicly accessible.
- Public art projects occur in the context of their sites, as well as cultural and community history and aspirations, and those should be considered in project planning and execution.
- County agencies, partners, and private developers should use effective tools and funding strategies to support high-quality, equitable public art outcomes.
- Fairfax County public artworks should be appropriately documented and maintained for future generations.
- A useful public art master plan should be reviewed annually and updated as needed.

The research and lessons learned from other jurisdictions and Fairfax County art projects demonstrate the value of a coordinated, multi-year approach. Implementation of the Plan's recommendations will help maximize the utility of public funds; minimize legal, financial, or reputational risk; and ensure meaningful community engagement. The recommendations will strengthen Fairfax County's ability to attract businesses, residents, and visitors.

Designed to be reviewed annually, the Fairfax County Public Art Master Plan will be a "living" document – evolving with Fairfax County's people, places, and opportunities – and contributing to environments where creativity can flourish.

BACKGROUND

What is Public Art?

The most easily understood definition of public art is provided by the Americans for the Arts Public Art resource pages – "simply put, public art is art in public spaces." It can also take many forms – often, people think of public art as three-dimensional statues commemorating a historical figure or event. However, as the Americans for the Arts Public Art Network describes, "… public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. It often interprets the history of the place, its people, and perhaps addresses a social or environmental issue. Public art can include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, digital new media…" – there is an extensive variety of forms, meanings and places for public art.

While the Americans for the Arts definition and description of public art incorporates performances and festivals when they intersect directly with the visual arts or provide comment on a public artwork, for the purposes of this Plan, those possibilities are secondary to the recommendations for realizing permanent or temporary public artworks. Although they serve valuable purposes in engaging people with public art, they are infrequent and ephemeral in nature. When such events occur in the context of a public art project or response to public art, the effect should be to extend people's contact with pieces, and/or present paths to new ideas about them.

Additionally, other jurisdictions' public art master plans and the definitions of public art included two-dimensional works or works contained within galleries. Given that the Fairfax County Master Arts Plan: Facilities contains extensive discussion of the value of housing the visual arts and their attendant arts education opportunities, this Plan doesn't focus on two-dimensional artworks intended for temporary exhibition or collection. That said, two-dimensional publicly accessible artworks (chiefly murals) are considered in this Plan especially where they occur in settings that are always visible to the public. When two-dimensional artworks may be or are permanent features of public buildings, these outcomes are defined as "public art" in this Plan and its recommendations.

Fairfax County – One Fairfax Policy and Countywide Strategic Plan

Beginning with countywide conversations about inequitable distribution of opportunities in the early 2000s, Fairfax County leaders explored the root causes for these realities. Convenings to share expertise and lived experience led to the creation of a One Fairfax Resolution in 2016. The goals enumerated in that resolution were further examined and developed leading to the joint adoption of the One Fairfax Policy by the Board of Supervisors and Fairfax County Public Schools (FCPS) Board.

Between 2017 and 2019, County leadership, staff and stakeholders (both residents and businesses) engaged in developing a Countywide Strategic Plan to guide decision making and better allocate resources to address priority needs. The experiences of the COVID-19 pandemic, as well as the racial justice reawakening in the spring of 2020, required reevaluation of the early work on the Strategic Plan and incorporation of lessons learned. The resulting "living plan" was adopted by the Fairfax County Board of Supervisors in October 2021. A 2022 video illustrates the process and key components of the Fairfax Countywide Strategic Plan.

The Cultural and Recreational Opportunities (CRO) theme area of the Countywide Strategic Plan is where it intersects with arts and culture. The key strategy areas of this theme fall under the headings of access, awareness and opportunities. Accessibility is fundamental to the nature of public art. People who live, work or play near public artworks may be aware of them, but that awareness may not be broadly distributed across the entirety of the County. Finally, opportunities to either create, view or otherwise experience public art also may not yet be equitably distributed across Fairfax County among its different communities and neighborhoods.

The intent of this Plan is to provide more support to the One Fairfax Policy and Countywide Strategic Plan by identifying how public art can contribute to achieving their shared vision of Fairfax County as a place where all people can thrive. It will assist County agencies and stakeholders in assuring that public art is available and accessible to the many communities within Fairfax County regardless of socio-economic or other status limitations. The strategies recommended by the Plan are designed to expand the current collection of public artworks and vividly illustrate Fairfax County's rich cultural tapestry, vibrant lifestyles and opportunities for all to experience art.

EXISTING CONDITIONS

Fairfax County Context

The Fairfax County Comprehensive Plan, that guides development decision making, outlines several priorities for animating public spaces with the arts. Additionally, the Countywide Strategic Plan notes the relevance of public art in the theme area of Cultural and Recreational Opportunities; as well as the theme areas of Healthy Communities; Housing and Neighborhood Livability; and Mobility and Transportation – encompassing any context where placemaking and quality of life attributes intersect.

Another vital consideration for Fairfax County planning and priorities with respect to public art is the achievement of equity in affording everyone access to the arts and beauty. Public art is uniquely suited to advance universal enjoyment of the arts and culture in that it can be installed or realized anywhere people live or gather. Public art is available to all without charge. In advancing the County's goals related to its One Fairfax policy, public art "reflects and reveals our society, enhances meaning in our civic spaces, and adds uniqueness to our communities. Public art humanizes the built environment. It provides an intersection between past, present, and future between disciplines and ideas. Public art matters because our communities gain cultural, social, and economic value through public art." (Why Public Art Matters (2018) | Americans for the Arts)

Existing and Future Fairfax County Public Art Guidelines

Facilities Management Department (FMD) Policy for Public Art

In 2015, the County developed an internal procedural memorandum (FMD Procedural Memorandum 25-32 Public Art Policy) to guide acceptance of public art in relation to the Department's requirements as stewards of County buildings and properties. Included in the appendices to this Plan, the procedural memorandum provides County definitions; practices for commissioning, accepting or deaccessioning public artworks; conformances to approved topics for government speech; and indemnification of the County in any processes related to accepting public art for display on County property. (See "Appendix 1: Fairfax County Facilities Management Department (FMD) Procedural Memorandum 25-32 Public Art Policy.")

Fairfax County Park Authority (FCPA) Policy for Public Art

Fairfax County Park Authority (FCPA) Policy 110 addresses the acquisition and display of public art by the Park Authority "as a form of government speech, to accept, display, document, maintain, and remove public art at Park Authority-owned property. This policy is administered by the Park Authority staff under the guidance of the Park Authority Board, which retains final approval authority over all decisions regarding acceptance and removal of public art on Park Authority property." This policy chapter regarding public art further defines it as "visually and physically accessible to the public and include(s) all forms of visual art as distinguished from performing arts, media arts, literary, or cultural arts."

FCPA's policy statement covers the critical areas of public art program management. These include displaying public art on public property as a form of government speech. The areas discussed in the policy include Art Ownership and Copyright, Accession, Placement, Deaccessioning, Disposal of Art and the references cited for support to the policy. The policy is excerpted from the FCPA Policy Manual.









Fairfax County Arts Committee

In July 2022, County Executive Bryan J. Hill updated the charge to the Fairfax County Arts Committee (CAC) which was originally established in 2008. Specific to implementation guidelines, the memorandum states:

1. The County Arts Committee will develop its work in concert with the Department of Planning and Development (DPD) as new venue or public art project opportunities may arise in the context of development projects with arts focus or interests. **The Committee will establish checklists and criteria appropriate to specific opportunities and coordinate input from required subject matter experts.**
2. Development of a "Fairfax County Public Art Master Plan" will be coordinated in concert with ArtsFairfax and relevant participation from stakeholder agencies to complete the work described in the Visual and Performing Arts Comp Plan Policy: Objective 1; Policy m: 2017 Fairfax County Comp Plan Policy Visual and Performing Arts.
3. Stakeholder agencies can consult with the County Arts Committee if considering facility, arts education or public art efforts consistent with advancing the goals of the Strategic Plan related to the Cultural and Recreational Opportunities theme. Examples include resource development, data collection, economic impact studies, audience surveying, etc.
4. Board of Supervisors' queries regarding arts initiatives, potential facilities, and public art projects may be directed to the County Arts Committee to develop appropriate responses.

It should remain the responsibility of the CAC to provide support and coordination to Fairfax County departments when they contemplate new public art projects or if their responsibilities will require advice regarding private sector public art projects connected to development issues. Each project will involve unique considerations. That said, there are common criteria that should be considered by County agencies if there are any intersections with public policy concerns or public sector funding for projects. These should include in every case, site suitability, infrastructure requirements, copyright and other applicable laws, ownership, maintenance, documentation, and potential deaccession. Establishing these and other possible criteria and consistently applying them will enhance the County's ability to provide guidance for and education about the Fairfax County portfolio of public art and assure its access to residents, employees and visitors.

"To me, making art, and in particular public art, is always an assertion of our humanity and our strength."

– Martin Firrell

Martin Firrell is a film maker, cultural activist, campaigner, public artist, documentarian and a benevolent provocateur. His work has explored liberty, the complexity of aging, diversity, the value of difference and the suggestive power of popular culture.

Fairfax County Towns and Cities Public Art Plans and Processes

Towns and cities in Fairfax County have created public art plans, policies and related tools with which to advance the creation and preservation of public art within their geographies. These plans and related materials guide the jurisdictions with respect to encouraging and managing public art projects. They include language that reflects the governmental character of the Commonwealth of Virginia as a "Dillon Rule" state. For example, and regarding the land development process, plans will state that local government can only require a limited number of actions on the part of landowners and developers with respect to achieving zoning approvals. Similarly, local government plans encourage public art outcomes as opposed to mandating them.

The various components of the local jurisdictions' plans and related policies and procedures that are in common with best practices include an established relationship between the government entity and a local arts agency, board or commission to provide critical support in executing public art projects. This partnership between a government body and arts nonprofit or body is typically how artist calls, artist selection processes, and community engagement and education efforts are realized. In some cases, the local arts organization is funded specifically to advance public art outcomes desired by the jurisdiction in addition to other funding for the arts in their respective budgets. Other components consistent with best practices include project planning that engages with community stakeholders, funding mechanisms that offer seed, commissioning and/or maintenance resources, and documentation requirements.

These links connect to the public art approach pursued by each of Fairfax County's incorporated towns, and the geographically adjacent cities with fiscal relationships to Fairfax County. These plans and approaches have been considered in the recommendations included in this plan for the County as a whole. Nothing in this plan is intended to contravene the provisions of these locality-specific public art plans and approaches.

Vienna Public Art Commission | Town of Vienna, VA Herndon Arts District | Town of Herndon, VA

Public Art Program | City of Fairfax, VA Public Art Comprehensive Plan Amendment | Falls Church, VA

Future Community-Based Public Art Guidelines

Other communities within Fairfax County may develop specific public art plans or guidance offering more details or process elements to consider that are unique to those places. Tysons is an example of a rapidly developing area of the County that could develop its own public art plan as it matures and as the placemaking efforts of the Tysons Community Alliance may require. Other areas with long-term redevelopment time horizons and a need to establish striking visual markers of their identity may create design and placemaking guidelines that would include how public art can contribute to those efforts. Such areas include the redevelopment planned along Richmond Highway, Bailey's Crossroads and Seven Corners. The intent of this plan is to help those communities develop guidelines and processes that are complementary and that provide responses to the unique needs and features of those areas.

Additionally, several visual arts nonprofits in the County provide significant contributions to the collection of public artworks. These include the Workhouse Arts Center, located in the Mount Vernon District, McLean Project for the Arts, located in the Dranesville District, and Tephra Institute of Contemporary Art (ICA), and Public Art Reston, both located in the Hunter Mill District. Of these organizations, Public Art Reston is focused solely on public art. Early in its history, the organization developed a Reston Public Art Master Plan which was adopted by community civic organizations in 2008. That plan will undergo review and revision in 2026.

Public Art Locator App

In 2023, a joint effort of the CAC and the newly formed Public Art Master Plan Task Force created a Public Art Locator application to document locations and images of public art throughout Fairfax County. The undertaking was shepherded by mapping experts in the Fairfax County Geographic Information System (GIS) division of the Department of Information Technology. During summer 2025, a social media campaign launched by ArtsFairfax brought new focus to the app and reengaged the County's neighborhoods with the hunt for and appreciation of public art. By early 2026, the ArtsFairfax Public Art Locator had mapped more than 220 works of art in public places throughout Fairfax County.

The Public Art Locator App will remain a permanent tool for documentation of the entirety of Fairfax County's public art collection. Its use to add images of projects and related data points to the map, as each project is completed, is described in the IMPLEMENTATION AND BEST PRACTICES section of this plan.

BENCHMARKING

The Task Force conducted in-depth conversations with representatives of two selected comparator counties, Montgomery County, Maryland and Mecklenburg County, North Carolina, and reviewed the available web-based literature and plan links for both. The resulting descriptions of each County's approach are included in "Appendix 2: Comparator Communities Benchmarking." The knowledge gained from these conversations and research as it pertains to Fairfax County has been summarized for each of the comparator counties. The broader research of public art planning for other communities similarly offered insights regarding best practices that inform the recommendations in this Plan.

Montgomery County, Maryland

Relevant Conclusions for Fairfax County

For Fairfax County, the most salient takeaways from observing the history and achievements related to public art in Montgomery County are these:

1. Funding mechanisms should be reliable and consistent to generate the greatest impact and most equitable distribution of public art. Funding should be derived from public and private resources.
2. Partnership with the local area arts agency (ArtsFairfax) will be essential to the success of a public art program that serves the entire County.
3. Accessible and consistently used criteria, processes, engagement practices and documentation will be essential to the public embrace and success of the Fairfax County public art program.
4. While there is not a formal role analogous to that played by the Montgomery County Planning Commission in the pursuit of public art goals, the Fairfax County Planning Commission can play a key role in realizing Fairfax County's public art aspirations by influencing if, or how, public art can be an element of a public facility or private development project.

Mecklenburg County (Including Charlotte), North Carolina

Relevant Conclusions for Fairfax County

For Fairfax County, the most salient takeaways from observing the history and achievements related to public art in Mecklenburg County are these:

1. Fairfax County does not have a "percent for" funding allocation formula for the arts. Although the County budget process includes "contributory agencies" to which funding is annually directed, no minimum funding formula for contributory agencies has been established.
2. Unlike in Mecklenburg County, there is no appointment relationship between the Fairfax County Board of Supervisors or Planning Commission and the ArtsFairfax board, staffing or advisory committee composition. There is no mandated resource for funds for public artworks in Fairfax County.
3. Finally, although the current FMD and FCPA public art guidance and/or policy memoranda require the delivery of maintenance plans with any accepted or created artworks, they don't spell out funding or procedures for major curatorial or repair considerations.











Best Practices – Comparator Communities

There are best practice themes that emerge from review of the national literature and documentation regarding public art master plans as well as from the in-depth study of the two comparator counties. These best practice takeaways inform the detailed recommendations for funding, implementation and collection management of a public art program and portfolio that are provided in this Plan. At a high level, they are:

1. Dedicated funding for both direct support/creation/placement of public artworks and that provides sufficient resources for ongoing maintenance and collection management is key to realizing a robust, equitably distributed and celebrated public art collection.
2. A partnership between the jurisdiction's government and its local arts agency is the most effective way to balance responsibilities related to public art projects.
3. A structured process that supports public art outcomes should occur when land use and zoning approvals are sought by private property owners and/or developers.
4. A formalized approach that supports public art outcomes for public capital projects should occur when public capital projects are funded and pursued.
5. Community education, engagement and celebration are essential to the success of a public art program.
6. Understanding the long-term obligations of all parties involved in the creation of public artworks is critical to the preservation of permanent public art and the documentation of all public art – whether permanent or temporary.

FAIRFAX COUNTY STAKEHOLDER INVESTIGATIONS AND CONCLUSIONS

Between August and October 2025, the Fairfax County Public Art Master Plan Task Force conducted outreach to each of the County's magisterial district offices and the office of the Chairman of the Board of Supervisors. Based on feedback received, a survey was distributed to civic or community groups, individuals, arts organizations, and artists with interest in public art. The purpose of the outreach and survey efforts was to understand expectations and hopes related to public art across the County.

Board of Supervisors (BOS) members and their respective staff teams were asked to respond to the following questions:

- What are the opportunities for public art in your district of near and long-term interest?
- How would your office want to see community engagement about those opportunities managed or conducted?
- Who else or what other stakeholders in your district should we consult about opportunities and community engagement?

Meetings included conversations about past, current or planned public art projects that have occurred in various places throughout the County and lessons learned from those experiences that could translate to optimum tools and strategies for increasing public art throughout the County. These discussions also informed the content of the Opportunities for Public Art Table in this Plan.

BOS Meetings Summary – Participants

Members of the Board of Supervisors who participated were Walter L. Alcorn, James N. Bierman, Jr., Pat Herrity, Andres F. Jimenez, Rodney L. Lusk, Dalia A. Palchik, Kathy L. Smith, Daniel G. Storck, James R. Walkinshaw and their respective staff team members. A meeting was also held with Chairman Jeffrey C. McKay. Following the special election occasioned by the election to Congress of Mr. Walkinshaw, a new member representing Braddock District, Rachna Sizemore Heizer, was interviewed in the first quarter of 2026. Staff team members represented the arts, community organizations, and/or planning and development areas of expertise in each member's office.

BOS Meetings Summary – Takeaways

Board members are all enthusiastic about the potential for public art to support placemaking goals and community building throughout their districts. Takeaways common to all the conversations are described below. The Board of Supervisors' and Chairman's offices are engaged with public art across many locations in the County.

Existing Public Art Opportunities (both underway or planned and hoped for/desired)

1. Murals continue to be executed in districts throughout the County and have been or may be placed as a function of the "Paint It, Fairfax!" program or privately funded.
2. Three-dimensional artworks are less robustly distributed – uniquely in the Mount Vernon district, three-dimensional pieces have been rented by the Southeast Fairfax Development Corporation for a temporary public art installation.
3. Public artworks associated with parks, schools, libraries and community centers are being or should be executed and are broadly supported. Incorporating public artwork in these places will require greater levels of financial commitment to achieve them throughout the County. Public school teachers and students require longer timelines to engage with public art opportunities than traditional artist calls typically allow.
4. Two-dimensional art exhibits are desired in public facilities.

Implementation Strategies

Public/private collaboration in the context of development and redevelopment should occur and needs to have a formalized process for considering what arts-related outcomes can be delivered. Public art should be encouraged.

1. County capital projects should include public art and contribute to the County's strategic plan and equity goals.
2. The County should fund an ArtsFairfax Public Art Program portfolio including staff expertise (calls for artists, engagement experiences, grant program and project management) and seed money for public art processes related to artist calls and community engagement.
3. A Fairfax County fund for public art should be established as a repository for voluntary contributions.
4. Permitting and related issues for use of inactive retail spaces to host pop-up and maker spaces for artists, arts activities and events should advance their success as efficiently as feasible.
5. Permitting for public art projects should not be too onerous or so time-consuming that it prevents them from being proposed or executed.

Engagement/Stakeholders

As the plan is developed, checking in with these constituencies and stakeholders is important:

1. Community associations and civic organizations (chambers of commerce, economic development, equity stakeholders, etc.)
2. Working artists and their needs.
3. County Executive, County departments, FCPA, FCPS.
4. Board of Supervisors members and their teams.

Public Art Survey Results

Following the round of meetings with district offices, an informal survey was conducted to reach out to the contacts proposed, as well as relevant artists and arts organizations. Stakeholders represented views of civic organizations, arts community activists, neighborhood groups and educators. Outreach to these groups and individuals across the County was intended to obtain feedback and responses to the following questions:

- What are the opportunities for public art in your part of Fairfax County that are of near and long-term interest? Please tell us about the location(s) and types of public art you think would be great to have created.
- Fairfax County can encourage, and support more public art being created in the coming years using a number of tools. Please describe your reaction to the possibilities below (reaction choices ranged from Very Important > Somewhat Important > Not Relevant > Less Important > Completely Unimportant):
    - › Private developers should include public art in projects.
    - › Fairfax County public facilities should include public artworks.
    - › Fairfax County should establish a Public Art Program with ArtsFairfax (Fairfax County's designated local arts agency).
    - › A fund for contributions to pay for public art and the ongoing maintenance of public artworks should be established.
- What other ideas about public art in Fairfax County would you like to share with the Task Force?

The survey was live from September 23, 2025, to October 20, 2025, and could be completed anonymously. A total of 62 respondents representing dozens of groups provided input. Generally, the survey responses echoed comments and ideas identified in discussion with the Board of Supervisors offices. Participants offered ideas for locating public art, kinds of public art that can be realized in Fairfax County, and how public artworks can be achieved. A complete compilation of the survey results is retained by and available from ArtsFairfax.

Locations for public art that were suggested included gateways, shopping centers, town centers, public facilities (schools, libraries, parks), mixed use developments, and the Route 1 corridor among other landmarks and areas. Infrastructure elements (under/overpasses, bus stops, parking garages) were also frequently mentioned. Types of public art most often described were murals and sculptures (42% of respondents mentioned one or the other or both in their responses.) Other types of public art mentioned included architecture, asphalt art, and pop-up or temporary artworks.

Compiled results of responses regarding strategies or tools to realize public artworks offer these highlights:

- 86.2% feel that it's "very to somewhat" important that private developers should include public art in projects.
- 96.5% feel that it's "very to somewhat" important that Fairfax County public facilities should include public artworks.
- 76.1% of respondents agreed with the strategy of establishing a Fairfax County Public Art Program with ArtsFairfax, thinking it to be "very" (60.3%) or "somewhat" (15.8%) important.
- 76.1% also believe it to be "very" (60.3%) or "somewhat" (15.8%) important that a fund for contributions to pay for public art and the ongoing maintenance of public artworks should be established.





In terms of the third area of inquiry, while just 25 of 62 respondents offered specific ideas, the theme of honoring the County's diversity was clear. In addition, assuring that artworks are in parts of the County needing revitalization or more cultural opportunities was frequently mentioned. Using partnerships and local artists were strategies that were urged.

The findings of the survey were very consistent with the information gleaned from the discussions with Fairfax County Board of Supervisors' offices. Considering the pool of respondents contained people who are actively involved with their community and/or actively engaged with arts issues and experiences, the high levels of support for public art and the strategies to achieve more of it aren't surprising.

Nonetheless, since these leaders and interested parties would be key to fostering awareness of public art in their respective spheres of influence, the results are reassuring. They demonstrate that the County is on the right path to achieving public art projects that will be met with enthusiasm, and that sustainable funding for a comprehensive, countywide public art program should and could be achieved.

Further input and enthusiasm for public art was evident in the crowd-sourced uploads to the ArtsFairfax Public Art Locator. Images came from each magisterial district and helped generate interest in the topic.







FAIRFAX COUNTY CASE STUDIES

In addition to the background research of existing conditions and comparator communities, and results from outreach to key stakeholders, several completed public artworks in Fairfax County offer case studies from which the guidelines for success were developed that inform this Plan's sections on FUNDING, IMPLEMENTATION AND BEST PRACTICES, and COLLECTION MANAGEMENT. These public art projects represent different means of realization and outcomes and are not the only public art projects recently achieved in Fairfax County. They do, however, provide a comprehensive cross-section of efforts from which to learn.

Faces of 1

PROJECT ARTIST: Michael Alfano

PROJECT SITE & OWNER: The project involves 10 different sites along the Richmond Highway Corridor with separate owners for each site.

PROJECT MANAGEMENT TEAM: Southeast Fairfax Development Corporation (SFDC); led by Evan Kaufman

PROJECT TIMELINE:
Date Started: March 2024
Duration: Six months
Completed (date of ribbon cutting, celebration, or public access): October 2024

PROJECT BUDGET & FINAL COST: $28,000 for the lease of 10 sculptures. Project support was provided by the SFDC general budget and business sponsors. SFDC is supported in part by funding from Fairfax County government.

PROJECT TYPE: Temporary

MEDIA/MATERIALS: Bronze and aluminum sculptures ranging in height from four feet to eight feet.

PROJECT DESCRIPTION: "Faces of 1" was a yearlong public sculpture installation along Richmond Highway (Route 1), developed by the Southeast Fairfax Development Corporation (SFDC) in partnership with artist Michael Alfano. Launched in 2024, the project used art to elevate community identity and humanize the corridor's transformation through creative placemaking.

Rather than commissioning permanent pieces, SFDC leased 10 existing surrealist and figurative sculptures from Alfano to maximize visibility, flexibility, and budget impact. Each sculpture was installed on private property from Jeff Todd Way to the Capital Beltway.

Sites were selected for visibility, appropriate landscaping, and pedestrian safety. Locations were secured through voluntary participation from property owners and close coordination with the offices of Supervisors Dan Storck and Rodney Lusk. The permitting process was streamlined with assistance from DPD, and right-of-way issues were proactively addressed with the Virginia Department of Transportation (VDOT), creating a replicable permitting model for temporary public art on major corridors.

Interpretive signage, QR codes, and a digital map complemented the physical installations, providing cultural context and encouraging community interaction. The total project budget was funded through a mix of SFDC sponsorships and County support.

"Faces of 1" anticipated recommendations made in the Urban Land Institute's Technical Assistance Panel (TAP) event on Richmond Highway placemaking that was held in January 2025. It supported the placemaking goal of shifting current perception of the corridor as simply a transportation thoroughfare to a series of destinations. The project may evolve into a broader storytelling campaign where residents nominate community "faces" to be honored in future phases.

PROJECT ENGAGEMENT EXPERIENCES: The "Faces of 1" project built upon years of robust community engagement efforts regarding the Richmond Highway Corridor. From surveys conducted through SFDC's public art initiatives to the comprehensive outreach behind Fairfax County's "Embark Richmond Highway" plan and the Urban Land Institute's TAP study, residents have consistently voiced a desire for attributes that offer a stronger sense of place, cultural recognition and safer, more welcoming streetscapes along this artery.

In past SFDC murals program engagement efforts, survey responses emphasized the importance of public art that reflects the diversity and history of the corridor. Community members wanted art that felt "locally rooted" and that celebrates the people and cultures that have shaped the area. Similarly, during the Urban Land Institute TAP process, stakeholder interviews and visioning exercises identified public art as a key placemaking tool to transform the perception of Route 1 from a car-centric thoroughfare to a vibrant, people-centered community corridor.

The "Faces of 1" sculptures directly responded to these findings. The use of abstract, narrative-based sculptures allowed for multiple interpretations and invited reflection on personal and collective identity — a request echoed in "Embark Richmond Highway" planning workshops, where residents sought more visual storytelling in the built environment.

In parallel, SFDC worked closely with Supervisors Rodney Lusk and Dan Storck, both of whom have been vocal about using creative placemaking to build civic pride and strengthen community ties. Their support helped ensure that the "Faces of 1" artwork locations aligned with high-visibility, high-impact sites that meet both safety and aesthetic goals.

Ultimately, "Faces of 1" is more than a sculpture trail; it's a community storytelling platform born from years of listening to residents, business owners, and civic leaders. It sets a precedent for how temporary public art can be used as a low-barrier, high-reward strategy for cultural engagement, identity building, and corridor transformation.











PROJECT LONG-TERM CARE AND DOCUMENTATION: The artist provided all ongoing maintenance as needed. SFDC also has an insurance policy covering the artwork and property owners at artwork locations. A temporary lease agreement was worked out with each property owner to display the work on their site.

LESSONS LEARNED:

Temporary Installations Allow for Greater Flexibility and Impact

Leasing existing sculptures rather than commissioning permanent work enabled SFDC to install more pieces along the corridor at a lower cost, creating a wider visual and geographic impact. This temporary model also allowed property owners to participate without long-term commitments, increasing buy-in and their willingness to host.

Early Collaboration with Government Partners Is Critical

Working closely with Supervisors Lusk and Storck, VDOT, and the DPD early in the process helped streamline permitting and resolve right-of-way concerns. This collaboration ensured the sculptures could be installed quickly, safely and in compliance with local regulations.

Prior Community Engagement Pays Dividends

The project benefited from prior outreach, "Embark Richmond Highway" workshops and the Urban Land Institute TAP engagement. This foundation provided clarity on community values — particularly the desire for inclusive storytelling, local representation and creative placemaking. This body of input was sufficiently comprehensive that time-consuming new outreach was not required.

Site Conditions Matter — Both Visually and Logistically

Possible placements that considered visibility, landscape framing, pedestrian safety and lighting received the most positive feedback. Some locations posed unforeseen logistical challenges (e.g. vehicle sight lines, ADA accessibility or future redevelopment timelines), so factoring in long-term site use is essential.

Interpretation Adds Meaning and Engagement

QR codes, signage and artist statements significantly enhance the public's understanding and connection to the pieces. Visitors responded well to this layered storytelling approach, and future efforts should continue to prioritize multi-modal engagement (on-site physical and digital) to deepen impact.

Strong Branding and Visual Identity Elevate the Project

The unifying name "Faces of 1" and its tie-in to placemaking along Richmond Highway helped frame the sculptures as part of a larger transformation — not just as standalone art. Future projects should similarly invest in naming, narrative and consistent visual design to increase awareness and media value.

A Modest Budget Can Go Far with the Right Strategy

At a total cost of $28,000, "Faces of 1" demonstrates how thoughtful planning, public-private cooperation and creative leasing models can deliver a highly visible and community-oriented project without requiring major capital investment.

Paint it, Fairfax!

"Paint it, Fairfax!" is a pilot program established by the Community Revitalization Section in the Department of Planning and Development. This mural program is aimed at transforming Commercial Revitalization Districts and Areas (CRDs/CRAs) through community-engaged public art. The pilot program's overall budget was established at $300,000 and will fund murals in the designated locations as feasibility and funding allow.

PROJECT TITLE: No Title (Annandale – Eileen Garnett Civic Space building wall)

PROJECT ARTIST(S): Giuseppe Percivati – who is more commonly known as the artist Pepe Gaka

PROJECT SITE & OWNER: Eileen Garnett Civic Space owned by Fairfax County

PROJECT MANAGEMENT TEAM: Elizabeth Hagg, DPD – Community Revitalization Section; Alex Howle, DPD – Community Revitalization Section; Jenée Padmore, DPD – Community Revitalization Section; Allison Mui Mitchell, ArtsFairfax; James Albright, Resident/Artist; Vicki Burman, Exec. Dir. Annandale Chamber of Commerce; Todd Crespi, Resident/Artist

PROJECT TIMELINE:
Date Started: The Site and Artist Selection Committee convened on March 26, 2024.
Duration: The mural painting and sealing effort started on September 10, 2024.
Completed: The mural was completed on October 13, 2024. A ribbon cutting celebration was held on October 26, 2024.

PROJECT BUDGET & FINAL COST: The mural cost was $34,500 and was funded by Fairfax County.

PROJECT TYPE: Permanent

MEDIA/MATERIALS: The permanent mural is composed of acrylic paint with a UV/Anti-graffiti coat adhered to it.

PROJECT DESCRIPTION: This wall was identified as a suitable location for a mural during the 2018 conception of the Eileen Garnett Civic Space.

PROJECT ENGAGEMENT EXPERIENCES: Public engagement sessions were held to discuss the potential of a new Annandale civic space. The community shared their desire to see a mural associated with the building. People were surveyed to find out which themes and aesthetic approaches would be preferred for the mural. Additional community engagement took place when Pepe Gaka's concept was developed and discussed in a gathering of residents.

PROJECT LONG-TERM CARE AND DOCUMENTATION: The anti-graffiti coat protects the mural from being tagged and the UV protective coat prevents fading from the sun exposure. All "Paint it, Fairfax!" mural artists are contractually obligated to maintain the County artworks for five years.

LESSONS LEARNED: The need to remove an awning wasn't anticipated and that became apparent while the artist was onsite working. A contractor had to be quickly secured who could remove the awning to allow the artist to complete the mural. Planning that includes extensive investigation of the site elements in coordination with the artist can prevent that kind of occurrence.



PROJECT TITLE: No Title (Springfield Overlook)

PROJECT ARTIST: Kelsey Montague

PROJECT SITE & OWNER: Springfield Overlook, owned by Fairfax County

PROJECT MANAGEMENT TEAM: Elizabeth Hagg, DPD – Community Revitalization Section; Doug Loescher, DPD – Community Revitalization Section; Jenée Padmore, DPD – Community Revitalization Section; Allison Mui Mitchell, ArtsFairfax; Regina Coyle, BOS; Marta Morrissey, Springfield Civic Assoc.; Christina Cisneros, Reg. Property Mgr., Federal Realty Investment Trust

PROJECT TIMELINE:
Date Started: The Site and Artist Selection Committee convened on February 20, 2025.
Duration: The mural painting and sealing started on July 5, 2025.
Completed: The mural was completed on July 11, 2025, with a ribbon cutting celebration on July 12, 2025.

PROJECT BUDGET & FINAL COST: The mural cost was $50,250 and was funded by Fairfax County.

PROJECT TYPE: Permanent Mural

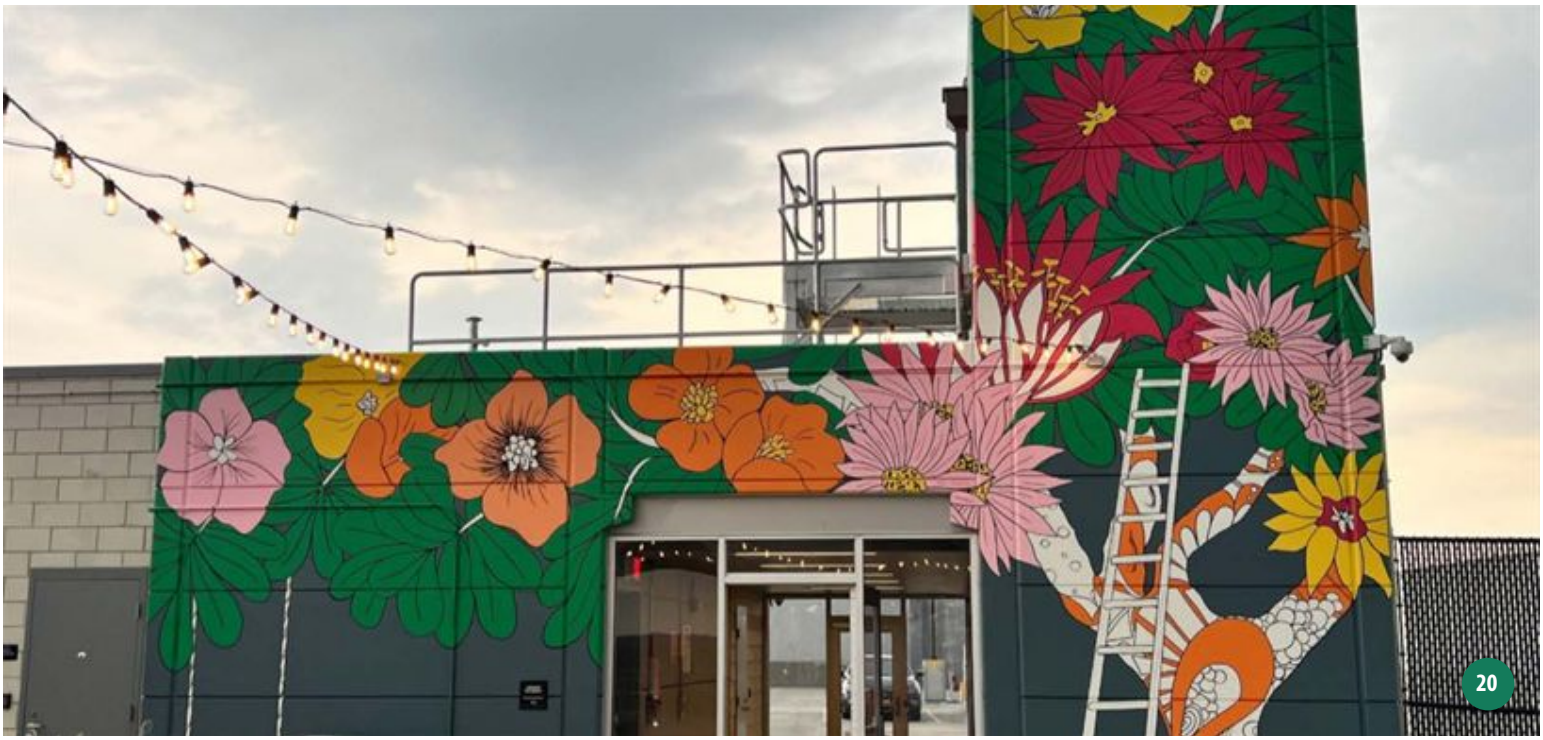
MEDIA/MATERIALS: The permanent mural is composed of acrylic paint with a UV/Anti-graffiti coat.

PROJECT DESCRIPTION: This wall location was identified as a mural location by the Department of Planning and Development's Community Revitalization Section during the development of the Springfield Overlook.

PROJECT ENGAGEMENT EXPERIENCES: The project was guided by a community survey that helped the artist develop the mural content. The survey was available to the public from January 2 – 31, 2025. It provided several types and examples of murals to which the survey participants responded and offered feedback.

PROJECT LONG-TERM CARE AND DOCUMENTATION: The varnish coat protects the mural from being tagged permanently or fading from sun exposure. All "Paint it, Fairfax!" mural artists are contractually obligated to maintain the County artworks for five years.

LESSONS LEARNED: Use of an artist from outside the region required virtual meetings. Logistical issues posed by the site included the secured access to the top of the parking garage requiring coordination of scheduled use of the roof and transportation of a personnel lift to the rooftop area.



PROJECT TITLE: No Title (Springfield Commuter Parking Garage)

PROJECT ARTIST: Matthew Lively

PROJECT SITE & OWNER: Springfield Commuter Parking Garage, owned by Fairfax County

PROJECT MANAGEMENT TEAM: Elizabeth Hagg, DPD – Community Revitalization Section; Doug Loescher, DPD – Community Revitalization Section; Jenée Padmore, DPD – Community Revitalization Section; Allison Mui Mitchell, ArtsFairfax; Regina Coyle, BOS; Marta Morrissey, Springfield Civic Assoc.; Christina Cisneros, Federal Realty

PROJECT TIMELINE:
Date Started: The Site and Artist Selection Committee convened on February 20, 2025.
Duration: Mural painting started on August 25, 2025.
Completed: September 1, 2025.

PROJECT BUDGET & FINAL COST: The mural cost was $15,288 and was funded by Fairfax County.

PROJECT TYPE: Permanent Mural

MEDIA/MATERIALS: The permanent mural is composed of acrylic paint with a UV/Anti-graffiti coat.

PROJECT DESCRIPTION: This wall location was identified as a mural location by the Department of Planning and Development's Community Revitalization Section during the development of the Springfield Commuter Garage.

PROJECT ENGAGEMENT EXPERIENCES: The project was guided by a community survey that helped the artist develop the mural content. The same survey was used to generate direction to the artist about preferences of the community.

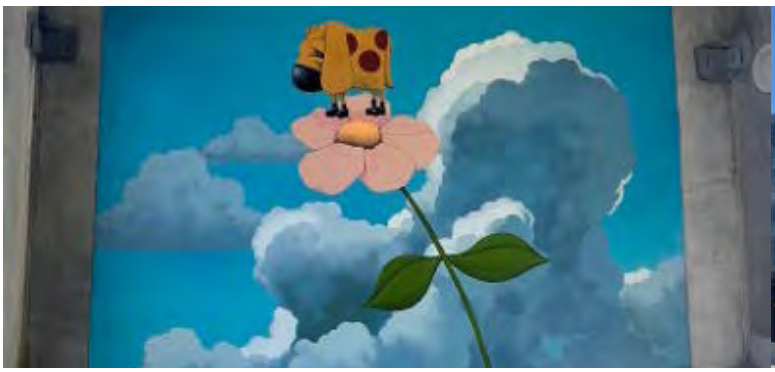
PROJECT LONG-TERM CARE AND DOCUMENTATION: The anti-graffiti coat protects the mural from being tagged and the UV protective coat prevents fading from the sun exposure. All "Paint it, Fairfax!" mural artists are contractually obligated to maintain the County artworks for five years.

LESSONS LEARNED: This stair tower is adjacent to a shopping center's parking lot and close to a busy thoroughfare. Permission was required to use parking spaces for the equipment and artist vehicle. The selected artist needed to be able to maneuver the bucket lift so that it wouldn't obstruct the road or sidewalk. Such information is important to include in the solicitation of artists and to consider in the planning time horizon.

Public art is like the unplanned, unexpected encounter. All of a sudden, we are thinking about ourselves and how we fit into the world a little differently because of what we met along the way."

– Soo Sunny Park

Soo Sunny Park is an award-winning Korean American artist and educator recognized for creating large-scale and immersive installations that use diverse materials to manipulate light and shadow. She is currently a Professor of Studio Art at Dartmouth College.





Circles of Memory

In February 2022, with the memory of the deadly impact of the COVID-19 pandemic freshly in mind, the Board of Supervisors, at the urging of Chairman Jeffrey C. McKay, requested that staff explore the creation of a memorial to those who died and those who valiantly cared for people during its scourge. County staff representing the Fairfax County Arts Committee, FCPA, and FMD began exploring potential sites.

Following the selection of the plaza area in front of the Herrity Building (12055 Government Center Parkway) as the project location, the formal "call for artists" process got underway in January 2023. Site limitations that prevented the original memorial concept from being feasible prompted a reevaluation of the project goals. Those goals were reconceived in May 2024 to reflect a broader intent to offer respite and reflection for people who experienced not just the pandemic health crisis, but more broadly, the loss of life that so many Fairfax County employees work tirelessly to prevent.

With this new mission, the artist team of Miriam Gusevich and Salvatore Pirrone, originally selected to design the project, was invited to provide a new design submission that could better realize that broader scope and better fit within the site constraints. The new artwork they designed was entitled "Circles of Memory."

PROJECT TITLE: "Circles of Memory"

PROJECT ARTISTS: Miriam Gusevich and Salvatore Pirrone

PROJECT SITE & OWNER: The plaza at the front of the Herrity Building. The Owner is the Fairfax County Board of Supervisors.

PROJECT MANAGEMENT TEAM (2022 – 2026): Leila Gordon, County Arts Committee; Adam Wynn, FCPA; Arrash Zohdi, FMD; Fred Wilkins, DPWES – Stormwater Planning Division; Michael B. Jones, DPWES – Stormwater Management Division; Todd Nelson, DPWES – Stormwater Management Division; Brian Keightley, DPWES – Stormwater Management Division; Clayton Medford, BOS; Linda Sullivan, ArtsFairfax; Lisa Mariam, ArtsFairfax; Victor Ekpuk, Public Artist; Stuart Holt, ArtsFairfax; Allison Mitchell Mui, ArtsFairfax; J. P. Muller, JP Muller Studios; Katrina Corkadel, Branch Builds; Will Orellana, Branch Builds. The Project Management Team had support from County Departments for many of the processes and activities associated with the project.

PROJECT TIMELINE:
Date Started: The Board of Supervisors initiated exploration of the feasibility of a memorial to those who perished in the COVID-19 pandemic with a Board Matter on February 8, 2022. A "Call for Artists" went live on January 23, 2023.
Duration: February 2022 through July 2026.
Completed: July 2026. Final planting and signage will be installed through spring 2027.

PROJECT BUDGET & FINAL COST: $265,000
The initial project budget was $250,000. In May 2025, due to the impact of high tariffs on materials used in the artwork panels and rising costs for construction, the budget was increased by $15,000. The final $265,000* budget allocations were as follows:

ARTIST FINALISTS AND SELECTED ARTIST TEAM PRESENTATION AND DESIGN FEES: $29,000

ARTWORK CONSTRUCTION AND INSTALLATION: $236,000
The project was funded by Fairfax County through the office of the Board of Supervisors Chairman, Jeffrey C. McKay.
*Some follow-on expenses will occur to provide for the final site signage and other minor costs.





PROJECT TYPE: Permanent

MEDIA/MATERIALS: Concrete pathways, benches with attached anodized aluminum art panels and native plants.

PROJECT DESCRIPTION: "Circles of Memory" offers a place where people can pause to reflect and remember loved ones and restore their mental well-being through immersion in the beauty of the site, outdoor sky and surrounding plantings. With remembrance and reflection, people can find healing solace from both grief and the stress of dealing with life-saving work.

The artist-designed panels are painted an azure blue to reach up and connect to the sky (or heaven.) They feature cutout shapes of Dogwood tree branches that create a dappled shading effect around the half circle benches and pathway pattern. A central grate with radiating slats suggests the permeability of earth to memory. The grate also contributes to the stormwater mitigation features inherent in the site, along with the permeability of the plant meadow. The area is bound and cut through with pathways that also echo the color of the benches to create a complete haven for peaceful gathering or solitude. Planted with Woodland Phlox "May Breeze," Clustered Mountain Mint, and Wild Strawberry that bloom in different cycles in the artwork circles, and surrounded outside them by the existing native plantings, the site connects beautifully to the surrounding precedent memorial elements on the plaza.

PROJECT ENGAGEMENT EXPERIENCES: How Fairfax County approached public health and life safety during the months of the COVID-19 pandemic was extensively covered in local, regional and national media. The emotions of people living, working and seeking help in the County were reflected in social media, legacy media, Board of Supervisors meetings and multiple other outlets. These collective memories were the background to the pursuit of the site for a memorial, and then later, the recognition that a more expansive conception of the artistic impact of the project was required.

During the artist selection process, a team representing the aesthetic, engineering, stormwater management and landscaping elements of the project was created to evaluate the 41 submissions received. The selection criteria in the artist call included artist(s) career and qualifications, experience with community engagement and samples of work and references. Although specific community engagement events weren't held in advance of the selection process, the breadth of the selection committee's knowledge of the County and its response to the pandemic assured that submissions would be evaluated across criteria that included broad understanding of community impact.

When the final artwork is installed, the project team anticipates community events being scheduled to provide for public interaction with the site, the art, the artists and the project team. The organic elements of the site and the artwork will offer evolving options for interactions and both individual and group events.

PROJECT LONG-TERM CARE AND DOCUMENTATION: The requirements of the installation contract include full documentation of the materials used for the artwork and their routine and long-term care needs. The materials chosen were specifically selected for their durability and ease of maintenance over time. Extensive documentation for all phases of the project is retained in the files of the Fairfax County Arts Committee, including the site, artist selection processes; investigation of contracting and redesign issues; investigation of the site engineering and stormwater management concerns; submissions for approval from the Zoning Evaluation Division of the Department of Planning and Development; and establishment of the intellectual property license required for the project.

LESSONS LEARNED:

- Site Selection
  In addition to suitability and compatibility with the project goals, having a complete understanding of the engineering and stormwater collection infrastructure underneath the plaza would have better served the artist selection processes and evaluation of proposed concepts. Further, the site was governed by a variety of proffer conditions which necessitated evaluation of the revised concept against those conditions to ascertain compliance.
- Construction Partners
  For public art projects that involve extensive equipment, potential demolition or other construction elements beyond the scope of the selected artist, it would be advisable for the County to have elements aligned with those activities included in demand contracts for construction that are established for more traditional capital projects.

QB

This example is of a sculpture created to serve as a wayfinding and landmark artwork celebrating McLean Community Center, a beloved community facility in McLean, Virginia.

PROJECT TITLE: "QB"

PROJECT ARTIST: Eileen Gay

PROJECT SITE & OWNER: McLean Community Center (MCC)/Fairfax County Government

PROJECT MANAGEMENT TEAM: Betsy May-Salazar, MCC Executive Director; Joe McGovern, Facility Manager; Lisa Mariam, MCC Governing Board Member and 50th Anniversary Committee Chair; 50th Anniversary Committee Members: Anna Bartosiewicz, Gloria Marrero Chambers, Matt Colsia, Lizzy Conroy, Bill Glickbarg, Mary Anne Hampton, Clare Kiley, Marla Kim, Paul Kohlenberger, Cheryl Langston, Michael Monroe, Carla Post, Cindy Rahman, Phyllis Riley, George Sachs, Glenn Yarborough, Lauralie Wallace, Barbara Zamora-Appel; MCC Staff

PROJECT TIMELINE: November 2023 to August 2025

PROJECT BUDGET & FINAL COST:
Project Budget: $100,000
Final Budget: $89,000: $80,000 Artist Fee; $9,000 Site Preparation and was funded by McLean Community Center which is funded by Small Tax District 1 and user-generated revenues.

PROJECT TYPE: Permanent

MEDIA/MATERIALS: Surface Art: High-fire glazed porcelain and glass mosaic adhered with modified thin-set cement and urethane grout. Armature: Expanded polystyrene foam material with steel imbedded for structural support and pick points. Surface Protection: Two coats of acrylic cement with fiberglass reinforcement.

PROJECT DESCRIPTION:
Timeline Highlights:

Started: November 2023 with project approval by the MCC Governing Board 50th Anniversary Committee

November 2023 – July 2024: Finalization of project scope, and development of the "Call for Artists," jury members, jury process and schedule

July – September 2024: Two rounds of issuing a Call for Artists

October 2024: Jury review, artist interviews and artist selection

November 2024: Contract awarded

November 2024 – January 2025: Submissions of final design and engineering work. Materials ordered and steel fabrication started.

February – March 2025: Steel fabrication and sculptural form completed

April – July 2025: Mosaic and grout work completed

August 2025: Transportation of the cube to the site and installation

Completed: August 18, 2025, with the project dedication and an ice cream party celebration

This public art project was conceived as a typographical work of art based on the MCC letters and logo that would welcome residents to the Center and provide a placemaking signature for the site. The project was part of the MCC's planned 50th Anniversary Celebration with the intent of increasing the visibility and reinforcing the visual logo and typography identity of this community institution.



The building is located within a civic and cultural complex of Fairfax County public facilities that includes the Dolley Madison Library (FCPL), the McLean Central Park (FCPA), and ample surrounding green space and trails. It is also adjacent to the McLean Commercial Revitalization District. The sculpture's placement, on the plaza side of the Center, faces the library and welcomes visitors from the park and library. "QB" has quickly changed public perception, from considering this area to be the back of the MCC, to being one of its prominent entries.

"QB" is "a cube with an attitude" offering a playful use of MCC's logo and colors to welcome visitors to the facility. Its many-colored surfaces include special tiles and glass pieces offering a sense of discovery for those drawn in for a closer look. "QB" sports a purple belly as well as mirrored edges on the MCC letters adding a bit of sparkle to the entry walkway. This playful personification of the MCC logo invites visitors to approach and experience the artistry and craftsmanship of the mosaic work.

PROJECT ENGAGEMENT EXPERIENCES: The project was conceived through discussions by the Anniversary Committee, which was a committee comprised of MCC Governing Board and community members. Following the design selection, MCC staff and committee members brainstormed on the selection of words, reflective of the MCC, to be embedded in the mosaic sculpture. These words were selected from the MCC's strategic plan, mission, vision and purpose statements, all of which were developed with extensive previous community input.

For the sculpture unveiling, MCC stakeholders were invited to attend an ice cream party to celebrate the art. Since its unveiling, "QB" has become a beloved beacon for the MCC – with visitors of all ages stopping to pat the sculpture on their way in and out of the facility. It has also become prevalent in their social media messaging and branding.

PROJECT LONG-TERM CARE AND DOCUMENTATION: The artist provided maintenance specifications upon project completion including instructions regarding cleaning and graffiti removal. The artist has saved extra materials should any restoration be necessary in the future. The project contract included a one-year warranty.

LESSONS LEARNED:

- Site Preparation
  Having the foundation needed for the artwork, a concrete pad, included in the artist fee and work scope would have been a better approach than using two separate processes.
- Community Engagement
  The positive response to the project reinforced the value of public art projects as tools for creating a sense of place and belonging.



Pillars in Bloom

The final case study example from which to draw applicable conclusions about process possibilities for a large-scale project that is aligned with massive infrastructure is the 2025 project undertaken in the Providence District by the Tysons Community Alliance in partnership with Macerich (owner of Tysons Corner Center.)

PROJECT TITLE: "Pillars in Bloom"

PROJECT ARTIST: Taylor White

PROJECT SITE: Three structural pillars beneath the pedestrian bridge connecting the Tysons Metro Station to Tysons Corner Center's PenFed Plaza

PROJECT TYPE: Permanent mural on concrete pillar columns

PROJECT OWNER: Tysons Community Alliance (TCA) and Macerich

PROJECT MANAGEMENT TEAM: Tysons Community Alliance: Drew Sunderland, VP, Strategy & Research; Katie Cristol, CEO; Jason Zogg, VP, Place & Transportation. Macerich: Alyssa Brooks, Marketing Manager; Jesse Benites, Director of Property Management; William Cenak, Director of Security for Tysons Corner Center. Art Whino (Art Consultation): Shane Pomajambo, Owner and Founder.

PROJECT TIMELINE:
Date Started: February 2025; Completed September 2025

PROJECT BUDGET & FINAL COST: Total Project Cost: $60,000

Art Whino served as a contracted consultant for this project and directly hired the artist. Included in the overall cost of the project was the Art Whino fee for the artist and their consulting ($45,000) and the cost of renting a mechanical lift platform for the work ($15,000).

The Macerich sponsorship contribution was $10,000 in addition to the project site; TCA underwrote the remaining costs.

PROJECT TYPE: Permanent

MEDIA/MATERIALS: Spray paint applied directly to large-scale concrete pillars

PROJECT DESCRIPTION:
Timeline Highlights:
February 2025: Providence District Supervisor Dalia Palchik encouraged the TCA to identify large-scale, high-impact opportunities for public art in Tysons, and the organization began exploring potential locations for a new mural in the heart of the district. TCA partnered with the contemporary art gallery and purveyor, Art Whino, to identify the appropriate environmental scale, placement opportunities and artists for this public artwork. TCA has worked closely with Art Whino on previous public art projects.
March – April 2025: TCA engaged owners of prospective sites identified by Art Whino, and Macerich joined the project team as the property owner and a partial underwriter. Project partners confirmed the mural's location (the structural pillars located beneath the Metro pedestrian bridge) and finalized the artist selection and design processes. Minor suggestions to the artwork's design were offered by partners in collaborative discussions.
Late August 2025: TCA and partners coordinated logistical needs, including a mechanical lift rental, and planning for a September ribbon-cutting ceremony.
Early September 2025: Artist Taylor White completed the mural installation over approximately one week. TCA documented the process with a time-lapse video, social media postings and archival video interviews with White. A ribbon-cutting ceremony occurred on September 12, 2025.

"Pillars in Bloom" is a large-scale mural installation designed to transform a highly visible transportation gateway into a vibrant landmark. This multi-column mural exemplifies how creative placemaking, strong partnerships, and smart site selection can come together quickly to create impact and meaningful dialogue around public art.

The three massive concrete pillars beneath the pedestrian bridge linking the Tysons Metro Station and Tysons Corner Center offered an opportunity for major exposure and monumental scale public art. Activating Metro-adjacent infrastructure has been a long-standing interest of Tysons stakeholders and TCA to raise awareness of transportation options while adding visual interest and identity to otherwise utilitarian spaces.

Although adjacent to the Metro, the pillars are located on private property owned by Macerich, allowing for a more streamlined approval process than would have been required on Washington Metropolitan Area Transit Authority (WMATA) assets or property. The complexity of the site included factors like uneven ground surfaces, 360-degree coverage, extreme heights, and busy traffic patterns next to the site. Consequently, project partners prioritized working with an experienced, proven artist capable of executing a large-scale mural efficiently and safely. Taylor White was selected for her demonstrated ability to complete ambitious mural projects on compressed timelines. As a result, the mural's installation was completed in approximately one week.

The mural features bold floral imagery that introduces color, calm, and organic movement into a dense, high-traffic corridor, inviting commuters and residents to experience a moment of reflection, surprise and joy. As described by White, the work is intended to reclaim attention within everyday infrastructure:

> Concrete pillars are nothing more than a structural necessity, functional but aesthetically barren. The artwork imposes itself upon them like wild growth through broken stone. [My art] reminds you that the world is beautiful and that there are things worth stopping for, if even for a moment.

According to Placer.ai data analyzed by TCA, the installation is projected to generate approximately 39 million impressions annually, reaching 7.4 million unique viewers, or more than 20,000 people per day. Located at the entrance to one of the nation's busiest malls and adjacent to Tysons' busiest Metro station, the artwork's impact on commuters, shoppers, residents and visitors is significant.

PROJECT ENGAGEMENT EXPERIENCES: In 2023, TCA led a strategic planning process engaging more than 80 task group participants and surveying more than 830 residents, employees and visitors of Tysons. The resulting Connecting Tysons collective strategic plan continues to direct TCA's projects, and "Pillars in Bloom" represents an implementation of strategies such as "improve Tysons' attractiveness, sense of place, and neighborhood connectivity," and "use investments in transportation to enhance placemaking."

Due to this project's goal of rapid implementation, formal community meetings and public input sessions about the artwork were not conducted. Instead, the project relied on collaboration among nonprofit (TCA), private-sector (Macerich), and arts-sector (Art Whino) partners to efficiently pool expertise, resources and decision-making capacity in alignment with previously conducted outreach.

Public engagement occurred through on-site visibility during installation, social media documentation, a public ribbon-cutting ceremony, media outreach (including a feature article in FFXnow) and a video recap of the artwork's ribbon-cutting ceremony that allowed the broader community to experience the artwork's creation and unveiling.

PROJECT LONG-TERM CARE AND DOCUMENTATION: Long-term maintenance and documentation protocols will be managed by TCA and the property owner, who have collaborated on previous mural projects and maintenance. The mural has been documented through professional photography, time-lapse video and media coverage to support archival and promotional needs.

LESSONS LEARNED:

- Project Speed
  For this project, prioritizing nimbleness enabled a relatively fast, and highly visible "win" that demonstrated the value of public art in Tysons. Throughout the process, streamlined leadership and trust in experienced partners helped maintain momentum and creative clarity.
- Step Back and Trust the Artist's Process
  Granting White substantial creative autonomy enabled rapid turnaround of the mural's design and a cohesive final product. Micromanagement of design could have undermined both timeline and quality.
- The Power of Data
  Using quantitative metrics such as projected impressions and unique viewers from Placer.ai proved invaluable for communicating the project's potential impact to TCA's stakeholders and making a strong case for continued investment in public art and creative placemaking in the future.
- Factoring in Logistical Costs of Large-Scale Art
  For large public art projects, necessary equipment such as mechanical lifts can account for a significant portion of total project costs. Identifying potential sponsors, in-kind contributions or private-sector partners to support inevitable equipment needs early in the planning process can improve cost efficiency and assure feasibility for future public art projects.

> **"Art is too important not to share."**
>
> **– Romero Britto**
>
> Romero Britto is a Brazilian artist, painter and sculptor. His work incorporates elements of cubism, pop art and graffiti painting.



OPPORTUNITIES FOR PUBLIC ART – FAIRFAX COUNTY

Discussions with members of the Board of Supervisors, their teams, County staff and community stakeholders involved with placemaking and public art efforts, resulted in a variety of recommendations about opportunities for public art. Ownership of public facilities by Fairfax County provides a wide range of locations for public artworks and recommendations were consistently made to site them at or in the County's parks, libraries, government centers, community centers and senior centers. These high-traffic environments offer the greatest access to and potential for the public to interact with artworks.

Capital projects budgeted through bond sales don't include funding for public art; however, an Arts Reserve Fund may be tapped to underwrite public artworks for these new or renovated amenities. Agencies are encouraged to establish partnerships with artists in the concept development phases of new facility development to help assure that the potential for public art is explored early. Renovations also offer opportunities to enhance existing facilities in ways that incorporate public art. The CAC and ArtsFairfax can work collaboratively with County agencies on these efforts.

In considering how public art can be realized on publicly accessible private property, the objectives of the County's Strategic Plan for placemaking and Comprehensive Plan guidance can and should inform approaches. Additionally, a prerequisite for murals funded by the "Paint it, Fairfax!" program is for those to be in the targeted Commercial Revitalization Districts and Areas. Additional artworks may also be achieved in these locations by the property owner without County funds.

Public artwork that is commissioned or installed entirely by a private entity may still need to intersect with County staff to achieve any required approvals even if no proffers are attached to the proposal for development or redevelopment. In those cases, County staff should recommend that the property owner obtain technical guidance from either ArtsFairfax or, in Reston, Public Art Reston. Public art described in a zoning application should be consistent with the recommendations of this Plan and meet any applicable and specific legal and documentation requirements.

Existing public art in Fairfax County should be documented as completely as possible using the ArtsFairfax Public Art Locator. Many artworks may be designed intentionally to be temporary, or there may be artworks across the County's geography for which no long-term maintenance plans exist or where property ownership has changed. Artworks that are affected by such changes might be relocated. Redevelopment projects that intersect with County processes and where there is such artwork may be referred to the ArtsFairfax Public Art Program for consultation on how to deaccession artwork.

The Public Art Opportunities Table includes possible public artwork locations and types, and/or projects that are in progress or likely will be in progress soon. Where applicable in the recommendations, the link to the related individual Revitalization District or Area is listed under the Magisterial District. The Table is designed to offer flexibility and allow each Board of Supervisors office to pursue opportunities that arise, as well as reflecting current community expectations. It will be reviewed annually by the CAC to note progress and/or new possibilities.







Public Art Opportunities Tables

BRADDOCK MAGISTERIAL DISTRICT

Annandale Commercial Revitalization District | Fairfax County – OCR (some overlap with Mason District)
Art in the Open | George Mason University

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities	Murals, 3-D artworks, temporary art installations	Requires funding
Public Storage at Waples Mill	Art panels on doors	In progress, property-owner funded, ArtsFairfax project assistance
Fairfax Crest (formerly The Residences at the Government Center II)	Mural by Kelsey Monague Possible sculpture	In progress In exploration, may require funding
George Mason University	Broad variety of sculptural installations currently and future	Requires new funding to realize complete plan
Virginia Railway Express (VRE) Stations	Possible murals, other	Requires funding

DRANESVILLE MAGISTERIAL DISTRICT

Herndon Arts District | Town of Herndon, VA
McLean Commercial Revitalization District | Fairfax County – OCR
Tysons | Tysons (some overlap with Providence District)

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities McLean Central Park sculpture platforms	Murals, 3-D artworks, temporary art installations; in the park or elsewhere, perhaps take advantage of McLean "Trolley" history	Requires funding Herndon efforts may involve town and county partnering
Town of Herndon Arts District	Works in concert with goals; murals, sculptures, etc.	Requires funding and partnerships
McLean Community Business Center	Landscape art, small sculptures/play features, murals	Requires developer partnership, funding
MPA Downtown Project – which is now the MPA Berlage Arts & Education Center	McLean Project for the Arts: Café Monet features – small sculptures, artistic walkways (wayfinding)	Partnership required, continued fundraising
Pimmit Hills, Great Falls	Wayfinding, installations related to County facilities	Requires new funding





FRANCONIA MAGISTERIAL DISTRICT

Richmond Highway Commercial Revitalization District | Fairfax County – OCR
Richmond Highway BRT – The One | Transportation
Springfield Commercial Revitalization District | Fairfax County – OCR (some overlap with Springfield District)

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities New government center and library	Murals, 3-D artworks, temporary art installations	Requires funding
Harmony Place Mobile Home Park or Hybla Valley Community Center	Monumental signage, wayfinding Recognition via public art at Hybla Valley Community Center to connect to Harmony, Audubon, Colchester Town and Creekside communities	Requires property owner agreement for Harmony Place; new funding for Hybla Valley Community Center Artworks
Franconia locations for "Faces of 1" and BRT related public art projects	Temporary public art (via leases) BRT station shelters artworks	In progress; working with ArtsFairfax; Southeast Fairfax Development Corporation (SFDC)

HUNTER MILL MAGISTERIAL DISTRICT

Lake Anne Commercial Revitalization Area | Fairfax County – OCR
Urban Centers Section | Planning Development (some overlap with Providence District)
Public art resources:
Public Art Reston
Vienna Public Art Commission | Town of Vienna, VA

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities Pending public/private redevelopment of Crescent Apartments with community spaces	Murals, 3-D artworks, temporary art installations	Requires funding, may involve partnership agreement
Town of Vienna	Murals, 3-D artworks, temporary art installations	Vienna efforts may involve town and county partnering
Reston Town Center North – Central Green, FCPA Rec Center, Fairfax County Public Library (FCPL), Embry Rucker Shelter	Sculptures, landscape art, wayfinding, murals, temporary artworks	Requires new funding and collaboration with community partners
Other public facilities	Public Art Reston collaborations with FCPS facilities (murals) and painting utility transformer boxes	In progress; multiple civic partners
Redevelopment occurring in Transit Station areas (Wiehle, Reston Town Center)	Sculptures, landscaping art, wayfinding, murals	Collaboration with development-related processes as required





MASON MAGISTERIAL DISTRICT

Annandale Commercial Revitalization District | Fairfax County – OCR
Bailey's Crossroads and Seven Corners Commercial Revitalization District | Fairfax County – OCR
Lincolnia Commercial Revitalization Area | Fairfax County – OCR
All Developments – C3

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities	Murals, 3-D artworks, temporary art installations	Requires funding
Bailey's Crossroads and Seven Corners	Design, wayfinding, signage, 3-D artworks, landscaping art, play features	In progress, it involves community engagement
Wilson Blvd. Pedestrian Bridge	Design, wayfinding, signage	Requires planning based on final budget allocation
Tom Davis Drive	Street infrastructure art (non-state owned)	Requires funding

MOUNT VERNON MAGISTERIAL DISTRICT

Richmond Highway Commercial Revitalization District | Fairfax County – OCR
Richmond Highway BRT – The One | Transportation

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities	Murals, 3-D artworks, temporary art installations	Requires funding
Lorton Animal Shelter & Police Station Sculpture project	Murals, 3-D artworks, temporary art installations	In progress, it involves community engagement, ArtsFairfax project assistance
Bus Rapid Transit (BRT) station artworks	Murals, 3-D artworks, temporary art installations	In progress; funding and project support from VDOT, FCDOT, the Mount Vernon and Franconia District Offices, BRT Board and ArtsFairfax





PROVIDENCE MAGISTERIAL DISTRICT

Urban Centers Section | Planning Development
Merrifield Commercial Revitalization Area | Fairfax County – OCR
Tysons | Tysons

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities	Murals, 3-D artworks, temporary art installations	Requires funding
Merrifield: EYA Prosperity Ave. Caboose Commons Retaining walls along Rt. 29 (Murals)	Wayfinding, murals, infrastructure art	Requires funding or property owner installations
Merrilee Dr. (Elm Street Development across from Lost Dog Café)	Sculpture, outdoor exercise and dog park-related options	Requires funding or property owner installations
Old AT&T Site	Murals, 3-D artworks, temporary art installations	Requires funding
Tysons: Redevelopment, development projects Tysons Central, new development and other workforce housing Urban Parks: URBAN PARK SPACES | Tysons Tracker Privately/publicly owned infrastructure (WMATA)	Murals, 3-D artworks, temporary art installations	Requires funding or property owner installations; may partner with Tysons Community Alliance

SPRINGFIELD MAGISTERIAL DISTRICT

Springfield Commercial Revitalization District | Fairfax County – OCR (some overlap with Franconia District)

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities	Murals, 3-D artworks, temporary art installations	Requires funding

SULLY MAGISTERIAL DISTRICT

Living in the Sully District | Board of Supervisors – Sully

Possible Location(s) for Public Art	Possible Type(s) of Public Artworks	Status
County public facilities	Murals, 3-D artworks, temporary art installations	Requires funding
Possible downtown or historic Centreville area at A.J. Dwoskin's Centreville Square property	Murals, sculptural features	Pending development activity progress and identifying funding
Chantilly Arts Hub (to be constructed) at Westfields, Wegmans, The Field at Commonwealth area	Outdoor sculptural features, "troll stroll" Park features like fountain, amphitheater, landscape art	Pending development activity progress and funding

Public Art Project Flow Chart

A public art project opportunity can be identified by anyone or any organization. To move beyond the "idea" phase, the following should be true:

- A site or location should be available for it, have clear ownership authority and be free of site restrictions that would prevent success.
- A viable source or sources of funding should be available for the artist selection process, design, site preparation, engagement activities, manufacturing or constructing of the artwork, installation and celebration.

This flow chart illustrates the process elements involved if the public artwork is funded or supported by Fairfax County and that are discussed in detail in the following pages.

#1 – SITE REVIEW

Suitability (public access, zoning, infrastructure impediments/restrictions, sightlines, surroundings, clear long-term ownership)

RESPONSIBLE PARTIES: Site owner, County Planning and Development, County Arts Committee

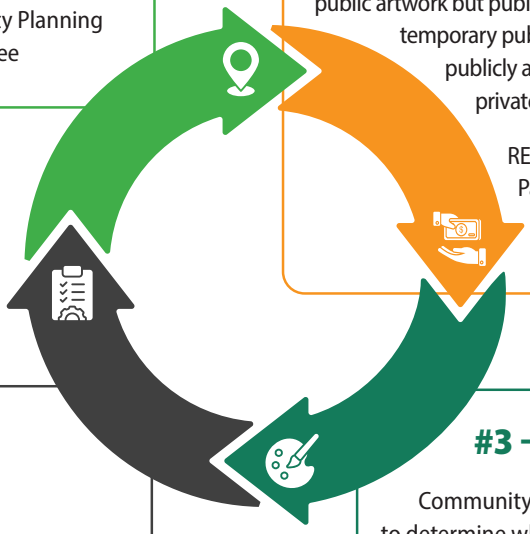
#2 – BUDGET RESOURCING

Private sector funds if site is privately owned – if proffered, still intersects with County roles

Arts Reserve Fund if site is a Fairfax County property or Capital Project/Renovation

Public/Private funds if site is provided without funding for the public artwork but public artwork is deemed desirable (e.g., temporary public art, artwork that is visible from entirely publicly accessible site features) – grant funds and private contributions could be sought

RESPONSIBLE PARTIES: Site owner, Partnership (between site owner and nonprofit entity or the County and/or ArtsFairfax)



#3 – ARTIST SELECTION

Community engagement and/or research to determine what is to be expressed or realized functionally

Identification of artist requirements and expectations

Establishment of a "Call for Artist Qualifications"

Establishment of Artist Selection Committee or Panel

Review of submissions and selection of finalists for concept presentations

Concept presentations and response of selection group

Announcement of selection

RESPONSIBLE PARTIES: Possibly: Site owner, County Arts Committee, ArtsFairfax, Community members, District Office

#4 – PROJECT EXECUTION

Community engagement if possible

Concept approval, Contracting, Site prep, Fabrication, Installation

Construction closeout documentation

Celebration

RESPONSIBLE PARTIES: Project Management Team (formed by stakeholders such as site owner, County representative, ArtsFairfax representative, community representative, County Public Information Office)

FUNDING PUBLIC ART

A variety of funding streams will be required to both increase the presence of public art across the 400-plus square miles of Fairfax County and ensure that County-funded public art is properly maintained, documented and managed. The approaches proposed below are intended to support County goals for public art and to be mutually supportive of efforts to achieve those goals.

Arts Reserve Fund – Contributions and Tax-derived Revenues

An Arts Reserve Fund could be established into which monies contributed to the County via the development process and other resources can be allocated. With the increase of the Transient Occupancy Tax occurring in 2025, some portion of new revenues could be directed to the arts as arts-related events, venues, and public artworks are significant drivers of tourism. Additionally, if the County determines that establishment of an Entertainment Admissions tax is warranted, those funds could be allocated to this reserve.

With respect to public art, the County-administered Arts Reserve Fund monies could provide support for the following:

1. Creation of public art in locations determined by the County.
2. Stable resourcing for ongoing maintenance and/or replacement costs associated with public artworks created with County funding support.
3. Funding for public artworks that can be created in concert with Fairfax County capital projects for either new or renovated public facilities.
4. Funding for arts venues – public artworks features, other attributes.

The Arts Reserve Fund could accumulate to a level that insulates arts capital projects and public artworks from boom-and-bust funding cycles. The Arts Reserve Fund could also receive direct cash contributions from development projects that are determined unsuitable as host locations for a public artwork, but that may be voluntarily contributed for arts amenities within the applicable district or the County. This is described below in "Partnerships and Collaborations."

Funding Increase to ArtsFairfax to Establish a Public Art Program

Increasing the annual ArtsFairfax allocation to establish an ArtsFairfax Public Art Program could provide for the following:

1. Underwriting contractors and possible staff positions to administer projects and a Public Art Program.
2. Establishing a fund for payments to artists participating in finalist presentations for artworks to be funded by Fairfax County or sited on County-owned property.
3. Establishing a Public Art Grant Program to spur the development of public art projects among County nonprofits and private sector property owners.
4. Creation of a Fairfax County "Public Art Toolkit" that would contain developer checklists for public art proposals as part of land use processes, guidelines for public artworks of various types, e.g., murals, sculptural installations, landscape art, etc., and sample project timelines and milestones.
5. Provision of support services to County agencies and magisterial district offices involved with public art projects such as conducting "Calls for Artist Qualifications," or "Calls for Submissions," maintaining an Artist Database for public art, providing training for emerging public artists in the County, participating on County program panels involved with public art, and advising magisterial district offices on appropriate public art outcomes.





Partnerships and Collaborations

New Development

There may, in some instances, be opportunities for the private sector to voluntarily contribute public artworks as part of a new development. Such contributions offer benefits, particularly when pursued in conjunction with public spaces like parks, pocket parts, plazas, or public amenities like skating rinks.

Revitalization and Renewal

The County has established a "Paint it, Fairfax!" murals program to help achieve revitalization goals by enlivening the visual appearance of buildings and/or infrastructure, instilling pride of place in the surrounding communities, and stimulating interest in and awareness of the areas' assets. Projects conducted for this program must occur in the identified Community Revitalization Districts and/or Areas (CRDs/CRAs) and are realized with the partnership of the property owner involved, whether the owner is Fairfax County or a private sector entity.

Aging commercial areas outside of CRDs/CRAs may determine that public artworks can help reinvigorate appearance and stimulate greater foot traffic. In such cases, property owners could contribute sites and/or underwriting to realize public artworks and obtain technical assistance from ArtsFairfax to assure outcomes are successful. Other civic entities may initiate these projects, like the Southeast Fairfax Development Corporation's "Faces of 1" project, with participation from individual property owners and other funders.

Other Funding Resources – Fees, Grants, Donations

Other funding resources for the County's and ArtsFairfax public art efforts can be obtained from the payment of fees by private property owners to ArtsFairfax for facilitation of public art projects; grants provided by state, federal and private institutional entities; and private donations.

IMPLEMENTATION AND BEST PRACTICES

This plan incorporates the lessons learned from other jurisdictions' experiences with public art master planning and the realization of a variety of public art projects enjoying either direct funding, funding support or collaboration with Fairfax County government. In this section, key areas are described with guidelines to ensure the most successful outcomes are feasible throughout the landscape of the County and with the greatest flexibility possible.

Legal Considerations

Legal considerations will vary depending on the ways in which the public artworks are realized. Projects will need to take into consideration applicable local, state or federal laws or regulations addressing property and installation circumstances. Projects will typically also need to consider intellectual property rights, liability and insurance. Each project will likely have additional, unique attributes and circumstances that will be addressed during the development process.

These issues can be addressed in the process of identifying suitable locations; selecting a particular work of art for a given location; and negotiating appropriate agreements, permits, and approvals between the parties involved, including variously the County, private entities and property owners, artists, and installation contractors. In the case of a County project, County agencies would work on such agreements and contracts in coordination with the Fairfax County Office of the County Attorney (OCA) and the Department of Procurement and Materials Management (DPMM) to establish the specifics.





Broadly speaking, the issues that intersect with public artworks can include:

Public artworks proposed in site and/or new construction plans

When a public artwork is proposed, County staff should consult, as needed, with ArtsFairfax or an alternative local arts organization approved by the County, and the District Supervisor's Office.

1. Public art projects should include documentation of the artwork and its particulars.
2. Public artworks may be subject to review by the applicable Design or Architectural Review Board depending on their location and scale.

Property ownership, artwork ownership, related insurance and liability concerns

Depending on the nature of a public artwork, property owners may need to consider liability and insurance requirements necessary to protect the work on its property and any risk it poses to the public. These requirements will vary with the nature of the artwork, its physical location, and the type of property owner. Depending on the artwork, signage or other information for the public about safety, and permissible behavior on or around the artwork may be advisable.

First Amendment Considerations

The County's role in funding and displaying public artworks may implicate First Amendment considerations, such as whether the display is government or private speech, and the nature of the forum in which the work is displayed. Accordingly, consultation with OCA will often be necessary to ensure compliance with all Constitutional requirements.

Intellectual property

1. Copyright and related licensing
   Visual works of art are subject to U.S. Copyright law, so commissioning entities and property owners will need to consider addressing copyright ownership of the commissioned work and possible licensing for anticipated uses, such as photographing, copying, and publishing copies of the work if the artist retains the copyright. Additional copyright considerations include the artist ensuring the originality of a commissioned work or design to avoid infringement claims, and the artist's own compliance with copyright law with regard to any third-party copyrighted works incorporated into their design. Again, the treatment of copyright would be managed in the context of each unique project and its circumstances.
2. Visual Artists Rights Act of 1990 (VARA)
   The Visual Artists Rights Act grants certain rights to visual artists, such as rights of attribution and "integrity" for their works. The latter includes the ability to seek injunctions against changes to visual works of art (intentional or otherwise), and against the destruction of works of "recognized stature." Those rights can be waived in whole or in part by artists, but waivers must be in writing. As such, commissioning entities and property owners may want to consider entering into written VARA waiver agreements with artists.







Contracting Steps and General Process

1. Concept Presentations
   Current best practices described by the Americans for the Arts/Public Art Network and other experts encourage that commissioners of public art issue "Calls for Qualifications" as an initial outreach to artists who might create a public artwork, rather than requiring a concept submission in the first phase of outreach to artists. This is due to the amount of work involved in creating a concept, and because requiring the associated level of time investment without remuneration is inequitable. Background information in a Call for Qualifications should provide as much detail as possible about the potential public artwork. Artists typically respond in the context of the specific project elements (e.g., budget, site, purpose, etc.)

   Calls for Qualifications should include criteria for selection of an artist for a particular project that can help narrow the field of artists capable of executing the project. Such criteria include images of past work, resumes, references and descriptions of processes involving community engagement. They may stipulate that the artist show prior work in large-scale artworks, particular media or other specific elements related to the artwork goals and requirements. This is why information about the project is always included in the solicitation.

   Once a small group of qualified artists is identified based on their previous artwork and practice, commissioning entities can request finalist concept presentations. It is customary for a stipend or honorarium to be paid for such presentations. The fee scale for these is modest and typically determined in relationship to the complexity of the commission, site and scale of the project.

2. Design Development
   When an artist or artist team is selected, a contract for delivery of a concept design, fabrication plan, related engagement possibilities and proposed budget should be executed. Depending on the scale of the project and related budget, this contract could also include submissions of requested modifications, evaluations of issues or even redesign if needed.

3. Commissioning
   Once the parties are satisfied with and have approved a final design, an artist commissioning contract should be implemented. Such a contract could include the technical submissions required by permitting or design/architectural review board processes, the precise materials and means of construction to be used, the meetings and engagement requirements, copyright and VARA, and evidence of insurance and other elements related to liability and requirements for subcontractors if the artist or artist team is responsible for all the fabrication and installation issues.

4. Fabrication, Site Preparation, Installation (may include demolition)
   In some cases, the artist or artist team may not have the capability to fabricate and install the artwork. If that is the case, the commissioning entity may separately contract for those services in consultation with the artist(s) or may contract the artist(s) to be responsible for subcontracting. These situations present greater complexity and add time to project execution calendars. The CASE STUDY "Circles of Memory" is an example of such a project and relied on the contractor already having an approved contract vehicle the County could use for fabrication, site prep and installation.

Fairfax County public art projects described in the CASE STUDIES section of this plan necessarily have involved addressing the above legal considerations and related documentation.





Processes and Strategies

Identifying sites and locations for public art

For County-funded public art projects, sites should be determined by these criteria:

1. Suitability for public access and interaction with the artwork. Suitability issues to be reviewed include ease of access for the public; the ability to control installation access that may be necessitated by construction; underlying infrastructure such as drainage systems, electrical or mechanical issues; adjacent features and purposes; and natural, existing or intended designed landscaping surrounding the artwork location.
2. Authority over the property by the applicable entity (i.e., BOS, FMD, FCPA, etc.) and the ability to maintain the artwork once installed.
3. The permanent or temporary nature of the potential public artwork. Temporary artwork may be art used to mitigate the appearance of a property due to renovation, construction or other time-limited circumstances.
4. Potential of the site and project to provide access to public art in places where such opportunities are lacking (equity considerations).
5. A timeline that allows for a thorough examination of the above criteria.

In partnered or proffered projects, the sites and locations for public art should be evaluated along the same criteria with due consideration given to the contribution(s) and role(s) of the private property owner or County partner.

Finding appropriate artists

For County-funded public art projects, the commissioning department or agency should work with the Fairfax County Office of Public Affairs and ArtsFairfax to conduct outreach to artists in Fairfax County and the region and (if desired) beyond to enable them to identify themselves and their qualifications to the County and/or ArtsFairfax. Other strategies to assure diverse and competent artist interest in County commissions include:

1. Development of a database and/or directory of County-based public art creatives with the collaboration and support of ArtsFairfax.
2. Multilingual and multi-media outreach to assure artists from diverse backgrounds are aware of opportunities.
3. Regional and national outreach if the scope of the project or resources are sufficient to support the added project costs for artists outside of the metropolitan Washington D.C. area. There are multiple national posting avenues for calls for qualified artists or submissions.
4. Establishment of a project artist selection timeline that allows for use of community engagement tools or information derived from those; drafting and finalization of the "Call for Qualifications" content; recruitment of an appropriate panel to evaluate submissions with criteria developed for the project; and recruitment of new panels to evaluate resubmissions should that be advisable.
5. Ongoing efforts by the ArtsFairfax Public Art Program to encourage and develop County artists who will be capable of responding to opportunities to create public art.





Documentation required of owners

For County-funded public art projects, documentation requirements should include the following:

1. How the site was determined, which can be documented by memorandum of the process including the objectives considered; the relevant site potentials and constraints; the representatives involved in the site determination process; and the alignment with the purpose of the commission.
2. How the artist selection process was conducted, which can be documented by memorandum including relevant outreach efforts, number of submissions, process(es) used to select finalists and the process(es) used to select the commissioned artist.
3. Project financial information that includes the breakdown of costs appropriate to the project, such as artist fees, site preparation, fabrication, demolition and installation, landscaping and signage.
4. Artwork title, artist, materials, form, actual cost, site location, date installed, and other details as outlined in the COLLECTION MANAGEMENT section of this Plan.
5. Artwork maintenance and materials manuals to be used by the owner.

For privately or partnered public art projects, documentation requirements should include:

1. The proffer language if applicable.
2. Community meetings if held.
3. Records of Design or Architectural Review Board processes.
4. Artwork title, artist, materials, form, actual cost, site location, date installed and other details as outlined in the COLLECTION MANAGEMENT section of this Plan.
5. Artwork maintenance and materials manuals to be used by the owner.

Community Input and Feedback to Drive Investment

Engagement efforts to excite the public about public art and/or specific projects should be informed by equity considerations

For County-funded projects, community engagement should occur to educate and excite the public about the potential for public art to contribute to the quality of life in the area identified for a proposed artwork. This engagement may be conducted as part of a general process to assess community expectations (such as the research conducted for this Plan or the pilot "Paint it, Fairfax!" murals program) or may be conducted specifically to include community views and expectations for a specific location and artwork opportunity.

Regardless of the approach used, engagement efforts should be conducted in a manner consistent with the guidance adopted by the County and available in the Engage Fairfax Framework. Key engagement considerations identified by the Framework are:

1. Language Access – Use multilingual and culturally competent messaging.
2. Literacy and Plain Language – Use easily understood and translated messaging.
3. Population/Cultural Context – Acknowledge that cultural identity is multi-dimensional and should inform outreach tactics.
4. Accessibility – Consider different abilities and needs.
5. Digital Equity – Make sure that outreach is compatible with digital tools.
6. Virtual Collaboration – Assure that platforms and scheduling challenges are considered.
7. Geography/Location – Understand the geographic parameters of the project.
8. Time – Consider the different lifestyle and work conditions of potential participants.







These principles and process guidelines, along with the use of multiple languages and platforms, will ensure that community engagement efforts will have the greatest impact and provide results that are reliable and relevant to the public art project.

For privately or partnered public art projects, community engagement may be advised by the County or ArtsFairfax and include considerations specific to the neighborhood or district in which the artwork will be located. Regardless of the particulars of the privately or partnered public art projects, meaningful outreach will help support the project goals.

Involvement in artist selection processes – visioning level, artist selection

When public artworks are commissioned for County-owned locations, whether funded entirely or through development, grants, the Arts Reserve Fund or other means, the following community engagement principles should be followed:

1. Research and/or community input should ensure there is understanding of the public's expectations when developing the vision for the project and its role in the site.
2. For artist selection processes, community members should be included at points where the vision and expectations of the project are identified and could also be included in the actual selection processes if the project goals will be best achieved with grassroots representation on the selection committee(s).

Community participation opportunities in public art projects

Regardless of how a public art project occurs (publicly funded, privately funded or funded through partnership), the community may be more deeply engaged in the creative process through these possibilities:

1. Workshops to make parts of the artwork or work in the style of the artist.
2. Hands-on painting or other aspects of the artwork fabrication.
3. Opportunities to document personal interactions with the artwork.
4. Volunteer activities such as landscaping and maintenance associated with the artwork or site.
5. Events that celebrate the artwork or that are held adjacent to it; these could include other artist responses such as interpretive dance, play or other creative interactions.

Marketing and celebration

Once a public artwork is completed, it is important to celebrate its installation and purpose. Ribbon-cutting, videotaping or timelapse photography, commemorative events and documenting the community response to the unveiling or celebration are important capstone experiences that should occur. These celebrations and events should always be broadly marketed, inclusive and accessible.

"The marble not yet carved can hold the form of every thought the greatest artist has."

– Michelangelo

Michelangelo is perhaps the most renowned Italian sculptor, painter, architect and poet of the High Renaissance.

COLLECTION MANAGEMENT

Fairfax County is already home to many outstanding and community-inspiring public artworks. When a jurisdiction has committed itself to public art, it has committed itself not only to the creation of beauty for everyone living, working, or visiting there, but also the management, documentation and preservation of the resulting artwork collection for future generations. This typically requires publicly accessible and reliable systems for documentation; a commitment to ongoing maintenance of the artworks and the sites in which they are located; regular evaluation of the artworks in situ; and if needed, procedures for either relocating or deaccessioning a public artwork.

The Public Art Program of ArtsFairfax will create a Public Art Toolkit that will include project implementation guidelines, and samples of agreements for use by County agencies and property owners whose public artwork is connected to the County's land use requirements or whose public artwork is funded in whole or in part by Fairfax County. These tools will ensure that Fairfax County manages its public art collection to ensure that artworks retain their intended vibrancy and impact.

Documentation

Since 2024, Fairfax County's public art portfolio has been documented through the ArtsFairfax Public Art Locator app. This digital tool crowd-sources images of public art throughout the County and asks for (but doesn't require) the necessary basic information to be provided by those capturing the images and location of the County's public art.

As the tool describes in its base menu, the data points that can and should be documented by users are:

- Title of Artwork
- Artist Name
- Description of Artwork (instruction: Include color, shape, subject and size if applicable)
- Category of Artwork (user chooses from a drop-down menu)
- Location (instructions are provided for dropping a pin in the location)
- Upload of up to Five Images – this is accomplished by the individual using the app

Users may then opt to offer more information; if they do, they get new menu items:

- Location Name (users see: Park name, transit station name, public space name, etc.)
- Location Description (user chooses from a drop-down menu)
- Media or Material of Artwork (users see: Examples include paint, metal, stone, etc.)
- Permanent or Temporary (user selects)
- Sponsor of Artwork
- Commission and Funding Details
- Year Created
- Date Installed
- Fabrication or Installation Method
- Dimensions
- Additional Details (user writes in added information)
- Nearest Address
- Supervisor District (GIS completed)
- Jurisdiction (GIS completed)
- Revitalization District (GIS completed)





By early 2026, the app had successfully collected more than 220 images of public artworks in a broad variety of locations. The details about the artworks are not complete in most cases because it is a crowd-sourced documentation tool, developed with the basic goal of obtaining visual documentation and location information about public art across the 400 square miles of Fairfax County. Research and further work to fill in the missing details will be an ongoing effort, shepherded by the CAC and its stakeholder agencies and partners along with the general population's contributions.

Additional documentation systems are needed to ensure a comprehensive knowledge base is obtained for Fairfax County public art. Beyond the web-based locator app, the CAC should devise a process to incorporate the information that is described in the IMPLEMENTATION AND BEST PRACTICES section with respect to the creation processes for each artwork. Records should include the artist search and selection process activities, applicable zoning submissions and any other approvals. Artworks that are delivered through proffers and/or the ArtsFairfax Public Art Program should also be required to include this information upon completion.

In addition to having a central repository for the information listed, each commissioning entity should establish and maintain a digital location for the maintenance manuals and related records for the artwork. These materials should be housed in such a way that employee turnover does not eliminate access to the documentation. Analog records that may be generated and maintained can supplement digital access, but if such records are created, their location should be well-known to the artwork owner.

The CAC, working with the ArtsFairfax Public Art Program, will establish and implement these documentation tools and review them regularly.

Maintenance

The importance of established maintenance requirements for public artworks and adhering to them can't be overstated. For all public artworks, the artist or artist team, including any fabrication or installation contractors or materials providers, should be contractually required to provide documentation that describes the artwork's components, and their care and maintenance. Contracts should also stipulate the owner's commitment to comply with the care and maintenance outlined in the documentation.

A routine maintenance schedule and plan for the artwork should be incorporated in property management procedures for annual maintenance of buildings and grounds where the artwork is located. If damages or defects occur that aren't covered by the contracts and/or maintenance documents, contact information should be available for consultation between the owner or property management and the artist or artist team to address exigent circumstances.

Maintenance documentation and plans should include the following elements:

1. Artist and contractor contact information.
2. Approved construction/fabrication and site drawings for the artwork.
3. Detailed listing of materials/media used with accompanying care instructions (including any related landscaping elements with plantings, care and replanting guidelines).
4. Materials Safety Data (MSD) sheets for specified cleaning or maintenance products that are required to care for the materials.
5. Date of installation and calendar of routine and periodic maintenance requirements.
6. Property owner identification and point(s) of contact.
7. Facility/Site Management identification and point(s) of contact.

As with other documentation materials, it is critical that maintenance instructions and manuals be managed by owners in such a way that survives employee or ownership turnover. The obligation for ongoing maintenance should be explicitly addressed across all the documentation related to an artwork, from conception to completion.

Deaccessioning or Relocation of Artworks

Owners of public art have an obligation to evaluate the artwork on a regular basis to assure that the following are true:

1. The artwork and its site remain secure and safe for visitors.
2. The form and media have retained their structural integrity and intended appearance.
3. The larger property where the artwork is located continues to be publicly accessible and the surrounding elements remain in harmony with the artwork.
4. The artwork's cultural context has continued to hold relevance to the community. Examples of where this requirement has prompted removal or relocation include where new events or historical perspectives have rendered the artwork harmful as has been the case with monuments honoring figures related to the Confederacy.

In the cases of temporary artworks, this evaluation process is most critical. These artworks aren't designed or fabricated to withstand all the impacts of years of weather, wear and tear, but often, they outlast the original intended dismantling date. When such artworks are removed or deconstructed, care should be taken to do so in an environmentally responsible manner.

If property ownership or other salient conditions have changed to the degree that the artwork may no longer be retained where it has been installed, a plan for relocation or deaccession of the artwork should be implemented in accordance with all applicable requirements. The process should be fully documented to include the details of its deconstruction and removal.

If it is determined that a permanent public artwork should be removed, the process is called "deaccessioning." The cost of removal is borne by the artwork owner. Deaccessioning is a major decision for any public art program and should only be completed after a detailed review process using the evaluation criteria described above. If the artwork is to be deaccessioned entirely (removed from the County) the following steps should be taken:

1. Document the logic case for removal. Be sure to retain ample images that demonstrate the case.
2. Notify the artist and/or artist team to obtain their input regarding the artwork; in some cases, the artist may wish to have the artwork returned to them. If the artist can't be notified, that should be documented.
3. If value can be obtained from offering the artwork to a new collection, document that process.
4. Assure that materials are removed and disposed of safely if the artwork must be deconstructed.

Relocation of an artwork may occur when the original site owner, artist and a new site owner agree with the strategy. In such cases, the following steps should be taken:

1. Document the case for relocation and the agreement(s) between and/or among the three parties (current owner, artist, new owner).
2. Assure that all related documentation materials transfer from the old owner to the new owner.
3. Update the County's public art portfolio files and the public art locator map to provide the most complete information about the original location and new location. Public art files should be maintained at agency levels in addition to the publicly accessible GIS map application.
4. Consider community engagement options around the installation at the new site if appropriate.

Whenever artworks are deaccessioned or relocated, communication strategies should anticipate public reaction to the loss of the artwork and should be managed to provide the complete background to the undertaking. Care should be taken to ensure that public opinion is not the driving force behind deaccessioning or relocation decision-making; it is often the case that initial responses may change dramatically over time. When deaccessioning or relocation occurs, communication about the process should reflect that safety, site conditions, cultural context and artist agreement with the decision were the salient factors considered.

CONCLUSION

As localities worldwide have discovered and demonstrated, public art adds vibrancy and cohesion across neighborhoods and communities. It significantly enhances placemaking efforts to distinguish gathering spots, public facilities and environmental features. The establishment of a public art master plan furthers both the goals and impact of public art. A sound plan includes the rationale, guidance, and implementation strategies for achieving a public art collection that reflects the aspirations of a jurisdiction's people and the opportunities and means for realizing them. Such a plan should be a living document that incorporates ongoing results and improvements in the approaches taken by either the public or private sectors.

The following key features of the Fairfax County Public Art Master Plan should be considered by all who wish to see public artworks throughout the County.

Public and Private Sector Opportunities

County agencies and development activities should consider public art possibilities in public and private sector capital projects and land use as a routine function of planning and placemaking. When new construction of County facilities is contemplated or commenced, project leadership should evaluate the potential for public art to contribute to their success at the onset. If such potential exists, the guidance of this plan should be followed to ensure the best possible outcomes.

When a landowner is interacting with the County's Department of Planning and Development, public art opportunities should be on the list of criteria for successful placemaking in addition to items such as infrastructure, transportation and traffic, and wayfinding. If the landowner or developer doesn't include consideration of public art opportunities for a project that requires County approval, it should be encouraged if the property or project has good potential for it. The County Arts Committee and ArtsFairfax can offer support as needed to assist the property owner in maximizing the impact of public art.

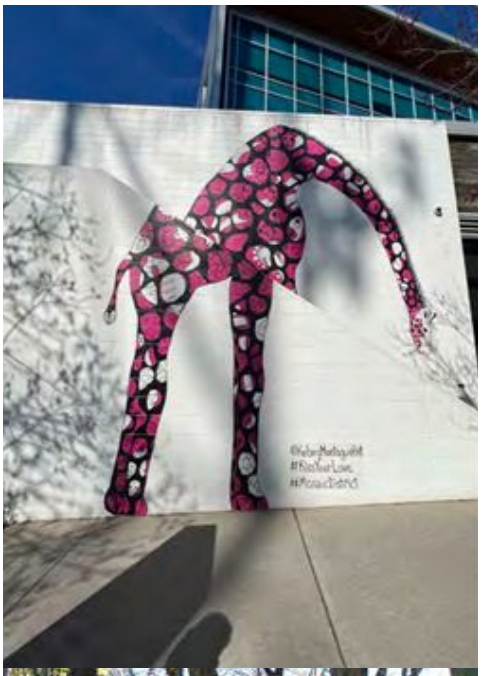
Arts Reserve Fund and ArtsFairfax Resources

With establishment of a Fairfax County Government Arts Reserve Fund and a Public Art Program at ArtsFairfax, money and project guidance would be available to achieve excellent public artworks in either public or private contexts. The Arts Reserve Fund could generate the necessary financial support on either a partial or full basis for projects appropriate to new or renovated public facilities and properties.

New funding for ArtsFairfax would provide a Public Art Program and a detailed Public Art Toolkit. The Toolkit can be a resource that ensures consistently high-quality public art projects are undertaken, documented and maintained. It should include samples of rights and contracts, project implementation guidelines, and samples of maintenance agreements for use by County agencies and property owners whose public artwork is connected to the County's land use requirements or whose public artwork is funded in whole or in part by Fairfax County.

Guidance from ArtsFairfax can assist private property owners in achieving desired results, and if appropriate, could include funding from a Public Art Grant program. Even in those parts of the County where a local plan or entity can offer similar guidance, the ArtsFairfax programmatic approach can be consulted to support their goals.









County Arts Committee

With the adoption of the Fairfax County Visual and Performing Arts goals outlined in the 2017 Fairfax County Comp Plan Policy Visual and Performing Arts, the County charted a thoughtful path forward to assure that a robust arts presence could be realized throughout Fairfax County. The principal mechanism for advancing those goals and monitoring progress in meeting them has been vested in the Fairfax County Arts Committee.

Through the years since its inception, the CAC has helped participating agencies and stakeholders work collaboratively for collective impact. New facilities and strategies for bringing the arts to the people of Fairfax County have been realized. An Arts in Fairfax County webpage on the County's website provides information as well as two key arts maps – one for arts venues and one for public artworks. The CAC annual reports document the ways that the Committee is fulfilling the objectives of the Countywide Strategic Plan and One Fairfax Policy with respect to the arts and culture.

Assuring the success of the Fairfax County Public Art Master Plan will also be a key component of the CAC work. The Committee stakeholders should systematically monitor the plan on an annual basis to ensure its goals are being met and that its implementation tools remain relevant and useful. The OPPORTUNITIES Table should also be annually reviewed and updated by the CAC. Should circumstances warrant it, templates or strategies that are part of the Public Art Toolkit may also be updated and/or replaced.

This Public Art Master Plan is designed to be used, evaluated and modified as conditions warrant. Implementing the recommendations in this Plan will begin a new era of creating a robust, diverse and engaging collection of public art that inspires all the people who live, work, create in or visit Fairfax County.

PHOTO CREDITS:

Page 5: LOVE sign at Workhouse Arts Center image courtesy of Fairfax County

Page 6: "You Belong" mural image courtesy of McLean Community Center.

Page 12: Strawberry Park Mural image courtesy of Park Authority.

Page 15: "Fidelity of Form" by Dennis Heimbach image courtesy of Reston Community Center.

Page 16-18: "Faces of 1" sculptures images courtesy of SFDC.

Page 19-21: Mural images courtesy of "Paint it, Fairfax!"

Page 22: "Circles of Memory" images courtesy of Neighborhood and Community Services

Page 24-25: "QB" images courtesy of McLean Community Center

Page 28: "Pillars in Bloom" image courtesy of Tysons Community Alliance

Additional Photos: Artworks are images that have been uploaded to the ArtsFairfax Public Art Locator. Learn more about these artworks and others by visiting and using the app. Thank you to all the photographers who have contributed such stunning pictures of the public art to be enjoyed in Fairfax County.

FAIRFAX COUNTY, VIRGINIA PROCEDURAL MEMORANDUM #	
To: Department Heads and Administrative Staff	**Implemented:** 5/6/15
	~~**Amended:**~~ **#** 25-32
Initiated by: Facilities Management Department	**Approved by the County Executive:** Edward L. Long
Subject: POLICY REGARDING THE PLACEMENT OF PERMANENT MEMORIALS, MONUMENTS, AND WORKS OF PUBLIC ART ON COUNTY PROPERTY	

I. Purpose and Introduction:

The Board of Supervisors may, from time to time and in its sole discretion, decide to install or allow the installation of permanent outdoor Memorials, Monuments, or works of Public Art on County property to provide commemoration of persons or events of note, increase the opportunities for cultural enrichment and the appreciation of art, or to otherwise mark or convey information about various topics. In doing so, the Board intends only to engage in Government Speech (as defined in Section III below) and does not intend to open a public forum for free speech activity.

II. Definitions:

For purposes of this Policy, the following definitions shall apply:

Board: The Board of Supervisors of Fairfax County, Virginia.

County: The County of Fairfax, Virginia.

County property: Real property that is titled to the Board of Supervisors of Fairfax County, Virginia and/or the County.

DPWES: Fairfax County Department of Public Works and Environmental Services.

DPZ: Fairfax County Department of Planning and Zoning.

FMD: Fairfax County Facilities Management Department.

Memorial: A large-scale marker, plaque, or other installment intended to commemorate a person or event. Memorials do not include Park Amenities.

Monument: A statue, pillar, column, building or other significant architectural work of enduring value or significance intended to commemorate a person, event, or idea.

Park Amenities: Site enhancements such as benches, picnic tables, and plantings that are typically found in outdoor recreational facilities. Often a plaque recognizing the contribution of the donor is affixed to the bench or picnic table.

Public Art: A creative work of architecture, sculpture, photography, painting, or other artistic medium that displays form, beauty, and unusual perception to provide aesthetic enjoyment and contemplation. The goals of Public Art include:

- The incorporation of artwork into the County property as a demonstration of the County's commitment to public art, and the idea that public art helps define a community.
- The artwork must reflect the character of the surrounding community.
- The artwork must engage the visitors and invite them onto the County property.
- Creation of an icon or landmark that makes the County property a memorable place.
- Reinforcement of the idea that public art is of value to the community.

RMD: The Risk Management Division of the Fairfax County Department of Finance.

I. Topics Approved for Government Speech:

The Board will only consider acceptance of a donation of a Memorial, Monument, or work of Public Art if the item to be donated meets the Board's approved Government Speech topics and also fully conforms to all of the other criteria set forth in this policy and all applicable regulations, ordinances, and laws. The Board approves the following topics for Government Speech through Memorials, Monuments, or works of Public Art on County property:

- The contributions of individuals or groups who made a substantial impact upon Fairfax County through participation in community activities or other relevant state or national service.
- Information about topics of interest to the local community, as determined by the Board.
- The history of Fairfax County, the Commonwealth of Virginia, or the United States.
- Historical or cultural influences on Fairfax County.

- Native flora, fauna, and wildlife of Fairfax County.
- Local innovation or creativity that has contributed to Fairfax County's growth and prosperity.

The Board may, by amendment to this policy, approve other topics or disapprove these topics in the future. Further, the Board retains the discretion, even if a Memorial, Monument, or work of Public Art conforms to these topic areas, to disallow its placement on County property.

II. Review Process for Acceptance of a Donation:

A. Application:

The prospective donor of a Memorial, Monument, or work of Public Art shall file an application addressed to the Director of FMD. The application should include, at a minimum, a site and landscaping plan, illustrations, photographs, and, if requested, material samples. Submitted materials must contain sufficient detail to allow the County to understand the project intent and specific design. No permit fee is required for all new applications. As part of the application, the prospective donor must agree in writing to the terms of Sections V, VI, VII, and IX, below. All offers to donate Park Amenities shall be referred to the Fairfax County Park Foundation.

B. Staff Review:

FMD shall circulate the application to other County agencies, including DPWES, DPZ, and RMD, for their review. Staff shall evaluate the proposal in accordance with the criteria set forth in Section IV.d and may contact the prospective donor to address specific questions and/or concerns. Prior to the Board's review of the proposed donation, FMD shall issue a report as part of an Action Item to the Board recommending that the Board either approve or deny the request. FMD also may recommend that the Board approve the request subject to conditions that are recommended by FMD or other agencies.

C. Board Approval:

All such applications shall be subject to Board review and approval. During its consideration of the proposal, the Board shall review the proposed donation in accordance with the criteria in Section IV.d and any other factors that the Board deems relevant. Following review, the Board shall approve or deny such proposal in its discretion. If the Board approves the application, the approval may be subject to such conditions as the Board may deem appropriate.

D. Criteria for Review of Proposal of Memorials, Monuments, and Public Art:

i. Placement: The proposal shall not obstruct or impede access to, or detrimentally impact the views of, County owned facilities and may only be constructed in specific land areas on County property, as identified by FMD and approved by DPZ. The location of the proposal shall not conflict with any proffered conditions or development conditions that might be applicable to the County property, or impede in any way the future development planned for the County property.

ii. Safety: The installation or the placement of the proposal shall not create a safety hazard to the public or nor cause any hazardous condition on the County property. The proposal, and the installation of the proposal, shall not incorporate or involve the use of any hazardous materials.

iii. Materials: The proposal shall be constructed of first class and sufficiently durable materials that are capable of resisting damage caused by flooding, weather, and vandalism.

iv. Landscaping: Tree and shrub plantings proposed as part of the proposal should be native, non-invasive, and suitable for the site conditions (e.g., not in an area which contains wet, dry, or poor soils), of appropriate size for the location on the County's property, and low maintenance.

v. Aesthetic Design: The Board shall have the discretion in its review to consider the strength of the design of the proposed installation and its aesthetic appeal.

vi. ADA Compliance: In accordance with Americans with Disabilities Act (US Access Board's 2010 Standards for Accessible Design), all proposals must

incorporate, at minimum, a firm and stable surface and an accessible route from an accessible parking lot to the location of the proposal, and the placement of the proposal shall be alongside the accessible route for viewing purposes. The applicant shall be responsible, at its cost, to do any work in the area surrounding the proposal required by the provisions of the ADA, by the permit process for the improvements, or by any Federal or State law.

vii. Other Factors: The Board may consider such other factors as it deems relevant, including, without limitation, its future plans for County property and the degree to which the proposed installation conforms to its goals for the presentation of Government Speech on County property.

V. Construction:

If approved by the Board, the person or entity proposing to construct the Memorial, Monument or work of Public Art shall bear the sole cost and responsibility for completing the design of the installation in accordance with any conditions imposed by the Board, obtaining any and all other required permits and approvals from the County and any other regulatory authority, posting any and all required bonds and/or escrows, and constructing and installing the facility in accordance with the approved plans and permits and all other applicable ordinances, regulations, and laws. The Board shall have the right to review and approve the selection of the contractor and any changes proposed to the design during installation/construction. In addition, the Board shall have the right to send County staff to attend any construction-related meetings.

VI. Post-Construction Acceptance:

Upon completion of the construction of the Memorial, Monument, or Public Art to the satisfaction of FMD, all right, title, and interest in the memorial, monument or public art shall be transferred to the Board. As part of this process, any and all construction warranties associated with the donation shall be transferred or assigned to the Board. All bonds and/or escrows, except for endowments created for the maintenance of the donation, shall be returned to the donor after construction is completed and title is transferred. If the Memorial, Monument, or Public Art is not constructed to the satisfaction of FMD, then all items comprising the donation shall be immediately

removed from County property at the applicant's sole cost and at the direction of FMD within the time frames established by FMD. If such items are not immediately removed by the donor, FMD shall have the right, but not the obligation, to remove and dispose of such materials and the donor shall be responsible for reimbursing the County for all costs and expenses associated with such removal.

VII. Perpetual Maintenance for Donated Memorials, Monuments, or Public Art:

The Board shall require, as a condition for acceptance of a donation, that the donor create an endowment to provide for the maintenance of the Memorial, Monument, or work of Public Art. The corpus of the endowment shall have sufficient funds to generate enough income to properly and permanently maintain the donation. However, where the Memorial, Monument, or Public Art will likely require less than $ 1000 worth of maintenance per year, the Board may accept a one-time donation to a fund for the maintenance of such Memorials, Monuments, or Public Art in an amount to be determined by the Board.

In the alternative, the Board may accept a written agreement by the donor to maintain the monument in perpetuity, but such agreements are disfavored. If the Board agrees to enter into a maintenance agreement, it will require the donor to deposit as security the amount of one year's worth of estimated maintenance needs.

VIII. Prospective Application Only:

Nothing in this policy shall be construed to require the removal of any legally installed Memorial, Monument, or work of Public Art currently located on any County owned property.

IX. Indemnification:

The Board may require that, as a condition of permit issuance and/or as a condition of any maintenance agreement, the donor installing or constructing the Memorial, Monument, or Public Art agrees to indemnify, defend and hold harmless the Board from any and all claims, demands, losses, causes of action, damage, lawsuits, and judgments, including attorneys' fees and costs, arising out of or relating to presence of the Memorial, Monument, or Public Art on County property.

APPENDIX 2: BENCHMARKING COMPARATOR COUNTIES

Researching various localities throughout the United States for public art master plans already being implemented was guided by these key considerations:

1. Fairfax County is comprised of 406 square miles of land and has a population (2025) of 1,202,000.
2. Fairfax County is situated within a large metropolitan area (Washington D.C. and surrounding suburbs) that is continuing to urbanize.
3. Fairfax County political autonomy is defined by the particularities of the Commonwealth of Virginia which is a "Dillon Rule" state; this means that the local government has only those powers specifically granted to it by the state legislature. This has a direct impact on how the County can raise revenues.
4. There are broad similarities among localities in the approaches taken to achieve public artworks in terms of partner relationships to either local area arts agencies or a local nonprofit entity dedicated to public art; public art being encouraged as a function of development; assigning funding to public artworks in some relationship to capital project or construction budgets; and definitions and goals for public art.

With these considerations in mind, two localities were selected to research in greater depth: Montgomery County, Maryland because of its proximity to Fairfax County and demographic similarities; and Mecklenburg County, North Carolina because of its similarities in size and population characteristics. Both comparator counties have public art master plans.

Data Category	Montgomery County	Mecklenburg County	Fairfax County
Geography	507 square miles	546 square miles	406 square miles
Population	1.062M (2020 count)	1.115M (2020 count)	1.150M (2020 count)
Metro area	Washington D.C.	Charlotte N.C.	Washington D.C.
Median Income	$140,837 (2024)	$90,494 (2024)	$154,545 (2024)
%Non-White Pop	56.9 (2020 count)	53.4 (2020 count)	51.5 (2020)

Source: US Census Data

Montgomery County, Maryland

Public Art in Montgomery County - Montgomery Planning
Public Art | Arts and Humanities Council of Montgomery County
Public Art Review Panel Policies and Procedures MoCo Planning WEB 2018 09 10 Publication

Public Art Master Plan Components: Background

Montgomery County began exploring opportunities for public art in the 1980s and 1990s as development activity was accelerating. As such, most major public art projects in Montgomery County were realized by the end of the 1990s. In the ensuing years, financing decreased for such projects and the robust administrative practices and tools needed to realize them, thus leading to a commensurate decrease in the number of projects undertaken.

By 2013, County leadership recognized that a reinvigorated approach was required and community engagement, research and documentation led to review of the history and the geography of existing conditions for Montgomery County public and private properties where public artworks are located to consider how to improve the County's portfolio.

That process led to new projects and the organic growth of capabilities of the Arts and Humanities Council of Montgomery County (AHCMC) Public Arts Trust. In 2023, a formal approach was outlined in the Trust's Public Art Guidelines. This document provides:

> *the Public Arts Trust, the Public Art Review Panel, County agencies, artists developers and their consultants with a consistent set of goals, policies and procedures — grounded in public art best practices and thirty years of experience in Montgomery County — for expanding and maintaining the Collection and the artworks commissioned by developers. The expectation is that these guidelines will ensure the best stewardship of this public trust — to build the collection, maintain it and ensure it remains available for the public's enjoyment for generations to come.*

Presently, Montgomery County's public artworks are managed through coordinated efforts between the County government and the nonprofit local area arts agency for the County, its Arts and Humanities Council (AHCMC). Within the professional staff of the AHCMC, there is a full-time position dedicated to public art – the Public Art Manager. The Public Art Manager has support from staff assistance and contract consultation as needed.

This team supports the Public Arts Trust Steering Committee (PATSC) which is comprised of representatives from the AHCMC, designated related Montgomery County public agencies, the Maryland-National Capitol Park and Planning Commission (M-NCPPC), Montgomery County Public Schools, Montgomery College and incorporated cities within Montgomery County. The 11-15 PATSC members have expertise in the fields and endeavors related to public art, architecture, planning and/or public policy concerns, and the Committee includes at least one artist.

The Montgomery County Public Art Guidelines approaches to administration, financing, and collection management are summarized below with comments that connect these components to the Fairfax County context where appropriate.

Public Art Master Plan Components: Administration
By law, the Montgomery County Chief Administrative Officer (analogous to the Fairfax County Executive) must "administer the Public Arts Trust in consultation with the AHCMC, Montgomery County Public Schools, Montgomery College and the M-NCPPC, the agencies whose independent public art programs were consolidated into the Trust." (Public Art Guidelines, p. 12) This responsibility is delegated by the County to its local area arts agency, the AHCMC – a 501c3 nonprofit organization analogous to ArtsFairfax. The AHCMC oversees and staffs the Public Arts Trust. The Trust is in turn guided by the PATSC. With the establishment of the 2023 Public Art Guidelines, it's the responsibility of this administrative team to achieve its goals.

Any permanent public art project that will be funded with taxpayer funds, situated on a public facility property or contained within a public facility, will be subject to the oversight of the PATSC and included in the Montgomery County Public Art Collection as defined on page 41 of the guidelines. The Collection carries with it ongoing related maintenance obligations.

Public artworks that are created through the private development process may come about through what Montgomery County zoning processes describe as the "Optional Method" which is similar to Fairfax County's planning processes that may obtain a private developer "proffer" for adding public

artworks to their property in exchange for approval of exceptions to density limits or other zoning restrictions related to their project.

When these opportunities arise, they are administered by a group of people appointed by the Montgomery County Planning Commission in accordance with the Art Review Panel Policies and Procedures. These policies and procedures offer a description of the intertwined relationship between the public sector body and the private nonprofit AHCMC's public art processes.

The guidelines for public artworks realized through the "Optional Method" development track are similarly informed by expertise, have professional staff support, and require significant conditions for achieving final approval from the Planning Commission. These conditions include all required site plans and drawings, a signed maintenance agreement between the artist(s) and property owner, approved signage and detailed documentation of the artwork and its location.

Public Art Master Plan Components: Financing Options
The FY25 appropriation from Montgomery County government to the AHCMC was a total of $7,256,500, of which $408,000 was allocated to the Public Arts Trust. That budget is spent "to support the commissioning and acquisition of temporary and permanent artworks, as well as for related activities." The Public Art Manager develops each annual budget, and it's reviewed, revised as needed, and approved by the Steering Committee to present to the Arts and Humanities Council CEO. The AHCMC board provides final approval of the annual budgets. Revisions may be made by following AHCMC procedures as conditions warrant.

For Montgomery County government capital projects, allocations for public artworks are included in the individual capital project budget. The use of public facility capital project funding for permanent artwork is still presently discretionary. The many locations – public and private – that host public art are viewable on the Montgomery County Public Art Map.

The partnerships approach offers flexible options for combining funding sources to include money from the public agency or entity that may be a partner, the Public Arts Trust, private fundraising, grants, or other resources. The use of funds from the Public Arts Trust is governed by its guidelines as would be the use of Montgomery County agency funds.

The funding for projects that arise from the "Optional Method" approach is typically entirely the burden of the property owner or developer. Similarly, the Art Review Panel Policies and Procedures contemplates that such projects, to obtain approval, must have formal written commitments to ongoing maintenance as part of that process, so the funding for preservation of the artwork is anticipated to be an ongoing burden of the property – hence, artwork – owner.

Public Art Master Plan Components: Collection Management
The artworks realized through either public funding, partnerships or private development processes are all cataloged in a comprehensive mapping application from joint research and support from M-NCPPC and AHCMC (Montgomery County Public Art Map.) The combined public artworks cataloged there meet this definition of a public artwork: "an artwork that is located indoors or outdoors and is visually and/or physically accessible to the public at least eight hours per day." The public art collected on this map application may also be "site-specific, site-integrated, site-sensitive works and can be temporary, semi-permanent or permanent."

In its online project, Culture Spot MC, AHCMC has a page that compiles public artworks in the County as well - Public Art Map | Culture Spot MC. As with the mapping application referenced above, there are all types of projects included, not just the publicly funded artworks. Both permanent and temporary installations are documented. In addition, because the 2023 Public Art Guidelines include a "Contemporary Works on Paper" category, the map pages feature two-dimensional artworks that would be unlikely to be displayed in the Fairfax County public art locator app website page.

As noted above in the discussion of funding highlights, collection maintenance is a delegated and explicit responsibility of the owner of the artwork. If the funding is entirely public, or primarily public, the Montgomery County processes associated with public art apply – agencies that fund an artwork are responsible for the ongoing cost of maintenance. For the Public Arts Trust-funded artworks, a "Conservation Endowment" is supported via the annual budget processes, as well as a 3% set aside in any publicly funded individual project budget.

At present, the AHCMC is in the process of creating a new Cultural Master Plan that will enable achievement of the Thrive Montgomery 2050 Plan goal with respect to the arts and culture. Adopted in 2022, the arts and culture vision for Thrive Montgomery 2050 is to "support arts and cultural institutions and programming to educate, connect and build communities that celebrate our diversity and strengthen pride of place." Once Montgomery County, in partnership with its Arts & Humanities Council, has this Cultural Master Plan in place, it can more effectively and equitably achieve public art projects using the tools developed over the past 30-plus years.

Mecklenburg County (Including Charlotte), North Carolina
Public Art Resources - Arts & Science Council (Mecklenburg)
ASC Celebrates 20+ Years of Public Art Stewardship - Arts & Science Council

Public Art Master Plan Components: Background
The original public art program for Charlotte-Mecklenburg County was established in 1981 with a "1% for art" approach staffed by the City/County Planning Commission and a volunteer advisory board. In the late 1980s and 1990s, controversies about specific public artworks led to reevaluation of the goals and implementation processes related to public art.

The establishment of a task force led to recommendations which shifted the focus from pursuing individual projects on a case-by-case basis to establishing a more comprehensive, long-range agenda of public art program outcome goals. The other major shift recommended was to delegate this restructured approach to the Arts & Science Council (ASC), the 501-c-3 designated local arts agency for the county. The logic for this shift was that it would enable fundraising outside the public budgeting processes, provide professional public art expertise overseeing projects, establish more direct relationships with the private sector, and critically, to move public art project development and execution to a more non-political environment.

Since 1993, the ASC has managed the public art programs for the city of Charlotte and its surrounding communities. ASC's role is described in its 2002-2007 Public Art Master Plan:

> *In 1995, ASC Public Art, Inc. was formed, and the Public Art Commission (PAC) that serves under its auspices has been responsible for all artistic decision-making in the program since that time. In July of 2000, the Public Art Commission solicited proposals to develop a public art master plan,*

one which would include a five-year plan with funding projections and recommended public art project areas, and a modified public art ordinance and operating guidelines.

In 1998, the ASC and a consultant team embarked on comprehensive community engagement to establish a five-year cultural action plan. As a result of that involvement, seven focus areas were identified that had many intersections with a robust public art program. As noted in the 2002-2007 Charlotte-Mecklenburg Public Art Master Plan (p. 7), "public art can play a significant role in achieving the cultural vision articulated in the Cultural Action Plan."

The Charlotte-Mecklenburg approaches to administration, financing, and collection management are summarized below with comments that connect these components to the Fairfax County context following.

Public Art Master Plan Components: Administration
In 2002-2003, the Mecklenburg County Board of Commissioners and the Charlotte City Council adopted ordinances that appropriate up to 1% of eligible capital improvement project funds for public art, echoing their original 1981 commitment. The ordinances help ensure that artworks enhance public spaces and become an integral part of urban and economic development outcomes. Additional funding comes from the city and private sector.

The ordinances established a public art fund managed through a contract with ASC and to which the 1% contribution is directed. Per the ordinances, the ASC's Public Art Commission (PAC) is to be composed of nine (9) members: three (3) appointed by the City Council, three (3) appointed by the Board of County Commissioners, and three (3) appointed by the Board of Directors of ASC. The PAC, with the assistance of ASC staff, prepares an annual fiscal year work plan for approval.

The work plan would include a description of artwork completed and obtained, or those commenced in the previous year; a description of the Capital Improvement Projects designated for the inclusion of public art in the upcoming year along with the funding source; a budget for the income and expenditures for such projects; and a general description of the public art plan for the upcoming year. Projects envisioned and their related execution are contingent upon funding.

Of the 13-member ASC employee team, three have public art roles. The PAC is responsible for the community-based artist selection and design review process for each public artwork, and the ASC provides the expertise and ongoing administrative support that assures the goals and priorities of the Public Art Master Plan are met.

Public Art Master Plan Components: Financing Options
In addition to the ordinance provision of 1% of eligible capital improvement projects' construction budgets toward public art, ASC solicits funds from other sources to augment that public funding. There are also entirely privately funded projects that are documented in the Charlotte-Mecklenburg Public Art Collection mapping tool developed by the Mecklenburg County GIS team.

According to the financial information available on the Financials - Arts & Science Council pages of their website, a substantial endowment of more than $42M (2022) helps the ASC manage the long-term viability of the various programs they deliver including public art. The amount of funding held in trust for public art was nearly $3.5M in 2022. According to the financial statement, approximately $1.3M was raised outside of public funding and trust contributions (these funds were not raised solely for public

art.) This profile of the ASC revenue resources demonstrates that there are substantial monies available to support high-profile, high budget and multi-year public artwork projects.

The ASC FY24 Annual Report cites $8M invested in 32 public art projects. The 2002-2007 Public Art Master Plan points to a key issue of uncertainty in the established-by-ordinance public funding stream in that it requires “up to” 1% of a CIP be contributed to public art, but that in practice, often, significantly less is provided. Other recommendations pointed toward specific commitments in the trust fund to percentages of funding for administration (up to 15%) and curatorial and preservation obligations (up to 10%). (see pp. 20-21 of the Plan)

Public Art Master Plan Components: Collection Management
As envisioned in the 2002-2007 plan, the responsibility for publicly funded public artworks ongoing routine maintenance rests with the agency where the public artwork is located. Such routine maintenance would be described and agreed to prior to the undertaking of the project. For deaccessioning, relocation, extraordinary repair or other non-routine events or requirements for specific public artworks, the Plan envisions the public art trust fund being the resource to cover those costs.



ARTSFAIRFAX

www.fairfaxcounty.gov/topics/arts
ArtsFairfax.org

Board Agenda Item
August 25, 2026

CONSIDERATION – 2

Adoption of Resolution and Approval of Bylaws to Restructure the Environmental Quality Advisory Council (EQAC)

ISSUE:
Adoption of a resolution and approval of bylaws to restructuring EQAC to form the Fairfax County Environmental Commission (the "Commission").

TIMING:
Board action is requested on August 25, 2026.

BACKGROUND:
On February 20, 2024, Chairman McKay and Supervisor Smith introduced a Joint Board Matter to initiate a comprehensive review of Fairfax County's Boards, Authorities and Commissions (BACs), which was approved unanimously by the Board of Supervisors ("Board"). The comprehensive review of existing BACs was requested to ensure their original purpose is still relevant to the community, to ensure that the BACs are fulfilling their purpose, and to identify opportunities to reduce any redundancies in the work of the BACs. Supervisor Smith and Sully District staff worked with the Office of the County Executive to thoroughly review the County's BACs and provide recommendations to the Board. The recommendations include ways to ensure continued contributions from our community through a well-organized and high performing BAC system, reduce redundancies and inefficiencies and improve the efficiency, effectiveness, and diversity of the BAC system.

As part of this effort, staff performed a review of the County's environmental BACs . Staff's first step in this review was to ensure that Fairfax County remains dedicated to its environmental priorities that have been expanded and enhanced over time.

Following the review, staff recommended a restructuring of the County's environmental BACs due to the topical overlap between EQAC and the Tree Commission. Staff specifically recommended restructuring EQAC to include elements of the Tree Commission to form the new Commission, which will serve as the overarching environmental advisory body to the Board. EQAC operates pursuant to Virginia Code § 15.2-1411, which authorizes the Board to appoint advisory boards, committees and commissions as it deems necessary to advise on any matter of concern to the locality.

The Board adopted a resolution establishing EQAC in 1971 as an evolution of the former Beautification Committee, to expand the scope of Fairfax County's BACs to include a dedicated environmental advisory body. The Board adopted a second resolution in 1972 granting EQAC its original Charter with several amendments through 1981.EQAC has 14 seats: one for each magisterial district, one for the Chairman's office, one student member, and three at-large members.

Since the formation of EQAC, Fairfax County has vastly expanded its environmental scope and priorities through increased staff capacity, targeted policies, and multi-agency programs. In July 2019, the Office of Environmental and Energy Coordination (OEEC) was formed directly within the Office of the County Executive to centralize climate priorities and eliminate departmental silos. Environmental staff capacity has also greatly expanded within the Department of Public Works and Environmental Services (DPWES), including a dedicated Urban Forest Management Division, while Land Development Services (LDS) and the Department of Planning and Development (DPD) have scaled up specialized staff to integrate ecological protections directly into the land development process. Major milestones enacted since EQAC's inception include the formal incorporation of the environment into the 1975 Comprehensive Plan, the 1993 Chesapeake Bay Preservation Ordinance, the 1973 Tree Planting and Preservation Ordinance, the Environmental Vision, the 2019 Tree Action Plan, the 2021 Community-wide Energy and Climate Action Plan (CECAP), and the 2022 Resilient Fairfax Plan. Various additional means of community participation on environmental matters have been implemented as well, including the Tree Community of Practice and the Resilient Fairfax Advisory Community Advisory Group.

The proposed Commission will include trees and natural resources within its purview, in lieu of maintaining a separate Tree Commission, given the overlap in scope. The dissolution of the Tree Commission, part of the County's restructuring of the environmental BACs requires a separate County Code amendment to be implemented alongside the actions recommended in this Item. Trees and natural resources will be integrated into the Commission's scope by requiring two appointees with expertise or experience in these areas and by including them in the Commission's annual Work Plan. These mechanisms establish trees and natural resources as a priority while providing the Commission flexibility in how it addresses these topics through its work.

The proposed Bylaws include various changes, including:

- Structural changes include one additional student appointee and specific considerations for appointee areas of expertise to ensure a well-rounded advisory capacity. Two of the seats must be filled by appointees with expertise/experience with trees and natural resources, and additional areas of expertise include air quality, climate action, energy, water quality, and waste management.

- Equity considerations are embedded into the group's work.
- Requirement of an Annual Work Plan outlining the group's priorities for the upcoming year. The Work Plan will help organize and focus the group's upcoming efforts and provide predictability for staff and the Board of Supervisors. The Annual Work Plan will include trees and natural resources as a focus area.
- Concise annual reporting focused on summarizing the activities of the group for the Board of Supervisors. Implementing this efficient reporting structure in lieu of the Annual Report on the Environment (ARE) will save time for both the group and staff.

Based on the overlap in scope between EQAC and the Tree Commission, and the continued evolution and expansion of the County's environmental work, the Office of the County Executive recommends that the Board adopt the proposed resolution and approve the proposed Bylaws to restructure EQAC into the Fairfax County Environmental Commission.

EQUITY IMPACT:
The comprehensive review of the BACs that identified this BAC for restructuring supports the County's Strategic Outcome Area: Effective and Efficient Government (EEG). Two EEG strategies are related to the BAC dissolution: "Review and improve the structure, operations and impact of county boards, authorities and commissions to better reflect the current needs and demographics of the county" (EEG 7), and "Ensure diverse representation and inclusiveness in power and decision-making opportunities" (EEG 16). In addition to the proposals in this Item and in the comprehensive review overall, additional recommendations were proposed for the system of BACs to promote BAC composition that more closely reflect the diversity of the County related to race/ethnicity, gender, age, and other characteristics. Recommendations include capacity building, greater awareness of opportunities, and consideration of demographics in appointments to involve people who have been historically excluded in decision making.

The proposed Bylaws include an expanded focus on equity in environmental considerations. The duties of the group will include that it "acts as a champion for those living and working in the County to ensure a quality environment for all, regardless of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status, neighborhood of residence or other characteristic." The duties also include that the group shall include racial and social equity considerations in its work and provide a forum to incorporate diverse perspectives across the County.

Board Agenda Item
August 25, 2026

FISCAL IMPACT:
While there are no direct financial savings associated with this action, implementing more concise reporting would save approximately 400 hours of staff time per year across various community development departments.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution to Restructure the Environmental Quality Advisory Council
Attachment 2 – Proposed Bylaws of the Fairfax County Environmental Commission

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Jennifer Miller, Deputy County Executive
Christina Jackson, Chief Financial Officer/Deputy County Executive
William Hicks, Director, Land Development Services
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Robert Sandoli, Director, Office of Environmental and Energy Coordination
Brian Keightley, Director, Urban and Community Forestry Division, DPWES

ASSIGNED COUNSEL:
John A. Dorsey, Assistant County Attorney

RESOLUTION
TO RESTRUCTURE THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia ("Board"), held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on August 25, 2026, the following resolution was adopted:

WHEREAS, the Board adopted a motion establishing the Environmental Quality Advisory Council ("EQAC") on September 22, 1971; and

WHEREAS, the Board adopted a motion setting forth the purpose, authority, and structure of EQAC on May 8, 1972, which motion is hereinafter referred to as the "EQAC Charter"; and

WHEREAS, the Board tasked the County Executive with conducting a thorough review of existing BACs to ensure their original purpose is still relevant to the community, the BAC is still fulfilling its purpose, and to identify any opportunities to reduce any potential redundancies in the work of the BACs; and

WHEREAS, EQAC is subject to the Board's authority under Virginia Code § 15.2-1411,

NOW THEREFORE BE IT RESOLVED that:

1. EQAC is hereby renamed the Fairfax County Environmental Commission (the "Commission").
2. The Bylaws of the Commission, approved by the Board on August 25, 2026 ("the Bylaws"), will supersede the EQAC Charter of May 8, 1972, and any subsequent amendments thereto, and any other bylaws which either the Board or EQAC may have adopted.
3. The term of any member of EQAC appointed prior to August 25, 2026, will expire on August 25, 2026.
4. Until such a time as the Commission nominates and elects officers, the Director of the Office of Environmental and Energy Coordination will appoint a Temporary Chairperson of the Commission.
5. The Temporary Chairperson will provide for election of officers to the Commission in accordance with Bylaws, except with respect to temporal requirements. Subsequently, the Commission will elect officers in full accordance with the Bylaws.

GIVEN under my hand this _____ day of _____, 2026.

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

BYLAWS OF THE FAIRFAX COUNTY ENVIRONMENTAL COMMISSION

Draft of July 30, 2026

ARTICLE 1 - NAME

The name of this organization is the **Fairfax County Environmental Commission** hereinafter referred to as "the Commission".

ARTICLE II - PURPOSE

The Commission has been established by the Board of Supervisors of Fairfax County, Virginia ("Board of Supervisors") pursuant to Virginia law. The Commission's purpose is to (1) **advise and make recommendations** to the Board of Supervisors on policies, strategies, regulations and practices that promote sound environmental management for the preservation, conservation and restoration of the natural environment and impacts from the built environment. Advice and recommendations shall be informed by the One Fairfax policy, Environmental Vision, and other relevant plans and policies addressing climate, energy, and natural resources; (2) **promote awareness** of sound environmental practices and programs that advance County goals on behalf of the Board of Supervisors to private organizations and County residents; and (3) provide **a public forum** that brings people together to discuss, act on, and intentionally incorporate diverse perspectives that reflect the County as a whole on environmental matters.

The duties of the Commission include:

- Having a general awareness of the policies, plans and regulations of the County pertaining to the purpose of the Commission.
- Acting as a champion for those living and working in the County to ensure a quality environment for all, regardless of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status, neighborhood of residence or other relevant demographic.
- Embedding racial and social equity considerations into its work to assess the impact of policy decisions on County residents pertaining to the environment.
- Developing a concise annual workplan that outlines the Commission's priorities for the coming year. Each workplan should be sent to the Board of Supervisors for informational purposes.
- Creating a focus area for trees and natural resources, which will be included in the annual workplan.
- Developing memoranda and/or resolutions as necessary on timely environmental topics or at the request of the Board of Supervisors. Documents shall be shared with the Board of Supervisors.

- As provided in Article IX of these Bylaws, preparing a concise annual report based on the accomplishments and activities of the workplan to include any recommendations for future action.
- Providing an opportunity through its regular meetings to address and incorporate diverse perspectives from across the County. This includes but is not limited to providing opportunities for public comment.
- Acting as an advocate for the natural environment in matters under consideration, adopted or approved by the Board of Supervisors.
- Promoting an awareness of the preservation, conservation, and restoration of the natural environment and the forces which act upon it through annual environmental awards, on behalf of the Board of Supervisors.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

A. Appointments:

1. Appointments are made by the Board of Supervisors totaling 15 members, to include:
   i. One member representing each Magisterial District, totaling nine (9) appointments
   ii. One at large member representing the Chairman's Office
   iii. Three At-large members
   iv. Two student members (one high school student member, one college/university member), nominated by the Commission and subject to approval by the Board of Supervisors
2. Two membership seats will be reserved for members with forestry and natural resources experience or expertise.
3. Other members should possess relevant education, volunteer or professional experience in environmental or sustainability fields. County staff may help Supervisors identify members to be selected to achieve representation from a broad mix of backgrounds or experiences such as the following:
   i. Air quality and its management
   ii. Climate action
   iii. Energy use and management
   iv. Forestry and natural resources
   v. Water quality, quantity, and/or its management
   vi. Waste management, including solid waste and wastewater
4. Members serve at the pleasure of the Board and must follow all County ethics and advisory body policies, including the One Fairfax Policy.

B. Term Limits:

1. Commission Members will be appointed for three-year terms and may be reappointed to subsequent terms without limit.
2. Student members will have a one-year term and are not eligible for reappointment. Student members will be appointed annually with terms beginning on July 1st.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Chairperson, the Recorder, or the County staff coordinator will 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 Commission will be served by three officers: a Chairperson, a Vice-Chairperson and a Recorder. With quorum present, the officers of Chairperson, Vice Chairperson and Recorder will be elected annually, and elections will be scheduled at the last meeting of each calendar year, with the officers assuming their duties the first month of the following calendar year. Officers may serve for up to three consecutive years in one position. Two months prior to the election meeting, a slate of candidates will be nominated during a meeting held pursuant to Article V. After nomination, each candidate will be polled on their willingness and ability to serve as Chairperson. At the election meeting, the Chairperson will 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 members of the Commission will nominate candidates for Vice-Chairperson and Recorder. After nomination, each candidate will be polled on their willingness and ability to serve as an officer of the Commission. The Vice-Chairperson and Recorder will 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 Commission and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to the Commission members and to request assistance from the County staff supporting the Commission as subject matter experts in county policies, programs and procedures in their advisory role supporting the Commission. The Chairperson shall not direct staff, make policy determinations, commit Commission resources, or take any action that binds the Commission without prior approval by a majority of its members. The Chairperson shall preside over meetings and perform procedural duties as outlined in this charter. The Chairperson shall not exercise independent decision-making authority on behalf of the Commission unless expressly authorized by a majority vote of the Commission.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson will perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-Chairperson is available, the Recorder will perform the duties and exercise the powers of the

Chairperson. In the absence of all three officers, the member present with the longest tenure on the Commission will act as Chairperson.

Recorder. The Recorder, 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 will be filled by an election at the next regular meeting having a majority of members present. The newly elected officer will complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members will be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V - MEETINGS

VFOIA. All meetings will 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"). "Meeting" or "meetings" means the meetings as defined by the VFOIA, including work sessions, when sitting physically, or through electronic communication means pursuant to 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 Commission may hold public hearings and report its findings to the Board of Supervisors on Commission issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings will be provided as required under the VFOIA. All meetings will be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting will be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, will be given contemporaneously with the notice provided to Commission members. Notices of all meetings will be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. Any proposed agenda will also be posted on the County website prior to the meeting. Except as otherwise provided under the VFOIA, no final action may be taken on items added to the agenda after the meeting commences. All in person and remote participation meetings will 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 Commission will meet monthly, except for August and December. Meetings will be held at a time agreed to by a majority of the Commission's members, and at a place arranged by the staff of the supporting County department.

Voting. A quorum is necessary for a vote along with an appointed Recorder for recording the vote. A majority of the membership of the Commission will constitute a quorum. In making any

recommendations, adopting any plan, or approving any proposal, action will be taken by a majority vote of Commission members present and voting. Upon the request of any member, the vote of each member on any issue will be recorded in the minutes. All votes of Commission members will be taken during a public meeting, and no vote will be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings will be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA, no meeting will 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 the Commission members will be made available for public inspection at the same time such documents are furnished to the Commission 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 Commission proceedings.

Records. The Recorder or an appointed representative of the Commission will ensure that minutes of meetings are recorded as required under the VFOIA. Minutes will 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 will provide staff support to review and approve records and minutes of the meeting. Meeting minutes must be distributed to members within 30 days and posted after approval.

Attorney-Client Privilege. Records containing legal advice from counsel to the Commission, and advice provided in closed session by legal counsel to the Commission, 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 Commission 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 Commission's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any Commission member who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period (excluding meetings canceled for inclement weather or other reasons consistent with the County's closure policy), or who fails to participate in the work of the Commission without good cause acceptable to a majority of the other Commission members may be subject to removal from the Commission.

ARTICLE VII - REMOVAL

Any Commission member(s) may be recommended to the Board of Supervisors for removal from the Commission for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all of the Commission members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the Commission as provided by law.

ARTICLE VIII – COMMITTEES

The Chairperson may establish no more than two (2) committees per year and appoint a chairperson for each with the consent of a majority of the Commission members present and voting. The establishment of a committee shall align with the Commission's annual workplan. A committee shall not meet more than four (4) times in a calendar year. The need for a committee shall be reviewed and voted on each year.

The foregoing notwithstanding, the Chairperson may appoint special committees and a chairperson for each with the consent of a majority of the Commission's members present and voting for the purposes of selecting recipients of Commission awards and to select and nominate student members for Board of Supervisors appointment.

All meetings of any such committees will comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees will 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 Commission will prepare an annual written report that briefly describes the actions accomplished according to the workplan of the Commission and plans for future actions and activities. This report in memorandum format will be provided to the Clerk to 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 Commission will 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, will control.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the Commission 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 will 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 25th day of August, 2026.

GIVEN under my hand this _____ day of _____, 2026.

_____

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

Board Agenda Item
August 25, 2026

CONSIDERATION – 3

Adoption of Resolution Dissolving the Barbara Varon Volunteer Award Selection Committee

ISSUE:
Adoption of a resolution dissolving the Barbara Varon Volunteer Award Selection Committee.

TIMING:
Board action is requested on August 25, 2026.

BACKGROUND:
On February 20, 2024, Chairman McKay and Supervisor Smith introduced a Joint Board Matter to initiate a comprehensive review of Fairfax County's Boards, Authorities and Commissions (BACs), which was approved unanimously by the Board. The comprehensive review of existing BACs was requested to ensure their original purpose is still relevant to the community, to ensure that the BACs are fulfilling their purpose, and to identify opportunities to reduce any redundancies in the work of the BACs. Supervisor Smith and Sully District staff worked with the Office of the County Executive to thoroughly review the County's BACs and provide recommendations to the Board. The recommendations include ways to ensure continued contributions from our community through a well-organized and high performing BAC system, reduce redundancies and inefficiencies and improve the efficiency, effectiveness, and diversity of the BAC system.

The Barbara Varon Volunteer Award Selection Committee was identified for dissolution due to the narrow scope of the award and associated challenges in identifying nominees. This BAC was established pursuant to Virginia Code § 15.2-1411, which authorizes the Board of Supervisors to appoint advisory boards, committees and commissions as it deems necessary to advise on any matter of concern to the locality.

The Barbara Varon Volunteer Award and its associated Selection Committee were established in 2004 to honor the memory of Barbara Varon, the former chairman of the Fairfax County Electoral Board, who championed voter registration outreach and community diversity. This annual award, and the Selection Committee that selects its recipient, recognizes Fairfax County residents who display exemplary patriotism,

promote community diversity, and dedicate themselves to improving the community through volunteer services.

The Committee has 10 seats for appointments by each member of the Board of Supervisors. Members are appointed annually for one-year terms. The Office of Elections has staffed the group since 2019, when it assumed this responsibility from the Office of Human Rights and Equity Programs (OHREP).

The Office of Elections issued an award in 2024 and has otherwise faced challenges with staff capacity. When the Office of Elections took over the award, they determined that outreach and advertisement of the award was necessary to promote awareness – in 2024, outreach was conducted with various political groups, high schools, and in government buildings. Despite outreach, nominations were limited. This is due to the limited scope of the award, which may only be for elections volunteers.

Based on the narrow scope of the award and associated challenges with finding nominations, the Office of the County Executive recommends dissolution of the Barbara Varon Volunteer Award Selection Committee.

EQUITY IMPACT:
The comprehensive review of the BACs that identified these BACs for dissolution supports the County's Strategic Outcome Area: Effective and Efficient Government (EEG). Two EEG strategies are related to the BAC dissolution: "Review and improve the structure, operations and impact of county boards, authorities and commissions to better reflect the current needs and demographics of the county" (EEG 7), and "Ensure diverse representation and inclusiveness in power and decision-making opportunities" (EEG 16). In addition to the dissolution proposed in this Item and in the comprehensive review overall, additional recommendations were proposed for the system of BACs to promote BAC composition that more closely reflect the diversity of the County related to race/ethnicity, gender, age, and other characteristics. Recommendations include capacity building, greater awareness of opportunities, and consideration of demographics in appointments to involve people who have been historically excluded in decision making. The proposed dissolutions represent one facet of this overall review that will make the BAC system more efficient, effective and diverse.

FISCAL IMPACT:
No fiscal savings are anticipated due to the limited nominations and staffing challenges in issuing the award.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1 - Resolution to Dissolve the Barbara Varon Volunteer Award Selection Committee

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Christina Jackson, Deputy County Executive/Chief Financial Officer
Eric Spicer, Director, Office of Elections
Beth Methfessel, Clerk to the Electoral Board, Office of Elections

ASSIGNED COUNSEL:
John A. Dorsey, Assistant County Attorney

RESOLUTION
DISSOLVING THE BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia ("Board"), held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on August 25, 2026, the following resolution was adopted:

WHEREAS, the Board established the Barbara Varon Volunteer Award Selection Committee pursuant to Virginia Code § 15.2-1411, and

WHEREAS, the Board of Supervisors tasked the County Executive with conducting a thorough review of existing BACs to ensure their original purpose is still relevant to the community, the BAC is still fulfilling its purpose, and to identify any opportunities to reduce any potential redundancies in the work of the BACs; and

WHEREAS, continuation of the Barbara Varon Volunteer Award Selection Committee is within the discretion of the Board under Virginia Code § 15.2-1411,

NOW THEREFORE BE IT RESOLVED that the Barbara Varon Volunteer Award Selection Committee is hereby dissolved, and that the Office of Elections will take all steps necessary to fully dissolve the Barbara Varon Volunteer Award Selection Committee, including retention of all records of the Barbara Varon Volunteer Award Selection Committee as required by Virginia law.

GIVEN under my hand this _____ day of _____, 2026.

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

Board Agenda Item
August 25, 2026

CONSIDERATION – 4

Consideration of an Appeal of a Substantial Conformance Determination Regarding Proffered Condition Amendment PCA-87-P-020-02, by Debra Knisley and Scott Knisley (Providence District)

ISSUE:
Board consideration of Debra and Scott Knisleys' appeal of substantial conformance determination INTZED-2025-PR-00032, regarding property subject to PCA-87-P-020-02, located at 2615 Powdermill Lane and owned by Chris and Melissa Molivadas.

TIMING:
Board consideration is requested on August 25, 2026.

BACKGROUND:
On February 19, 1988, the Board approved Rezoning RZ-87-P-020, subject to proffers, to rezone the approximately 17-acre Oakton Grove Subdivision from the R-1 to the R-2 District. (See Attachment 4.) With that rezoning, some of the existing homes in the subdivision were proffered to remain. The Board approved two subsequent Proffered Condition Amendments (PCAs) to permit certain existing homes to be replaced or modified. On October 20, 1989, the Board approved PCA-87-P-020 to permit the removal and replacement of homes on Lots 6 and 20. (See the final proffer statement for PCA-87-P-020 and the associated Generalized Development Plan (GDP) at Attachments 5 and 6.)

On April 28, 2008, the Board approved PCA-87-P-020-02, to permit the construction of an addition to an existing dwelling on Lot 15 and allow replacement of the existing dwelling on Lot 16. The Board approved PCA-87-P-020-02, subject to proffers, that revised proffers 3 and 4 from PCA 87-P-020; all other proffers from PCA-87-P-020 remained in full force and effect. (See Attachment 7.) Lot 16, the property subject to this appeal, includes a driveway located in a 30-foot-wide shared access easement, serving the subject property and Lot 15. Staff waived the submission requirement for a Generalized Development Plan (GDP) and instead permitted the submission of a Grading Plan with its approval of PCA-87-P-020-02. (See the staff report for PCA-87-P-020-02 and the grading plan for Lot 16 at Attachments 8 and 9.)

On May 6, 2025, a complaint was submitted with the Department of Code Compliance related to a planned expansion of the driveway on the subject property into a portion of

the property that the complainant identified as a “tree save area.” On May 9, 2025, Chris and Melissa Molivadas, owners of 2615 Powdermill Lane, Vienna, Virginia (Tax Map 48-1((40)) 16) (“Lot 16”), submitted a request for a substantial conformance determination regarding their plan to do some work on their driveway and driveway landscaping. (See the locator map at Attachment 1 and the determination at Attachment 2.) The expansion would add approximately 679 square feet to the existing driveway. See Attachment 2, attached request.

On July 28, 2025, Suzanne L. Wright, Director of the Zoning Evaluation Division, as the duly authorized agent of the Zoning Administrator, issued substantial conformance determination INTZED-2025-PR-00032. The determination concluded that the proposed driveway expansion, addition of landscaping, improvements at the southern end of the driveway, and other changes, were in substantial conformance with the approved proffers because they “do not alter the alignment or function of the [existing 30-foot ingress/egress] easement, do not introduce new access points, and do not extend into designated tree preservation areas.” See Attachment 2 at 2. On August 22, 2025, Scott and Debra Knisley, owners of the adjacent parcel, 2616 Powdermill Lane (Tax Map 48-1 ((40)) 15) (“Lot 15”), timely appealed that determination with the Department of Planning and Development (DPD) and the Clerk to the Board of Supervisors (Board). (See Attachment 3.)

Throughout the determination letter and appeal process, the appellants have been in regular contact with staff with questions, concerns, and/or to express disagreement with the determination. Staff made every effort to respond to their concerns.

Discussion:
Substantial Conformance Determination Review and Response
Under Zoning Ordinance subsection 1108.1.G(2), the Zoning Administrator is authorized to administer and interpret the Zoning Ordinance by issuing determinations. The proffers associated with RZ-87-P-020 and PCA-87-P-020, which remained in effect with PCA-87-P-020-02, subject to revisions, require the property to be developed in conformance with the July 14, 1989, GDP. The substantial conformance determination request asked whether certain changes to the property—the addition of landscaping, expansion of the driveway, and improvements to the termination of the southern end of the driveway—would be in conformance or substantial conformance with approved application PCA 87-P-020-02. Exhibit A shows the proposed modifications to the subject property. The Zoning Administrator determined that these changes would conform because they would “not alter the alignment or function of the [existing 30-foot ingress/egress easement], [would] not introduce new access points, and [would] not extend into designated tree preservation areas.” The request and determination letters did not indicate that any proffered conditions would be affected by the proposed changes.

As with all substantial conformance determination requests, staff review included thorough research of the property and zoning case history, and an evaluation of any potential negative impacts on the neighboring properties. In this case, Forest Conservation Branch (FCON) staff reviewed the protection of existing trees and confirmed that the proffered tree save areas would not be disturbed. The request for additional driveway pavement in the amount and areas shown was determined to have minimal to insignificant impact on the trees closest to the driveway, provided care was taken during installation.

Response to Appellants Arguments

This appeal fails on several grounds. First, the appellants fail to meet the minimum threshold for an appeal to the Board of Supervisors under Virginia Code § 15.2-2301, by failing to allege a basis on which they are aggrieved by the Zoning Administrator's determination. Only parties aggrieved by a decision of the Zoning Administrator regarding proffered conditions may bring such an appeal. The only topic addressed by the substantial conformance determination is whether the proposed location of the additional paving and landscaping are in substantial conformance with PCA 87-P-020-02. While the appellants allege that they suffer from inadequate drainage on their property due to prior grading changes on the subject property, they do not allege that a lack of substantial conformance with the approved zoning is the cause. Instead, they argue that they will be harmed by any additional paving on the subject property. Stormwater drainage falls outside of the scope of the determination request. Accordingly, the appeal should be dismissed because it fails to state a basis on which the appellants are aggrieved by the Zoning Administrator's decision made under Virginia Code § 15.2-2299.

Second, the substantial conformance determination correctly determined that the proposed paving and landscaping conformed with the approved zoning. The appellants have expressed concerns about the tree save areas shown on the GDP and referenced in the proffers. But they've incorrectly stated that the access easement includes a proffered tree save area that is directly affected by the paving. The infill lot grading plan for the replacement of the dwelling on Lot 16, which was used as a reference in the staff report for PCA-87-P-020-02, shows a temporary tree protection area adjacent to the driveway. That grading plan was not proffered and did not replace or supersede the previously approved GDP. Areas designated as not to be disturbed on an infill lot grading plan or other similar plans are for the specific construction project being approved during site review and do not constitute a proffered or 'permanent' tree save area. The proffered tree save areas on the governing GDP do not include areas inside the access easement where the driveway and proposed changes are located.

Third, the appellants raise numerous issues that were outside of the scope of the determination request. Most significantly, the appellants allege that the applicants. offering the proffers accepted with PCA-87-P-020-02 intended to incorporate the infill lot grading plan into those proffers. They point to language in draft proffers that were not approved and staff memos prepared in advance of the Board's decision on PCA-87-P-020-02 that might point to the incorporation of the infill lot grading plan into the proffers. Draft proffers and staff memos never became part of the zoning for the property, so they are outside the scope of what is relevant to a substantial conformance determination.

Further, the appellants raise concerns regarding the total impervious surface proposed on the subject property. While impervious surface is a topic addressed by the Zoning Ordinance, it was not the question raised in the substantial conformance determination request. The appellants also state they are concerned about the possibility of similar future approvals and cumulative impacts. Any determination of substantial conformance is by its nature only addressing the specific question asked. The conformance and impacts of any future requests would be assessed on their own merits.

Summary

Reaching the substantial conformance determination that is the subject of this appeal included a thorough assessment of the approved case history and proffers, and evaluation of the potential impacts of the proposed additional pavement area on existing trees. Staff concluded that the addition of approximately 679 square feet of driveway paving in the areas shown on the submitted materials would conform with the approved zoning, PCA 87-P-020-02 (including the proffered conditions and proffered GDP). Staff responded to numerous requests for information from the appellants, but no new information was provided or discovered that would change staff's position. The appellants have not demonstrated that they are aggrieved by the substantial conformance determination or that the original request is not in substantial conformance with the governing approvals. As such the appeal should be dismissed, and the determination should not be overturned.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map
Attachment 2: Substantial Conformance Determination INTZED-2025-PR-00032
Attachment 3: Appeal Statement
Attachment 4: Accepted Proffers RZ-87-P-020

Board Agenda Item
August 25, 2026

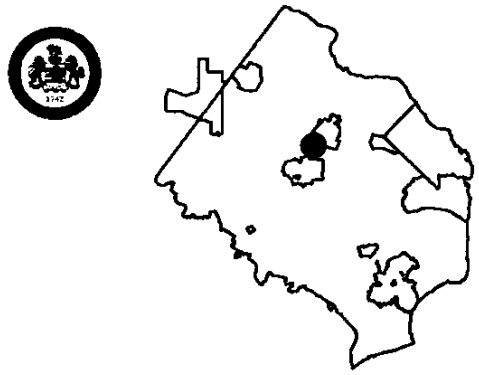
Attachment 5: Accepted Proffers PCA-87-P-020
Attachment 6: Generalized Development Plan PCA-87-P-020/RZ-87-P-020
Attachment 7: Accepted Proffers PCA-87-P-020-02
Attachment 8: Staff Report PCA-87-P-020-02
Attachment 9: Infill Lot Grading Plan for Lot 16 – 04140-INF-002-3

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Andrew B. Hushour, Zoning Administrator, DPD
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), DPD
Cathy S. Belgin, Chief, Conformance Review and Acceptance Branch, ZED, DPD

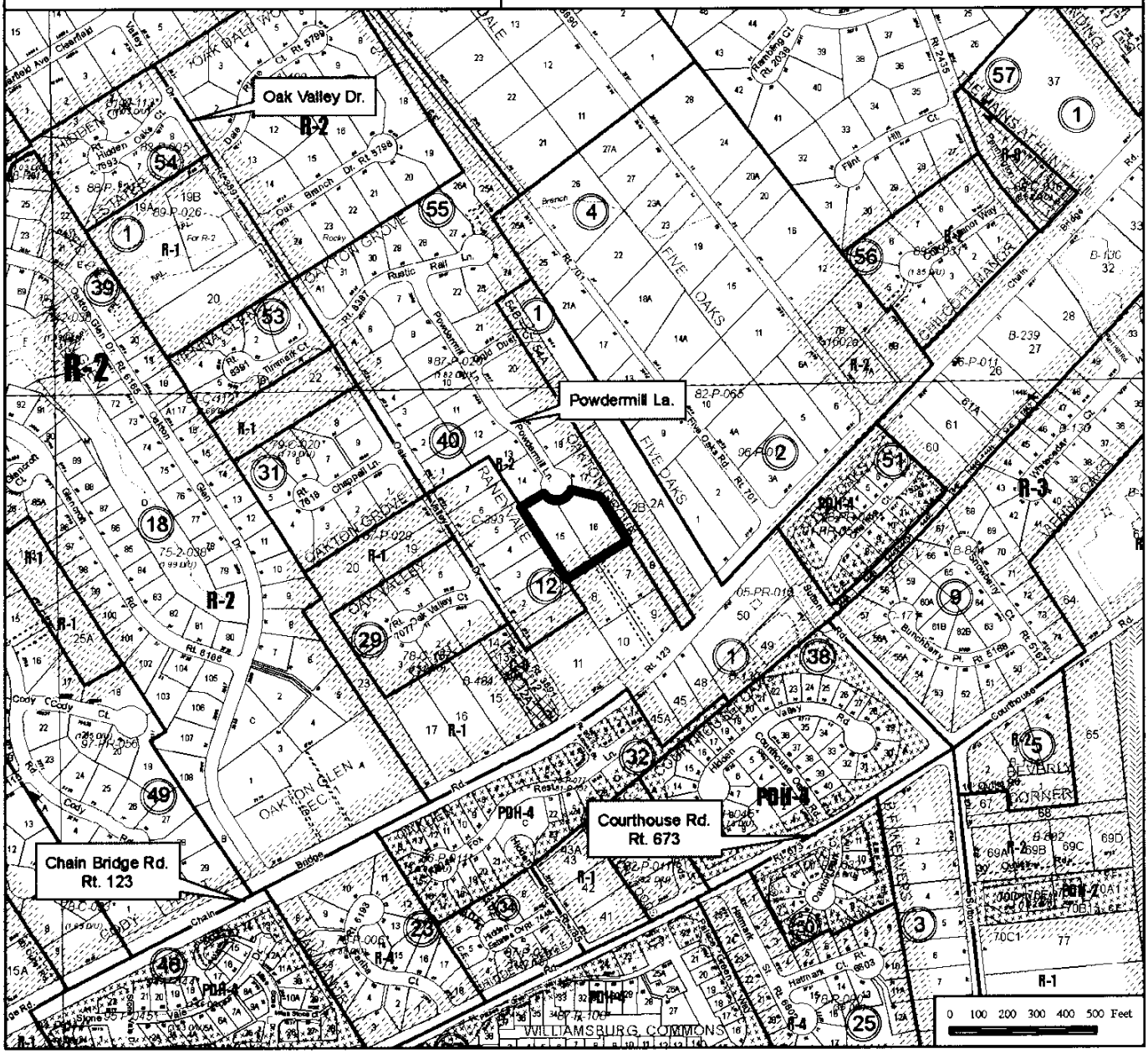
ASSIGNED COUNSEL:
Sara G. Silverman, Assistant County Attorne

Proffered Condition Amendment

PCA 87-P-020-02



Applicant:	OAKTON GROVE LLC, AND DEBRA KNISLEY AND SCOTT KNISLEY
Accepted:	07/27/2007
Proposed:	TO AMEND RZ 87-P-020 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT EXISTING STRUCTURES TO BE REPLACED OR MODIFIED
Area:	1.46 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect:	
Located:	TERMINUS OF POWDERMILL LANE
Zoning:	R- 2
Overlay Dist:	
Map Ref Num:	048-1- /40/ /0015 /40/ /0016



County of Fairfax, Virginia

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

July 28, 2025

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, VA 22181

RE: INTZED-2025-PR-00032; PCA 87-P-020-02; 2615 Powdermill Lane;
Tax Map 48-1 ((40)) 16; Driveway Layout

Dear Chris & Melissa Molivadas:

This letter is in response to your request for a determination of whether the proposed driveway modifications are in substantial conformance with the approval. This determination is based on the information provided in your letter, as well as a review of the applicable approved proffers and development plans. Official files are maintained by the Department of Planning and Development and are available by searching the Planning and Land Use System (PLUS) database online. Copies of your letter and relevant documents are attached for reference.

The approximately 31,818 square foot subject property is zoned R-2 and is located at 2615 Powdermill Lane in Vienna. On February 19, 1988, the Board of Supervisors (BOS) approved Rezoning RZ-87-P-020, subject to proffers to rezone approximately 17 acres from R-1 to the R-2 District. Originally, some existing homes on the subject parcel were proffered to remain. However, two subsequent Proffered Condition Amendments were approved to permit those existing homes to be replaced or modified. On October 20, 1989, the BOS approved PCA-87-P-20, subject to proffers, which permitted the removal and replacement of existing homes on lots 6 and 20. On April 28, 2008, the BOS approved PCA-87-P-020-2, again subject to proffers, to permit the removal/Replacement or building additions on Lots 15 and 16. The existing ingress egress for lot 15 and 16 is the subject of this request.

As I understand it, you are asking whether the proposed driveway modifications are in substantial conformance. The existing driveway is shown on the approved development plan within a 30-foot ingress/egress easement, which provides access to Lots 15 and 16. Your interpretation graphic identifies six areas for potential modification.

- **Location 1** – Widening of the driveway on the west side at the northern end. This area is within the existing ingress/egress easement, with no encroachment into tree save areas.
- **Location 2** – Continued widening on the west side toward the southern end of the driveway. This area is also within the existing ingress/egress easement, with no impact to tree save areas.
- **Location 3** – Addition of landscaping on the west side of the driveway. The governing approval does not preclude additional landscaping within this area.

PLANNING & DEVELOPMENT

Department of Planning and Development
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia, 22035-5509
Phone: 703 324-1290 / Fax: 703 324-3924
www.fairfaxcounty.gov/planning-development/

- **Location 4** – Widening of the parking area beside the home on Lot 16. This area is adjacent to the home and does not affect any proffered conditions or preserved areas.
- **Location 5** – Improvements to the termination at the southern end of the driveway. Located within the ingress/egress easement, with no encroachment into tree save areas.
- **Location 6** – Retention of the existing bump-out. This feature is within the ingress/egress easement and will be repaved to match its existing condition.

All proposed modifications occur within the existing 30-foot ingress/egress easement and or within Lot 16. The modifications do not alter the alignment or function of the easement, do not introduce new access points, and do not extend into designated tree preservation areas. While none of the work occurs directly within tree save areas, nearby root systems and landscaping could still be affected by construction activity. Caution is advised in these areas to minimize any unintended impacts. The proposed landscaping is located within your property boundary, and as previously noted, there does not appear to be any restriction against adding landscaping to your lot. Given the foregoing, I find that the proposed modifications are in substantial conformance with the approval.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and addresses only the issues discussed herein. All other conditions and Zoning Ordinance requirements remain in effect. This letter should not be construed as a determination regarding any other elements of the approval. If you have any questions regarding this interpretation, please contact Jerrell Timberlake at (703) 324-1290.

Sincerely,

Suzanne L. Wright

Suzanne L. Wright, Director
Zoning Evaluation Division, DPD

Attachments: A/S

Thank you for your business with Fairfax County.
Please take a moment to take our Customer Satisfaction Survey.

Cc: Dalia A. Palchik Supervisor, Providence District
Jeremy Hancock, Planning Commissioner, Providence District
Kirsten Munz, Director, LDS-Site Development and Inspections Division
Jeff Vish, Branch Chief, LDS-Site Development and Inspections Division
Brandy Mueller, Director, LDS-Permitting & Code Administration
Jay Riat, Director, LDS-Building Plan Review Division
Marc Dreyfuss, Section Chief, Site Analysis, FCDOT
LDS Proffer Coordinator, LDSProffers@fairfaxcounty.gov
Cathy Belgin, Chief, Conformance Review & Acceptance Branch, DPD-ZED
File: PCA 87-P-020-02

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

May 9, 2025

Tracy D. Strunk
Director of Zoning Evaluation Division
Department of Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035

Dear Ms. Strunk,

We met with Katie Quinn in your offices on May 8, 2025 regarding our plans to repave and modify our driveway. To ensure we are in conformance with Fairfax County requirements, Ms. Quinn recommended we formally submit for an Interpretation of the Approved Zoning Application to ensure our actions are in conformance. Below, we have done our best to provide you with the relevant points and documents.

There are six separate points of interpretation requested for our driveway project. All locations are on Property Owners land.

Reference EXHIBIT A (below)

- Location 1 - Slight widening of driveway (west side of driveway at northern end**).** +/-50 sf.
- Location 2: Continued widening of driveway (west side of driveway towards southern end). +/-85 sf.
- Location 3: Landscaping west of driveway.
- Location 4: Property Owners would like to expand the parking area beside their house. +/-414 sf.
- Location 5: Create a better asphalt termination at the southern end of the driveway. +/-70 sf.
- Location 6: Existing bump-out. +/- 60 sf.

We believe each point and associated request is either in conformance or substantially in conformance with the Approved Zoning Application such that they are:

- Consistent with and do not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved special permit plat, special exception plat, conceptual development plan, final development plan, development plan or proffered generalized development plan;
- Consistent with any proffered or imposed conditions that govern development of the site; and
- Are in accordance with the requirements of the Zoning Ordinance.

Thank you for your assistance. Please do not hesitate to contact us for any additional information.

Sincerely,
Chris & Melissa Molivadas.

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

Contact information

- Property Owner(s) / Name(s): Chris & Melissa Molivadas
- Address: 2615 Powdermill Lane, Vienna, Virginia 22181
- Chris: Cell #: 202-236-5126; Email: molivadas@gmail.com
- Melissa: Cell#: 301-922-7767; Email: mmolivadas@gmail.com

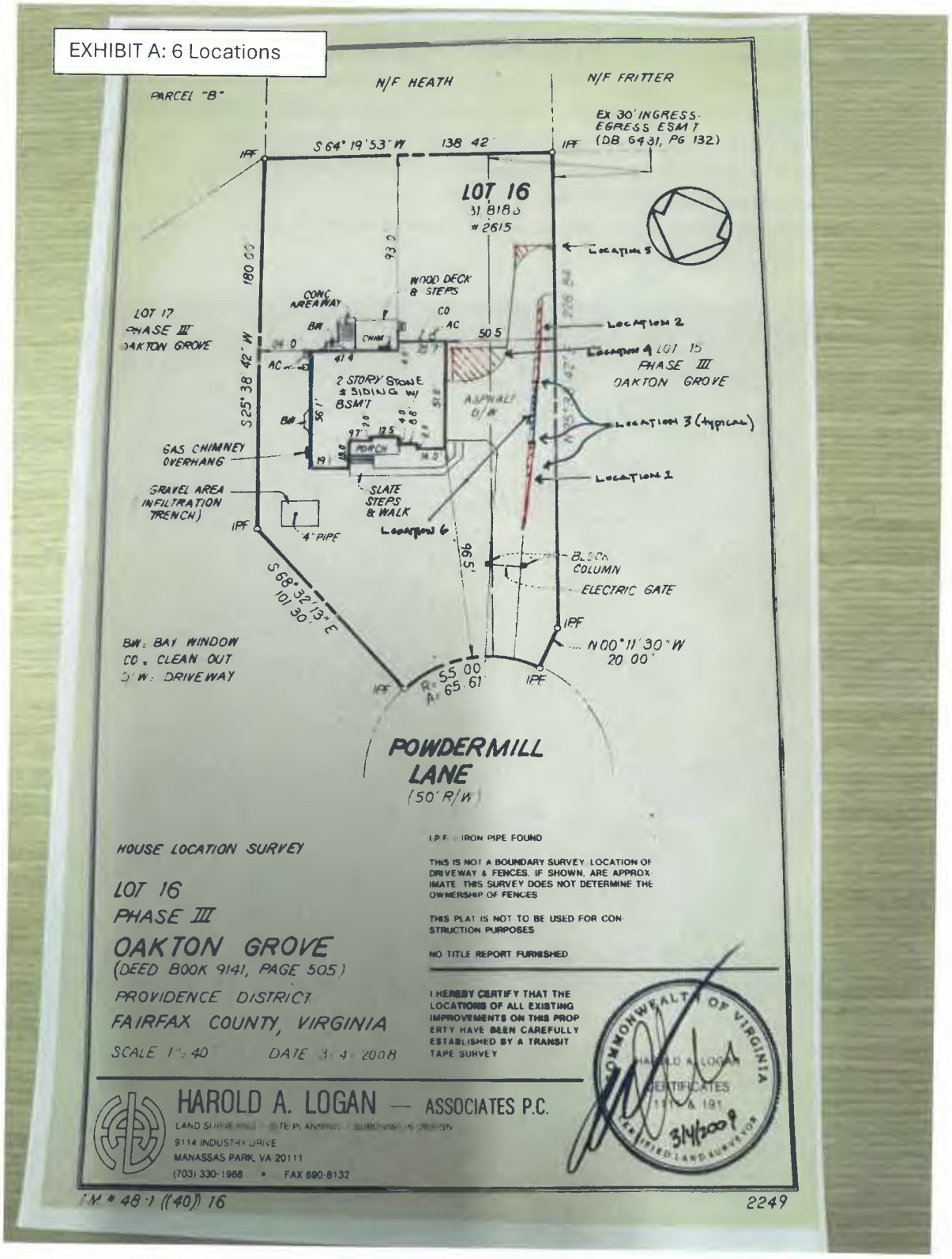
Reference Specific Property & Zoning Application

- Property: 2615 Powdermill Lane Vienna, Virginia 22181
- Zoning Application: PCA 87-P-020-02
- Tax Map #: 48-1 ((40)) 16

Attachments:

1. Staff Report, Application PCA 87-P-020-02
2. Proffers – PCA 87-P-020-02, R-2 Zoning District, April 1, 2008.
3. Check in the amount of $520.00
4. Three copies of the Plat

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181



Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

1. **Location 1: Slight widening of driveway (west side of driveway at northern end).**
    a. Property Owners would like to widen a portion of the driveway. Approx. Square Footage of widening is +/-50 sf. See Exhibit B. This widening is recommended by the asphalt company to prevent current bump out edges from braking off (on-going problem). Bump out required to back out of garage and turn (especially when cars are parked outside garage doors). Bump out placed by original builder.
    b. Property Owner owns the property on which the drive widening would be placed.

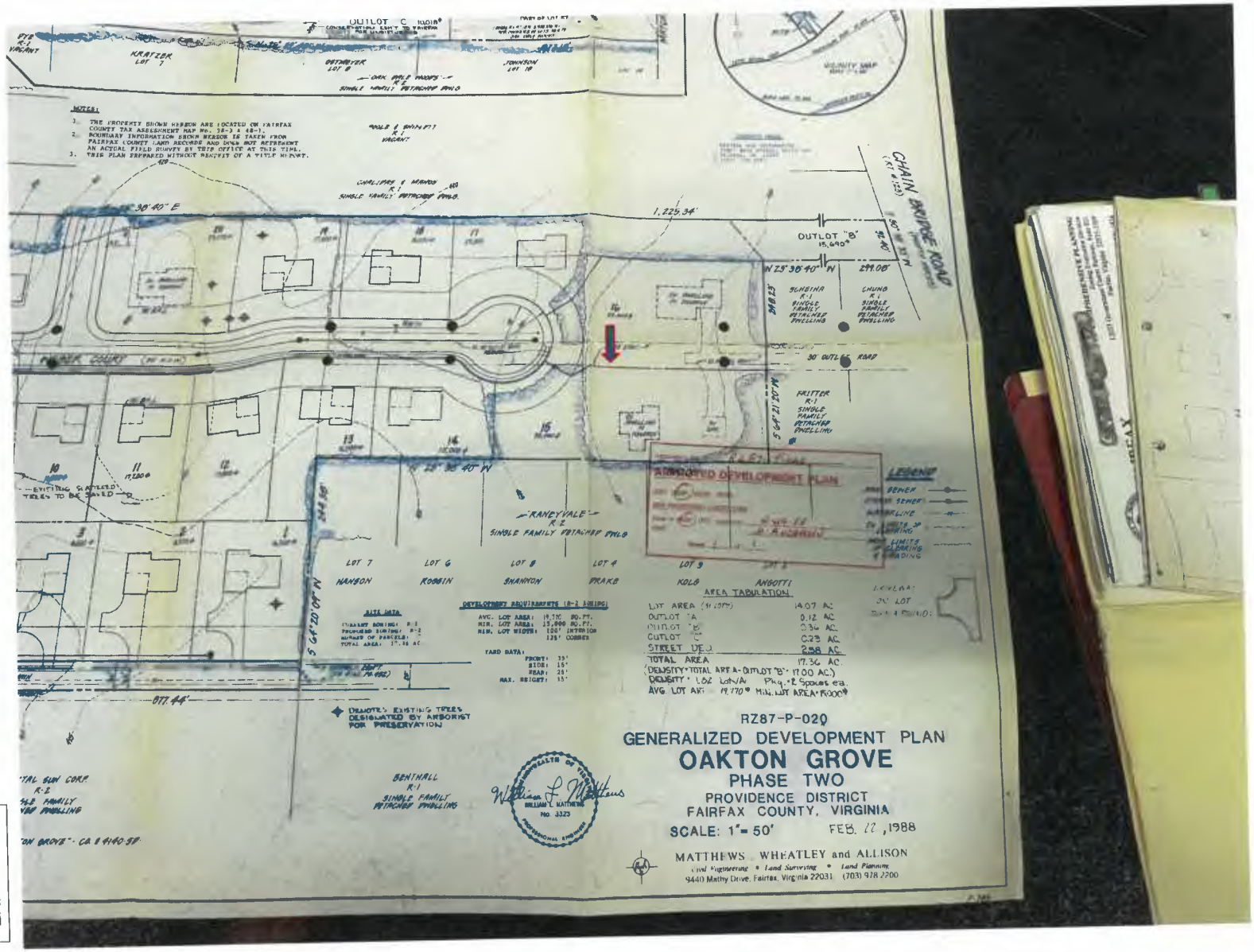
EXHIBIT B



    c. Commentary:
        i. Original subdivision plans reviewed. They do not show the impacted area as a 'tree save' area (EXHIBITS C & D).

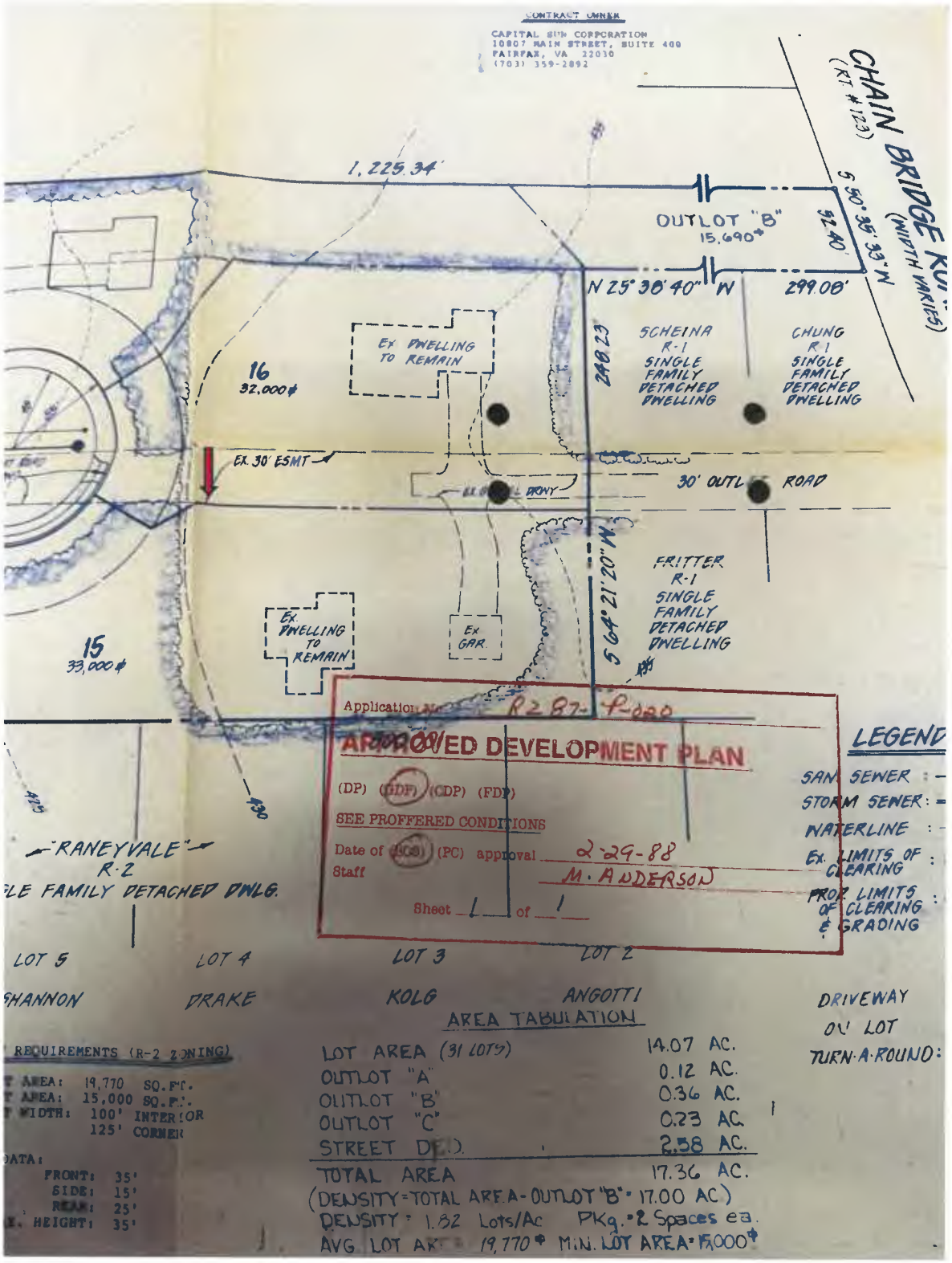
Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

EXHIBIT C



Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

EXHIBIT D



ii. The Staff Report dated February 6, 2008 identifies three tree save areas on Lot 16.
    1. Two locations on the northern boundary and one on the southern boundary.
    2. PCA 87-P-020-02 Page 3

Issue: Tree Preservation

The subject property is characterized by a dense canopy of deciduous trees, particularly on Lot 16. Staff recommended that the applicant to endeavor to preserve as much of this canopy as possible. To that end, staff recommended that the applicant provide an inventory of existing vegetation for the subject property, as well as a depiction of tree preservation areas and specimen trees to be preserved in conjunction with this application.

Resolution:

The material provided by the applicant depict proposed tree save areas along the periphery of Lots 15 and 16. Tree save areas are shown along the northern, southern and eastern boundaries of Lot 15; however, the size of the tree save areas is not provided. Two tree save areas are shown near the northern boundary of Lot 16. One of the trees save areas is 2,065 square feet (SF) in size and the other tree save area is shown to b 2,730 SF. These areas are separated by the existing driveway on Lot 16 in size. Another tree save area (3,430 SF) area is shown along the southern boundary of Lot 16. Therefore, staff believes that this issue has been resolved.

See Exhibits E &F below which was part of the materials provided by original Applicant (Oakton Grove LLC & Debra Knisley, Scott Knisley) to obtain staff acceptance of resolution. Tree save areas are depicted on Exhibits E & F showing these two distinct tree save areas. Oakton Grove built our home. Debra Knisley and Scott Knisley are our current neighbors.

The square footages shown are clearly designated as the 2,065 sf and 2,730 sf areas for tree save (EXHIBIT E red arrows). These areas have been measured and meet the designated square footages. The 2,065 sf measured area does not reach across the driveway. We believe the statement by staff that the area is separated by the exiting driveway is incorrect. The clear area between the two designated areas is not a driveway but a through way for water service (EXHIBIT E blue arrow). No other tree save areas are designated. Specifically, no tree save areas are designated across the driveway (EXHIBIT E green arrow). The specific tree save areas are clearly marked on the drawing. The area depicted by the green arrow was only designated as a Temporary Tree Protection area (TP). See discussion under Location 2 below. Even if this is a tree save area, our intrusion is minor and not material.

d. Request
    i. Confirm Property Owner's land west of the existing driveway is not a tree save area and we can extend the driveway over as generally depicted on EXHIBIT B or confirm

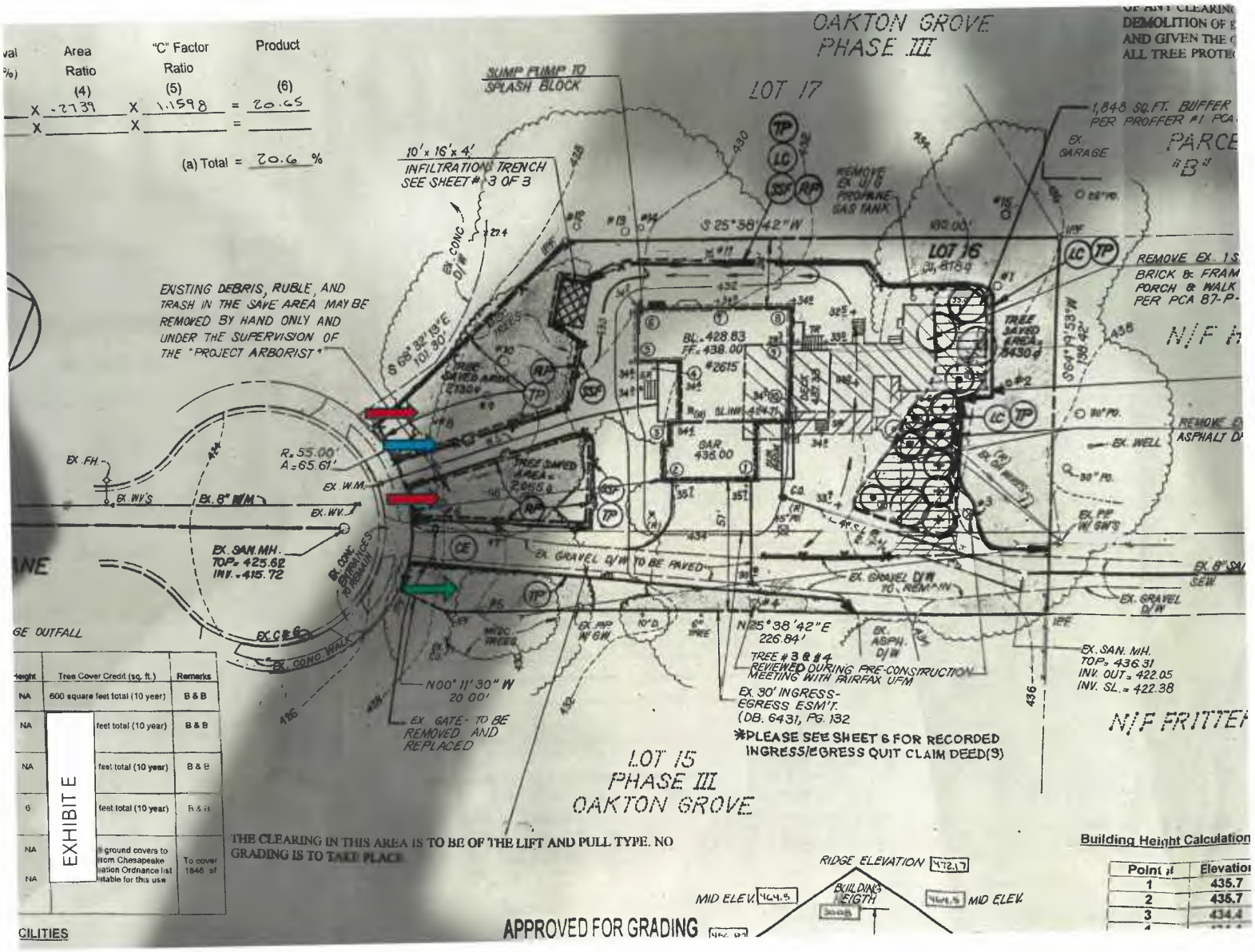
the impact to the area is immaterial and Property Owner can proceed with the driveway extension.

ii. If this is a tree save area, the deviation from the current condition is minor and does not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved regulatory documents

iii. If this area is a tree save area, the deviation is consistent with any proffered or imposed conditions that govern development of the site; and

iv. If this area is a tree save area, the deviation is in accordance with the requirements of the Zoning Ordinance.

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181



Val	Area Ratio (4)	"C" Factor Ratio (5)	Product (6)
	X .2739	X 1.1598	= 20.65
	X	X	=

(a) Total = 20.6 %

Height	Tree Cover Credit (sq. ft.)	Remarks
NA	600 square feet total (10 year)	B & B
NA	feet total (10 year)	B & B
NA	feet total (10 year)	B & B
6	feet total (10 year)	B & B
NA	ground covers to from Chesapeake ation Ordnance list ntable for this use	To cover 1848 sf
NA		

EXHIBIT E

Building Height Calculation

Point #	Elevation
1	435.7
2	435.7
3	434.4

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

4344.2/10 = 434.42 Average Grade
First Floor = 438.00 – 434.42 = 3.58
3.58 + 24.5 <35.0' maximum height

WHERE THE FOUNDATION DRAIN IS CONNECTED TO A STORM SEWER STRUCTURE THE HYDRAULIC GRADIENT FOR THE 10 YR. STORM MUST BE BELOW THE LOWEST FLOOR ELEVATION AT THE POINT OF CONNECTION TO PRECLUDE BASEMENT FLOODING FROM THE STORM SEWER SYSTEM. DISCHARGE BY MECHANICAL MEANS IS ACCEPTABLE ONLY WHEN GRAVITY DISCHARGE IS NOT POSSIBLE.
HOUSE GRADING PLANS SHALL SHOW THE FOUNDATION DRAINS AND THE LOCATION OF THE FOUNDATION DRAIN DISCHARGE.
ROOF DRAINS MUST DISCHARGE BEYOND LIMITS OF EXCAVATION FOR FOUNDATION WALLS.

TYPICAL FOUNDATION DRAIN

...t, to the best of my knowledge and belief, all ...ere in accordance to the Subdivision Ordinance in ...of the creation of this lot. The lot was created as ...ON GROVE PHASE III approved on 5-19-1994 and ...orded in Deed Book 9141 at Page 505 in the ... Records.

...BY LAW WILL ...IVITIES.

...TITLE

COMMONWEALTH OF VIRGINIA
HAROLD A. LOGAN
CERTIFICATE NO. 191
7/22/08
LAND SURVEYOR

SCALE: 1" = 30'
DATE: 4-26-2007
DESIGNED: HAL
DRAFTED: MB.
REVISIONS:
3-12-2008: BUFFER, TP
5-16-08 PCA

AUTOCAD FILE:

OAKTON GROVE • LOT 16 • PHASE III
PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA
GRADING PLAN

HAROLD A. LOGAN ASSOCIATES P.C.
LAND SURVEYING–SITE PLANNING–SUBDIVISION DESIGN
9114 INDUSTRY DRIVE
MANASSAS PARK, VA. 20111
(703) 330-1988 FAX (703) 690-8132

SHEET 1 OF 6
GP 22-19



EXHIBIT F

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

2. **Location 2: Continued widening of driveway (west side of driveway towards southern end)**
    a. Property Owners would like to widen a portion of the driveway. Approx. square feet is +/-85 sf. See Exhibit G.
    b. Recommended by asphalt company to prevent current bump out edges from braking off. Bump out required to back out of parking spaces (See Location 4 request which extends the parking area and thus the continuation of the bump out).
    c. Existing bump out placed by the original builder.
    d. Property Owner owns the property on which the drive widening would be placed & Property owner owns the portion of the driveway beyond where the extension would tie into the neighbors drive.
    e. We are open to feathering the bump out back after the new bump out area. See EXHIBIT G – blue arrow is connection point).

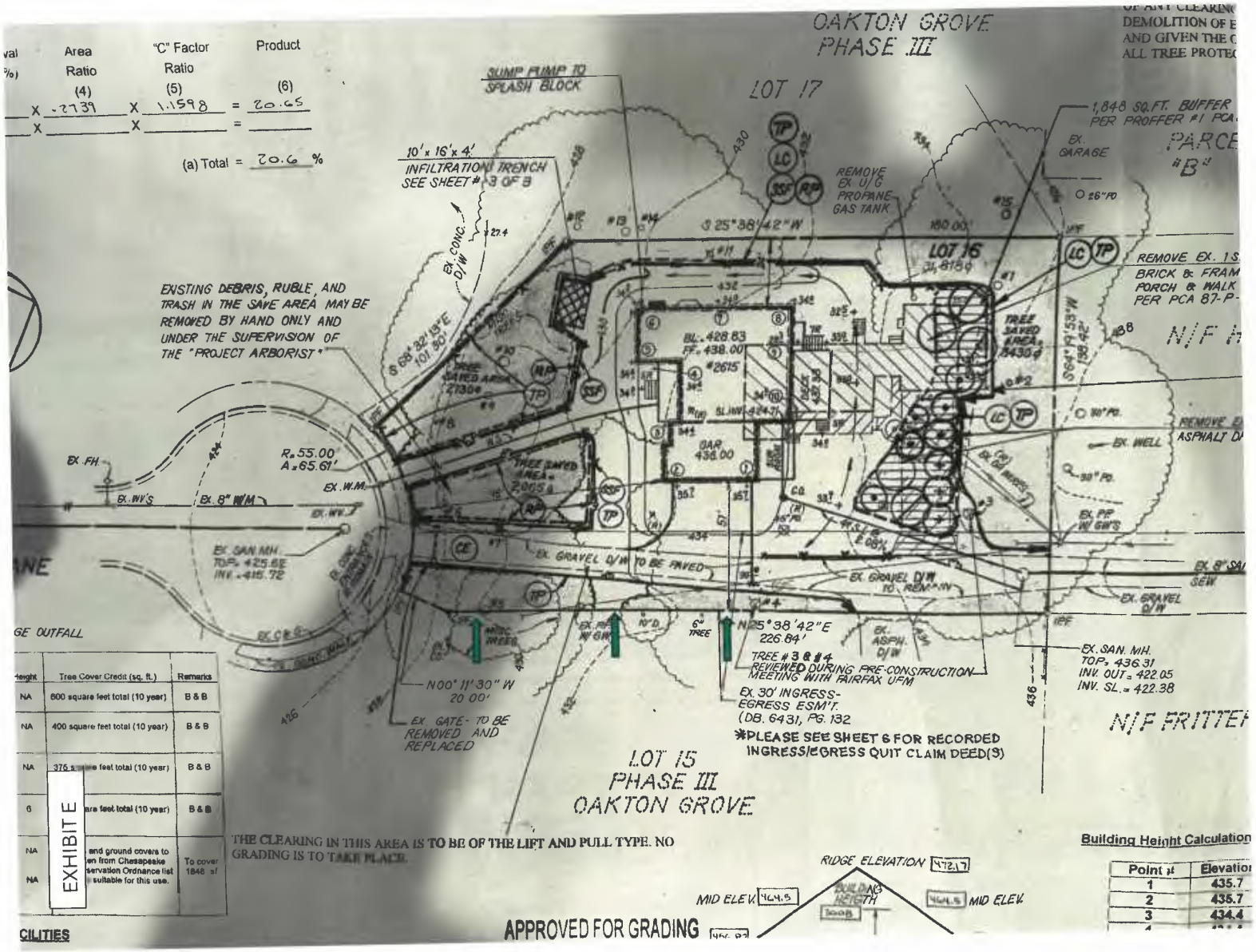
EXHIBIT G



Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

f. Commentary:
    i. We do not see anything on the drawings depicting this area as a tree save area. The 2,065 SF designated by Staff is further north on the property and solely on Lot 16. The area below (EXHIBIT E: east of green arrows) was designated as TP (Temporary Tree Protection) on the grading plan (Exhibit E) which was part of the documents reviewed by staff and only during the original construction period. Exhibit F below defines TP.
g. Request
    i. Confirm Property Owner's land west of the existing driveway is not a tree save area and we can extend the driveway over as generally depicted on EXHIBIT B and/or
    ii. There is no deviation or the deviation from the current condition is minor and does not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved regulatory documents
    iii. There is no deviation or the deviation is consistent with any proffered or imposed conditions that govern development of the site; and
    iv. There is no deviation or the deviation is in accordance with the requirements of the Zoning Ordinance.

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181



Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

1"=500

Part 3: Compute the Total Phosphorus

Subarea Designation (1)	BMP Type (2)	Removal Eff. (%) (3)	
_____	INFIL	.65	X
_____	_____	_____	X

LEGEND

(CE) TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

(SF) TEMPORARY SILT FENCE

(LC) LIMITS OF CLEARING, GRADING AND/OR DISTUBANCE

(TP) TEMPORARY TREE PROTECTION

(RP) ROOT PRUNING

(SSF) TEMPORARY SUPER SILT FENCE

E.P.= EDGE OF PAVEMENT
P.P. = POWER POLE
S.L. = SANITARY LATERAL
W.M. = WATER METER
W.S.= WATER SERVICE
W.V. = WATER VALVE
W.F. = WOOD FENCE

C & G = CURB AND GUTTER
CO. = CLEAN-OUT
D/W = DRIVEWAY
I.P.F. = IRON PIPE FOUND
F.H. = FIRE HYDRANT
P.P. W/ GW = POWER POLE WITH GUY WIRES

(#) EXISTING TREE.
(D= DOG WOOD; M = MAPLE; O = OAK; PO. = POPLAR)

EXISTING TREE TO BE REMOVED

EXHIBIT F

EX. SAN. MH.
TOP= 421.44
INV. ℄ = 413.14

EX. 8" SAN. SEW.

POWDERMILL L

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

3. **Location 3: Landscaping West of Driveway on Owner's Property.**
    a. Property Owners would like to landscape their property west of their driveway.

    b. Commentary:
        i. We see no restrictions on our ability to landscape our property.
        ii. The provision on the attachment (Proffers – PCA 87-P-020-02, R-2 Zoning District, April 1, 2008) stating 'Applicant shall retain the service of a certified arborist or landscape architect' is only in relationship to making substantial building alterations and not applicable to the activities of a typical homeowner landscaping/maintaining their property.

    c. Request.
        i. Confirm Property Owner can landscape their property west of the existing driveway (including, but not limited to: trees, bushes, grass, decorative rocks/pebbles, edging materials).
        ii. There is no deviation or the deviation from the current condition is minor and does not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved regulatory documents
        iii. There is no deviation or the deviation is consistent with any proffered or imposed conditions that govern development of the site; and
        iv. There is no deviation or the deviation is in accordance with the requirements of the Zoning Ordinance.

4. **Location 4: Property Owners would like to expand their parking area beside their house (Exhibit G).**

    a. Property Owners want to extend the existing parking area over. Limited street parking in area due to mailbox locations (mailman requires drivable access to mailboxes), fire hydrant, driveway aprons, other vehicle parking and trash collection activities.

    b. Commentary:
        i. Property Owner now has three sons that drive and need additional parking.
        ii. Area is approximately 23' x 18' or ~414 SF.
        iii. We have been advised by the Fairfax County permit office that the threshold for obtaining permits for disturbed area is 2,500 sf.

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

iv. This area in conjunction with the other areas noted in this Interpretation Request does not exceed 2,500 sf. Repaving of the existing driveway area is not included in this calculation.

c. Request:
   i. Confirm Property Owner does not need a permit or any other approval to pave this area.
   ii. There is no deviation or the deviation from the current condition is minor and does not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved regulatory documents
   iii. There is no deviation or the deviation is consistent with any proffered or imposed conditions that govern development of the site; and
   iv. There is no deviation or the deviation is in accordance with the requirements of the Zoning Ordinance.

EXHIBIT G



Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

5. **Location 5: Create a better asphalt termination at the southern end of the driveway (EXHIBIT H).**
    a. Property owner seeks more aesthetic look for terminating the driveway.

    b. Commentary:
        i. Asphalt company recommended squaring off the termination of the asphalt – red lines on Exhibit H.
        ii. Approx. impacted area +/- 70 sf depending on design.
        iii. Property Owner believes we can shrink this down to square off area – blue line shortening the area.
        iv. We have been advised by the Fairfax County permit office that the threshold for obtaining permits for disturbed area is 2,500 sf.
        v. This area in conjunction with the other areas noted in this Interpretation request does not exceed 2,500 sf.

    c. Request:
        i. Confirm Property Owner does not need a permit or any other approval to pave this approximate area.
        ii. There is no deviation or the deviation from the current condition is minor and does not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved regulatory documents
        iii. There is no deviation or the deviation is consistent with any proffered or imposed conditions that govern development of the site; and
        iv. There is no deviation or the deviation is in accordance with the requirements of the Zoning Ordinance.

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

EXHIBIT H



Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181

6. Location 6: Existing driveway bump out is in conformance with the approved zoning application (EXHIBIT I below, red arrow).

a. Property Owner wants to replace the current bump out 'by right'.

b. Commentary:
   v. The original builder of our home placed an asphalt bump out across from the garage doors to allow for proper vehicle turning.
   vi. The original builder received all building permits, obtained all inspections and satisfied all County requirements such that they obtained all final approvals for the project and all deposits were returned.
   vii. Size of bump out is +/- 60 sf.

c. Request:
   viii. Confirm existing driveway bump out is allowed 'by right'.
   ix. If for some reason it is not allowed by right, Property Owner requests it be allowed to be replaced for the reasons above and:
      1. There is no deviation or the deviation from the current condition is minor and does not materially alter the character of the approved development including uses, layout and relationship with adjacent properties depicted on the approved regulatory documents
      2. There is no deviation or the deviation is consistent with any proffered or imposed conditions that govern development of the site; and
      3. There is no deviation or the deviation is in accordance with the requirements of the Zoning Ordinance.

Chris & Melissa Molivadas
2615 Powdermill Lane
Vienna, Virginia 22181



PLAN APPLICATION FILED: July 27, 2007
PLANNING COMMISSION: February 20, 2008
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

February 6, 2008

STAFF REPORT

APPLICATION PCA 87-P-020-02

PROVIDENCE DISTRICT

APPLICANT:	Oakton Grove, LLC & Debra Knisley & Scott Knisley
PRESENT ZONING:	R-2
PARCEL:	48-1 ((40)) 15 & 16
ACREAGE:	1.46 acres (Lot 15 & 16 only)
DU/AC:	1.82 du/ac (Oakton Grove Subdivision)
PLAN MAP:	Residential; 1-2 du/ac
PROPOSAL:	Amend the previously approved proffers associated with RZ 87-P-020 in order to allow construction of an addition to an existing dwelling on Lot 15 and to allow replacement of the existing dwelling on Lot 16.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 87-P-020-02 subject to the execution of proffers consistent with those contained in Appendix 1.

O:\SWILLI\PCA\PCA 87-P-020-02 Oakton Grove\Staff Report\Final Staff Report.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290
Fax 703-324-3924
www.fairfaxcounty.gov/dpz/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

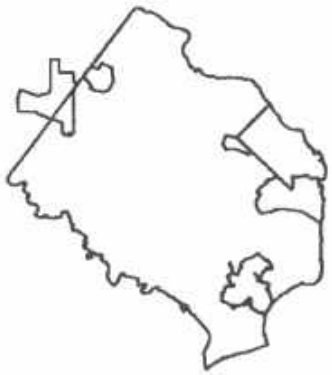
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



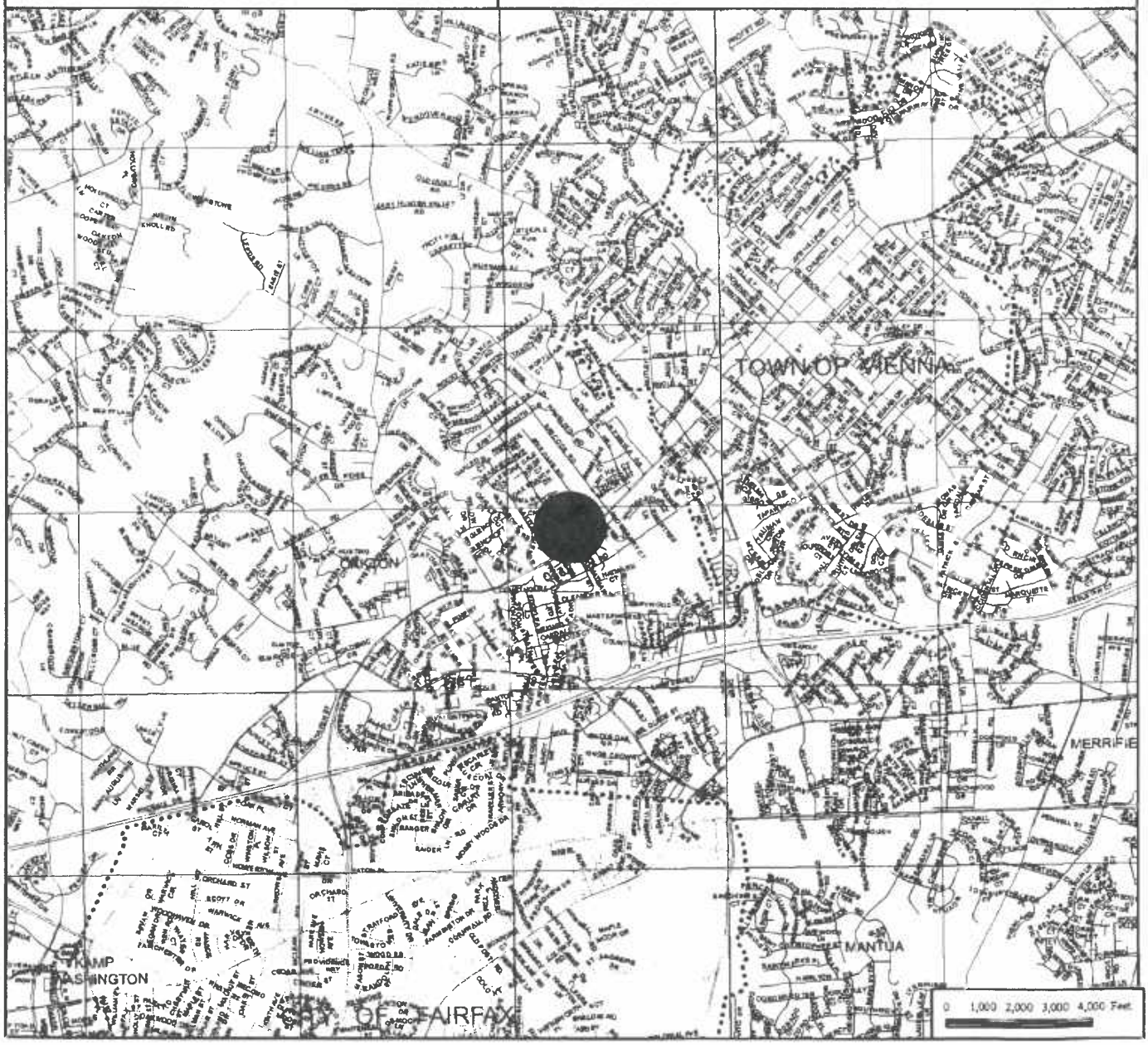
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Proffered Condition Amendment

PCA 87-P-020-02



Applicant:	OAKTON GROVE LLC, AND DEBRA KNISLEY AND SCOTT KNISLEY
Accepted:	07/27/2007
Proposed:	TO AMEND RZ 87-P-020 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT EXISTING STRUCTURES TO BE REPLACED OR MODIFIED
Area:	1.46 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect:	
Located:	TERMINUS OF POWDERMILL LANE
Zoning:	R- 2
Overlay Dist:	
Map Ref Num:	048-1- /40/ /0015 /40/ /0016



Proffered Condition Amendment

PCA 87-P-020-02



Applicant:	OAKTON GROVE LLC, AND DEBRA KNISLEY AND SCOTT KNISLEY
Accepted:	07/27/2007
Proposed:	TO AMEND RZ 87-P-020 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT EXISTING STRUCTURES TO BE REPLACED OR MODIFIED
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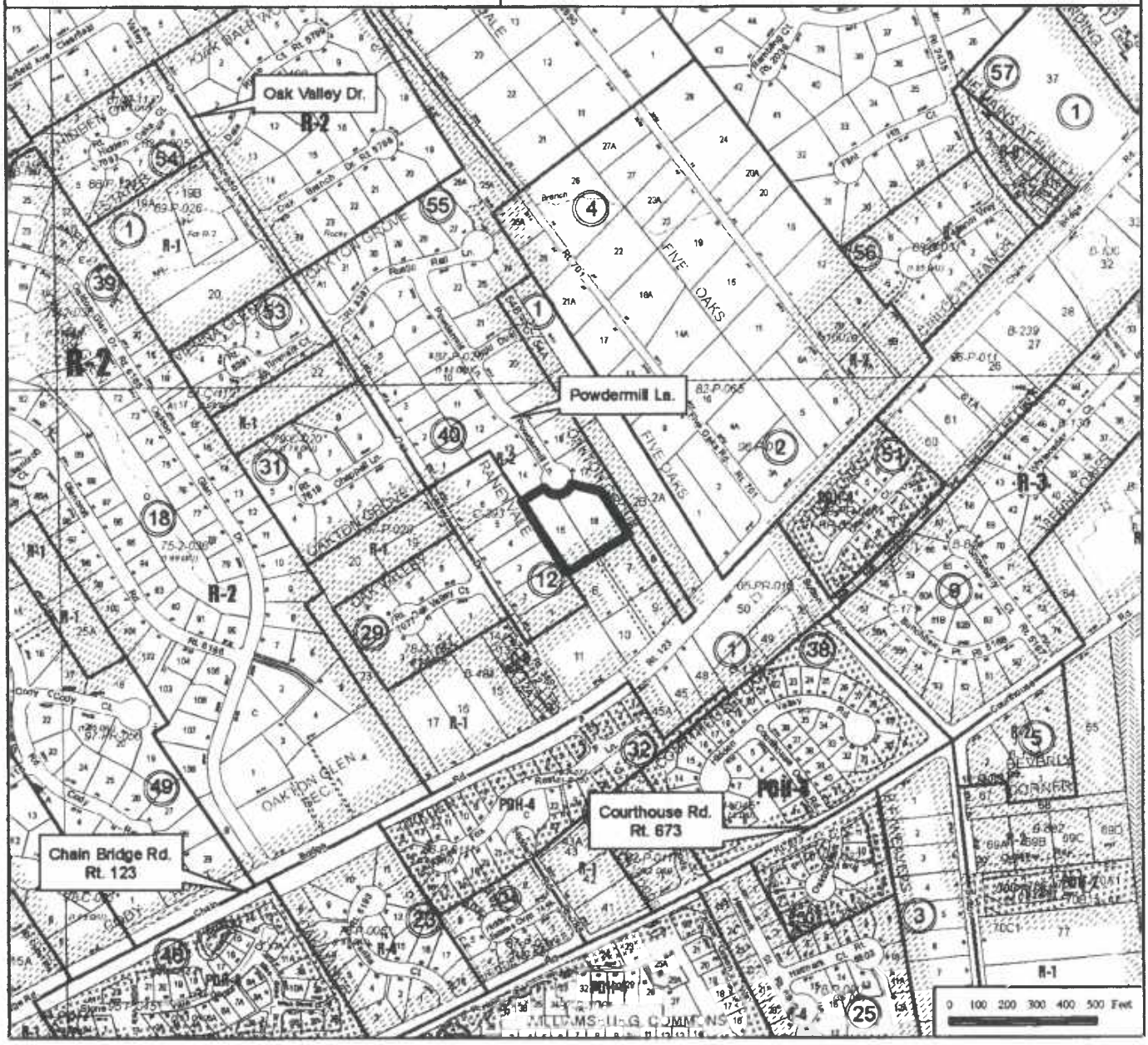

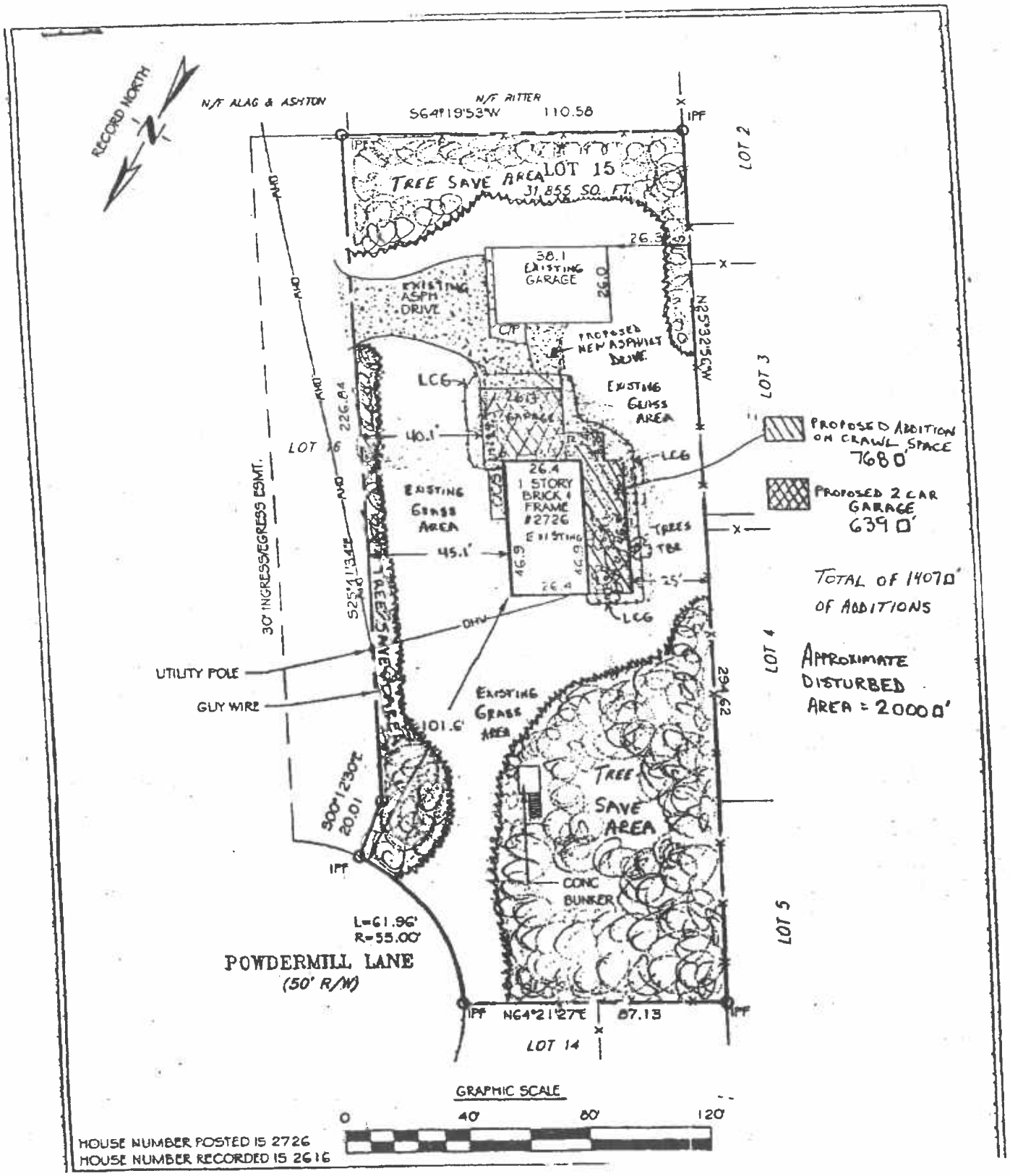
RECORD NORTH
N/F ALAG & ASHTON
N/F RITTER
S64°19'53"W 110.58
IPF
LOT 2
TREE SAVE AREA LOT 15
31,855 SQ. FT.
26.3
38.1
EXISTING GARAGE
26.0
EXISTING ASPH DRIVE
CIP
PROPOSED NEW ASPHALT DRIVE
N25°32'56"W
LOT 3
LCG
EXISTING GRASS AREA
26.3
GARAGE
40.1'
LOT 16
226.84
AND
PROPOSED ADDITION ON CRAWL SPACE 768 D'
PROPOSED 2 CAR GARAGE 639 D'
26.4
1 STORY BRICK & FRAME #2726 EXISTING
46.9
45.1'
TREES TBR
25'
TOTAL OF 1407 D' OF ADDITIONS
30' INGRESS/EGRESS ESMT.
S25°41'13"E 226.84
OHW
UTILITY POLE
GUY WIRE
EXISTING GRASS AREA
101.6'
LOT 4
294.62
APPROXIMATE DISTURBED AREA = 20000'
TREE SAVE AREA
S00°12'30"E 20.01
IPF
CONC BUNKER
L=61.96'
R=55.00'
POWDERMILL LANE
(50' R/W)
IPF N64°21'27"E 87.13 IPF
LOT 14
LOT 5
GRAPHIC SCALE
0 40' 80' 120'
HOUSE NUMBER POSTED IS 2726
HOUSE NUMBER RECORDED IS 2616

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

Proposal:

The applicants, Oakton Grove, LLC & Debra Knisley & Scott Knisley, are requesting to amend the proffers previously approved for the subject site with RZ 87-P-020, in order to construct an addition to the existing single-family detached dwelling unit on Lot 15 and to replace the existing single-family detached dwelling on Lot 16 with a new single-family detached dwelling. This application would not change the number of lots or the density approved in the original rezoning application.

The applicant's draft proffers, affidavit, and Statement of Justification are contained in Appendices 1-3, respectively.

LOCATION AND CHARACTER

Site Description:

The subject application includes Lots 15 and 16 of the Oakton Grove subdivision, which is located north of Chain Bridge Road (Route 123) in the Providence District. The parcels consist of 1.46 acres, located at the terminus of Powdermill Lane. The parcels are currently developed with single-family detached dwellings and accessory structures.



SURROUNDING AREA DESCRIPTION			
Direction	**Use**	**Zoning**	**Plan**
North	Single- family detached (Oakton Grove)	R-2	Residential; 1-2 du/ac
South	Single- family detached (Oakton Glen)	R-1	Residential; 1-2 du/ac
East	Single- family detached	R-2	Residential; 1-2 du/ac
West	Single- family detached (Oakton Grove)	R-2	Residential; 1-2 du/ac

BACKGROUND *(See Appendix 4)*

Site History:

On February 29, 1988, the Board of Supervisors approved RZ 87-P-020, subject to the proffers dated February 22, 1988, to rezone 17.36 acres from the R-1 District to the R-2 District at a density of 1.82 du/ac (31 dwelling units).

On October 30, 1989, the Board of Supervisors approved PCA 87-P-020, subject to the proffers dated October 12, 1989. This approval amended the previously approved proffers to allow the applicant to remove and replace the dwellings that existed on Lots 6 and 20 with new structures.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	II
Planning District:	Vienna Planning District
Planning Sector:	Piney Branch Community Planning Sector (V4)
Plan Map:	Residential; 1-2 du/ac
Plan Text:	There is no specific Plan text for this site.

ANALYSIS

Because of the nature of the request, the subject application has been granted a waiver of the requirement for submission of a Generalized Development Plan (GDP) in association with the submitted proffered condition amendment. Instead, the applicant has submitted a copy of the Grading Plan for Lot 16 showing the

footprint for the proposed dwelling on that lot and an exhibit showing the proposed addition to the existing dwelling on Lot 15.

Land Use Analysis

The subject property is planned for residential use at 1-2 dwelling units per acre (du/ac). Since this application does not involve a change in density or unit type, and the house proposed to be removed was not determined to have historic value, no land use issues have been identified in conjunction with this application.

Environmental Analysis *(See Appendix 5)*

Issue: Stormwater Management/Best Management Practices

The application proposes to redevelop two lots. Because this redevelopment could lead to possible increases in the amount of impervious surface for the subject property, staff encouraged the applicant to provide more information regarding the manner in which water quality and quantity control requirements would be met.

Resolution:

In response to staff's request, the applicant has indicated on the grading plan that a 10'x16'x4' infiltration trench will be provided on Lot 16. The Department of Public Works and Environmental Services (DPWES) has no comments related to stormwater management on the PCA application. It should be noted that DPWES will review the proposed development on Lots 15 and 16 at the time of grading plan submission for compliance with the Chesapeake Bay Preservation Ordinance (CBPO), outfall and stormwater requirements.

Issue: Tree Preservation

The subject property is characterized by a dense canopy of deciduous trees, particularly on Lot 16. Staff recommended that the applicant to endeavor to preserve as much of this canopy as possible. To that end, staff recommended that the applicant provide an inventory of existing vegetation for the subject property, as well as a depiction of tree preservation areas and specimen trees to be preserved in conjunction with this application.

Resolution:

The materials provided by the applicant depict proposed tree save areas along the periphery of Lots 15 and 16. Tree save areas are shown along the northern, southern and eastern boundaries of Lot 15; however, the size of the tree save areas is not provided. Two tree save areas are shown near the northern boundary of Lot 16. One of the tree save areas is 2,065 square feet (SF) in size and the other tree save area is shown to be 2,730 SF. These areas are separated by the existing driveway on Lot 16 in size. Another tree save (3,430 SF) area is shown

along the southern boundary of Lot 16. Therefore, staff believes that this issue has been resolved.

Transportation Analysis *(See Appendix 6)*

Issue: Outlet Road Connection to Route 123

There is an existing outlet road connecting southbound Route 123 to Lots 15 and 16, which is known for poor sight distance. As such, staff believes that use of the outlet road should be limited. Therefore, staff recommended that the applicant limit vehicular access to Lots 15 and 16 from Powdermill Lane only.

Resolution:

The applicant proposes to amend Proffer #4 of the previously approved proffers, to add the following sentence: "Lots 15 and 16 shall no longer have legal ingress/egress rights to Chain Bridge Road via the private ingress/egress easement." With the adoption of the proposed proffers, staff believes this issue will be resolved.

ZONING ORDINANCE PROVISIONS

Maximum Density/Bulk Regulations

BULK STANDARDS (R-2 DISTRICT)		
Standard	**Required**	**Provided**
Minimum Lot Size	15,000 SF	Lot 15 – 31,855 SF Lot 16 – 31,818 SF
Minimum Lot Width	100 ft. (interior) 125 ft. (corner)	100 ft.
Max. Building Height	35 ft. max.	35 ft.
Minimum Front Yard	35 ft. min.	35 ft.
Minimum Side Yard	15 ft. min.	15 ft.
Minimum Rear Yard	25 ft. min.	25 ft.
Minimum Open Space	N/A	N/A
Parking Spaces	2 spaces per unit	2 spaces per unit

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Minimum Rear Yard	25 ft. min.	25 ft.
Minimum Open Space	N/A	N/A
Parking Spaces	2 spaces per unit	2 spaces per unit

The maximum density permitted in the R-2 District is 2 du/ac. With the original rezoning of the property per RZ 87-P-020 from R-1 to R-2, the density of the proposed development of 31 single-family detached units was 1.82 du/ac. This application does not alter the density.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the subject application is in conformance with the Comprehensive Plan requirements and the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of PCA 87-P-020-02, subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Previously Approved Clerk's Letter & Proffers (RZ 87-P-020 & PCA 87-P-020)
5. Environmental Analysis
6. Transportation Analysis
7. Glossary

DRAFT PROFFERS - PCA 87-P-020-02
R-2 Zoning District
February 5, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-1((40)) 15 and 16 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of PCA 87-P-020, dated October 12, 1989, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 87-P-020 and PCA 87-P-020. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

1. Proffer No. 3 as currently written is deleted, and the following is substituted therefor: ***"3. The owners of Lots 15 and 16 may retain the existing dwellings in their current form, make substantial building additions to the existing dwellings or raze and erect new dwellings on the respective lots, provided that any substantial building additions or new dwellings erected are architecturally compatible with other residential structures in the neighborhood and shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020."***

2. Proffer No. 4 is hereby amended to add an additional sentence following the proffer as currently written to read: ***"4. ...Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES). A landscaping or other acceptable barrier shall be placed to block further ingress and egress."***

3. Except as modified by the foregoing changes, the Proffer Statement for PCA 87-P-020 dated October 12,1989 shall remain in full force and effect.

OAKTON GROVE, LLC, Owner Lot 16

By: _____

_____
DEBRA A. OSBORN, *aka* DEBRA A. KNISLEY
Co-owner Lot 15

_____
SCOTT F. KNISLEY
Co-owner Lot 15

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

I, STEPHEN K. FOX, AGENT, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 9690|a

in Application No.(s): PCA-87-P-020-02
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner,** etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in **BOLD** above)
OAKTON GROVE, LLC ✓	9031 SCOTT STREET, SPRINGFIELD, VA 22153	CO-APPLICANT, OWNER, LOT 16
TERRY M. BELT	9031 SCOTT STREET, SPRINGFIELD, VA 22153	AGENT FOR OAKTON GROVE LLC
DEBRA A. OSBORN (KNISLEY)	2616 POWERMILL LANE, VIENNA, VA 22181	CO-APPLICANT/CO-OWNER LOT 1
SCOTT KNISLEY	2616 POWERMILL LANE, VIENNA, VA 22181	CO-APPLICANT/CO-OWNER LOT 1
STEPHEN K. FOX, PC ✓	10511 JUDICIAL DR., #112, FAIRFAX, VA 22030	ATTORNEY, AGENT
STEPHEN K. FOX	10511 JUDICIAL DR., #112, FAIRFAX, VA 22030	ATTORNEY, AGENT

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name each beneficiary).

FORM RZA-1 Updated (7/1/06)

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

9690\a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
OAKTON GROVE, LLC
9031 SCOTT STREET
SPRINGFIELD, VA 22153

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
TERRY M. BELT, MEMBER/MANAGER
DOMINION ASSOCIATES, INC., MEMBER/MANAGER

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)
TERRY M. BELT, MEMBER/MANAGER
DOMINION ASSOCIATES, INC., MEMBER/MANAGER

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

FORM RZA-1 Updated (7/1/06)

Rezoning Attachment to Par. 1(b)

DATE: OCTOBER 29, 2007
(enter date affidavit is notarized)

96901a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
STEPHEN K. FOX P.C.
10511 JUDICIAL DRIVE., SUITE 112
FAIRFAX, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
STEPHEN K. FOX

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
DOMINION ASSOCIATES, INC.
9031 SCOTT STREET
SPRINGFIELD, VA 22153

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
CHARLES S. PORTER
STEVEN M. PORTER

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)
CHARLES S. PORTER - PRESIDENT/DIRECTOR
STEVEN M. PORTER - VICE PRESIDENT/DIRECTOR

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

FORM RZA-1 Updated (7/1/06)

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

96901a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS, both GENERAL and LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)
NONE

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

FORM RZA-1 Updated (7/1/06)

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

9690|a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "NONE" on the line below.)
NONE

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

9690 1a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
NONE

(NOTE: **Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:

Stephen K. Fox

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Stephen K. Fox, Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of OCTOBER 29, 2007, in the State/Comm. of Virginia, County/City of Fairfax.

Sherri F Lundberg
Notary Public

My commission expires: June 30, 2011

SHERRI L. LUNDBERG
Notary Public
Commonwealth of Virginia
Reg. #7082308
My Commission Exps. June 30, 2011

FORM RZA-1 Updated (7/1/06)

APPENDIX 3

Depar... RECEIVED ...nt of Planning & Zoning
JUN 07 2007
Zoning Evaluation Division

STEPHEN K. FOX
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
10511 JUDICIAL DRIVE
SUITE 112
FAIRFAX, VIRGINIA 22030

(703) 273-7220
skfox@stephenkfoxpc.com

FAX (703) 273-7225

June 7, 2007

Eileen McLane, Zoning Administrator
County of Fairfax
Attention: Barbara A. Byron, Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: **Statement of Justification**; Proffer Condition Amendment, PCA 87-P-020;
Tax Map Number 48-1-((40)), Lot 15 and Tax Map Number 48-1-((40)), Lot 16
Oakton Grove Subdivision

Dear Ms. Byron:

I write to you as attorney and agent for the above-property owners in connection with their request to amend proffers to delete the existing Proffer No. 3, which is a condition of Re-zoning 87-P-020. Proffer No. 3 reads as follows:

> "Developer will retain the existing residential structures shown as Lots 15, and 16 on the Generalized Development Plan."[1]

BACKGROUND

As counsel for the original zoning applicant, I am uniquely aware of the reasons for Proffer No. 3 as it relates to Lots 15 and 16. At that time, the owners of those lots were unwilling to sell their property to Capital Sun Corporation, which would require them to re-locate from the community in which they had lived for a substantial period. Instead, those owners were willing to allow their property to be included in the re-zoning application, inasmuch as the lots offered the opportunity for extra density in the overall development. The parties were compensated at that time on an agreed basis for the contribution that their properties made to the overall density attainable in the project. Now, twenty years later Lot 16 has been sold, and the new owner desires to raze the existing home and re-develop the site with a residence, slightly larger, which is compatible with the homes in the Oakton Grove subdivision. Lot 15 has also been transferred, and Mr. and Mrs. Knisley wish to make major modifications and additions to the structure to meet their current needs, perhaps, changing signification portions of the existing structure.

---

[1] The request includes any necessary or required notation on the existing Generalized Development Plan to effect the textual change to the proffers.

As you can see, much like the previous Proffer Condition Amendment in 1989, the rationale for retention of the existing dwellings has long since vanished. Retention of those dwellings was not in anyway related to Historical Preservation, but was merely to serve the personal needs of the then-owners.

It is submitted that deletion of Proffer No. 3 will not have a negative impact upon the community, but may in all respects have a positive impact by allowing new construction on Lots 15 and 16, which is more compatible with development in the subdivision.

REQUEST FOR WAIVER OF SUBMISSION REQUIREMENT

The Applicants intend to pursue this request for a Proffer Condition Amendment on a "text only" basis. In essence, the applicants request simply the ability to raze the existing structures on Lots 15 and 16, in whole or in part, and to rebuild other structures. The remaining Proffers adopted with the re-zoning shall remain in effect and shall, if applicable, continue to apply to the subject properties. In pursuing this matter as a "text only" Proffer Condition Amendment, the applicants hereby request the Zoning Administrator to waive the following submission requirements (referring to Section 18-202 of the Zoning Ordinance of Fairfax County): 2, 3, 5, 9 A thru V, 10, 11, and 12).

CONCLUSION

We enclose, herewith the filing fee in the amount of $4,410.00, along with all submission requirements except those, which are the subject of a specific waiver request. We would appreciate your reviewing the enclosed, and submitting the same to Staff for review and the scheduling of hearings before Planning Commission and the Board of Supervisors as soon as possible.

Very truly yours,

Stephen K. Fox

Stephen K. Fox

SKF/dk
Enclosures

cc: Mr. Terry M. Belt
with Enclosures



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

March 23, 1988

Stephen K. Fox, Esquire
Fox and Proffitt, P.C.
10385 Main Street
Fairfax, Virginia 22030

Re: Rezoning Application
Number RZ 87-P-020

Dear Mr. Fox:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 29, 1988, granting, as proffered, Rezoning Application RZ 87-P-020 in the name of Roger DeMarco and Capital Sun Corporation, subject to the proffers dated February 22, 1988 and accompanied by a letter of clarification dated February 26, 1988, to rezone certain property in the Providence District from the R-1 District to the R-2 District on subject parcels 48-1 ((1)) 1, 3, 4, 6; 38-3 ((1)) 24A, 24B; and 38-3 ((3)) 31 consisting of approximately 17.36 acres.

Very truly yours,

Ethel W. Register

Ethel W. Register, CMC, Agency Director
Office of the Clerk to the Board

EWR:ns
cc: Joseph T. Hix
Real Estate Division, Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Barbara A. Byron, Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay
Robert Moore, Transportation Planning Division,
Office of Transportation
Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer
Virginia Department of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 29th day of February, 1988, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 87-P-020

WHEREAS, Roger Demarco and Capital Sun Corporation, filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-1 District to the R-2 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-2 District, and said property is subject to the use regulations of said R-2 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 29th day of February, 1988.

Ethel W. Register

Ethel W. Register, CMC, Agency Director
Office of the Clerk to the Board

A Letter dated February 26, 1988 clarifying the proffers dated February 22, 1988 can be found attached to said proffers.

PROFFER STATEMENT
(RZ 87-P-020)
February 22, 1988

Pursuant to Va. Code Sections 15.1-491, et seq., the Applicant hereby proffers the following:

1. The property shall be developed in conformance with the Generalized Development Plan dated February 22, 1988. Density on the property shall not exceed 1.82 dwelling units per acre.

2. Developer will construct houses which are architecturally compatible with other residential structures in the neighborhood as determined by the Director of Department of Environmental Management. The houses constructed on the property will incorporate the "Energy Saver Home Standards" published by Virginia Power, a radon detection/venting system, doors with a STC rating 24 or greater and double-pane insulated windows.

3. Developer will retain the existing residential structures shown as Lots 6, 15, 16, and 20 on the Generalized Development Plan.

4. The developer will provide ingress/egress from Lots 16 and 17 via the proposed public street on the property.

5. The developer will maintain the existing ingress/egress easement for Tax Map No. 48-1 ((1)) Lots 7, 8, 9 and 10 to the proposed public street proximate to Lots 15 and 16 of the subject property.

6. The developer will dedicate the public street (the stub street) on the subject property to the common property line of the parcel identified as Tax Map No. 48-1((1)), Lot 2 to the Board of Supervisors in fee simple for a public right of way.

7. Access to the property shall be via Oak Valley Drive and the connecting public streets to be constructed on the property. The development shall not have ingress or egress from or to Five Oaks Road or Chain Bridge Road, provided, however, that Lot 27 shall have its driveway on Five Oaks Road.

8. The developer will dedicate thirty (30) feet from the center line of Oak Valley Drive, and construct full frontage improvements to include curb and gutter, sidewalks, right turn/deceleration lane according to the standards of the Public Facilities Manual and/or Virginia Department of Transportation. This dedication shall be to the Board of Supervisors in fee simple for a public right of way.

9. If VDOT determines within a period from the date of rezoning to 2 years after completion of the development (the date of release of the public improvements bond) that a traffic signal is warranted at the intersection of Oak Valley Drive and Chain Bridge Road, the developer will participate in the funding of a traffic signal by a contribution of $300.00 per dwelling lot.

10. The developer will extend the sanitary sewer line to the property line so as to provide sewer availability to offsite properties to the north of the property. Final alignment of the sanitary sewer extension shall be as approved by the Department of Public Works.

11. If required by the Department of Environmental Management, the developer will provide a geotechnical engineering study for the property at the time of subdivision plan review and build houses on the property in accordance with the recommendations, if any, of the geotechnical engineering study.

12. The developer will preserve the designated mature trees on Lots 1, 6, 20 and 31 and the trees within the "tree preservation areas" shown on the Generalized Development Plan as approved by the County Arborist at the time of subdivision plan review. In addition, the developer will preserve the mature black gum tree located at the front of Lot 11 and such other scattered stands of trees as may be preserved with approval of the County Arborist.

13. The limits of clearing and grading shall be as shown on the Generalized Development Plan and as approved by the Director of Department of Environmental Management at the time of subdivision plan review.

14. Outlot A shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

15. Outlot B shown on the Generalized Development Plan shall be reserved for conveyance at fair market value to the owner(s) of Lots 2 and 2A, (Tax Map 48-1((1)) at such time as said lots are consolidated for development, so as to permit development of the lots without a variance.

16. Outlot C shown on the Generalized Development Plan shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, provided, however, that dead and/or dying trees may be removed at the expense of the Homeowners Association as approved by the County Arborist.

17. The developer shall place a conservation easement on the portion of Lot 25 designated on the Generalized Development Plan, which easement shall be recorded among the land records of Fairfax County and shall run to the owners of Lots 18 and 19 of Oakdale Woods subdivision, specifying that the trees located on the designated portion of Lot 25 will remain uncleared and undisturbed except that the owner of Lot 25 shall be permitted to remove dead and/or dying trees. The easement granted shall not any way preclude the owner of Lot 25 from locating permitted accessory uses in this area, provided that no removal of trees is required to erect the accessory use.

The easement placed on the designated portion of Lot 25 shall be recited in the subdivision documents at the time of recordation of the subdivision plat as approved by the County Attorney and shall be recited in the deed of bargain and sale conveying Lot 25 to the ultimate owner.

18. The stormwater management pond shall be designed to reduce projected phosphorus runoff rates by 35% through the increase in the detention time of the stormwater to a minimum of 24 hours. Said pond shall be a shallow marsh or a permanent pool with a two-stage design as approved by the Director of the Department of Environmental Management.

19. At the time of subdivision plan review, the developer shall prepare a detailed drainage study of areas with natural drainage swales and high water table soils.

RZ 87-P-020

CAPITAL SUN CORPORATION

February 22, 1988
Date

By: _____
Richard Wilkinson, President

February 22, 1988
Date

_____
Roger O. DeMarco

February 22, 1988
Date

_____
Virginia Cooper

February 22, 1988
Date

_____
Thelma Kozak

February 22, 1988
Date

_____
Michael R. Zupan

February 22, 1988
Date

_____
Thomas Christie

February 22, 1988
Date

_____
Barbara Christie

FOX & PROFFITT, P.C.
ATTORNEYS AT LAW
10385 MAIN STREET
FAIRFAX, VIRGINIA 22030

STEPHEN K. FOX
RONALD C. PROFFITT

TELEPHONE: (703) 352-1655
TELECOPIER: (703) 273-4036

ROBERT P. VISSER, OF COUNSEL
ADMITTED NY, CA, DC

February 26, 1988

HAND DELIVERED

Mrs. Marilyn Anderson
Office of Comprehensive Planning
10640 Page Avenue
Fairfax, Virginia 22030

Re: RZ 87-P-020; Letter of Clarification of Proffers Dated February 22, 1988

Dear Mrs. Anderson:

On behalf of the applicants, this letter is submitted in clarification of the executed proffers dated February 22, 1988 in the above case.

With respect to Proffer No. 16, Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, to be approved by the County Attorney.

With respect to Proffer No. 18, the on-site detention pond to be built shall be a shallow marsh pond, a permanent pool or as approved by the Director of the Department of Environmental Management at the time of subdivision plan review.

It is, further, the applicant's intent that the Director of the Department of Environmental Management may at the time of subdivision plan review, require the applicant to participate in a regional storm water detention facility (Pond D-30) in lieu of the onsite detention pond. In the event that the Director requires the applicant to participate in the regional storm water facility, the applicant agrees to prepare an estimate of the cost of constructing the on-site detention facility to be approved by the Department of Public Works and, instead of constructing the on-site facility, the applicant will contribute funds equal to the approved estimate to the County to assist in funding the cost of the regional detention facility.

I would appreciate your making this clarification of the Proffers dated February 22, 1988 a part of the record before the Board of Supervisors in this case.

Very truly yours,

Stephen K. Fox

Stephen K. Fox
Attorney and Agent for Applicants

/nh



COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

November 22, 1989

Stephen K. Fox, Esquire
Fox and Proffitt P.C.
10385 Main Street - Suite 203
Fairfax, Virginia 22030

Re: Proffered Condition Amendment
Number PCA 87-P-020

Dear Mr. Fox:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 30, 1989, approving Proffered Condition Amendment PCA 87-P-020 in the name of Capital Sun Corporation, subject to the revised proffers dated October 12, 1989, on subject parcels 48-1 ((1)) 1, 1A, 4A, 6, 6A and 38-3 ((3)) 31 consisting of approximately 17.36 acres in Providence District.

Sincerely,

Theodore Austell III

Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

TAIII:ns

cc: Joseph T. Hix
Real Estate Division, Assessments
Jane W. Gwinn
Zoning Administrator
Barbara A. Byron, Director
Zoning Evaluation Division
Robert Moore, Transportation Planning Division,
Office of Transportation
Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer
Virginia Department of Transportation
Richard Jones, Manager, Land Acquisition & Planning Division
Fairfax County Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 30th day of October, 1989, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 87-P-020

WHEREAS, Capital Sun Corporation, filed in the proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 30th day of October, 1989.

Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

PROFFER STATEMENT FOR
PCA 87-P-020
October 12, 1989

Pursuant to Va. Code Sections 15.1-491, et seq., the Applicant hereby proffers the following:

1. The property shall be developed in conformance with the Generalized Development Plan dated July 14, 1989 showing thirty-one (31) lots.

2. Developer will construct houses which are architecturally compatible with other residential structures in the neighborhood as determined by the Director of Department of Environmental Management. The houses constructed on the property will incorporate the "Energy Saver Home Standards" published by Virginia Power, a radon detection/venting system, doors with a STC rating 24 or greater and double-pane insulated windows.

3. Developer will retain the existing residential structures shown as Lots 15, and 16 on the Generalized Development Plan.

4. The developer will provide ingress/egress from Lots 15 and 16 via the proposed public street on the property.

5. The developer will maintain the existing ingress/egress easement for Tax Map No. 48-1 ((1)) Lots 7, 8, 9 and 10 to the proposed public street proximate to Lots 15 and 16 of the subject property.

6. The developer will dedicate the public street (the stub street) on the subject property to the common property line of the parcel identified as Tax Map No. 48-1((1)), Lot 2 to the Board of Supervisors in fee simple for a public right of way, as required by the Department of Environmental Management and Virginia Department of Transportation. Dedication of the public street shall be made on demand or at the time of subdivision plat approval, whichever occurs first, provided that full advance density credit is approved by the Board of Supervisors at the time of rezoning.

7. Access to the property shall be via Oak Valley Drive and the connecting public streets to be constructed on the property. The development shall not have ingress or egress from or to Five Oaks Road or Chain Bridge Road, provided, however, that Lot 25 shall have its driveway on Five Oaks Road.

8. Upon request of Fairfax County or at the time of subdivision plat approval, whichever occurs first, the developer will dedicate and convey thirty (30) feet from the center line of Oak Valley Drive, and construct full frontage

improvements to include curb and gutter, sidewalks, right turn/deceleration lane according to the standards of the Public Facilities Manual and/or Virginia Department of Transportation. This dedication shall be to the Board of Supervisors in fee simple for a public right of way.

9. The developer will participate in the funding of a traffic signal at the intersection of Oak Valley Drive and Chain Bridge Road by a contribution of $300.00 per dwelling lot. Said contribution shall be made prior to the issuance of the first Residential Use Permit and shall be in the form of cash to be held in an escrow fund or a letter of credit in a form acceptable to the Director of DEM. If VDOT does not determine within a period from the date of approval of the proffered condition amendment to 2 years after completion of the development (the date of release of the public improvements bond) that a traffic signal is warranted, the cash escrow shall be released to the developer or in the case of a letter of credit, the obligation of the letter of credit shall be released.

10. The developer will extend the sanitary sewer line to the property line so as to provide sewer availability to offsite properties to the north of the property. Final alignment of the sanitary sewer extension shall be as approved by the Department of Public Works.

11. If required by the Department of Environmental Management, the developer will provide a geotechnical engineering study to PFM standards for the property at the time of subdivision plat review and build houses on the property in accordance with the recommendations, if any, of the geotechnical engineering study as determined by the Department of Environmental Management.

12. The developer will preserve the designated mature trees on Lots 1, 19 and 20 and the trees within the "tree preservation areas" shown on the Generalized Development Plan as approved by the County Arborist at the time of subdivision plat review. In addition, the developer will preserve the mature black gum tree located at the front of Lot 11 and such other scattered stands of trees as determined by the County Arborist.

13. The limits of clearing and grading shall be as shown on the Generalized Development Plan and as approved by the Director of Department of Environmental Management at the time of subdivision plat review.

14. Outlots A-1 and A-2 shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

15. Outlot B, shown on the Generalized Development Plan, is not calculated in the density for the site and shall be reserved for conveyance at fair market value to the owner(s) of Lots 2 and 2A, (Tax Map 48-1((1)) at such time as said lots are consolidated for development, so as to permit development of the lots without a variance.

16. Outlot C shown on the Generalized Development Plan shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat. Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, provided, however, that dead and/or dying trees may be removed at the expense of the Homeowners Association provided that the identification and method of removal is approved by the County Arborist.

17. The developer shall place a conservation easement on the portion of Lot 25 designated on the Generalized Development Plan, which easement shall be recorded among the land records of Fairfax County and shall run to the owners of Lots 18 and 19 of Oakdale Woods subdivision, specifying that the trees located on the designated portion of Lot 25 will remain uncleared and undisturbed except that the owner of Lot 25 shall be permitted to remove dead and/or dying trees. The easement granted shall not any way preclude the owner of Lot 25 from locating permitted accessory uses in this area, provided that no removal of trees is required to erect the accessory use.

The easement placed on the designated portion of Lot 25 shall be recited in the subdivision documents at the time of recordation of the subdivision plat as approved by the County Attorney and shall be recited in the deed of bargain and sale conveying Lot 25 to the ultimate owner.

18. The stormwater management ponds (Outlots A-1 and A-2 shown on the Generalized Development Plan) shall be designed to reduce projected phosphorus runoff rates by 35% through the increase in the detention time of the stormwater to a minimum of 24 hours. Said ponds shall be shallow marsh or a permanent pool with a two-stage design as approved by the Director of the Department of Environmental Management.

At the time of subdivision plat review, the Director of Department of Environmental Management may require the Applicant to participate in a regional storm water detention facility (Pond D-30) in lieu of onsite detention ponds. In the event that the Director requires the Applicant to participate in the regional stormwater facility, the Applicant shall contribute on a construction-avoidance-calculation basis to the cost of constructing the regional detention facility as determined by Department of Environmental Management.

Applicant's contribution on a construction-avoidance-calculation basis to the regional detention facility shall include the extra cost, if any, of constructing the required on-site facility in such a manner to reduce projected phosphorus runoff rates by 35% through the increase in detention time of the stormwater to a minimum of 24 hours as determined by the Department of Environmental Management.

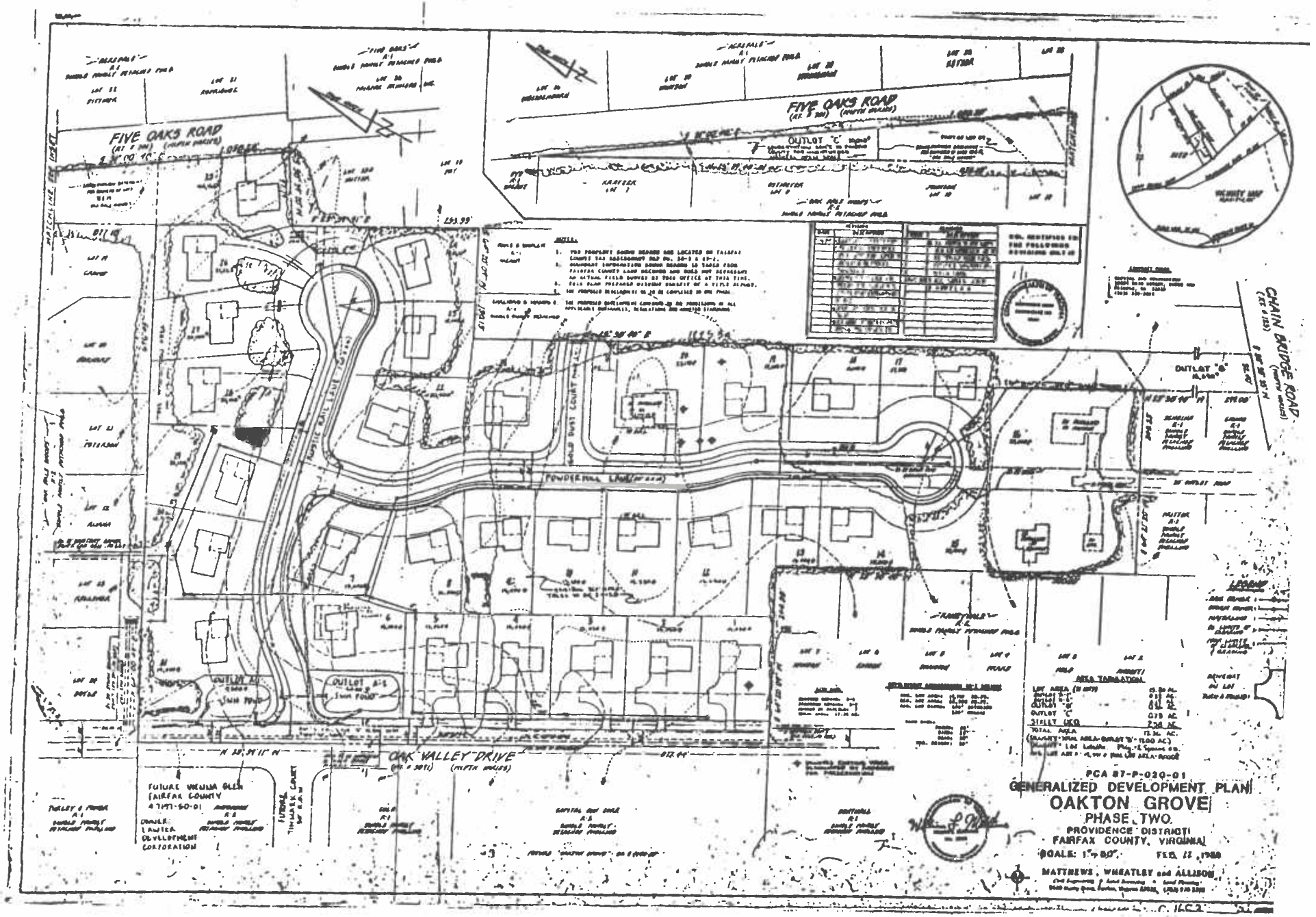
If onsite detention is not required by the Director of the Department of Environmental Management at the time of subdivision plat approval, Outlot A-1 shall be included as part of proposed Lot 6 and Outlot A-2 shall be included as part of proposed Lot 31.

19. At the time of subdivision plat review, the developer shall prepare a detailed drainage study of areas with natural drainage swales and high water table soils, subject to approval by the Department of Environmental Management and these findings will be included in the subdivision plat.

CAPITAL SUN CORPORATION

By: Richard A. Wilkinson
Richard A. WilKinson,
President

A-979.305


FIVE OAKS ROAD
OUTLOT "C"
OAK VALLEY DRIVE
CHAIN BRIDGE ROAD
PCA 87-P-020-01
GENERALIZED DEVELOPMENT PLAN
OAKTON GROVE
PHASE TWO
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 50'
FEB. 12, 1988
MATTHEWS, WHEATLEY and ALLISON

County of Fairfax, Virginia

MEMORANDUM

DATE: October 22, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **ENVIRONMENTAL ANALYSIS: PCA 87-P-020-02**
Oakton Grove

This memorandum, prepared by Mary Ann Welton, AICP, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed proffer condition amendment, dated July 22, 2007. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 5, the Plan states:

"**Objective 2:** **Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design techniques and low impact development (LID) . . . .

Department of Planning and Zonin
Planning Divisio
12055 Government Center Parkway, Suite 73
Fairfax, Virginia 22035-550
Phone 703-324-138
Fax 703-324-305
www.fairfaxcounty.gov/dp

Excellence * Innovation * Stewardship
Integrity * Teamwork* Public Service

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation."

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 7, states:

"**Objective 3:** Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance"

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 14, states:

"**Objective 10:** **Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices."

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Lots 15 and 16 include 1.46 acres of land within the Oakton Grove subdivision that are subject to proffers associated with the approved rezoning, RZ 87-P-020. Proffer Number 3 requires the retention of homes on Lots 15 and 16.

Under the current application, the applicant is seeking to delete Proffer Number 3 because the original owners of Lots 15 and 16 have transferred the parcels, and the current owners would like to rebuild or substantially alter the respective homes on the subject lots. In addition, this application seeks a waiver of the submission requirements because the proffer amendment request is a "text only" amendment.

Stormwater Management/Best Management Practices: This application will involve re-development and possible increases in the amount of impervious surface for the subject property. Because no development plan has been submitted for this application, it is not clear how the redevelopment of the two lots will meet current stormwater management requirements. The applicants are encouraged to provide more information regarding the

manner in which current water quality and quantity control requirements will be addressed with the proposed re-development of Lots 15 and 16.

Tree Preservation: The subject property is characterized by a dense canopy of deciduous trees, particularly on Lot 16. In the absence of a development plan, no information is available regarding possible tree preservation for the proposed redevelopment. The applicant should provide an inventory of existing vegetation for the subject property, as well as a depiction of tree preservation areas and specimen trees which will preserved in conjunction with this application.

COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan Map does not depict any trails immediately adjacent to the subject property.

PGN: MAW

County of Fairfax, Virginia

MEMORANDUM

DATE: October 15, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-4(RZ 87-P-020-2)

SUBJECT: PCA 87-P-020-2; Oakton Grove, Debra Knisley and Scott Knisley
Land Identification Map: 48-1-((40))-15 and 16

This department has reviewed the proffered condition amendment revised through July 2007. We have the following comments.

- An existing outlet road connecting Route123 southbound to lots 15 and 16 is known for poor sight distance. Thus, any addition to the existing homes or construction of a new home on these properties should only allow vehicular access from Powdermill Lane to further limit the use of the outlet road.

AKR/MEC

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot

FCDOT
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GLOSSARY

This Glossary is provided to assist the public in understanding
the staff evaluation and analysis of development proposals.
It should not be construed as representing legal definitions.
Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan
or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggared work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code; includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District
ADU	Affordable Dwelling Unit
ARB	Architectural Review Board
BMP	Best Management Practices
BOS	Board of Supervisors
BZA	Board of Zoning Appeals
COG	Council of Governments
CBC	Community Business Center
CDP	Conceptual Development Plan
CRD	Commercial Revitalization District
DOT	Department of Transportation
DP	Development Plan
DPWES	Department of Public Works and Environmental Services
DPZ	Department of Planning and Zoning
DU/AC	Dwelling Units Per Acre
EQC	Environmental Quality Corridor
FAR	Floor Area Ratio
FDP	Final Development Plan
GDP	Generalized Development Plan
GFA	Gross Floor Area
HC	Highway Corridor Overlay District
HCD	Housing and Community Development
LOS	Level of Service
Non-RUP	Non-Residential Use Permit
OSDS	Office of Site Development Services, DPWES
PCA	Proffered Condition Amendment
PD	Planning Division
PDC	Planned Development Commercial
PDH	Planned Development Housing
PFM	Public Facilities Manual
PRC	Planned Residential Community
RC	Residential-Conservation
RE	Residential Estate
RMA	Resource Management Area
RPA	Resource Protection Area
RUP	Residential Use Permit
RZ	Rezoning
SE	Special Exception
SEA	Special Exception Amendment
SP	Special Permit
TDM	Transportation Demand Management
TMA	Transportation Management Association
TSA	Transit Station Area
TSM	Transportation System Management
UP & DD	Utilities Planning and Design Division, DPWES
VC	Variance
VDOT	Virginia Dept. of Transportation
VPD	Vehicles Per Day
VPH	Vehicles per Hour
WMATA	Washington Metropolitan Area Transit Authority
WS	Water Supply Protection Overlay District
ZAD	Zoning Administration Division, DPZ
ZED	Zoning Evaluation Division, DPZ
ZPRB	Zoning Permit Review Branch

N:\ZED\WORDFORMS\FORMS\Miscellaneous\Glossary attached at end of reports.doc

PROFFERS - PCA 87-P-020-02
R-2 Zoning District
April 1, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-1((40)) 15 and 16 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of PCA 87-P-020, dated October 12, 1989, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 87-P-020 and PCA 87-P-020. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

1. Proffer No. 3 as currently written is deleted, and the following is substituted therefor:

"3. The owners of Lots 15 and 16 may retain the existing dwellings in their current form, make substantial building additions to the existing dwellings or raze and erect new dwellings on the respective lots, provided that:

a. any substantial building additions or new dwellings erected are architecturally compatible with other residential structures in the neighborhood as determined by DPWES;

b. grading and construction activities shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall inspect the trees on the GDP to be saved if possible with an Urban Forest Management (UFM) representative. Tress identified to be preserved shall be protected by tree protection fencing in the form of 4 foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the GDP. Trenching for the fence shall not sever or wound compression roots which can lead to structural

failure and/or uprooting of trees. Tree protection fencing shall be installed prior to any clearing and grading activities.

The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to commencement of any clearing, grading , or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

c. Prior to issuance of a building permit, the Applicants shall post cash, bond, or letter of credit in an amount not to exceed $3,000 payable to the County of Fairfax to ensure preservation and/or replacement of the trees that are designated to be saved that die or are dying due to unauthorized construction activities on the site. Any trees shown to be preserved on the approved plan that die or are dying due to unauthorized construction activities shall be replaced with trees of a species and size acceptable to the Urban Forest Management, DPWES, deemed reasonably assured of surviving. These tree replacement measures shall not apply to trees that die or begin to die as a result of factors not related to the Applicant's construction activities."

d. In addition to trees preserved as noted in c, above, the Applicant shall provide additional landscaping for aesthetic purposes as shown on the Lot 16 over lot grading plan, using as a guide, the Chesapeake Bay Preservation Act vegetative buffer planting guidelines;

e. Applicant shall contribute the total amount of $300.00 to the Board of Supervisors to assist funding of library collections at the Oakton community library.

f. Applicant shall contribute the total amount of $300.00 to the Board of Supervisors for the Providence District Tree Fund, the same to be used for projects in the Providence District."

2. Proffer No. 4 is hereby amended to add an additional sentence following the proffer as currently written to read:

"4. ...Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES).

3. Except as modified by the foregoing changes, the Proffer Statement for PCA 87-P-020 dated October 12, 1989 shall remain in full force and effect.

OAKTON GROVE LLC, Owner Lot 16

By: _____
Terry M. Belt, Member/Manager

By: Dominion Associates, Inc., Member/Manager

by: _____
Steven M. Porter, Vice President

_____
DEBRA A. OSBORN, *aka* DEBRA A. KNISLEY
Co-owner Lot 15

_____
SCOTT F. KNISLEY
Co-owner Lot 15

Scott & Debra Knisley
2616 Powdermill Lane
Vienna, VA 22181

August 21, 2025 (revised on July 27,2026)

Tracy Strunk
Director of Zoning Evaluation Division
Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Appeal Request for INTZED-2026-PR-00032; PCA 87-P-020-02; 2615 Powdermill Lane; Tax Map 48-1 ((40)) 16; Driveway Layout

Dear Ms. Strunk,
I spoke with Cathy Belgin regarding the outcome of the substantial conformance determination and concerns we have related to the pending driveway/road expansion and the impacts on our property. She provided the link and instructions for submitting an appeal.

Why we're making this appeal:

- Project will/has made an ongoing runoff and erosion issue worse
- The culmination of increased impervious area from 2615 projects over time resulting in larger impact to our property
- We're concerned about the potential for future projects under 2,500 disturbed area
- The unique situation of our houses, and the 2615 side driveway meant front and back impervious area codes aren't relevant leaving us wondering what if any limits/codes are applicable. We have attempted to get this information from the county but they aren't willing to interpret anything for us because of the appeal.
- We were not contacted for input for the substantial conformance determination even though there was an open complaint about the pending driveway expansion. So this is the only option remaining for us to explain our concerns and get clarification.
- Based on documents and earlier contact with the county builder of the day we believe the area paved extends slightly into the tree preservation areas. The builder originally paved as far as was allowed to per the limits in the grading plan.
- Proffer Condition Narrative submittal Item 1 b) refers to PCA 87-P-020-02 limits while the Proffer amended 1 b) refers to PCA 87-P-020 limits.

The Molivadas family has scheduled their paving for August 25th. Given the deadline for this appeal is August 27th, we have texted to let them know about the appeal and asked if they could move the date until after the 27th. Chris Molivadas said they would be keeping the paving date of August 25th. We emailed the document to them as well. (They have since completed the paving.)



Unique situation and lot arrangement (side yard facing front yard) – Lack of sideyard impervious area limitations leading to more parking area and pavement added by homeowner, creating heavy runoff into our front yard and into cul-de-sac
These homes were once facing front yard to front yard across the shared road. Our home remained front facing to the shared road. In 2008, 2615 was re-built side facing to the shared road. Fairfax County front yard impervious area limits are put in place to limit heavy run off and prevent water from rushing onto neighboring properties and public streets. This is happening from their side yard pavement. The house was built in 2008 with a 3 car garage/driveway. It has been extended with this approval to a 5 car driveway facing our house/front yard.

Heavy Runoff from 2615 Powdermill Lane to 2616 Powdermill Lane and into cul-de-sac
We have included photos and a video to show the runoff and impacts. There is significant runoff from 2615 Powdermill Lane onto our front and side yards. It is causing erosion and has created low spots with water pooling in our yard. After heavy rain, water pools across most of the length of the front yard and around our trees in the front yard. There is also slight pooling around a utility pole at times. Per the arborist that viewed our trees, the trees are in a low spot where oversaturation from rain and runoff from the driveway pool and lead to anaerobic conditions in the soil for all three trees. These are 2 native dogwoods and 1 native redbud. Since we have added an additional native redbud. The low areas have developed over time due to the runoff. The runoff also brings a large area of pesticides and herbicides to our front yard and trees. These issues are now exasperated by the additional 670+ feet of paved area.

We have also included an email from the Northern Virginia Soil and Water Conservation District. In the email it says “One of your photos shows a wide flow, termed a sheet flow of stormwater runoff that runs diagonally to your front yard from your neighbor’s property. When/if your neighbor expands the pavement, the runoff will increase. Currently the runoff causes erosion around the planting bed and the trees along the driveway”. The photo was prior to the driveway expansion. We have photos and a video that show more water pooling in these areas after the expansion.

Culmination of changes from approved grading plan - impacting our property

There have been several changes from the 2008 approved grading plan to the present adding additional impervious areas. The culmination of these changes has resulted in a significant compounded effect from runoff flowing from 2615 Powdermill Lane to 2616 Powdermill Lane causing low spots, erosion and tree damage.

- Approved in the 2008 grading plan - The lot is built up to a higher grade in 2008 with 3 car driveway sloping toward our yard; length of asphalt area longer than grading plan
- Designated buffer area of trees in approved grading plan was cleared/relocated by home owner. The grading plan notes this buffer was added to satisfy Proffer #1 PCA 87-P-020-02)
- Asphalt bump-out toward our front yard (approx. 2 feet deep by 10 feet wide) added by home owner after home build project completed – not in approved grading plan
- Pool added in 2014 – adding significant impervious area in the top corner of the yard. May include some proffered tree save area on 1988 GDP and 2008 grading plan
- Deck converted to all season room with roof after pool added – Shown on pool plan as open deck
- Very large, oversized shed added
- New driveway widening and road widening in 2025 (approx. 679 square feet in the proposal). This creates a 5 car driveway and brings pavement closer to our front yard and trees.

Impervious surface % increases over time

With the additional 679 feet of paved area in the submitted proposal, the impervious surface will be above 30% to at least 32.7% based on the 2008 and 2014 calculations.

Drive/Dwelling	7,575
Landscape	24,243
Total	**31,818**
Impervious % - Grading plan 2008	**23.8%**
Grading Plan 2008 Drive/Dwelling (23.8%)	7,575
Pool Deck added 2014	2,150
New request - extended driveway/road 2025	679
Total Impervious	**10,404**
Total	**31,818**
% Impervious with Pool & Driveway expansion	**32.7%**

Tree Preservation Areas

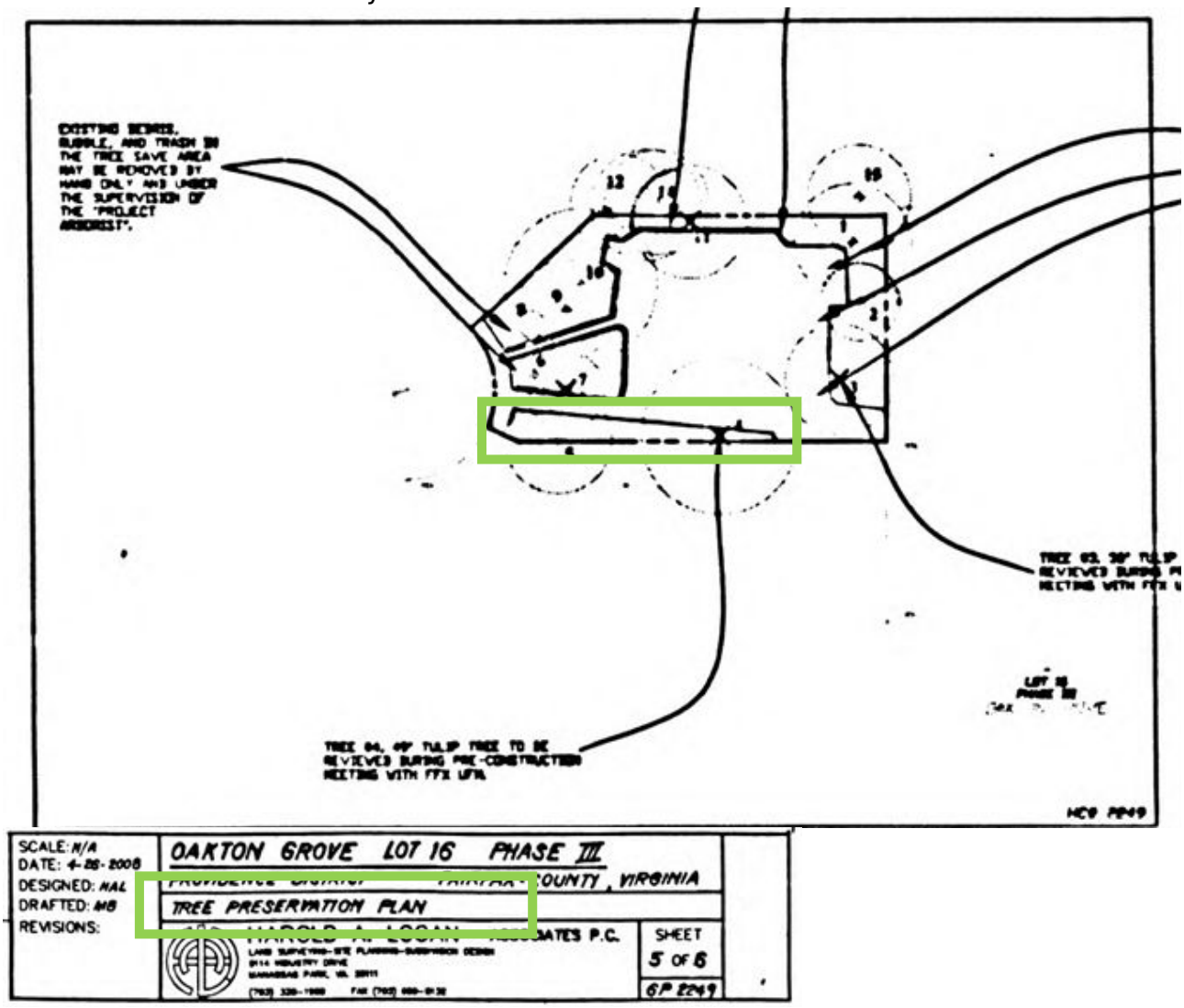
The area impacted was designated a tree preservation area in the 2008 Environmental Analysis and beyond the limits of clearing and grading in the 2008 new build grading plan. Below is a screenshot from the approved grading plan for the development of Oakton Grove Lot 16 (2615 Powdermill Lane) that is labeled Oakton Grove Phase III Lot 16 Tree Preservation Plan. The green box that I added to the image shows the area that is being flooded (our front yard and 2615 side yard). It is the area on the Molivadas side between the road and our property line/front yard.

These areas on lot 15 and 16 did not need to be defined on the 1988 GDP as these lots were not to be developed at that time per proffer #3 in 87-P-020.

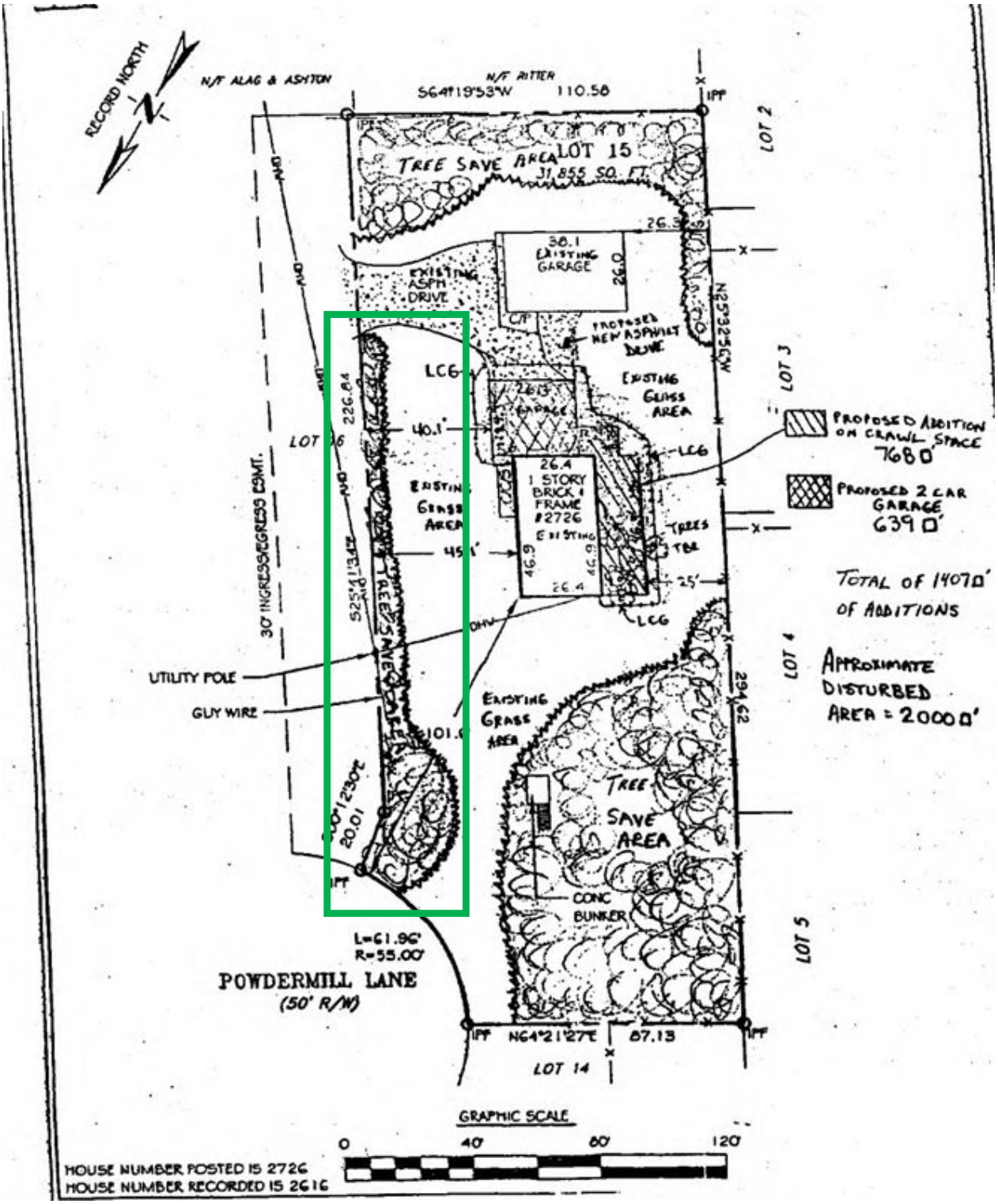
Documentation of tree save/preservation area located on both sides of the shared property line between Lot 15 and Lot 16 below:

Oakton Grove Phase 3 Lot 16_4140-INF-002-3

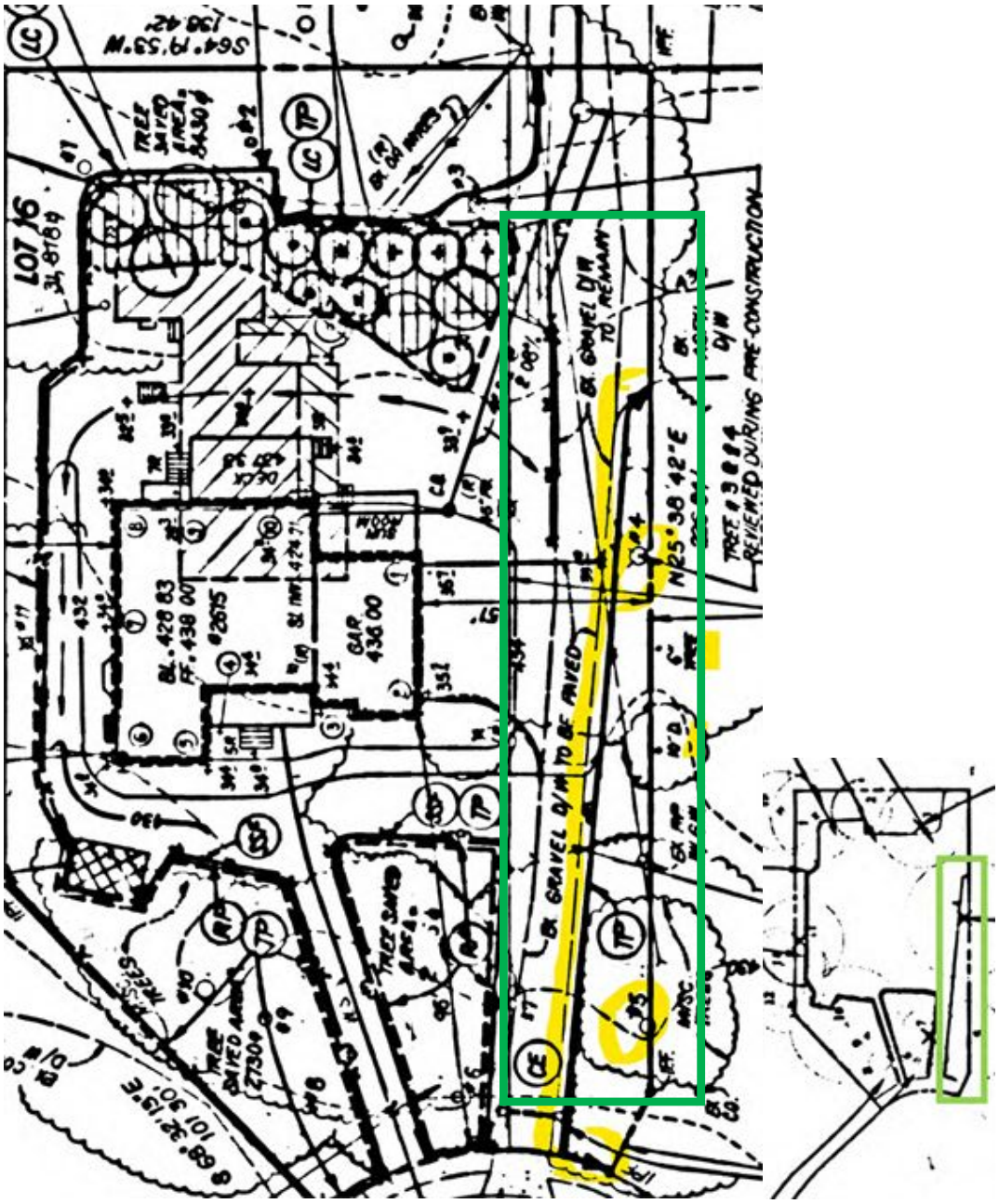
This is from the 2008 Tree Preservation Plan. Trees in this area marked with the green box were included in the Tree Inventory.



The image below was submitted for Lot 15 (2616 Powdermill) with the 2008 proffer amendment request to be reviewed for compliance with the proffer. You can see Tree Save Area along the shared property line. This is the tree save/preservation area on our side of the property. This lines up with the area I marked above with the green box in the tree preservation plan and grading plan for Lot 16 (2615 Powdermill).



This shows the tree save area along the shared property line is shown on the Lot 16 approved grading plan. This is consistent with the area in the tree preservation plan.



Environment Analysis 2008 – Tree Preservation

This section of the environmental analysis in the staff report gives a description of the areas of tree save/preservation in the graphics above including those from the tree preservation plan and use these as qualifications for recommending approval. It was recommended that the applicant preserve as much of the canopy as possible.

Issue: Tree Preservation

The subject property is characterized by a dense canopy of deciduous trees, particularly on Lot 16. Staff recommended that the applicant to endeavor to preserve as much of this canopy as possible. To that end, staff recommended that the applicant provide an inventory of existing vegetation for the subject property, as well as a depiction of tree preservation areas and specimen trees to be preserved in conjunction with this application.

Resolution:

The materials provided by the applicant depict proposed tree save areas along the periphery of Lots 15 and 16. Tree save areas are shown along the northern, southern and eastern boundaries of Lot 15; however, the size of the tree save areas is not provided. Two tree save areas are shown near the northern boundary of Lot 16. One of the tree save areas is 2,065 square feet (SF) in size and the other tree save area is shown to be 2,730 SF. These areas are separated by the existing driveway on Lot 16 in size. Another tree save (3,430 SF) area is shown

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along the southern boundary of Lot 16. Therefore, staff believes that this issue has been resolved.

Proffer Intent – Proffer Condition Narrative shows actual intent; Revised Proffer sentence may have been inadvertently incorrect

Per Cathy Belgin, the basis for approving this project on appeal was that it met proffer requirements of *"not encroaching upon the limits of clearing and grading approved with PCA 87-P-020"* which was created in 1988. I would like to explain below for your consideration why we believe the intent was to use the 2008 Grading Plan limits, rather than the 1988 GDP limits.

- The Proffer Condition Narrative submittal states "PCA 87-P-020-02" limits of clearing and grading. (image provided below this section)
- The Environmental Analysis completed in 2008 resulted in a Tree Preservation Plan. The revised proffer wouldn't intentionally ignore the Environmental Analysis and the Tree Preservation Plan submitted with the grading plan in 2008. This would be a waste of county resources.
- In 1988, these 2 lots (Lot 15 and 16) were not allowed to be knocked down per the proffer so it makes sense that the trees on these lots were not inventoried at that time.
- The trees in this area were mature, native trees consistent with the types of trees in the other areas.
- A waiver was granted to allow the grading plan to be submitted in place of a GDP for consideration of proffer requirements.

Here are the two sentences for comparison. The first is provided in the Proffer Condition Narrative submitted for consideration to amend PCA 87-P-020:

Proffer Condition Narrative submittal – proffer amendment request:
b. The clearing and grading shall be consistent with those approved with PCA 87-P-020-02 and the developer shall have said limits and tree protection fencing inspected by a certified arborist or landscape architect and Fairfax County Urban Forestry personnel prior to commencement of land disturbing activities. Tree protection shall be provided as shown on the PCA and shall contain tree protective fencing as described in the proffer....

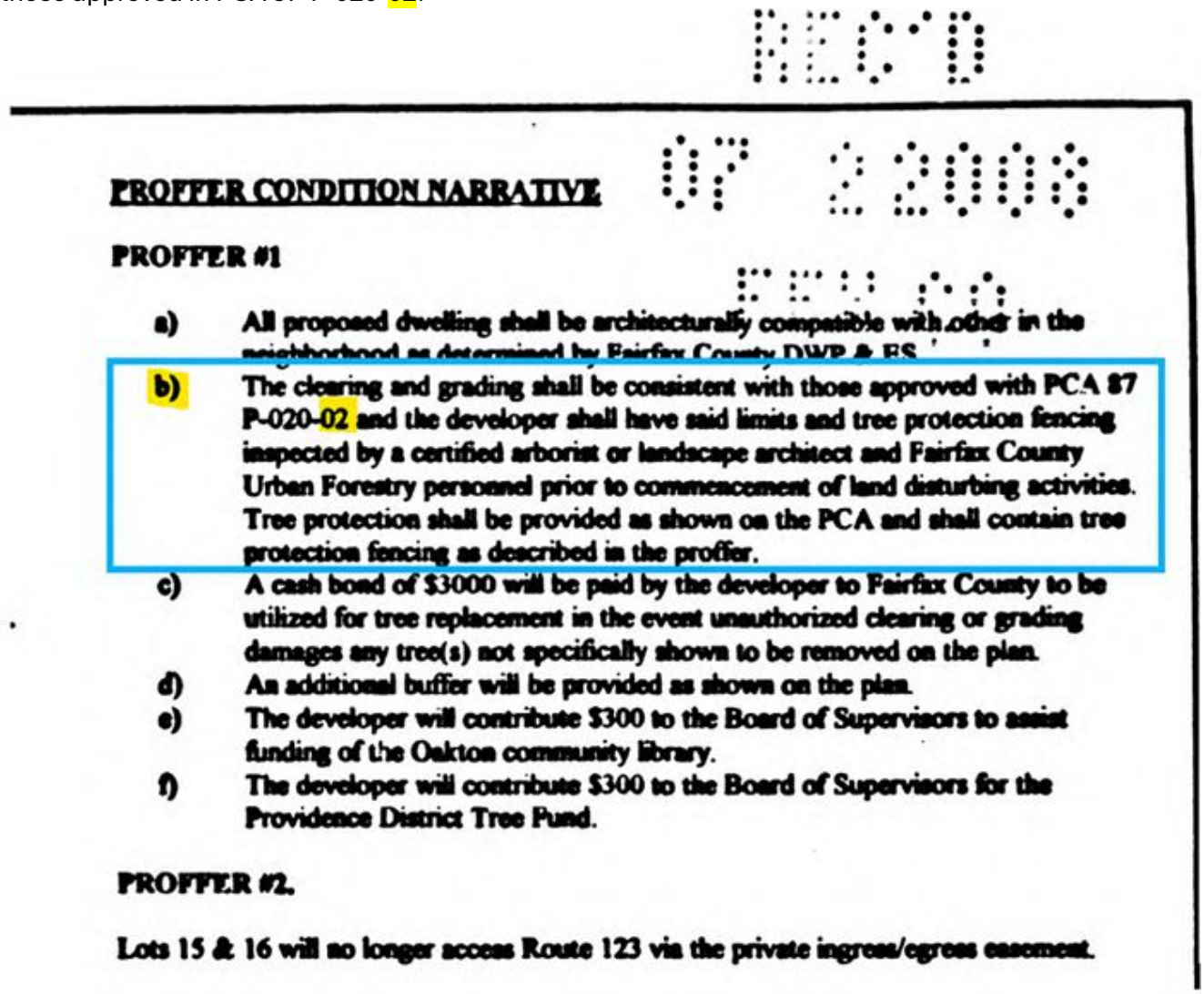
This is the sentence in the proffer as revised

b. grading and construction activities shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before of during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall inspect the trees on the GDP to be saved if possible with an Urban Forst Management (UFM representative. Trees identified to be preserved shall be protected by tree protection fencing....

Because of the nature of the request, the subject application has been granted a waiver of the requirement for submission of a Generalized Development Plan (GDP) in association with the submitted proffered condition amendment. Instead, the applicant has submitted a copy of the Grading Plan for Lot 16 showing the

Proffer Condition Narrative

In this Proffer Condition Narrative it is stated that the clearing and grading shall be consistent with those approved in PCA 87-P-020-02.



PROFFER CONDITION NARRATIVE

PROFFER #1

a) All proposed dwelling shall be architecturally compatible with other in the neighborhood as determined by Fairfax County DWP & ES.

b) The clearing and grading shall be consistent with those approved with PCA 87 P-020-02 and the developer shall have said limits and tree protection fencing inspected by a certified arborist or landscape architect and Fairfax County Urban Forestry personnel prior to commencement of land disturbing activities. Tree protection shall be provided as shown on the PCA and shall contain tree protection fencing as described in the proffer.

c) A cash bond of $3000 will be paid by the developer to Fairfax County to be utilized for tree replacement in the event unauthorized clearing or grading damages any tree(s) not specifically shown to be removed on the plan.

d) An additional buffer will be provided as shown on the plan.

e) The developer will contribute $300 to the Board of Supervisors to assist funding of the Oakton community library.

f) The developer will contribute $300 to the Board of Supervisors for the Providence District Tree Fund.

PROFFER #2.

Lots 15 & 16 will no longer access Route 123 via the private ingress/egress easement.

In Summary

We originally completed this document for the submittal deadline. We have since revised to include some perspective from after the project was completed. The owner chose to move forward despite the appeal. Thank you for your time and effort in reviewing this appeal. We hope it provides a more complete, clear picture of the project and the impacts. We understand on the surface the project seemed small and inconsequential, however there are many aspects that were not evident in the interpretation request. There are some photos below, some from before and some from after the project. There is also a video and many more pictures on PLUS if you are able to view.

If you have questions or need additional information please feel free to contact us.

These pictures are <u>after</u> the paving:
(facing Molivadas home and new pavement) the area under the lower windows is new paving and widened closer to the trees, not sure of the exact amount.







The water in the swell flows into a wooded area on our lot with large poplars. We know this is causing damage over time and that it will only get worse.







Facing Knisley home – property line marker visible here







Pictures from before the new extended paving:

This picture shows the water pooling on the left side of our front yard and the sloping angle of the driveway. This driveway is currently 3 spaces and would become 5 spaces wide. You can also see the water traveling downhill in the road and driveway at our front yard.



This picture (before paving) shows water pooling on the right side of our front yard. Water pooling around the dogwood, exposed roots and a large area of water. You can see the sloping angle of the driveway. Orange lines are to show where the new asphalt would be on both sides of the road.



This is water pooling very close to the utility pole. This is very close or on the property line. The proposal has the asphalt



This clearly shows the direction of the water flow. I added the orange lines to show the additional pavement area. This area will be quite large with an additional 18 feet across.



In this picture you can see water has filled this swell and you can see the water pooling at the utility pole. The property line marker is pink. This spring we had Merrifield Garden Center remake this mulch bed on our side. The team suggested building in the swell because of the way the water had washed out the previous mulch bed and created a rut.



These pictures show how expansive the paved area will be with the expansion.





This picture shows that the tree canopy extends over the area of proposed paving at the front of the picture. The yellow arrow is pointing to the bump out that was added by the homeowner. You can see here the original road was brought to the edge of the tree save area (tree canopy). The tree save area spans both sides of the property line. The trees are on our side.



J

Contract Information

Owners: Scott & Debra Knisley
Address: 2616 Powdermill Lane, Vienna, VA 22181
Debbie: (703) 307-2356; debraaknisley@gmail.com
Scott: (703) 307-2357; knisley1@verizon.net

Application in question for: 2615 Powdermill Lane, Vienna VA 22181
Tax Map #48-1 ((40)) 16

Attachments:
INTZED-2025-PR-00032
Staff Report for Application PCA-87-P-020-02
Proffers PCA 87-P-020-02
Oakton Grove Phase 3 Lot 16_4140-INF-002-3

From: Baron, Scott
Sent: Friday, September 19, 2025 4:02 PM
To: Knisley, Debbie A. [US]
Subject: FW: [EXTERNAL]FW: Drainage & Erosion

EXTERNAL EMAIL -- This message originates from outside of SAIC

Debbie,

After reviewing the appeal file, I have a clearer picture of the situation.

You can take actions that will reduce the erosion and the excess stormwater coming from your neighbor's property. The Conservation Assistance Program can provide financial and technical assistance for eligible properties that install certain projects. See more below.

One of your photos shows a wide flow, termed a sheet flow, of stormwater runoff that runs diagonally to your front yard from your neighbor's property. When/if your neighbor expands the pavement, the runoff will increase.

Currently, the runoff causes erosion around the planting bed and the trees along the driveway. The kinds of conservation practices that we consider are dependent on things such as the amount of runoff, how fast the water flows, the width of the flow, the lay of the land and the soil type.

Consider expanding the planting bed along your driveway and install conservation landscaping. Conservation landscaping is the practice of modifying the visible features of turf grass areas or bare soils, to an area of land that incorporates environmentally sensitive design, low impact development, non-invasive native plants, and/or integrated pest management. This creates a diverse landscape that helps to protect clean air and water and support wildlife.

You can extend the existing planting bed with native plants as far as the portion of the driveway that curves into your property. Native plants will take up more water than the mowed turfgrass, their deeper roots will better hold your soil and they will slow the runoff. Two or three inches of mulch in the expanded planting bed will help retain moisture and keep down weeds. Besides the stormwater benefits, these plants can be a very attractive addition to your yard. Incidentally, the name of the soil on your property and adjacent properties is Glenelg. This soil type is highly susceptible to erosion.

When digging to plant, take care not to disturb the roots of the existing trees too much. Doing so could harm those trees. It might be preferable to install very young plants, so the holes can be shallower.

Keep in mind that these practices can be done in stages. It doesn't have to be all at once.
Before anyone digs around or plans anything, call 811 so someone can come out and mark the location of any utility lines that may be present.

Plant selection

- Choose native trees, shrubs, ferns, flowers, etc. that tend to thrive in the given site conditions, amount of sunlight, soil type, etc.
    - Plants for Erosion Control - Solving Drainage and Erosion Problems | Northern Virginia Soil and Water Conservation District

    - Plant Northern Virginia (NOVA) Natives
    - Master Gardeners of Northern Virginia - Plants

Tree planting and care

- How to plant, mulch, etc.
    - Fairfax County Tree Basics

Conservation Assistance Program (CAP)

- CAP can help! This program is a cost share that provides technical and financial assistance to property owners who wish to effectively manage stormwater on their property using environmentally friendly methods. Up to 80% of costs for eligible projects can be reimbursed.
- Virginia and Fairfax County Conservation Assistance Programs | Northern Virginia Soil and Water Conservation District
- Your yard may be a good candidate for this cost share. *I urge you to learn more about CAP at the link above. If you submit a Site Visit Request form, NVSWCD will reach out to you. There is no obligation to continue if you submit the form.*

I think you will find that installing the right type of conservation landscaping will significantly reduce the stormwater impacts on your property.

Scott Baron (he/him/his)
Urban Conservation Specialist II
Northern Virginia Soil and Water Conservation District
12055 Government Center Parkway, Suite 905
Fairfax, VA 22035-5512
scott.baron@fairfaxcounty.gov
703 481 4026 (office)

Chesapeake Bay Landscape Professional, level 1
Certification number 6-00146

Virginia Nutrient Management Planner, Turf and Landscape
Certificate number 819

I can best be reached via email.

From: Baron, Scott
Sent: Tuesday, September 9, 2025 12:38 PM
To: 'Knisley, Debbie A.' <Debra.A.Knisley@saic.com>
Subject: RE: [EXTERNAL]FW: Drainage & Erosion

Hi, Debbie. Yes, I received the appeal file that you attached. Thank you! I will get back to you soon.

Scott

From: Knisley, Debbie A. <Debra.A.Knisley@saic.com>
Sent: Tuesday, September 9, 2025 10:54 AM
To: Baron, Scott <Scott.Baron@fairfaxcounty.gov>
Subject: RE: [EXTERNAL]FW: Drainage & Erosion

Hi Scott,
This is great information. Thank you so much for sending. Wanted to touch base to see if you received the document I sent. It was a large document so I'm not sure if it made it to you.

Thanks!
Debbie

From: Knisley, Debbie A. [US]
Sent: Thursday, September 4, 2025 2:42 PM
To: Baron, Scott <Scott.Baron@fairfaxcounty.gov>
Subject: RE: [EXTERNAL]FW: Drainage & Erosion

Hi Scott,
I'm attempting to send my appeal file which has some pictures that might help explain the new impervious area and the drainage issues we have today. Let me know if this helps.

Thanks!
Debbie

From: Baron, Scott <Scott.Baron@fairfaxcounty.gov>
Sent: Thursday, September 4, 2025 2:38 PM
To: Knisley, Debbie A. [US] <Debra.A.Knisley@saic.com>
Subject: RE: [EXTERNAL]FW: Drainage & Erosion

EXTERNAL EMAIL -- This message originates from outside of SAIC

Debbie,

Thank you for contacting NVSWCD. You are correct that an increase of impermeable area will result in more stormwater runoff. An area of 650 sq. ft. doesn't significantly add to the impervious area. However, the effect that it will have on your lawn depends on things like how concentrated the runoff will be (a "river" flowing off the pavement vs. a wide sheet flow), the soil type, the slope of the land and the type of ground cover.

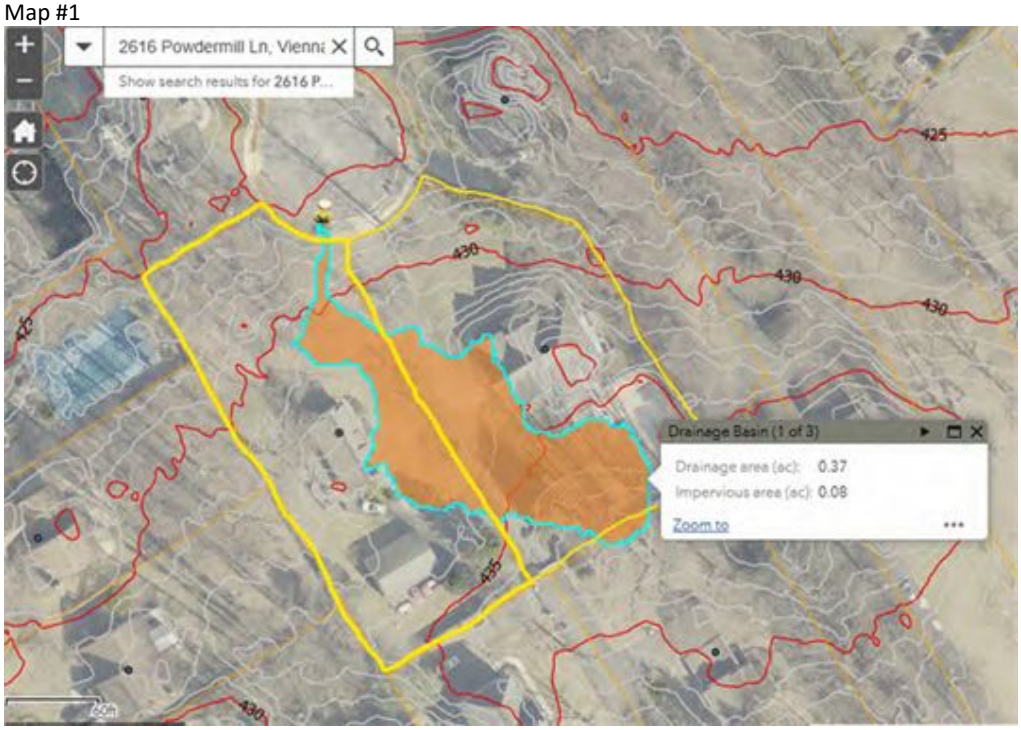
It might be a wait and see approach. It is possible that the runoff will be insignificant and you wouldn't have to do anything. If the runoff is problematic, it might need to be redirected to a suitable outlet. And/or a conservation planting can be installed to take up some of the excess flow.

Can you answer the following questions?

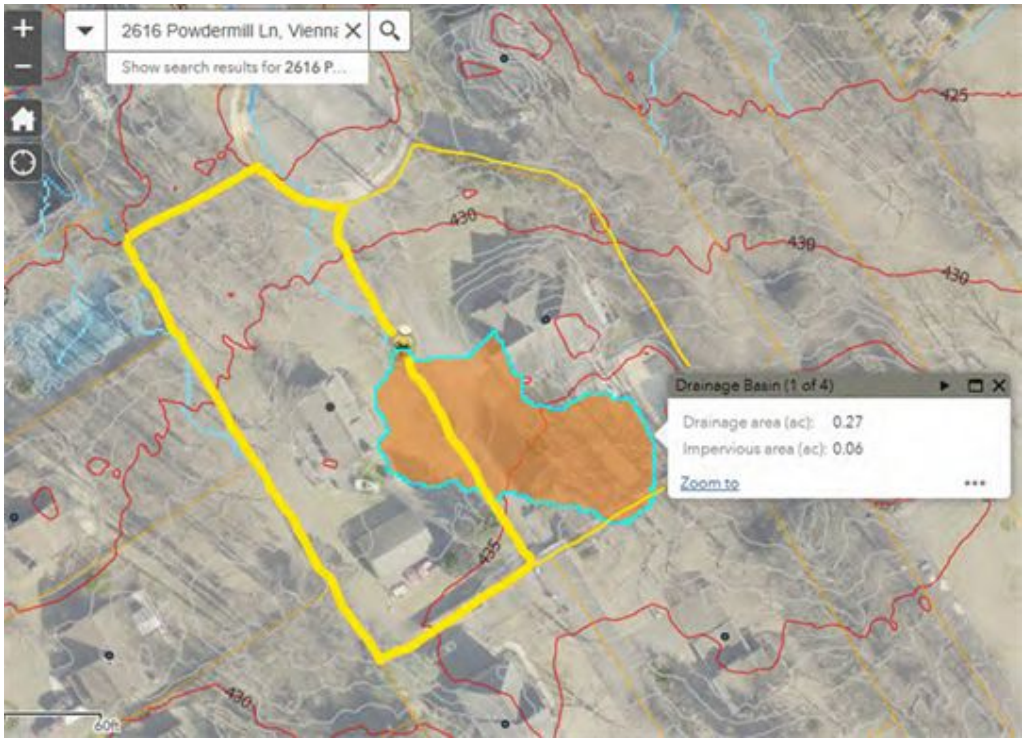
- From the aerial maps that I accessed online, it appears that your area of concern is composed of largely or entirely of lawn, except for 1) shrubs and trees along the driveway and 2) shrubs in a mulched area against the house?

- Are you experiencing erosion in this area now? If so, is it caused by runoff from your neighbor's property?
    - Incidentally, the soil type in your yard, called Glenelg, is highly susceptible to erosion and the slope of the land is classified as 2 to 7%.
- Can you show me on the map or explain where your neighbor is installing the pavement? Is it entirely within the orange portion?
    - The snips below show two virtually identical maps. They include the elevation and the drainage.
        - I highlighted your property lines with a yellow, medium width line.
        - I highlighted your neighbor's property line with a narrower yellow line.
        - Note the yellow pin in the upper left part of map #1, where your property meets the road.
            - It shows that 0.37 acre (the land in orange) drains to that point.
            - Currently, 0.08 acre in that drainage area is made of impervious material (pavement, roofs).
        - Note the yellow pin in the middle of map #2.
            - It shows that 0.27 acre drains to that point.
            - 0.06 acre is impervious.

Map #1



Map #2



Scott Baron (he/him/his)
Urban Conservation Specialist II
Northern Virginia Soil and Water Conservation District
12055 Government Center Parkway, Suite 905
Fairfax, VA 22035-5512
scott.baron@fairfaxcounty.gov
703 481 4026 (office)

Chesapeake Bay Landscape Professional, level 1
Certification number 6-00146

Virginia Nutrient Management Planner, Turf and Landscape
Certificate number 819

I can best be reached via email.

From: Conservation District <ConservationDistrict@fairfaxcounty.gov>
Sent: Tuesday, August 26, 2025 3:25 PM
To: Knisley, Debbie A. <Debra.A.Knisley@saic.com>
Cc: Baron, Scott <Scott.Baron@fairfaxcounty.gov>
Subject: RE: [EXTERNAL]FW: Drainage & Erosion

Thank you for contacting the Northern Virginia Soil and Water Conservation District. I have copied Scott Baron on this email. Scott is our Urban Conservation Specialist and one of our technical team. He will be in touch with you as soon as he is able to provide some guidance on the drainage and erosion issue you describe**.**
Generally, these consultations take place over the phone or via email with our staff using our maps and your photos. If the technical staff member thinks a site visit would be helpful, they would schedule that directly with you, but we do leave that decision up to the technical staff. Our response time is a bit longer than usual, currently about four to five weeks for a call back. Thank you for your patience.
In the meantime, the following information may be helpful to you:

Wet Yard?
Information about wet yards and possible causes, including high ground water: https://www.fairfaxcounty.gov/soil-water-conservation/drainage-problem-wet-yard/

You and Your Land
This publication has some good information about drainage issues: https://www.fairfaxcounty.gov/soil-water-conservation/you-your-land-soil#drainage

Solving Drainage and Erosion Problems: A Guide for Homeowners
In addition, here is a link to some information about solving backyard drainage issues which you might find helpful: https://www.fairfaxcounty.gov/soil-water-conservation/drainage-problem.

And finally, just some information about us: NVSWCD is not a regulatory agency and not a part of Fairfax County government. Instead, it collaborates with Fairfax County and other partners to provide conservation information, technical services, educational programs and volunteer opportunities to residents on many aspects of water quality, non-point source pollution and stream health. We are one of 47 Soil and Water Conservation Districts in the Commonwealth of Virginia. For more information about our statewide association and a list of the areas served, please visit: https://vaswcd.org/districts-by-countycity.

Hope this is helpful.

Trish Feth
Communication and Program Specialist
Northern Virginia Soil and Water Conservation District
12055 Government Center Parkway
Fairfax, VA 22035
Ph: 703-324-1460

From: Knisley, Debbie A. <Debra.A.Knisley@saic.com>
Sent: Monday, August 18, 2025 5:06 PM
To: Conservation District <ConservationDistrict@fairfaxcounty.gov>
Subject: [EXTERNAL]FW: Drainage & Erosion

CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE OF FAIRFAX COUNTY GOVERNMENT. Do not click links or open attachments unless you recognize the sender and know the content is safe!

I apologize, I forgot to include my name and phone number:

Debbie Knisley
(703) 307-2356

From: Knisley, Debbie A. [US]
Sent: Monday, August 18, 2025 4:40 PM
To: ConservationDistrict@fairfaxcounty.gov
Subject: Drainage & Erosion

Hi,
We're having some run-off and erosion from a neighboring house that is graded higher than ours. They are adding an additional 650 square feet of pavement sloped downward at our front yard and I'm worried that this could be very impactful. I was hoping to talk to someone about ways I could mitigate damage. Thanks for your help!

The addresses involved are:

2616 Powdermill Lane
Vienna VA 22181

2615 Powdermill Lane
Vienna VA 22181

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PROFFER STATEMENT
(RZ 87-P-020)
February 22, 1988

Pursuant to Va. Code Sections 15.1-491, et seq., the Applicant hereby proffers the following:

1. The property shall be developed in conformance with the Generalized Development Plan dated February 22, 1988. Density on the property shall not exceed 1.82 dwelling units per acre.

2. Developer will construct houses which are architecturally compatible with other residential structures in the neighborhood as determined by the Director of Department of Environmental Management. The houses constructed on the property will incorporate the "Energy Saver Home Standards" published by Virginia Power, a radon detection/venting system, doors with a STC rating 24 or greater and double-pane insulated windows.

3. Developer will retain the existing residential structures shown as Lots 6, 15, 16, and 20 on the Generalized Development Plan.

4. The developer will provide ingress/egress from Lots 16 and 17 via the proposed public street on the property.

5. The developer will maintain the existing ingress/egress easement for Tax Map No. 48-1 ((1)) Lots 7, 8, 9 and 10 to the proposed public street proximate to Lots 15 and 16 of the subject property.

6. The developer will dedicate the public street (the stub street) on the subject property to the common property line of the parcel identified as Tax Map No. 48-1((1)), Lot 2 to the Board of Supervisors in fee simple for a public right of way.

7. Access to the property shall be via Oak Valley Drive and the connecting public streets to be constructed on the property. The development shall not have ingress or egress from or to Five Oaks Road or Chain Bridge Road, provided, however, that Lot 27 shall have its driveway on Five Oaks Road.

8. The developer will dedicate thirty (30) feet from the center line of Oak Valley Drive, and construct full frontage improvements to include curb and gutter, sidewalks, right turn/deceleration lane according to the standards of the Public Facilities Manual and/or Virginia Department of Transportation. This dedication shall be to the Board of Supervisors in fee simple for a public right of way.

9. If VDOT determines within a period from the date of rezoning to 2 years after completion of the development (the date of release of the public improvements bond) that a traffic signal is warranted at the intersection of Oak Valley Drive and Chain Bridge Road, the developer will participate in the funding of a traffic signal by a contribution of $300.00 per dwelling lot.

10. The developer will extend the sanitary sewer line to the property line so as to provide sewer availability to offsite properties to the north of the property. Final alignment of the sanitary sewer extension shall be as approved by the Department of Public Works.

11. If required by the Department of Environmental Management, the developer will provide a geotechnical engineering study for the property at the time of subdivision plan review and build houses on the property in accordance with the recommendations, if any, of the geotechnical engineering study.

12. The developer will preserve the designated mature trees on Lots 1, 6, 20 and 31 and the trees within the "tree preservation areas" shown on the Generalized Development Plan as approved by the County Arborist at the time of subdivision plan review. In addition, the developer will preserve the mature black gum tree located at the front of Lot 11 and such other scattered stands of trees as may be preserved with approval of the County Arborist.

13. The limits of clearing and grading shall be as shown on the Generalized Development Plan and as approved by the Director of Department of Environmental Management at the time of subdivision plan review.

14. Outlot A shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

15. Outlot B shown on the Generalized Development Plan shall be reserved for conveyance at fair market value to the owner(s) of Lots 2 and 2A, (Tax Map 48-1((1)) at such time as said lots are consolidated for development, so as to permit development of the lots without a variance.

16. Outlot C shown on the Generalized Development Plan shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, provided, however, that dead and/or dying trees may be removed at the expense of the Homeowners Association as approved by the County Arborist.

17. The developer shall place a conservation easement on the portion of Lot 25 designated on the Generalized Development Plan, which easement shall be recorded among the land records of Fairfax County and shall run to the owners of Lots 18 and 19 of Oakdale Woods subdivision, specifying that the trees located on the designated portion of Lot 25 will remain uncleared and undisturbed except that the owner of Lot 25 shall be permitted to remove dead and/or dying trees. The easement granted shall not any way preclude the owner of Lot 25 from locating permitted accessory uses in this area, provided that no removal of trees is required to erect the accessory use.

The easement placed on the designated portion of Lot 25 shall be recited in the subdivision documents at the time of recordation of the subdivision plat as approved by the County Attorney and shall be recited in the deed of bargain and sale conveying Lot 25 to the ultimate owner.

18. The stormwater management pond shall be designed to reduce projected phosphorus runoff rates by 35% through the increase in the detention time of the stormwater to a minimum of 24 hours. Said pond shall be a shallow marsh or a permanent pool with a two-stage design as approved by the Director of the Department of Environmental Management.

19. At the time of subdivision plan review, the developer shall prepare a detailed drainage study of areas with natural drainage swales and high water table soils.

RZ 87-P-020

CAPITAL SUN CORPORATION

February 22, 1988
Date

By: _____
Richard Wilkinson, President

February 22, 1988
Date

_____
Roger O. DeMarco

February 22, 1988
Date

_____
Virginia Cooper

February 22, 1988
Date

_____
Thelma Kozak

February 22, 1988
Date

_____
Michael R. Zupan

February 22, 1988
Date

_____
Thomas Christie

February 22, 1988
Date

_____
Barbara Christie

FOX & PROFFITT, P.C.
ATTORNEYS AT LAW
10385 MAIN STREET
FAIRFAX, VIRGINIA 22030

STEPHEN K. FOX
RONALD C. PROFFITT

TELEPHONE: (703) 352-1655
TELECOPIER: (703) 273-4036

ROBERT P. VISSER, OF COUNSEL
ADMITTED NY, CA, DC

February 26, 1988

HAND DELIVERED

Mrs. Marilyn Anderson
Office of Comprehensive Planning
10640 Page Avenue
Fairfax, Virginia 22030

Re: RZ 87-P-020; Letter of Clarification of Proffers Dated February 22, 1988

Dear Mrs. Anderson:

On behalf of the applicants, this letter is submitted in clarification of the executed proffers dated February 22, 1988 in the above case.

With respect to Proffer No. 16, Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, to be approved by the County Attorney.

With respect to Proffer No. 18, the on-site detention pond to be built shall be a shallow marsh pond, a permanent pool or as approved by the Director of the Department of Environmental Management at the time of subdivision plan review.

It is, further, the applicant's intent that the Director of the Department of Environmental Management may at the time of subdivision plan review, require the applicant to participate in a regional storm water detention facility (Pond D-30) in lieu of the onsite detention pond. In the event that the Director requires the applicant to participate in the regional storm water facility, the applicant agrees to prepare an estimate of the cost of constructing the on-site detention facility to be approved by the Department of Public Works and, instead of constructing the on-site facility, the applicant will contribute funds equal to the approved estimate to the County to assist in funding the cost of the regional detention facility.

I would appreciate your making this clarification of the Proffers dated February 22, 1988 a part of the record before the Board of Supervisors in this case.

Very truly yours,

Stephen K. Fox

Stephen K. Fox
Attorney and Agent for Applicants

/nh

ATTACHMENT 5

PROFFER STATEMENT FOR
PCA 87-P-020
October 12, 1989

Pursuant to Va. Code Sections 15.1-491, et seq., the Applicant hereby proffers the following:

1. The property shall be developed in conformance with the Generalized Development Plan dated July 14, 1989 showing thirty-one (31) lots.

2. Developer will construct houses which are architecturally compatible with other residential structures in the neighborhood as determined by the Director of Department of Environmental Management. The houses constructed on the property will incorporate the "Energy Saver Home Standards" published by Virginia Power, a radon detection/venting system, doors with a STC rating 24 or greater and double-pane insulated windows.

3. Developer will retain the existing residential structures shown as Lots 15, and 16 on the Generalized Development Plan.

4. The developer will provide ingress/egress from Lots 15 and 16 via the proposed public street on the property.

5. The developer will maintain the existing ingress/egress easement for Tax Map No. 48-1 ((1)) Lots 7, 8, 9 and 10 to the proposed public street proximate to Lots 15 and 16 of the subject property.

6. The developer will dedicate the public street (the stub street) on the subject property to the common property line of the parcel identified as Tax Map No. 48-1((1)), Lot 2 to the Board of Supervisors in fee simple for a public right of way, as required by the Department of Environmental Management and Virginia Department of Transportation. Dedication of the public street shall be made on demand or at the time of subdivision plat approval, whichever occurs first, provided that full advance density credit is approved by the Board of Supervisors at the time of rezoning.

7. Access to the property shall be via Oak Valley Drive and the connecting public streets to be constructed on the property. The development shall not have ingress or egress from or to Five Oaks Road or Chain Bridge Road, provided, however, that Lot 25 shall have its driveway on Five Oaks Road.

8. Upon request of Fairfax County or at the time of subdivision plat approval, whichever occurs first, the developer will dedicate and convey thirty (30) feet from the center line of Oak Valley Drive, and construct full frontage

improvements to include curb and gutter, sidewalks, right turn/deceleration lane according to the standards of the Public Facilities Manual and/or Virginia Department of Transportation. This dedication shall be to the Board of Supervisors in fee simple for a public right of way.

9. The developer will participate in the funding of a traffic signal at the intersection of Oak Valley Drive and Chain Bridge Road by a contribution of $300.00 per dwelling lot. Said contribution shall be made prior to the issuance of the first Residential Use Permit and shall be in the form of cash to be held in an escrow fund or a letter of credit in a form acceptable to the Director of DEM. If VDOT does not determine within a period from the date of approval of the proffered condition amendment to 2 years after completion of the development (the date of release of the public improvements bond) that a traffic signal is warranted, the cash escrow shall be released to the developer or in the case of a letter of credit, the obligation of the letter of credit shall be released.

10. The developer will extend the sanitary sewer line to the property line so as to provide sewer availability to offsite properties to the north of the property. Final alignment of the sanitary sewer extension shall be as approved by the Department of Public Works.

11. If required by the Department of Environmental Management, the developer will provide a geotechnical engineering study to PFM standards for the property at the time of subdivision plat review and build houses on the property in accordance with the recommendations, if any, of the geotechnical engineering study as determined by the Department of Environmental Management.

12. The developer will preserve the designated mature trees on Lots 1, 19 and 20 and the trees within the "tree preservation areas" shown on the Generalized Development Plan as approved by the County Arborist at the time of subdivision plat review. In addition, the developer will preserve the mature black gum tree located at the front of Lot 11 and such other scattered stands of trees as determined by the County Arborist.

13. The limits of clearing and grading shall be as shown on the Generalized Development Plan and as approved by the Director of Department of Environmental Management at the time of subdivision plat review.

14. Outlots A-1 and A-2 shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

15. Outlot B, shown on the Generalized Development Plan, is not calculated in the density for the site and shall be reserved for conveyance at fair market value to the owner(s) of Lots 2 and 2A, (Tax Map 48-1((1)) at such time as said lots are consolidated for development, so as to permit development of the lots without a variance.

16. Outlot C shown on the Generalized Development Plan shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat. Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, provided, however, that dead and/or dying trees may be removed at the expense of the Homeowners Association provided that the identification and method of removal is approved by the County Arborist.

17. The developer shall place a conservation easement on the portion of Lot 25 designated on the Generalized Development Plan, which easement shall be recorded among the land records of Fairfax County and shall run to the owners of Lots 18 and 19 of Oakdale Woods subdivision, specifying that the trees located on the designated portion of Lot 25 will remain uncleared and undisturbed except that the owner of Lot 25 shall be permitted to remove dead and/or dying trees. The easement granted shall not any way preclude the owner of Lot 25 from locating permitted accessory uses in this area, provided that no removal of trees is required to erect the accessory use.

The easement placed on the designated portion of Lot 25 shall be recited in the subdivision documents at the time of recordation of the subdivision plat as approved by the County Attorney and shall be recited in the deed of bargain and sale conveying Lot 25 to the ultimate owner.

18. The stormwater management ponds (Outlots A-1 and A-2 shown on the Generalized Development Plan) shall be designed to reduce projected phosphorus runoff rates by 35% through the increase in the detention time of the stormwater to a minimum of 24 hours. Said ponds shall be shallow marsh or a permanent pool with a two-stage design as approved by the Director of the Department of Environmental Management.

At the time of subdivision plat review, the Director of Department of Environmental Management may require the Applicant to participate in a regional storm water detention facility (Pond D-30) in lieu of onsite detention ponds. In the event that the Director requires the Applicant to participate in the regional stormwater facility, the Applicant shall contribute on a construction-avoidance-calculation basis to the cost of constructing the regional detention facility as determined by Department of Environmental Management.

Applicant's contribution on a construction-avoidance-calculation basis to the regional detention facility shall include the extra cost, if any, of constructing the required on-site facility in such a manner to reduce projected phosphorus runoff rates by 35% through the increase in detention time of the stormwater to a minimum of 24 hours as determined by the Department of Environmental Management.

If onsite detention is not required by the Director of the Department of Environmental Management at the time of subdivision plat approval, Outlot A-1 shall be included as part of proposed Lot 6 and Outlot A-2 shall be included as part of proposed Lot 31.

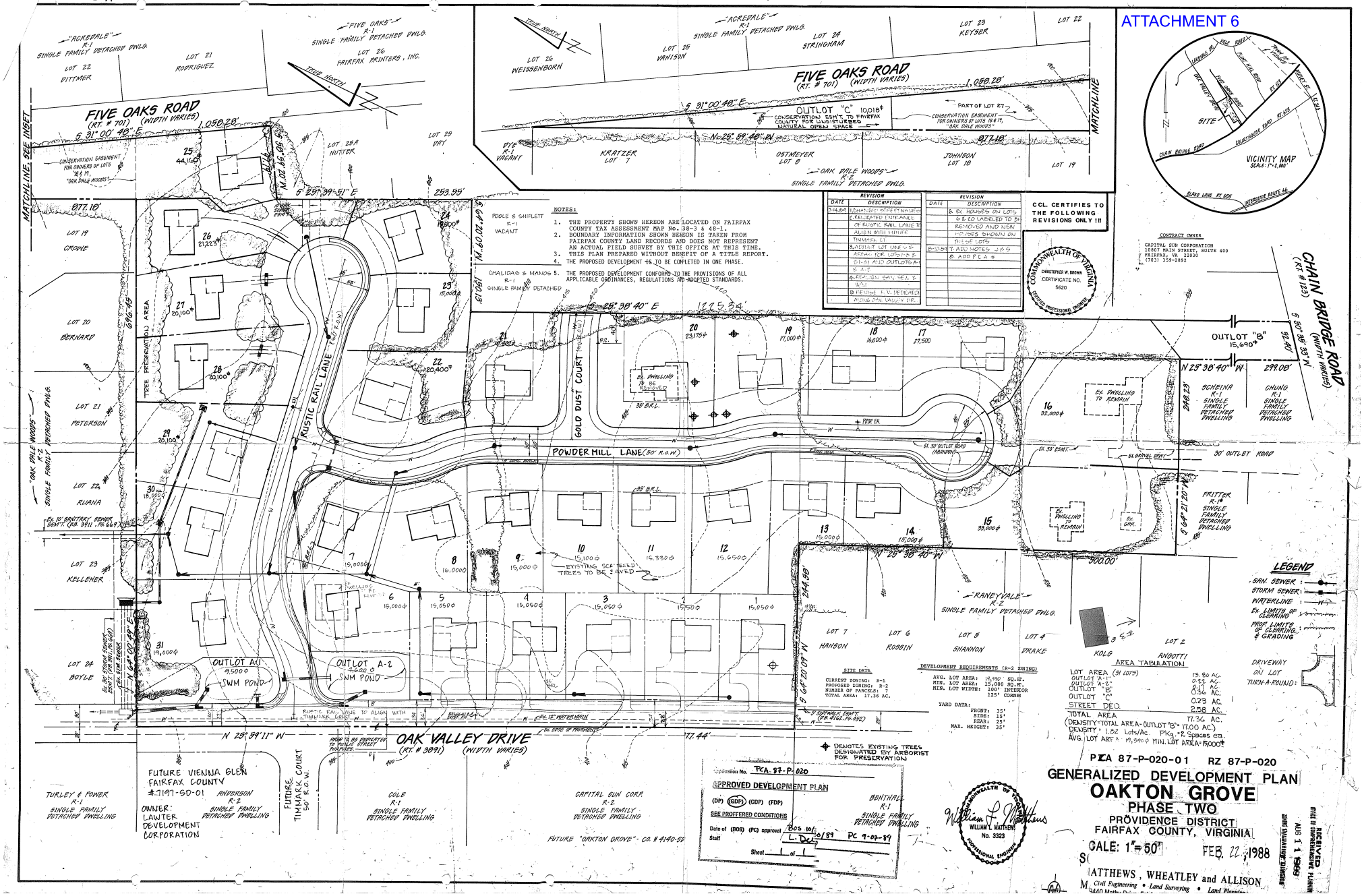
19. At the time of subdivision plat review, the developer shall prepare a detailed drainage study of areas with natural drainage swales and high water table soils, subject to approval by the Department of Environmental Management and these findings will be included in the subdivision plat.

CAPITAL SUN CORPORATION

By: Richard A. Wilkinson
Richard A. WilKinson,
President

A-979.305

ATTACHMENT 6



PROFFERS - PCA 87-P-020-02
R-2 Zoning District
April 1, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-1((40)) 15 and 16 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of PCA 87-P-020, dated October 12, 1989, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 87-P-020 and PCA 87-P-020. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

1. Proffer No. 3 as currently written is deleted, and the following is substituted therefor:

"3. The owners of Lots 15 and 16 may retain the existing dwellings in their current form, make substantial building additions to the existing dwellings or raze and erect new dwellings on the respective lots, provided that:

a. any substantial building additions or new dwellings erected are architecturally compatible with other residential structures in the neighborhood as determined by DPWES;

b. grading and construction activities shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall inspect the trees on the GDP to be saved if possible with an Urban Forest Management (UFM) representative. Tress identified to be preserved shall be protected by tree protection fencing in the form of 4 foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the GDP. Trenching for the fence shall not sever or wound compression roots which can lead to structural

failure and/or uprooting of trees. Tree protection fencing shall be installed prior to any clearing and grading activities.

The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to commencement of any clearing, grading , or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

c. Prior to issuance of a building permit, the Applicants shall post cash, bond, or letter of credit in an amount not to exceed $3,000 payable to the County of Fairfax to ensure preservation and/or replacement of the trees that are designated to be saved that die or are dying due to unauthorized construction activities on the site. Any trees shown to be preserved on the approved plan that die or are dying due to unauthorized construction activities shall be replaced with trees of a species and size acceptable to the Urban Forest Management, DPWES, deemed reasonably assured of surviving. These tree replacement measures shall not apply to trees that die or begin to die as a result of factors not related to the Applicant's construction activities."

d. In addition to trees preserved as noted in c, above, the Applicant shall provide additional landscaping for aesthetic purposes as shown on the Lot 16 over lot grading plan, using as a guide, the Chesapeake Bay Preservation Act vegetative buffer planting guidelines;

e. Applicant shall contribute the total amount of $300.00 to the Board of Supervisors to assist funding of library collections at the Oakton community library.

f. Applicant shall contribute the total amount of $300.00 to the Board of Supervisors for the Providence District Tree Fund, the same to be used for projects in the Providence District."

2. Proffer No. 4 is hereby amended to add an additional sentence following the proffer as currently written to read:

"4. ...Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES).

3. Except as modified by the foregoing changes, the Proffer Statement for PCA 87-P-020 dated October 12, 1989 shall remain in full force and effect.

OAKTON GROVE LLC, Owner Lot 16

By: _____
Terry M. Belt, Member/Manager

By: Dominion Associates, Inc., Member/Manager

by: _____
Steven M. Porter, Vice President

_____
DEBRA A. OSBORN, *aka* DEBRA A. KNISLEY
Co-owner Lot 15

_____
SCOTT F. KNISLEY
Co-owner Lot 15

PLAN APPLICATION FILED: July 27, 2007
PLANNING COMMISSION: February 20, 2008
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

February 6, 2008

STAFF REPORT

APPLICATION PCA 87-P-020-02

PROVIDENCE DISTRICT

APPLICANT:	Oakton Grove, LLC & Debra Knisley & Scott Knisley
PRESENT ZONING:	R-2
PARCEL:	48-1 ((40)) 15 & 16
ACREAGE:	1.46 acres (Lot 15 & 16 only)
DU/AC:	1.82 du/ac (Oakton Grove Subdivision)
PLAN MAP:	Residential; 1-2 du/ac
PROPOSAL:	Amend the previously approved proffers associated with RZ 87-P-020 in order to allow construction of an addition to an existing dwelling on Lot 15 and to allow replacement of the existing dwelling on Lot 16.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 87-P-020-02 subject to the execution of proffers consistent with those contained in Appendix 1.

O:\SWILLI\PCA\PCA 87-P-020-02 Oakton Grove\Staff Report\Final Staff Report.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290
Fax 703-324-3924
www.fairfaxcounty.gov/dpz/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

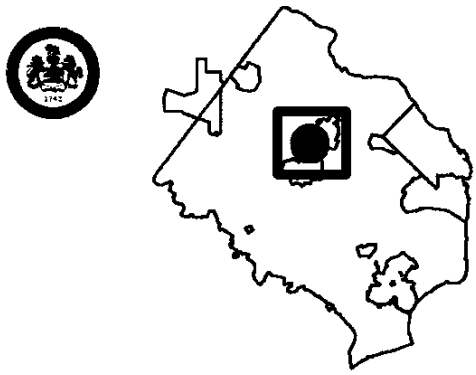
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



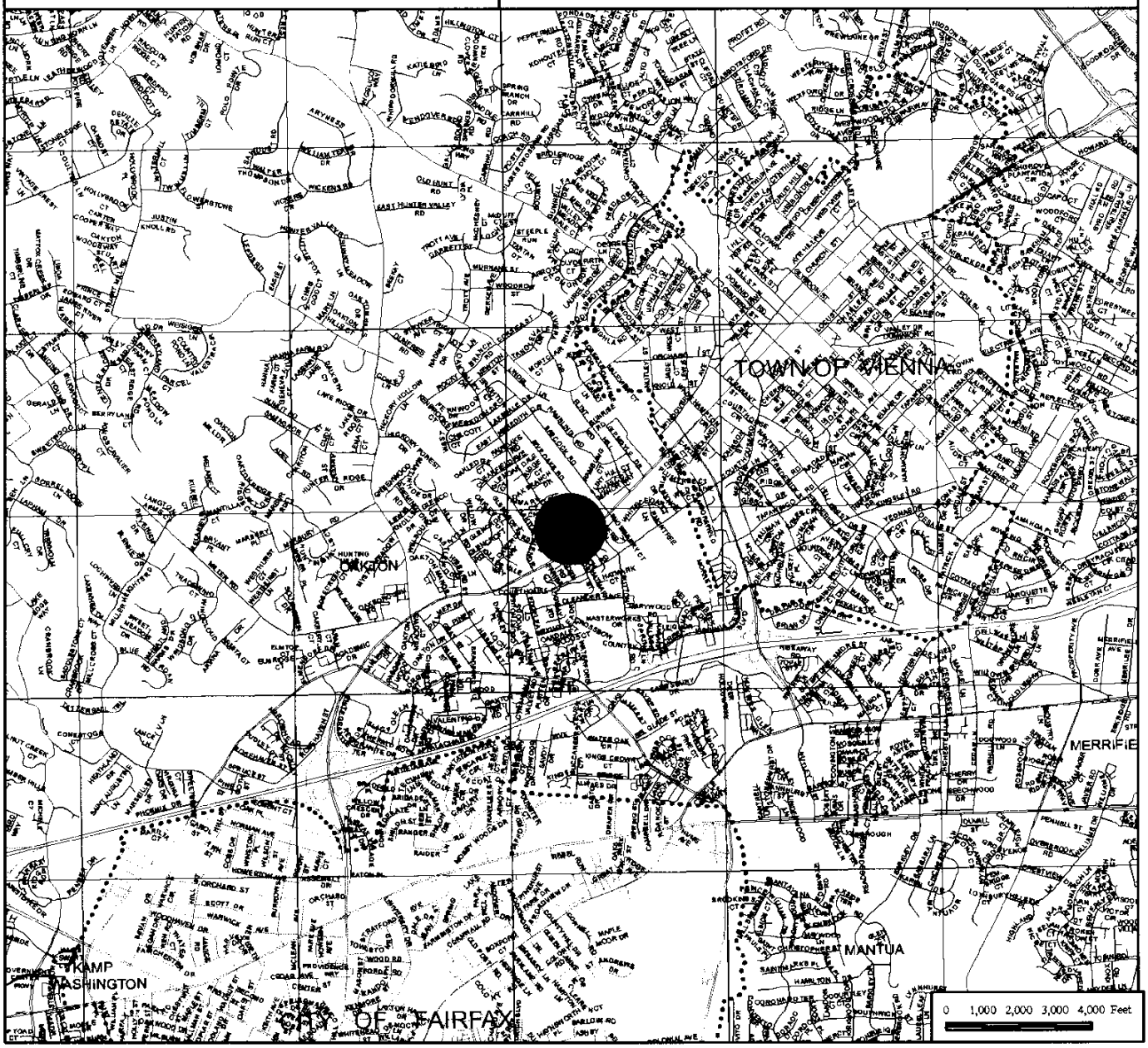
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Proffered Condition Amendment

PCA 87-P-020-02

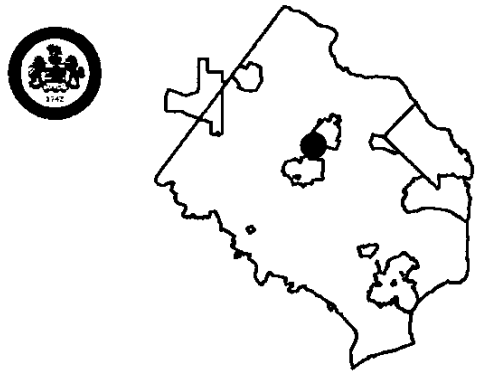


Applicant:	OAKTON GROVE LLC, AND DEBRA KNISLEY AND SCOTT KNISLEY
Accepted:	07/27/2007
Proposed:	TO AMEND RZ 87-P-020 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT EXISTING STRUCTURES TO BE REPLACED OR MODIFIED
Area:	1.46 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect:	
Located:	TERMINUS OF POWDERMILL LANE
Zoning:	R- 2
Overlay Dist:	
Map Ref Num:	048-1- /40/ /0015 /40/ /0016



Proffered Condition Amendment

PCA 87-P-020-02



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Zoning Dist Sect:	
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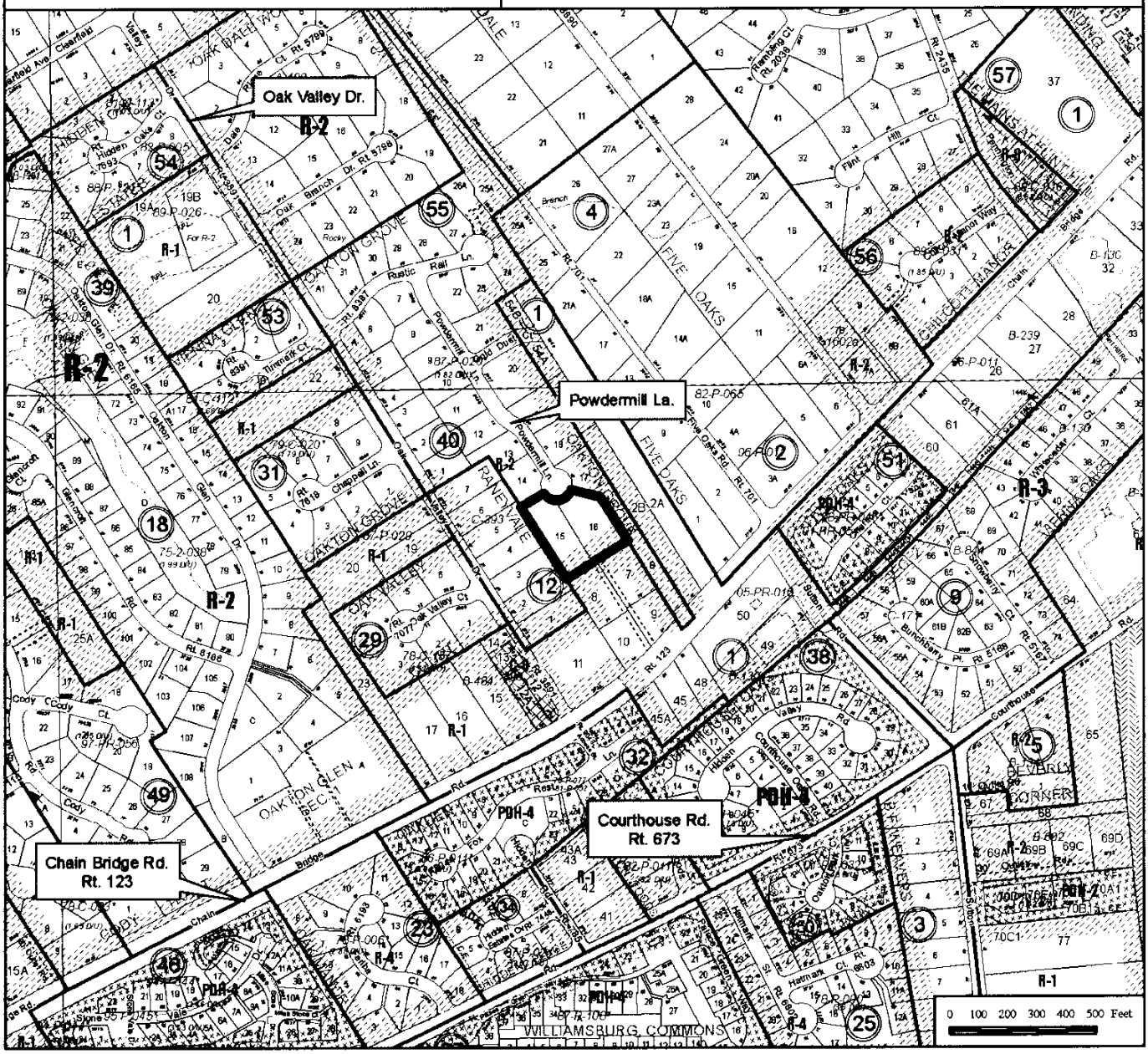
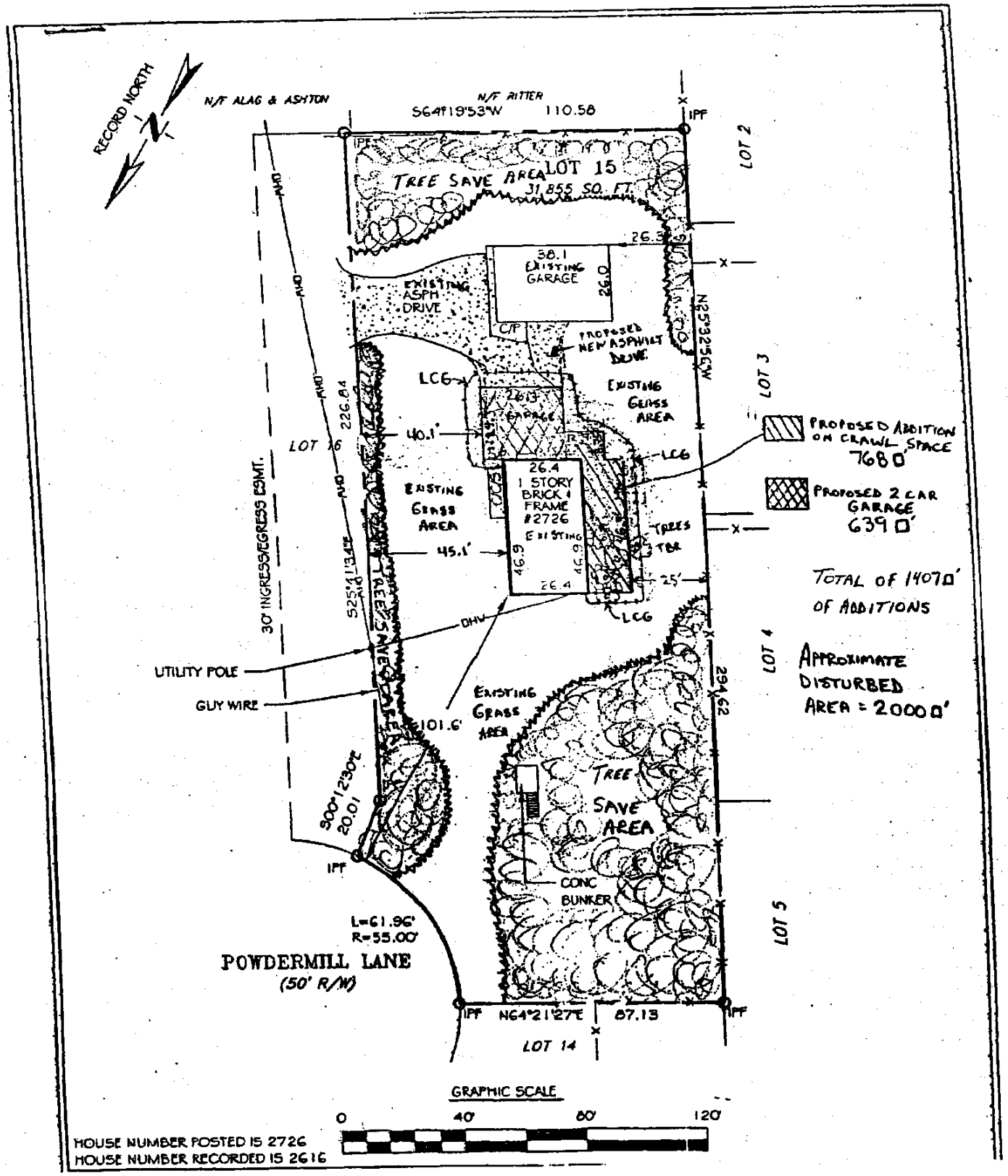
Zoning:	R- 2
Overlay Dist:	
Map Ref Num:	048-1- /40/ /0015 /40/ /0016




RECORD NORTH
N/F ALAG & ASHTON
N/F RITTER
S64°19'53"W 110.58
IPF
TREE SAVE AREA
LOT 15
31,855 SQ. FT.
LOT 2
26.3
38.1
EXISTING GARAGE
29.0
EXISTING ASPH. DRIVE
C/P
PROPOSED NEW ASPHALT DRIVE
N25°32'55"W
LOT 3
LCG
26.3
GARAGE
EXISTING GRASS AREA
40.1'
LOT 16
226.84
AND
30' INGRESS/EGRESS ESMT.
PROPOSED ADDITION ON CRAWL SPACE
768 □'
PROPOSED 2 CAR GARAGE
639 □'
26.4
1 STORY BRICK FRAME #2726 EXISTING
EXISTING GRASS AREA
45.1'
46.9
TREES
TBR
25'
TOTAL OF 1407 □'
OF ADDITIONS
S25°11'34"E
DHV
UTILITY POLE
GUY WIRE
LOT 4
APPROXIMATE DISTURBED AREA = 2000 □'
294.62
EXISTING GRASS AREA
101.6'
TREE SAVE AREA
S00°12'30"E
20.01
CONC BUNKER
L=61.96'
R=55.00'
POWDERMILL LANE
(50' R/W)
LOT 5
IPF
N64°21'27"E 87.13
LOT 14
GRAPHIC SCALE
0
40'
80'
120'
HOUSE NUMBER POSTED IS 2726
HOUSE NUMBER RECORDED IS 2616

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

Proposal:

The applicants, Oakton Grove, LLC & Debra Knisley & Scott Knisley, are requesting to amend the proffers previously approved for the subject site with RZ 87-P-020, in order to construct an addition to the existing single-family detached dwelling unit on Lot 15 and to replace the existing single-family detached dwelling on Lot 16 with a new single-family detached dwelling. This application would not change the number of lots or the density approved in the original rezoning application.

The applicant's draft proffers, affidavit, and Statement of Justification are contained in Appendices 1-3, respectively.

LOCATION AND CHARACTER

Site Description:

The subject application includes Lots 15 and 16 of the Oakton Grove subdivision, which is located north of Chain Bridge Road (Route 123) in the Providence District. The parcels consist of 1.46 acres, located at the terminus of Powdermill Lane. The parcels are currently developed with single-family detached dwellings and accessory structures.



SURROUNDING AREA DESCRIPTION			
Direction	**Use**	**Zoning**	**Plan**
North	Single- family detached (Oakton Grove)	R-2	Residential; 1-2 du/ac
South	Single- family detached (Oakton Glen)	R-1	Residential; 1-2 du/ac
East	Single- family detached	R-2	Residential; 1-2 du/ac
West	Single- family detached (Oakton Grove)	R-2	Residential; 1-2 du/ac

BACKGROUND *(See Appendix 4)*

Site History:

On February 29, 1988, the Board of Supervisors approved RZ 87-P-020, subject to the proffers dated February 22, 1988, to rezone 17.36 acres from the R-1 District to the R-2 District at a density of 1.82 du/ac (31 dwelling units).

On October 30, 1989, the Board of Supervisors approved PCA 87-P-020, subject to the proffers dated October 12, 1989. This approval amended the previously approved proffers to allow the applicant to remove and replace the dwellings that existed on Lots 6 and 20 with new structures.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: II

Planning District: Vienna Planning District

Planning Sector: Piney Branch Community Planning Sector (V4)

Plan Map: Residential; 1-2 du/ac

Plan Text: There is no specific Plan text for this site.

ANALYSIS

Because of the nature of the request, the subject application has been granted a waiver of the requirement for submission of a Generalized Development Plan (GDP) in association with the submitted proffered condition amendment. Instead, the applicant has submitted a copy of the Grading Plan for Lot 16 showing the

footprint for the proposed dwelling on that lot and an exhibit showing the proposed addition to the existing dwelling on Lot 15.

Land Use Analysis

The subject property is planned for residential use at 1-2 dwelling units per acre (du/ac). Since this application does not involve a change in density or unit type, and the house proposed to be removed was not determined to have historic value, no land use issues have been identified in conjunction with this application.

Environmental Analysis *(See Appendix 5)*

Issue: Stormwater Management/Best Management Practices

The application proposes to redevelop two lots. Because this redevelopment could lead to possible increases in the amount of impervious surface for the subject property, staff encouraged the applicant to provide more information regarding the manner in which water quality and quantity control requirements would be met.

Resolution:

In response to staff's request, the applicant has indicated on the grading plan that a 10'x16'x4' infiltration trench will be provided on Lot 16. The Department of Public Works and Environmental Services (DPWES) has no comments related to stormwater management on the PCA application. It should be noted that DPWES will review the proposed development on Lots 15 and 16 at the time of grading plan submission for compliance with the Chesapeake Bay Preservation Ordinance (CBPO), outfall and stormwater requirements.

Issue: Tree Preservation

The subject property is characterized by a dense canopy of deciduous trees, particularly on Lot 16. Staff recommended that the applicant to endeavor to preserve as much of this canopy as possible. To that end, staff recommended that the applicant provide an inventory of existing vegetation for the subject property, as well as a depiction of tree preservation areas and specimen trees to be preserved in conjunction with this application.

Resolution:

The materials provided by the applicant depict proposed tree save areas along the periphery of Lots 15 and 16. Tree save areas are shown along the northern, southern and eastern boundaries of Lot 15; however, the size of the tree save areas is not provided. Two tree save areas are shown near the northern boundary of Lot 16. One of the tree save areas is 2,065 square feet (SF) in size and the other tree save area is shown to be 2,730 SF. These areas are separated by the existing driveway on Lot 16 in size. Another tree save (3,430 SF) area is shown

along the southern boundary of Lot 16. Therefore, staff believes that this issue has been resolved.

Transportation Analysis *(See Appendix 6)*

Issue: Outlet Road Connection to Route 123

There is an existing outlet road connecting southbound Route 123 to Lots 15 and 16, which is known for poor sight distance. As such, staff believes that use of the outlet road should be limited. Therefore, staff recommended that the applicant limit vehicular access to Lots 15 and 16 from Powdermill Lane only.

Resolution:

The applicant proposes to amend Proffer #4 of the previously approved proffers, to add the following sentence: "Lots 15 and 16 shall no longer have legal ingress/egress rights to Chain Bridge Road via the private ingress/egress easement." With the adoption of the proposed proffers, staff believes this issue will be resolved.

ZONING ORDINANCE PROVISIONS

Maximum Density/Bulk Regulations

BULK STANDARDS (R-2 DISTRICT)		
Standard	**Required**	**Provided**
Minimum Lot Size	15,000 SF	Lot 15 – 31,855 SF Lot 16 – 31,818 SF
Minimum Lot Width	100 ft. (interior) 125 ft. (corner)	100 ft.
Max. Building Height	35 ft. max.	35 ft.
Minimum Front Yard	35 ft. min.	35 ft.
Minimum Side Yard	15 ft. min.	15 ft.
Minimum Rear Yard	25 ft. min.	25 ft.
Minimum Open Space	N/A	N/A
Parking Spaces	2 spaces per unit	2 spaces per unit

along the southern boundary of Lot 16. Therefore, staff believes that this issue has been resolved.

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Minimum Rear Yard	25 ft. min.	25 ft.
Minimum Open Space	N/A	N/A
Parking Spaces	2 spaces per unit	2 spaces per unit

The maximum density permitted in the R-2 District is 2 du/ac. With the original rezoning of the property per RZ 87-P-020 from R-1 to R-2, the density of the proposed development of 31 single-family detached units was 1.82 du/ac. This application does not alter the density.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the subject application is in conformance with the Comprehensive Plan requirements and the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of PCA 87-P-020-02, subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Previously Approved Clerk's Letter & Proffers (RZ 87-P-020 & PCA 87-P-020)
5. Environmental Analysis
6. Transportation Analysis
7. Glossary

DRAFT PROFFERS - PCA 87-P-020-02
R-2 Zoning District
February 5, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-1((40)) 15 and 16 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of PCA 87-P-020, dated October 12, 1989, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 87-P-020 and PCA 87-P-020. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

1. Proffer No. 3 as currently written is deleted, and the following is substituted therefor: ***"3. The owners of Lots 15 and 16 may retain the existing dwellings in their current form, make substantial building additions to the existing dwellings or raze and erect new dwellings on the respective lots, provided that any substantial building additions or new dwellings erected are architecturally compatible with other residential structures in the neighborhood and shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020."***

2. Proffer No. 4 is hereby amended to add an additional sentence following the proffer as currently written to read: ***"4. ...Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES). A landscaping or other acceptable barrier shall be placed to block further ingress and egress."***

3. Except as modified by the foregoing changes, the Proffer Statement for PCA 87-P-020 dated October 12,1989 shall remain in full force and effect.

OAKTON GROVE, LLC, Owner Lot 16

By: _____

_____
DEBRA A. OSBORN, *aka* DEBRA A. KNISLEY
Co-owner Lot 15

_____
SCOTT F. KNISLEY
Co-owner Lot 15

APPENDIX 2

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

I, STEPHEN K. FOX, AGENT, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 9690|a

in Application No.(s): PCA-87-P-020-02
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner,** etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in **BOLD** above)
OAKTON GROVE, LLC ✓	9031 SCOTT STREET, SPRINGFIELD, VA 22153	CO-APPLICANT, OWNER, LOT 16
TERRY M. BELT	9031 SCOTT STREET, SPRINGFIELD, VA 22153	AGENT FOR OAKTON GROVE LLC
DEBRA A. OSBORN (KNISLEY)	2616 POWERMILL LANE, VIENNA, VA 22181	CO-APPLICANT/CO-OWNER LOT 15
SCOTT KNISLEY	2616 POWERMILL LANE, VIENNA, VA 22181	CO-APPLICANT/CO-OWNER LOT 15
STEPHEN K. FOX, PC ✓	10511 JUDICIAL DR., #112, FAIRFAX, VA 22030	ATTORNEY, AGENT
STEPHEN K. FOX	10511 JUDICIAL DR., #112, FAIRFAX, VA 22030	ATTORNEY, AGENT

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

FORM RZA-1 Updated (7/1/06)

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

9690\a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
OAKTON GROVE, LLC
9031 SCOTT STREET
SPRINGFIELD, VA 22153

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
TERRY M. BELT, MEMBER/MANAGER
DOMINION ASSOCIATES, INC., MEMBER/MANAGER

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)
TERRY M. BELT, MEMBER/MANAGER
DOMINION ASSOCIATES, INC., MEMBER/MANAGER

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

FORM RZA-1 Updated (7/1/06)

Rezoning Attachment to Par. 1(b)

DATE: OCTOBER 29, 2007
(enter date affidavit is notarized)

9690la

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
STEPHEN K. FOX P.C .
10511 JUDICIAL DRIVE., SUITE 112
FAIRFAX, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
STEPHEN K. FOX

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
DOMINION ASSOCIATES, INC.
9031 SCOTT STREET
SPRINGFIELD, VA 22153

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
CHARLES S. PORTER
STEVEN M. PORTER

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.)**
CHARLES S. PORTER - PRESIDENT/DIRECTOR
STEVEN M. PORTER - VICE PRESIDENT/DIRECTOR

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

FORM RZA-1 Updated (7/1/06)

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

96901a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS, both GENERAL and LIMITED,** in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)
NONE

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner)**

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

9690|a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "NONE" on the line below.)
NONE

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: October 29, 2007
(enter date affidavit is notarized)

9690 1a

for Application No. (s): PCA-87-P-020-02
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
NONE

(NOTE: **Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:

Stephen K. Fox

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Stephen K. Fox, Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of OCTOBER 29, 2007, in the State/Comm. of Virginia, County/City of Fairfax.

Sherri L. Lundberg
Notary Public

My commission expires: June 30, 2011

SHERRI L. LUNDBERG
Notary Public
Commonwealth of Virginia
Reg. #7082308
My Commission Exps. June 30, 2011

FORM RZA-1 Updated (7/1/06)

APPENDIX 3

Depar... RECEIVED ...nt of Planning & Zoning
JUN 07 2007
Zoning Evaluation Division

STEPHEN K. FOX
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
10511 JUDICIAL DRIVE
SUITE 112
FAIRFAX, VIRGINIA 22030

(703) 273-7220
skfox@stephenkfoxpc.com

FAX (703) 273-7225

June 7, 2007

Eileen McLane, Zoning Administrator
County of Fairfax
Attention: Barbara A. Byron, Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: **Statement of Justification**; Proffer Condition Amendment, PCA 87-P-020;
Tax Map Number 48-1-((40)), Lot 15 and Tax Map Number 48-1-((40)), Lot 16
Oakton Grove Subdivision

Dear Ms. Byron:

I write to you as attorney and agent for the above-property owners in connection with their request to amend proffers to delete the existing Proffer No. 3, which is a condition of Re-zoning 87-P-020. Proffer No. 3 reads as follows:

> "Developer will retain the existing residential structures shown as Lots 15, and 16 on the Generalized Development Plan."[1]

BACKGROUND

As counsel for the original zoning applicant, I am uniquely aware of the reasons for Proffer No. 3 as it relates to Lots 15 and 16. At that time, the owners of those lots were unwilling to sell their property to Capital Sun Corporation, which would require them to re-locate from the community in which they had lived for a substantial period. Instead, those owners were willing to allow their property to be included in the re-zoning application, inasmuch as the lots offered the opportunity for extra density in the overall development. The parties were compensated at that time on an agreed basis for the contribution that their properties made to the overall density attainable in the project. Now, twenty years later Lot 16 has been sold, and the new owner desires to raze the existing home and re-develop the site with a residence, slightly larger, which is compatible with the homes in the Oakton Grove subdivision. Lot 15 has also been transferred, and Mr. and Mrs. Knisley wish to make major modifications and additions to the structure to meet their current needs, perhaps, changing signification portions of the existing structure.

---

[1] The request includes any necessary or required notation on the existing Generalized Development Plan to effect the textual change to the proffers.

As you can see, much like the previous Proffer Condition Amendment in 1989, the rationale for retention of the existing dwellings has long since vanished. Retention of those dwellings was not in anyway related to Historical Preservation, but was merely to serve the personal needs of the then-owners.

It is submitted that deletion of Proffer No. 3 will not have a negative impact upon the community, but may in all respects have a positive impact by allowing new construction on Lots 15 and 16, which is more compatible with development in the subdivision.

REQUEST FOR WAIVER OF SUBMISSION REQUIREMENT

The Applicants intend to pursue this request for a Proffer Condition Amendment on a "text only" basis. In essence, the applicants request simply the ability to raze the existing structures on Lots 15 and 16, in whole or in part, and to rebuild other structures. The remaining Proffers adopted with the re-zoning shall remain in effect and shall, if applicable, continue to apply to the subject properties. In pursuing this matter as a "text only" Proffer Condition Amendment, the applicants hereby request the Zoning Administrator to waive the following submission requirements (referring to Section 18-202 of the Zoning Ordinance of Fairfax County): 2, 3, 5, 9 A thru V, 10, 11, and 12).

CONCLUSION

We enclose, herewith the filing fee in the amount of $4,410.00, along with all submission requirements except those, which are the subject of a specific waiver request. We would appreciate your reviewing the enclosed, and submitting the same to Staff for review and the scheduling of hearings before Planning Commission and the Board of Supervisors as soon as possible.

Very truly yours,

Stephen K. Fox

SKF/dk
Enclosures

cc: Mr. Terry M. Belt
with Enclosures



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

March 23, 1988

Stephen K. Fox, Esquire
Fox and Proffitt, P.C.
10385 Main Street
Fairfax, Virginia 22030

Re: Rezoning Application
Number RZ 87-P-020

Dear Mr. Fox:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 29, 1988, granting, as proffered, Rezoning Application RZ 87-P-020 in the name of Roger DeMarco and Capital Sun Corporation, subject to the proffers dated February 22, 1988 and accompanied by a letter of clarification dated February 26, 1988, to rezone certain property in the Providence District from the R-1 District to the R-2 District on subject parcels 48-1 ((1)) 1, 3, 4, 6; 38-3 ((1)) 24A, 24B; and 38-3 ((3)) 31 consisting of approximately 17.36 acres.

Very truly yours,

Ethel W. Register

Ethel W. Register, CMC, Agency Director
Office of the Clerk to the Board

EWR:ns
cc: Joseph T. Hix
Real Estate Division, Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Barbara A. Byron, Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay
Robert Moore, Transportation Planning Division,
Office of Transportation
Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer
Virginia Department of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 29th day of February, 1988, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 87-P-020

WHEREAS, Roger Demarco and Capital Sun Corporation, filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-1 District to the R-2 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-2 District, and said property is subject to the use regulations of said R-2 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 29th day of February, 1988.

Ethel W. Register

Ethel W. Register, CMC, Agency Director
Office of the Clerk to the Board

A Letter dated February 26, 1988 clarifying the proffers dated February 22, 1988 can be found attached to said proffers.

PROFFER STATEMENT
(RZ 87-P-020)
February 22, 1988

Pursuant to Va. Code Sections 15.1-491, et seq., the Applicant hereby proffers the following:

1. The property shall be developed in conformance with the Generalized Development Plan dated February 22, 1988. Density on the property shall not exceed 1.82 dwelling units per acre.

2. Developer will construct houses which are architecturally compatible with other residential structures in the neighborhood as determined by the Director of Department of Environmental Management. The houses constructed on the property will incorporate the "Energy Saver Home Standards" published by Virginia Power, a radon detection/venting system, doors with a STC rating 24 or greater and double-pane insulated windows.

3. Developer will retain the existing residential structures shown as Lots 6, 15, 16, and 20 on the Generalized Development Plan.

4. The developer will provide ingress/egress from Lots 16 and 17 via the proposed public street on the property.

5. The developer will maintain the existing ingress/egress easement for Tax Map No. 48-1 ((1)) Lots 7, 8, 9 and 10 to the proposed public street proximate to Lots 15 and 16 of the subject property.

6. The developer will dedicate the public street (the stub street) on the subject property to the common property line of the parcel identified as Tax Map No. 48-1((1)), Lot 2 to the Board of Supervisors in fee simple for a public right of way.

7. Access to the property shall be via Oak Valley Drive and the connecting public streets to be constructed on the property. The development shall not have ingress or egress from or to Five Oaks Road or Chain Bridge Road, provided, however, that Lot 27 shall have its driveway on Five Oaks Road.

8. The developer will dedicate thirty (30) feet from the center line of Oak Valley Drive, and construct full frontage improvements to include curb and gutter, sidewalks, right turn/deceleration lane according to the standards of the Public Facilities Manual and/or Virginia Department of Transportation. This dedication shall be to the Board of Supervisors in fee simple for a public right of way.

9. If VDOT determines within a period from the date of rezoning to 2 years after completion of the development (the date of release of the public improvements bond) that a traffic signal is warranted at the intersection of Oak Valley Drive and Chain Bridge Road, the developer will participate in the funding of a traffic signal by a contribution of $300.00 per dwelling lot.

10. The developer will extend the sanitary sewer line to the property line so as to provide sewer availability to offsite properties to the north of the property. Final alignment of the sanitary sewer extension shall be as approved by the Department of Public Works.

11. If required by the Department of Environmental Management, the developer will provide a geotechnical engineering study for the property at the time of subdivision plan review and build houses on the property in accordance with the recommendations, if any, of the geotechnical engineering study.

12. The developer will preserve the designated mature trees on Lots 1, 6, 20 and 31 and the trees within the "tree preservation areas" shown on the Generalized Development Plan as approved by the County Arborist at the time of subdivision plan review. In addition, the developer will preserve the mature black gum tree located at the front of Lot 11 and such other scattered stands of trees as may be preserved with approval of the County Arborist.

13. The limits of clearing and grading shall be as shown on the Generalized Development Plan and as approved by the Director of Department of Environmental Management at the time of subdivision plan review.

14. Outlot A shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

15. Outlot B shown on the Generalized Development Plan shall be reserved for conveyance at fair market value to the owner(s) of Lots 2 and 2A, (Tax Map 48-1((1)) at such time as said lots are consolidated for development, so as to permit development of the lots without a variance.

16. Outlot C shown on the Generalized Development Plan shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, provided, however, that dead and/or dying trees may be removed at the expense of the Homeowners Association as approved by the County Arborist.

17. The developer shall place a conservation easement on the portion of Lot 25 designated on the Generalized Development Plan, which easement shall be recorded among the land records of Fairfax County and shall run to the owners of Lots 18 and 19 of Oakdale Woods subdivision, specifying that the trees located on the designated portion of Lot 25 will remain uncleared and undisturbed except that the owner of Lot 25 shall be permitted to remove dead and/or dying trees. The easement granted shall not any way preclude the owner of Lot 25 from locating permitted accessory uses in this area, provided that no removal of trees is required to erect the accessory use.

The easement placed on the designated portion of Lot 25 shall be recited in the subdivision documents at the time of recordation of the subdivision plat as approved by the County Attorney and shall be recited in the deed of bargain and sale conveying Lot 25 to the ultimate owner.

18. The stormwater management pond shall be designed to reduce projected phosphorus runoff rates by 35% through the increase in the detention time of the stormwater to a minimum of 24 hours. Said pond shall be a shallow marsh or a permanent pool with a two-stage design as approved by the Director of the Department of Environmental Management.

19. At the time of subdivision plan review, the developer shall prepare a detailed drainage study of areas with natural drainage swales and high water table soils.

RZ 87-P-020

CAPITAL SUN CORPORATION

February 22, 1988
Date

By: _____
Richard Wilkinson, President

February 22, 1988
Date

_____
Roger O. DeMarco

February 22, 1988
Date

_____
Virginia Cooper

February 22, 1988
Date

_____
Thelma Kozak

February 22, 1988
Date

_____
Michael R. Zupan

February 22, 1988
Date

_____
Thomas Christie

February 22, 1988
Date

_____
Barbara Christie

FOX & PROFFITT, P.C.
ATTORNEYS AT LAW
10385 MAIN STREET
FAIRFAX, VIRGINIA 22030

STEPHEN K. FOX
RONALD C. PROFFITT

TELEPHONE: (703) 352-1655
TELECOPIER: (703) 273-4036

ROBERT P. VISSER, OF COUNSEL
ADMITTED NY, CA, DC

February 26, 1988

HAND DELIVERED

Mrs. Marilyn Anderson
Office of Comprehensive Planning
10640 Page Avenue
Fairfax, Virginia 22030

Re: RZ 87-P-020; Letter of Clarification of Proffers Dated February 22, 1988

Dear Mrs. Anderson:

On behalf of the applicants, this letter is submitted in clarification of the executed proffers dated February 22, 1988 in the above case.

With respect to Proffer No. 16, Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, to be approved by the County Attorney.

With respect to Proffer No. 18, the on-site detention pond to be built shall be a shallow marsh pond, a permanent pool or as approved by the Director of the Department of Environmental Management at the time of subdivision plan review.

It is, further, the applicant's intent that the Director of the Department of Environmental Management may at the time of subdivision plan review, require the applicant to participate in a regional storm water detention facility (Pond D-30) in lieu of the onsite detention pond. In the event that the Director requires the applicant to participate in the regional storm water facility, the applicant agrees to prepare an estimate of the cost of constructing the on-site detention facility to be approved by the Department of Public Works and, instead of constructing the on-site facility, the applicant will contribute funds equal to the approved estimate to the County to assist in funding the cost of the regional detention facility.

I would appreciate your making this clarification of the Proffers dated February 22, 1988 a part of the record before the Board of Supervisors in this case.

Very truly yours,

Stephen K. Fox

Stephen K. Fox
Attorney and Agent for Applicants

/nh



COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

November 22, 1989

Stephen K. Fox, Esquire
Fox and Proffitt P.C.
10385 Main Street - Suite 203
Fairfax, Virginia 22030

Re: Proffered Condition Amendment
Number PCA 87-P-020

Dear Mr. Fox:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 30, 1989, approving Proffered Condition Amendment PCA 87-P-020 in the name of Capital Sun Corporation, subject to the revised proffers dated October 12, 1989, on subject parcels 48-1 ((1)) 1, 1A, 4A, 6, 6A and 38-3 ((3)) 31 consisting of approximately 17.36 acres in Providence District.

Sincerely,

Theodore Austell III

Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

TAIII:ns

cc: Joseph T. Hix
Real Estate Division, Assessments
Jane W. Gwinn
Zoning Administrator
Barbara A. Byron, Director
Zoning Evaluation Division
Robert Moore, Transportation Planning Division,
Office of Transportation
Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer
Virginia Department of Transportation
Richard Jones, Manager, Land Acquisition & Planning Division
Fairfax County Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 30th day of October, 1989, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 87-P-020

WHEREAS, Capital Sun Corporation, filed in the proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 30th day of October, 1989.

Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

PROFFER STATEMENT FOR
PCA 87-P-020
October 12, 1989

Pursuant to Va. Code Sections 15.1-491, et seq., the Applicant hereby proffers the following:

1. The property shall be developed in conformance with the Generalized Development Plan dated July 14, 1989 showing thirty-one (31) lots.

2. Developer will construct houses which are architecturally compatible with other residential structures in the neighborhood as determined by the Director of Department of Environmental Management. The houses constructed on the property will incorporate the "Energy Saver Home Standards" published by Virginia Power, a radon detection/venting system, doors with a STC rating 24 or greater and double-pane insulated windows.

3. Developer will retain the existing residential structures shown as Lots 15, and 16 on the Generalized Development Plan.

4. The developer will provide ingress/egress from Lots 15 and 16 via the proposed public street on the property.

5. The developer will maintain the existing ingress/egress easement for Tax Map No. 48-1 ((1)) Lots 7, 8, 9 and 10 to the proposed public street proximate to Lots 15 and 16 of the subject property.

6. The developer will dedicate the public street (the stub street) on the subject property to the common property line of the parcel identified as Tax Map No. 48-1((1)), Lot 2 to the Board of Supervisors in fee simple for a public right of way, as required by the Department of Environmental Management and Virginia Department of Transportation. Dedication of the public street shall be made on demand or at the time of subdivision plat approval, whichever occurs first, provided that full advance density credit is approved by the Board of Supervisors at the time of rezoning.

7. Access to the property shall be via Oak Valley Drive and the connecting public streets to be constructed on the property. The development shall not have ingress or egress from or to Five Oaks Road or Chain Bridge Road, provided, however, that Lot 25 shall have its driveway on Five Oaks Road.

8. Upon request of Fairfax County or at the time of subdivision plat approval, whichever occurs first, the developer will dedicate and convey thirty (30) feet from the center line of Oak Valley Drive, and construct full frontage

improvements to include curb and gutter, sidewalks, right turn/deceleration lane according to the standards of the Public Facilities Manual and/or Virginia Department of Transportation. This dedication shall be to the Board of Supervisors in fee simple for a public right of way.

9. The developer will participate in the funding of a traffic signal at the intersection of Oak Valley Drive and Chain Bridge Road by a contribution of $300.00 per dwelling lot. Said contribution shall be made prior to the issuance of the first Residential Use Permit and shall be in the form of cash to be held in an escrow fund or a letter of credit in a form acceptable to the Director of DEM. If VDOT does not determine within a period from the date of approval of the proffered condition amendment to 2 years after completion of the development (the date of release of the public improvements bond) that a traffic signal is warranted, the cash escrow shall be released to the developer or in the case of a letter of credit, the obligation of the letter of credit shall be released.

10. The developer will extend the sanitary sewer line to the property line so as to provide sewer availability to offsite properties to the north of the property. Final alignment of the sanitary sewer extension shall be as approved by the Department of Public Works.

11. If required by the Department of Environmental Management, the developer will provide a geotechnical engineering study to PFM standards for the property at the time of subdivision plat review and build houses on the property in accordance with the recommendations, if any, of the geotechnical engineering study as determined by the Department of Environmental Management.

12. The developer will preserve the designated mature trees on Lots 1, 19 and 20 and the trees within the "tree preservation areas" shown on the Generalized Development Plan as approved by the County Arborist at the time of subdivision plat review. In addition, the developer will preserve the mature black gum tree located at the front of Lot 11 and such other scattered stands of trees as determined by the County Arborist.

13. The limits of clearing and grading shall be as shown on the Generalized Development Plan and as approved by the Director of Department of Environmental Management at the time of subdivision plat review.

14. Outlots A-1 and A-2 shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat.

15. Outlot B, shown on the Generalized Development Plan, is not calculated in the density for the site and shall be reserved for conveyance at fair market value to the owner(s) of Lots 2 and 2A, (Tax Map 48-1((1)) at such time as said lots are consolidated for development, so as to permit development of the lots without a variance.

16. Outlot C shown on the Generalized Development Plan shall be conveyed to the Homeowner's Association which shall be established at the time of recordation of the subdivision plat. Outlot C shall be subject to a conservation easement running to the County for use as undisturbed natural open space pursuant to the Open Space Land Act, provided, however, that dead and/or dying trees may be removed at the expense of the Homeowners Association provided that the identification and method of removal is approved by the County Arborist.

17. The developer shall place a conservation easement on the portion of Lot 25 designated on the Generalized Development Plan, which easement shall be recorded among the land records of Fairfax County and shall run to the owners of Lots 18 and 19 of Oakdale Woods subdivision, specifying that the trees located on the designated portion of Lot 25 will remain uncleared and undisturbed except that the owner of Lot 25 shall be permitted to remove dead and/or dying trees. The easement granted shall not any way preclude the owner of Lot 25 from locating permitted accessory uses in this area, provided that no removal of trees is required to erect the accessory use.

The easement placed on the designated portion of Lot 25 shall be recited in the subdivision documents at the time of recordation of the subdivision plat as approved by the County Attorney and shall be recited in the deed of bargain and sale conveying Lot 25 to the ultimate owner.

18. The stormwater management ponds (Outlots A-1 and A-2 shown on the Generalized Development Plan) shall be designed to reduce projected phosphorus runoff rates by 35% through the increase in the detention time of the stormwater to a minimum of 24 hours. Said ponds shall be shallow marsh or a permanent pool with a two-stage design as approved by the Director of the Department of Environmental Management.

At the time of subdivision plat review, the Director of Department of Environmental Management may require the Applicant to participate in a regional storm water detention facility (Pond D-30) in lieu of onsite detention ponds. In the event that the Director requires the Applicant to participate in the regional stormwater facility, the Applicant shall contribute on a construction-avoidance-calculation basis to the cost of constructing the regional detention facility as determined by Department of Environmental Management.

Applicant's contribution on a construction-avoidance-calculation basis to the regional detention facility shall include the extra cost, if any, of constructing the required on-site facility in such a manner to reduce projected phosphorus runoff rates by 35% through the increase in detention time of the stormwater to a minimum of 24 hours as determined by the Department of Environmental Management.

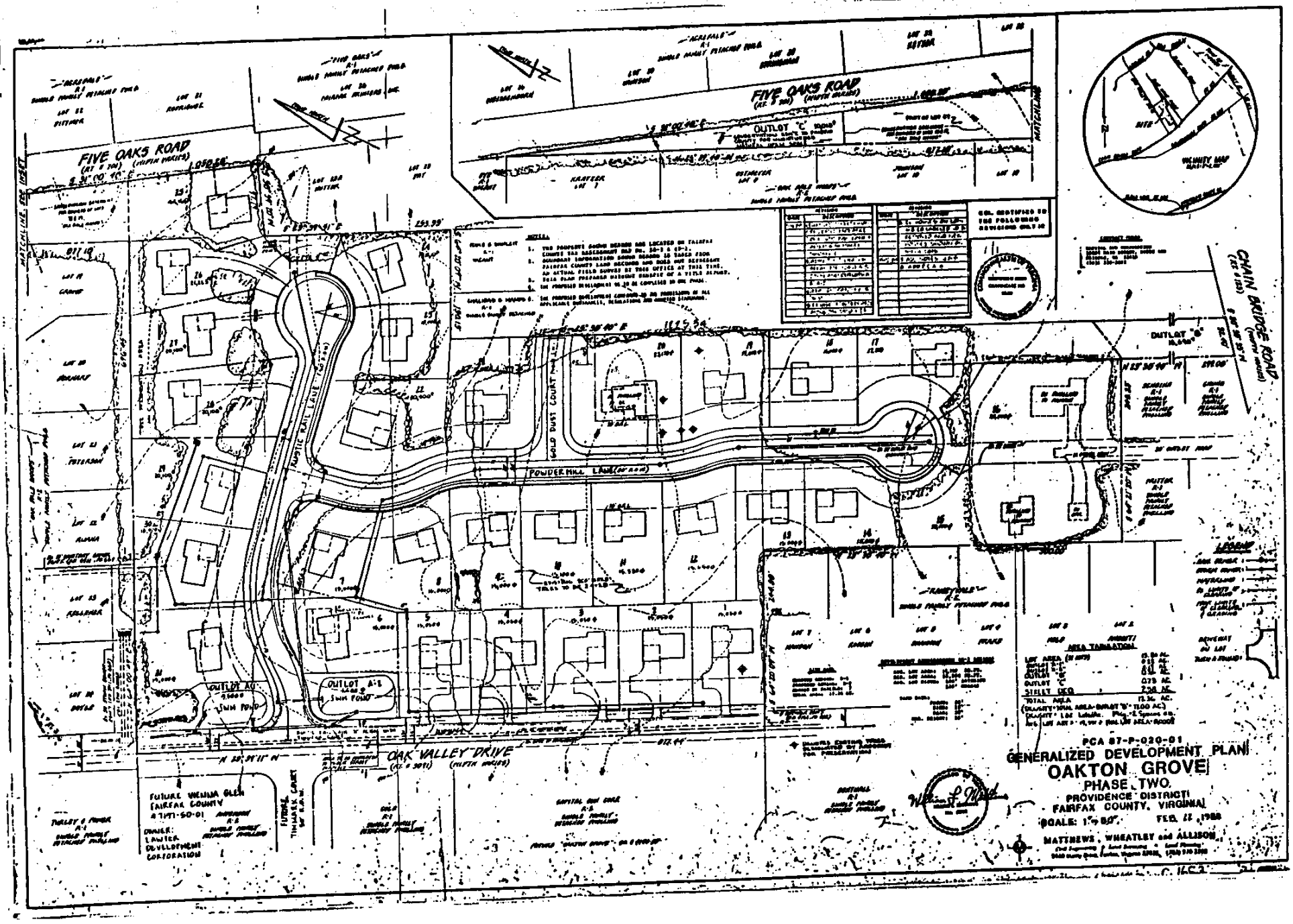
If onsite detention is not required by the Director of the Department of Environmental Management at the time of subdivision plat approval, Outlot A-1 shall be included as part of proposed Lot 6 and Outlot A-2 shall be included as part of proposed Lot 31.

19. At the time of subdivision plat review, the developer shall prepare a detailed drainage study of areas with natural drainage swales and high water table soils, subject to approval by the Department of Environmental Management and these findings will be included in the subdivision plat.

CAPITAL SUN CORPORATION

By: Richard A. Wilkinson
Richard A. Wilkinson,
President

A-979.305


FIVE OAKS ROAD
(RTE # 700) (VARIABLE WIDTH)
FIVE OAKS ROAD
(RTE # 700) (VARIABLE WIDTH)
OUTLOT "C"
10,000 SF
CHAIN BRIDGE ROAD
(RTE # 123)
RUSTIC RAIL LANE (50' R.O.W.)
GOLD DUST COURT (50' R.O.W.)
POWDER MILL LANE (50' R.O.W.)
OAK VALLEY DRIVE
(RTE # 3011) (VARIABLE WIDTH)
OUTLOT A-1
5,000 SQ.FT.
OUTLOT A-2
5,000 SQ.FT.
OUTLOT "B"
10,000 SQ.FT.
FUTURE WEMLA GLEN
FAIRFAX COUNTY
A-1171-SD-01
APPLICANT:
LAWLER
DEVELOPMENT
CORPORATION
FUTURE TIMBER CAMET
50' R.O.W.
LOCATION MAP
SITE
VICINITY MAP
NOTES
LEGEND
AREA TABULATION
PCA 87-P-020-01
GENERALIZED DEVELOPMENT PLAN
OAKTON GROVE
PHASE TWO
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 50'
FEB. 12, 1988
MATTHEWS, WHEATLEY and ALLISON

County of Fairfax, Virginia

MEMORANDUM

DATE: October 22, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **ENVIRONMENTAL ANALYSIS: PCA 87-P-020-02**
Oakton Grove

This memorandum, prepared by Mary Ann Welton, AICP, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed proffer condition amendment, dated July 22, 2007. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 5, the Plan states:

"**Objective 2:** **Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design techniques and low impact development (LID) . . . .

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

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- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation."

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 7, states:

"**Objective 3:** Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance"

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 14, states:

"**Objective 10:** **Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices."

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Lots 15 and 16 include 1.46 acres of land within the Oakton Grove subdivision that are subject to proffers associated with the approved rezoning, RZ 87-P-020. Proffer Number 3 requires the retention of homes on Lots 15 and 16.

Under the current application, the applicant is seeking to delete Proffer Number 3 because the original owners of Lots 15 and 16 have transferred the parcels, and the current owners would like to rebuild or substantially alter the respective homes on the subject lots. In addition, this application seeks a waiver of the submission requirements because the proffer amendment request is a "text only" amendment.

Stormwater Management/Best Management Practices: This application will involve re-development and possible increases in the amount of impervious surface for the subject property. Because no development plan has been submitted for this application, it is not clear how the redevelopment of the two lots will meet current stormwater management requirements. The applicants are encouraged to provide more information regarding the

manner in which current water quality and quantity control requirements will be addressed with the proposed re-development of Lots 15 and 16.

Tree Preservation: The subject property is characterized by a dense canopy of deciduous trees, particularly on Lot 16. In the absence of a development plan, no information is available regarding possible tree preservation for the proposed redevelopment. The applicant should provide an inventory of existing vegetation for the subject property, as well as a depiction of tree preservation areas and specimen trees which will preserved in conjunction with this application.

COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan Map does not depict any trails immediately adjacent to the subject property.

PGN: MAW

County of Fairfax, Virginia

MEMORANDUM

DATE: October 15, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-4(RZ 87-P-020-2)

SUBJECT: PCA 87-P-020-2; Oakton Grove, Debra Knisley and Scott Knisley
Land Identification Map: 48-1-((40))-15 and 16

This department has reviewed the proffered condition amendment revised through July 2007. We have the following comments.

- An existing outlet road connecting Route123 southbound to lots 15 and 16 is known for poor sight distance. Thus, any addition to the existing homes or construction of a new home on these properties should only allow vehicular access from Powdermill Lane to further limit the use of the outlet road.

AKR/MEC

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot

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GLOSSARY

This Glossary is provided to assist the public in understanding
the staff evaluation and analysis of development proposals.
It should not be construed as representing legal definitions.
Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan
or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggared work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

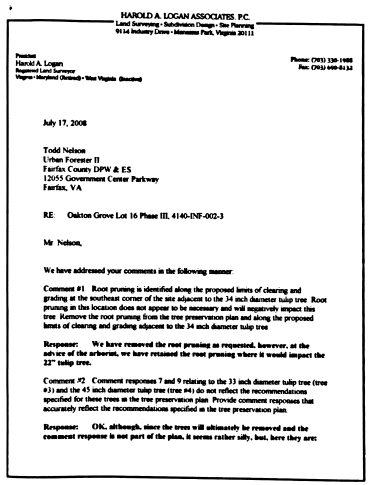
TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code, includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District
ADU	Affordable Dwelling Unit
ARB	Architectural Review Board
BMP	Best Management Practices
BOS	Board of Supervisors
BZA	Board of Zoning Appeals
COG	Council of Governments
CBC	Community Business Center
CDP	Conceptual Development Plan
CRD	Commercial Revitalization District
DOT	Department of Transportation
DP	Development Plan
DPWES	Department of Public Works and Environmental Services
DPZ	Department of Planning and Zoning
DU/AC	Dwelling Units Per Acre
EQC	Environmental Quality Corridor
FAR	Floor Area Ratio
FDP	Final Development Plan
GDP	Generalized Development Plan
GFA	Gross Floor Area
HC	Highway Corridor Overlay District
HCD	Housing and Community Development
LOS	Level of Service
Non-RUP	Non-Residential Use Permit
OSDS	Office of Site Development Services, DPWES
PCA	Proffered Condition Amendment
PD	Planning Division
PDC	Planned Development Commercial
PDH	Planned Development Housing
PFM	Public Facilities Manual
PRC	Planned Residential Community
RC	Residential-Conservation
RE	Residential Estate
RMA	Resource Management Area
RPA	Resource Protection Area
RUP	Residential Use Permit
RZ	Rezoning
SE	Special Exception
SEA	Special Exception Amendment
SP	Special Permit
TDM	Transportation Demand Management
TMA	Transportation Management Association
TSA	Transit Station Area
TSM	Transportation System Management
UP & DD	Utilities Planning and Design Division, DPWES
VC	Variance
VDOT	Virginia Dept. of Transportation
VPD	Vehicles Per Day
VPH	Vehicles per Hour
WMATA	Washington Metropolitan Area Transit Authority
WS	Water Supply Protection Overlay District
ZAD	Zoning Administration Division, DPZ
ZED	Zoning Evaluation Division, DPZ
ZPRB	Zoning Permit Review Branch

N:\ZED\WORDFORMS\FORMS\Miscellaneous\Glossary attached at end of reports.doc

ATTACHMENT 9



HAROLD A. LOGAN ASSOCIATES, P.C.
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President
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Registered Land Surveyor
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Fax: (703) 660-8132

July 17, 2008

Todd Nelson
Urban Forester II
Fairfax County DPW & ES
12055 Government Center Parkway
Fairfax, VA

RE: Oakton Grove Lot 16 Phase III, 4140-INF-002-3

Mr Nelson,

We have addressed your comments in the following manner:

Comment #1 Root pruning is identified along the proposed limits of clearing and grading at the southeast corner of the site adjacent to the 34 inch diameter tulip tree. Root pruning at this location does not appear to be necessary and will negatively impact this tree. Remove the root pruning from the tree preservation plan and along the proposed limits of clearing and grading adjacent to the 34 inch diameter tulip tree.

Response: We have removed the root pruning as requested, however, at the advice of the arborist, we have retained the root pruning where it would impact the 22" tulip tree.

Comment #2 Comment responses 7 and 9 relating to the 33 inch diameter tulip tree (tree #3) and the 45 inch diameter tulip tree (tree #4) do not reflect the recommendations specified for these trees in the tree preservation plan. Provide comment responses that accurately reflect the recommendations specified in the tree preservation plan.

Response: OK, although, since the trees will ultimately be removed and the comment response is not part of the plan, it seems rather silly, but, here they are:

7. The proposed limits of clearing and grading and proposed location of the 4-inch sanitary line lateral located at the southwest corner of the site adjacent to the 33-inch diameter tulip tree will provide minimal protection during the construction activities. Relocate the location of the 4-inch sanitary lateral and the proposed limits of clearing and grading to the north to provide a larger save area and provide a tree preservation plan prepared by a certified arborist demonstrating how this tree will be preserved. (ZO 16-204.4 and PFM 12-0603.1B(1)).

Response: *The tree is to be removed, in addition we have relocated the lateral and adjusted the limits of clearing accordingly.*

9. It is unclear how the existing 45-inch diameter tulip tree located along the western property boundary will be preserved during construction activities. Provide a tree preservation plan prepared by a certified arborist demonstrating how the tree will be preserved. (ZO 16-204.4)

Response: *The tree is slated to be removed.*

Comment #3 The Tree Protection Fence Installation Detail is not in conformance with proffer 3b. This detail denotes several control methods, many of which are not secure enough to adequately protect trees in this situation. In accordance with proffer 3b, specify 14-gauge welded wire fence for tree protection and add the attached Tree Protection Fence Installation detail requiring the use of 14-gauge welded wire as tree protection.

Response: O.K.

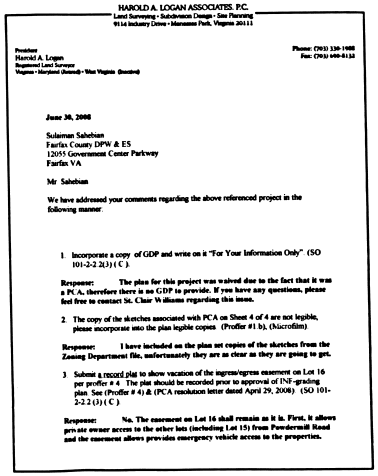
Comment #4 A tree preservation plan has been provided, however, it does not include the off site 32 inch and 26 inch diameter tulip trees at the northeast corner of the site. In accordance with proffer 1b, include these trees in the tree preservation plan to demonstrate how these trees will be preserved.

Response: The tree preservation plan has been amended to reflect protection for the offsite trees.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Mark D. Crain



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June 30, 2008

Sulaiman Sabebian
Fairfax County DPW & ES
12055 Government Center Parkway
Fairfax VA

Mr Sabebian

We have addressed your comments regarding the above referenced project in the following manner.

1. Incorporate a copy of GDP and write on it "For Your Information Only" (SO 101-2-2 2(3) (C).

Response: The plan for this project was waived due to the fact that it was a PCA, therefore there is no GDP to provide. If you have any questions, please feel free to contact St. Clair Williams regarding this issue.

2. The copy of the sketches associated with PCA on Sheet 4 of 4 are not legible, please incorporate into the plan legible copies (Proffer #1 b), (Microfilm)

Response: I have included on the plan set copies of the sketches from the Zoning Department file, unfortunately they are as clear as they are going to get.

3. Submit a record plat to show vacation of the ingress/egress easement on Lot 16 per proffer # 4. The plat should be recorded prior to approval of INF-grading plan. See (Proffer # 4) & (PCA resolution letter dated April 29, 2008) (SO 101-2-2 2 (3) (C)

Response: **No. The easement on Lot 16 shall remain as it is. First, it allows** private owner access to the other lots (including Lot 15) from Powdermill Road and the easement allows provides emergency vehicle access to the properties.

4. A copy of DEED should be provided to verify that the rights of ingress/egress of Lot 15 and Lot 16 have been removed for accessing to Chain Bridge Road (Proffer # 4), (SO 101-2-2 2 (3) (C).

Response: **A Quitclaim deed has been recorded that shows the owners of Lots 15 & 16 Oakton Grove Phase III have relinquished all rights to access Rte 123 (Chain Bridge Road through the easement recorded at DB 9141 PG 505. Please see DB 20002 PG 409 for the Quitclaim Deed for Lot 16 and DB 20002 PG 406 for the Quitclaim Deed for Lot 15.**

5. Comply with proffer conditions (# 1 C), (#1 E) and (# 1 F). Pre-approval conditions have been imposed in the project file on LDS (SO 101-2-2 2 (3) (C)

Response: **The owner has provided the funding to the proffers, although oh would have felt better had this been a "POST approval condition for obvious reasons.**

6. Label on the grading plan to show the existing ingress/egress easement of Lots 15 and 16 has been vacated. *(show the new deed book and page number for* waconon) I met Marian Godfrey of Department of Planning and Zoning on 6/3/08 for a verbal interpretation of Proffer # 4 and she made this determination.

Response: **No. The easement has not been vacated, the owners of Lot 15 still needs use of the easement on Lot 16 to access their lot from Powdermill Road. In addition, the parcels located on Fairfax County Tax Map 48-1((01))0007, 48-1((01))0008, 48-1((01))0009 & 48-1((01))0010 still have the right to access via Powdermill Lane. Also, emergency services need the use of the easement so that they do not have to back up equipment into Rte 123 (Chain Bridge Road) and instead can simply drive through to Powdermill Lane. This obviously is much safer. Please contact St. Clair Williams at the Zoning Department for clarification if there are any questions. Essentially, the easement stays and Lots 15 & 16 lose the right to access Rte. 123. Please see the previously referenced Quitclaim Deeds.**

7. Verify that the right of direct access to Chain Bridge Road from Lot 15 and 16 has been vacated. (Provide old and new copies of the deed). (Proffer # 4). (SO 101-2-2 2 (3) (C).

Response: **Please see DB 20002 PG 409 for the Quitclaim Deed for Lot 16 and DB 20002 PG 406 for the Quitclaim Deed for Lot 15.**

8. LOT 15 In order to assure the Proffer # 4 has been implemented, you need to show the driveway from the existing garage to cul-de-sac of Powdermill Lane, within Lot 15, because the existing easement on Lot 16 should be vacated (Proffer # 4)

Response: **Again, the easement will remain as it is.**

9. Show the missing width dimension of the infiltration trench Please correct the calculation narratives and the trench detail on Sheet 3 of 4 (PFM 2-0212 4)

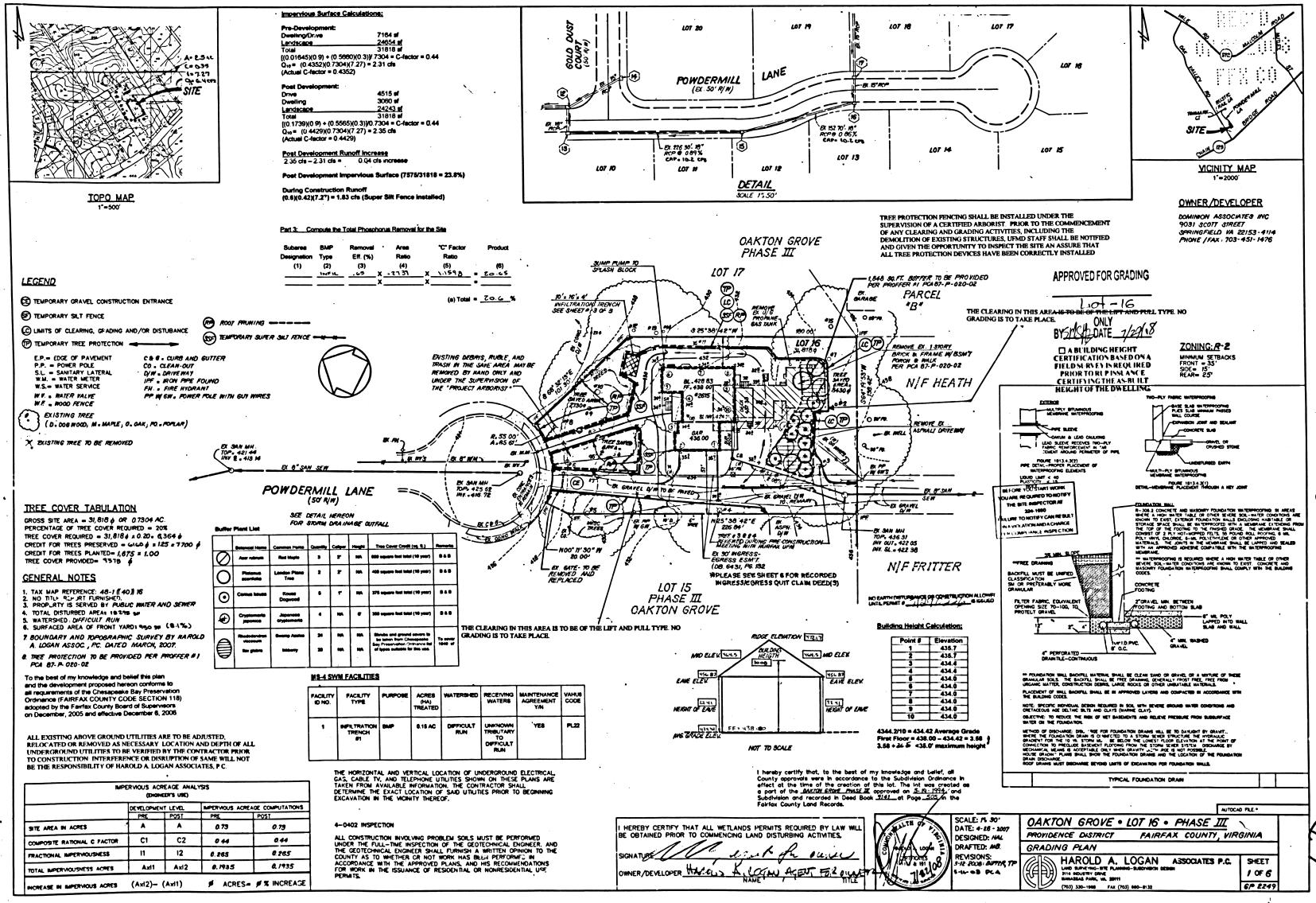
Response: **The trench is 10' ± 16' ± 4'. Dimensions have been added to the infiltration trench details.**

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Mark D C

Mark D. Crain


TOPO MAP
1"=500'
SITE
DETAIL
SCALE 1"=50'
POWDERMILL LANE
(EX. 50' R/W)
GOLD DUST COURT
(50' R/W)
LOT 20
LOT 19
LOT 18
LOT 17
LOT 16
LOT 15
LOT 14
LOT 13
LOT 12
LOT 11
LOT 10
VICINITY MAP
1"=2000
OWNER/DEVELOPER
DOMINION ASSOCIATES INC
9031 SCOTT STREET
SPRINGFIELD VA 22153-4114
PHONE/FAX: 703-451-1476
Impervious Surface Calculations:
Pre-Development:
Dwelling/Drive 7184 sf
Landscape 24654 sf
Total 31818 sf
[(0.01645)(0.9) + (0.5880)(0.3)]0.7304 = C-factor = 0.44
Qpre (0.4352)(0.7304)(7.27) = 2.31 cfs
(Actual C-factor = 0.4352)
Post Development:
Drive 4515 sf
Dwelling 3060 sf
Landscape 24243 sf
Total 31818 sf
[(0.1739)(0.9) + (0.5665)(0.3)]0.7304 = C-factor = 0.44
Qpre (0.4429)(0.7304)(7.27) = 2.35 cfs
(Actual C-factor = 0.4429)
Post Development Runoff Increase
2.35 cfs - 2.31 cfs = 0.04 cfs increase
Post Development Impervious Surface (7575/31818 = 23.8%)
During Construction Runoff
(0.8)(0.423)(7.27) = 1.83 cfs (Super Silt Fence installed)
Part 3: Compute the Total Phosphorus Removal for the Site
Subarea Designation (1) | BMP Type (2) | Removal Eff. (%) | Area Ratio (3) | "C" Factor Ratio (4) | Product (5) | (6)
Total | | | | | | = 20.6 %
LEGEND
TEMPORARY GRAVEL CONSTRUCTION ENTRANCE
TEMPORARY SILT FENCE
LIMITS OF CLEARING, GRADING AND/OR DISTURBANCE
TEMPORARY TREE PROTECTION
ROOT PRUNING
TEMPORARY SUPER SILT FENCE
E.P. = EDGE OF PAVEMENT
P.P. = POWER POLE
S.L. = SANITARY LATERAL
W.M. = WATER METER
W.S.= WATER SERVICE
W.V. = WATER VALVE
W.F. = WOOD FENCE
C & G = CURB AND GUTTER
CO = CLEAN-OUT
D/W = DRIVEWAY
IPF = IRON PIPE FOUND
FH = FIRE HYDRANT
PP W/GW = POWER POLE WITH GUY WIRES
EXISTING TREE (D. DOGWOOD, M. MAPLE, O. OAK, PO. POPLAR)
EXISTING TREE TO BE REMOVED
TREE COVER TABULATION
GROSS SITE AREA = 31,818 ± SF OR 0.7304 AC.
PERCENTAGE OF TREE COVER REQUIRED = 20%
TREE COVER REQUIRED = 31,818 ± x 0.20 = 6,364 ±
CREDIT FOR TREES PRESERVED = 6140 ± x 1.25 = 7700 ±
CREDIT FOR TREES PLANTED= 1,675 x 1.00
TREE COVER PROVIDED= 9518 ±
GENERAL NOTES
1. TAX MAP REFERENCE: 48-1[(40)] 16
2. NO TITLE REPORT FURNISHED.
3. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
4. TOTAL DISTURBED AREA= 19,548 SF
5. WATERSHED: DIFFICULT RUN
6. SURFACED AREA OF FRONT YARDS 950 SF (81.7%)
7. BOUNDARY AND TOPOGRAPHIC SURVEY BY HAROLD A. LOGAN ASSOC., PC. DATED MARCH, 2007.
8. TREE PROTECTION TO BE PROVIDED PER PROFFER #1 PCA 87-P-020-02
To the best of my knowledge and belief this plan and the development proposed hereon conforms to all requirements of the Chesapeake Bay Preservation Ordinance (FAIRFAX COUNTY CODE SECTION 118) adopted by the Fairfax County Board of Supervisors on December, 2005 and effective December 6, 2006
ALL EXISTING ABOVE GROUND UTILITIES ARE TO BE ADJUSTED, RELOCATED OR REMOVED AS NECESSARY. LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. INTERFERENCE OR DISRUPTION OF SAME WILL NOT BE THE RESPONSIBILITY OF HAROLD A. LOGAN ASSOCIATES, P.C.
IMPERVIOUS ACREAGE ANALYSIS (ENGINEER'S USE)
SITE AREA IN ACRES: A | A | 0.73 | 0.73
COMPOSITE RATIONAL C FACTOR: C1 | C2 | 0.44 | 0.44
FRACTIONAL IMPERVIOUSNESS: I1 | I2 | 0.265 | 0.265
TOTAL IMPERVIOUSNESS ACRES: Ax11 | Ax12 | 0.1935 | 0.1935
INCREASE IN IMPERVIOUS ACRES (Ax12)- (Ax11) = # ACRES= # % INCREASE
Buffer Plant List
Botanical Name | Common Name | Quantity | Caliper | Height | Tree Cover Credit (sq. ft.) | Remarks
Acer rubrum | Red Maple | 9 | 2" | MIN. | 600 square feet total (10 year) | B & B
Platanus acerifolia | London Plane Tree | 3 | 2" | MIN. | 450 square feet total (10 year) | B & B
Cornus kousa | Kousa Dogwood | 5 | 1" | MIN. | 375 square feet total (10 year) | B & B
Cryptomeria japonica | Japanese Cryptomeria | 4 | MIN. | 6' | 300 square feet total (10 year) | B & B
Rhododendron maximum | Swamp Azalea | 26 | MIN. | MIN. | Shrubs and ground covers to be taken from Chesapeake Bay Preservation Ordinance list of types suitable for this area. | To cover 1600 SF
Rhododendron Ria glokra | Inkberry | 39 | MIN. | MIN. | | To cover 1600 SF
MS-4 SWM FACILITIES
FACILITY ID NO. | FACILITY TYPE | PURPOSE | ACRES (NA) TREATED | WATERSHED | RECEIVING WATERS | MAINTENANCE AGREEMENT Y/N | VAHUS CODE
1 | INFILTRATION TRENCH #1 | BMP | 0.15 AC | DIFFICULT RUN | UNKNOWN TRIBUTARY TO DIFFICULT RUN | YES | PL22
THE HORIZONTAL AND VERTICAL LOCATION OF UNDERGROUND ELECTRICAL GAS, CABLE TV, AND TELEPHONE UTILITIES SHOWN ON THESE PLANS ARE TAKEN FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF SAID UTILITIES PRIOR TO BEGINNING EXCAVATION IN THE VICINITY THEREOF.
4-0402 INSPECTION
ALL CONSTRUCTION INVOLVING PROBLEM SOILS MUST BE PERFORMED UNDER THE FULL-TIME INSPECTION OF THE GEOTECHNICAL ENGINEER, AND THE GEOTECHNICAL ENGINEER SHALL FURNISH A WRITTEN OPINION TO THE COUNTY AS TO WHETHER OR NOT WORK HAS BEEN PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS, AND HIS RECOMMENDATIONS FOR WORK IN THE ISSUANCE OF RESIDENTIAL OR NONRESIDENTIAL USE PERMITS.
OAKTON GROVE PHASE III
LOT 17
LOT 16
LOT 15 PHASE III OAKTON GROVE
N/F HEATH
N/F FRITTER
PARCEL "B"
POWDERMILL LANE (50' R/W)
SEE DETAIL HEREON FOR STORM DRAINAGE OUTFALL
EXISTING DEBRIS, RUBBLE, AND TRASH IN THE SWM AREA MAY BE REMOVED BY HAND ONLY AND UNDER THE SUPERVISION OF THE "PROJECT ARBORIST."
TREE PROTECTION FENCING SHALL BE INSTALLED UNDER THE SUPERVISION OF A CERTIFIED ARBORIST PRIOR TO THE COMMENCEMENT OF ANY CLEARING AND GRADING ACTIVITIES, INCLUDING THE DEMOLITION OF EXISTING STRUCTURES. UFMD STAFF SHALL BE NOTIFIED AND GIVEN THE OPPORTUNITY TO INSPECT THE SITE AN ASSURE THAT ALL TREE PROTECTION DEVICES HAVE BEEN CORRECTLY INSTALLED
THE CLEARING IN THIS AREA IS TO BE OF THE LIFT AND PULL TYPE. NO GRADING IS TO TAKE PLACE.
APPROVED FOR GRADING
Lot-16
ONLY
BY DATE 1/29/18
A BUILDING HEIGHT CERTIFICATION BASED ON A FIELD SURVEY IS REQUIRED PRIOR TO BUILDING INSPECTION CERTIFYING THE AS-BUILT HEIGHT OF THE DWELLING.
ZONING: R-2
MINIMUM SETBACKS
FRONT = 35'
SIDE = 15'
REAR= 25'
1,848 SQ.FT. BUFFER TO BE PROVIDED PER PROFFER #1 PCA 87-P-020-02
REMOVE EX. 1 STORY BRICK & FRAME W/BSMT PORCH & WALK PER PCA 87-P-020-02
REMOVE EX. ASPHALT DRIVEWAY
REMOVE EX. UTILITY POLE
REMOVE EX. GAS TANK
JUMP PUMP TO SPLASH BLOCK
10' x 16' x 4' INFILTRATION TRENCH SEE SHEET #3 OF 6
EX. 6" SAN SEW
EX. SAN MH TOP= 422.66 INV E = 413.14
EX. SAN MH TOP= 425.08 INV = 416.72
EX. SAN MH TOP= 436.31 INV OUT= 422.05 INV. GL = 422.38
EX. 50' INGRESS-EGRESS ESMT. (DB. 6431, PG. 152)
PLEASE SEE SHEET 6 FOR RECORDED INGRESS/EGRESS QUIT CLAIM DEED(S)
EX. GRAVEL D/W TO REMAIN
EX. GRAVEL D/W
EX. ASPHALT D/W
EX. GATE TO BE REMOVED AND REPLACED
EX. GATE TO BE REMOVED AND REPLACED DURING FIRE CONSTRUCTION. REPLACE WITH HUMAN VIEW
N25°36'42"E 226.94'
N00°11'30"W 80.00'
N00°11'30"W 80.00'
R=55.00' A=85.61'
TREE SAVED 6430 ±
TREE SAVED 7304 ±
TREE SAVED 2615
TREE SAVED 2665
TREE SAVED 2665
TREE SAVED 2665

EROSION AND SEDIMENT CONTROL NARRATIVE (CONSTRUCTION SEQUENCE)

1. INSTALL CONSTRUCTION ENTRANCE
2. INSTALL SILT FENCES IN THEIR LOCATIONS AS SHOWN ON PLAN.
3. CLEAR SITE.
4. CONSTRUCT HOUSE.
5. PERMANENTLY STABILIZE DISTURBED AREAS PER VIRGINIA EROSION AND SEDIMENT CONTROL STANDARD AND SPEC. 3.32.
6. REMOVE E&S CONTROLS WITH THE SITE INSPECTORS PERMISSION.

LAND CONSERVATION NOTES

1. NO DISTURBED AREA WILL REMAIN DENUDED FOR MORE THAN 7 CALENDAR DAYS UNLESS OTHERWISE AUTHORIZED BY THE DIRECTOR OR HIS AGENT.
2. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN GRADING. FIRST AREAS TO BE CLEARED ARE TO BE THOSE REQUIRED FOR THE PERIMETER CONTROLS.
3. ALL STORM AND SANITARY SEWER LINES NOT IN STREETS ARE TO BE MULCHED AND SEEDED WITHIN 3 DAYS AFTER BACKFILL. NO MORE THAN 500 FEET ARE TO BE OPEN AT ANY ONE TIME.
4. ELECTRIC POWER, TELEPHONE AND GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEEDED AND MULCHED WITHIN 5 DAYS AFTER BACKFILL.
5. ALL TEMPORARY EARTH BERMS, DIVERSIONS AND SEDIMENT CONTROL DAMS ARE TO BE MULCHED AND SEEDED FOR TEMPORARY VEGETATIVE COVER IMMEDIATELY AFTER GRADING. STRAW OR HAY MULCH IS REQUIRED. THE SAME APPLIES TO ALL SOIL STOCKPILES.
6. DURING CONSTRUCTION, ALL STORM SEWER INLETS WILL BE PROTECTED BY INLET PROTECTION DEVICES, MAINTAINED AND MODIFIED AS REQUIRED BY CONSTRUCTION PROGRESS.
7. ANY DISTURBED AREA NOT COVERED BY NOTE #1 ABOVE AND NOT PAVED, SODDED OR BUILT UPON BY NOVEMBER 1ST, OR DISTURBED AFTER THAT DATE, IS TO BE MULCHED WITH HAY OR STRAW MULCH AT THE RATE OF TWO TONS PER ACRE AND OVER-SEEDED NO LATER THAN MARCH 15TH
8. AT THE COMPLETION OF CONSTRUCTION PROJECTS AND PRIOR TO THE RELEASE OF THE BOND, ALL TEMPORARY SEDIMENT AND EROSION CONTROLS SHALL BE REMOVED AND ALL DISTURBED AREAS SHALL BE STABILIZED.

MAINTENANCE PROGRAM:

1. THE SITE SUPERINTENDENT, OR HIS/HER REPRESENTATIVE, SHALL MAKE A VISUAL INSPECTION OF ALL MECHANICAL CONTROLS AND NEWLY STABILIZED AREAS (i.e. SEEDED AND MULCHED AND/OR SODDED AREAS) ON A DAILY BASIS; SPECIALLY AFTER A HEAVY RAINFALL EVENT TO ENSURE THAT ALL CONTROLS ARE MAINTAINED AND PROPERLY FUNCTIONING. ANY DAMAGED CONTROLS SHALL BE REPAIRED IMMEDIATELY TO THE END OF THE WORK DAY INCLUDING RE-SEEDING AND MULCHING OR RE-SODDING IF NECESSARY.
2. ALL SEDIMENT TRAPPING DEVICES SHALL BE CLEANED OUT AT 50% TRAP CAPACITY AND THE SEDIMENT SHALL BE DISPOSED OF BY SPREADING ON THE SITE OR HAULING AWAY IF NOT SUITABLE FOR FILL.

THE EROSION AND SEDIMENT CONTROLS SHOWN ON THIS PLAN HAVE BEEN DESIGNED IN ACCORDANCE WITH FAIRFAX COUNTY PUBLIC FACILITIES MANUAL CHAPTER 11, AND THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK 1992, THIRD ADDITION.

FAIRFAX COUNTY PRIORITY RATING FORM FOR E&S CONTROL

PROJECT NAME: OAKTON GROVE PROJECT NUMBER:

TAX MAP: 48-1 ((4)) 16 EVALUATOR: MARK CRAIN DATE: 4/18/2007

A. Percentage of Denuded Area to Total Site Area

	Rating
> 60%	3
31 to 60%	2
10 to 30%	1

If the denuded area is greater than 10 acres, the project is initially rated a high priority.

B. Watercourse Crossing

	Rating
Yes	4
No	0

If yes, project is initially rated a high priority.

C. Distance of Denuded Area to Downstream Adjacent Property

	Rating
< 50–foot	3
50 to 150–foot	2
> 150–foot	0

D. Distance of Any Portion of the Denuded Area to a Natural Watercourse

	Rating
<50–foot	3
50 to 150–foot	2
> 150– foot	0

E. Maintain Vegetative Buffer (Trees, Shrubs, Grasses and other Plants)

	Rating
< 50–foot	0
50 to 150–foot	–3
> 150–foot	–6

*Vegetation in Resource Protection Areas are not to be included as vegetative buffers for this application.

F. Distance Between the Site Outfall and any Downstream, Not Pond, National, Portland or other Land Deemed Environmentally Sensitive by the Director

	Rating
< 2,500–foot	3
2,500 to 5,000–foot	2
> 5,000–foot	0

G. Critical Slopes Within 50–foot of Adjacent Property

Are there any slopes of 0 to 7% greater than or equal to 300–feet in length, or 7% to 15% greater than or equal to 150–feet in length, or 15% to 25% greater than or equal to 75–feet in length, or greater than 25% greater than or equal to 75–feet in length

	Rating
If Yes to any of the above	[ ] 3
Not Applicable if project does is > 300–feet from adjacent property	[ ] 0

H. Soil Erodibility (Based on K Factor)

	Rating
High (> or = to 0.37)	5
Medium (0.24 to 0.36)	3
Low (< 0.24)	1

TOTAL/OVERALL RATING: 9 B

OVERALL RATING	PRIORITY (Mark with an "X")
If = 22	High
If = 9 and < or = to 22	Medium X
If < or = to 14	Low

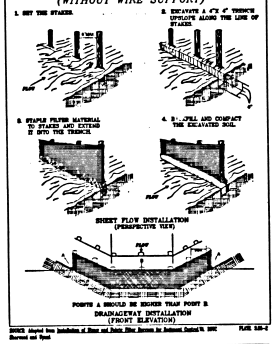
PROJECT PRIORITY LEVEL: MEDIUM

Reserved for Fairfax County use

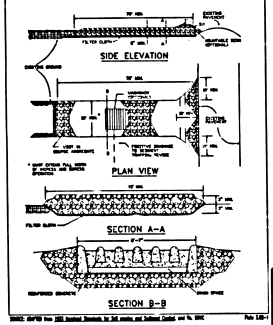
APPROVED BY _____ DATE _____

Plan Reviewer

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



STONE CONSTRUCTION ENTRANCE



TREE PROTECTION FENCE INSTALLATION

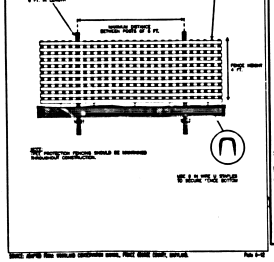


TABLE 3.32-B
SITE SPECIFIC SEEDING MIXTURES FOR PIEDMONT AREA

	Total Lbs. Per Acre
Minimum Care Lawn	
- Commercial or Residential	175-200 lbs.
· Kentucky 31 or Turf-Type Tall Fescue	95-100%
· Improved Perennial Ryegrass	0-5%
· Kentucky Bluegrass	0-5%
Mid- Maintenance Lawn	200-250 lbs.
· Kentucky 31 or Turf-Type Tall Fescue	100%
General Slope (2:1 or less)	
· Kentucky 31 Fescue	120 lbs.
· Red Top Grass	5 lbs.
· Seasonal Nurse Crop *	25 lbs.
	150 lbs.
Low-Maintenance Slope (Steeper than 2:1)	
· Kentucky 31 Fescue	100 lbs.
· Red Top Grass	5 lbs.
· Seasonal Nurse Crop *	30 lbs.
· Crownvetch **	20 lbs.
	150 lbs.

* Use seasonal nurse crop in accordance with seeding dates as stated below:
February 16th through April ..... Annual Rye
May 1st through August 15th ..... Pearnial Millet
August 16th through October ..... Annual Rye
November through February 15th ..... Winter Rye

** Scarification Systems Innovation for Crownvetch, Inc., Blacksburg, Va., May through Sept. (after one hulled freeze, all other periods, use unhulled Seeding). If Flexpave is used in lieu of Crownvetch, increase rate to 30 lbs./Acre. All legume seed must be properly inoculated. Wrapping Lawngrass may be added in any slope or low-maintenance mix during warmer seeding periods; add 10-20 lbs./Acre in mixes.

TABLE 3.35-A
ORGANIC MULCH MATERIALS AND APPLICATION RATES

MULCHES	RATES: Per Acre	RATES: Per 1000 sq. ft.	NOTES
Straw or Hay	1½ - 2 tons (Minimum 2 tons for winter cover)	70 - 90 lbs.	Free from weeds and coarse matter. Must be anchored. Spread with mulch blower or by hand.
Fiber Mulch	Manufacturer's recommended 1500 lbs.	35 lbs.	Do not use as mulch for winter cover or during hot, dry periods.* Apply as slurry.
Corn Stalks	4 - 6 tons	185 - 275 lbs.	Cut or shredded in 4-8" lengths. Air-dried. Do not use in fine turf areas. Apply with mulch blower or by hand.
Wood Chips	4 - 6 t=	185 - 275 lbs.	Free of coarse matter. Air-dried. Treat with 12 lbs. nitrogen per ton. Do not use in fine turf areas. Apply with mulch blower, chip loader, or by hand.
Bark Chips or Shredded Bark	50 - 70 cu. yds.	1-2 cu. yds.	Free of coarse matter. Air-dried. Do not use in fine turf areas. Apply with mulch blower, chip loader, or by hand.

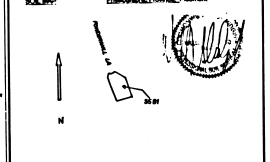
* When fiber mulch is the only available mulch during periods when straw should be used, apply at a minimum rate of 2000 lbs./ac. or 45 lbs./1000 sq. ft.

SOIL TECH, INC.
14876-F FLINT LEE ROAD
CHANTILLY, VA 20151

Soil Evaluation for Residential Construction in Unsewered Soil Areas

Requested By: Dynasion Associates Inc.
Proposed Use: Residential
Location: 2815 Dovercrest Lane, Oakton, VA
Evaluation By: W.F. Brabham, C.P.S.S. VA #29
Map No(s): 48-1-((4))-16
Date: 4/18/2007

SOIL MAP — Physiographic Province: Piedmont



Soil Boundary _____ SOILS MAP Scale 1"=200'

Slope Legend — Slope Symbols — Erosion Symbols

PRE-DEVELOPMENT SITE CONDITIONS NARRATIVE

Project Description:
The project proposed herein involves the removal of an existing dwelling and associated improvements and the new construction of a single-family dwelling and associated improvements on 0.24 acres in the Providence District. A total of 0.42 acres will be disturbed over the course of this project. The project is located in the Difficult Run watershed.

Existing Site Conditions:
The site features an existing single-family dwelling and associated improvements. The site flows to the north from the high point on the rear lot line. The elevation at the high point is approximately 418.0 msl and slopes south at approximately 3% or less, leaving the site at 428.0 as it flows into the curb and gutter located along Powdermill Lane. Proposed grading will direct flow away from the adjacent properties and into the site. The proposed development will increase flow by 0.04 cfs at the 10-year storm, however no deleterious effects should occur downstream due to the development proposed herein. The storm sewer system located along Powdermill Lane will receive the increase in flow. The site does not feature any "Champion" or specimen trees of note. Sparse ground vegetation such as ~ unmaintained grass cover the site in area where sunlight is sufficient quantities reaches the ground.

Adjacent Areas:
This site features does not feature RPA's.

Off-site Areas:
No off-site areas are to be disturbed due to this project. No borrow sites are to be utilized and any waste of surplus is to be disposed of via proper procedures.

Critical Areas:
None

Soils:
This site features Glenelg (55B1) type soil.

(55) Glenelg
This soil occurs on hillcaps and sideslopes underlain by micaceous schist. Silts and clays overlie silty and sandy decomposed rock. Depth to hard bedrock ranges from 5 to 100 feet. Permeability is moderate to moderately rapid. Foundation support for small buildings (three stories or less) is typically suitable. Because of a high mica content, the soil tends to "fluff" up when disturbed and is difficult to compact, requiring engineering designs for use as structural fill. This soil is suitable for septic drainfields and sedimentation trenches. Glenelg is highly susceptible to erosion.

Permanent Site Stabilization:
All areas disturbed by construction shall be stabilized with permanent seeding immediately following finish grading. Seeding shall be done with an appropriate ground cover according to Spec. 3.32D VESC that dictates 175-200 lbs/acre of seed for the Piedmont Area. The seed shall include 95-100% Turf-Type Tall Fescue, 0-5% Improved Perennial Ryegrass and 0-5% Kentucky Bluegrass. Erosion control blankets will be installed over fill slopes that have been brought to final grade and have been seeded to protect the slopes from rill and gully erosion and to allow seed to germinate properly. Mulch (straw or fiber) will be used on relatively flat areas and will be applied as a second step in the seeding operation. In all seeding operation, seed, fertilizer and lime will be applied prior to mulching.

Maintenance:
In general, all erosion and sediment control measures will be checked daily and after each significant rainfall. The following items will be checked in particular:

1. The silt fence barrier will be checked regularly for undermining or deterioration of the fabric. Sediment shall be removed when the level of the sediment deposition reaches half way to the top of the barrier.
2. The seeded areas will be checked regularly to ensure that a good stand is maintained. Areas should be fertilized and re-seeded as needed.
3. Tree protection will be inspected and replaced if removed for any reason.
4. Construction Entrance and Wash Rack will be inspected to ensure proper operation and any maintenance required will be performed immediately.

OUTFALL NARRATIVE

General
There are no stormwater detention facilities planned for this site. There are no concentrated flows leaving this site. All overland flow is in the form of sheet flow by the time adjacent offsite areas are reached.

Drainage Area
The total drainage for this site is 0.85 acres.

Outfall Discharge Amount
Post-development peak 10-year release from this area totals 2.72 cfs at the 10-year storm. Pre-
- development runoff is 2.68 cfs (10-year). Post-development runoff is increased by 0.43 cfs.

Channel Cross Section
There are no channels within the drainage area to study. All flow is overland sheet flow into the existing curb and gutter system.

Limits of Study
The limits of study are depicted on the topo/drainage divide map

Channel Permissible Velocity
There are no channels to study, this site features sheet flow into an existing curb and gutter and pipe system.

Channel Capacity
There are no channels to study, this site features sheet flow into an existing curb and gutter and pipe system.

Channel Velocity
There are no channels to study, this site features sheet flow into an existing curb and gutter and pipe system.

Easement Requirements
No easements are required since the downstream reaches are adequate and no improvements are proposed.

Downstream Impacts
No culverts or bridges are present through the entire limits of study.

Final Opinion
Post-development runoff is slightly increased versus existing flow. The existing system has sufficient capacity to handle the proposed development. The runoff velocities are not severe. No deleterious downstream effects will be realized. In my professional opinion the outfall is adequate and no adverse downstream effects due to proposed development will occur.

OF 22008
FFX 00

AUTOCAD FILE:*

COMMONWEALTH OF VIRGINIA — LICENSED PROFESSIONAL ENGINEER — 11 E. 191 — STATE OF LAND SURVEYOR

SCALE: N/A
DATE: 4-26-2007
DESIGNED: MAL
DRAFTED: MB
REVISIONS:

OAKTON GROVE • LOT 16 • PHASE III
PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA
NOTES AND DETAILS

HAROLD A. LOGAN ASSOCIATES P.C.
LAND SURVEYING-SITE PLANNING-SUBDIVISION DESIGN
8114 INDUSTRY DRIVE
MANASSAS PARK, VA. 20111
(703) 330-1988 FAX (703) 880-8132

SHEET 2 OF 5
GP 2249

SOIL TECH INC.
14630-F FLINT LEE ROAD
CHANTILLY, VIRGINIA 20151
(703) 631-5647
(703) 631-2176x FAX

April 24, 2007

Dominion Associates, Inc.
9031 Scott St.
Springfield VA 22189

Re: Infiltration Studies at 2815 Powdermill Lane, Oakton, Virginia

Gentlemen,

Soil borings, infiltration tests and other observations were made at the referenced tract. Falling head infiltration tests were conducted at depths of 6.0 feet at two locations. The infiltration tests were conducted at 6.0 feet (2 feet below proposed trench depth). Test holes were lined with 3 inch smooth bore PVC and presaturated for 24 hours. Infiltration readings were taken for a period of 4 hours.

A soil boring was made and described to a depth of 8 feet within the area of the infiltration structure. Soil samples were taken for particle size analyses.

• • •

The site occurs on a gently sloping (2-7%) upland in the Piedmont Physiographic Province. The soil is identified as Gainesville loam, eroded (GaB2) which is a well drained loamy soil with moderate to moderately rapid vissmal drainage and developed in the residual weathering products of mica gneiss and schist bedrock. The estimated depth to bedrock and water table is more than 10 feet at the location.

Particle size analyses indicate sandy loam textures at 5 to 8 feet. Falling head percolation test rates could not be recorded during the first three hourly readings due to the rapid fall. Readings were taken at 20-minute intervals during the fourth hour and an average rate of 24 inches per hour was recorded. An average K (Ksat) value was estimated at 4.3 in./hr. (see attachment) This value is consistent with the National Soils Handbook Guide, (USDA Soil Conservation Service, 1983).

The maximum design rate: fs/2 = 2.2 in./hr. at 4.0 feet

Very truly yours,

William [illegible], C.P.S.

SOIL PROFILE DESCRIPTION
At 2815 Powder Mill Lane

Boring #3

Horizon	Depth (ft.)	Description
Ap	0-0.3	Dark brown (7.5YR 4/2), friable silt loam
Bw	0.3-2.9	Yellowish red (5YR 5/6), friable silt loam
C1	2.9-5.0	Red (2.5YR 4/6, 5/6), Brownish yellow (10YR 6/8), White (10YR 8/1), very friable fine sandy loam (elastic SILT with SAND, MH)
C2	5.0-8.0	Weak red (10R 5/4), very friable fine sandy loam (sandy elastic SILT, MH)

Dry on completion. White colors are lithochromic. Depth to water table and rock is greater than 8 feet.

USDA SOIL TEXTURAL ANALYSIS
8.0'-8.0'

sand %	58.0
silt%	33.0
clay%	12.0

SOIL TEXTURE (textural triangle) sandy loam

Infiltration Test Results at 2815 Powder Mill Lane

Time (min)	B1 (in./hr.)	B2 (in./hr.)				
30						
60	>30	>30				
90						
120	>30	>30				
150						
180	>30	>30				
210						
240	25.0	24.0				

Horsley Formula for Determination of Saturated Hydraulic Conductivity

Flush Bottom in Uniform Soil (Variable Head)

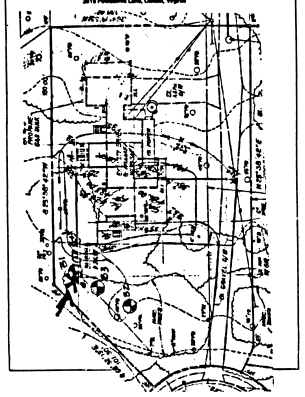
Date 04/20/07
Test No. B1
Test Depth 6 Ft.

Hole Diameter, D,	4.25	
Time of reading	@ hr. time, hr.	5.33
First reading	H1 initial head, ft.	20.0
Final reading	H2 final head, ft.	6.0
	h,ft	5.00 feet
		242.59 inches

Test No. B2
Test Depth 6 Ft.

Hole Diameter, D,	4.25	
Time of reading	@ hr. time, hr.	5.33
First reading	H1 initial head, ft.	20.0
Final reading	H2 final head, ft.	5.0
	h,ft	5.00 feet
		251.22 inches

BORING LOCATION PLAN
2815 Powdermill Lane, Oakton, Virginia


SCALE: 1" = 50'
POWDERMILL LANE
50.0' R/W
EX. DRIVE
EX. DWLG
EX. SHED
EX. GRAVEL DRIVE
EX. DWLG
EX. SHED
EX. DWLG
EX. SHED
EX. DWLG
EX. SHED

PROFFERS - PCA 87-P-020-02
R-2 Zoning District
April 1, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-1((4))9 15 and 16 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of PCA 87-P-020, dated October 12, 1989, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The references "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 87-P-020 and PCA 87-P-020. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

1. Proffer No. 3 as currently written is deleted, and the following is substituted therefor:

"3. The owners of Lots 15 and 16 may retain the existing dwellings in their current form, make subsequent building additions to the existing dwellings or raze and erect new dwellings on the respective lots, provided that:

a. any subsequent building additions or new dwellings erected are architecturally compatible with other residential structures in the neighborhood as determined by DPWES;

b. grading and construction activities shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall inspect the trees on the GDP to be saved if possible with an Urban Forest Management (UFM) representative. Trees identified to be preserved shall be protected by tree protection fencing in the form of 4 foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other form of tree protection fencing approved by UFM. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the GDP. Trenching for the fence shall not occur or wire, or compaction ramp which can lead to structural failure and/or uprooting of trees. Tree protection fencing shall be installed prior to any clearing and grading activities.

The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to commencement of any clearing, grading , or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has has been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

c. Prior to issuance of a building permit, the Applicants shall post cash, bond, or letter of credit in an amount not to exceed $5 000 payable to the County of Fairfax to ensure preservation and/or replacement of the trees that are designated to be saved that die or are dying due to unauthorized construction activities on the site. Any trees shown to be preserved on the approved plan that die or are dying due to unauthorized construction activities shall be replaced with trees of a species and size acceptable to the Urban Forest Management. DPWES deemed reasonably assured of surviving. These tree replacement measures shall not apply to trees that die or begin to die as a result of factors not related to the Applicant's construction activities."

d. In addition to trees preserved as noted in c. above, the Applicant shall provide additional landscaping for southern purposes as shown on the Lot 16 over lot grading plan, using as a guide the Chesapeake Bay Preservation Act vegetative buffer planting guidelines.

e. Applicant shall contribute the sum amount of $300.00 to the Board of Supervisors to assist funding of library collections at the Oakton community library.

f. Applicant shall contribute the sum amount of $300.00 to the Board of Supervisors for the Providence District Tree Fund, the same to be used for projects in the Providence District."

2. Proffer No. 4 is hereby rescinded to add an additional sentence following the proffer as currently written to read:

"4 ... Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES).

Proffers
PCA 87-P-020-02
April 1, 2008

3. Except as modified by the foregoing changes, the Proffer Statement for PCA 87-P-020 dated October 12, 1989 shall remain in full force and effect.

OAKTON GROVE LLC, Owner Lot 16

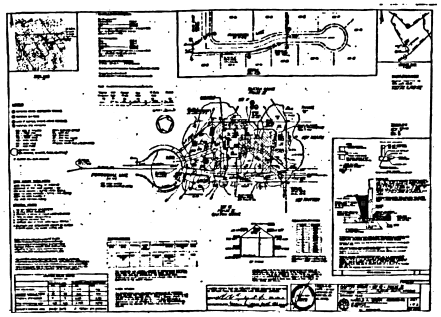
By: _____
Tony McBeth, Member/Manager

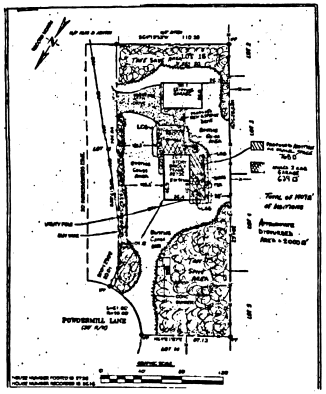
By: Dominion Associates, Inc., Member/Manager

By: _____
Steven M. Porter, Vice President

DEBRA A. OSBORN and DEBRA A. KNISLEY
Co-owner Lot 15

_____
SCOTT P. KNISLEY
Co-owner Lot 15





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

April 29, 2008

Stephen K. Fox
10511 Judicial Drive, Suite 112
Fairfax, Virginia 22030

RE: Proffered Condition Amendment Application PCA 87-P-020-02

Dear Mr. Fox:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 28, 2008, approving Proffered Condition Amendment Application PCA 87-P-020-02 in the name of Oakton Grove LLC; and Debra Knisley and Scott Knisley. The Board's action amends the proffers for Rezoning Application RZ 87-P-020, previously approved for residential development to permit existing structures to be replaced or modified at a density of 1.82 dwelling units per acre (du/ac) with associated modifications to site design. The subject property is located on the terminus of Scottsdale Lane on approximately 1.66 acres of land zoned R-2 (Tax Map 48-1 ((4))9 15 and 16), in the Providence District and is subject to the proffers dated April 1, 2008.

Sincerely,

Nancy Vehrs
Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms
Enclosure

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3906
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

Cc: Chairman Gerald E. Connolly
Supervisor Linda Smyth, Providence District
Jimmi Goldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Ellen Gallagher, Capital Projects and Operations Div. Dept. of Transportation
Audrey Clark, Director - Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways - VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Bobick, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jane Conerspan, Director, Facilities Management
Dottie Isman, Office of Capital Facilities/Fairfax County Public Schools
Kevin Morsland, Chief Capital Projects Services, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 28th day of April, 2008, the following ordinance was adopted.

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 87-P-020-02

WHEREAS, Oakton Grove LLC, and Debra Knisley and Scott Knisley, filed in the proper form an application to amend the proffers for RZ 87-P-020 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pursuant to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal descriptions).

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this amendment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 28th day of April, 2008.

Nancy Vehrs
Nancy Vehrs
Clerk to the Board of Supervisors

PROFFER CONDITION NARRATIVE

RECD
07 22008
FCDA

PROFFER #1

a) All proposed dwelling shall be architecturally compatible with other in the neighborhood as determined by Fairfax County DWP & ES.
b) The clearing and grading shall be consistent with those approved with PCA 87 P-020-02 and the developer shall have said limits and tree protection fencing inspected by a certified arborist or landscape architect and Fairfax County Urban Forestry personnel prior to commencement of land disturbing activities. Tree protection shall be provided as shown on the PCA and shall contain tree protection fencing as described in the proffer.
c) A cash bond of $3000 will be paid by the developer to Fairfax County to be utilized for tree replacement in the event unauthorized clearing or grading damages any tree(s) not specifically shown to be removed on the plan.
d) An additional buffer will be provided as shown on the plan.
e) The developer will contribute $300 to the Board of Supervisors to assist funding of the Oakton community library.
f) The developer will contribute $300 to the Board of Supervisors for the Providence District Tree Fund.

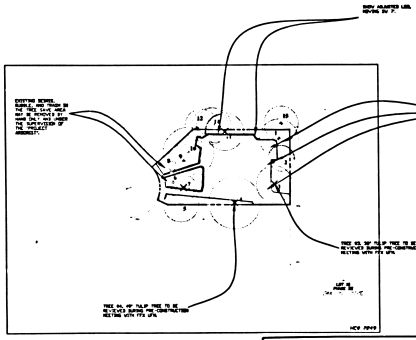
PROFFER #2.

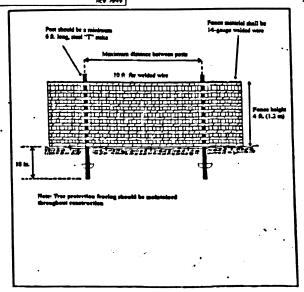
Lots 15 & 16 will no longer access Route 123 via the private ingress/egress easement.

SCALE: N/A	OAKTON GROVE LOT 16 PHASE III
DATE: 4-15-2007	PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA
DESIGNED: MAL	PROFFERS
DRAFTED: MB	HAROLD A. LOGAN ASSOCIATES P.C.
REVISIONS:	SHEET 4 OF 6
	6P 2249

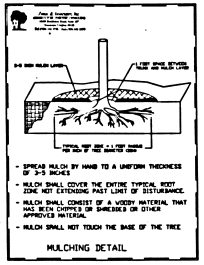
LAND SURVEYING - SITE PLANNING - SUBDIVISION DESIGN
9114 SOUTH DRIVE
SPRINGFIELD, VA. 22151
(703) 339-1988 FAX (703) 690-9139

RECD
APR 22 2008
FFX CO

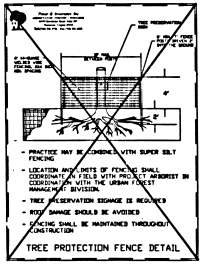




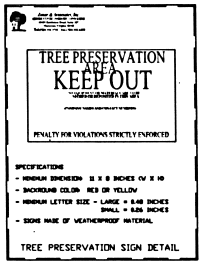
TREE PROTECTION FENCE
INSTALLATION DETAIL



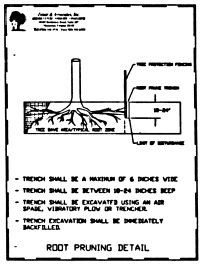
MULCHING DETAIL



TREE PROTECTION FENCE DETAIL



TREE PRESERVATION SIGN DETAIL



ROOT PRUNING DETAIL

OAKTON GROVE - LOT16 - PHASE III - TREE INVENTORY - July 18th, 2008

Tree #	Species	Size	Typical Root Zone	Condition	Canopy Position	Crown Radius	Crown Density	Status	Activities							Problems	Comments
									Save/Protect	Boots	Pre-Water	Prune	Remove Stress	Treat/Protect	Need Removed		
		DBH	Radius (ft)	%		Average Radius (ft)	%										
1	tulip tree	18	18	75	dominant	30	70	PRESERVE		X		X				Large deadwood	
2	tulip tree	22	22	85	intermediate	15	50	PRESERVE		X						Thin crown, asymmetrical crown	
3	tulip tree	38	38	55	dominant	30	65	REMOVE							X	Asymmetrical crown, large deadwood	large decay cavity in crown of tree. cavity located in main leader. decay seems to be quite extensive. tree may be hazardous and will not reasoned well to construction impacts. storms of escaping driveway. Recent storm damage has broken a few major limbs.
4	tulip tree	48	48	55	dominant	40	70	REMOVE							X	Girdling roots exposed roots. root decay. storm/recent root damage	Tree has MAJOR issues with the root flare are of the trunk. Girdling roots are very severe. Compaction from severing driveway is severe. Paving proposed 3-5 ft. from tree trunk. and will impact the roots are severely. Long term health will be poor and I
5	tulip tree	33	33	60	dominant	35	80	PRESERVE									
6	tulip tree	24	24	75	dominant	25	75	PRESERVE	X	X							
7	sassafras	24	24	20	co-dominant	10	35	REMOVE							X	Severe decline. buried root flare. thin crown. asymmetrical crown. heavy vines. trunk decay	Tree was "wounded" and the root suggest a major cavity and decay within the trunk. Tree may be hazardous
8	flowering dogwood	8	8	70	intermediate	6	55	PRESERVE								Thin crown. one sided	Debris piled near base of tree. Debris to be removed by hand ONLY
9	tulip tree	31	31	60	dominant	20	70	PRESERVE	X	X						Heavy vines. root decay	
10	tulip tree	47	47	60	dominant	40	60	PRESERVE	X	X						Heavy vines. root decay	
11	tulip tree	38	28	65	dominant	30	60	REMOVE							X	Asymmetrical crown. buried root flare	LOD may be adjusted during pre-construction meeting. The adjustment may warrant preserving this tree. Discuss with UFM at pre-construction meeting before removal
12	tulip tree	30	30	75	co-dominant	30	65	PRESERVE	X							Vines. thin crown. poor form. one sided	off site
13	tulip tree	34	34	60	co-dominant	30	75	PRESERVE	X							Vines. small deadwood.	off site
14	tulip tree	32	32	65	co-dominant	25	55	PRESERVE	X							vines. small deadwood. minor trunk and base decay. poor form. thin crown. one sided	off site
15	tulip tree	32	32	70	co-dominant	20	50	PRESERVE	X							minor base of trunk decay. thin crown. one sided	off site

DBH = Diameter at 4.5 feet) Height measured = 5 feet above ground
TRZ = Typical Root Zone = 1 foot radius per inch of tree diameter TRZ for trees with multiple stems calculated based on the diameter of a tree with the basal area (trunk area at 4.5 feet above ground) equivalent to the sum of the basal areas for all stems
Values for trees with multiple stems were calculated using the diameter of a tree with the basal area equivalent to the sum of the basal areas for all stems
Condition Ratings provided as percentages based on methods outlined in the 9th edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture

SCALE: N/A	OAKTON GROVE LOT 16 PHASE III
DATE: 4-28-2008	PROVIDENCE DISTRICT FAIRFAX - COUNTY, VIRGINIA
DESIGNED: NAL	TREE PRESERVATION PLAN
DRAFTED: NAB	HAROLD A. LOGAN ASSOCIATES P.C.
REVISIONS:	LAND SURVEYING - SITE PLANNING - SUBDIVISION DESIGN 9114 INDUSTRY DRIVE MANASSAS PARK, VA. 20111 (703) 330-1989 Fax (703) 669-9132
	SHEET 5 OF 6
	GP 2049

2008019358 001 BK 20002 0408

Fairfax County Circuit Court, CPAN Cover Sheet v2.0

Fairfax County Circuit Court
CPAN Cover Sheet v2.0

Instrument(s)
QUIT CLAIM DEED

Grantor(s)
OSBORN, DEBRA A_I_N; ENSLEY, SCOTT F_I_N

Grantee(s)
FAIRFAX COUNTY BOARD OF SUPERVISORS_I_N

# consideration		# consideration %	0.00
Tax Exempt, Sec	511	Amount Not Taxed	
DB/PG Number		Tax Map Number	Inst. # 08 40 2015
Original Book		Original Page	
Prior Instrument			Date Case
Property Donor			
If verified	No	If option	Page Range

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 24th day of June, 2008, by and between DEBRA A. OSBORN, aka DEBRA A. ENSLEY and SCOTT F. ENSLEY (hereinafter "Grantors") and BOARD OF SUPERVISORS OF FAIRFAX COUNTY (hereinafter "Grantee")

WITNESSETH

WHEREAS, GRANTORS are the owners of Lot 15 Oakton Grove subdivision (Tax Map No 48-1((40)), Lot 15; and

WHEREAS, GRANTORS, pursuant to Proffers dated April 1, 2008 in connection with zoning map amendment case PCA 87-P-020-02 agreed that "Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES)" and

WHEREAS, it is the desire of GRANTORS to release and quit claim any and all legal right to ingress and egress to Chain Bridge Road via the private ingress and egress easement referred to as Deed Book 6431 at Page 132 (the private road) from Chain Bridge Road to the northeastern boundary of Lot 15,

NOW THEREFORE, for and in consideration of sum of $10 00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby releases and quit claims unto the Grantee to hold as for its sole and separate equitable estate, the following interest in the described real estate

Any and all legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement referred to in Deed Book 6431 at Page 132 (the private road) which runs from Chain Bridge Road to the northeastern boundary of Lot 15, whether such rights were expressly granted or acquired by continuous use for a period of years.

This conveyance is made subject to recorded conditions, restrictions, and easements affecting the property hereby conveyed.

WITNESS the following signature and seal

Debra A Ensley
DEBRA A. OSBORN, aka DEBRA A ENSLEY

SCOTT F. ENSLEY

STATE/ COMMONWEALTH OF Virginia
COUNTY OF Fairfax
Subscribed and sworn to before me this 25 day of June, 2008 by Debra A. Osborn, aka Debra A. Ensley and Scott F. Ensley

Notary Public

My Commission expires: 4/30/2011

Prepared by/ return to: Stephen B. Pen, Esq.
Stephen B. Pen, P.C.
10611 Judicial Drive
Fairfax, VA 22030

2008019358 002 BK 20002 0408 05/27/2008 10:11:46

Fairfax County Circuit Court, CPAN Cover Sheet v2.0 Page 1 of 1

Fairfax County Circuit Court
CPAN Cover Sheet v2.0

Instrument(s)
QUIT CLAIM DEED

Grantor(s)
OAKTON GROVE, LLC_I_N

Grantee(s)
FAIRFAX COUNTY BOARD OF SUPERVISORS_I_N

# consideration		# consideration %	0.00
Tax Exempt, Sec	511	Amount Not Taxed	
DB/PG Number		Tax Map Number	Inst. # 08 40 2016
Original Book		Original Page	
Prior Instrument			Date Case
Property Donor			
If verified	No	If option	Page Range

BK 20002 0410

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 10th day of June, 2008, by and between OAKTON GROVE, LLC , a Virginia limited liability company, (hereinafter "Grantor") and BOARD OF SUPERVISORS OF FAIRFAX COUNTY (hereinafter "Grantee")

WITNESSETH

WHEREAS, GRANTOR is the owner of Lot 16 Oakton Grove subdivision (Tax Map No 48-1((40)), Lot 16, and

WHEREAS, GRANTOR, pursuant to Proffers dated April 1, 2008 in connection with zoning map amendment case PCA 87-P-020-02 agreed that "Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES)" and

WHEREAS, it is the desire of GRANTOR to release and quit claim any and all legal right to ingress and egress to Chain Bridge Road via the private, ingress and egress easement referred to as Deed Book 6431 at Page 132 (the private road) from Chain Bridge Road to the northeastern boundary of Lot 16

NOW THEREFORE, for and in consideration of sum of $10 00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby releases and quit claims unto the Grantee to hold as for its sole and separate equitable estate, the following interest in the described real estate

Any and all legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement referred to in Deed Book 6431 at Page 132 (the private road) which runs from Chain Bridge Road to the southeastern boundary of Lot 16, whether such rights were expressly granted or acquired by continuous use for a period of years.

This conveyance is made subject to recorded conditions, restrictions, and easements affecting the property hereby conveyed

WITNESS the following signature and seal

OAKTON GROVE, LLC

By _____
Terry M. Bell, Member/Manager

By Dominion Associates, Inc., Member/Manager

by _____
Steven M. Porter, Vice President

STATE/ COMMONWEALTH OF VA
COUNTY OF Fairfax
Subscribed and sworn to before me this 10th day of June, 2008 by Terry M. Bell, Member/Manager of Oakton Grove, LLC and by Dominion Associates, Inc. Member/Manager by its Vice President, Steven M. Porter

Jennifer Lynn Willette
Notary Public

My Commission expires: 8/31/08

Jennifer Lynn Willette
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires
August 31, 2008

Reg # 297840

Prepared by/ return to: Stephen B. Pen, Esq.
Stephen B. Pen, P.C.
10611 Judicial Drive
Fairfax, VA 22030

RECD
07 22 2008
FFX DA

From: Williams, St Clair D.
Sent: Wednesday, July 23, 2008 2:45 PM
To: Sulaiman, Sulaiman
Subject: PCA 87-P-020-02
Importance: High

Sulaiman

I apologize for taking so long to get back to you on this issue but things have been very busy for me If anyone gives you any grief about the time it's taken to address this issue please feel free to let them know that they delay was due to me.

As for the issue at hand proffer # 4 was proposed as a response to comments raised by Fairfax County DOT The intent was to ensure that only lots 15 and 16 (Oakton Grove subdivision) would have access to Powdermill Lane and that the 4 lots south of lots 15 and 16 Those 4 lots would have ac ess from Chain Bridge Road During the processing of the PCA it was brought to our attention that Fairfax County Fire & Rescue ac esses the 4 lots south of lots 15 and 16 via Powdermill Latter has stated it provides a more convenient and safe route to and from those lots than from Chain Bridge Road. The proffer was not intended to preclude Fairfax County Fire & Rescue from accessing those lots

So basically, the ultimate intent was to allow the ac ess ment to remain on lots 15 and 16 (to allow for emergency ac ess) and to vacate access for lots 15 & 16 to Chain Bridge Road.

Please let me know if this response is sufficient for what you're looking for or if you need any further explanation from me.

Sorry again for the delay

St Clair D. Williams

SCALE: N A DATE: 6 25 2007 DESIGNED: HAL DRAWN: MB REVISIONS	OAKTON GROVE LOT 16 PHASE III PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA INFORMATION SHEET HAROLD A. LOGAN ASSOCIATES P.C.	SHEET 6 OF 6 GP 2249

Board Agenda Item
August 25, 2026

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. *Harry DaCosta, et al. v. Fairfax Government, et al.,* Case No. CL-2025-0015655 (Fx. Co. Cir. Ct.)

2. *Roy LaPorte Bradley v. Fairfax County (Virginia), et al.,* Case No. 1:26-cv-1168 (E.D. Va.)

3. *Anjum Rokadia v. Jonathan Loesch,* Case No. 1:26-cv-1463 (E.D. Va.)

4. *Christopher Gibril Norman v. Christopher Chessnoe, Sgt. A. Ankers, Tamika D. Jones, Stacey A. Kincaid, Dina Sledhill, Gerald Lackey, John Does 1-20,* Case No. 1:26-cv-1830 (E.D. Va.)

5. *Jaeyoung Lee v. Jonathan D. Long, and James T. Lopez,* Case No. CL-2026-0007587 (Fx. Co. Cir. Ct.)

6. *Jessica Seckman v. Fairfax County,* Case No. 1:26-cv-1220 (E.D. Va.)

7. *Jeremias Flores Sanchez v. Fairfax County Department of Family Services,* Record No. 260031 (Va. Sup. Ct.)

8. *Board of Supervisors of Fairfax County, Virginia, and Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Yamil Deybi Rocha Belmonte,* Case No. CL-2026-0007454 (Fx. Co. Cir. Ct.) (Mason District)

9. *Wilson Ochar v. Commonwealth of Virginia, Steve Descano, Fairfax County Police Department,* Case No. CL-2025-15210 (Fx. Co. Cir. Ct.)

10. *Andrew B. Hushour, Fairfax County Zoning Administrator v. John M. Winbery,* Case No. CL-2026-0005556 (Fx. Co. Cir. Ct.) (Braddock District)

11. *Jay Riat, Building Official for Fairfax County, Virginia v. Santa L. Centellas, and Luz. S. Centellas,* Case No. GV26-12599 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

12. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Michael Nghiem, Thuy TP Tran, Carlos D. Ferman, and Ferman Heating & Cooling, Inc.,* Case No. GV26-12943 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

13. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Proclamadores de Cristo, Inc. and Port Royal, Inc.,* Case No. GV26-18615 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

14. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Hamid Lamane,* Case No. GV26-18888 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

15. *Jay Riat, Building Official for Fairfax County, Virginia v. Debra Carmel, and Mason Carmel,* Case No. CL-2025-0004264 (Fx. Co. Cir. Ct.) (Dranesville District)

16. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Youngdae Kim, and Jennifer Park,* Case No. CL-2025-0018141 (Fx. Co. Cir. Ct.) (Dranesville District)

17. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles K. Fincher, and Lexie Fincher,* Case No. CL-2026-0001502 (Fx. Co. Cir. Ct.) (Dranesville District)

18. *Jay Riat, Building Official for Fairfax County, Virginia v. Khorsandi's LLC.,* Case No. CL-2026-0003739 (Fx. Co. Cir. Ct.) (Dranesville District)

19. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Roger Mahler,* Case No. GV26-19821 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

20. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Zabiullah Ahmed,* Case No. CL-2019-0014187 (Fx. Co. Cir. Ct.) (Franconia District)

21. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Yuk Yee Cheng,* Case No. CL-2023-0015525 (Fx. Co. Cir. Ct.) (Franconia District)

22. *Jay Riat, Building Official for Fairfax County, Virginia v. Janine M. Driver, and Leif Larson,* Case No. GV25-21555 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

23. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Ariana B. Flores, and Oscar R. Monterroza,* Case No. GV26-07686 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

24. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Ambrose F. Payne c/o Robert Franklin Payne,* Case No. GV26-12033 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

25. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Heirs of Ambrose F. Payne c/o Robert Franklin Payne,* Case No. GV26-12034 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

26. *Jay Riat, Building Official for Fairfax County, Virginia v. Norma Acevedo,* Case No. GV26-18887 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

27. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Raymond J. Rybicki,* Case No. CL-2026-0007369 (Fx. Co. Cir. Ct.) (Hunter Mill District)

28. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. The Heirs of Lawrence B. Orth, Claire Lynn Orth, and Richard Lowry Orth,* Case No. GV26-14418 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

29. *Jay Riat, Building Official for Fairfax County, Virginia v. Radosvet Grudev, and Dzhait Pachedzhi a/k/a Jimmy Pach,* Case No. CL-2023-0001818 (Fx. Co. Cir. Ct.) (Mason District)

30. *Jay Riat, Building Official for Fairfax County, Virginia v. Griselda G. Fernandez,* Case No. CL-2025-0014759 (Fx. Co. Cir. Ct.) (Mason District)

31. *Andrew B. Hushour, Fairfax County Zoning Administrator, and Jay Riat, Building Official for Fairfax County, Virginia v. Fang Yang*, Case No. CL-2025-0016664 (Fx. Co. Cir. Ct.) (Mason District)

32. *Jay Riat, Building Official for Fairfax County, Virginia v. Amilcar Antonio Coreas, and Marlin M. Coreas,* Case No. CL-2026-0000210 (Fx. Co. Cir. Ct.) (Mason District)

33. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Sleepy Hollow Properties, LLC.,* Case No. CL-2026-0006061(Fx. Co. Cir. Ct.) (Mason District)

34. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Cherokee II Holdings, LLC, and Perfect Office Solutions, LLC.,* Case No. CL-2026-0010920 (Fx. Co. Cir. Ct.) (Mason District)

35. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Elaine Eckert, Successor Trustee of the Eckert Family Trust,* Case No. CL-2026-0011113 (Fx. Co. Cir. Ct.) (Mason District)

36. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Charles G. Abernathy, and Betsy Abernathy,* Case No. CL-2026-0011283 (Fx. Co. Cir. Ct.) (Mason District)

37. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Adam Jeanet,* Case No. GV-2026-00391 (Fx. Co. Gen. Dist. Ct.) (Mason District)

38. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Marlowe K. Dixon,* Case No. GV26-02754 (Fx. Co. Gen. Dist. Ct.) (Mason District)

39. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Jane R. Baldinger,* Case No. GV26-02756 (Fx. Co. Gen. Dist. Ct.) (Mason District)

40. *Jay Riat, Building Official for Fairfax County, Virginia v. Tina Ta, and Lanvi Bui,* Case No. GV26-10575 (Fx. Co. Gen. Dist. Ct.) (Mason District)

41. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Frances F. Kelly,* Case No. GV26-12361 (Fx. Co. Gen. Dist. Ct.) (Mason District)

42. *Jay Riat, Building Official for Fairfax County, Virginia v. Cynthia J. Safioleas*, Case No. GV26-12366 (Fx. Co. Gen. Dist. Ct.) (Mason District)

43. *Jay Riat, Building Official for Fairfax County, Virginia v. BCD, LLC d/b/a Best Care Dental,* Case No. GV26-17599 (Fx. Co. Gen. Dist. Ct.) (Mason District)

44. *Jay Riat, Building Official for Fairfax County, Virginia v. Jeela Amiri, and Samiullah Amiri,* Case No. CL-2025-0013655 (Fx. Co. Cir. Ct.) (Mount Vernon District)

45. *Jay Riat, Building Official for Fairfax County, Virginia v. Hayat Property, LLC,* Case No. CL-2025-0015577 (Fx. Co. Cir. Ct.) (Mount Vernon District)

46. *Jay Riat, Building Official for Fairfax County, Virginia v. Fernando Alvarez, and S. Patricia Alvarez,* Case No. CL-2025-0018753 (Fx. Co. Cir. Ct.) (Mount Vernon District)

47. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Biniyam Seifu Yemenu, and Samson G. Aragaw,* Case No. CL-2026-0003267 (Fx. Co. Cir. Ct.) (Mount Vernon District)

48. *Andrew B. Hushour, Fairfax County Zoning Administrator, and Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Leonard K. Early Leith, and Susan L. Early,* Case No. CL-2026-0012408 (Fx. Co. Cir. Ct.) (Mount Vernon District)

49. *Jay Riat, Building Official for Fairfax County, Virginia v. Sayed Osman Nasafi, and Nasera Nasafi,* Case No. GV26-03105 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

50. *Jay Riat, Building Official for Fairfax County, Virginia v. Geomyra Lewis Pollard a/k/a Geomyra Nichel, and Geonel Navon Lewis,* Case No. GV26-13433 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon Dist.)

51. *Jay Riat, Building Official for Fairfax County, Virginia v. Ayse N. Van den Tillaart, and Hendrikus Van den Tillaart,* Case No. GV26-14406 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

52. *Jay Riat, Building Official for Fairfax County, Virginia v. Fayad E. Kazan,* Case No. CL-2026-0006601 (Fx. Co. Cir. Ct.) (Providence District)

53. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Vinh Van Nguyen, Kim-Loan Thi Dong, and Dmitry E. Markov,* Case No. CL-2026-0010744 (Fx. Co. Cir. Ct.) (Providence District)

54. *Andrew B. Hushour, Fairfax County Zoning Administrator v. Zabiullah Ahmed, Case No.* CL-2025-0018964 (Fx. Co. Cir. Ct.) (Springfield District)

55. *Andrew B.* Hushour, Fairfax County Zoning Administrator, and Jay Riat, *Building Official for Fairfax County, Virginia v. Nasimul M. Hoque,* Case No. CL-2026-0007920 (Fx. Co. Cir. Ct.) (Springfield District)

56. *Jay Riat, Building Official for Fairfax County, Virginia v. Debra T. Cardaci, and Michael C. Cardaci*, Case No. GV26-21190 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

57. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. K. Dian Green,* Case No. CL-2026-0001824 (Fx. Co. Cir. Ct.) (Sully District)

58. *Jay Riat, Building Official for Fairfax County, Virginia v. 14154 E. Willard Road, LLC, and M&M Signs and Graphics, LLC*, Case No. CL-2026-00010594 (Fx. Co. Cir. Ct.) (Sully District)

59. *Andrew B. Hushour, Fairfax County Zoning Administrator, and Jay Riat, Building Official for Fairfax County, Virginia v. PMG Northern Virginia, LLC, and T&N Chantilly Shell, LLC.,* Case No. CL-2026-0011064 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
August 25, 2026

3:30 p.m.

Public Hearing on RZ-2025-FR-00027 (K. Hovnanian at Mount Vernon Gateway, LLC) to Rezone from PDH-30 to PDH-20 to Permit up to 144 Townhome/Stacked Townhome Units with an Overall Density of 19.13 Dwelling Units per Acre (DU/AC) and Approval of the Associated Conceptual Development Plan, Located on Approximately 7.53 Acres of Land (Franconia District) (Concurrent with PCA-2004-LE-021-002)

and

Public Hearing on PCA-2004-LE-021-002 (K. Hovnanian at Mount Vernon Gateway, LLC) to Delete Land Area, Located on Approximately 7.53 Acres of Land Zoned PDH-30 and HC (Franconia District) (Concurrent with RZ-2025-FR-00027)

This property is located on the on the S. side of Buckman Rd. and E. side of Janna Lee Ave., N. of Richmond Hwy. Tax Map 101-2 ((5)) (2) 5, 7, 8A, 8B, 9, 101-2 ((5)) (3) 3A, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

This property is located on the S. side of Buckman Rd. and E. side of Janna Lee Ave., N. of Richmond Hwy. Tax Map 101-2 ((5)) (2) 5, 7, 8A, 9, 101-2 ((5)) (3) 3A, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

PLANNING COMMISSION RECOMMENDATION:
On July 16, 2026, the Planning Commission voted 11-1 (Commissioner Batchelor-Causey voted in opposition) to recommend to the Board of Supervisors approval of the following actions:

- PCA-2004-LE-021-002;
- RZ-2025-FR-00027 and the accompanying CDP, subject to the execution of the proffers consistent with those dated July 16, 2026;
- Waiver of subsection 2105.2.B(2) to allow for a privacy yard less than 200 square feet.;
- Waiver of subsection 5107.3.A(2) to permit private streets less than 24 feet in width as shown on the CDP/FDP; and

- Waiver of subsection 5107.3.A(3) to allow private streets in excess of 600 feet in length.

In a related action, the Planning Commission 11-1 (Commissioner Batchelor-Causey voted in opposition) to approve FDP 2025-FR-00027, subject to the Board's approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Nick Cicero, Planner, ZED, DPD

Board Agenda Item
August 25, 2026

3:30 p.m.

Public Hearing on PCA/CDPA-2018-HM-020 (RZPA-2025-HM-00055) (Tri Pointe Homes DC Metro, Inc.) to Amend the Proffers and Conceptual Development Plan for RZ-2018-HM-020 to Permit 24 Single-Family Attached Dwelling Units on Block N3 at a 0.81 Floor Area Ratio (FAR) Inclusive of Bonus Density, Located on Approximately 1.54 Acres of Land Zoned PRM (Hunter Mill District)

This property is located on the W. side of Wiehle Ave. (Rte. 828) and N. of Sunset Hills Rd. (Rte. 675). Tax Map 17-4 ((43)) 4, 5 (pt.), and 7 (pt.).

PLANNING COMMISSION RECOMMENDATION:
On June 24, 2026, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of the following actions:

- PCA/CDPA-2018-HM-020, subject to the execution of proffers consistent with those dated June 12, 2026; and

- Waiver of subsection 2105.5.B(2) of the Zoning Ordinance which requires a 200 square foot privacy yard on each single-family attached dwelling unit, in favor of that shown on the plans.

In a related action, the Planning Commission voted 12-0 to approve FDPA-2018-HM-020-003 and FDPA-2018-HM-020-002, subject to development conditions dated June 23, 2026.

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
August 25, 2026

3:30 p.m.

Public Hearing on RZ-2025-DR-00012 (CPA Coppermine 3 Lender, LLC) to Rezone from I-5 to PDH-20 to Permit up to 98 Single Family Attached and Stacked Townhouse Dwelling Units with an Overall Density of 21.39 Dwelling Units per Acre (DU/AC) Inclusive of Bonus Density and Approval of the Conceptual Development Plan, Located on Approximately 4.71 Acres of Land (Dranesville District) (Concurrent with PCA-85-C-008-04 (RZPA-2025-DR-00087))

and

Public Hearing on PCA-85-C-008-04 (RZPA-2025-DR-00087) (CPA Coppermine 3 Lender, LLC) to Amend the Proffers for RZ-85-C-008 to Delete Land Area, Located on Approximately 4.71 Acres of Land Zoned I-5 (Dranesville District) (Concurrent with RZ-2025-DR-00012)

This property is located on the N. and E side of Sunrise Valley Dr., and S. of Coppermine Rd. Tax Map 15-4 ((1)) 22A2.

This property is located on the N. and E side of Sunrise Valley Dr., and S. of Coppermine Rd. Tax Map 15-4 ((1)) 22A2.

PLANNING COMMISSION RECOMMENDATION:
On July 8, 2026, the Planning Commission voted 10-0 (Commissioners Hancock and Thomas were absent from the meeting) to recommend to the Board of Supervisors approval of the following actions:

- PCA-85-C-008-04; and
- RZ-2025-DR-00012 and the associated conceptual development plan, subject to the proffers consistent with those dated July 2, 2026.

In a related action, the Planning Commission voted 10-0 (Commissioners Hancock and Thomas were absent from the meeting) to approve FDP-2025-DR-00012, subject to the Board's approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Board Agenda Item
August 25, 2026

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)
Carl Shumate, Planner, ZED, DPD

Board Agenda Item
August 25, 2026

3:30 p.m.

Public Hearing on SE-2024-MV-00043 (Thomas F. Pumpelly, Trustee) to Permit a Use in the Floodplain (One Single-Family Detached Dwelling), Located on Approximately 13.09 Acres of Land Zoned R-E (Mount Vernon District)

This property is located in the Mount Vernon District. Tax Map 117-2 ((3)) 3A.

PLANNING COMMISSION RECOMMENDATION:
On July 8, 2026, the Planning Commission voted 5-3-2 (Commissioners Cortina, Carter, and Bennett voted in opposition. Commissioners Batchelor-Causey and Wang abstained from the vote. Commissioners Hancock and Thomas were absent from the meeting) to recommend to the Board of Supervisors approval of the following actions:

- Option 1, as specified in SE-2024-MV-00043, subject to the development conditions dated June 25, 2026, as contained in the Staff Report; and

- Waiver of the minimum lot width requirement pursuant to subsection 5100.2.K(2).

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
August 25, 2026

3:30 p.m.

Public Hearing on PCA-84-L-020-29/CDPA-84-L-020-10 (RZPA-2025-FR-00035) (BP Kingstowne Office Building T LLC) to Amend the Proffers and Conceptual Development Plan for RZ-84-L-020, Previously Approved for Office, to Permit Residential and Associated Modifications to Proffers and Site Design, with a Floor Area Ratio (FAR) of 3.20 (Inclusive of Bonus for Affordable Housing), Located on Approximately 2.26 Acres of Land Zoned PDC and NR (Franconia District)

This property is located at the S. W. corner of the intersection of Kingstowne Village Pkwy. and Kingstowne Towne Center. Tax Map 91-2 ((1)) 36C.

PLANNING COMMISSION RECOMMENDATION:
On July 15, 2026, the Planning Commission voted 10-0 (Commissioners Spain and Wang were absent from the meeting) to recommend to the Board of Supervisors approval of the following actions:

- PCA-84-L-020-29, subject to the execution of proffers consistent with those dated July 7, 2026;
- CDPA-84-L-020-10; and
- Modification of subsection 5100.2(C)(5) of the Zoning Ordinance to permit the existing 4-foot-tall parapet walls to remain without counting towards maximum building height.

In a related action, the Planning Commission voted 10-0 (Commissioners Spain and Wang were absent from the meeting) to approve FDPA-84-L-020-02-18.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

Board Agenda Item
August 25, 2026

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Katie Quinn, Planner, ZED, DPD

Board Agenda Item
August 25, 2026

3:30 p.m.

Public Hearing on SE-2025-SP-00042 (JP Morgan Chase Bank, N.A.) to Permit a Drive-Through ATM to Existing Bank, Located on Approximately 1.23 Acres of Land Zoned PDC and WS (Springfield District)

This property is located in the Springfield District. Tax Map 55-2 ((4)) 22A.

PLANNING COMMISSION RECOMMENDATION:
On July 22, 2026, the Planning Commission voted 11-0 (Commissioner Batchelor-Causey was absent from the meeting) to recommend to the Board of Supervisors approval of the following actions:

- SE-2025-SP-00042, subject to the development conditions consistent with those dated July 9, 2026; and

- Modification of Section 5108.4 (c)(2)(a) of the Zoning Ordinance, requiring a 10' landscape strip between the parking lot and the right-of-way line in favor of the existing grade and streetscape shown on the SE Plat.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Ciarra Downing, Planner, ZED, DPD

Board Agenda Item
August 25, 2026

3:30 p.m.

Public Hearing on PCA-2023-PR-00010 (RZPA-2026-PR-00013) (Tri Pointe Homes DC Metro, Inc.) to Amend the Proffers for RZ-2023-PR-00010, Located on Approximately 12.14 Acres of Land Zoned PDH-20 (Providence District)

This property is located N. of Arrowhead Dr. to the W. of Rosehaven St. Tax Map 47-4 ((1)) 5C, D and E.

PLANNING COMMISSION RECOMMENDATION:
On July 16, 2026, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of PCA-2023-PR-00010, subject to the draft proffers dated July 8, 2026.

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)
Savannah Murray, Planner, ZED, DPD

Board Agenda Item
August 25, 2026

4:00 p.m.

Public Hearing on Adoption of Amendments to Chapter 12 of The Public Facilities Manual

ISSUE:
Board of Supervisors (Board) adoption of amendments to Chapter 12 (Tree Conservation) of The Public Facilities Manual (PFM) to implement changes to align the PFM with Zoning Ordinance Amendment ZOA 112.2-2024-4; and two strategies from the Resilient Fairfax Plan to update the PFM to incorporate climate projections, enhance resilience, and integrate climate considerations into tree selection.

PLANNING COMMISSION RECOMMENDATION:
On July 22, 2026, the Planning Commission voted 10-0 (Commissioner Batchelor-Causey was absent from the meeting. Commissioner Thomas was not present for the vote.) to recommend to the Board of Supervisors that the Board adopt the proposed amendments to Chapter 12 (Tree Conservation) of the Public Facilities Manual, as set forth in the Staff Report dated June 9, 2026, with staff's recommended editorial change to Section 12- 0300.1.A.3 to delete the duplicate text after the semicolon on lines 6 through 10, of Attachment 1 of the Staff Report.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendments to Chapter 12 (Tree Conservation) of The Public Facilities Manual (PFM) as recommended by the Planning Commission.

The proposed amendments have been prepared by the Department of Land Development Services (LDS), the Office of Environmental and Energy Coordination (OEEC), and the Office of the County Attorney (OCA).

TIMING:
Board action is requested on August 25, 2026. The Board authorized advertisement of public hearings on June 9, 2026. The Planning Commission held a public hearing on July 22, 2026. If adopted by the Board, the proposed amendment will become effective at 12:01 a.m. on August 26, 2026.

Board Agenda Item
August 25, 2026

BACKGROUND:
On January 23, 2024, the Board adopted Zoning Ordinance Amendment (ZOA) 112.2-2024-4 which modified and added various landscaping and screening requirements in Section 5108 of the Zoning Ordinance. This amendment proposes minor editorial changes to the associated provisions of Chapter 12 of the PFM to align the same with the Zoning Ordinance as amended by ZOA 112.2-2024-4.

This proposed amendment also implements two strategies from the Resilient Fairfax Plan: Strategy CRC.3d, which directs Fairfax County (County) to update the PFM to incorporate climate projections and enhance resilience, and Strategy AE.1d, which directs the County to integrate climate considerations into tree selection. Downed, damaged, and degraded trees pose a risk to public safety and ecological health. As the County experiences more intense storms, changes in temperature and precipitation, and shifting hardiness zones, have resulted in an increase in climate-related tree losses and damage. This amendment aims to improve tree canopy health and reduce tree losses by encouraging developers to select tree species that are more resilient to a range of climatic and urban environmental conditions.

In preparing the proposed amendment, staff evaluated nearly 300 tree species for over 60 traits each. These traits include climate tolerances and vulnerabilities (such as resilience to wind, heat, flooding, and drought), urban environmental tolerances (such as tolerance to de-icing salts, soil compaction, and air pollution), adaptation benefits (such as ability to absorb stormwater, serve as a wind barrier, or reduce heat), and other considerations (such as non-invasive status, native preference, and commercial availability). Each tree species was scored for each trait based on reputable academic and government resources. These tree species were compared to the species currently listed in the PFM Table 12.14, Tree Selection and Canopy Cover Guide. After analysis, the table was modified to include only those species with the highest climate resiliency, with the greatest likelihood of long-term survivability in a changing climate. Overall, the proposed amendment provides a net increase in recommended tree options.

Outreach
These proposed amendments were discussed with the Board on November 25, 2025, at the Board of Supervisors Environmental Committee meeting and with the Planning Commission’s Environment and Land Use Process Review Committees on January 15, 2026. Staff presentations and discussions were also held with the ESRC, the Tree Commission, the Interagency Climate Team, Environmental Quality Advisory Group (EQAC), Engineers and Surveyors Institute (ESI), Northern Virginia Building Industry Association/Commercial Real Estate Development Association (NVBIA/CREDA), the Trees Community of Practice, and the Resilient Fairfax Community Advisory Group.

Board Agenda Item
August 25, 2026

Proposed Amendment

This proposed amendment to Chapter 12 (Tree Conservation) of the PFM, has been divided into two parts. The first part, included as Attachment 1, is known and referred to hereafter as the Landscaping and Screening Amendment and the second part, included as Attachment 2, is known and referred to hereafter as the Resilient Trees Amendment.

Landscaping and Screening Amendment

The Landscaping and Screening Amendment makes minor editorial changes to parking lot landscaping and related requirements contained in Chapter 12 of the PFM to align these provisions with the Zoning Ordinance as recently amended by ZOA 112.2-2024-4. The Landscaping and Screening Amendment also modifies PFM subsection 12-0309.2A to require that tree preservation plans identify the percentage amount of the Critical Root Zone (CRZ) impacted by construction activities, which is a standard industry practice and is necessary to demonstrate conformance with the requirements of PFM subsection 12-0203.5A.

A copy of the proposed Landscaping and Screening Amendment is included as Attachment 1.

Resilient Trees Amendment

The Resilient Trees Amendment updates Table 12.14, Tree Selection and Canopy Cover Guide and associated text in Chapter 12. This table is provided as a recommendation to designers and project arborists for appropriate tree species selection during plan development; it is not a mandatory planting list and includes species which are commonly available and performed well for their listed traits. The proposed changes are summarized below:

- Adding more resilient tree species and more native species; and removing non-native, non-resilient trees. The proposed amendment includes a list of 114 tree species, resulting in a net increase of 10 additional species to choose from. Sixty-eight species are proposed to remain in the table; 36 poorly-scoring, non-native and non-common species are proposed for removal; and 46 well-scoring, mostly native and commonly requested species are proposed to be added.
- Updating the tree trait information, which includes adding climate adaptation and resilience strengths and vulnerabilities, resulting in a total of 32 traits listed in the PFM. This is provided to assist designers and project arborists in selecting species most appropriate for specific situations.
- Expanding the number of trees listed as natives, because of the shifting hardiness zones, to identify trees native to surrounding areas and not just Fairfax County.
- Adjusting the designation of native species tiers, which determines the percentage of tree canopy credit applied towards meeting canopy goals. This was evaluated by analyzing additional trait information to ensure that native species tiers accurately reflect the level of survivability and value.

- Codifying current field tree identification tag practice and planting window dates to be consistent with current practices. Tagging the tree in the field helps everyone correlate the correct tree with the one on the plan; the proposed amendment requires the tree tag to be weatherproof and adds clarification on how to mark same tree species in a row consistent with industry practices. The planting window dates are being updated to align with technical bulletin TB-24-05, which modified such planting window dates to account for climate change based on industry research, historical heat trends and field observations.

A copy of the proposed Resilient Tree Amendment is included as Attachment 2.

REGULATORY IMPACT:
The Landscaping and Screening Amendment eliminates discrepancies between the Zoning Ordinance and PFM and adds clarity by requiring identification of the percentage amount of impacted CRZ on tree preservation plans, which will better enable staff to determine compliance with PFM subsection 12-0203.5A, thereby aiding in the reduction of staff review times.

The Resilient Tree Amendment updates the tree species and traits in Table 12.14, to include more native and environmentally tolerant species which are better suited to combat the effects of climate change and have a greater likelihood of surviving, resulting in a net increase of 10 additional tree species to choose from. Table 12.14 is used as a guide by developers when they are deciding which trees to include on development plans to receive canopy credits. This additional climate-related information helps users select the right tree for a location and contributes to our community's resilience. The Resilient Tree Amendment also codifies existing tree identification tag practice and planting window dates.

EQUITY IMPACT:
The proposed PFM amendments are in alignment with One Fairfax Equity Focus Area 11, which states: A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people.

The Landscaping and Screening Amendment aligns the PFM with ZOA 112.2-2024-4, which applies countywide and contributes to landscaping that creates a healthy, attractive, and livable community for all areas. As cited in the staff report to ZOA 112.2-

2024-4, County data does not show instances where landscaping and screening provisions have contributed to inequities.

The Resilient Trees Amendment supports an urban tree canopy that is healthy, resilient, more adaptive to changing climatic conditions, and less prone to hazardous tree failures. By encouraging the planting of climate-resilient local tree species and discouraging the planting of non-native, non-resilient tree species that are prone to failure, the County aims to improve human safety, support tree canopy health, and reduce climate-related obstacles to the achievement of countywide tree canopy goals. Weather-related downed trees occur prevalently across the County without clearly identifiable disproportionate impacts to specific populations, according to VDOT road closure data. However, Census Tracts designated by One Fairfax as being socioeconomically vulnerable have a disproportionate lack of tree canopy, and a disproportionate exposure to the Urban Heat Island Effect. Trees that are resilient to extreme heat and other urban and environmental conditions are more likely to survive in these areas. This amendment will help to ensure that, when development-related tree planting occurs in all areas of the County (including vulnerable areas), the trees planted have a higher likelihood of success. Therefore, in the long-term, this amendment may close gaps in environmental justice.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment A – Staff Report dated June 9, 2026
Attachment 1 – Landscaping and Screening Amendment
Attachment 2 – Resilient Trees Amendment

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

ASSIGNED COUNSEL:
Peter Basanti, Assistant County Attorney
Marc. E. Gori, Assistant County Attorney

LAND DEVELOPMENT SERVICES
June 9, 2026

STAFF REPORT

PREPARED BY SITE DEVELOPMENT AND INSPECTIONS DIVISION

- [ ] PROPOSED COUNTY CODE AMENDMENT
- [√] PROPOSED PFM AMENDMENT
- [ ] PROPOSED ZONING ORDINANCE AMENDMENT
- [ ] APPEAL OF DECISION
- [ ] WAIVER REQUEST

Proposed Amendments to Chapter 12 (Tree Conservation) of the Public Facilities Manual (PFM).

PUBLIC HEARING DATES

Authorization to Advertise:	June 9, 2026
Planning Commission Hearing:	July 22, 2026, at 7:30 p.m.
Board of Supervisors Hearing:	August 25, 2026, at 4:00 p.m.

Prepared By: Saundra O'Connell, LS, CFM,
Code Specialist III,
Site Code Research & Development Branch, Land Development Services
(703) 324-1329

Staff Report

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed PFM amendments as set forth in this Staff Report dated June 9, 2026. Edits within each amendment are shown in Attachments 1 and 2 by underlining (added text), and strikethrough (deleted text).

DISCUSSION

Coordination

The proposed amendments have been prepared by the Department of Land Development Services (LDS), the Office of Environmental and Energy Coordination (OEEC), and the Office of the County Attorney (OCA), in coordination with the Department of Public Works and Environmental Services (DPWES), the Fairfax County Park Authority (FCPA), and the Department of Planning and Development (DPD). The proposed amendments have been recommended for approval by the Engineering Standards Review Committee (ESRC).

Background

On January 23, 2024, the Board adopted Zoning Ordinance Amendment (ZOA) 112.2-2024-4 which modified and added various landscaping and screening requirements in Section 5108 of the Zoning Ordinance. This amendment proposes minor editorial changes to the associated provisions of Chapter 12 of the PFM to align the same with the Zoning Ordinance as amended by ZOA 112.2-2024-4.

This proposed amendment also implement two strategies from the Resilient Fairfax Plan: Strategy CRC.3d, which directs Fairfax County (County) to update the PFM to incorporate climate projections and enhance resilience, and Strategy AE.1d, which directs the County to integrate climate considerations into tree selection. Downed, damaged, and degraded trees pose a risk to public safety and ecological health. As the County experiences more intense storms, changes in temperature and precipitation, and shifting hardiness zones, have resulted in an increase in climate-related tree losses and damage. This amendment aims to improve tree canopy health and reduce tree losses by encouraging developers to select tree species that are more resilient to a range of climatic and urban environmental conditions.

In preparing the proposed amendment, staff evaluated nearly 300 tree species for over 60 traits each. These traits include climate tolerances and vulnerabilities (such as resilience to wind, heat, flooding, and drought), urban environmental tolerances (such as tolerance to de-icing salts, soil compaction, and air pollution), adaptation benefits (such as ability to absorb stormwater, serve as a wind barrier, or reduce heat), and

other considerations (such as non-invasive status, native preference, and commercial availability). Each tree species was scored for each trait based on reputable academic and government resources. These tree species were compared to the species currently listed in the PFM Table 12.14, Tree Selection and Canopy Cover Guide. After analysis, the table was modified to include only those species with the highest climate resiliency, with the greatest likelihood of long-term survivability in a changing climate. Overall, the proposed amendment provides a net increase in recommended tree options.

Outreach

These proposed amendments were discussed with the Board on November 25, 2025, at the Board's Environmental Committee meeting and with the Planning Commission's Environment and Land Use Process Review Committees on January 15, 2026. Staff presentations and discussions were also held with the ESRC, the Tree Commission, the Interagency Climate Team, Environmental Quality Advisory Group (EQAC), Engineers and Surveyors Institute (ESI), Northern Virginia Building Industry Association/Northern Virginia Chapter of the National Association for Industrial and Office Parks (NVBIA/NAIOP), the Trees Community of Practice, and the Resilient Fairfax Community Advisory Group.

PROPOSED AMENDMENT

This proposed amendment to Chapter 12 (Tree Conservation) of the PFM has been divided into two parts. The first part, included as Attachment 1, is known and referred to hereafter as the Landscaping and Screening Amendment and the second part, included as Attachment 2, is known and referred to hereafter as the Resilient Trees Amendment.

Landscaping and Screening Amendment

The Landscaping and Screening Amendment makes minor editorial changes to parking lot landscaping and related requirements contained in Chapter 12 of the PFM to align these provisions with the Zoning Ordinance as recently amended by ZOA 112.2-2024-4. The Landscaping and Screening Amendment further modifies PFM subsection 12-0309.2A to require that tree preservation plans identify the percentage amount of the Critical Root Zone (CRZ) impacted by construction activities, which is a standard industry practice and is necessary to demonstrate conformance with the requirements of PFM subsection 12-0203.5A.

A copy of the proposed Landscaping and Screening Amendment is included as Attachment 1.

Resilient Trees Amendment

The Resilient Trees Amendment updates Table 12.14, Tree Selection and Canopy Cover Guide and associated text in Chapter 12. This table is provided as a recommendation to designers and project arborists for appropriate tree species

selection during plan development; it is not a mandatory planting list and includes species which are commonly available and performed well for their listed traits. The proposed changes are summarized below:

- Adding more resilient tree species and more native species; and removing non-native, non-resilient trees. The proposed amendment includes a list of 114 tree species, resulting in a net increase of 10 additional species to choose from. Sixty-eight species are proposed to remain in the table; 36 poorly-scoring, non-native and non-common species are proposed for removal; and 46 well-scoring, mostly native and commonly requested species are proposed to be added.
- Updating the tree trait information, which includes adding climate adaptation and resilience strengths and vulnerabilities, resulting in a total of 32 traits listed in the PFM. This is provided to assist designers and project arborists in selecting species most appropriate for specific situations.
- Expanding the number of trees listed as natives, because of the shifting hardiness zones, to identify trees native to surrounding areas and not just Fairfax County.
- Adjusting the designation of native species tiers, which determines the percentage of tree canopy credit applied towards meeting canopy goals. This was evaluated by analyzing additional trait information to ensure that native species tiers accurately reflect the level of survivability and value.
- Codifying current field tree identification tag practice and planting window dates to be consistent with current practices. Tagging the tree in the field helps everyone correlate the correct tree with the one on the plan; the proposed amendment requires the tree tag to be weatherproof and adds clarification on how to mark the same tree species in a row consistent with industry practice. The planting window dates are being updated to align with technical bulletin TB-24-05, which modified such planting window dates to account for climate change based on industry research, historical heat trends and field observations.

A copy of the proposed Resilient Tree Amendment is included as Attachment 2.

EQUITY IMPACT STATEMENT

The proposed PFM amendments are in alignment with One Fairfax Equity Focus Area 11, which states: *A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people.*

The Landscaping and Screening Amendment aligns the PFM with ZOA 112.2-2024-4, which applies countywide and contributes to landscaping that creates a healthy, attractive, and livable community for all areas. As cited in the staff report to ZOA 112.2-2024-4, County data does not show instances where landscaping and screening provisions have contributed to inequities.

The Resilient Trees Amendment supports an urban tree canopy that is healthy, resilient, more adaptive to changing climatic conditions, and less prone to hazardous tree failures. By encouraging the planting of climate-resilient local tree species and discouraging the planting of non-native, non-resilient tree species that are prone to failure, the County aims to improve human safety, support tree canopy health, and reduce climate-related obstacles to the achievement of countywide tree canopy goals. Weather-related downed trees occur prevalently across the County without clearly identifiable disproportionate impacts to specific populations, according to VDOT road closure data. However, Census Tracts designated by One Fairfax as being socioeconomically vulnerable have a disproportionate lack of tree canopy, and a disproportionate exposure to the Urban Heat Island Effect. Trees that are resilient to extreme heat and other urban and environmental conditions are more likely to survive in these areas. This amendment will help to ensure that when development-related tree planting occurs in all areas of the County (including vulnerable areas), the trees planted have a higher likelihood of success. Therefore, in the long-term, this amendment may close gaps in environmental justice.

REGULATORY IMPACT

The Landscaping and Screening Amendment eliminates discrepancies between the Zoning Ordinance and PFM and adds clarity by requiring identification of the percentage amount of impacted CRZ on tree preservation plans, which will better enable staff to determine compliance with PFM subsection 12-0203.5A, thereby aiding in the reduction of staff review times.

The Resilient Tree Amendment updates the tree species and traits in Table 12.14, to include more native and environmentally tolerant species which are better suited to combat the effects of climate change and have a greater likelihood of surviving, resulting in a net increase of 10 additional tree species to choose from. Table 12.14 is used as a guide by developers when they are deciding which trees to include on development plans to receive canopy credits. This additional climate-related information helps users select the right tree for a location and contributes to our community's resilience. The Resilient Tree Amendment also codifies existing tree identification tag practice and planting window dates.

ATTACHED DOCUMENTS

Attachment 1 – Landscaping and Screening Amendment
Attachment 2 – Resilient Trees Amendment

Proposed Amendment to
Chapter 12 (Tree Conservation) of
the Public Facilities Manual

Changes are indicated by single underlines (insertions) and strikethroughs (deletions).

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0300.1 (Tree Conservation Plan), by revising Paragraph 12-0300.1.A.3 to read as follows:

12-0300.1.A.3 Development sites are required to preserve or plant trees and/or other plant materials and landscape features ~~in order~~ to comply with the following: Parking Lot Landscaping or Transitional Screening and Barrier Requirements of Section 5108 of the Zoning Ordinance; or to comply with tree or landscaping requirements of proffered conditions; development conditions, conceptual/final development plans, PRC plans, special permits, special exceptions or variance approvals.

a. Parking Lot Landscaping, Street Frontage Landscaping, or Transitional Screening and Barrier Requirements of Section 5108 of the Zoning Ordinance; or

b. The tree or landscaping requirements of proffered conditions, development conditions, conceptual/final development plans, PRC plans, special permits, special exceptions, or variance approvals.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0302 (Additional Tree Conservation Plan Submission Requirements), Subsection 12-0302.1, by revising Paragraphs 12-0302.1E and F to read as follows:

12-0302.1 The Director may require that the following information ~~may need to~~ be included in Tree Conservation Plans if warranted by site-specific conditions or to satisfy additional requirements identified in preparing the Tree Conservation Plan to meet the General Submission Requirements described in § 12-0301.

E. Interior Parking Lot Landscaping Requirements. All plans providing a parking lot with 10 ~~20~~ or more spaces must provide interior parking lot landscaping information, calculations, and graphic elements in accordance with § 12-0314.

F. Landscape Plan. ~~Plans providing tree planting or other landscaping treatments to satisfy 10-year Tree Canopy requirements; Parking Lot Landscaping or Transitional Screening and Barrier Requirements of Section 5108 of the Zoning Ordinance; proffered conditions; or development plan, conceptual/final development plan, PRC plan, special permit, special exceptions or variance approvals must provide a landscape plan in accordance with § 12-0315.~~ A landscape plan prepared in accordance with § 12-0315

must be submitted for any tree plantings or other landscaping treatments which are intended to satisfy or demonstrate compliance with the following:

1. The 10-year Tree Canopy requirements applicable to the development site;

2. The Parking Lot Landscaping, Street Frontage Landscaping, or Transitional Screening and Barrier Requirements of Section 5108 of the Zoning Ordinance; or

3. The tree planting or landscaping requirements of proffered conditions, development conditions, conceptual/final development plans, PRC plans, special permits, special exceptions, or variance approvals.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0309 (Tree Preservation Plan and Narrative), Subsection 12-0309.2 (Tree Preservation Plan Submission Requirements), by revising Paragraph 12-0309.2.A to read as follows:

12-0309.2 Tree Preservation Plan Submission Requirements

A. The tree preservation plan must: ~~accurately delineate individual trees and forested areas that are proposed for preservation, removal or transplanting and incorporate tree inventory and condition analysis information required by § 12-0307, including information for any trees that are dead, potentially hazardous or in poor condition and the location of critical root zones of trees 12 inches in diameter and greater and located within 25 feet of the proposed limits of clearing in the undisturbed area and within 10 feet of the proposed limits of clearing in the area to be disturbed.~~

1. Accurately delineate individual trees and forested areas that are proposed for preservation, removal or transplanting; and

2. Incorporate tree inventory and condition analysis information required by § 12-0307, including information for:

   a. Any trees that are dead, potentially hazardous or in poor condition; and

   b. The location of critical root zones, and the percentage of critical root zone impacted by construction activities, of trees 12 inches in diameter or greater if located within 25 feet of the proposed limits of clearing in the undisturbed area and within 10 feet of the proposed limits of clearing in the area to be disturbed.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0310 (10-year Tree Canopy Requirements), Subsection 12-0310.4 (Planting Trees for 10-year Tree Canopy Credit), be revising Paragraph 12-0310.4.E.6 to read as follows:

12-0310.4 Planting Trees for 10-year Tree Canopy Credit

E. Standards for Tree Location

6. The ~~minimum width of any~~ planting area ~~should be 8 feet, measured from the interior of the sides of the~~ must provide at least four feet of width between the center of a tree and a restrictive barrier, such as curb or pavement, unless modified in accordance with subsection 5108.6.A of the Zoning Ordinance. ~~Trees should be located no closer than 4 feet from any restrictive barrier, or as determined appropriate by the Director to facilitate the peripheral parking lot landscaping requirements of Section 5108 of the Zoning Ordinance.~~

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0314 (Interior Parking Lot Landscaping), Subsection 12-0314.3 (Area to be Credited), by revising Paragraph 12-0314.3.C, deleting Paragraph 12-0314.3.D, renumbering Paragraph 12-0314.3.E to 12-0314.3.D and adding new Paragraphs 12-0314.3.E, F, and G to read as follows:

12-0314.3 Area to be Credited

C. Only those deciduous trees that provide shade directly to a portion of the area to be counted will be credited toward meeting the required 10 ~~5~~ percent interior parking lot landscaping. ~~In order to~~To be counted towards meeting these requirements, a portion of the tree's 10-year Tree Canopy must overlap the parking lot surface.

~~D. A majority of the trees planted or preserved to meet the parking lot landscaping requirement must be located in the interior portion of the parking area and be reasonably dispersed throughout the parking lot. Alternative designs may be approved by the Director.~~

D~~E~~. If existing forest trees are to be used to meet the parking lot landscaping requirement, only that portion of the preservation area located in the interior of, or directly adjacent to, the area to be counted may be credited.

E. In accordance with subsection 5108.4.A(1)(b) of the Zoning Ordinance, up to half of the required interior parking lot landscaping may be satisfied through shade structures with solar collection systems, with the remainder satisfied by shade trees.

F. In accordance with subsection 5108.4.B of the Zoning Ordinance, any parking structure with an exposed surface containing ten or more parking spaces must include shade structures covering a minimum of 10 percent of the total area of the exposed portion of the parking structure. Alternatively, the required percentage of shade may be provided through shade trees or a combination of trees and shade structures located on the exposed portion of

the parking structure. If the shade structures are solar collection systems, a minimum of 5 percent of the total area of the exposed portion of the parking structure must be covered.

G. Landscaping within 6 feet of any building may not be used to satisfy interior parking lot landscaping requirements in accordance with subsection 5108.4.A(1)(c) of the Zoning Ordinance.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0314 (Interior Parking Lot Landscaping), by revising Paragraph 12-0314.4 to read as follows:

12-0314.4 Calculations. To determine the area of interior parking lot landscaping required, (a) multiply the total area to be counted (see § 12-0314.2) by 10 ~~5~~ percent (or by 0.10 ~~0.05~~); and (b) calculate the total area of tree canopy to be preserved or planted in locations that will provide direct shade to the surface of the parking lot. The areas credited to landscape trees used to meet the requirements must be based on the area of 10-year Tree Canopy cover provided in Table 12.14. The total area of 10-year Tree Canopy provided in (b), when added to the area of shade structures allowed by subsection 5108.4.A(1)(b) of the Zoning Ordinance, must equal or exceed 10 ~~5~~ percent of the parking lot area as required by (a). A landscaping calculation table ~~similar to that shown~~ in accordance with Table 12.10 must be provided on the landscape sheet.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0314 (Interior Parking Lot Landscaping Calculations), by revising Table 12.10 (Interior Parking Lot Landscaping Calculations) to read as follows:

Table 12.10 Interior Parking Lot Landscaping Calculations	
	ft²
Area to be Counted =	50,500
~~Int. Landscaping Required (5%) =~~	~~2,525~~
~~Total Shade Tree Canopy Provided.~~	
~~(11 trees @ 250 ft²ea.) =~~	~~2,750~~
~~Total Area Required =~~	~~2,525~~
~~Total Area Provided =~~	~~2,750~~
Interior Parking Lot Landscaping Required (10%) =	5,050
Shade Trees and Shade Structures Provided:	
Shade Tree Canopy (15 trees @ 250 ft²ea.) =	3,750
Total Area of Shade Structures with solar collection systems located on the surface parking lot =	1080
Total Area of Shade Structures with solar collection systems located on	0

the exposed portion of the parking structure =	
Total Area of Shade Structures without solar collection systems located on the exposed portion of the parking structure =	540
Total Interior Parking Lot Landscaping Provided =	5,370

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0315 (Landscape Plans), Subsection 12-0315.2 (Transitional Screening Yard Labels), by revising Paragraph 12-0315.2.B to read as follows:

12-0315.2 Transitional Screening Yard Labels

B. In accordance with subsection 5108.5.B(3) of the Zoning Ordinance, n~~N~~o existing or proposed sidewalk, trail or easement may exist or be proposed within a transitional screening yard unless it is placed perpendicular to, or nearly perpendicular to, the transitional screening yard.

**Proposed Amendment to
Chapter 12 (Tree Conservation) of
the Public Facilities Manual**

Changes are indicated by single underlines (insertions) and strikethroughs (deletions).

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0306 (Existing Vegetation Maps), Subsection 12-0306.1, by revising Table 12.2 (Existing Vegetation Map Cover Types) to read as follows:

Table 12.2 Existing Vegetation Map Cover Types	
The following vegetation and land use cover types must be provided on Existing Vegetation Maps	
(1) Open Field	no trees present; low shrubs, herbaceous meadow or other non-forest or non-woodland plant community
(2) Upland Forest	upland hardwoods: oak, hickory, and yellow-poplar; upland softwoods: Virginia pine
(3) Early Successional Forest Community	areas of early successional tree canopy dominated by juvenile pioneer species such as Virginia pine, red cedar, yellow-poplar, black locust, box elder, sweetgum, black willow, ~~ailanthus,~~ etc. These areas may also contain significant levels of turfgrass and other herbaceous plant materials
(4) Agricultural Land	land currently in use or recently used for agriculture or plant nurseries, as defined in the Zoning Ordinance, except for the growing of trees for sale
(5) Developed Land	areas of constructed features including buildings, parking and roadways
(6) Maintained Grasslands	grassed and landscaped areas, athletic fields or other green areas devoid of natural vegetation
(7) Bottomland Forest	river birch, sycamore, yellow-poplar, sweet gum, green ash
(8) Unique or Endangered Forest Community	Use the National Vegetation Classification System (USNVCS) to describe. Include USNVCS Unique Identification Number, USNVCS Name, Global Status and if available, the Rounded Global Status. Example: USNVCS ID: CEGL006216 USNVCS Name: Quercus alba - Carya glabra - Fraxinus americana / Cercis canadensis / Muhlenbergia sobolifera - Elymus hystrix Forest Global Status: G3. Rounded Global Status: G3 – Vulnerable
(9) Landscaped tree canopy	tree canopy established through the planting of nursery stock trees that is not part of a natural forest community
(10) Miscellaneous	Areas that do not match the previous cover types. Provide brief description of these areas on the Existing Vegetation Map.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0307 (Tree Inventory and Condition Analysis), Subsection 12-0307.1 (Tree Inventory), to read as follows:

12-0307.1 Tree Inventory. All plans requiring the submission of a Tree Preservation Plan and narrative as required by § 12-0309 must show the accurate trunk location and common name of all trees with trunks 12 inches or greater in diameter located within 25 feet of the proposed limits of clearing, within the undisturbed area and within 10 feet of the limits of clearing in the disturbed area, (see Plate 1A-12). Trees less than 12 in diameter may be required to be addressed as part of these requirements if the Director determines the trees to have significant ecological, cultural or environmental significance.

A. The diameter of all trees must be measured at a height of 4.5 feet from the base of the trunk or as otherwise allowed in the current Guide for Plant Appraisal, published by the International Society of Arboriculture.

B. All trees included in the inventory must be individually marked in the field with a weatherproof identification tag bearing the tree identification number shown in the tree inventory table. For plantings that consist of uniform, regularly spaced rows of the same species and relative size, the Director may allow representative tagging. In these cases, the developer may tag one tree at each end of the row and clearly note on each tag the total number of trees represented. The developer must ensure all trees can be accurately reconciled with the inventory.

C~~B~~. Dead trees. Dead trees measuring 12 inches or greater in diameter that are located on the proposed development site at a distance of 100 feet or less outside of the proposed limits of clearing within the proposed undisturbed area should be identified on the Tree Conservation Plan. In addition, dead trees located 10 feet or less from the proposed limits of clearing and within the proposed area of disturbance should be identified on Tree Conservation Plans. Dead trees should be labeled as "Assessed as dead" (see Plate 1B-12). These trees will be considered for removal or other arboricultural treatments during land clearing operations as further provided in § 12-0501.3.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0310 (10-year Tree Canopy Requirements), Subsection 12-0310.4 (Planting Trees for 10-year Tree Canopy Credits), Subsection 12-0310.4.B (Opportunities for Additional 10-year Tree Canopy Credits), Subsection 12-0310.4.B.5 (Native Trees), to read as follows:

12-0310.4.B.5 Native Trees. A multiplier of 1.5 times the 10-year Tree Canopy credit listed in Table 12.14 may be applied to the canopy area of certain native tree species identified in the "Native" column of Table 12.14 that will be planted in nursery stock sizes. Native species are those known to occur naturally (i.e., not assisted by human movement) ~~in Fairfax County~~ as indicated by sources such as ~~in~~ the Digital Atlas of Virginia Flora and the US Department of Agriculture. For Native species given a 1.5 in the "Native" column, when 1 tree is planted, 1.5 tree canopy credits are given. Other native species are identified in the "Native" column of Table 12.14, but given "normal" credit, as indicated with a 1.0. This

means that when 1 of these trees is planted, credit for 1 tree is given. The following tiers of native species are used in this document:

a. (LN 1.5): Locally Native, 1.5 Multiplier. Species native to northern Virginia and/or Washington DC that provide exceptional value or have a high likelihood to thrive based on their tolerances. For 1 tree planted, 1.5 tree canopy credits are given.
b. (LN 1.0): Locally Native, Normal Credit. Species native to northern Virginia or Washington DC that are given normal credit. For 1 tree planted, 1 tree canopy credit is given.
c. (RN 1.5): Regionally Native, 1.5 Multiplier. Species that may not meet the definition of "locally native," but are native to the broader Mid-Atlantic region, including other areas of Virginia, Delaware, Maryland, North Carolina, and West Virginia, and that provide exceptional value or have a high likelihood to thrive based on their tolerances. For 1 tree planted, 1.5 tree canopy credits are given.
d. (RN 1.0): Regionally Native, Normal Credit. Species native to the Mid-Atlantic region that are given normal credit. For 1 tree planted, 1 tree canopy credit is given.
e. (NN 1.0): Nationally Native. Species that may not meet the definition of "locally native" or "regionally native," but that are native to the continental United States. These species are given normal credit. For 1 tree planted, 1 tree canopy credit is given.

Amend Chapter 12 (Tree Conservation), Section 12-0300 (Tree Conservation Plan Requirements), Subsection 12-0316 (Requirements and Specifications for Replacement Trees and/or Vegetation), Subsection 12-0316.4 (RPA Establishment and Restoration), by revising Table 12.13B (Planting Density Per Acre for RPA Establishment or Restoration), to read as follows:

Table 12.13B Planting Density Per Acre for RPA Establishment or Restoration

A. Trees[1,8]					
	1.5-in. Caliper[2]	3/4-in. Caliper[2]	Gallon Pot[3]	Tubelings[4]	Bareroot Seedlings[5]
Overstory Trees	109	164	218	400	1,210[7]
Understory Trees[6]	N/A	218	435	800	

1. Any overstory tree size may be paired with any understory tree size. Overstory trees and understory trees do not have to be the same size and more than one size of overstory tree and understory tree may be used. Using a 1-acre site as an example, a planting plan could specify 109 1.5-inch caliper overstory trees for the entire acre, 109 ¾-inch caliper understory trees for ½ acre and 218 1-gallon pot understory trees for ½ acre.
2. Tree caliper is measured at 6 inches above ground as specified in ANSI Z60.1.
3. A gallon pot contains approximately 1 gallon of soil, equivalent to a #1 or #2 container size in accordance with ANSI Z60.1.
4. A tubeling is a tree grown from seed and offered for sale in plastic "plug" containers. Plants can vary in age from 1 to 4 years. Tubelings must be at least 0.25-inch diameter where the stem joins the roots (root collar).
5. Bareroot stock ~~seedlings~~ may only be used with approval by the Director. Bareroot stock refers to tree planting material sold without soil that is typically 1 to 4 years old and is at least 0.25 inches in diameter at the root collar. ~~A bareroot seedling is a tree grown from seed but sold without soil. Plants can vary in age from 1 to 4 years. Seedlings must be at least 0.25-inch diameter where the stem joins the roots (root collar).~~
6. Up to 25% of the understory trees may be composed of overstory species.
7. This number is the combined total of understory trees and overstory trees required. The proportion of understory trees to overstory trees is flexible and will be evaluated with the planting plan.
8. The ~~recommended~~ planting window for trees is ~~November~~ October 1st through ~~April 15th~~ May 31st when the ground is not frozen ~~(after the first hard frost and before bud break)~~.

B. Shrubs

	12-24 in. tall in a 1 gallon or larger pot[1]	1 quart or larger pot
Shrubs[3]	654	N/A
Shrub-Equivalents[2,4]	N/A	2,616

1. A gallon pot contains approximately 1 gallon of soil, equivalent to a #1 or #2 container size in accordance with ANSI Z60.~~1~~2.
2. Up to 25% of the shrub layer may be composed of other plant types that perform an ecological function equivalent to shrubs. These shrub-equivalents, as determined by the Director, include various species of forbs, herbs, graminoids and vines. Unlike shrubs, shrub-equivalents may die back to the ground during winter. Using a 1.2-acre site as an example, 589 (0.9-acre x 654/acre) shrubs and 785 (0.3-acre x 2,616/acre) shrub-equivalents would be required.
3. The ~~recommended~~ planting window for shrubs and shrub equivalent is ~~November~~ October 1st through ~~April 15th~~ May 31st when the ground is not frozen ~~(after the first hard frost and before bud break)~~.
~~**4.** The recommended planting window for shrub-equivalents is September 1st through October 31st and March 1st through May 15th.~~

C. Groundcover[1]

	Pure Live Seed
Perennial Herbaceous Seed Mix[2,3] (minimum of 12 species)	30 lbs.
Annual Herbaceous Cover Crop Seed Mix[2,4] (1-2 Species)	60 lbs.

1. Other types of groundcover such as leaf litter or mulch may be approved by the Director.
2. An herbaceous seed mix is a seed mix of perennial and/or annual grasses and flowers. The perennial herbaceous seed mix must be composed of native species. The annual herbaceous cover crop seed mix may be composed of non-native species.
3. The ~~recommended~~ planting window for the perennial herbaceous seed mix is ~~September~~ October 1st ~~through October 31st and March 1st~~ through May ~~15th~~ 31st.
4. Annual herbaceous cover crop seed mixes may be planted year-round.

Amend Chapter 12 (Tree Conservation), Section 12-0400 (Tree Selection and Canopy Cover Guide), Subsection 12-0401 (Explanation of Tree Selection and Canopy Cover Guide), Subsection 12-0401.1 (Purpose) by revising Paragraphs 12-0401.1.B, C, D, and E, to read as follows:

12-0401.1 Purpose. The Tree Selection and Canopy Cover Guide (Table 12.14) contains information which is helpful when selecting trees to be planted on sites after construction has been completed. For the purposes of defining tree canopy credit, the table contains categories of trees based on their ultimate height and spread. This information is not all inclusive, but does include many species which have performed well in this region and are generally available in local nurseries. The highlighted tree species and their cultivars, many of which are native species, have proven to perform well in the landscape under the conditions typical for the listed tree uses. Sections § 12-0401.1A through § 12- 0401.1F provides an explanation of Table 12.14 entitled Tree Selection and Canopy Cover Guide, columns and codes. The Director may approve trees other than those listed in Table 12.14 for various uses and canopy credit, upon request, with adequate documentation regarding the characteristics of the tree(s) in question.

A. Botanical/Common Name. This column lists trees alphabetically and categorizes them based on their ultimate size and tree canopy area. Botanical names are given first, including genus, species, and, in some cases, cultivar name. Common names used in the Mid-Atlantic region are given second. Deciduous trees are separated from evergreens in all categories. Evergreens include both coniferous and broadleaf species.

B. Minimum Planting Area. This information, which is included in the header row for each tree category, ~~column~~ shows the soil surface area in square feet that must be provided when planting a given species. This information should be used to determine the minimum planting space for all planted trees. When minimum planting areas cannot be provided due to existing conditions, alternative designs that provide the maximum possible planting areas may be allowed as approved by the Director. A detail showing the alternative design must be provided on the landscape plan.

C. Projected 10-year Tree Canopy Area. This information, which is included in the header row for each tree category, gives ~~These columns give~~ the projected 10-year Tree Canopy area in square feet for trees of different sizes at time of planting. Deciduous trees are listed by commonly available caliper sizes and evergreen trees are listed by commonly available heights. The 10-year Tree Canopy cover will be used to determine tree canopy credit for planted trees and will be used for drawing trees to scale on the landscape plan and to determine minimum spacing requirements. When drawn to scale, tree canopies should not significantly overlap (see § 12-0315.1D). Trees proposed to be planted in sizes larger than those listed in Table 12.14 (larger than a 3-inch caliper for deciduous trees and taller than 10 feet in height for evergreens) may receive additional 10-year Tree Canopy credit using Table 12.14 as a guide as approved by the Director.

D. Tree Uses and Transitional Screening ~~Yard Use~~. Tree selection should be based upon post-development site conditions (see Table 12.14).

1. (FA): Forest Area. Trees suitable for planting in naturalized, woodland, park, and other forested or natural settings. These species are appropriate for areas intended to establish or enhance native forest structures, biodiversity, and ecosystem function. FA trees typically perform well in conditions that support natural forest communities, including sites with layered vegetation, intact soils, and minimal long-term maintenance. They may also be used to support successional woodland development consistent with the characteristics of forest areas described in PFM 12-0204.1.

2. (FP): Floodplain. Trees suitable for planting in county and FEMA-designated floodplains, Resource Protection Areas (RPAs), riparian corridors, and other wet or intermittently saturated environments, including urban sumps or low-lying drainage areas. These species tolerate periodic flooding, fluctuating water tables, and occasional stormwater inundation. FP trees also typically provide string soil binding root systems that support erosion control, streambank stabilization, and long-term riparian ecosystem function. They are appropriate for projects seeking to enhance water quality, habitat connectivity, and the resilience of natural hydrologic features.

3.~~1.~~ (G): General ~~(G)~~. These trees are suitable for a variety of uses, including lawns or residential uses.

~~2. Native (N). Native species are those known to occur naturally~~

~~(i.e., not assisted by human movement) in Fairfax County as indicated in the Digital Atlas of Virginia Flora. These trees may be used for additional canopy credits as provided in § 12-0310.4B.~~

4.~~3.~~ (PL): Parking Lot Planting Areas ~~(PL)~~. These tree species have been selected for use in parking areas based on their favorable branching habits, ability to provide shade or screening for parking lot use, ~~and~~ tolerance of poor soils, drought, radiant heat, de-icing salts, minimal litter and excretions, and restrictive root space. Trees most appropriate for planting on parking decks will generally have the following environmental tolerances: restricted root zone (RZ-T), compacted and poor soils (SC-T), air pollution (AP-T), de-icing salts (IS-T), and dry soil ~~drought~~ tolerance (DS-T). Tree planters on decks should provide the minimum planting areas as stated in Table 12.14 and include a suitable, lightweight soil mix, and means of irrigation and drainage (see Plate 5-12).

5.~~4.~~ (RA): Plantings in Restricted Areas ~~(RA)~~. These species should be considered where the ultimate size and form of a tree, along with its root structure, must be given consideration in order to avoid potential maintenance, safety, and access problems.

6.~~5.~~ (SN): Screening Trees and Shrubs. There are two columns in the table to consult on the topic of trees for screening use. All trees and shrubs that are commonly used as a screen, hedge, barrier, shrub border, or living fence are notated as "SN" (for screen) in the "Tree Use" column, regardless of the size and type. However, if the site is required to meet the formal "transitional screening" requirements of the Zoning Ordinance, the "Transitional Screening" column must also be consulted. Trees noted in the "Tree Use" column as a screen (SN) *and* in the "Transitional Screening" column as Large Evergreen (LE), Medium Evergreen (ME), or Large Deciduous (LD) are tall enough to meet the transitional screening requirements of Section 5108 of the Zoning Ordinance. Trees and shrubs marked as screen (SN) in the "Tree Use" column that have a blank cell in the "Transitional Screening" column are generally shorter, dense shrubs or small trees that provide excellent screening at lower heights but are not tall enough to meet Zoning Ordinance transitional screening requirements. These smaller trees may be good screening or hedge border options on sites where there is no Zoning Ordinance requirement for a transitional screen. ~~(LE, ME, LD). Trees identified by~~

~~these notations are effective in meeting the transitional screening requirements of Section 5108 of the Zoning Ordinance, by providing eye level visual screening.~~ Both deciduous and evergreen species are listed but only evergreens provide year-round screening.

7. (ST): Street Trees. These trees are suitable for planting along roadways, including along sidewalks, paved trails, and utility strips adjacent to the street. These species can handle confined spaces, their roots do not significantly disturb pipes or utilities, they do not create a notable mess or stains, and they can tolerate exposure to road salts and air pollution. For the purposes of Table 12.14, the ST designation identifies planting-use suitability only. It is distinct from and does not confer the status of a street tree as defined elsewhere in this Chapter or in Chapter 120 for heritage, memorial, specimen, or Board-designated street trees, and does not by itself qualify as a tree for the multipliers in Table 12.6.

E. Tolerances and Vulnerabilities: ~~Environmental Tolerances.~~ These columns in Table 12.14 are used to assist with the selection of tree species. The objective is to guide the planting of trees in conditions where they will thrive. For the tree species listed in Table 12.14, the trait codes listed in the "Tolerances" column notate the tree species' abilities to withstand a range of site conditions, environmental conditions, and climate hazards. The trait codes listed in the "Vulnerabilities" column notate the tree species' sensitivities or intolerances. These trait codes are defined below. Traits notated in Table 12.14 are well-documented in research and practice. The absence of a code for a particular species can mean either that the trait is neutral, or that there is insufficient, inconclusive, or conflicting research into that trait for the species. ~~This column is used to select species that are tolerant of specific environmental factors, both natural and constructed, that occur frequently in the urban setting. Refer to Table 12.14 for the tolerance code list.~~

1. (ADAPT). These species are more adaptable to a changing climate, as scored by the United States Department of Agriculture (USDA) Climate Change Atlas' Adaptability Score. Adaptability scores are based on 12 disturbance and 9 biological characteristics or modification factors. Species marked with "ADAPT" in this chapter are those that scored high (5.0-9.0) for "Adaptability" in the USDA Climate Change Atlas. Additionally, species were included that scored at least 4.5 for "Adaptability" if they also scored high for "Capability" to cope with the changing climate, projected "Shift," and "Habitat Change."

2.~~5.~~ (AP-T): Air Pollution Tolerant ~~(AP)~~. This group of species will tolerate areas subjected to exhaust gas emissions and other air pollutants found along roadways and within parking lots. These tree species typically do not show notable damage and continue normal growth and development when exposed to air pollution. ~~These trees are typically deciduous and shed their leaves before particulate matter can damage plant tissue. Evergreens retain leaves or needles longer, allowing particulate matter to be absorbed and destroy plant tissue, and as such are more susceptible to pollution injury.~~

3. (AP-V): Air Pollution Vulnerable. These tree species are particularly vulnerable or sensitive to air pollution, which means they typically either fail to survive, show significantly degraded health, or fail to continue normal growth and development after exposure to air pollution. These trees may have health issues in areas close to traffic or other sources of air pollution.

4. (CO-T): Cold Tolerant. These tree species are tolerant of extreme cold conditions. A tree is considered tolerant of cold if it is exposed to very low temperatures without adequate acclimation and continues normal growth and development. For Fairfax County, these species should be able to withstand temperatures as low as -10°F or multiple days in a row below 0°F.

5. (CO-V): Cold Vulnerable. These species are particularly vulnerable to extreme cold conditions. While most species prefer moderate temperature conditions, the species labeled "cold-vulnerable" typically either fail to survive, show significant damage or degraded health, or fail to continue normal growth and development after exposure to extreme cold. For Fairfax County, these species are typically vulnerable to temperatures below -10°F or multiple days in a row below 0°F.

6. (DP-T): Disease or Pest Tolerant. These species' health, growth, and development are not typically affected by diseases or pests. In some trees, this trait may be due to the ability to prevent or reduce disease development by slowing multiplication of the pathogen within the host. In other cases, the tree is simply not usually a target for the pest infestations.

7. (DP-V): Disease or Pest Vulnerable. These species are particularly vulnerable to diseases or pest infestations. While all trees are susceptible to some diseases and pests, the trees identified as "DP-V" have notable, prevalent

disease or pest issues that commonly threaten the survival, health, or growth of the trees.

8. (DR-T): Drought Tolerant. These species are more likely to survive periods of meteorological drought, defined by the American Meteorological Society as "a period of abnormally dry weather (or lack of rainfall) sufficiently long enough to cause a serious hydrological imbalance." A tree is considered drought-tolerant if it continues normal growth and development when exposed to long-term drought. "Drought" exceeds "Dry Soil." For Dry Soil Tolerance, see DS-T.

9. (DR-V): Drought Vulnerable. These species are particularly vulnerable to meteorological drought, as defined by the American Meteorological Society as "a period of abnormally dry weather (or lack of rainfall) sufficiently long enough to cause a serious hydrological imbalance." While most species prefer adequate water, these species labeled "DR-V" typically fail to survive, show significant damage or degraded health, or fail to continue normal growth and development after exposure to drought. "Drought" exceeds "Dry Soil." For Dry Soil Vulnerability, see DS-V.

10.~~8.~~(DS-T):~~ Drought Conditions (D)~~ Dry Soil Tolerant. These species ~~will~~ tolerate ~~hot,~~ dry ~~conditions~~ sites, which means they typically continue normal growth and development on sites with limited soil moisture availability. ~~They require less available soil moisture than most trees and should be considered for planting areas subjected to heat, drying winds, and intense solar radiation without the benefit of supplemental moisture.~~ These conditions are often found along roadways, parking lots, parking decks, around buildings, or in areas that are infrequently watered ~~and around buildings that absorb heat and reflect sunlight~~. "Dry Soil" is a lower threshold than "Drought." For Drought Tolerance, see DR-T. For Heat Tolerance, see H-T.

11. (DS-V): Dry Soil Vulnerable. These species are particularly sensitive to dry sites and should not be planted in areas with limited soil moisture or infrequent watering. These species typically either fail to survive, show significantly degraded health, or fail to continue normal growth and development when grown in dry soil conditions. "Dry Soil" is a lower threshold than "Drought." For Drought Vulnerability, see DR-V.

12. (FL-AB): Flood Adaptation Benefit. These species help communities adapt to increased flooding conditions by excelling in stormwater absorption and streamflow

reduction capabilities. While all trees provide some level of stormwater absorption, the species marked as "FL-AB" rank in the top 10% of trees in Fairfax County for these capabilities, which means they absorb more stormwater than most trees.

13. (FL-T): Flood Tolerant. These species are more resilient to flooding or flash flooding conditions and are typically able to continue normal growth and development after exposure to flooding. "Flooding" as defined by the National Oceanic and Atmospheric Administration refers to an overflow of water onto normally dry land, the inundation of a normally dry area caused by rising water in an existing waterway, or ponding of water due to heavy rainfall. "Flash flooding" is defined as a flood caused by heavy or excessive rainfall in a short period of time, generally less than 6 hours, or by sudden release of water by dam or levee failure. "Flooding" exceeds "Wet Soil" because flooding involves the pooling and/or flowing of water (sometimes with great force) above the ground surface.

14. (FL-V): Flood Vulnerable. These tree species are particularly vulnerable to flooding, which means they typically fail to survive, show significant damage or degraded health, or fail to continue normal growth and development after exposure to flooding. "Flooding" as defined by the National Oceanic and Atmospheric Administration refers to an overflow of water onto normally dry land, the inundation of a normally dry area caused by rising water in an existing waterway, or ponding of water due to heavy rainfall. "Flash flooding" is defined as a flood caused by heavy or excessive rainfall in a short period of time, generally less than 6 hours, or by sudden release of water by dam or levee failure.

15. (H-AB): Heat Adaptation Benefit. These species help communities adapt to increases in extreme heat and the Urban Heat Island effect by excelling in ultraviolet (UV) reduction or air temperature reduction through evapotranspiration. While all trees provide some of these benefits, these species rank in the top 10% of trees in Fairfax County for these capabilities, which means they provide better shade and cooling benefits than most trees.

16. (H-T): Heat Tolerant. These species are more resilient to extreme heat conditions, which means they typically continue normal growth and development after exposure to higher temperatures, even without adequate acclimation. For Fairfax County, these species should be acclimated to a

Heat Zone of 8 or higher, and able to withstand temperatures that exceed 100°F, or multiple days in a row above 90°F.

17. (H-V): Heat Vulnerable. These species are particularly vulnerable to extreme heat conditions. While most species prefer moderate temperature conditions, the species labeled "H-V" typically either fail to survive, show significantly degraded health, or fail to continue normal growth and development after exposure to temperatures that exceed 100°F, or multiple days in a row above 90°F.

18.~~6.~~(IS-T): De-icing Salts Tolerant ~~(IS)~~. These species are tolerant of root and leaf exposure to de-icing salts such as sodium chloride and calcium chloride, which means they continue normal growth and development following exposure to such salts. These trees ~~should be planted~~ may be appropriate along roadways and in the vicinity of parking lots, sidewalks and asphalt paths subject to snow and ice removal operations.

19. (IS-V): De-icing Salt Vulnerable. These species are intolerant of root and leaf exposure to winter de-icing salts such as sodium chloride and calcium chloride. These species typically either fail to survive, show significantly degraded health, or fail to continue normal growth and development after exposure to de-icing salts. These trees should *not* be planted along roadways and in the vicinity of parking lots, sidewalks, and asphalt paths adjacent to snow and ice removal operations.

20.~~3.~~(PS-T): Partial Shade Tolerant ~~(PS)~~. These species tolerate or prefer areas receiving ~~partial amounts~~ short durations of direct sunlight such as on the Eastern or Northern sides of structures or in forested areas.

21.~~1.~~(RZ-T): Restricted Root Zone Tolerant ~~(RZ)~~. These tree species will tolerate ~~limited~~ restricted planting areas better than other species. Roots of these trees will usually not disrupt surrounding hardscapes. It is noted that trees that are planted in areas that meet only the minimum requirements for planting area, generally will not be healthy, long-lived trees. A larger planting space will result in more healthy, vigorous specimen trees due to increased nutrient availability and improved soil conditions.

22.~~2.~~(SC-T): Soil Compaction and Poor Soil Conditions Tolerant ~~(SC)~~. These species are noted for their tolerance to a range of soil conditions found in the urban environment. It should be noted that most trees do not tolerate poor soils. Tolerant trees that may grow in poor soil will generally not thrive.

a. A poor soil is a soil used as a growing medium that has

marginal properties for support of plant life. Poor soil conditions may include one or more of the following characteristics: low nutrient content (essential nutrients have been leached or the soil lacks nutrient holding capacity), low organic matter content, improper pH (a soil that is either too acidic or too alkaline) and poor structure (highly compacted with little pore space and a low water infiltration and percolation rate).

b. Subsoils used to provide a stable base for sidewalks, parking lots, buildings, etc., and general grading purposes are often inadequate for plant growth. Amending these soils with composted organic matter and agricultural lime may improve soil pH, structure and nutrient availability. Testing soil for pH and nutrient content is advisable before amending soil. Soil amending in individual planting holes is not recommended. If soil amendments are needed, they should be applied using broadcast methods and tilled in over a large planting area.

23. (SC-V): Soil Compaction Vulnerable. These species are particularly vulnerable to soil compaction. Compaction is pressure that squeezes soil into layers that resist root penetration and water movement, often as the result of foot traffic or machine activity. While all species prefer less compacted soil, the species labeled "SC-V" typically either fail to survive, show significantly degraded health, or fail to continue normal growth and development when grown in compacted soils.

24.~~4.~~(SH-T): Full Shade Tolerant ~~(SH).~~ These species tolerate or prefer a shaded environment and are typically able to continue normal growth and development in fully shaded conditions. However, the ~~deeper~~ heavier the shade, the more difficult it is for any tree to thrive.

25. (SH-V): Shade Vulnerable. These species are particularly intolerant of shade which means they either fail to survive, show significantly degraded health, or fail to grow on fully shaded sites. These species should be planted in areas with adequate sun, away from the shade cast by structures or other trees.

26. (SU-T): Full Sun Tolerant. These species tolerate or prefer full sun conditions. They are not overly subject to sun scorch and may do well in sunny areas that are not shaded by structures or other trees.

27. (SU-V): Full Sun Vulnerable. These species are intolerant of full sun or susceptible to leaf scorch. They need partial

shade or full shade conditions. A tree is considered vulnerable to full sun conditions if it either fails to survive, shows significantly degraded health, or fails to grow and develop normally when exposed to full sun.

28. (WI-AB): Wind Adaptation Benefit. These species help communities adapt to severe storms and wind by serving as a dense windbreak or barrier, notably reducing wind speeds in areas behind the trees. Specifically, these species rank in the top 10% in Fairfax County for wind speed reduction capability, so they block wind better than most trees.

29. (WI-T): Wind Tolerant. These species are more likely to survive severe storm and wind conditions and are typically less susceptible to wind-related damage such as windthrow and breakage. Tree species may be more wind-tolerant due to a range of factors including but not limited to extensive or deep rooting, slow growth, strong wood and branch structures, shorter tree heights, and/or native habitat of open, wind-exposed areas. Selecting these species may reduce the prevalence of downed trees from severe storms.

30. (WI-V): Wind Vulnerable. These species are particularly vulnerable to high winds and damage from severe storms and need protection from wind. While all trees have some wind vulnerability, these trees typically suffer from windthrow, breakage, uprooting, or other damage during high winds and severe storms. Wind vulnerability of tree species may be due to a range of factors including but not limited to shallow roots, fast-growing and weak wood, poor branch structure, and heights and crown volume that increase wind drag and force upon the root plate.

31.~~7.~~(WS-T): Wet Soil~~ Conditions~~ Tolerant~~ (W)~~. These tree species ~~will~~ tolerate or prefer ~~moderate to~~ excessive soil moisture and can typically continue normal growth and development in wet soils. “Wet soil” refers to soil that is saturated but not flooded, which means the water is not flowing above the soil surface. For flood tolerance, see FL-T. These trees ~~should be planted~~ may be appropriate on wet sites adjacent to waterways, ponds, lakes, stormwater retention and detention facilities.

32. (WS-V): Wet Soil Vulnerable. These tree species are particularly vulnerable to wet soil, which means they typically either fail to survive, show significantly degraded health, or fail to continue normal growth and development when exposed to wet soil and associated conditions such as root rot. “Wet soil” refers to soil that is saturated but not flooded. For flood vulnerability, see FL-V.

F. The "Conditional Use or Reduced Credit"; "Air Quality"; "Energy Conservation"; "Water Quality"; "Wildlife"; "Native"; and "Improved Cultivar/Variety" columns provides information concerning the reduced or additional 10-year Tree Canopy credit that various species may receive if planted as provided in § 12-0310.3D, § 12-0310.3E, and § 12-0310.4C *et. seq*.

Amend Chapter 12 (Tree Conservation), Section 12-0400 (Tree Selection and Canopy Cover Guide), Subsection 12-0401 (Explanation of Tree Selection and Canopy Cover Guide), Subsection 12-0401.1 (Purpose) by revising Table 12.14 (Tree Selection and Canopy Cover Guide) as follows:

Table 12.14 Tree Selection and Canopy Cover Guide

Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
CATEGORY I DECIDUOUS TREES **Trees 50 feet or less in height at maturity with a spread less than one-half of their height. Trees in this Category have:** **Min planting area: 65 ft²** **Projected 10-year Tree Canopy Area: 40 ft² for 1 in. caliper at planting | 50 ft² for 2 in. caliper at planting | 75 ft² for 3 in. caliper at planting**															
Columnar cultivars bred for narrow crowns	~~65~~	~~40~~	~~50~~	~~75~~	RA										
CATEGORY II DECIDUOUS TREES **Trees that can be maintained at a height of ~~20~~ 25 feet or less and have a spread approximately equal to their height. Trees in this Category have: Min planting area: 50 ft²** **Projected 10-year Tree Canopy Area: 75 ft² for 1 in. caliper at planting | 100 ft² for 2 in. caliper at planting | 125 ft² for 3 in. caliper at planting**															
~~*Acer ginnala* amur maple~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G, RA~~		~~D, PS, RZ~~								
~~***Acer palmatum* Japanese maple~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~		~~RZ, SH~~								
Amelanchier arborea **downy serviceberry**	~~50~~	~~75~~	~~100~~	~~125~~	FA, FP, G, PL, RA, SN, ST		CO-T, DS-T, H-T, PS-T, RZ-T, SU-T, WS-T					1.25	1.5	LN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Amelanchier canadensis **Canadian serviceberry**					FA, FP, SN		CO-T, DP-T, DS-T, FL-T, PS-T, WI-T, WS-T	AP-V, DR-V, H-V, SC-V					1.5	LN 1.5	
Amelanchier laevis **Allegheny serviceberry**	~~50~~	~~75~~	~~100~~	~~125~~	FA, G, RA, SN, ST		CO-T, PS-T, RZ-T, SH-T ~~W~~	AP-V				1.25	1.5	LN 1.5	
Asimina triloba **pawpaw**	~~50~~	~~75~~	~~100~~	~~125~~	FA, FP, G		CO-T, DP-T, PS-T, SH-T, SU-T, WS-T	DR-V				1.25	1.5	LN 1.5	
Benthamidia ~~Cornus~~ florida **flowering dogwood** (anthracnose resistant cultivars)	~~50~~	~~75~~	~~100~~	~~125~~	FA ~~G~~		ADAPT, CO-T, PS-T, SH-T, SU-T, WI-T	AP-V, DP-V, FL-V, H-V, IS-V, SC-V, WS-V	Yes				~~1.5~~	~~1.5~~ LN 1.0	1.25
Carpinus caroliniana ~~American~~ **hornbeam**	~~50~~	~~75~~	~~100~~	~~125~~	FA, FP, G, RA, SN		ADAPT, CO-T, PS-T, SH-T, SU-T, WI-T, WS-T	DR-V, IS-V, SC-V				1.25		LN 1.5	
Castaneau pumila **Alleghany chinkapin**					FA		CO-T, DR-T, DS-T, H-T, PS-T, SU-T	IS-V						LN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Cercis canadensis **eastern redbud**	~~50~~	~~75~~	~~100~~	~~125~~	FA, G, PL, RA, SN		CO-T, DR-T, DS-T, PS-T, RZ-T, SC-T, SU-T, WI-T	DP-V, FL-V, IS-V, WS-V						LN 1.5	
Chionanthus virginicus **fringetree**	~~50~~	~~75~~	~~100~~	~~125~~	FA, FP, G, PL, RA, SN		AP-T, CO-T, PS-T, RZ-T, SU-T, WI-T, WS-T					1.25		LN 1.5	
Cornus alterniflolia **Alternate-leaf Dogwood (Anthracnose resistant cultivars)**					FA, G		CO-T, PS-T, SH-T	AP-V, DR-V, H-V, IS-V						LN 1.0	
~~***Cornus kousa kousa dogwood***~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G,~~		~~RZ~~								
Cornus mas **Cornelian cherry dogwood**	~~50~~	~~75~~	~~100~~	~~125~~	G, RA, SN		CO-T, DP-T, PS-T, RZ-T, SU-T	IS-V							
Corylus americana **American hazel**					FA, SN		CO-T, PS-T, SH-T, SU-T	IS-V						LN 1.0	
Crataegus phaenopyrum **Washington hawthorn**					G, SN, ST		AP-T, CO-T, DR-T, DS-T, H-T, SU-T, WI-T	SH-V						LN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Crataegus viridis green hawthorn					FP, PL, SN, ST		AP-T, CO-T, DS-T, SC-T, SU-T	IS-V						LN 1.0	
~~***Halesia carolina* Carolina silverbell~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~		~~PS~~								
~~***Magnolia x soulangiana* saucer magnolia~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~		~~AP, RZ~~								
~~***Magnolia stellata* star magnolia~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G, RA~~		~~AP, RZ,~~								
Magnolia virginiana sweetbay magnolia	~~50~~	~~75~~	~~100~~	~~125~~	FA, FP, G, RA, SN		ADAPT, AP-T, FL-T, H-T, PS-T, RZ-T, SC-T, SU-T, WI-T, WS-T ~~SH~~	CO-V, DR-V				1.25		LN 1.5	
Ostrya virginiana ~~Eastern~~ hophornbeam	~~50~~	~~75~~	~~100~~	~~125~~	FA, G, PL, ST		ADAPT, CO-T, DP-T, DR-T, DS-T, H-T, PS-T, SH-T, SU-T, WI-T	FL-V, IS-V, SC-V, WS-V						LN 1.5	
Oxydendrum arboreum sourwood	~~50~~	~~75~~	~~100~~	~~125~~	FA, G		ADAPT, CO-T, DP-T, ~~D,~~ PS-T, SH-T, SU-T	AP-V, DR-V, FL-V					1.5	RN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Ptelea trifoliata **hoptree**					FA, G, SN		CO-T, DS-T, H-T, RZ-T	FL-V, WS-V						LN 1.0	
Prunus americana **American plum**					FA. G		CO-T, DS-T, H-T, SU-T	FL-V, SH-V						LN 1.0	
Prunus x incam ***~~'Okame'~~*** **Okamé cherry**	~~50~~	~~75~~	~~100~~	~~125~~	PL, RA, ST		PS-T, SU-T								
Sassafras albidum **sassafras**	~~50~~	~~75~~	~~100~~	~~125~~	FA, G, ST		DR-T DS-T, H-T, SC-T, SU-T, WI-T	FL-V, SH-V					1.0	LN 1.5	
~~Stewartia koreana~~ ***~~Korean stewartia~~***	~~50~~	~~75~~	~~100~~	~~125~~	~~RA~~		~~RZ~~								
Stewartia ovata **mountain-camellia** ~~**stewartia**~~	~~50~~	~~75~~	~~100~~	~~125~~	FA, SN, ~~G,~~ ~~RA~~		CO-T, DP-T, PS-T, SU-T ~~RZ~~	DR-V, H-V, SC-V						RN 1.0	
~~Stewartia pseudocamellia~~ ***~~Japanese stewartia~~***	~~50~~	~~75~~	~~100~~	~~125~~	~~RA~~		~~RZ~~								
Styrax americanus **American snowbell**	~~50~~	~~75~~	~~100~~	~~125~~	FA, FP, G, RA, SN		CO-T, DP-T, FL-T, PS-T, SU-T, WS-T ~~RZ~~							LN 1.0	
~~*Styrax japonicus*~~ ~~Japanese snowbell~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G, RA~~		~~PS, RZ~~								

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
CATEGORY III DECIDUOUS TREES **Trees 25 to 50 feet in height at maturity with a spread equal to or greater than their height and trees over 50 feet in height at maturity with a spread less than their height** **Min planting area: 90 ft²** **Projected 10-year Tree Canopy Area: 125 ft² for 1 in. caliper at planting | 150 ft² for 2 in. caliper at planting | 175 ft² for 3 in. caliper at planting**															
Acer floridanum **Florida maple**					FA, G		H-T, PS-T, SH-T, SU-T, WI-T, WS-T	IS-V, SC-V						RN 1.0	
Acer leucoderme **chalk maple**					G, PL, ST		CO-T, DP-T, DR-T, DS-T, H-T, PS-T, SH-T, SU-T							RN 1.0	
Acer negundo **box elder**					FP		ADAPT, CO-T, DR-T, DS-T, FL-T PS-T, SC-T, SU-T, WS-T	DP-V, WI-V						LN 1.0	
Acer x freemanii **Freeman maple**					G, PL, ST		FL-AB, H-AB, H-T, PS-T, SU-T							RN 1.0	
Aesculus flava **yellow buckeye**	~~90~~	~~125~~	~~150~~	~~175~~	FP, G, SN	LD	CO-T, FL-AB, H-AB, ~~IS~~, ~~SC~~ PS-T, SU-T, WI-AB	DR-V		1.5				RN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
~~*Aesculus hippocastanum* horse chestnut~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LD~~	~~IS, SC~~								
Betula nigra river birch	~~90~~	~~125~~	~~150~~	~~175~~	FA, FP, G, SN	LD	AP-T, CO-T, FL-T, SC-T, SU-T, WI-T, WS-T	SH-V				1.25	1.5	LN 1.5	
~~*Castanea mollissima* Chinese chestnut~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LD~~									
Celtis laevigata sugarberry					FA, FP, G, PL, ST		AP-T, H-AB, H-T, PS-T, SC-T, SH-T, SU-T, WS-T							LN 1.5	
Celtis occidentalis hackberry	~~90~~	~~125~~	~~150~~	~~175~~	FA, FP, G, PL, SN, ST	LD	ADAPT, AP-T, CO-T, DR-T, DS-T, FL-AB, FL-T, H-AB, H-T, IS-T, PS-T, SC-T, SU-T, WI-AB, WS-T				1.5	1.25	1.5	LN 1.5	
~~*Cercidiphyllum japonicum* katsuratree~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G, PL,~~	~~LD~~					~~1.5~~				

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~**Min. Planting Area in ft²**~~	~~Projected 10-yr. Tree Canopy Area in ft²and caliper in inches at planting~~			**Tree Uses**	**Transitional Screening ~~Yard Use~~**	**POSITIVE TRAITS: ~~Environmental~~ (Tolerances)**	**NEGATIVE TRAITS: (Vulnerabilities)**	**Conditional Use or reduced credit**	**Air Quality** 12-0310.4 B(1)	**Energy Conservation** 12-0310.4 B(2)	**Water Quality** 12-0310.4 B(3)	**Wildlife** 12-0310.4 B(4)	**Native** 12-0310.4 B(5)	**Improved Cult./Var.** 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Cladrastis kentukea **yellowwood**	~~90~~	~~125~~	~~150~~	~~175~~	G, SN, ST	LD	CO-T, DP-T, DS-T, ~~W~~	WI-V			~~1.5~~			LN 1.0	
Corylus Colurna **Turkish hazel**					PL, ST		AP-T, CO-T, DP-T, DR-T, FL-AB, H-AB, H-T, RZ-T, SU-T, WI-T	IS-V, SH-V							
Diospyros virginiana **persimmon**	~~90~~	~~125~~	~~150~~	~~175~~	FA, G,		ADAPT, CO-T, DR-T, DS-T, FL-T, H-T, PS-T, SC-T, SH-T, SU-T, WI-T						1.5	LN 1.5	
~~***Fagus sylvatica***~~ ~~**European beech**~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LD~~	~~PS~~								
Gleditsia triacanthos var. inermis **honeylocust (thornless variety)**	~~90~~	~~125~~	~~150~~	~~175~~	G, PL, ST	~~LD~~	ADAPT, CO-T, DR-T, DS-T, H-T, IS-T, SC-T, SU-T, WS-T ~~AP~~	DP-V, SH-V						LN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Gymnocladus dioicus **Kentucky coffeetree**	~~90~~	~~125~~	~~150~~	~~175~~	FA, G PL, SN	LD	AP-T, CO-T, DR-T, DS-T, H-T, SC-T, SU-T, WI-AB, WI-T ~~WS~~	SH-V				1.25	1.5	RN 1.5	
Juglans nigra **black walnut**	~~90~~	~~125~~	~~150~~	~~175~~	FA, FP, G, SN	LD	AP-T, CO-T, H-AB, H-T, SC-T, WI-AB ~~W~~	DP-V, SH-V				~~1.25~~	~~1.5~~	~~1.5~~ LN 1.0	
~~***Larix decidua***~~ ~~**European larch**~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LD~~	~~D~~								
Maclura pomifera **Osage-orange (male only)**	~~90~~	~~125~~	~~150~~	~~175~~	SN ~~G, N~~	LD	ADAPT, CO-T, DP-T, DR-T, DS-T, FL-T, H-T, IS-T, SU-T, WI-T, WS-T	SH-V						~~1.5~~ NN 1.0	
Magnolia acuminata **cucumbertree**	~~90~~	~~125~~	~~150~~	~~175~~	FA, G, SN ~~N~~	LD	PS-T, SU-T, WI-AB	AP-V, DS-V, DR-V, FL-V, H-V, SC-V, WS-V						~~1.5~~ LN 1.0	
Magnolia macrophylla **bigleaf magnolia**	~~90~~	~~125~~	~~150~~	~~175~~	G, SN	LD	DP-T, PS-T	AP-V, DR-V, DS-V, WI-V, WS-V						RN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Malus angustifolia southern crabapple					FA		DR-T, H-T, PS-T, SC-T, WI-T	FL-V						LN 1.0	
~~***Metasequoia glyptostroboides* dawn redwood~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LD~~	~~AP, W~~								
Morus rubra red mulberry					FA, FP		CO-T, DR-T, DS-T, FL-AB, H-T, H-AB, IS-T, PS-T, SH-T, SU-T, WS-T	DP-V						LN 1.5	
Nyssa biflora swamp tupelo					FP		FL-AB, FL-T, H-AB, H-T, SU-T, WS-T	DR-V, SH-V						RN 1.0	
Nyssa sylvatica blackgum	~~90~~	~~125~~	~~150~~	~~175~~	FA, FP, G, PL, SN, ST	LD	ADAPT, CO-T, DS-T, H-T, IS-T, PS-T, SC-T, SU-T, WI-T, WS-T				~~1.5~~	1.25	1.5	LN 1.5	
~~***Prunus sargentii* Sargent cherry~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G,~~										
~~***Prunus serrulata 'Kwansan'* Kwanzan cherry~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LD~~	~~AP~~								

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
~~*Prunus subhirtella weeping Japanese Higan cherry*~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~										
~~*Prunus x yedoensis* Yoshino cherry~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~										
Quercus laurifolia laurel oak					FA, FP, ST		ADAPT, FL-T, H-T, PS-T, SC-T, SH-T, SU-T, WS-T	IS-V, WI-V						RN 1.0	
Quercus marilandica blackjack oak					FA		ADAPT, CO-T, DR-T, DS-T, H-T, IS-T, SU-T	DP-V, FL-V, SH-V, WS-V						LN 1.0	
Quercus michauxii swamp chestnut oak					FA, FP, G, ST		CO-T, FL-T, H-T, SC-T, SU-T, WI-T, WS-T	IS-V, SH-V						LN 1.5	
Quercus virginiana live oak					FA, G, PL		ADAPT, DR-T, DS-T, FL-T, H-T, IS-T, PS-T, SU-T, WI-T, WS-T	CO-V, DP-V						RN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Salix nigra **black willow**					FP		CO-T, FL-T, H-T, SC-T, WS-T	AP-V, DR-V, SH-V, WI-V						LN 1.0	
~~***Styphnolobium japonica* Japanese pagoda tree***~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G, PL~~	~~LD~~	~~AP, D, SC~~			~~1.5~~	~~1.5~~				
Taxodium distichum **bald cypress**	~~90~~	~~125~~	~~150~~	~~175~~	FP, G, PL, SN ST	LD	AP-T, CO-T, FL-AB, FL-T, H-AB, H-T, IS-T, SC-T, SU-T, WI-T, WS-T					1.25	1.5	RN 1.5	
~~***Tilia cordata* littleleaf linden~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G, PL~~	~~LD~~	~~AP~~			~~1.5~~					
Ulmus alata **winged elm**					FA, FP, G, PL, SN, ST	LD	CO-T, DS-T, FL-T, H-T, PS-T, RZ-T, SC-T, SU-T, WI-T, WS-T	DP-V						RN 1.0	
Ulmus x davidiana var japonica Morton **Morton elm (hybrid)**					PL, ST		AP-T, CO-T, DP-T, DR-T, DS-T, PS-T, SU-T	FL-V							

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~**Min. Planting Area in ft²**~~	~~**Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting**~~			**Tree Uses**	**Transitional Screening** ~~**Yard Use**~~	**POSITIVE TRAITS: ~~Environmental~~ (Tolerances)**	**NEGATIVE TRAITS: (Vulnerabilities)**	**Conditional Use or reduced credit**	**Air Quality** 12-0310.4 B(1)	**Energy Conservation** 12-0310.4 B(2)	**Water Quality** 12-0310.4 B(3)	**Wildlife** 12-0310.4 B(4)	**Native** 12-0310.4 B(5)	**Improved Cult./Var.** 12-0310.4 B(6)
		~~**1.0**~~	~~**2.0**~~	~~**2.0**~~											
Ulmus x davidiana var japonica Emerald Sunshine **emerald sunshine elm (hybrid)**					PL, ST		CO-T, DS-T, DR-T, H-T, SC-T, SU-T, WI-T	SH-V							
Ulmus x frontier **frontier elm (hybrid)**					PL, ST		AP-T, CO-T, DS-T, SC-T, SU-T	SH-V							
Ulmus x patriot **patriot elm (hybrid)**					PL, ST		AP-T, CO-T, DP-T, DR-T, DS-T, SC-T, SU-T	SH-V							
CATEGORY IV DECIDUOUS TREES **Trees 50 feet and greater in height at maturity with a spread equal to or greater than their height and trees over 75 feet in height at maturity with a spread less than their height. The trees in this category have:** **Min planting area: 130 ft²** **Projected 10-year Tree Canopy Area: 150 ft² for 1 in.** caliper at planting | **200 ft² for 2 in.** caliper at planting |**250 ft² for 3 in.** caliper at planting EXCEPTION: Liquidambar styraciflua (American sweetgum), which has a min. planting area of **65 ft²** and a projected 10-year canopy area: **75 ft² for 1 in.** caliper at planting | **100 ft² for 2 in.** caliper at planting | **125 ft² for 3 in.** caliper at planting.															
Acer rubrum **red maple**	~~130~~	~~150~~	~~200~~	~~250~~	FA, FP, G, PL, SN, ST	LD	ADAPT, AP-T, CO-T, FL-AB, FL-T, H-AB, H-RT ~~IS,~~ PS-T, SC-T, SU-T, WS-T	WI-V		~~1.5~~	~~1.5~~	~~1.25~~	~~1.5~~	~~1.5~~ LN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Carya aquatica water hickory					FP		FL-T, H-T, PS-T, SC-T, SU-T, WI-T, WS-T	IS-V						RN 1.5	
Carya cordiformis bitternut hickory					FA, G, PL, SN, ST	LD	ADAPT, CO-T, DS-T, H-T, SU-T, WI-T	AP-V						LN 1.5	
Carya glabra pignut hickory					FA, G, SN	LD	DR-T, DS-T, H-T, PS-T, SU-T, WI-T	FL-V, IS-V						LN 1.5	
Carya illinoinensis pecan	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN	LD	CO-T, FL-T, SC-T, SU-T ~~W~~	AP-V, DP-V, SH-V, WI-V		~~1.5~~			~~1.5~~	~~1.5~~ RN 1.0	
Carya laciniosa shellbark hickory					FA, FP, G		H-T, PS-T, SH-T, WS-T	IS-V						RN 1.0	
Carya ovata shagbark hickory					FA, G, SN	LD	AP-T, CO-T, DS-T, H-T, PS-T, SC-T, SU-T, WI-T	DP-V, FL-V						LN 1.5	
Carya tomentosa mockernut hickory					FA, G, SN	LD	ADAPT, CO-T, DS-T, H-T, SU-T, WI-T	FL-V, IS-V, SC-V, SH-V						LN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Fagus grandifolia **American beech**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN	LD	CO-T, DS-T, FL-AB, H-AB, PS-T, SH-T, SU-T	DP-V, IS-V, SC-V, WI-V, WS-V		~~1.5~~			~~1.5~~	~~1.5~~ LN 1.0	
Ginkgo biloba **ginkgo (male only)**	~~130~~	~~150~~	~~200~~	~~250~~	G, PL, SN, ST	LD	AP-T, CO-T, DP-T, DS-T, H-AB, H-T, SC-T, SU-T, RZ-T, WI-T	FL-V, SH-V, WS-V		~~1.5~~	1.5				
Liquidambar styraciflua **sweetgum**	~~65~~	~~75~~	~~100~~	~~125~~	FA, FP, G, SN	LD	FL-AB, FL-T, H-AB, H-T, SC-T, SU-T, WI-T, WS-T	SH-V	~~Yes 0.5~~			1.25	~~1.5~~	LN 1.5	
Liriodendron tulipifera ~~***tulip***~~ **yellow-poplar**	~~130~~	~~150~~	~~200~~	~~250~~	~~G~~ FA, SN	LD	CO-T, SU-T ~~AP, W~~	DR-V, FL-V, H-V, IS-V, WI-V		~~1.5~~			~~1.5~~	~~1.5~~ LN 1.0	
Metasequoia glyptostroboides **dawn redwood**					G, SN, ST	LD	AP-T, DP-T, FL-T, FL-AB, H-AB, SU-T, WI-T, WS-T	IS-V, SH-V							
Nyssa aquatica **water tupelo**					FP		FL-T, H-T, SU-T, WI-T, WS-T	DR-V, SH-V						RN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Platanus x hispanica ~~***acerifolia***~~ **London plane tree**	~~130~~	~~150~~	~~200~~	~~250~~	G, PL, SN, ST	LD	AP-T, DS-T, FL-AB, FL-T, SC-T, SU-T, WI-AB, WS-T	SH-V			1.5				
Platanus occidentalis **sycamore**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN	LD	ADAPT, AP-T, FL-AB, FL-T, SC-T, SU-T, WI-AB, WS-T	DP-V				1.25		LN 1.5	
Quercus alba **white oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN	LD	ADAPT, CO-T, DS-T, H-AB, H-T, IS-T, SU-T	DP-V, FL-V, WS-V			~~1.5~~		1.5	LN 1.5	
Quercus bicolor **swamp white oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, FP, G, PL, SN, ST	LD	CO-T, DS-T, FL-T, H-T, PS-T, SU-T, WI-T, WS-T ~~IS, SC~~,	AP-V			~~1.5~~	1.25	1.5	LN 1.5	
Quercus coccinea **scarlet oak**					FA, G, PL, SN, ST	LD	CO-T, DR-T, DS-T, H-T, SU-T	DP-V, FL-V, SH-V				1.25	1.5	LN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~**Min. Planting Area in ft²**~~	~~**Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting**~~			**Tree Uses**	**Transitional Screening ~~Yard Use~~**	**POSITIVE TRAITS: ~~Environmental~~ (Tolerances)**	**NEGATIVE TRAITS: (Vulnerabilities)**	**Conditional Use or reduced credit**	**Air Quality** 12-0310.4 B(1)	**Energy Conservation** 12-0310.4 B(2)	**Water Quality** 12-0310.4 B(3)	**Wildlife** 12-0310.4 B(4)	**Native** 12-0310.4 B(5)	**Improved Cult./Var.** 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Quercus falcata **southern red oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN, ST	LD	ADAPT, DR-T, DS-T, H-AB, H-T, PS-T, SC-T, SU-T	DP-V, FL-V, WI-V			1.5		1.5	LN 1.5	
Quercus imbricaria **shingle oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN, ST	LD	AP-T, CO-T, DR-T, DS-T, SC-T, SU-T, WI-T	SH-V					1.5	LN 1.5	
Quercus lyrata **overcup oak**					FA, FP, G, PL, SN, ST		CO-T, FL-T, H-T, PS-T, SC-T, SU-T, WS-T							RN 1.0	
Quercus macrocarpa **bur oak**					FA, G, PL, SN ST,	LD	ADAPT, AP-T, CO-T, DR-T, DS-T, FL-T, H-AB, H-T, SC-T, SU-T, WI-T, WS-T	DP-V						RN 1.5	
Quercus montana ~~***prinus***~~ **chestnut oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN, ST	LD	ADAPT, CO-T, DS-T, H-AB, SU-T	FL-V, SC-V, WS-V			1.5		1.5	LN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~**Min. Planting Area in ft²**~~	~~Projected 10-yr. Tree Canopy Area in ft²and caliper in inches at planting~~			**Tree Uses**	**Transitional Screening ~~Yard Use~~**	**POSITIVE TRAITS: ~~Environmental~~ (Tolerances)**	**NEGATIVE TRAITS: (Vulnerabilities)**	**Conditional Use or reduced credit**	**Air Quality** 12-0310.4 B(1)	**Energy Conservation** 12-0310.4 B(2)	**Water Quality** 12-0310.4 B(3)	**Wildlife** 12-0310.4 B(4)	**Native** 12-0310.4 B(5)	**Improved Cult./Var.** 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Quercus muehlenbergii **chinquapin oak**					FA, PL, SN, ST	LD	CO-T, DP-T, DR-T, DS-T, H-AB, H-T, SU-T	FL-V, SH-V						LN 1.0	
Quercus nigra **water oak**					FA, FP		FL-T, H-AB, H-T, SC-T, SU-T, WS-T	DP-V, IS-V, SH-V, WI-V						RN 1.0	
Quercus palustris **pin oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, FP, G, PL, SN, ST	LD	CO-T, H-T, SC-T, SU-T, WS-T	DP-V, SH-V	Yes			~~1.25~~	~~1.5~~	~~1.5~~ LN 1.0	
Quercus phellos **willow oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, FP, G, PL, SN, ST	LD	ADAPT, AP-T, CO-T, DS-T, FL-T, H-T, SC-T, SU-T, WS-T	WI-V			~~1.5~~	1.25	1.5	LN 1.5	
Quercus rubra ***(borealis)*** **northern red oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN ST	LD	ADAPT, AP-T, CO-T, DS-T, H-AB, IS-T, SU-T	DP-V FL-V			~~1.5~~		1.5	LN 1.5	

Table 12.14 Tree Selection and Canopy Cover Guide															
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		~~1.0~~	~~2.0~~	~~2.0~~											
Quercus shumardii **shumard oak**					FA, G, PL, SN, ST	LD	ADAPT, AP-T, CO-T, DR-T, DS-T, H-AB, H-T, SC-T, SU-T, WI-AB, WI-T	SH-V						LN 1.5	
Quercus stellata **post oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN, ST	LD	ADAPT, CO-T, DR-T, DS-T, H-T, SU-T, WI-T	FL-V SH-V			1.5		1.5	LN 1.5	
Quercus texana **Nuttal oak**					FP, ST		DS-T, FL-T, SU-T, WS-T	IS-V, SH-V						NN 1.0	
Quercus velutina **black oak**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN, ST	LD	ADAPT, CO-T, DS-T, H-T, PS-T, SU-T	FL-V, SC-V			~~1.5~~		1.5	LN 1.5	
Tilia americana **American ~~linden,~~ basswood**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN ~~PL,~~	LD	CO-T, DS-T, PS-T, SH-T, SU-T, WI-AB	AP-V, DR-V, FL-V, H-V, IS-V, SC-V		~~1.5~~	~~1.5~~			~~1.5~~ LN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Tilia petiolaris **silver linden**					PL, SN, ST	LD	AP-T, DR-T, DS-T, H-AB, H-T, IS-T, PS-T, SC-T, WI-AB, WI-T	FL-V							
Ulmus americana **American elm** **(Dutch elm disease resistant hybrids)**	~~130~~	~~150~~	~~200~~	~~250~~	FA, FP, G, SN, ST	LD	AP-T, CO-T, DR-T, DS-T, FL-AB, FL-T, H-T, H-AB, PS-T, SC-T, SU-T, WI-AB, WS -T	DP-V		1.5	1.5	1.25		LN 1.5	1.25
Ulmus crassifolia **cedar elm**					PL, SN, ST	LD	DR-T, DS-T, FL-T, H-AB, H-T, PS-T, SC-T, SU-T, WS-T	DP-V						NN 1.0	
~~*Ulmus parvifolia* Chinese elm~~	~~130~~	~~150~~	~~200~~	~~250~~	~~G, PL~~	~~LD~~				~~1.5~~	~~1.5~~				
~~*Zelkova serrata* Japanese zelkova~~	~~130~~	~~150~~	~~200~~	~~250~~	~~G, PL~~	~~LD~~				~~1.5~~					
CATEGORY I EVERGREEN TREES **Trees generally less than 30 feet in height at maturity with a spread less than 15 feet. The trees in this category have:** **Min planting area: 30 ft²** **Projected 10-year Tree Canopy Area: 40 ft² for 1 in. caliper at planting |50 ft² for 2 in. caliper at planting |75 ft² for 3 in. caliper at planting**															

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Ilex x attenuata ~~'Fosteri'~~ **Foster's holly**	~~30~~	~~40~~	~~50~~	~~75~~	G, PL, SN, ST	ME	AP-T, DR-T, DS-T, PS-T, ~~SH~~ WI-T	WS-V						NN 1.0	
Ilex x Nellie R. Stevens' **Nellie Stevens holly**	~~30~~	~~40~~	~~50~~	~~75~~	G, SN, ST	ME	AP-T, DR-T, DS-T, H-T, PS-T, SC-T	WS-V							
Ilex vomitoria **Yaupon holly**					PL, SN		AP-T, DR-T, DS-T, FL-T, H-T, IS-T, PS-T, SC-T, SH-T, SU-T, WI-T, WS-T	CO-V						RN 1.0	
~~***Juniperus chinensis Chinese juniper columnar varieties***~~	~~30~~	~~40~~	~~50~~	~~75~~	~~G~~		~~D~~								
Juniperus virginiana ~~'Princeton Sentry'~~ **eastern redcedar (columnar)**	~~30~~	~~40~~	~~50~~	~~75~~	FA, G, RA, SN	ME	CO-T, DR-T, DS-T, H-T, IS-T, SU-T	DP-V, SH-V, WS-V						LN 1.0	
Morella cerifera **Wax myrtle**					FA, FP, PL, RA, SN, ST	ME	AP-T, DS-T, FL-T, H-T, IS-T, PS-T, SC-T, SU-T, WS-T							LN 1.0	

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~**Min. Planting Area in ft²**~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			**Tree Uses**	**Transitional Screening** ~~**Yard Use**~~	**POSITIVE TRAITS:** ~~**Environmental**~~ **(Tolerances)**	**NEGATIVE TRAITS: (Vulnerabilities)**	**Conditional Use or reduced credit**	**Air Quality** 12-0310.4 B(1)	**Energy Conservation** 12-0310.4 B(2)	**Water Quality** 12-0310.4 B(3)	**Wildlife** 12-0310.4 B(4)	**Native** 12-0310.4 B(5)	**Improved Cult./Var.** 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Platycladus ~~***Thuga***~~ ***orientalis*** ~~**Columnar**~~ **Oriental arborvitae**	~~30~~	~~40~~	~~50~~	~~75~~	G, RA, SN	ME ~~PS, W~~	DS-T, H-T, SU-T	SH-V, WI-V, WS-V							
~~*Taxus baccata* 'Fastigiata' upright Irish yew~~	~~30~~	~~40~~	~~50~~	~~75~~	~~RA~~										
Thuja occidentalis ~~***'Nigra' dark green American arborvitae***~~ **northern white-cedar**	~~30~~	~~40~~	~~50~~	~~75~~	FA, G, RA, SN	ME	AP-T, CO-T, FL-T, PS-T, SU-T, WS-T	WI-V						LN 1.0	
CATEGORY II EVERGREEN TREES **Trees 30 to 40 feet in height at maturity with a spread of 15 to 20 feet. The trees in this category have:** **Min planting area: 50 ft²** **Projected 10-year Tree Canopy Area: 75 ft² for 1 in. caliper at planting | 100 ft² for 2 in. caliper at planting | 125 ft² for 3 in. caliper at planting**															
~~***Chamaecyparis lawsoniana* Lawson *falsecypress***~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~ME~~	~~PS~~								
~~***Chamaecyparis obtusa* Hinoki false cypress~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~LE~~	~~W~~								
Chamaecyparis pisifera ~~***'Plumosa' plume sawara false cypress***~~ **Sawara-cedar**	~~50~~	~~75~~	~~100~~	~~125~~	~~G,~~ SN	ME	CO-T, DP-T, DR-T, PS-T, SU-T ~~W~~	FL-V, H-V, IS-V, WI-V, WS-V							
Chamaecyparis thyoides **Atlantic white-cedar**	~~50~~	~~75~~	~~100~~	~~125~~	FP, G, SN	ME	CO-T, DP-T, PS-T, SC-T, SU-T, WS-T	DR-V, H-V, WI-V						RN 1.0	
Cryptomeria japonica **Japanese cryptomeria**	~~50~~	~~75~~	~~100~~	~~125~~	~~G,~~ SN	~~LE~~, ME	AP-T, SU-T ~~IS~~	FL-V, SH-V, WI-V							50

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
~~*Ilex aquifolium* English holly~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~ME~~	~~SH~~								
Ilex opaca American holly	~~50~~	~~75~~	~~100~~	~~125~~	FA, G, SN	ME	AP-T, PS-T, SC-T, SH-T, SU-T	DP-V, FL-V, WS-V				1.25	1.5	LN 1.5	
~~*Juniperus scopulorum* Rocky Mountain juniper~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~ME~~	~~D~~								
Juniperus virginiana eastern redcedar	~~50~~	~~75~~	~~100~~	~~125~~	FA, G, SN	ME	CO-T, DR-T, DS-T, H-T, IS-T, ~~PS~~	DP-V, SH-V, WS-V						LN 1.5	
~~*Picea glauca* white spruce~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~LE~~	~~D, PS, RZ~~								
~~Picea pungens Colorado blue spruce~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~ME~~	~~D~~								
Pinus bungeana lacebark pine	~~50~~	~~75~~	~~100~~	~~125~~	G, PL	ME		SH-V, WI-V, WS-V							
Pinus thunbergii~~ana~~ Japanese black pine	~~50~~	~~75~~	~~100~~	~~125~~	G, SN	ME	DS-T, DR-T, H-AB, H-T, IS-T, RZ-T	SH-V, WS-V							
~~*Pseudotsuga menziesii* Douglas fir~~	~~50~~	~~75~~	~~100~~	~~125~~	~~G~~	~~ME~~									

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~Min. Planting Area in ft²~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			Tree Uses	Transitional Screening ~~Yard Use~~	POSITIVE TRAITS: ~~Environmental~~ (Tolerances)	NEGATIVE TRAITS: (Vulnerabilities)	Conditional Use or reduced credit	Air Quality 12-0310.4 B(1)	Energy Conservation 12-0310.4 B(2)	Water Quality 12-0310.4 B(3)	Wildlife 12-0310.4 B(4)	Native 12-0310.4 B(5)	Improved Cult./Var. 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Taxus cuspidata ~~*pyramidal*~~ Japanese yew (*highly toxic*)	~~50~~	~~75~~	~~100~~	~~125~~	~~G,~~ SN	ME	AP-T, CO-T, DP-T, DS-T, PS-T, SH-T, SU-T	WS-V							
~~*Tsuga canadensis* Canadian hemlock~~	~~25~~	~~38~~	~~50~~	~~63~~	~~G~~	~~ME~~	~~SH~~		~~0.5~~					~~1.5~~	
~~*Tsuga caroliniana* Carolina hemlock~~	~~25~~	~~38~~	~~50~~	~~63~~	~~G~~	~~ME~~	~~SH~~		~~0.5~~						
CATEGORY III EVERGREEN TREES **Trees 40 to 50 in height at maturity with a spread of 20 to 30 feet. The trees in this category have:** Min planting area: **90 ft²** Projected 10-year Tree Canopy Area: **125 ft² for 1 in.** caliper at planting **| 150 ft² for 2 in.** caliper at planting | **175 ft² for 3 in.** caliper at planting															
Calocedrus decurrens incense-cedar					SN	LE	AP-T, CO-T, H-T, PS-T, SC-T, SU-T							NN 1.0	
Cedrus atlantica Atlas cedar	~~90~~	~~125~~	~~150~~	~~175~~	G, SN	LE	AP-T, DR-T, DS-T, H-T, SU-T	CO-V, SH-V, WI-V, WS-V							
~~*Picea abies* Norway spruce~~	~~90~~	~~125~~	~~150~~	~~175~~	~~G~~	~~LE~~	~~PS~~								
Pinus echinata shortleaf pine	~~90~~	~~125~~	~~150~~	~~175~~	FA, G	LE	DR-T, DS-T, SU-T ~~PS~~	FL-V, IS-V, SH-V, WI-V						LN 1.0 ~~1.5~~	
CATEGORY IV EVERGREEN TREES **Trees 50 feet in height or greater at maturity with a spread of over 30 feet. The trees in this category have:** **Min planting area: 130 ft²** **Projected 10-year Tree Canopy Area**: **150 ft² for 1 in.** caliper at planting **| 200 ft² for 2 in.** caliper at planting | **250 ft² for 3 in.** caliper at planting.															

Table 12.14 Tree Selection and Canopy Cover Guide															
Botanical/ Common Name	~~**Min. Planting Area in ft²**~~	~~Projected 10-yr. Tree Canopy Area in ft² and caliper in inches at planting~~			**Tree Uses**	**Transitional Screening ~~Yard Use~~**	**POSITIVE TRAITS: ~~Environmental~~ (Tolerances)**	**NEGATIVE TRAITS: (Vulnerabilities)**	**Conditional Use or reduced credit**	**Air Quality** 12-0310.4 B(1)	**Energy Conservation** 12-0310.4 B(2)	**Water Quality** 12-0310.4 B(3)	**Wildlife** 12-0310.4 B(4)	**Native** 12-0310.4 B(5)	**Improved Cult./Var.** 12-0310.4 B(6)
		~~1.0~~	~~2.0~~	~~2.0~~											
Magnolia grandiflora **southern magnolia**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, PL, SN, ST	LE	H-AB, H-T, IS-T, PS-T, SH-T, SU-T, WI-AB, WI-T, WS-T	FL-V						RN 1.5	
Pinus rigida **pitch pine**	~~130~~	~~150~~	~~200~~	~~250~~	FA, ~~G~~	~~LE~~	CO-T, DR-T, DS-T, H-AB, IS-T, SU-T	DP-V, FL-V, SH-V, WI-V					~~1.5~~	LN 1.0 ~~1.5~~	
~~***Pinus strobus*** **white pine~~**	~~65~~	~~75~~	~~100~~	~~125~~	~~G~~	~~LE~~	~~PS~~		~~0.5~~						
~~***Pinus sylvestris*** **Scotch pine~~**	~~130~~	~~150~~	~~200~~	~~250~~	~~G~~	~~LE~~	~~D~~								
Pinus taeda **loblolly pine**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN	LE	SU-T, WS-T	AP-V, IS-V, SH-V, WI-V				~~1.25~~	~~1.5~~	~~1.5~~ LN 1.0	
Pinus virginiana **Virginia pine**	~~130~~	~~150~~	~~200~~	~~250~~	FA, G, SN	LE	CO-T, DR-T, DS-T, SU-T ~~PS~~	FL-V, IS-V, SH-V, WI-V, WS-V			~~1.5~~	~~1.5~~		LN 1.0	

TREE USES: FA=forest area, FP=floodplain, G=general, PL=parking lot, RA=for restricted areas, SN = screen or hedge, ST=street tree. See § 12-0401.1D for full definitions.
TRANSITIONAL SCREENING ~~YARD USE~~, LD=large deciduous, LE=large evergreen, ME=medium evergreen (see subsection 5108.~~6~~5.B of the Zoning Ordinance)
~~ENVIRONMENTAL~~ TOLERANCES AND VULNERABILITIES: ADAPT: Adaptive to a changing climate, AP-T=air pollution tolerant, AP-V=air pollution vulnerable, CO-T= cold tolerant, CO-V= cold vulnerable, ~~D=drought~~, DP-T=disease or pest-tolerant, DP-V=disease or pest vulnerable, DR-T = drought tolerant, DR-V=drought vulnerable, DS-T=dry soil tolerant, DS-V= dry soil vulnerable, FL-AB= flood adaptation benefit, FL-T= flood tolerant, FL-V=flood-vulnerable, H-AB= heat adaptation benefit, H-T= heat tolerant, H-V: heat vulnerable, IS-T=de-icing salts tolerant, IS-V= de-icing salts vulnerable, PS-T=partial shade tolerant, RZ-T=restricted root zone tolerant, SC-T=soil compaction and poor soil conditions tolerant, SC-V=soil compaction vulnerable, SH-T=full shade tolerant, SH-V= full shade vulnerable, SU-T= full sun tolerant, SU-V= full sun vulnerable, WI-AB = wind adaptation benefit, WI-T = wind tolerant, WI-V = wind vulnerable, WS-T=wet soil tolerant, WS-V=wet soil vulnerable, (see § 12-0401.1E for full definitions)
CONDITIONAL USE OR REDUCED CREDIT (see § 12-0310.3E)

Amend Chapter 12 (Tree Conservation), Section 12-0500 (Standards for Field Practice), Subsection 12-0505 (Tree and Shrub Planting), Subsection 12-0505.5 (Seedling and Shrub Planting Specifications), by revising Paragraph E, to read as follows:

12-0505.5 E. Time of planting. ~~Seedlings~~ The planting window for seedlings ~~should be planted between the dates of March~~ is October 1 ~~and May 15, and November 15~~ ~~and~~ through May 31 ~~December 15~~ unless otherwise approved by the Director.

Board Agenda Item
August 25, 2026

4:00 p.m.

Public Hearing on Proposed Plan Amendment SSPA 2023-III-9UP, Lake Fairfax Business Center (Hunter Mill District)

ISSUE:
Plan Amendment (PA) SSPA 2023-III-9UP proposes to amend the Comprehensive Plan recommendations for the approximately 76-acre Lake Fairfax Business Center (Tax Map 18-3 ((8)) 1, 2, 3, 4A, 5A1, 6A3, 7A, 8, 9A, 10A2, 10A3, 12B, 18B, A1, F, and G) located north of Sunset Hills Road and south of Lake Fairfax Park in the Reston East Non-TOD District of the Wiehle-Reston East Transit Station Area (TSA). The adopted Comprehensive Plan recommends office, light industrial, institutional, and research and development uses at an intensity up to 0.50 Floor Area Ratio (FAR). The Plan Amendment considers an option for residential mixed-use development at an overall intensity up to 1.0 FAR and a maximum of 1,250 residential units.

PLANNING COMMISSION RECOMMENDATION:
On July 16, 2026, the Planning Commission voted 12 - 0 to recommend that the Board of Supervisors adopt Plan Amendment SSPA 2023-III-9UP, as found in the Planning Commission Modifications handout dated July 16, 2026.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission Public Hearing – July 16, 2026, at 7:30 p.m.
Board of Supervisors Public Hearing – August 25, 2026, at 4:00 p.m.

BACKGROUND:
On April 11, 2023, the Board of Supervisors (Board) authorized Site-Specific Plan Amendment (SSPA) 2023-III-6UP for the Reston Transit Station Area (TSA) Study as part of the 2022-2023 Countywide SSPA process. This Study included several individual nominations and was initially placed on the Work Program as a Tier 3 Priority pending conclusion of the Reston Plan amendment.

Board Agenda Item
August 25, 2026

On July 25, 2023, the Board re-tiered the Reston TSA Study as Tier 1, including the Lake Fairfax Business Center Plan amendment for the Lake Fairfax Business Center in the Reston East Non-TOD District of the Wiehle-Reston East Transit Station Area (TSA). The Board directed staff to evaluate an option for mixed-use redevelopment of the business center as part of the 2023 Site-Specific Plan Amendment (SSPA) process.

The adopted Comprehensive Plan recommends office, light industrial, institutional, and research and development uses at an intensity up to 0.50 Floor Area Ratio (FAR). The proposed Plan amendment would add an option for residential development at an overall intensity up to 1.0 FAR and a maximum of 1,250 residential units. The proposed option envisions a mix of townhouses, stacked townhouses, and multifamily residential units. The amendment also recommends supporting neighborhood-serving retail and service uses, publicly accessible parks and open space, multimodal transportation improvements, and the reservation of land for a future elementary school or other public facility.

EQUITY IMPACT:
The proposed Plan amendment supports countywide housing policies by providing the opportunity for new residential development in a transit-accessible mixed-use area. Future development resulting from this Plan amendment will be subject to the county's Affordable Dwelling Unit (ADU) Ordinance and Workforce Dwelling Unit (WDU) policy. The Plan amendment also recommends a built environment with a connected street network, publicly accessible parks and open space, multimodal pedestrian and bicycle connections, and the reservation of land for a future elementary school or other public facility. These recommendations support a more connected, sustainable, and inclusive community consistent with the objectives of One Fairfax. Two community meetings were held jointly with the nominator on December 9, 2024, and June 22, 2026.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Alternative: July 16, 2026

The Planning Commission Meetings Video Archive is available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

Board Agenda Item
August 25, 2026

The Planning Commission Action:
https://www.fairfaxcounty.gov/planningcommission/planning-commission-actions-2026

The Staff Report for SSPA 2023-III-9UP has been previously furnished and is available online at:
https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/Documents/compplanamend/lake-fairfax-business/SSPA-2023-III-9UP-Staff-Report.pdf

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Kelly Atkinson, Director, Planning Division (PD), DPD
Salem Bush, Branch Chief, PD, DPD
David Stinson, Planner, PD, DPD

PLANNING COMMISSION ALTERNATIVE: July 16, 2026

MODIFY: Fairfax County Comprehensive Plan, 2026 Edition, Area III, Reston, as Amended through 9-10-2024, Land Use and Design for Transit Station Area, Wiehle Transit Station Area, Reston East Non-TOD District, Lake Fairfax Business Center Non-TOD Sub-District:

- **Lake Fairfax Business Center Non-TOD Sub-District: (Office, Industrial and Institutional up to 0.5 FAR)**

~~This tract~~ The Lake Fairfax Business Center Non-TOD Sub-District is planned for low and medium intensity office, industrial, Research & Development, and similar uses at the base level. ~~Retain the tree area on the eastern boundary of Lake Fairfax Business Center to buffer the residential, Equestrian Park area. Include the installation of plantings to close the gap that is approximately 50 feet wide between the tree line running north from Sunset Hills Road to where it approaches the existing trees and ties into the landscaped swale running south from Lake Fairfax Park with any redevelopment. Apply stringent environmental controls to the industrial portion of the tract. These include extensive landscaping on Sunset Hills Road and sediment control measures to assure the environmental integrity of Lake Fairfax.~~

As an option, residential use may be appropriate for Lake Fairfax Business Center with an overall intensity up to 1.0 FAR and a maximum of 1,250 residential units. Development under this option should ensure logical connections and transitions to unconsolidated parcels within Lake Fairfax Business Center and not preclude these parcels from future redevelopment. The residential component should include a diversity of housing types with a mix of townhouses, stacked townhouses, and multifamily residential units. Neighborhood-serving retail and/or service uses should be provided at the ground level of a multifamily residential building to create activation along primary street frontages and park spaces. Envisioned uses include small-scale retail, coffee shops and restaurants, daycare and educational facilities, fitness and wellness centers, a neighborhood-sized grocery store, and other complementary uses. Stand-alone retail buildings with drive-throughs and surface parking are discouraged.

To ensure appropriate transitions to adjacent residential uses to the east:

- Residential redevelopment east of Business Center Drive should be limited to a maximum intensity of 0.50 FAR and consist of townhouses or multifamily buildings. Townhouses should be no more than four stories above grade and multifamily buildings should be no more than six stories above grade.

- Larger multifamily buildings should be located in the central or western portion of Lake Fairfax Business Center to reduce impacts to adjacent low-density residential neighborhoods.

- A continuous landscape buffer should be retained and enhanced along the eastern boundary of Lake Fairfax Business Center to mitigate potential impacts on the Equestrian Park neighborhood. This buffer should prioritize the preservation of healthy, mature trees, and be supplemented with evergreen and understory plantings to provide effective, year-round visual screening. It should include, where feasible, the installation of plantings to close any gaps between the tree line running north from Sunset Hills Road to where it approaches the existing trees and ties into the landscape swale running south from Lake Fairfax Park.

Adequate acreage should be reserved for a future elementary school site, with consideration given to acquiring additional land to accommodate a larger site. If the site is not required for a school, it should be used for another public facility.

New development should be integrated with existing uses to create a cohesive, connected, and walkable environment in accordance with the design and placemaking recommendations for the Reston Transit Station Areas. High-quality building materials and design should be used to contribute to a sense of place and achieve visual harmony across the site. Block sizes should generally range between 400 and 600 feet, where feasible. In cases where larger blocks are necessary, mid-block pedestrian connections should be provided to maintain walkability. Buildings should be located close to the street to define and activate the pedestrian realm. Primary street frontages with active ground floor uses should be located along Business Center Drive and/or Wildlife Center Drive, as well as adjacent to major parks or open spaces. Underground or structured parking is preferable in multifamily buildings, along with on-street parking, while surface parking should be minimized and screened from Business Center Drive and Wildlife Center Drive if provided. Above ground structured parking should be integrated into building facades and/or screened to provide visual interest.

Redevelopment of Lake Fairfax Business Center should include stringent environmental controls, including sediment control measures to protect the environmental integrity of Lake Fairfax and extensive landscaping along Sunset Hill Road. A minimum 10 to 15-foot landscaped buffer should be established between the RPA boundary and any building or structural footprint. A noise study for new residential development should consider noise generated by the data center located on Tax Map 18-3 ((8)) 9A, and incorporate appropriate mitigation measures to achieve interior noise levels below 45 dBA. An adequate landscape buffer should be provided as a transition between any new residential development and the existing data center.

A variety of parks, recreation areas and open spaces will be included in the Fairfax Business Park. These spaces will be designed to support active and healthy living. The following variety of spaces are based on the recommendations in the Urban Park Framework:

- Common Green – This publicly accessible open space will serve as a social focus and community gathering space for the entire area. This public open space provides a large green space, an area for special events and space for unstructured play.

- Linear Open Spaces – A continuous linear green space along the eastern boundary will include a Resource Protection Area, preservation of existing forest, setbacks from streams and an open vegetated buffer adjacent to the existing single family detached homes. Another linear open space will include landscaping and vegetated buffers along the boundary of Lake Fairfax Park to discourage entry from unauthorized access points. Any closure of such points and consideration of new points must be coordinated with the Fairfax County Park Authority.

- Recreation-Focused Parks - A youth sized play field is recommended to be located adjacent to the proposed school site. A second recreation-focused park includes a trailhead located adjacent to Lake Fairfax Park with public parking, a small open space, a trail connecting Fairfax Park to Wildlife Center Drive, and a large tree preservation area.

- Smaller Urban Open Spaces – A series of smaller open spaces to serve the community and each cluster of homes will be established. These open spaces will be consistent with the recommendations in the Urban Parks Framework. They will feature community-oriented features such as small gathering spaces, special lighting and landscaping, outdoor seating areas, playgrounds, water features, performance space, community gardens, public art.

The recommended variety of open spaces will create an integrated and connected network with convenient pedestrian access between spaces within Fairfax Business Center. Design of these open spaces will also prioritize safe and direct pedestrian and bicycle connections to Lake Fairfax Park, the W&OD Trail, and the surrounding neighborhood to the west.

To enhance connectivity to the Wiehle TOD North District and the Wiehle-Reston East Metrorail Station, redevelopment of Lake Fairfax Business Center should provide safe and comfortable pedestrian and bicycle connections and facilities that are clear and direct paths enhanced with wayfinding signage and street trees with appropriate width buffers from vehicle travel lanes along Sunset Hills Road, Reston Station Boulevard, Wiehle Avenue, Michael Faraday Court, and other internal facilities. Additional buffer width may be necessary in certain areas to accommodate utilities, preserve desirable tree canopy, and other considerations. Where needed, bicycle facilities should be provided on low volume streets to contribute to a complete bicycle network.

The following transportation considerations apply to redevelopment under this option:

- High-quality connections to the W&OD Trail and Lake Fairfax Park Trailhead should be provided.

- Business Center Drive and Wildlife Center Drive should be improved**.**

    - On-street parking should be provided, where appropriate.

    - A shared use path should be provided on the north and east side of the streets to facilitate connection to the proposed school or public facility, and a sidewalk should be provided on the other side of the streets.

    - Landscape buffers of sufficient width should be provided to support street trees.

To improve connectivity, future redevelopment of Lake Fairfax Business Center should be designed to provide a connection between Michael Faraday Court and Wildlife Center Drive as illustrated in the Conceptual Street Network map (Figure 20: Wiehle Local Street Grid). Business Center Drive, Wildlife Center Drive, Clay Lane extended, and all streets providing access to the future elementary school or other public facilities should be public streets.

Modify: FAIRFAX COUNTY COMPREHENSIVE PLAN, 2026 Edition, AREA III, Reston, as Amended through 9-10-2024, Public Facilities, Schools:

Schools

Reston is currently served by a total of 19 public schools. In planning for the future, FCPS should consider ~~housing data from~~ the Land Use ~~Chapter~~ Element of the Comprehensive Plan when applying their standard formulas for determining school requirements in Reston. The buildout growth envisioned in Reston over the next 20-30 years could generate a need for at least two – and potentially three new elementary school sites and capacity enhancements at existing facilities. One new middle school and one new high school, as well as capacity enhancements at existing facilities, would be needed to accommodate the projected student increases. School location considerations should include a middle school and a high school to the west of Reston, potentially in the Innovation Center area, an elementary school located in the Town Center North District and a second elementary school in the Central Sunrise Valley District. The location of a third new elementary school would be determined by future growth patterns and ~~needs~~ located near new projected residential development, along with input from FCPS. A potential site of a third elementary school could be in Lake Fairfax Business Center.

During the development review process, developers will provide funds or equivalent alternatives (e.g., school site) for additional school capacity to mitigate the impacts of new development. These contributions could be more traditional in nature, such as dedication of a school site, or may include more innovative urban solutions such as co-locating school facilities with parks or within mixed-use buildings.

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

COUNTYWIDE TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.

Board Agenda Item
August 25, 2026

4:00 p.m.

Public Hearing on Proposed Plan Amendment SSPA 2023-I-1A, Gallows Road in the Annandale Planning District (Mason District)

ISSUE:
Plan Amendment SSPA 2023-I-1A proposes to amend the Comprehensive Plan recommendations for the A-9 Holmes Run Community Planning Sector for Tax Map Parcels 59-2 ((1)) 29A, 29B, 30–36, 41, 42, 43, and 43A to consider an option for residential use at 3–4 dwelling units per acre (du/ac). Development under this option could yield up to 32 single-family detached homes.

PLANNING COMMISSION RECOMMENDATION:
On July 8, 2026, the Planning Commission voted 10-0 (Commissioners Hancock and Thomas were absent) to recommend to the Board of Supervisors the adoption of the staff recommendation for SSPA 2023-I-1A, as found in the staff report dated June 16, 2026.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission Public Hearing – July 8, 2026, at 7:30 p.m.
Board of Supervisors Public Hearing – August 25, 2026, at 4:00 p.m.

BACKGROUND:
On April 11, 2023, the Board of Supervisors (Board) authorized Site-Specific Plan amendment (SSPA) 2023-I-1A for Tax Map Parcels 59-2 ((1)) 29A, 29B and 30-35, located on Gallows Road and Libeau Lane, east of the interchange with Interstate 495 within the Holmes Run Community Planning Sector, in the Mason District. The Board authorization requested that staff evaluate a Plan amendment for the site to consider adding a Plan option for residential use at a density of 3-4 du/ac, and specified considerations that should include potential inter-parcel multimodal access, stormwater improvements, and consideration of environmental features.

Board Agenda Item
August 25, 2026

On June 10, 2025, the Board re-authorized SSPA 2023-I-1A to include additional parcels; the study area now includes Tax Map Parcels 59-2 ((1)) 29A, 29B, 30-36, 41-43 and 43A, totaling 13 parcels and approximately 8.11 acres. The re-authorization requested that staff evaluate the same considerations noted in the original authorization but across the full study area, as well as the opportunity for additional vehicular access to Gallows Road, opposite Hemlock Drive.

The site is currently developed with 11 older detached units on steep terrain with limited stormwater controls, surrounded by residential uses ranging from 1-2 and 5-8 du/ac and located near Woodburn Elementary School. The proposed Plan amendment to consider residential use at 3–4 du/ac could yield up to 32 single-family detached homes.

EQUITY IMPACT:
The Plan amendment supports One Fairfax goals by enhancing access to housing, multimodal transportation options, and community amenities while reinforcing a development pattern that is compatible with the surrounding community.

Consistent with One Fairfax principles, the amendment prioritizes improvements that enhance pedestrian safety, multimodal connectivity, and long-term livability. The recommended shared-use path, safer crossings, and internal pedestrian connections strengthen access to Woodburn Elementary School, transit stops, and nearby community destinations. The amendment further advances equity by encouraging site design that addresses existing environmental constraints, mitigates flooding, and provides useable open space that brings people together. The Plan amendment was reviewed by the community in numerous community meetings. The community expressed concerns regarding transportation and stormwater impacts which are considered in the Plan amendment and will be further addressed during the rezoning process.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
The Planning Commission Meetings Video Archive available online at:
Planning Commission Meetings Video Archive - Fairfax County, Virginia

The Planning Commission Action:
Planning Commission Actions 2026 | Planning Commission.

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The Staff Report for SSPA 2023-I-1A has been previously furnished and is available online at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/Documents/compplanamend/gallows-road/SSPA-2023-I-1A-Staff-Report.pdf

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Kelly Atkinson, Director, Planning Division (PD), DPD
Clara Johnson, Branch Chief, Monitoring & Plan Development Branch, PD, DPD
Lia Niebauer, Planner III, Monitoring & Plan Development Branch, PD, DPD

Board Agenda Item
August 25, 2026

4:00 p.m.

Public Hearing on Proposed Plan Amendment SSPA 2023-II-3F (Church of the Good Shepherd), (Braddock District)

ISSUE:
Plan amendment SSPA 2023-II-3F proposes to amend the Comprehensive Plan recommendations for Tax Map Parcel 69-4 ((1)) 6A2 to consider an option for residential use at a density of up to 2-3 dwelling units per acre (du/ac). Development under this option could yield up to nine single-family detached homes.

PLANNING COMMISSION RECOMMENDATION:
On July 15, 2026, the Planning Commission voted 10-0 (Commissioners Spain and Wang were absent from the meeting) to recommend to the Board of Supervisors the adoption of the staff recommendation for Plan amendment SSPA 2023-II-3F, found on pages 16-17 of the staff report dated June 24, 2026.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – July 15, 2026, at 7:30 p.m.
Board of Supervisors public hearing – August 25, 2026, at 4:00 p.m.

BACKGROUND:
On April 11, 2023, the Board of Supervisors (Board) authorized site-specific Plan amendment (SSPA) 2023-II-3F for Tax Map Parcel 69-4 ((1)) 6A2, located at 9350 Braddock Road in the Braddock Supervisor District. The original Plan amendment authorization considered residential use for up to 8 dwelling units, and was listed as a Tier 3, deferred item to allow time for the applicant to conduct additional outreach with the neighborhood. On August 26, 2025, the Board re-authorized the consideration of a Plan amendment as a Tier 2 item as follows:

Consideration of a Plan Amendment for Tax Map Parcel 69-4 ((1)) 6A2 for residential use at up to 2-3 dwelling units per acre. Specific considerations should include

affordable housing, tree preservation, usable open space, and other factors to achieve compatibility with the surrounding neighborhood.

The subject property is located in the Olley Lane Corridor and is currently planned generally for 1-2 du/ac, with new and infill development on certain sites (including the subject property) generally not to exceed 1 du/ac. The proposed Plan amendment to consider a density of up to 2-3 du/ac could yield up to nine single-family detached homes.

EQUITY IMPACT:
The proposed Plan amendment is not anticipated to have an equity impact. Six community meetings were held jointly with the nominator from April 15, 2025, to June 30, 2026.

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 2026 | Planning Commission.

The Staff Report for SSPA 2023-II-3F has been previously furnished and is available online at:
Staff Report for Plan Amendment SSPA 2023-II-3F (Church of the Good Shepherd) - Fairfax County, VA

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Kelly Atkinson, Director, Planning Division (PD), DPD
Graham Owen, Branch Chief, Policy & Plan Development Branch, (PD), (DPD)
Michael Wing, Planner, (PD), (DPD)

Board Agenda Item
August 25, 2026

4:00 p.m.

Public Hearing on Proposed Plan Amendment SSPA 2023-III-12UP, 1950 Roland Clarke Place (Hunter Mill District)

ISSUE:
Plan Amendment SSPA 2023-III-12UP proposes to amend the Comprehensive Plan recommendations for the Roland Clarke Place Residential Mixed-Use Sub-District of the Wiehle Reston East Transit Station Area to consider an option for residential use on Tax Map Parcel 17-4 ((14)) (1A) 2A at a density of up to 20 dwelling units per acre (1.15 floor area ratio) (FAR). The proposed Plan language has provisions for pedestrian and bicycle facilities, pedestrian safety improvements along Roland Clarke Place, and public park space.

PLANNING COMMISSION RECOMMENDATION:
On July 8, 2026, the Planning Commission voted 10-0 (Commissioners Hancock and Thomas were absent from the meeting) to recommend to the Board of Supervisors the adoption of a Planning Commission alternative for SSPA 2023-III-12UP, as shown in the handout dated July 8, 2026.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission Public Hearing – July 8, 2026, at 7:30 p.m.
Board of Supervisors Public Hearing – August 25, 2026, at 4:00 p.m.

BACKGROUND:
On April 11, 2023, the Board of Supervisors (Board) authorized Site-Specific Plan Amendment (SSPA) 2023-III-6UP for the Reston TSA Study as a Tier 3 Priority, to allow for the conclusion of the Reston Plan amendment (PA 2020-III-UP1) that was occurring at the time. The authorization asked staff to consider Plan amendments for land areas accepted into the 2022 - 2023 Countywide SSPA process for the Reston Transit Station Areas, including, but not limited to, specific considerations for the proposed land use mix, density/intensity, consolidation recommendations, and other proposed changes.

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On July 25, 2023, the Reston TSA Study was re-authorized and re-tiered as a Tier 1 Priority including the 1950 Roland Clarke Place Plan amendment for Tax Map Parcel 17-4 ((14)) (1A) 2A. The subject property is approximately 3.5 acres and is currently developed with a single multi-tenant office building, constructed in 1982, and associated surface parking. In 2021, improvements were made to the site which included a six-foot paved pedestrian path and 25,610-square-foot pocket park provided as an amenity for the neighboring multifamily development. The subject property is currently planned for Residential Mixed Use (RMU) which is a designation that recommends a ratio of 75% residential uses and 25% non-residential uses, and the property has a planned intensity of 3.55 FAR. This Plan amendment proposes to modify Plan guidance to allow for primarily residential uses with the inclusion of a public park component.

EQUITY IMPACT:
The proposed Plan amendment supports One Fairfax Policy areas by providing housing opportunities in a mixed-use area with access to multiple modes of transportation, access to parks and open space and enhanced pedestrian safety. The Plan amendment proposes single-family attached residential units with access to the Wiehle-Reston East Center Metro Station and would directly contribute to the county's housing needs by providing affordable housing in line with the Workforce Dwelling Unit Housing Policy (WDU) and the Affordable Dwelling Unit (ADU) ordinance. The proposed Plan amendment includes provision of publicly accessible open and recreational space which will provide valuable green space for the community. The community was engaged through multiple virtual community meetings.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 Planning Commission Alternative for SSPA 2023-III-12UP, dated July 8, 2026

The Planning Commission Meetings Video Archive available online at:
Planning Commission Meetings Video Archive - Fairfax County, Virginia

The Planning Commission Action:
Planning Commission Actions 2026 | Planning Commission

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August 25, 2026

The Staff Report for SSPA 2023-III-12UP has been previously furnished and is available online at:
https://www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports

STAFF:
Jennifer Miller, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Zoning (DPD)
Kelly Atkinson, Director, Planning Division (PD), DPD
Clara Johnson, Branch Chief, Monitoring and Plan Development Branch, PD, DPD
Heather Springs, Planner III, Monitoring and Plan Development Branch, PD, DP

PLANNING COMMISSION ALTERNATIVE: July 8, 2026

Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strikethrough~~. Text revisions to the staff recommendation is shown highlighted.

MODIFY: Fairfax County Comprehensive Plan, 2026 Edition, Area III, Reston, as amended through September 10, 2024, Land Use and Design for the Transit Station Area, Wiehle Transit Station Area, Wiehle TOD South District.

- **Roland Clarke Place Residential Mixed-Use Sub-District (75% residential, 25% non-residential)**

  This neighborhood area is located between Sunrise Valley Drive and the DAAR with access from Roland Clarke Place. Tax Maps 17-4 ((14)) (1A) 2A and 3A are developed with a seven-story multifamily building and a five-story office building at 1.30 FAR. The existing five-story office building on Parcel 2A is approved for a larger office building and the existing seven-story multifamily building on Parcel 3A is proposed to remain at the existing intensity and use. ~~The existing five-story office building may also have the potential for redevelopment with residential uses but to do so would require an amendment to the Comprehensive Plan and extensive community engagement. Any redevelopment of the existing office building must include the addition of an interparcel access to the west, the provision of a public recreation facility, such as sport courts, destination playground, or multi-use courts to serve the Roland Clarke and surrounding neighborhood.~~

  Any redevelopment of the existing office building on Parcel 2A should provide the planned grid of streets to improve access, interparcel access to the west, an east-west active transportation path, and enhancements to pedestrian safety along Roland Clarke Place (e.g., shorten crossing distance, promote neighborhood appropriate travel speeds). Additional buffer width may be necessary in certain areas to accommodate utilities, preserve desirable tree canopy, and other considerations. Improvements to vehicular traffic flow at the intersection of Sunrise Valley Drive and Roland Clarke Place should be considered as future residential development occurs. Where needed, bicycle facilities should be provided on low volume streets to contribute to a complete bicycle network. There should be provisions for an urban public park space, such as a destination playground to serve the Roland Clarke and surrounding neighborhoods. Parks should be designed to connect to adjacent park spaces to help form a cohesive network of park amenities for community benefit. Parcel 2A currently provides park space to meet some of the park needs for Parcel 3A. Any park space that is displaced by redevelopment should be replaced in addition to meeting the park needs of new development.

  As an option for Parcel 2A, and subject to the previously stated conditions, single-family-attached residential use may be appropriate at a density up to 20 dwelling units per acre (1.15 FAR). ~~In addition to the above redevelopment conditions, provisions for off-site park space to offset the balance of urban park space may be appropriate, however on-site parks should first be provided to the extent possible~~.

The existing office condominium building located at Tax Map 17-4 ((34)) 100-400 along the DAAR and accessed by a Roland Clarke Place pipestem is planned for the existing intensity and use. The Valley and Park and Sunrise Square residential developments, along Sunrise Valley Drive and along either side of Roland Clarke Place are proposed to remain at existing ~~density~~ intensity and use.

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

COUNTYWIDE TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.

Board Agenda Item
August 25, 2026

4:00 p.m.

Public Hearing to Sublease Lahey Lost Valley House at 9750 Brookmeadow Drive to Michael Nakagaki and Sonja Lupescu in Connection with the Resident Curator Program (Hunter Mill District)

ISSUE:
Public hearing to sublease property owned by the Fairfax County Park Authority (FCPA) at 9750 Brookmeadow Drive to Michael Nakagaki and Sonja Lupescu (Resident Curators) in connection with the Resident Curator Program.

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to execute the lease of Lahey Lost Valley House from the FCPA to the Board and the sublease of Lahey Lost Valley House from the Board to the Resident Curators in substantially the same forms as attached.

TIMING:
On July 14, 2026, the Board authorized the advertisement of a public hearing on August 25, 2026, at 4:00p.m., to sublease FCPA-owned property at 9750 Brookmeadow Drive.

BACKGROUND:
In accordance with *Va. Code § 15.2-2306*, the Board approved the creation of the Resident Curator Program (Program) to address underutilized, publicly-owned historic properties by entering into long-term leases with qualified tenants who pledge to rehabilitate the property in accordance with federal standards established for the treatment of historic properties. The tenant under the lease, called the resident curator, agrees to complete the rehabilitation and provide ongoing maintenance and upkeep of the property for the duration of the lease in exchange for rent-free accommodation. The program is managed by the FCPA.

The state legislation requires that the Board serve as the landlord under the lease. Consequently, the FCPA will lease the property selected through the screening process established in the Program to the Board (Lease), and the Board will concurrently sublease the property to the resident curator (Sublease). The Sublease will contain detailed provisions on the rehabilitative workplan for the property; however, the

responsibility for monitoring the resident curator's progress with the workplan and the Program will remain with the FCPA per the terms of the Lease.

The seventh property selected by the FCPA for inclusion in the Program is the Lahey Lost Valley House located at 9750 Brookmeadow Drive (Tax Map No. 0283 01 0008) in Vienna. Situated on 22 acres on a hill above a small stream valley, the property was originally part of a 547-acre plantation owned by the Gunnell family. The plantation house is a two-and-a-half story, gable brick hall-parlor residence constructed in the mid-eighteenth century with a two-story brick addition built in the 1940s. The approximately 2,000-square-foot structure contains a slate roof, hand-carved molding and six fireplaces. The property is listed on the County's inventory of historic sites.

The Resident Curators selected during the screening process for the Program are Michael Nakagaki and Sonja Lupescu. During the almost thirty (30) year term of the Sublease – which is longer than the almost eight (8) year term referenced in the authorization for the public hearing -- the Resident Curators will rehabilitate the residence to a livable condition using historically accurate materials and techniques.

Planned projects include restoration of historic architectural features, including masonry, windows, doors, flooring, plaster, and woodwork; repairs to the roof, drainage, and structural systems; upgrades to the mechanical, electrical, and plumbing systems; and rehabilitation of interior finishes throughout the residence. Limited stabilization and repair work to an associated accessory studio structure may be undertaken subject to separate review and approval, as applicable. The implementation of these renovations will be governed by a building conditions report and FCPA-approved workplan that will be incorporated into the terms of the Sublease.

To facilitate public access, the Resident Curator will host an annual open house as well as create a social media presence to document the house's restoration and history.

EQUITY IMPACT:
The inclusion of Lahey Lost Valley House in FCPA's resident curator program and the grant of the lease to the Resident Curators align with focus area 13 of the One Fairfax Policy, which advocates for the development of a parks and recreation system that provides quality facilities, programs, and services to all communities.

FISCAL IMPACT:
None. Any expenses associated with the Program or acting as landlord under the Sublease will be borne by the FCPA.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map and Photo
Attachment 2 – Draft Lease Agreement
Attachment 3 – Draft Sublease Agreement

Exhibits to the Sublease Agreement are available online at:
https://www.fairfaxcounty.gov/parks/rcp/

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Christopher Leonard, Deputy County Executive
Jai Cole, Director, Fairfax County Park Authority (FCPA)
Brendon Hanafin, Public Private Partnership Manager, FCPA
Jose A. Comayagua, Jr., Director, Facilities Management Department (FMD)
Mike Lambert, Assistant Director, FMD

ASSIGNED COUNSEL:
Daniel Robinson, Deputy County Attorney

ATTACHMENT 1





FCPA-BOS LEASE

for Resident Curator Lahey Lost Valley

THIS **DEED OF LEASE ("Lease")** made this _____ day of _____, 2026 by and between the **FAIRFAX COUNTY PARK AUTHORITY,** a body corporate and politic, as the landlord and lessor, hereunder **("Landlord")**, and the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body corporate and politic, as the tenant and lessee, hereunder **("Tenant")**.

RECITALS

R-1 Landlord is the Property Owner **("Property Owner")** of certain real estate that is identified in the Fairfax County Tax Administration records as Parcel Identification Number 0283 01 0008 **("Parcel")**, which is approximately 22.6605 acres in size and considered part of LAHEY LOST VALLEY **("Park")** in the Hunter Mill District.

R-2 Chapter 125, The Resident Curator Program Ordinance, to *The Code of the County of Fairfax Virginia*, established a Resident Curator Program ("**Resident Curator Program**") to preserve and maintain historic properties owned or leased by Fairfax County by leasing historic properties to individuals or businesses for the purposes of maintaining and improving leased properties in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR Part 68 (2013), as amended.

R-3 Landlord desires to lease to Tenant and Tenant desires to lease from Landlord, approximately 22,000 square feet of the Parcel that includes the LAHEY LOST VALLEY HOUSE ("**Lahey House**"), 9750 Brookmeadow Drive, Vienna, Virginia 22182 referred to as the **("Leased Property")** as shown on **Exhibit A**, so Leased Property can participate in the Resident Curator Program.

R-4 Tenant desires to enter into a lease with **Michael Nakagaki and Sonja Lupescu** who will be the Resident Curator **("Resident Curator")** in accordance with the approved **Lahey Lost Valley Resident Curator Program** and consistent with the Resident Curator Lease ("**Resident Curator Lease**") attached hereto as **Exhibit B**.

NOW THEREFORE, the parties hereto mutually agree as follows:

1. GRANT OF LEASED PROPERTY. Landlord does hereby lease unto Tenant and Tenant does hereby lease from Landlord the Leased Property, which Leased Property includes nonexclusive access to the Leased Property through the Park as shall be designated by Landlord. Tenant agrees that there are no requirements imposed upon Landlord to perform improvements to the Leased Property.

2. TERM OF OCCUPANCY. The term of occupancy under this Lease ("**Term**") shall be for a period of **twenty nine years, nine months, and twenty-five days** to begin at 12:00 noon on the Commencement Date and expiring on the Scheduled Termination Date which is the ___ day of _____, 2056 ("**Scheduled Termination Date**") unless otherwise agreed by the Parties in writing or subject to an early termination as permitted in this Lease. At the expiration of the tenancy hereby created, or upon any reentry by Landlord into the Leased Property pursuant to any provision herein, Tenant shall surrender the Leased Property.

3. RENT. Not Applicable

4. USE OF LEASED PROPERTY. Tenant has leased the Leased Property for the purpose of entering into a sub-lease agreement with the Resident Curator in furtherance of the Tenant's Resident Curator Program. Landlord has negotiated and approved the terms of the sub-lease agreement, defined as the Resident Curator Lease above, and will be responsible for monitoring the Resident Curator's performance under the Resident Curator Lease and for ensuring the Resident Curator complies with the terms of the Resident Curator Lease.

5. MEETINGS WITH REPRESENTATIVES. Landlord, Tenant and Resident Curator shall meet quarterly starting on the date of the Commencement Date. Tenant shall include a provision in the Resident Curator Lease requiring the Resident Curator to attend the quarterly meetings. The Landlord's representative is Stephanie Langton, Heritage Resource Specialist III (or her designee or successor), [redacted] The Tenant's representative is Mike Lambert, Assistant Director, Facilities Management Department (or his designee or successor), [redacted] The Resident Curator is Michael Nakagaki and Sonja Lupescu, who shall be contacted at 9750 Brookmeadow Drive, Vienna, Virginia [redacted]

6. UTILITIES AND SERVICE CONNECTIONS. Landlord and Tenant have no obligation to provide to the Leased Property, or to arrange for the availability at the Leased Property of, any utilities or services and they make no representations or warranties relating thereto or to the condition of the Leased Property. Tenant shall include a provision in the Resident Curator Lease that requires the Resident Curator to arrange for any utilities or services that it requires during the term of the Resident Curator Lease. Tenant is authorized to recover any amounts Landlord is required to pay to utilities based on Resident Curator's failure to pay and Tenant will reimburse Landlord for any amounts recovered.

7. REPAIRS AND MAINTENANCE. Landlord and Tenant shall have no obligation to maintain or repair any portion of the Leased Property. Tenant shall include a provision in the Resident Curator Lease that requires the Resident Curators to perform any repairs or maintenance that is necessary to the Leased Property during the term of the Resident Curator Lease.

8. END OF TERM. Upon the Scheduled Termination Date or other termination of this Lease or the Resident Curator Lease, the Tenant shall quit and surrender to Landlord the Leased Property.

9. NOTICES. Whenever it is provided herein that notice, demand, request or other communication shall or may be given to, or served upon, either of the parties by the other, and/or whenever either of the parties shall desire to give or serve upon the other any notice, demand, request or other communication with respect hereto or with respect to the Leased Property, each such notice, demand, request or other communication shall be in writing and, any law or statute to the contrary notwithstanding, shall not be effective for any purpose unless the same shall be given or served as follows:

(a) If to Tenant:

Director, Facilities Management Department
12000 Government Center Parkway, Suite 424
Fairfax, Virginia 22035

(b) If to Landlord:

Executive Director, Fairfax County Park Authority
12055 Government Center Parkway, Suite 927
Fairfax, Virginia 22035

Every such notice, demand, request or other communication hereunder shall be deemed to have been given or served for all purposes hereunder on the date on which it is received or referred by the party to whom it was sent.

10. TENANT'S FINANCIAL OBLIGATIONS. To the extent there are any financial obligations of the Tenant under this Lease, such financial obligations are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

11. PARK USE. Tenant acknowledges that Leased Property is located in a public park and, therefore, is subject to inconveniences due to the public nature of the grounds surrounding the Leased Property.

12. INTERPRETATION. All nouns used herein shall be interpreted and construed to include the singular, plural, masculine, feminine, or neuter forms in any place or places in which the context may require to indicate such interpretation and construction.

13. ENTIRE AGREEMENT. This Lease constitutes the entire agreement between Landlord and Tenant with respect to the Leased Property. This Lease shall not be changed or modified in any manner except by an instrument in writing executed by the parties hereto.

14. SMOKING. Smoking is prohibited at all of Landlord's properties.

[SIGNATURES ON FOLLOWING PAGES]

Witness the following signatures and seals:

LANDLORD:

FAIRFAX COUNTY PARK AUTHORITY

By: _____
Jai Cole, Executive Director
Fairfax County Park Authority

Commonwealth of Virginia :

County of Fairfax :

The foregoing Lease was acknowledged before me this ____ day of _____, 2026 by Jai Cole, in their capacity as Executive Director of the Fairfax County Park Authority, the Landlord hereunder.

_____ My Commission expires:_____
Notary Public

Registration Number: _____

Witness the following signatures and seals:

TENANT:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

By: _____
Ellicia L. Seard-McCormick
Deputy County Executive of Administration
Fairfax County

Commonwealth of Virginia :

County of Fairfax :

The foregoing Lease was acknowledged before me this _____ day of _____, 2026 by Ellicia L. Seard-McCormick, in their capacity as the Deputy County Executive of Administration, the Tenant hereunder.

_____ My Commission expires:_____
Notary Public

Registration Number: _____

RESIDENT CURATOR DEED OF LEASE

between

BOARD OF SUPERVISORS OF FAIRFAX COUNTY as LESSOR ("LESSOR")
and

MICHAEL NAKAGAKI and SONJA LUPESCU as LESSEE ("RESIDENT CURATOR")

on Property owned by the

FAIRFAX COUNTY PARK AUTHORITY ("PROPERTY OWNER")

at the

Lahey House
9750 Brookmeadow Drive
Vienna, Virginia 22182

in

LAHEY LOST VALLEY

Parcel Identification Number 0283 01 0008

RESIDENT CURATOR LEASE

THIS **DEED OF LEASE** ("**Lease**") made this **____ day of _____ , 2026 (the "Lease Effective Date")** by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** ("**BOS**"), 12000 Government Center Parkway, Suite 424, Fairfax, Virginia 22035, as **Lessor** ("**Lessor**"), and **Michael Nakagaki** and **Sonja Lupescu,** each a **Lessee** (collectively the "**Resident Curator"),** on property owned by the **FAIRFAX COUNTY PARK AUTHORITY ("FCPA")**, a body corporate and politic, as **Property Owner** ("**Property Owner**").

RECITALS

R-1 Property Owner is the owner of certain real estate that is identified in the Fairfax County Tax Administration records as Parcel Identification Number 0283 01 0008 **("Parcel")**, which is approximately 22.6605 acres in size and considered part of LAHEY LOST VALLEY PARK **("Park**") in the Hunter Mill District of Fairfax County. Property Owner leased the Leased Property to Lessor pursuant to a Lease dated DATE OF LAST SIGNATURE ,2026 **("FCPA-BOS Lease")**.

Lessor desires to lease to the Resident Curator, and Resident Curator desires to lease from Lessor, approximately 22,000 square feet of the Parcel that includes the Lahey House ("**Lahey House**"), 9750 Brookmeadow Drive, Vienna, Virginia 22182, referred to as the **("Leased Property")** as shown on **Exhibit A**. Resident Curator's use of the Leased Property will be in accordance with Property Owner's Lahey Lost Valley Historic Site General Management Plan and Conceptual Development Plan **("Master Plan")** that was approved on April 2000, other approvals by the BOS for the Leased Property, and the terms of this Lease.

R-2 The Resident Curator Program Ordinance, Chapter 125, of *The Code of the County of Fairfax Virginia*, established a Resident Curator Program ("**Resident Curator Program**") to preserve and maintain historic properties owned or leased by Fairfax County by leasing historic properties to individuals or businesses for the purposes of maintaining and improving these properties in accordance with the Secretary of the Interior's Standards for Historic Rehabilitation as shown on **Exhibit B**.

R-3 The Resident Curator responded to an Invitation to Submit Application **("ISA")** for participation in the Resident Curator Program at Lahey House, and the Lessor and the Property Owner accepted the Resident Curator's Response to the ISA ("**Resident Curator's Response to ISA**") attached as **Exhibit C** and incorporated by reference into this Lease, and appointed the Resident Curator to be the Resident Curator of the Leased Property under this Lease.

R-4 Lessor desires to enter into this Lease with the Resident Curator to fulfill the requirements of the Resident Curator Program, to include: (a) rehabilitating the Lahey House as a residence, (b) holding an open house for the public, at least one time per year, on the Leased Property, and (c) maintaining the Leased Property in a stabilized condition, including ensuring that building systems remain operational and code compliant, that the building envelope is maintained in a weather-tight condition sufficient to prevent active water intrusion, and to ensure character-defining historic materials and features are protected. Resident Curator's performance of the requirements of the Resident Curator Program and this Lease will be subject to monitoring and review by Property Owner's staff.

R-5 Resident Curator will perform all of the required Resident Curator duties and maintain the Leased Property in accordance with the Resident Curator's Response to the ISA**,** the Resident Curator Maintenance Guidelines and Checklist **("Maintenance Guidelines")** attached hereto as **Exhibit D** and incorporated into this Lease**,** the Lahey House Historic Structure Report - Treatment Plan ("**Treatment Plan**") attached hereto as **Exhibit E** and incorporated into this Lease, the 2019 Lahey House Mechanical Electrical and Plumbing Assessment ("**2019 MEP Assessment**") attached hereto as **Exhibit F,** the **Asbestos-Containing Materials and Mold and Moisture Survey ("Environmental Assessment")** attached hereto as **Exhibit G**, and the Approved Work Plan **("Approved Work Plan")** attached hereto as **Exhibit H** and incorporated into this Lease**.** The Resident Curator's Response to the ISA, Maintenance Guidelines, Treatment Plan, and Approved Work Plan are collectively referred to as the Lahey House Curator Program **("Curator Program").**

R-6 This Lease shall incorporate as applicable Additional Non-Discretionary Improvements **("Additional Non-Discretionary Improvements")** pursuant to Section 8, and Additional Discretionary Improvements **("Additional Discretionary Improvements")** pursuant to

Section 9. The creation and performance of all documents, plans, responsibilities, improvements, and maintenance for the Curator Program, Additional Non-Discretionary Improvements, and Additional Discretionary Improvements are collectively referred to as **Curator Program Duties ("Curator Program Duties")** and must be in compliance with the Master Plan, and all applicable local, state and federal laws and regulations.

R-7 The Lessor delegated certain responsibilities to the Property Owner to effectuate efficient administration of the Resident Curator Program per a March 29, 2016, memorandum and Property Owner will monitor Resident Curator's compliance with this Lease pursuant to the FCPA-BOS Lease.

R-8 Lessor, the Resident Curator, and the Property Owner will collectively be referred to as the Parties ("**Parties**").

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. GRANT OF LEASED PROPERTY. Lessor does hereby lease unto Resident Curator and Resident Curator does hereby lease from Lessor the Leased Property, including nonexclusive access to the Leased Property via the driveway shown on **Exhibit A**. It is agreed that by occupying the Leased Property, Resident Curator acknowledges that it has had full opportunity to examine the Leased Property and is fully informed, independent of any statements by Lessor and Property Owner, as to the character, construction and structure of the Leased Property. All amenities and appliances, if any, are in "AS IS" condition and Lessor and Property Owner shall have absolutely no obligation whatsoever to repair such items or to replace any such amenities at the end of their useful life. It is agreed that by occupying the Leased Property, Resident Curator agrees that there are no requirements imposed upon Lessor or Property Owner to perform improvements or repairs to the Leased Property. Resident Curator acknowledges that the Leased Property is a historic structure and may contain known or unknown conditions and, deficiencies, including but not limited to deferred maintenance items, code compliance issues, environmental conditions, water intrusion, deterioration, or failing building systems. Resident Curator accepts the Leased Property in its existing condition and assumes sole responsibility for all maintenance, repair, rehabilitation, replacement, correction, and stabilization obligations arising during the Term unless expressly

stated otherwise in this Lease. The Maintenance Guidelines define the baseline standard of care, and the Property Owner will enforce compliance through inspection and written notice, with opportunity to correct. Resident Curator and Lessor acknowledge that this Lease, including the agreement that Lessor and Property Owner have no requirement to perform repairs or otherwise maintain the Leased Property, is entered into in good faith and that Resident Curator's agreement to perform the maintenance and repairs required under this Lease support the purpose of the Resident Curator Program permitted under Va. Code § 15.2-2306.

2. OCCUPANCY and ACCEPTANCE OF POSSESSION. The Lahey House is ready for occupancy. The Property Owner obtained an assessment of the Lahey House electrical, mechanical, and plumbing systems **("House Systems Assessment")** and an Asbestos-Containing Materials and Mold and Moisture Survey **("Environmental Assessment")** The House Systems Assessment was completed in January 2019 and the Environmental Assessment was completed on in June 2026. Copies of the findings were provided to the Resident Curator and Resident Curator represents that it had the opportunity to review the findings before entering into this Lease. Lessor shall deliver possession of the Leased Property to Resident Curator under this Lease at 12:00 noon on _____ day of _____, 2026 (**"Commencement Date")** and Resident Curator shall accept possession of the Leased Property in its **"AS IS"** condition on the Commencement Date.

3. TERM and SCHEDULED TERMINATION DATE. The term of this Lease **(the "Term")** shall be for a period of twenty-nine years, nine months, and twenty-five days commencing on 12:00 noon on the Commencement Date and expiring on the Scheduled Termination Date which is the __ day of_____, 2056 **("Scheduled Termination Date"**) unless otherwise agreed by the Parties in writing or subject to any early termination as permitted in this Lease. At the expiration of the tenancy hereby created, or upon any reentry by Lessor into the Leased Property pursuant to any provision herein, Resident Curator will surrender the Leased Property and all residents will vacate the Lahey House and remove all of their possessions. Resident Curator does not have any right to extend or renew this Lease except as provided for herein.

4. CURATOR SCHEDULE and MILESTONES. Resident Curator, at Resident Curator's sole expense, must timely perform and complete the Curator Program Duties in accordance with corresponding schedules and performance milestones herein referred to as **"Curator Schedules and Milestones".** The Curator Program Duties documents are set forth in detail sufficient to satisfy Lessor and Property Owner of the items, methodology and timeframes for the development, redevelopment, remediation, repair, replacement, refurbishment, renovation, rehabilitation, and maintenance of the Leased Property. The Resident Curator and Lessor acknowledge that this Lease, including the agreement that Lessor and Property Owner have no requirement to perform repairs or otherwise maintain the Leased Property, is entered into in good faith and that the Resident Curator's agreement to perform the maintenance and repairs required under this Lease support the purpose of the Resident Curator Program permitted under Va. Code § 15.2-2306.

4.1 Maintenance and Preservation Obligations. Throughout the Term the Resident Curator must continuously maintain and preserve the Leased Property in a safe, stable and weather-tight condition suitable for occupancy, including, but not limited to, maintaining building systems (including plumbing, electrical, mechanical and HVAC systems), the building envelope (including roof, exterior walls, windows, and drainage systems), character-defining historic materials and features, and surrounding site conditions within the Leased Property necessary to prevent deterioration or damage to the Leased Property.

Maintenance and preservation obligations must be performed in accordance with the Resident Curator Maintenance Guidelines and Checklist (Exhibit D), which establish the minimum standard of care for the Leased Property under the Lease.

Property Owner shall have the right to monitor compliance with this Section through inspection and review, and may require corrective action to address deficiencies in accordance with the written notice and corrective action provisions of this lease. Failure to timely cure such deficiencies shall constitute an Event of Default under this Lease.

4.2 Cost Responsibility. Except as expressly provided otherwise in this Lease, Resident Curator will be solely responsible for all costs and expenses associated with the Curator Program Duties, Work-In-Progress, Approved Installed Improvements, permitting, inspections, maintenance,

repairs, replacement, correction, and any other work required under this Lease or necessary to fulfil the Resident Curator's obligations under this lease.

This responsibility includes costs arising from known or unknown conditions in the Leased Property, including latent defects, deferred maintenance, code compliance issues, deterioration and failures of building systems or building envelope components.

5. EARLY TERMINATION. No party has the right to terminate this Lease prior to the Scheduled Termination Date unless it is terminated in accordance with the terms of this Lease or the parties enter into a separate written agreement.

6. RENT, FAIR MARKET RENTAL VALUE. Resident Curator's consideration for the Lease is the performance of the requirements of the Curator Program ("Curator Program requirements") as set forth in R-5, in accordance with all schedules and milestones imposed on Resident Curator under this Lease, and that the parties agree, have an estimated cost of two hundred ninety-two thousand, four hundred and sixty eight dollars and 93/100 ($292,468.93), and the parties agree that the adjusted annual **Fair Market Rental Value** for the Term is nine thousand, eight hundred and eight and no/100 ,as shown on **Exhibit I** which is incorporated into this Lease. The Fair Market Rental Value will be provided by the Resident Curator through the performance of the Curator Program requirements set forth in R-5 and not in the form of any regular rent payments to Lessor or to Property Owner. Any adjustments to the Fair Market Rental Value must be agreed to by the Parties in writing.

7. WORK-IN-PROGRESS and APPROVED INSTALLED IMPROVEMENTS. The Parties anticipate there will be the following three categories of improvements that the Resident Curator will make to the Leased Property pursuant to this Lease: (1) improvements required by the Curator Program **("Curator Program Improvements")**, (2) Additional Non-Discretionary Improvements, and (3) Additional Discretionary Improvements. All plan submissions, plan approvals, permitting, rehabilitation, construction, installation, inspections, and corrective action for the Curator Program Improvements, Additional Non-Discretionary Improvements, and Additional Discretionary Improvements shall be collectively referred to as **"Work-In-Progress"** until deemed an Approved Installed Improvement as defined in this Lease

7.1 Construction, rehabilitation or installation of improvements that result in plan closeout, permit closeout, bond release, occupancy, or similar final approval for the Curator Program Improvements, the Additional Non-Discretionary Improvements, or the Additional Discretionary Improvements shall be collectively referred to as **"Approved Installed Improvements"** and the date of final action that qualifies Work-In-Progress as an Approved Installed Improvement shall be referred to as the **"Approved Improvement Date"**.

7.2 In the event of Early Termination or Event of Default, as defined in this Lease, Property Owner, in its sole discretion through Lessor, may require that Work-In-Progress be cured or removed at Resident Curator's cost especially if Work-In-Progress creates an unsafe condition.

8. <u>ADDITIONAL NON-DISCRETIONARY IMPROVEMENTS</u>. Resident Curator and Lessor acknowledge that there may be certain improvements that are necessary, that affect the structure of the Leased Property, that were unknown to the Parties at the execution of this Lease, that are not included in the Curator Schedules and Milestones and that are capital in nature; these improvements are defined as **"Additional Non-Discretionary Improvements"**.

8.1 If Resident Curator determines that it is required to perform such Additional Non-Discretionary Improvements, then it must provide written notice to Lessor and Property Owner of all such Additional Non-Discretionary Improvements. If Lessor and Property Owner agree that the improvements listed on that written notice qualify as Additional Non-Discretionary Improvements, then they shall (a) notify Resident Curator in writing that they agree the improvements qualify as Additional Non-Discretionary Improvements, and (b) advise Resident Curator in writing whether they consent to Resident Curator performing the Additional Non-Discretionary Improvements. Resident Curator may not commence work on Additional Non-Discretionary Improvements until it receives consent in writing from Lessor and Property Owner.

8.2 Property owner may identify a necessary unanticipated capital improvement and may request that the Resident Curator execute the improvement. Parties may discuss in good

faith if such work may constitute an Additional Non-Discretionary Improvement and whether it will be added to the Curator Program requirements through written agreement.

8.3 The Parties may agree to add the cost of the Additional Non-Discretionary Improvements to the estimated cost of the Curator Program requirements if, before commencement of the Additional Non-Discretionary Improvements, (a) the Resident Curator gives written notice to Lessor and Property Owner of any intent to add the cost of the Additional Non-Discretionary Improvements, (b) the Resident Curator provides a cost accounting of all labor and materials to Lessor and Property Owner, and (c) Lessor and Property Owner agree in writing to add the cost of the Additional Non-Discretionary Improvements to the estimated cost of the Curator Program requirements. Additional Non-Discretionary Improvements covered in this Section shall be accounted for according to the template attached as **Exhibit J** and incorporated in this Lease, and if agreed to in writing by the Parties, the term of the Lease may be extended in accordance therewith. Lessor and Property Owner reserve the right to refuse all or any part of such cost accounting.

9. ADDITIONAL DISCRETIONARY IMPROVEMENTS. "Additional Discretionary Improvements" are those improvements, capital or otherwise, that the Resident Curator decides to undertake for its own convenience or desire, and that are not considered a part of the Curator Program or considered Additional Non-Discretionary Improvements. Resident Curator may not perform any Additional Discretionary Improvements unless it has the written consent of Property Owner, which consent may be withheld in its absolute discretion. Resident Curator understands that it makes any such Additional Discretionary Improvements at its own risk and expense, and such Additional Discretionary Improvements become the property of Property Owner at Property Owner's sole discretion. At the sole discretion of Property Owner and Lessor, Additional Discretionary Improvements may be required to be removed upon the expiration or termination of this Lease and costs for removal, including offsite disposal or any necessary restoration (per approval by the Property Owner) will be the responsibility of the Resident Curator.

10. CONDITIONS FOR WORK-IN-PROGRESS and APPROVED INSTALLED IMPROVEMENTS. The Resident Curator must fulfill the Curator Program Duties as defined in

R-6 in accordance with this Lease and must obtain all required governmental approvals and permits for such work. As part of the Curator Program Duties, Resident Curator must submit applicable documents to Property Owner for review and written approval of Work-In-Progress. Preliminary testing, construction, and other related activity may not commence until Property Owner has determined that the Work-In-Progress will have "no adverse effect" on the historic integrity of the Leased Property and Property Owner has given final written approval.

10.1 APPROVAL, DISAPPROVAL. In order to obtain written approval for Work-In-Progress, Resident Curator must provide to Property Owner the following support information: (a) narrative summary of proposed improvements; (b) representative photos (digital or print) that clearly indicate the proposed project area; (c) a site map indicating the project area; and (d) any supporting material, material samples, plans, schematics and specifications that Property Owner determines is pertinent to review the project. Property Owner shall review the plans and specifications for conformity with the terms of this Lease, and Property Owner shall, within thirty (30) business days after receipt thereof, either approve the submissions, or notify the Resident Curator in writing of disapproval including specifying the respects in which the submissions do not conform to the terms of this Lease. If Property Owner fails to respond within thirty (30) business days, such plans and specifications for Curator Program Improvements Additional Non-Discretionary Improvements and Additional Discretionary Improvements, individually or any combination thereof, shall be deemed disapproved.

10.2 RESUBMISSION. In the event of disapproval, the Resident Curator shall modify the plans and specifications to conform to the terms of this Lease in those respects specified by Property Owner as the grounds for disapproval provided the Resident Curator may elect not to pursue and therefore not to modify and resubmit the plans and specifications for Additional Discretionary Improvements. If the plans and specifications were deemed disapproved due to Property Owner's failure to respond within 30 days pursuant to Section 10.1 above, Resident Curator must re-submit the plans and specifications to Property Owner. Any re-submission under this Section 10.2 shall be subject to review and approval by Property Owner in accordance with the procedure provided above for an original submission, until the plans and specifications have been approved by Property Owner.

10.3 ADDITIONAL REVIEW. If the Work-In- Progress requires review by the **Fairfax County Architectural Review Board ("ARB")**, or by another regulatory entity, then the Resident Curator will prepare required documents in accordance with the governing regulations and submit required documents to the ARB or other applicable regulatory entity for review with a copy to Property Owner. Resident Curator will inform Lessor and Property Owner of any regulatory entity determination(s). In the event of a determination of adverse effect, Resident Curator must follow and fulfill any prescribed mitigation requirements if the Work-In-Progress proceeds as proposed and when such additional regulatory review is required, Work-In-Progress will only be allowed to proceed if Property Owner consents in writing and the ARB or other regulatory entity determines that there will be no adverse effect on the Leased Property's historic or archaeological resources. Any deviation from approved plans, specifications, materials, methods, or scope of Work-In-Progress must receive prior written approval from Property Owner.

10.4 COMPLIANCE. Work-In-Progress undertaken by or for the Resident Curator at the Leased Property, and any future changes thereto, and all Approved Installed Improvements must be in material conformity with all applicable Laws, including, without limitation, the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 1210l, et seq. and the Resident Curator's insurance policies.

10.5 DUE DILIGENCE, PERMITS. The Resident Curator's Work-In-Progress and Approved Installed Improvements must comply with all applicable laws. The Resident Curator must obtain and pay for the preparation and approval of required engineering, architectural or other plans, permits, and inspections for any renovation, replacement and/or construction work undertaken by or for the Resident Curator on the Leased Property. Any architect or engineer undertaking any of the Work-In-Progress must carry professional liability insurance naming the Resident Curator, Lessor, and Property Owner as additional insureds, and the Resident Curator must provide proof of such insurance to Lessor and Property Owner.

10.6 CONSTRUCTION. The term **Contractor ("Contractor")** means any person or entity, including the Resident Curator, that provides labor, materials or both for the Curator

Program Duties whether or not paid by the Resident Curator. Contractor must provide evidence of any required license **("License")**, bond **("Bond")** and insurance **("Contractor's Insurance")** for Work-In-Progress performed by Contractor in accordance with all applicable local, state and federal laws and regulations and this Lease. During Work-In-Progress, Resident Curator must maintain or require its Contractor(s) to maintain insurance at least as broad in the amounts and form to the insurance required Section 19 in addition to builder's risk insurance (or such reasonably comparable insurance) on a "Special Peril" basis (including collapse) insuring against casualty to such construction for full replacement value of the work performed and the equipment, supplies and materials furnished and stored, unless such insurance coverage is provided under policies carried by Resident Curator.

10.7 GENERAL PROVISIONS. Contractor may not commence Work-In-Progress until all required permits, certificates, or other approvals have been issued and are in effect. Once commenced, the Work-In-Progress must be prosecuted continuously and with diligence in accordance with the Curator Schedules and Milestones. Work-In-Progress must be of high quality and performed in a workmanlike manner, free from faults and defects. Work-In-Progress must be performed in strict conformance with approved plans and specifications, applicable permits and regulatory approvals, and the Secretary of the Interior's Standards for the Treatment of Historic Properties, as applicable. During all phases of Work-In-Progress, Resident Curator must take all reasonable measures necessary to protect the Leased Property from deterioration, weather intrusion, vandalism, theft, and damage, including implementing appropriate temporary weatherproofing, security measures, and stabilization measures consistent with industry standards for historic structures under rehabilitation. Resident Curator must dispose of all waste and debris that result from the demolition of existing structures or other Work-In-Progress performed on the Leased Property, and such disposal must be performed in accordance with applicable laws and regulations.

10.8 PAYMENT FOR WORK-IN-PROGRESS. Resident Curator must pay the entire cost of all Work-In-Progress in cash or its equivalent, promptly, within the time

periods specified in its Contractor contract(s) or other business contract, unless the Parties agree in writing to allow a different payment arrangement.

10.9 CURATOR EXPENSE AND WORK TASK STATUS REPORTING. The Resident Curator must submit an Hours & Expense Tracking Form using the template found in **Exhibit K** or a similar agreed upon template incorporating the same information found in **Exhibit K ("Expense Tracking Form")**. Expense Tracking Form must be submitted monthly to record work hours and material, rental, and contractor expenses. The Resident Curator must submit the Work Task Status Tracking Form on a recurring basis using the template found in **Exhibit L**. The frequency of submission shall be at the discretion of the Property Owner.

10.9.1. MATERIALS. Material expenses which are credited towards the curator's total investment and must be recorded in the Tracking Form include durable materials which do not exceed a cost of twenty-five dollars and no/100 ($25.00) and consumable materials. Credit for durable materials exceeding twenty-five dollars and no/100 ($25.00) require prior approval in writing by Property Owner. Durable (non-expendable) materials are supplies and materials that are not consumed in one use, retaining their original identity during a period of use (unique tools and equipment). Consumable (expendable) products are materials and supplies which are consumed in one use (ie, paint, nails, caulk, lumber). For each reported expense, a corresponding receipt or invoice must be submitted.

10.9.2. WORK TASK. Each work task in the Approved Work Plan has a unique identifier **("ID")** that is shown on **Exhibit H**. To track the expense of each task, the Resident Curator will assign each reported expense (material, rental, contractor, work hours) to the appropriate ID in Tracking Form.

10.9.3. ADMINISTRATION. The hours spent on administrative bookkeeping/receipt paperwork do not count towards the cost of the rehabilitation investment and cannot be reported on the Tracking Form.

10.9.4. EXPENSE TRACKING FORM. The Expense Tracking Form is due on the 7th of the month after the work is completed, or the first business day after the 7th if the 7th is a weekend or holiday. Expenses claimed more than 30 days after the work is completed or without receipt (except labor) may be declined by Property Owner. A new Tracking Form shall be used for each monthly submittal. The completed Expense Tracking Form with receipts shall be emailed to the Property Owner Contact.

10.10 INSPECTION OF WORK-IN-PROGRESS. Lessor and Property Owner will enter upon the Leased Property from time to time upon reasonable notice to Resident Curator and without material interruption to the Work-In-Progress, for the purpose of reviewing the Work-In-Progress being performed by or on behalf of Resident Curator, and such entry shall not be construed to be a violation of Resident Curator's right to the Leased Property.

10.11 TIME FOR COMPLETION OF WORK-IN-PROGRESS. Notwithstanding any provision of this Lease, including any applicable cure period for a default or Force Majeure, the Work-In-Progress must be completed in accordance with the Curator Schedules and Milestones.

10.12 APPROVED INSTALLED IMPROVEMENTS. The Work-In-Progress will be considered an Approved Installed Improvement for the purposes of this Lease only when Resident Curator can demonstrate completion of plumbing, electrical, mechanical, structural, site, or other elements, proper offsite removal and disposal of construction debris, proof that all governmental inspections have been completed, and proof of issuance of required permits, approvals, and the like, necessary for the lawful use and occupancy of such portion of the Leased Property impacted by the Work-In-Progress or any portion thereof, including any temporary or permanent certificates of occupancy, copies of which must be delivered by Resident Curator to Property Owner. Approval under Section 10.1 authorizes work to proceed and does not constitute Property Owner acceptance of completed work as compliant or complete. Completion of Work-In-Progress will be

evaluated based on both (a) required inspections and approvals, and (b) conformance with the scope approved under Section 10.1, including any written updates or approvals issued by the Property Owner.

10.13 WARRANTY. All Contractors must provide a warranty **("Warranty")** for labor for at least one (1) year after Approved Improvement Date. Warranties for materials shall be in accordance with the manufacturer's warranty. Resident Curator must place user manuals and warranty documents for materials, equipment, appliances, and the like in a three (3) ring binder and store the binder in a safe place with easy access should Lessor or Property Owner request a review of the documents, which request must be granted by Resident Curator. The Binder will become the property of Property Owner upon any Early Termination or Scheduled Termination of this Lease.

10.14 RECORD SET OF DRAWINGS. Resident Curator must furnish Lessor and Property Owner with a complete record set of any final plans and specifications for Approved Installed Improvements constructed by or for Resident Curator as part of the Curator Program Duties, together with copies of all final permits and approvals issued by plumbing, gas, electrical, building, health department, or other inspectors.

10.15 MECHANICS' LIENS. No mechanics, materialmen or similar lien shall attach against Lessor or Property Owner's interest in or to the Leased Property for any Work-In-Progress or Approved Installed Improvements performed by or for Resident Curator. If, as part of the Curator Program Duties, any lien relating to the Work-In-Progress or Approved Installed Improvements is filed against Lessor, Property Owner or Resident Curator's interest in the Leased Property, and such lien is not removed within sixty (60) days after the date for payment under the contract for such Curator Program Duties, then Resident Curator must discharge the same by payment or by filing any necessary bond within fifteen (15) days after the expiration of such sixty (60) day period.

10.16 CONTROL OF WORK-IN-PROGRESS and OWNERSHIP OF APPROVED INSTALLED IMPROVEMENTS. Property Owner will continue to have title to the Leased Property and Resident Curator, subject to the terms of this Lease, will have control

of the Work-In-Progress within the Leased Property. Upon the expiration or termination of this Lease, all Approved Installed Improvements will become the property of Property Owner with no compensation to Resident Curator for any Approved Installed Improvements which may have been paid for by or on behalf of Resident Curator. Resident Curator shall remain fully responsible, throughout the Term, for the maintenance, repair, monitoring, and upkeep of all Approved Installed Improvements. Such responsibility includes routine maintenance, corrective repairs, and replacement of components or systems as required due to wear, deterioration, neglect, improper use, or failure to maintain in accordance with this Lease and the Maintenance Guidelines.

Resident Curator must ensure that all Approved Installed Improvements remain in safe, operable, and weather-tight condition throughout the Term, and will promptly correct any deficiencies identified by Property Owner in accordance with the notice and cure provisions of this Lease.

11. UTILITIES and SERVICE. Resident Curator is responsible for securing accounts with local utility companies in order to activate service of all utilities as of the Commencement Date and is responsible for payment of all utility usage commencing on the Commencement Date. Utilities and services used at the Leased Property must be consistent with this Lease. Unless otherwise noted in this Lease, Resident Curator is responsible for costs associated with extending utilities or other services within the Leased Property for utilities or services that support the Curator Program Duties.

12. USE OF LEASED PROPERTY. This Section sets forth the only permitted uses of the Leased Property **("Permitted Uses")**. The Leased Property may not be used for any use other than the Permitted Uses without the prior written permission of Property Owner.

12.1 RESIDENT CURATOR PROGRAM. Resident Curator will use the Leased Property to perform and fulfill the Curator Program Duties, including the public access and open house requirements set forth in Section 15.

12.2 USE OF LAHEY HOUSE FOR RESIDENTIAL PURPOSES. Resident Curator may use the Leased Property for its primary residence and in accordance with the terms of this Lease and subject to applicable Fairfax County zoning regulations. If Resident Curator would like additional individual(s) to reside in the Lahey House, a request must be made in writing and Property Owner must consent in writing. Resident Curator must carry applicable insurance pursuant to Section 19.

12.3. AMENDMENT FOR LIMITED NON-PROFIT ACTIVITY. Lessor authorizes the County Executive, or his designee authorized to execute lease agreements, to negotiate and execute a written amendment to this Lease at a later date in order to expand the Permitted Uses to permit the limited use of a home-based business in line with the Fairfax County Zoning Ordinance and any other agreed to terms and conditions set forth in such written amendment. Lessor, through the County Executive or his designee authorized to execute lease agreements, has the sole discretion to decide whether to enter into such written amendment.

13. SIGNS AND MARKETING. Lessor and Property Owner will have the right to install one or more Signs or Kiosks **("Signs")** on the Leased Property on the exterior and in the interior of the buildings provided that such Signs do not unreasonably interfere with Resident Curator's use of the Leased Property.

13.1 Property Owner shall have the right to install a plaque or other designating signage on the Leased Property in order to indicate the name of Lahey House and its inclusion in the Resident Curator Program. No signage, whether exterior or interior, that is visible from the exterior shall include any commercial advertising beyond the identification of Resident Curator and the Leased Property. Notwithstanding the immediately prior sentence, Resident Curator may request consent from Property Owner to install portable signs during certain public events, which signs contain a QR Code or link that provides access to a website operated by Resident Curators' non-profit organization. Such consent must be demonstrated in a writing from Property Owner, which consent may be withheld in Property Owner's sole discretion, and which consent may be limited on such terms as is set by Property Owner. Resident Curator agrees that Lessor's or Property Owner's name and logo shall be included in major signage such as entrance signage.

14. PARK USE and CONTACTS. Resident Curator acknowledges that the Leased Property is located in a public park and, therefore, (a) is subject to inconveniences due to the public nature of the grounds surrounding the Leased Property, and (b) is subject to Fairfax County Park Authority Regulations **("Park Authority Regulations")** attached hereto as **Exhibit M** and incorporated into this Lease. The Park Authority Regulations are subject to change and if they change, Property Owner will provide a copy of the revised Park Authority Regulations to Resident Curator. Upon receipt of the revised Park Authority Regulations by Resident Curator, the revised Park Authority Regulations will be deemed incorporated in this Lease. Resident Curator must provide a two (2) week advanced written notification (email notification is acceptable) to Property Owner Contact and the Park Contact for any activities that could potentially impact or interfere with Park operations or management. Property Owner may, in its absolution discretion, prohibit any such activity. Resident Curator shall adjust Work-In-Progress or other activities that could potentially impact or interfere with Park operations or management if required by Property Owner.

14.1 RESIDENT CURATOR CONTACT:
Michael Nakagaki and Sonja Lupescu
[redacted]

14.2 PROPERTY OWNER CONTACT:
Stephanie Langton, Resident Curator Program Manager,
[redacted]

14.3 PARK CONTACTS:
Michael Cardona, Area 6 Manager, Park Operations Division
[redacted]

14.4 LESSOR CONTACT:
Mike Lambert, Assistant Director, Facilities Management
[redacted]

The contacts listed in this Section may be changed by any party through the Notice process set forth in this lease.

15. PUBLIC ACCESS. Resident Curator shall allow public access to the Leased Property consistent with the historic property's nature and use as agreed upon by the Parties in writing (email confirmation is acceptable) pursuant to the Resident Curator Program, provided such access is consistent with Resident Curator's reasonable expectations of privacy and control of the Lahey

House as a residence, and does not impact or interfere with Resident Curator's Permitted Uses of the Leased Property. Resident Curator will offer at least one open house opportunity annually in agreement with the Property Owner. A failure to allow the public access required in this Section for two consecutive years will be considered an Event of Default.

16. MEETINGS. The Parties shall meet quarterly or more frequently at the request of any party, at a location determined by the Property Owner, starting on the Commencement Date of this Lease. The Property Owner's representative is Stephanie Langton or her designee or successor. Meetings shall be set up with Contacts identified in Section 14 of this Lease.

17. ANNUAL REPORT. Within ninety (90) days after the end of the first year of the Term, and after the end of every year of the term thereafter, Resident Curator must submit to Property Owner a written Annual Report **("Annual Report")** that summarizes the progress and status of the Resident Curator Program at the Leased Property for the then-ended term year. The Annual Report shall demonstrate to Lessor's and Property Owner's reasonable satisfaction that Resident Curator is rehabilitating and maintaining the Leased Property in compliance with the Resident Curator Program and this Lease. The Annual Report shall also note the nature and dates for any public and community activities at the Leased Property, and the number of visitors participating in each event. The Annual Report must contain a financial statement accounting for all Approved Installed Improvements completed to date as well as the value of any Work-In-Progress. Resident Curator will certify each Annual Report under the penalty of perjury, as being accurate, true, and complete, to the best of Resident Curator's knowledge, belief, and ability to ascertain. Resident Curator's failure to file the Annual Report within the time limits prescribed hereunder will be considered an Event of Default.

18. AUDIT. All reports, financial statements, analyses and other documentation provided by Resident Curator will be subject to verification and audit by Lessor, Property Owner, or their agents or assigns. Resident Curator must provide additional documents upon request if required as part of an audit.

19. LEASE AND CONTRACT INSURANCE PROVISIONS.

19.1 The Resident Curator shall be responsible for the Curator Program Duties and its work and every part thereof, and for all materials, tools, equipment, appliances, and property of any and all description used in connection therewith. The Resident Curator assumes all risk of direct and indirect damage or injury to the property or persons used or employed on or in connection with the work to be performed under this Lease, and of all damage or injury to any person or property wherever located, resulting from any action, omission, commission or operation under the Lease. The Lessor, Property Owner, agents or assigns shall not be liable for any personal injury to the Resident Curator (including its employees, business invitees, Resident Curator, customers, clients), arising from the use, occupancy and condition of the premises.

19.2 The Resident Curator shall, during the continuance of all work under the Lease, provide the following:

a. Maintain statutory Workers' Compensation and Employer's Liability insurance in limits of not less than $1,000,000 to protect the Resident Curator from any liability or damages for any injuries (including death and disability) to any and all of its employees, including any and all liability or damage which may arise by virtue of any statute or law in force within the Commonwealth of Virginia. This provision shall be waived if the Resident Curator is not required to procure workers' compensation under Virginia law and it execute a document, in writing and under penalty of perjury, that it is exempt from its States statutory requirements to provide Worker' Compensation coverage in addition to waiving its rights under the Labor Code.

b. Commercial General Liability insurance in limits of not less than of $1,000,000 per occurrence/ $2,000,000 in aggregate, to protect the Resident Curator, and the interest of the Lessor and Property Owner their officers and employees against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the Lease or in connection with the work to be performed under the Lease or as a result of the condition of the Leased Premises.

c. Owned, non-owned, and hired Automobile Liability insurance, in limits of not less than $1,000,000 per occurrence/aggregate, including property damage, covering all owned, non-owned, borrowed, leased, or rented vehicles operated by the Resident Curator. In addition, all mobile equipment used by the Resident Curator in connection with the work to be performed under the Lease, will be insured under either a standard Automobile Liability policy, or a Commercial General Liability policy. The Garage Keeper's Liability coverage shall also be maintained where appropriate.

d. If the Resident Curator is an organization, Directors & Officers Insurance in the amount of $1,000,000 per occurrence/aggregate.

e. Property Insurance on a "Special Peril" basis on buildings and personal property in an amount not less than the full insurable replacement value of such buildings and personal property. Property insurance will include Rental Reimbursement coverage for not less than the equivalent of twelve (12) month's rental.

19.3 After a period of five (5) years from Lease Effective Date, the Lessor may reasonably require higher limits of insurance or additional insurance coverage against other hazards for which insurance is reasonably obtainable and which, at the time, are commonly insured against in the case of similar properties conducting similar activities within the geographic area of the Leased Property, whether or not such additional insurance requirements are otherwise described or contemplated herein.

19.4 Any deductibles and/or self-insured retentions greater than $10,000 must be disclosed to and approved by the Lessor's Risk Manager prior to the commencement of services. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the Lessor.

19.5 Liability insurance may be arranged by General Liability and Automobile Liability policies for the full limits required, or by a combination of underlying Liability policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.

19.6 The Resident Curator agrees to provide insurance issued by companies admitted within the Commonwealth of Virginia, with the Best's Key Rating of at least A:VII. European markets including those based in London, and the domestic surplus lines markets that operate on a non-admitted basis are exempt from this requirement provided that the Resident Curator's broker can provide financial data to establish that a market is equal to or exceeds the financial strengths associated with the A.M. Best's rating of A: VII or better.

19.7 All insurance required by this Section shall be written by insurers, in such forms, and shall contain such terms, as Lessor may reasonably require. Resident Curator acknowledges that Lessor and Property Owner are not required to procure or maintain insurance of any kind on or with respect to the Leased Property under this Lease.

19.8 Hold-harmless and Indemnification: The Resident Curator hereby agrees to indemnify and hold harmless, the Lessor, Property Owner, Fairfax County, Virginia, their officers, agents and all employees and volunteers, from any and all claims for bodily injury, and personal injury and/or property damage, including cost of investigation, all expenses of litigation, including reasonable attorney fees, and the cost of appeals arising out of any claims or suits which result from the condition of the Leased Property errors, omissions, or negligent acts of the Resident Curator, its contractors and each of its agents and employees.

19.9 The Resident Curator will provide an original, signed Certificate of Insurance citing the contract number and such endorsements as prescribed herein.

19.10 The Resident Curator will secure and maintain all insurance certificates of its contractors and its subcontractors, which shall be made available to the Lessor on demand.

19.11 The Resident Curator will provide on demand certified copies of all insurance policies related to the Lease within ten business days of demand by the Lessor. These certified copies will be sent to the Lessor from the Resident Curator's insurance agent or

representative to dofcoi@fairfaxcounty.gov and to and to the Resident Curator Program Manager at the email address designated by the Property Owner.

19.12 No change, cancellation, or non-renewal shall be made in any insurance coverage without a thirty (30) day written notice to the Lessor. The Resident Curator shall furnish a new certificate prior to any change or cancellation date. The failure of the Resident Curator to deliver a new and valid certificate will be considered an Event of Default pursuant to Section 23.

19.13 Compliance by the Resident Curator and all of its contractors and subcontractors with the foregoing requirements as to carrying insurance shall not relieve the Resident Curator and all of its liabilities provisions of the Lease.

19.14 Contractual and other liability insurance provided under this Lease shall not contain a supervision, inspection or engineering services exclusion that would preclude the Lessor from supervising and/or inspecting the project as to the end result. The Resident Curator shall assume all on-the-job responsibilities as to the control of persons directly employed by it and of its contractors.

19.15 The Resident Curator shall be as fully responsible to the Lessor and Property Owner for the acts and omissions of its contractors and subcontractors and of persons employed by it as it is for acts and omissions of person directly employed by it.

19.16 Precaution shall be exercised at all times for the protection of persons (including employees) and property.

19.17 The Resident Curator and all of its contractors and subcontractors are to comply with the Occupational Safety and Health Act of 1970, Public Law 91-596, as it may apply to this Lease.

19.18 Lessor, Property Owner and each of their officers and employees shall be named as an "additional insured" in the Automobile and General Liability policies and it shall be stated on the Insurance Certificate that this coverage "is primary to all other coverage the Lessor may possess."

19.19 WAIVER OF SUBROGATION: Notwithstanding any provisions herein to the contrary, Resident Curator waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against the Lessor, Property and other additional insureds for losses paid under the insurance policies required by this Contract or other insurance applicable to the Contractor or its subcontractors. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance maintained by the Resident Curator or its contractors. Where permitted by law, Resident Curator must require similar written express waivers of subrogation and insurance clauses from each of its contractors

20. NO HAZARDOUS CONDITIONS. Resident Curator will not permit any hazardous materials, explosives, combustible, corrosive or erosive materials, as defined by the Fire Marshal, on the Leased Property or perform any action, or fail to perform any action, which would increase the cost of fire or other hazard insurance on the Leased Property. Resident Curator will not do anything or permit anything to be done or any hazardous condition to exist ("Increased Risk") which shall invalidate or cause the cancellation of the insurance policies carried by Resident Curator. If Resident Curator does or permits any Increased Risk which causes an increase in the cost of insurance policies then Resident Curator shall promptly pay (or, if Lessor (being under no obligation to do so) initially pays such amounts, reimburse Lessor) for additional premiums attributable to any act, omission or operation of Resident Curator causing the increase in the premiums. Payment of additional premiums will not excuse Resident Curator from terminating or removing the Increased Risk unless Lessor agrees in writing. Absent agreement, Resident Curator shall promptly terminate or remove the Increased Risk

21. PARTICIPATION IN ILLEGAL ACTIVITIES. If the Lessor or Property Owner determines that the Resident Curator has participated in or in any manner permitted any criminal

activities on the Leased Property, Lessor or Property Owner reserves the right immediately to declare an Event of Default and Lessor shall thereafter have the immediate right to terminate this Lease.

22. EXPIRATION OR TERMINATION OF LEASE. Upon the expiration or other termination of this Lease, Resident Curator shall quit and surrender to Property Owner the Leased Property with all Approved Installed Improvements, broom-cleaned and in such order and condition as Resident Curator is required to maintain the same hereunder and must vacate the Leased Property. Resident Curator must remove all movable personal property therefrom to the extent that such personal property does not constitute a fixture to the Leased Property, failing which, such moveable personal property will be deemed to have been abandoned.

22.1 Post-Termination Obligations and Corrections. Expiration or termination of this Lease shall not relieve Resident Curator of any obligations, liabilities, or responsibilities arising under this Lease, including obligations related to Works-in-Progress, Approved Installed Improvements, maintenance, repair, correction or compliance required under this Lease.

Property Owner may require Resident Curator, at Resident Curator's sole cost and expense to correct, remove, repair, or restore any Work-In-Progress, or Approved Installed Improvement that is determined by Property Owner, in its reasonable discretion, to be defective, unsafe, noncompliant, incomplete, improperly executed, not in accordance with approved plans or permits, or inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as applicable.

Resident Curator's obligations under this Section will remain past expiration or termination of this Lease until fully satisfied or otherwise released in writing by Property Owner.

23. DEFAULT AND LESSOR'S RIGHT TO REPOSSESS.

23.1 EVENT OF DEFAULT. An Event of Default **("Event of Default")** will exist if any of the following situations occur:

23.1.1 FAILURE TO COMPLETE WORK OR DILIGENTLY PERFORM WORK. If Resident Curator does not achieve benchmarks in accordance with the Curator Schedules and Milestones and has not commenced the required Work-In-Progress within thirty (30) days' notice of a failure to achieve a benchmark and/or does not diligently pursue such Work-In-Progress to completion, or abandons, suspends, or materially slows Work-In-Progress without Property Owner's prior written consent, such a failure shall constitute an Event of Default.

An Event of Default shall also include (a) substantial inactivity of Work-In-Progress for a period reasonably determined by Property Owner to be inconsistent with diligent performance of work, (b) failure to maintain the historic integrity of the Leased Property in accordance with this Lease and the Secretary of the Interior's Standards for the Treatment of Historic Properties, as applicable, and (c) any unauthorized deviation, alteration or modification of approved plans, specifications, materials or scope of Work-in-Progress without prior written approval as required under this Lease.

23.1.2 BANKRUPTCY. If the Resident Curator files any petition or answer seeking any reorganization, arrangement, liquidation, dissolution, or similar relief for Resident Curator under the United States Bankruptcy Code, as then in effect, or any other present or future federal, state, or other statute, law, or regulation, or if Resident Curator seeks, consents to or acquiesces in the appointment of any trustee, receiver, or liquidator of Resident Curator or of all or any substantial part of Resident Curator's properties, or makes any general assignment for the benefit of creditors.

23.1.3 CHANGE OF RESIDENT CURATOR STATUS. If the Resident Curator no longer maintains Lahey House as the primary residence.

23.1.4 FAILURE TO PERFORM LEASE REQUIREMENTS. In addition to the Events of Default defined above, and except as provided herein, if any party fails to perform or observe any covenants, terms or conditions in this Lease after

thirty (30) days written notice thereof from the non-defaulting party, then such a failure to perform or observe shall also be considered an Event of Default; provided that if compliance requires more than thirty (30) days to perform, such additional time for performance shall be allowed as long as the defaulting party diligently pursues the performance to completion.

At the expiration of the tenancy hereby created pursuant to an Event of Default, Resident Curator shall surrender the Leased Property will vacate the Lahey House, and will remove all pets, if they have been allowed, from the Leased Property within thirty (30) days of such expiration of the tenancy.

23.2 REMEDY OF DEFAULT. In addition to its remedies under this Lease, a non-defaulting party shall have all available rights and remedies at law and in equity. The failure of one party to the action in case of a breach of the Lease, or the failure of a party to enforce its rights hereunder shall not be deemed a waiver of any breach of this Lease. In the absence of written notice or consent, any such breach shall be a continuing one. This Section shall not be construed as a waiver of any defenses that one party may assert against the other under the Lease. The non-defaulting party has the right to terminate this Lease in the Event of Default by providing written notice to the defaulting party that the Lease will be terminated **("Notice of Termination")**. The Notice of Termination must set forth the date on which the Lease will terminate **("Default Termination Date")**, which date must be at least thirty (30) calendar days after the date the Notice of Termination is served on the defaulting party. If Lessor serves Resident Curator with a Notice of Termination, then after the Default Termination Date and notwithstanding any former breach of covenant or waiver of the benefit hereof or consent in a former instance, Lessor lawfully may, in addition to any and all rights and remedies otherwise available to Lessor at law, enter into and upon the Leased Property and repossess the same and expel Resident Curator and those claiming through or under Resident Curator or otherwise in occupancy and remove its effects (forcibly if necessary) without being deemed guilty of any manner of trespass, and without prejudice to any rights or remedies to which Lessor might otherwise be entitled, for arrears of rent or preceding breach of covenant.

23.3 LESSOR'S RIGHTS. Resident Curator covenants and agrees regardless of any entry or re-entry by Lessor whether by summary proceedings, termination or otherwise, that Resident Curator is, and will remain, liable for any obligations of Resident Curator under the Lease. If Resident Curator has not achieved completion of Curator Program Duties at the date of re-entry by Lessor or termination of the Lease, then Lessor and Property Owner each have the right to finish the Work-In-Progress at Resident Curator's expense. Lessor and Property Owner will have no obligation to mitigate damages upon the occurrence of an Event of Default. Resident Curator acknowledge that the Leased Property belongs to Property Owner.

24. NOTICES. Whenever it is provided herein that notice, demand, request or other communication shall or may be given to, or served upon, either of the parties by the other, and/or whenever either of the parties shall desire to give or serve upon the other any notice, demand, request or other communication with respect hereto or with respect to the Leased Property, each such notice, demand, request or other communication shall be in writing and, any law or statute to the contrary notwithstanding, shall not be effective for any purpose unless the same shall be given or served as follows:

24.1 IF TO LESSOR:

Director, Facilities Management Department
12000 Government Center Parkway, Suite 424
Fairfax, Virginia 22035

24.2 IF TO PROPERTY OWNER:

Director, Fairfax County Park Authority
12055 Government Center Parkway, Suite 927
Fairfax, Virginia 22035

24.3 IF TO RESIDENT CURATOR:

Michael Nakagaki and Sonja Lupescu
9750 Brookmeadow Drive,Vienna Virginia, 22182

24.4 Every such notice, demand, request or other communication hereunder shall be deemed to have been given or served for all purposes hereunder on the date on which it is received or referred by the party to whom it was sent.

24.5 Wherever in this Lease notice or requests to Lessor and a response is required within a specified period of time, the envelope containing the notice or request shall bear on the outside thereof and the first page of such notice at the top of such page, the following legend, printed in bold-face type in a font of at least fourteen (14) points in size:

NOTICE

THIS NOTICE REQUIRES REPLY WITHIN [ ] DAYS

with the blank in such legend filled in with the number of days for notice or request referred to in the applicable Section of this Lease, as appropriate.

25. **DAMAGE BY CASUALTY.** Resident Curator must give prompt notice to Lessor of any damage or loss by fire or other casualty to the Leased Property. If the Leased Property shall be partially or completely damaged by fire or other cause and the damage renders the Leased Property or the approaches thereto unfit for use and occupancy, or if repairs to fix the damage are not financially feasible, each of which as determined by Lessor or Resident Curator in its sole respective discretions, Lessor or Resident Curator shall have the right to terminate this Lease. Lessor and Property Owner are not responsible for Resident Curator's personal goods lost or damaged during any fire or fire suppression activity, and Lessor and Property Owner shall have no obligation to replace such items or compensate Resident Curator in any way for such loss or damage. Resident Curator may obtain insurance for any real or personal property not owned by Lessor and Property Owner, but is under no obligation to obtain such coverage.

26. **WAIVERS.** No waiver or oversight of any breach of covenant, condition, or agreement herein contained, or compromise of settlement relating to such a breach, shall operate as a waiver of the covenant, condition, or agreement itself, or of any subsequent breach thereof.

27. **ASSIGNMENT AND SUBLEASE.** Resident Curator may not assign, transfer, convey, encumber, sublease, or dispose of its right or interest in the whole or any part of the Leased Property, all and each of which shall be considered an impermissible transfer of Resident Curator's interest in the Leased Property.

28. INTERPRETATION. All nouns used herein shall be interpreted and construed to include the singular, plural, masculine, feminine, or neuter forms in any place or places in which the context may require to indicate such interpretation and construction.

29. ENTIRE AGREEMENT. This Lease constitutes the entire agreement between Lessor and Resident Curator with respect to the Leased Property. This Lease shall not be changed or modified in any manner except by an instrument in writing executed by the Parties hereto.

30. KEYS AND SECURITY. Property Owner shall furnish Resident Curator with two (2) sets of keys. Each key provides access to Lahey House. Property Owner shall have the right to retain sets of keys as Property Owner deems appropriate for maintenance and emergency purposes as provided herein.

31. ANIMALS. Typical pets are permitted under this Lease, including, without limitation, service animals as defined in the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq*; provided such pets are permitted by and remain in compliance with all applicable laws and do not interfere with Park use and the public access to the Leased Property permitted under this Lease. Resident Curator must provide written notice (email is acceptable) to Property Owner regarding any animals that will be allowed inside the Lahey House.

32. GROUND DISTURBANCE. Resident Curator may not dig on the Leased Property unless it has the written consent of the Property Owner, which consent may be withheld in its absolute discretion.

33. SMOKING. Smoking is prohibited inside the Lahey House and on the Leased Property.

34. SAFETY, SECURITY. Resident Curator is responsible for ensuring adequate law enforcement at the Leased Property when breach of the peace can be reasonably anticipated, or when required by the Park Authority Regulations. When applicable, Resident Curator shall develop and maintain safety and security plans for its own activities subject to Lessor's and Property Owner's prior written approval.

35. NONDISCRIMINATION. Resident Curator agrees that Resident Curator will not, because of race, color, national origin, ancestry, age, sex, religion, physical or mental handicap or sexual orientation, discriminate against any qualified employee, applicant for employment, contractor, subcontractor, or person or firm seeking to provide goods or services to Resident Curator, or deny any person access to the Leased Property or to any activities or programs carried out upon the Leased Property. Resident Curator must comply with all applicable laws prohibiting discrimination in employment or public accommodation.

36. REAL ESTATE TAXES. ("Real Estate Taxes") means real estate taxes levied, assessed, or imposed against the Leased Property or the leasehold interest created pursuant to this Lease. Resident Curator acknowledges the leasehold created pursuant to this Lease will be assessed for Real Estate Taxes and that Resident Curator will pay timely all Real Estate Taxes imposed during the term of this Lease; provided, Resident Curator reserves the right (i) to apply for and participate in any County program that provides reductions in real estate taxes, and (ii) to appeal any real estate assessment of the leasehold interest as permitted by and in accordance with applicable law.

37. LIABILITY. No official, employee or consultant of Lessor or Property Owner will be personally liable to Resident Curator or to any successor in interest or person claiming through or under Resident Curator in the Event of Default or breach of this Lease by Resident Curator or for any amount which may become due or on any claim, cause or obligation whatsoever under the terms of this Lease.

38. ESTOPPEL. Lessor and Resident Curator agree, at any time and from time to time, upon not less than fifteen (15) days prior written request by the other, to execute, acknowledge and deliver to the other either a statement in writing certifying that this Lease is unmodified and in full force and effect; or if there have been modifications, that the Lease is in full force and effect as modified, and stating the modifications; and that either under the Lease there is no default and no event has occurred which, with the passage of time or the giving of notice or both, would constitute a default, or that a default exists under this Lease and specifying the nature and status thereof; and the dates to which the rent and other charges have been paid in advance.

39. **AMENDMENTS.** This Lease may be modified or altered only by agreement in writing by Amendment **("Amendment")** between Lessor and Resident Curator after review and consent by Property Owner.

40. **GOVERNING LAW.** Lessor and Resident Curator agree to be bound by the Laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any dispute arising under this Lease. The only proper jurisdiction and venue for any lawsuit arising out of or relating to this Lease shall be the applicable District or Circuit Courts of Fairfax County or the United States District Court for the Eastern District of Virginia.

41. **FORCE MAJEURE.** In any case where Resident Curator is required to do any act other than the payment of money, delays caused by or resulting from Acts of God, war, civil commotion, fire, flood or other casualty, strikes, unavailability of materials or equipment, unusually severe weather or other causes beyond the reasonable control of Resident Curator, herein referred to as Force Majeure **("Force Majeure")** shall not be counted in determining the time when the performance of such act must be completed. The period of time for completion shall be extended by the same number of days as lost due to the Force Majeure event. If Resident Curator claims any delay was caused by Force Majeure, it must provide written notification to Property Owner within seven (7) days of the first day of delay caused by Force Majeure. This written notification **("Force Majeure Notification**") must set forth the basis for the claim of Force Majeure, the delay that was caused and the length of the delay. If the delay continues for a period of time longer than seven (7) days, then Resident Curator must provide a Force Majeure Notification to Property Owner every seven (7) days until the delay no longer exists.

42. **AGREEMENT AND COVENANT.** Every term, condition, agreement, or provision contained in this Lease that imposes any obligation on Resident Curator or Lessor shall be deemed to be also a covenant by Resident Curator or Lessor.

43. **NO PARTNERSHIP.** Nothing contained in this Lease shall be deemed or construed to create a partnership or joint venture of or between Lessor and Resident Curator, or to create any other relationship between the parties hereto other than that of Lessor and Resident Curator.

44. RECITALS. Recitals R-1 through R-8, above, are incorporated into this Lease and are binding on Lessor and Resident Curator.

45. INTENTIONALLY OMITTED.

46. SIGNATURES. This Lease may be executed in any number of counterparts and by the Parties hereto in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement. The parties may transact this Lease using electronic signatures and delivery, including e-signature programs and/or transmittal by electronic mail PDF format, which instruments shall be deemed to constitute originals and may be relied upon, for all purposes, as authentic, binding and enforceable.

47. LESSOR'S FINANCIAL OBLIGATIONS. To the extent there are any financial obligations of Lessor under this Lease, such financial obligations are subject to appropriations by the BOS to satisfy payment of such obligations.

[SIGNATURES ON FOLLOWING PAGES]

Witness the following signatures and seals:

LESSOR:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

By: _____
Ellicia L. Seard-McCormick
Deputy County Executive of Administration
Fairfax County

Commonwealth of Virginia :

County of Fairfax :

The foregoing Lease was acknowledged before me this ___ day of _____, 2026 by Ellicia L. Seard-McCormick, in their capacity as Deputy County Executive of Administration of Fairfax County, the Lessor hereunder.

_____ My Commission expires:_____
Notary Public

Registration Number: _____

Witness the following signatures and seals:

LESSEE:

SONJA LUPESCU

By: _____
Sonja Lupescu
Resident Curator

Commonwealth of Virginia :
County of Fairfax :

The foregoing Lease was acknowledged before me this _____ day of _____ , 2026 by Sonja Lupescu in her capacity as the Resident Curator.

_____ My Commission expires:_____
Notary Public

Registration Number: _____

Witness the following signatures and seals:

LESSEE:

MICHAEL NAKAGAKI

By: _____
Michael Nakagaki
Resident Curator

Commonwealth of Virginia :
County of Fairfax :

The foregoing Lease was acknowledged before me this _____ day of _____ , 2026 by Michael Nakagaki in his capacity as the Resident Curator.

_____ My Commission expires:_____
Notary Public

Registration Number: _____

Board Agenda Item
August 25, 2026

4:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Pleasant Valley Road Shared Use Path (Sully District)

ISSUE:
Public hearing on the acquisition of certain land rights necessary for the construction of the Pleasant Valley Road Shared Use Path. Funding for this project is provided in Project ST-000036-000, County-Maintained Pedestrian Improvements, in Fund 30050, Transportation Improvements, and in Project 2G40-088-000, (aka ST-000036-013) (CSYP Bike & Pedestrian Program), in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On July 14, 2026, the Board authorized advertisement for a public hearing to be held on August 25, 2026, commencing at 4:30 p.m.

BACKGROUND:
The project consists of County plans to construct an approximately 0.92 mile long, ten-foot-wide asphalt shared use path along the east side of Pleasant Valley Road, connecting two existing dead-end paths.

Land rights for these improvements are required on 12 properties, including six which are owned by Fairfax County Park Authority. The Department of Public Works and Environmental Services Land Acquisition Division (LAD) has already acquired land rights on one property. The construction of this project requires the acquisition of Dedications for Public Street Purposes, Storm Drainage Easement, NOVEC Easement, and Grading Agreement and Temporary Construction Easement.

Negotiations are in progress with the five remaining private property owners. Since resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code Ann. Sections 15.2-1901 through 15.2-1905* (as amended). Pursuant to these

provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:
The Pleasant Valley Road Shared Use Path will close an approximately 0.92-mile gap between two existing paths, providing a continuous, safer pedestrian and bicycle connection along the Pleasant Valley Byway corridor between western Centreville and Chantilly. The project supports the One Fairfax Policy focus area of a multi-modal transportation system that provides accessible mobility solutions based on the principles of sustainability, diversity, and community health.

The project area is within a low vulnerability index block (1.25), with most residents being homeowners. Based on the location, design, and acquisition process, no inequities have been identified. The completed facility will be open and accessible to all users.

This public hearing directly supports the One Fairfax Policy's commitment to community involvement in the planning and implementation of County initiatives. The public hearing provides a transparent opportunity for the interests, ideas, and values of affected property owners, corridor users, and the broader public to be heard and considered before the Board acts on the proposed acquisitions. Notice is advertised in accordance with County procedures, consistent with the Policy's direction that public participation processes be inclusive and seek to overcome barriers (geography, language, time, design) that may limit participation.

LAD’s project locations are chosen by other departments, resulting in the division’s necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. This approach ensures that all property owners are treated equitably, regardless of demographic characteristics, ownership history, or their capacity to negotiate. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner.

As a result of both the project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

FISCAL IMPACT:
Funding is available in in Project ST-000036-000, County-Maintained Pedestrian Improvements, in Fund 30050, Transportation Improvements, and in Project 2G40-088-000, CSYP Bike & Pedestrian Program, in Fund 40010, County and Regional

Board Agenda Item
August 25, 2026

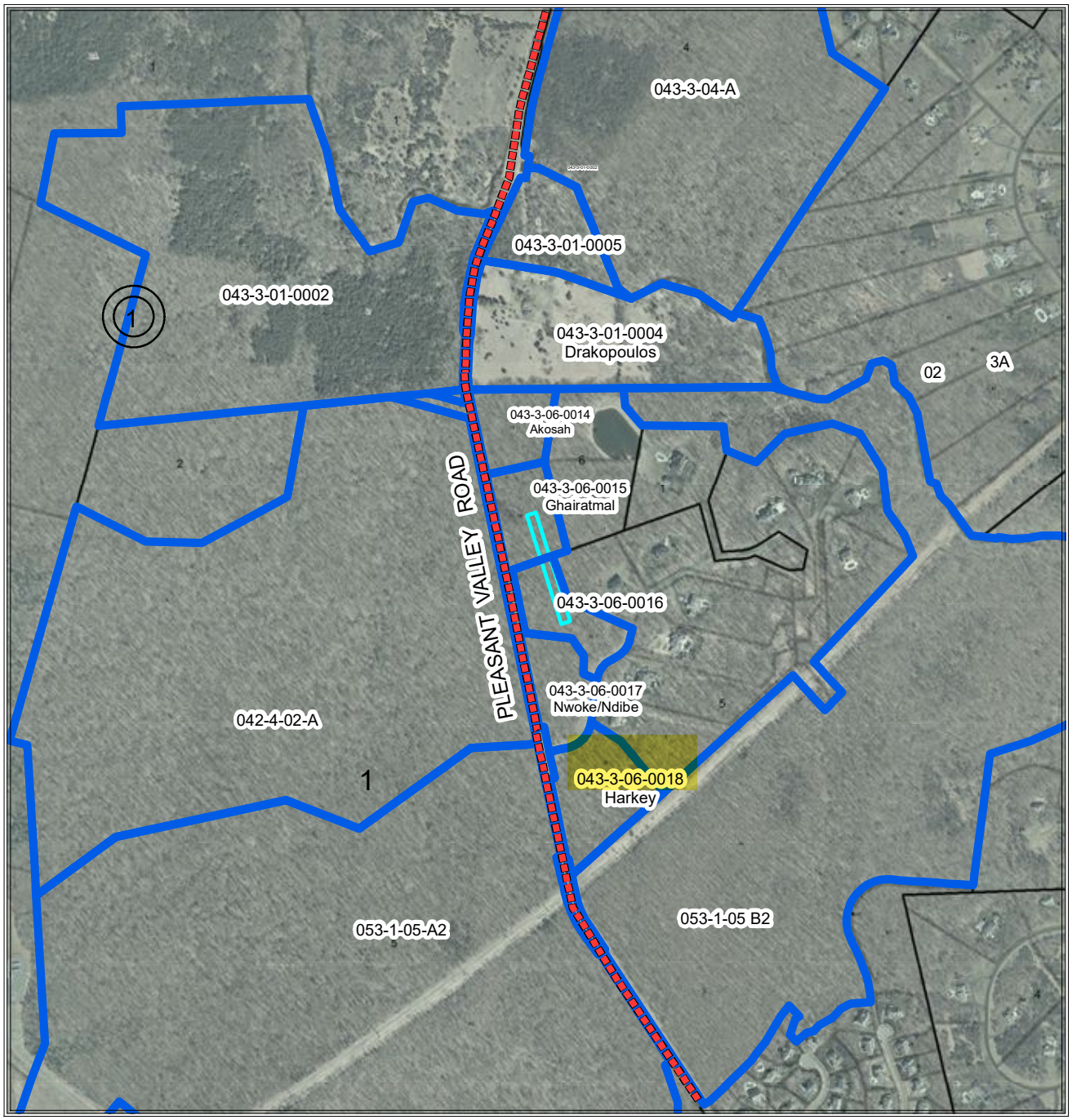
Transportation Projects. This project is included in the Adopted FY 2027 – FY 2031 Capital Improvement Program (With future Fiscal Years to FY 2036). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment A – Project Location Map
Attachment B – Resolution with Fact Sheets (Attachments 1 -5) on the Affected Parcels with Plats Showing Interests to be Acquired.

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Tiya Raju, Deputy Director, Capital Facilities (CAP), DPWES
Dennis M. Cate, Director, Land Acquisition Division, CAP, DPWES

ASSIGNED COUNSEL:
F. Hayden Codding Assistant County Attorney

ATTACHMENT A



PLEASANT VALLEY ROAD WALKWAY
ELKLICK RUN TO DOMINION POWER LINES

Project ST-000036-013

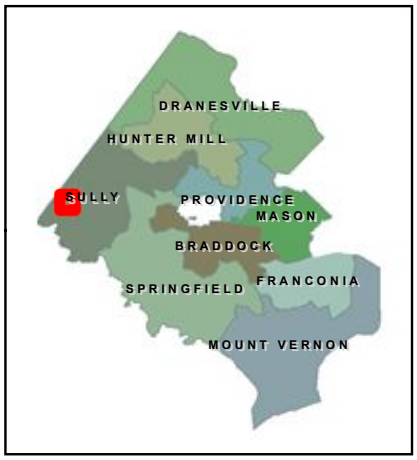
Tax Map: 042-4, 043-3, 053-1

Sully District

Affected Properties:

Proposed Improvements:

0 0.1 0.2 0.4 Miles



Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, August 25, 2026, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project Number 2G40-088-091 (aka ST-000036-013), Pleasant Valley Road Shared Use Path had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than October 9, 2026.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 5C by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the public use of constructing a ten-foot asphalt shared use path (trail) along the east side of Pleasant Valley Road, connecting two existing dead-end trails, approximately 0.92 miles long, as shown and described in the plans of Project Number 2G40-088-091 (aka ST-000036-013) as

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

shown and described in the plans of Project, Pleasant Valley Road Shared Use Path on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the *Code of Virginia* and does hereby authorize and direct the Director, Land Acquisition Division, on or after September 25, 2026, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the *Code of Virginia* as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

LISTING OF AFFECTED PROPERTIES
Project 2G40-088-091 (aka ST-000036-013) – Pleasant Valley Shared Use Path
(Sully District)

PROPERTY OWNER(S)	TAX MAP NUMBER
1. Mohammad A. Ghairatmal Address: 15801 Morgans Hamlet Court Centreville, VA 20120	043-3-06-0015
2. Richard Brian Harkey Revocable Trust Dated December 9, 2021 Co-Trustees Richard Brian Harkey & Jacklyn Elizabeth Harkey Address: 15629 Jillians Forest Way Centreville, VA 20120	043-3-06-0018
3. Jason Drakopoulos and Kimberly W. Drakopoulos, Co-Trustees of the Jason Drakopoulos Trust Dated April 2, 2024 and the Kimberly W. Drakopoulos Trust Dated April 2, 2024 Northern Virginia Conservation Trust Address: 5605 Pleasant Valley Road Centreville, VA 21020	043-3-01-0004

4. Roland O. Akosah and Pearl O. Akosah, Co-Trustees of the Roland O. Akosah Revocable Trust Dated April 13, 2018 as amended and Completely Restated on August 18, 2023, and the Pearl O. Akosah Revocable Living Trust Dated April 13, 2018 as Amended and Completely Restated on August18, 2023 — 043-3-06-0014

   Address:
   15800 Morgan Hamlet Court
   Centreville, VA 20120

5. Uzodinma Ndibe
   Elizabeth Nwoke — 043-3-06-0017

   Address:
   15628 Jillians Forest Way
   Centreville, VA 20120

A Copy – Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 043-3-06-0015

Street Address: 15801 Morgans Hamlet Court
Centreville, VA 20120

OWNER(S): Mohammad A. Ghairatmal

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

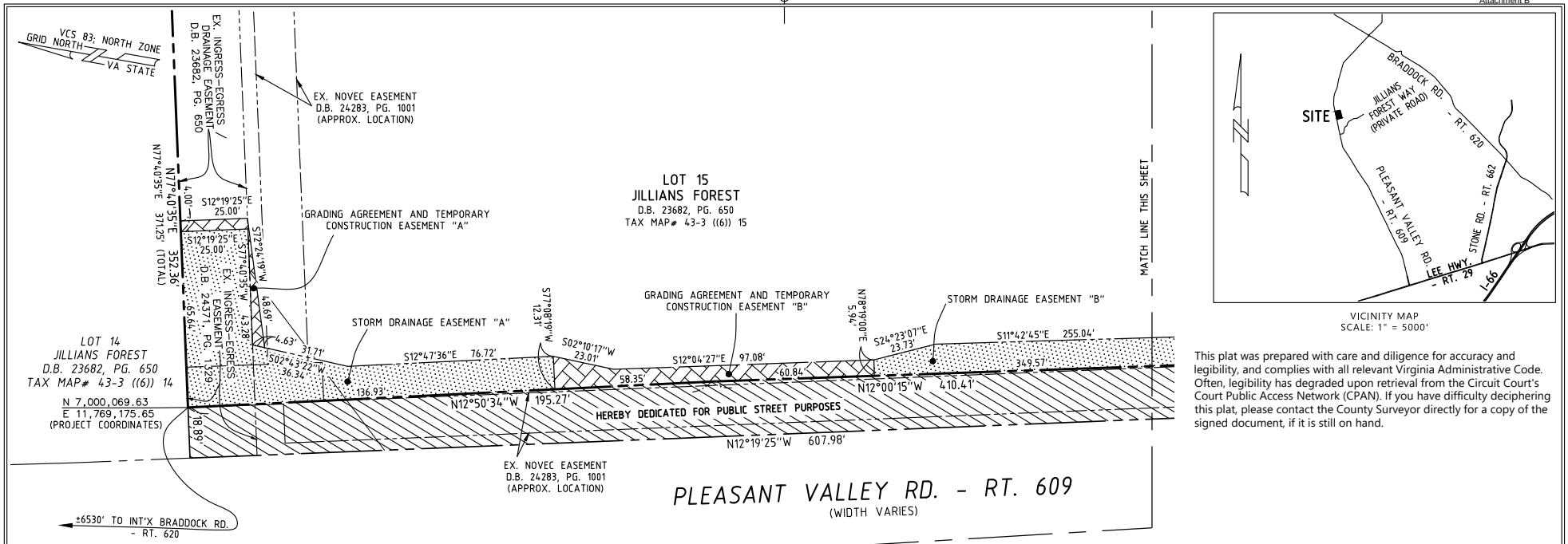
Dedication for Public Street Purposes – 11,892 sq. ft.
Storm Drainage Easement A & B 7,536 sq ft
Grading Agreement and Temporary Construction Easement A & B 994 sq
NOVEC Easement 7,943 sq ft

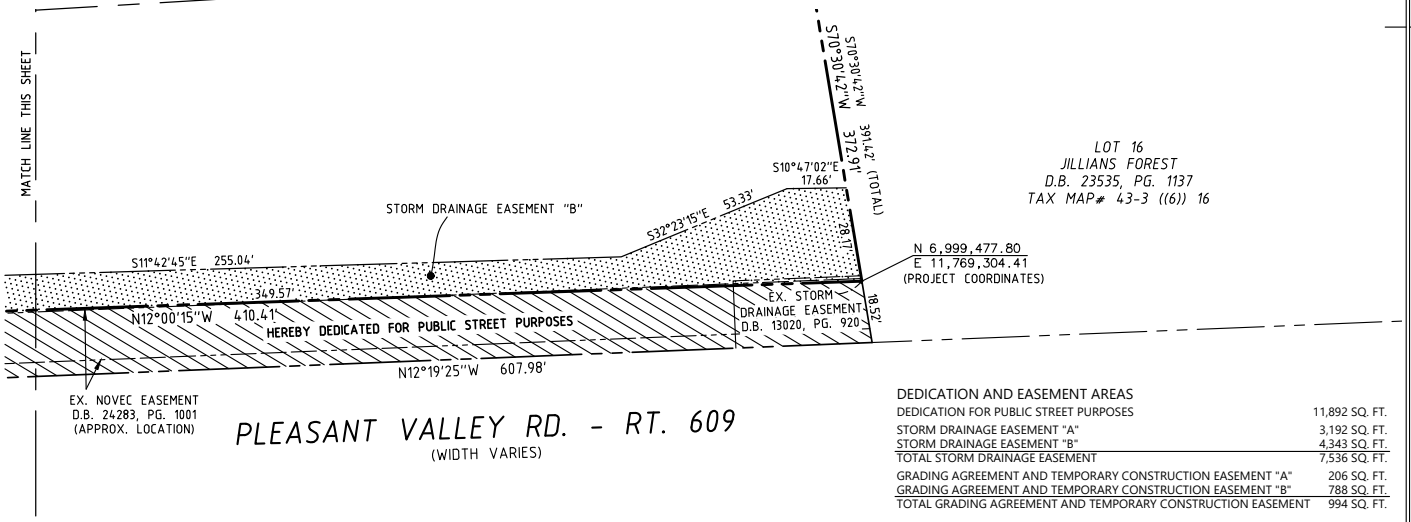
VALUE

Estimated value of interests and damages:

THIRTY EIGHT THOUSAND TWO HUNDRED FIFTY DOLLARS ($38,250.00)

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B





Notes:

This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.

The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County; all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

See the accompanying deed to this plat for information on use, ownership, maintenance and conditions of easement shown.

The property delineated on this plat is located on Tax Assessment Map 43-3 ((6)) 15.

25 0 25 50 75 Feet

Scale 1" = 25

This plat was prepared with care and diligence for accuracy and legibility, and complies with all relevant Virginia Administrative Code. Often, legibility has degraded upon retrieval from the Circuit Court's Court Public Access Network (CPAN). If you have difficulty deciphering this plat, please contact the County Surveyor directly for a copy of the signed document, if it is still on hand.

DEDICATION AND EASEMENT AREAS

DEDICATION FOR PUBLIC STREET PURPOSES	11,892 SQ. FT.
STORM DRAINAGE EASEMENT "A"	3,192 SQ. FT.
STORM DRAINAGE EASEMENT "B"	4,343 SQ. FT.
TOTAL STORM DRAINAGE EASEMENT	7,536 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A"	206 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B"	788 SQ. FT.
TOTAL GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	994 SQ. FT.

PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES,
STORM DRAINAGE EASEMENT, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 15
JILLIANS FOREST
D.B. 23682, PG. 650
BEING IN THE NAME OF
MOHAMMAD A. GHAIRATMAL
D.B. 26706, PG. 898

SULLY DISTRICT — FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

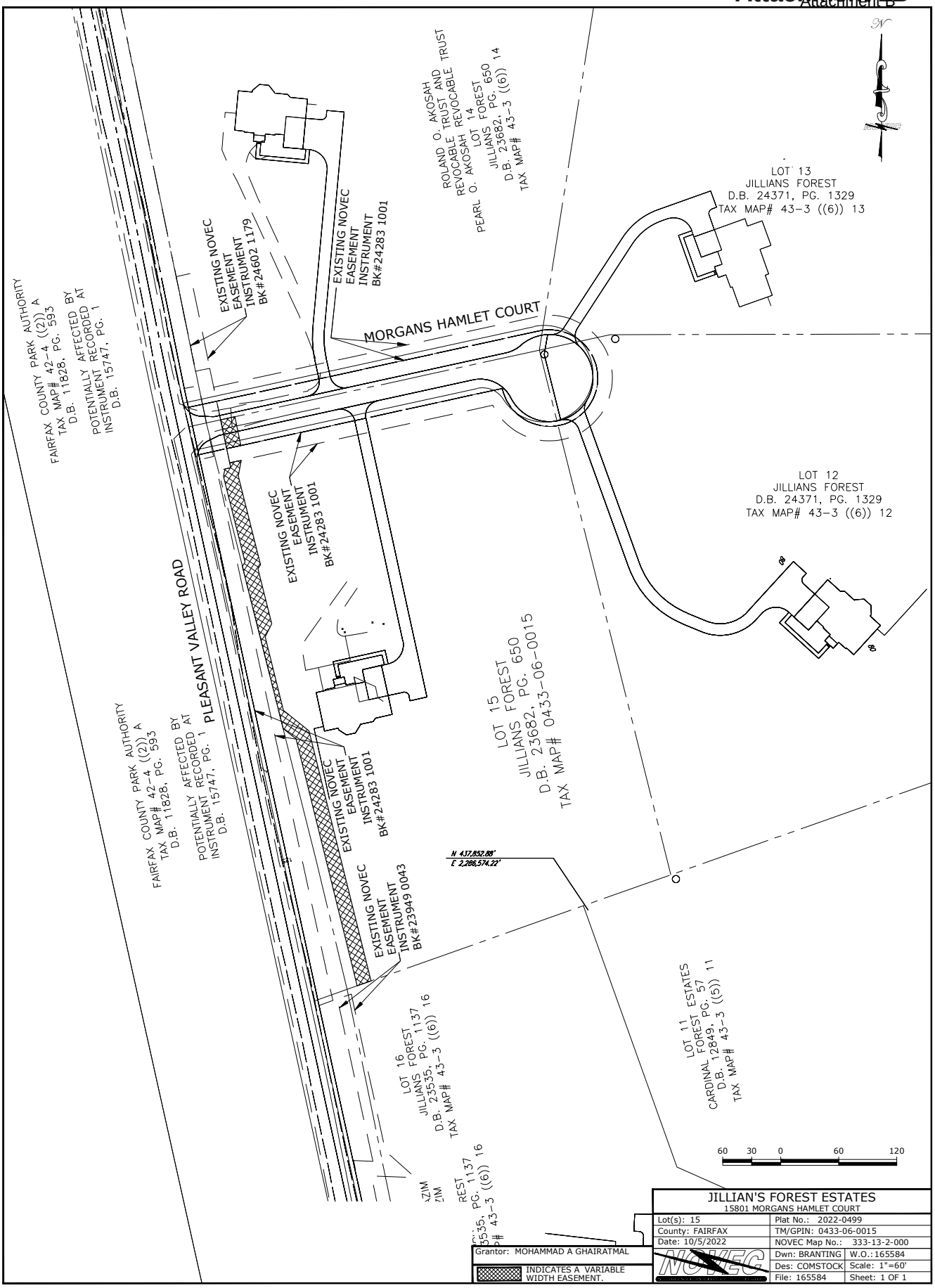
COMMONWEALTH OF VIRGINIA
Docusigned by: V. M. Anglin
B394684AE2AC4E...
VICKIE McENTIRE ANGLIN
Lic. No. 002449
05/12/2025
LAND SURVEYOR

PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 03/17/2025	SCALE: 1" = 25'	SHEET 1 OF 1

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((6)) 15 GHAIRATMAL3.dwg

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B



Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 043-3-06-0018

Street Address: 15629 Jillians Forest Way
Centreville, VA 20120

OWNER(S): Richard Brian Harkey &
Jacklyn Elizabeth Harkey- Co-Trustees of
The Richard Brian Harkey Revocable Trust
Dated December 9, 2021

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street Purposes –9,672 sq. ft.
Storm Drainage Easement A & B 16,819 sq. ft
Grading Agreement and Temporary Construction Easement A, B, C & D 6,455 sq ft
NOVEC Easement 10,516 sq ft

VALUE

Estimated value of interests and damages:

FORTY SIX THOUSAND SEVEN HUNDRED DOLLARS ($46,700.00)

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

Attachment 2A

Attachment B

Notes:

This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.

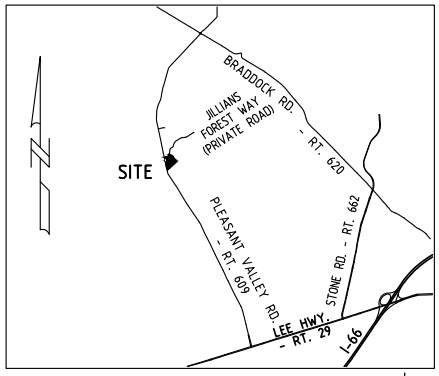
The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County; all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

See the accompanying deed to this plat for information on use, ownership, maintenance and conditions of easement shown.

The property delineated on this plat is located on Tax Assessment Map 43-3 ((6)) 18.



VICINITY MAP
SCALE: 1" = 5000'

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PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, STORM DRAINAGE EASEMENT, AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 18
JILLIANS FOREST
D.B. 23535, PG. 1137
BEING IN THE NAME OF
THE RICHARD BRIAN HARKEY REVOCABLE TRUST, DATED DECEMBER 9, 2021
D.B. 27608, PG. 75

SULLY DISTRICT — FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

COMMONWEALTH OF VIRGINIA
Digitally Signed by V. M. Anglin
B394684AE2AC4EA...
VICKIE McENTIRE ANGLIN
Lic. No. 002449
05/12/2025
LAND SURVEYOR

PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 03/19/2025	SCALE: 1" = 25'	SHEET 1 OF 2

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((6)) 18 HARKEY6.dwg

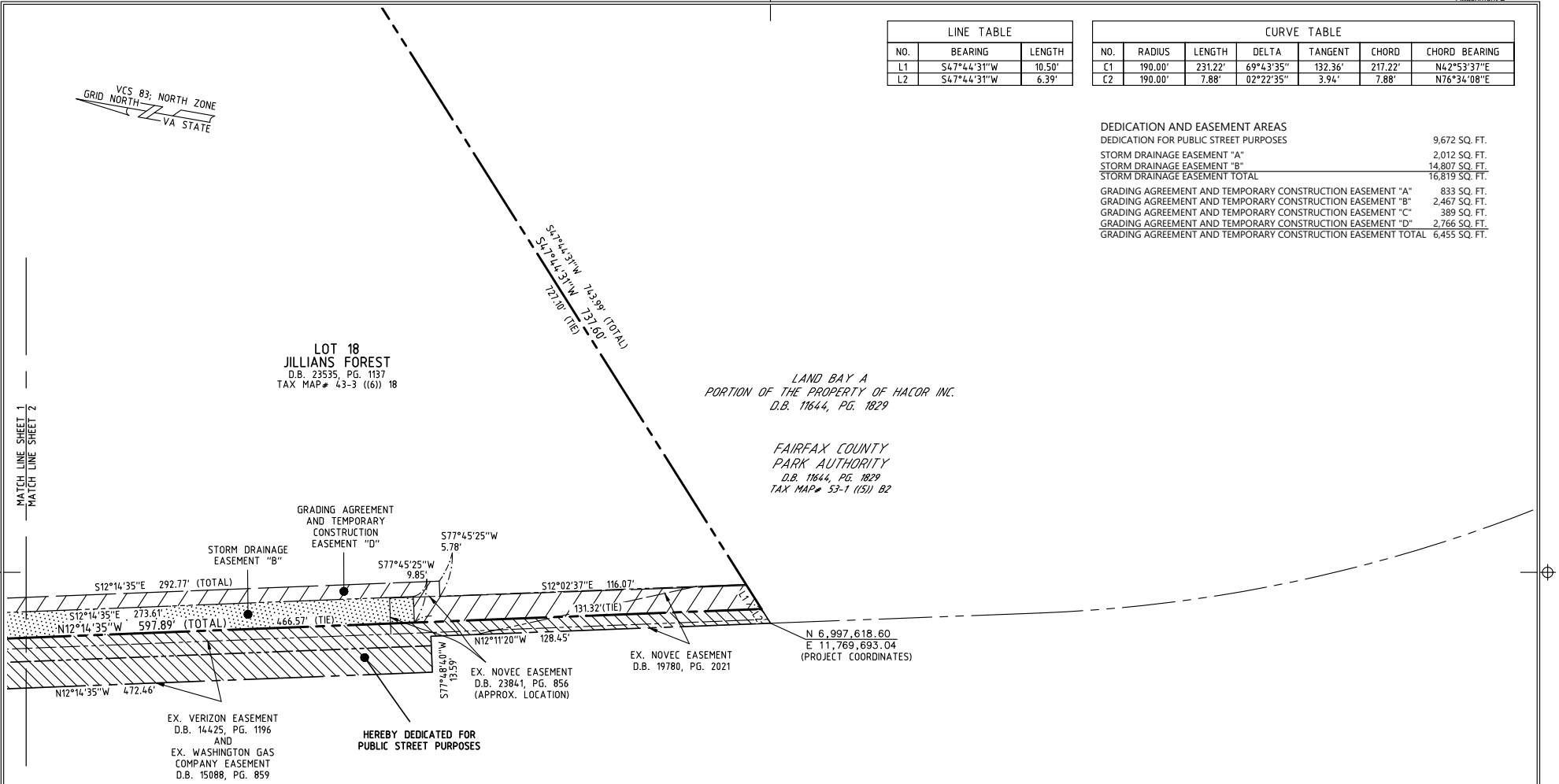
Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

LINE TABLE		
NO.	BEARING	LENGTH
L1	S47°44'31"W	10.50'
L2	S47°44'31"W	6.39'

CURVE TABLE						
NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	190.00'	231.22'	69°43'35"	132.36'	217.22'	N42°53'37"E
C2	190.00'	7.88'	02°22'35"	3.94'	7.88'	N76°34'08"E

DEDICATION AND EASEMENT AREAS

DEDICATION FOR PUBLIC STREET PURPOSES	9,672 SQ. FT.
STORM DRAINAGE EASEMENT "A"	2,012 SQ. FT.
STORM DRAINAGE EASEMENT "B"	14,807 SQ. FT.
STORM DRAINAGE EASEMENT TOTAL	16,819 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A"	833 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B"	2,467 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "C"	389 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "D"	2,766 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT TOTAL	6,455 SQ. FT.



25 0 25 50 75 Feet

Scale 1" = 25

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PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, STORM DRAINAGE EASEMENT, AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 18
JILLIANS FOREST
D.B. 23535, PG. 1137
BEING IN THE NAME OF
THE RICHARD BRIAN HARKEY REVOCABLE TRUST, DATED DECEMBER 9, 2021
D.B. 27608, PG. 75

SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

COMMONWEALTH OF VIRGINIA
Docusigned by:
V. M. Anglin
B394684AE2AC4EA...
VICKIE McENTIRE ANGLIN
Lic. No. 002449
05/12/2025
LAND SURVEYOR

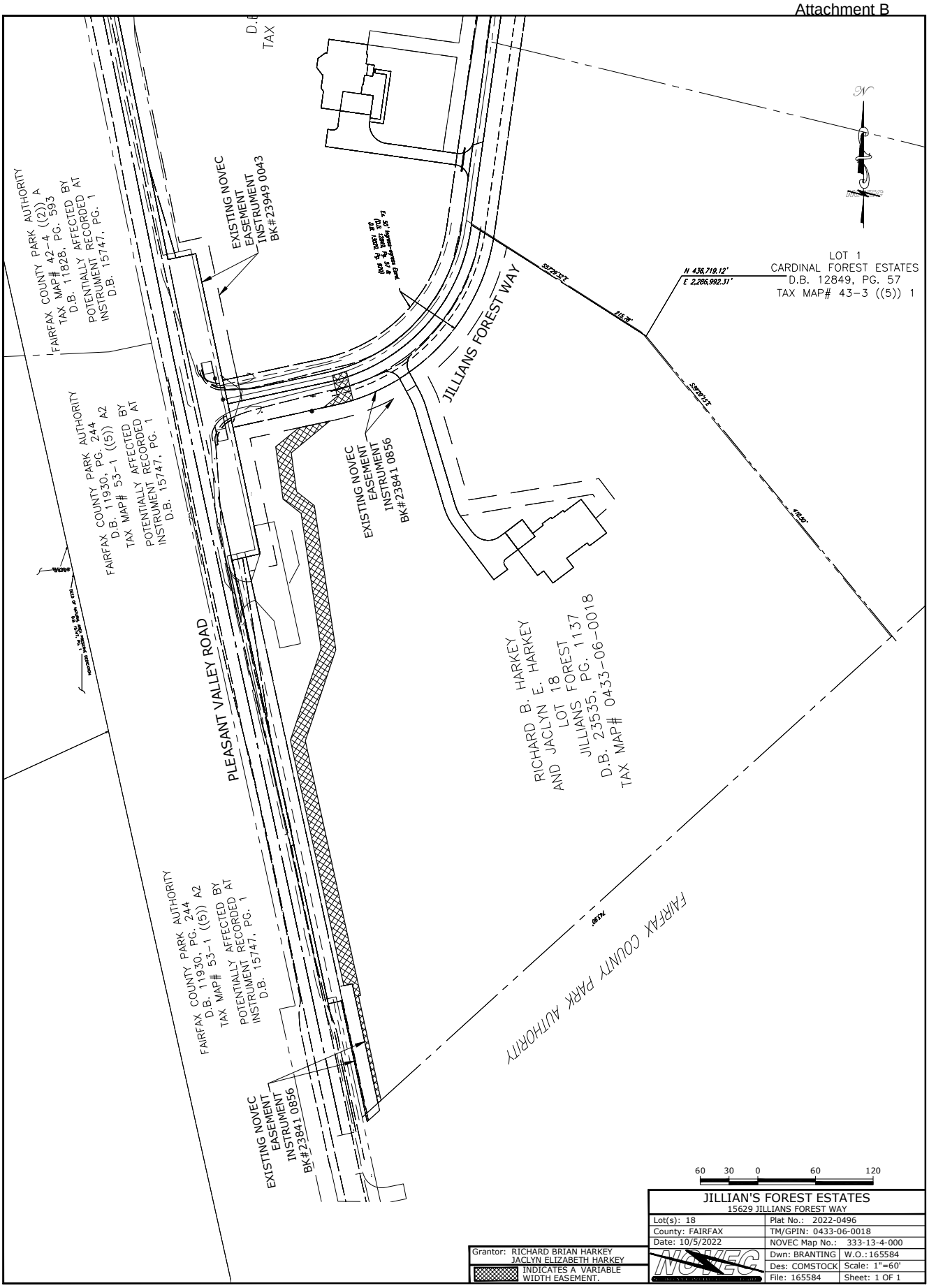
PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 03/19/2025	SCALE: 1" = 25'	SHEET 2 OF 2

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((6)) 18 HARKEY6.dwg

Attachment 2C

Attachment B



Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

ATTACHMENT 3

AFFECTED PROPERTY
Tax Map Number: 043-3-01-0004

Street Address: 5605 Pleasant Valley Road
Centreville, VA 20120

OWNER(S): Jason Drakopoulos and
Kimberly W. Drakopoulos,
Co-Trustees of the Jason Drakopoulos Trust Dated April 2, 2024 and the Kimberly W. Drakopoulos Trust Dated April 2, 2024
Northern Virginia Conservation Trust

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street Purposes –8,774 sq. ft.
Storm Drainage Easement 11,547 sq. ft
Grading Agreement and Temporary Construction Easement 4,382 sq. ft.

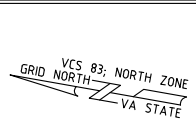
VALUE:
Estimated value of interests and damages:

FORTY-ONE THOUSAND TWO HUNDRED SEVENTY-FIVE DOLLARS
($41.275.00)

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

Attachment 3A

Attachment B



FAIRFAX COUNTY PARK AUTHORITY
D.B. 11298, PG. 301
TAX MAP# 43-3 ((1)) 5

S80°07'27"E 460.46' (TOTAL)
S80°07'27"E 443.79'

N 7,001,369.59
E 11,769,157.98
(PROJECT COORDINATES)

15.13'
1.19'
16.67'

+5190' TO INT'X BRADDOCK RD. - RT. 620

C3

HEREBY DEDICATED FOR PUBLIC STREET PURPOSES

N12°50'25"E 126.66'

PLEASANT VALLEY RD. - RT. 609
WIDTH VARIES

C4

STORM DRAINAGE EASEMENT

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

C1

S09°21'49"W 259.08'

L1

L2

S01°07'41"W 27.87'

S20°07'32"W 70.91'

S14°02'48"W 72.36'

L3 N14°02'48"E 69.92'

C6

S04°00'39"W 259.96'

N02°59'15"E 150.00'

N02°46'08"E 361.52'

252.70'

EX. TEMP. SLOPE EASEMENT
D.B. 9574, PG. 931

EX. DRAINAGE EASEMENT
D.B. 9574, PG. 931

EX. TEMP. SLOPE EASEMENT
D.B. 9574, PG. 931

MATCH LINE SHEET 1
MATCH LINE SHEET 2

JASON DRAKOPOULOS AND KIMBERLY W. DRAKOPOULOS, CO-TRUSTEES OF THE JASON DRAKOPOULOS TRUST DATED APRIL 2, 2024
AND
KIMBERLY W. DRAKOPOULOS AND JASON DRAKOPOULOS, CO-TRUSTEES OF THE KIMBERLY W. DRAKOPOULOS TRUST DATED APRIL 2, 2024
D.B. 28101, PG. 1038
TAX MAP # 43-3 ((1)) 4

Notes:

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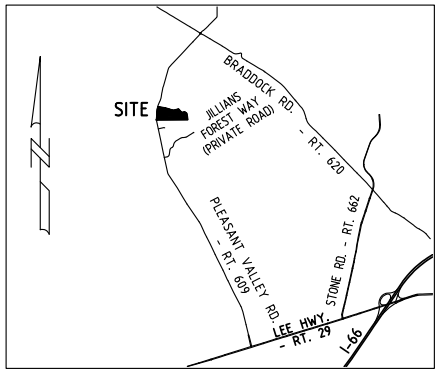
The property delineated on this plat is located on Tax Assessment Map 43-3 ((1)) 4.



VICINITY MAP
SCALE: 1" = 5000'

LINE TABLE		
NO.	BEARING	LENGTH
L1	N51°26'53"W	12.96'
L2	N07°09'27"E	22.81'
L3	N59°09'16"E	10.99'

CURVE TABLE						
NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	1541.37'	231.73'	08°36'50"	116.08'	231.51'	N13°02'30"E
C2	593.08'	91.25'	08°48'54"	45.71'	91.16'	N01°38'19"W
C3	924.93'	21.31'	01°19'11"	10.65'	21.31'	N13°30'01"E
C4	1526.37'	237.56'	08°55'02"	119.02'	237.32'	S12°57'50"W
C5	578.08'	90.39'	08°57'32"	45.29'	90.30'	S01°42'38"E
C6	924.93'	159.05'	09°51'10"	79.72'	158.86'	N07°54'50"E

DEDICATION AND EASEMENT AREAS

DEDICATION FOR PUBLIC STREET PURPOSES	8,774 SQ. FT.
STORM DRAINAGE EASEMENT	11,547 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	4,382 SQ. FT.

25 0 25 50 75 Feet
Scale 1" = 25

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PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, AND
STORM DRAINAGE EASEMENT, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH
LAND BEING IN THE NAME OF
JASON DRAKOPOULOS AND
KIMBERLY W. DRAKOPOULOS, CO-TRUSTEES OF
THE JASON DRAKOPOULOS TRUST DATED APRIL 2, 2024
AND
KIMBERLY W. DRAKOPOULOS AND
JASON DRAKOPOULOS, CO-TRUSTEES OF
THE KIMBERLY W. DRAKOPOULOS TRUST DATED APRIL 2, 2024

SULLY DISTRICT | D.B. 28101, PG. 1038 | FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

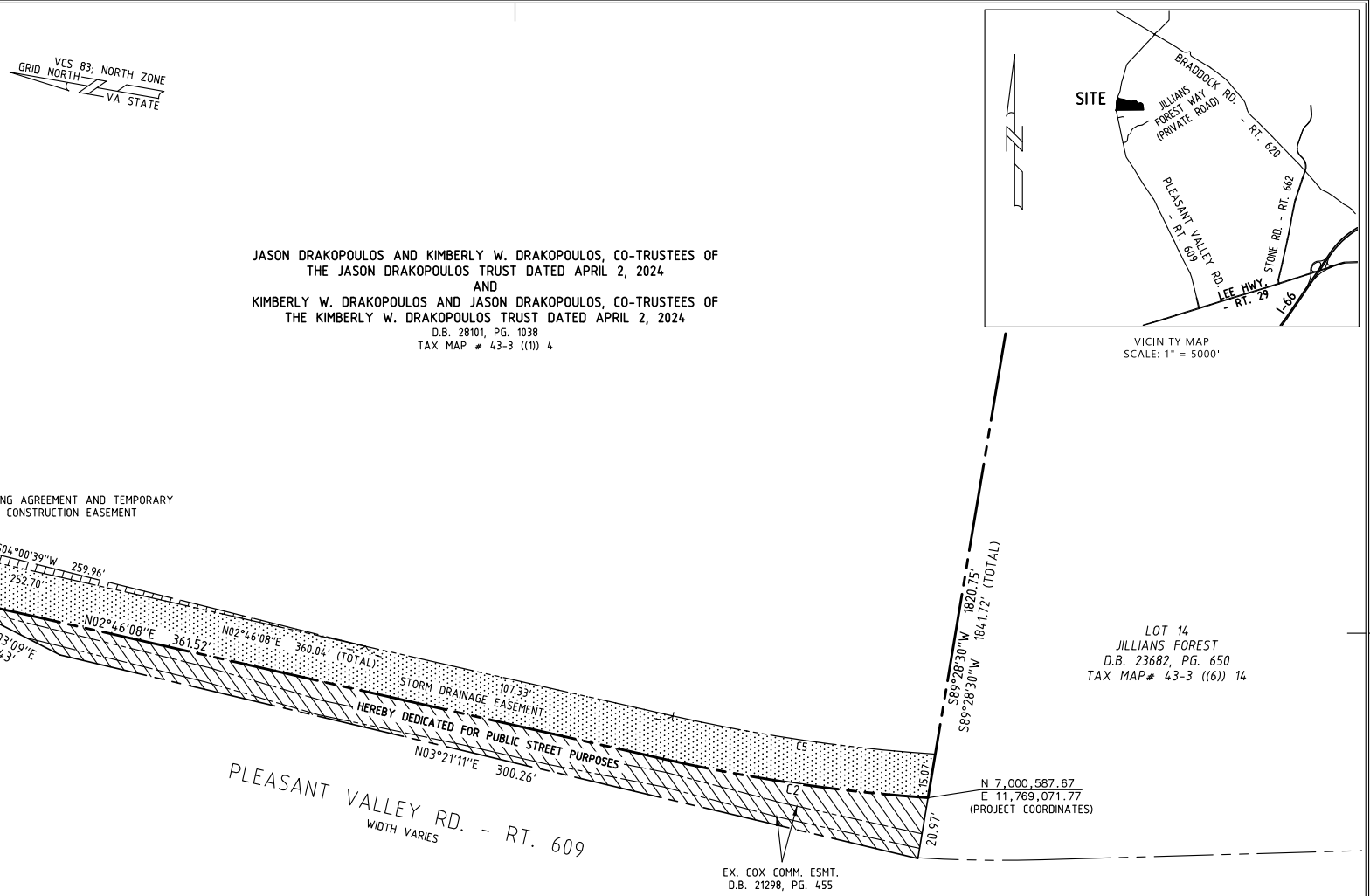
COMMONWEALTH OF VIRGINIA
Signed by: Vickie McEntire Anglin
VICKIE McENTIRE ANGLIN
Lic. No. 002449
December 15, 2025
LAND SURVEYOR

PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 12/15/2025	SCALE: 1" = 25'	SHEET 1 OF 2

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((1)) 4 DRAKOPOULOS3.dwg

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B



PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, AND
STORM DRAINAGE EASEMENT, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH
LAND BEING IN THE NAME OF
JASON DRAKOPOULOS AND
KIMBERLY W. DRAKOPOULOS, CO-TRUSTEES OF
THE JASON DRAKOPOULOS TRUST DATED APRIL 2, 2024
AND
KIMBERLY W. DRAKOPOULOS AND
JASON DRAKOPOULOS, CO-TRUSTEES OF
THE KIMBERLY W. DRAKOPOULOS TRUST DATED APRIL 2, 2024

SULLY DISTRICT | D.B. 28101, PG. 1038 | FAIRFAX COUNTY, VIRGINIA

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COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

Signed by: Vickie McEntire Anglin
B394684AE2AC4EA...
COMMONWEALTH OF VIRGINIA
VICKIE McENTIRE ANGLIN
Lic. No. 002449
December 15, 2025
LAND SURVEYOR

PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 12/15/2025	SCALE: 1" = 25'	SHEET 2 OF 2

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((1)) 4 DRAKOPOULOS3.dwg

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

ATTACHMENT 4

AFFECTED PROPERTY
Tax Map Number: 043-3-06-0014

Street Address: 15800 Morgans Hamlet Court
Centreville, VA 20120

OWNER(S): Roland O. Akosah and Pearl O. Akosah, Co-Trustees of the Roland O. Akosah Revocable Trust Dated April 13, 2018, as amended and completely Restated on August 18, 2023, and the Pearl O. Akosah Revocable Living Trust Dated April 13, 2018, as Amended and Completely Restated on August 18, 2023.

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street Purposes –10,318 sq. ft.
Storm Drainage Easement 4,464 sq ft
Grading Agreement and Temporary Construction Easement A & B 3,518 sq. ft.
NOVEC Easement 6,062 sq ft

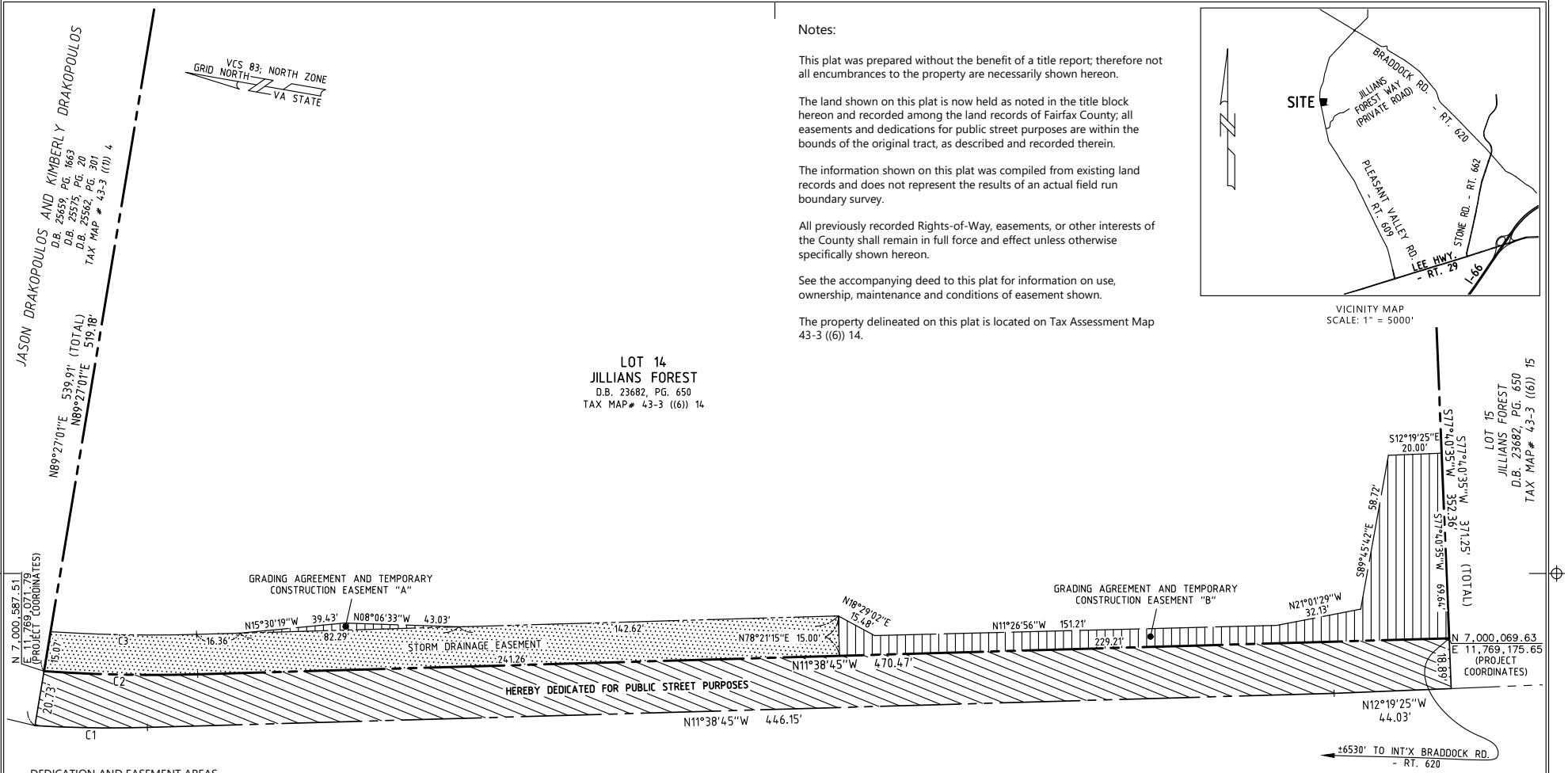
VALUE:
Estimated value of interests and damages:

THIRTY-FOUR THOUSAND TWO HUNDRED DOLLARS
($34,200.00)

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

Attachment 4A

Attachment B



Notes:

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The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County; all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

See the accompanying deed to this plat for information on use, ownership, maintenance and conditions of easement shown.

The property delineated on this plat is located on Tax Assessment Map 43-3 ((6)) 14.

VICINITY MAP
SCALE: 1" = 5000'

DEDICATION AND EASEMENT AREAS

DEDICATION FOR PUBLIC STREET PURPOSES	10,318 SQ. FT.
STORM DRAINAGE EASEMENT	4,464 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A"	109 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B"	3,409 SQ. FT.
TOTAL GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	3,518 SQ. FT.

CURVE TABLE

NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	474.37'	42.28'	05°06'23"	21.15'	42.26'	N09°05'34"W
C2	593.08'	57.80'	05°35'03"	28.92'	57.78'	N08°51'14"W
C3	578.08'	54.89'	05°26'26"	27.47'	54.87'	S08°55'32"E

25 0 25 50 75 Feet
Scale 1" = 25

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PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES,
STORM DRAINAGE EASEMENT, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 14
JILLIANS FOREST
D.B. 23682, PG. 650
BEING IN THE NAME OF
ROLAND O. AKOSAH REVOCABLE TRUST (½ INTEREST)
and
PEARL O. AKOSAH REVOCABLE TRUST (½ INTEREST)
D.B. 27979, PG. 22
D.B. 25384, PG. 1929

SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

DocuSigned by:
CHRISTOPHER J. JENSEN
Lic. No. 002581
11/14/2023
LAND SURVEYOR

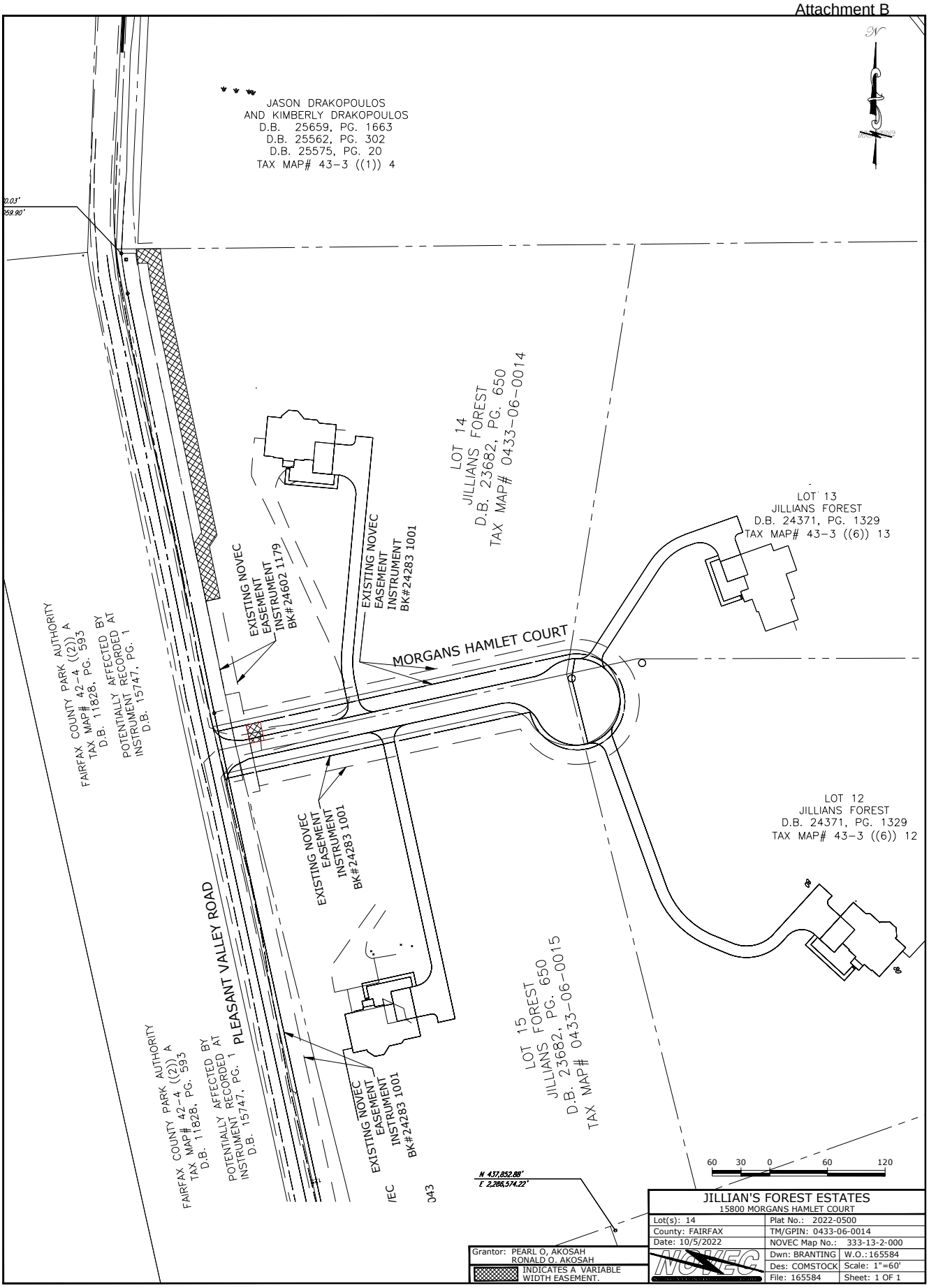
PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 11/13/2023	SCALE: 1" = 25'	SHEET 1 OF 1

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((6)) 14 AKOSAH2.dwg

Attachment 4B

Attachment B



Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

ATTACHMENT 5

AFFECTED PROPERTY

Tax Map Number: 043-3-06-0017
Street Address: 15628 Jillians Forest Way
Centreville, VA 20120

OWNER(S): Uzodinma Ndibe
Elizabeth Nwoke

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street Purposes – 10,397 sq. ft.
Grading Agreement and Temporary Construction Easement A & B
11,208 sq ft
NOVEC Easement 10,265 sq ft

VALUE

Estimated value of interests and damages:

THIRTY-TWO THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS ($32,625.00)

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B

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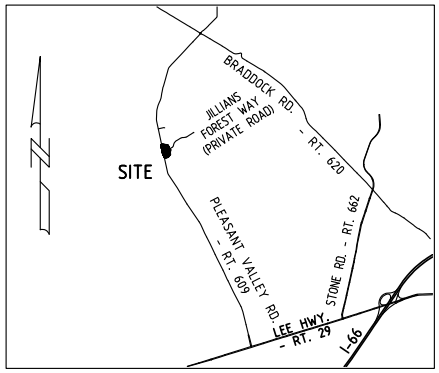
The property delineated on this plat is located on Tax Assessment Map 43-3 ((6)) 17.



VICINITY MAP
SCALE: 1" = 5000'

VCS 83; NORTH ZONE
GRID NORTH
VA STATE

S83°29'25"E 319.52' (TOTAL)
S83°29'25"E 301.87'

LOT 17
JILLIANS FOREST
D.B. 23535, PG. 1137
TAX MAP# 43-3 ((6)) 17

MATCH LINE SHEET 1
MATCH LINE SHEET 2

EX. STORM DRAINAGE EASEMENT
D.B. 13020, PG. 920

LOT 16
JILLIANS FOREST
D.B. 23535, PG. 1137
TAX MAP# 43-3 ((6)) 16

S11°37'03"E 590.29'

N 6,999,102.38
E 11,769,382.60
(PROJECT COORDINATES)

15.22'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A"

N11°42'22"W 594.91'

17.65'

HEREBY DEDICATED FOR PUBLIC STREET PURPOSES

N11°35'15"W 600.56'

EX. NOVEC EASEMENT
D.B. 23949, PG. 42
(APPROX. LOCATION)

±3,880' RIDINGS MANOR PLACE - Rt. 10109

PLEASANT VALLEY RD. - RT. 609
(WIDTH VARIES)

25 0 25 50 75
Feet
Scale 1" = 25

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PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 17
JILLIANS FOREST
D.B. 23535, PG. 1137
BEING IN THE NAME OF
ELIZABETH NWOKE and UZODINMA NDIBE
D.B. 24713, PG. 1479

SULLY DISTRICT — FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

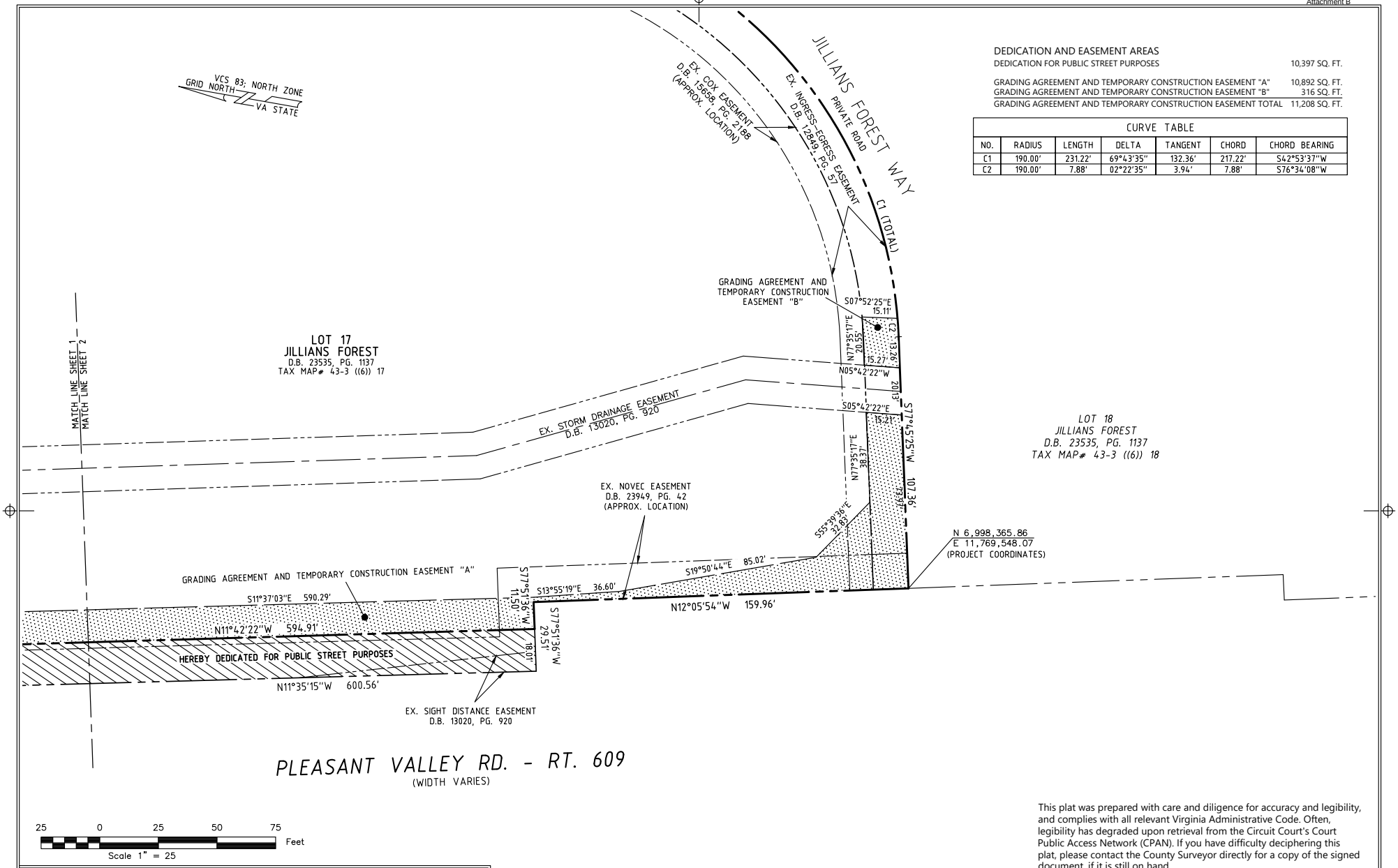
COMMONWEALTH OF VIRGINIA
DocuSigned by: V. M. Anglin
B394684AE2AC4EA...
VICKIE McENTIRE ANGLIN
Lic. No. 002449
05/12/2025
LAND SURVEYOR

PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 03/18/2025	SCALE: 1" = 25'	SHEET 1 OF 2

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((6)) 17 NWOKE4.dwg

Docusign Envelope ID: 5A2D280B-E603-89FF-83F7-076218488D2B



DEDICATION AND EASEMENT AREAS

DEDICATION FOR PUBLIC STREET PURPOSES	10,397 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A"	10,892 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B"	316 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT TOTAL	11,208 SQ. FT.

CURVE TABLE

NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	190.00'	231.22'	69°43'35"	132.36'	217.22'	S42°53'37"W
C2	190.00'	7.88'	02°22'35"	3.94'	7.88'	S76°34'08"W

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PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 17
JILLIANS FOREST
D.B. 23535, PG. 1137
BEING IN THE NAME OF
ELIZABETH NWOKE and UZODINMA NDIBE
D.B. 24713, PG. 1479

SULLY DISTRICT — FAIRFAX COUNTY, VIRGINIA

COUNTY OF FAIRFAX
VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
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LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

COMMONWEALTH OF VIRGINIA
VICKIE McENTIRE ANGLIN
Lic. No. 002449
05/12/2025
LAND SURVEYOR

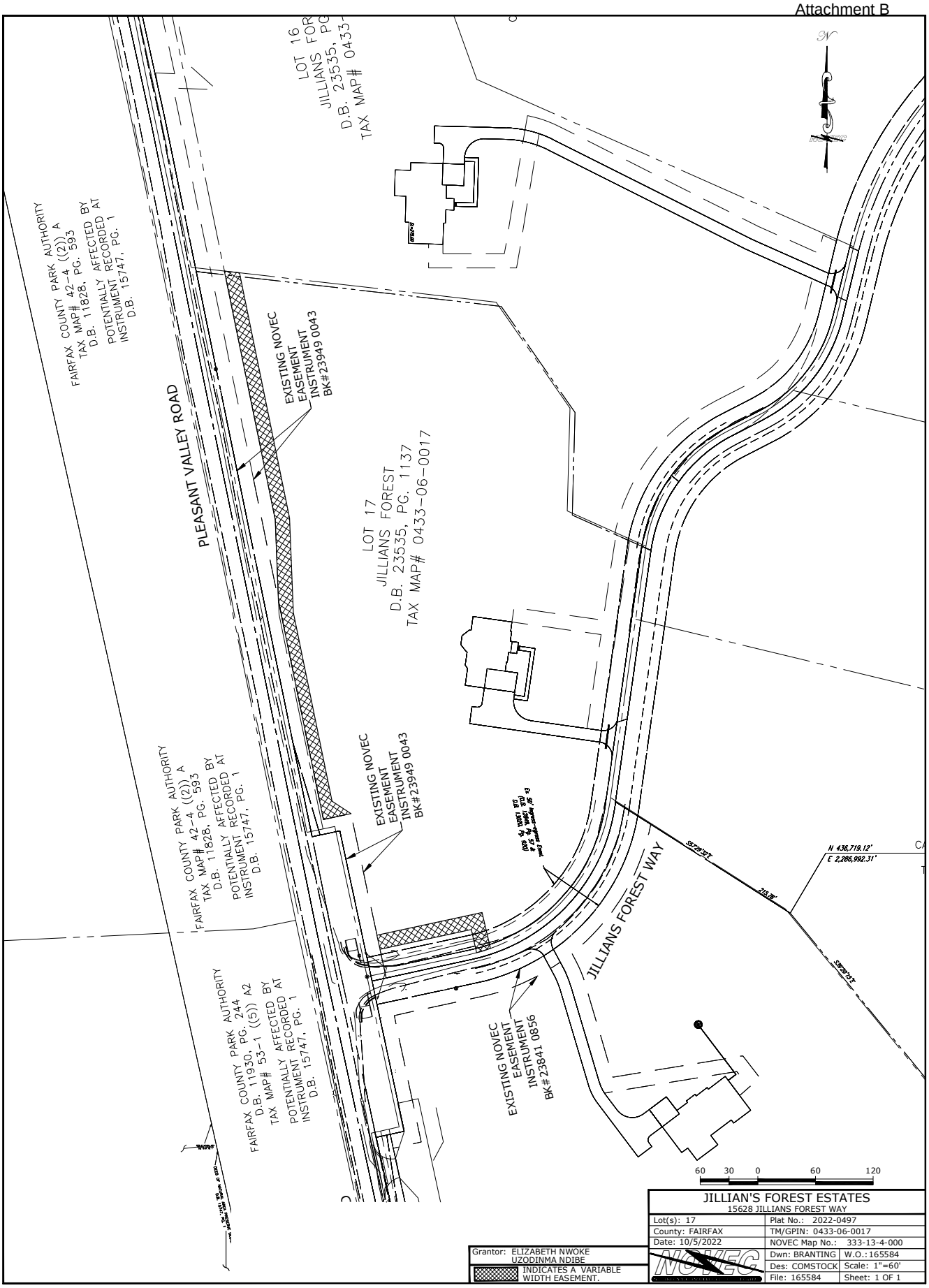
PLEASANT VALLEY ROAD
SHARED USE PATH
PROJECT NUMBER ST-000036-013

DRAWN BY: MS	DATE: 03/18/2025	SCALE: 1" = 25'	SHEET 2 OF 2

J:\CAP\Projects\Land Survey\0433 ST-000036-013 Pleasant Valley Rd Walkway-Elklick Run\Dwg\PLATS\43-3 ((6)) 17 NWOKE4.dwg

Attachment 5C

Attachment B



Board Agenda Item
August 25, 2026

4:30 p.m.

Public Hearing to Consider Amendments to Chapter 122 (Tree Conservation Ordinance), Article 9 (Tree Commission) of the Code of the County of Fairfax, Virginia

ISSUE:
Public hearing to consider adoption of the proposed amendments to Article 9, Chapter 122, of the Code of the County of Fairfax, relating to the Tree Commission. As a result of the proposed amendments, Article 9 of Chapter 122 would be repealed, and the Fairfax County Tree Commission would be dissolved. The advisory capacity of the Tree Commission for the focus areas of trees and natural resources will be assumed by a restructured Environmental Commission.

RECOMMENDATION:
The County Executive recommends approval of the proposed amendments to Fairfax County Code Chapter 12, Article 9 effective upon adoption.

TIMING:
On July 14, 2026, the Board authorized advertisement of a public hearing on proposed amendments to Fairfax County Code Chapter 122, Article 9, to be held on August 25, 2026, at 4:30 p.m. Board action is requested on August 25, 2026.

BACKGROUND:
On February 20, 2024, Chairman McKay and Supervisor Smith introduced a Joint Board Matter to initiate a comprehensive review of Fairfax County's Boards, Authorities and Commissions (BACs), which was approved unanimously by the Board of Supervisors. The comprehensive review of existing BACs was requested to ensure their original purpose is still relevant to the community, to ensure that the BACs are fulfilling their purpose, and to identify opportunities to reduce any redundancies in the work of the BACs. Supervisor Smith and Sully District staff worked with the Office of the County Executive to thoroughly review the County's BACs and provide recommendations to the Board of Supervisors. The recommendations include ways to ensure continued contributions from our community through a well-organized and high performing BAC system, reduce redundancies and inefficiencies and improve the efficiency, effectiveness, and diversity of the BAC system.

As part of the BAC review, the first step that was conducted as part of the review of environmental BACs was to ensure that Fairfax County remains dedicated to its environmental priorities that have been expanded and enhanced over time.

The Tree Commission was established in 1973 and is staffed by the Department of Public Works and Environmental Services' (DPWES) Urban and Community Forestry Division (UCFD). Its purpose, as stated in Chapter 122-9-1 of the Code is to:

1. Advise the Board of Supervisors on actions it might take to protect, improve and expand the urban forest across Fairfax County.
2. Review and comment at its discretion on selected actions being considered by the Planning Commission, the Board of Zoning Appeals, the Fairfax County Schools and Board, the Fairfax County Park Authority and Board, and any other County or related agencies that may impact the urban forest.
3. Report annually to the Board of Supervisors on the administration and implementation of ordinances, policies and programs regarding:
    A. Tree preservation and planting requirements of the Code of Ordinances and the Public Facilities Manual.
    B. County agencies' design, installation and maintenance of natural landscapes pursuant to the Board of Supervisors' Natural Landscaping Policy.
    C. Activities of public and private entities to promote tree planting and care on private property.
4. Recommend to the Board of Supervisors improvements to the Fairfax County Tree Action Plan as appropriate.
5. Represent the Board of Supervisors in the Community of Practice established in accordance with the Fairfax Tree Action Plan.
6. Provide outreach on behalf of the Board of Supervisors to private organizations and County citizens regarding the benefits of protecting, improving and expanding Fairfax County's urban forest.

The Commission has 15 seats, including representative for each magisterial district and an at-large seat appointed by the Chairman's office. In addition, there is one representative for each of the following: EQAC, Northern Virginia Soil and Water Conservation District, Park Authority, Virginia Department of Extension and Continuing Education, and the Virginia Department of Forestry. Terms are three years long, and the group meets monthly.

Since the 1973 formation of the Tree Commission and the Office of the Arborist, Fairfax County has increased its work to preserve tree canopy through various means. County staff expertise on trees and environmental matters has grown significantly and programs and policies have been created and expanded. In 1992, the County formed a

specialized group (now UCFD) to focus on this topic area. UCFD has evolved and expanded over time and was rebranded in 2024 to better reflect its localized public outreach and green initiatives. This division currently sits within DPWES. In 2006 and 2008, the Board of Supervisors adopted its first countywide Tree Action Plan and its Tree Conservation Ordinance, respectively. It should be noted that Fairfax County will maintain its Tree City USA designation for a 44th consecutive year in Board Calendar Year 2026 through the ongoing efforts of DPWES' Urban and Community Forestry Division (UCFD). The County also established the Office of Environmental and Energy Coordination (OEEC) in 2019, a department focused specifically on the environment, streamlining cross-organizational implementation of the County's major environmental, energy and climate policies. In 2023, a Forest Conservation Branch was integrated into Land Development Services to streamline forestry reviews during the planning process. The evolution of staff functions around the topic of trees and natural resources highlights a continued focus on the environment.

Community participation on the topic of trees has also expanded since the formation of the Tree Commission. UCFD's Tree Community of Practice was formed in 2019, originating in the Tree Action Plan. The purpose of this group is to bring together public agencies, residents, and private stakeholders to collaboratively protect the County's urban canopy. UCFD will continue to manage this group, which has been successful in its collaborative approach between stakeholders. In addition, DPWES is pursuing additional mechanisms for conducting professional outreach to the community through the Virginia Cooperative Extension (VCE) program, which has been used successfully in other related efforts. The Resilient Fairfax Community Advisory Group, managed by OEEC, is an additional way that residents may participate in the County's environmental work. This group is composed of residents, BAC representatives, and representatives from various organizations to ensure equitable and representative climate resilience planning and implementation.

As a result of the BAC review, the scope of the Tree Commission was found to overlap with the Environmental Quality Advisory Council (EQAC), which serves the Board of Supervisors as a general environmental advisory body. To maximize the efficiency of staff resources and the contributions of people willing to serve on BACs, the Office of the County Executive recommended a restructuring of the County's environmental BACs. It is recommended that EQAC is restructured to form the Environmental Commission to advise the Board of Supervisors on environmental matters, combining elements of the Tree Commission and EQAC, and that the Tree Commission is dissolved. The restructured Environmental Commission will advise the Board on actions it may take to protect, conserve, and enhance Fairfax County's natural environment and its resilience given the impacts of climate change on current and future generations including at least two Commissioners with expertise in forestry and natural resources, and for this topic to be part of each annual Work Plan for the group. As a result of this

intentional focus on trees and natural resources, UCFD coordinated and confirmed with the Virginia Department of Forestry, the state's delegated administrator for the Tree City USA program, that the newly restructured Environmental Commission will fulfill the program's board/commission requirements. As a result, Fairfax will continue to adhere to the Tree City requirements and strive to maintain our designation in future years even with this restructuring.

Based on the overlap in scope with the Environmental Quality Advisory Council, the proposed restructure of EQAC into the Environmental Commission, and the County's continued and expanded prioritization of environmental and specific tree-related work, the Office of the County Executive recommends that the Board adopt the proposed amendment to County Code Chapter 122 and dissolve the Commission.

EQUITY IMPACT:
The comprehensive review of the BACs that identified these BACs for dissolution supports the County's Strategic Outcome Area: Effective and Efficient Government (EEG). Two EEG strategies are related to the BAC dissolution: "Review and improve the structure, operations and impact of county boards, authorities and commissions to better reflect the current needs and demographics of the county" (EEG 7), and "Ensure diverse representation and inclusiveness in power and decision-making opportunities" (EEG 16). In addition to the dissolutions proposed in this Item and in the comprehensive review overall, additional recommendations were proposed for the system of BACs to promote BAC composition that more closely reflect the diversity of the County related to race/ethnicity, gender, age, and other characteristics. Recommendations include capacity building, greater awareness of opportunities, and consideration of demographics in appointments to involve people who have been historically excluded in decision making. The proposed dissolution represents one facet of this overall review that will make the BAC system more efficient, effective and diverse.

Members of the public will continue to have opportunities to provide their input on tree and other environmental topics through the work of the UCFD's Tree Community of Practice group, OEEC's Resilient Fairfax Community Advisory Group, as well as at regular public meetings of the restructured Environmental Commission. Additionally, there are numerous volunteer opportunities specifically related to tree advocacy and other environmental matters within Fairfax County. In addition, the Environmental Commission will be tasked with promoting awareness of sound environmental practices and programs that advance county goals on behalf of the Board to private organizations and county residents; and providing a public forum that brings people together to discuss, act on, and intentionally incorporate diverse perspectives that reflect the county as a whole on environmental matters.

Board Agenda Item
August 25, 2026

FISCAL IMPACT:
This action is projected to result in cost savings of approximately $20,000, previously allocated for meeting facilitation support, as well as saving about 600 staff hours per year.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amendments to Article 9, Chapter 122 of the Code of the County of Fairfax

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Jennifer Miller, Deputy County Executive
Christina Jackson, Deputy County Executive/Chief Financial Officer
William Hicks, Director, Land Development Services
Christopher Herrington, Director, Department of Public Works and Environmental Services
Brian Keightley, Director, Urban and Community Forestry Division, Department of Public Works and Environmental Services

ASSIGNED COUNSEL:
John A. Dorsey, Assistant County Attorney

AN ORDINANCE AMENDING THE FAIRFAX COUNTY CODE BY REPEALING ARTICLE 9 OF CHAPTER 122, RELATING TO THE TREE COMMISSION

AN ORDINANCE to amend the Fairfax County Code by repealing Article 9 of Chapter 122, relating to the Tree Commission.

Draft of June 15, 2026

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

1. That Article 9 of Chapter 122 of the Fairfax County Code is repealed, as follows:

Chapter 122 – Tree Conservation Ordinance

~~**ARTICLE 9. Tree Commission.**~~

~~**Section 122-9-1. – Tree Commission.**~~

~~(a) *Purpose.* The purpose of the Tree Commission is to:~~

~~1. Advise the Board of Supervisors on actions it might take to protect, improve, and expand the urban forest across Fairfax County.~~

~~2. Review and comment, at its discretion, on selected actions being considered by the Planning Commission, the Board of Zoning Appeals, the Fairfax County Schools and School Board, the Fairfax County Park Authority and Park Authority Board, and any other County or County-related agencies that may impact the urban forest.~~

~~3. Report annually to the Board of Supervisors on the administration and implementation of ordinances, policies, and programs regarding:~~

~~A. Tree preservation and planting requirements of the Fairfax County Code and the Public Facilities Manual.~~

~~B. County agencies' design, installation, and maintenance of natural landscapes pursuant to the Board of Supervisors' Natural Landscaping Policy.~~

~~C. Activities of public and private entities to promote tree planting and care on private property.~~

~~D. Results from the Community of Practice as identified in the Fairfax County Tree Action Plan.~~

~~4. Recommend to the Board of Supervisors improvements to the Fairfax County Tree Action Plan as appropriate.~~

~~5. Represent the Board of Supervisors in the Community of Practice established in accordance with the Fairfax County Tree Action Plan.~~

6. Provide outreach on behalf of the Board of Supervisors to private organizations and county citizens regarding the benefits of protecting, improving, and expanding Fairfax County's urban forest.

(b) *Authority and Establishment.*

1. The Tree Commission was established by the Board of Supervisors on June 18, 1973, effective August 1, 1973.

2. The official title of this commission is the 'Fairfax County Tree Commission'.

(c) *Membership.*

1. The Board of Supervisors appoints the Tree Commission members. The Tree Commission may have no more than fifteen (15) members of the following composition: ten (10) citizens of the County nominated to represent each magisterial district and one at-large seat; and one representative from each of the following: Fairfax County Environmental Quality Advisory Council, Northern Virginia Soil and Water Conservation District, Fairfax County Park Authority, Fairfax County Office of Virginia Cooperative Extension, and Virginia Department of Forestry. Magisterial district representatives will be nominated by their District Supervisor and must live in the district they represent. The at-large seat will be nominated by the Chair of the Board of Supervisors and must be a Fairfax County resident.

2. Citizen members of the Commission are appointed to serve for a three (3) year term or until their successor has been appointed. An appointed successor to a vacancy serves only the unexpired portion of the term. Members may be reappointed to successive terms.

3. If a member is absent for three (3) consecutive meetings without sufficient cause, a letter will be sent to the Chairman of the Board of Supervisors asking for replacement of that member.

4. The removal or resignation or withdrawal of any or all members of the Tree Commission does not result in the dissolution of the Tree Commission.

(d) *Officers.*

1. The Tree Commission must have a Chairperson, Vice-Chairperson, Secretary, and such other officers that the Tree Commission elects from time to time.

2. Officers of the Tree Commission are to be elected once each year or when an officer withdraws from his post. An annual election meeting will be held as soon as appropriate after regular annual appointments are made.

3. The duties of the officers will be in general those defined in Robert's Rules of Order, modified as required to fit the purpose of the Tree Commission as documented in its Bylaws.

(e) *Meetings.*

1. Meetings of the Tree Commission are scheduled by the Chairperson, as needed, or upon the request of three (3) or more members. Meetings are held at a time and place to be designated by the Chairperson.

~~2. Robert's Rules of Order govern proceedings of the Tree Commission modified as required to fit the purpose of the Tree Commission as documented in its Bylaws.~~

~~(f) *Records.* The Tree Commission must keep records of all its proceedings, and the records must be made available for public inspection upon request.~~

~~(g) *Powers and Duties.*~~

~~1. The Tree Commission has the power to do any lawful acts or things reasonably necessary to carry out its purposes.~~

~~2. The Tree Commission develops and disseminates information for professional groups, developers, and citizens, and strives to inform the general public of the provisions of applicable ordinances, Board policies, and chapters of the Public Facilities Manual.~~

~~3. The Tree Commission assists the appropriate county agencies in the development and maintenance of the ordinances, the policies listed in the purpose section of this Article, and related documents which provide guidance for persons involved in planting, preserving, protecting, or replacing trees and other components of healthy forests and natural vegetation.~~

~~4. The Tree Commission presents an annual report to the County Executive and Board of Supervisors that includes:~~

~~A. A description of activities conducted.~~

~~B. A report of ongoing and anticipated activities.~~

~~C. An evaluation of the experience of the administration and implementation of the provisions set forth in applicable ordinances, Board policies, and chapters of the Public Facilities Manual including: an appraisal of the strength and comprehensiveness of the provisions; recommendations to improve implementation; and judgment as to how it is being interpreted by the public and by those affected by the requirements of these provisions.~~

~~5. The Tree Commission will be provided working facilities by the County Executive. Where required, the Tree Commission will be provided with assistance from other County agencies.~~

~~6. The Tree Commission may divide itself into ad hoc committees as the Chairperson may direct or the Tree Commission may resolve, and those ad hoc committees may acquire additional assistance from any sources as required to perform assignments so long as they are consistent with applicable ordinances, Board policies, and chapters of the Public Facilities Manual.~~

~~7. The Tree Commission may enact bylaws as may be required to aid in its efficient operation.~~

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity will not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That the Department of Public Works and Environmental Services will take all steps necessary to fully dissolve the Tree Commission, including retention of all records of the Tree Commission as required by Virginia law.

4. That the provisions of this ordinance will take effect upon adoption.

GIVEN under my hand this _____ day of _____, 2026.

_____
Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
August 25, 2026

4:30 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Crowell Road and Browns Mill Road (Hunter Mill District)

ISSUE:
Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through Truck Traffic Restriction:

- Crowell Road and Browns Mill Road, between Hunter Mill Road and Beulah Road (Hunter Mill District).

RECOMMENDATION:
The County Executive recommends that the Board approve the attached resolution (Attachment 1) endorsing Crowell Road and Browns Mill Road, between Hunter Mill Road and Beulah Road, be included in the RTAP for a through truck traffic restriction, following the aforementioned public hearing.

TIMING:
On July 14, 2026, the Board authorized advertisement of a public hearing scheduled for August 25, 2026, at 4:30 p.m.

BACKGROUND:
On April 6, 2026, the Hunter Mill District Supervisor's Office requested that staff work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Crowell Road and Browns Mill Road, between Hunter Mill Road and Beulah Road. The request stemmed from safety concerns of residents in the area related to increased truck traffic utilizing these roads as a shortcut to get to Leesburg Pike (Route 7). A reasonable alternate route has been identified (Attachment 1) for Crowell Road and Browns Mill Road and would start at the intersection of Beulah Road and Browns Mill Road, travel north along Beulah Road to the intersection of Leesburg Pike (Route 7) and Beulah Road, continue west on Leesburg Pike (Route 7) to the intersection of Leesburg Pike (Route 7) and Baron Cameron Avenue, travel southwest along Baron Cameron Avenue to the intersection of Hunter Mill Road and Baron Cameron Avenue, and continue south on Hunter Mill Road to reach Crowell Road.

Board Agenda Item
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Section 46.2-809 of the Code of Virginia provides that a local governing body may, after holding a duly advertised public hearing, formally request that the Commonwealth Transportation Board or its designee (VDOT) prohibit or restrict through truck traffic on a primary or secondary road. Pursuant to this statute, a resolution formally requesting the restriction of through truck traffic on Crowell Road and Browns Mill Road (Attachment 2) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request. Based on the findings of the formal engineering review, VDOT will determine whether the through-truck restriction request may advance to be review by the Commonwealth Transportation Board.

EQUITY IMPACT:
The project area is located within two census tracts (4819 and 4601) identified in the 2021 Vulnerability Index. Both census tracts are considered to have an overall low vulnerability. However, individual indicators show Median Income, Homeownership and Severely Rent Burdened are rated as high or very high vulnerability. There are no inequities identified.

FISCAL IMPACT:
None.

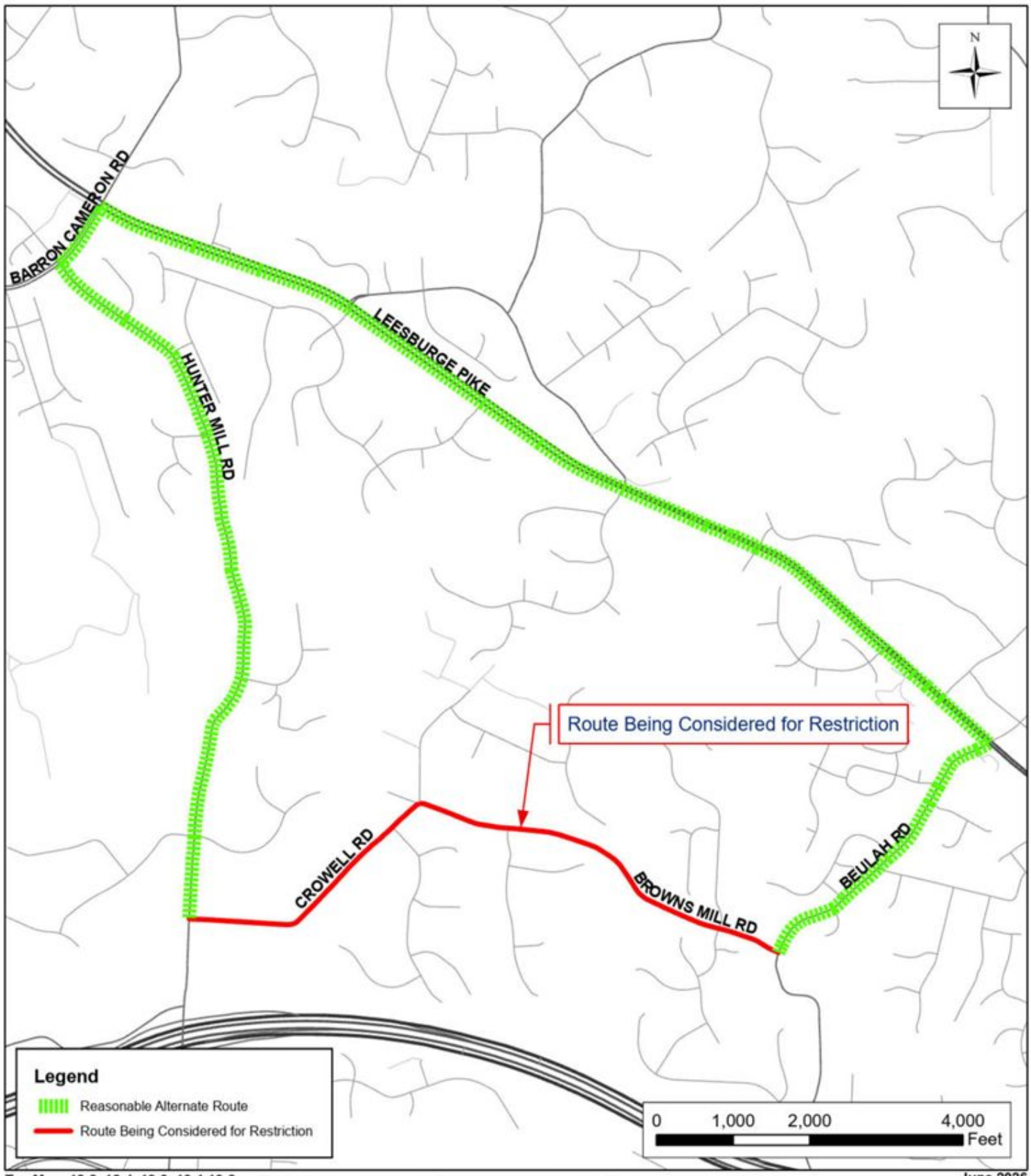
ENCLOSED DOCUMENTS:
Attachment 1: Crowell Road and Browns Mill Road Alternate Route TTR Map
Attachment 2: Resolution TTR Crowell Road and Browns Mill Road

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT
Ryan O'Carroll, Transportation Planner, Traffic Engineering Section, FCDOT
Grace Vaughn, Planning Technician, Traffic Engineering Section, FCDOT
Joseph Compher, Police Officer II, Fairfax County Police Department
Stephen Cicinato, Police Sergeant, Fairfax County Police Department

Board Agenda Item
August 25, 2026

ASSIGNED COUNSEL:
Peter Basanti, Assistant County Attorney

Attachment 1



Tax Map: 12-3, 12-4, 13-3, 18-1,18-2
18-3, 18-4, 19-1, 19-3

June 2026

Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed Through Truck Restriction
Crowell Road and Browns Mill Road
Hunter Mill District

ATTACHMENT 2

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)THROUGH TRUCK TRAFFIC RESTRICTION
CROWELL ROAD AND BROWNS MILL ROAD
HUNTER MILL DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, August 25, 2026, at which a meeting quorum was present and voting, the following resolution was adopted:

WHEREAS, Crowell Road and Browns Mill Road are primary state roadways located between Beulah Road and Browns Mill Road in the Hunter Mill District of Fairfax County; and

WHEREAS, the residents of Fairfax County who live along Crowell Road and Browns Mill Road have expressed concerns regarding the negative impacts associated with through truck traffic on these roadways in Fairfax County; and

WHEREAS, a reasonable alternate route has been identified in Fairfax County for Crowell Road and Browns Mill Road, starting at the intersection of Beulah Road and Browns Mill Road, travel north along Beulah Road to the intersection of Leesburg Pike (Route 7) and Beulah Road, continue west on Leesburg Pike (Route 7) to the intersection of Leesburg Pike (Route 7) and Baron Cameron Avenue, travel southwest along Baron Cameron Avenue to the intersection of Hunter Mill Road and Baron Cameron Avenue, and continue south on Hunter Mill Road to reach Crowell Road; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction in Fairfax County be enforced by the Fairfax County Police Department; and

WHEREAS, a duly noticed public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Crowell Road and Browns Mill Road in Fairfax County, as part of the County's Residential Traffic Administration Program (RTAP).

FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board or its designee is hereby formally requested to take necessary steps to enact this restriction.

ADOPTED this 25th day of August, 2026.

A Copy Teste:

_____
Jill G. Cooper
Clerk to the Board of Supervisors

Board Agenda Item
August 25, 2026

4:30 p.m.

Public Hearing to Consider an Ordinance Expanding the Lake Braddock Residential Permit Parking District, District 5 (Braddock 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 Lake Braddock Residential Permit Parking District (RPPD), District 5, to include Cork Place, from Queen Victoria Court to both cul-de-sacs, inclusive; and Queen Victoria Court from Lake Braddock Drive to the cul-de-sac, inclusive.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Appendix G of the Fairfax County Code (Attachment 1) to expand the Lake Braddock RPPD, District 5.

TIMING:
On July 14, 2026, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on August 25, 2026, at 4:30 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 5 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.

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Residents of Queen Victoria Court and Cork Place have petitioned for the expansion of District 5 due to the large number of student vehicles parked on the residential street during school hours. Staff have verified that the petitioning blocks are within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of Lake Braddock High School and thus qualify for expansion of the RPPD. Staff have also verified that all other requirements to expand the RPPD discussed above have been met.

EQUITY IMPACT:
The project area is located within a very low vulnerability index. Approximately 11% of residents in this Census tract are in low-income occupations, and approximately 6% of the residents speak English less than well. Establishing residential parking restrictions to prohibit non-resident vehicles during restriction hours through community engagement and public hearing supports One Fairfax Focus Area 8 by fostering trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood. However, at this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
Funding of approximately $3,200 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, Appendix G
Attachment 2: Map Depicting Proposed Expansion of Lake Braddock RPPD, District 5

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
August 25, 2026

ASSIGNED COUNSEL:
Peter Basanti, 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 adding the following street block in Appendix G-5, Section (b)(2), Lake Braddock Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

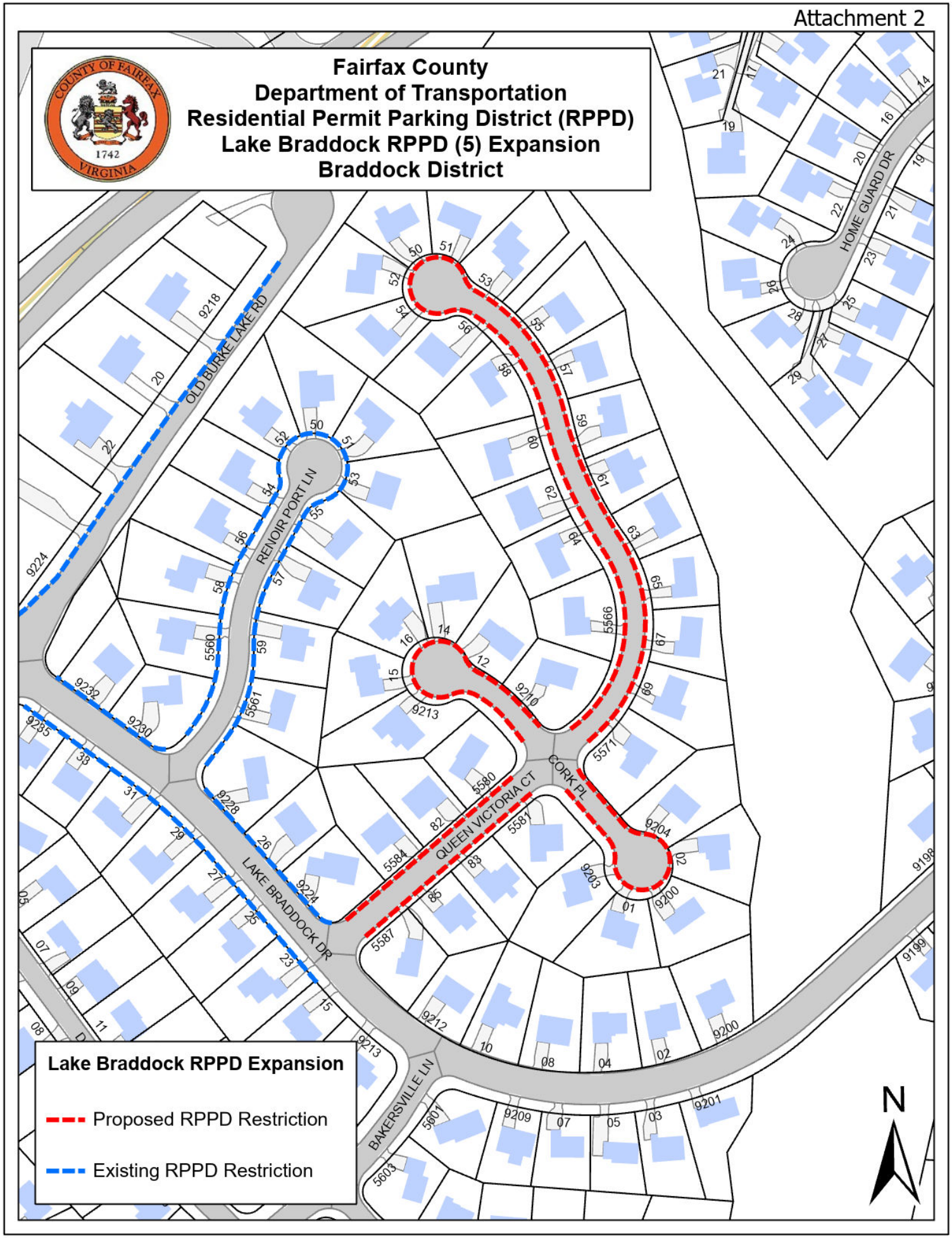
Cork Place (Route 7621)

From Queen Victoria Court to both cul-de-sacs, inclusive.

Queen Victoria Court (Route 7620)

From Lake Braddock Drive to cul-de-sac, inclusive.

Attachment 2



Board Agenda Item
August 25, 2026

4:30 p.m.

Public Hearing to Consider an Ordinance Establishing the Martin's Pointe Community Parking District (Braddock District)

ISSUE:
Public hearing to consider a proposed amendment to Appendix M of the Code of the County of Fairfax, Virginia (Fairfax County Code), to establish the Martin's Pointe Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Fairfax County Code Appendix M (Attachment 1) to establish the Martin's Pointe CPD. The restriction would be established on Abernathy Court from Zion Drive to the cul-de-sac, inclusive, and from Zion Drive to Lindsey Meadow Court; Brandon Ridge Way from Lindsey Meadow Court to both cul-de-sacs, inclusive; Danas Crossing Drive from Zion Drive to the end of State maintenance; and Lindsey Meadow Court from Brandon Ridge Way to cul-de-sac, inclusive.

TIMING:
On July 14, 2026, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix M of the Fairfax County Code to take place on August 25, 2026, at 4:30 p.m.

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

No such CPD shall apply to: (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of $10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD contains the lesser of (i) a minimum of five block faces, or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff have verified that the requirements for a petition based CPD have been satisfied.

The parking prohibition described above is proposed to be in effect at all times.

EQUITY IMPACT:
The project area is located within a low vulnerability index. Approximately 17% of residents in this Census tract are in low-income occupations, and approximately 14% of the residents speak English less than well. Establishing residential parking restrictions to prohibit certain restricted vehicles through community engagement and public hearing supports One Fairfax Focus Area 8 by fostering trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood. However, at this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
Funding in the amount of approximately $350 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

Board Agenda Item
August 25, 2026

ENCLOSED DOCUMENTS:
Attachment 1: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment 2: Area Map of Proposed Martin's Pointe CPD

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

ASSIGNED COUNSEL:
F. Hayden Codding, Assistant County Attorney

Attachment 1

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

APPENDIX M

M-100. – Martin's Pointe Community Parking District

(a) *District Designation*

(1) The restricted parking area is designated as the Martin's Pointe Community Parking District.

(2) Blocks included in the Martin's Pointe Community Parking District are described below:

Abernathy Court (Route 10161)

From Zion Drive to cul-de-sac, inclusive, and from Zion Drive to Lindsey Meadow Court.

Brandon Ridge Way (Route 10163)

From Lindsey Meadow Court to both cul-de-sacs, inclusive.

Danas Crossing Drive (Route 10160)

From Zion Drive to the end of State maintenance.

Lindsey Meadow Court (Route 10162)

From Brandon Ridge Way to cul-de-sac, inclusive.

(b) *District Provisions*

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis

to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described street(s) within the Martin's Pointe Community Parking District.

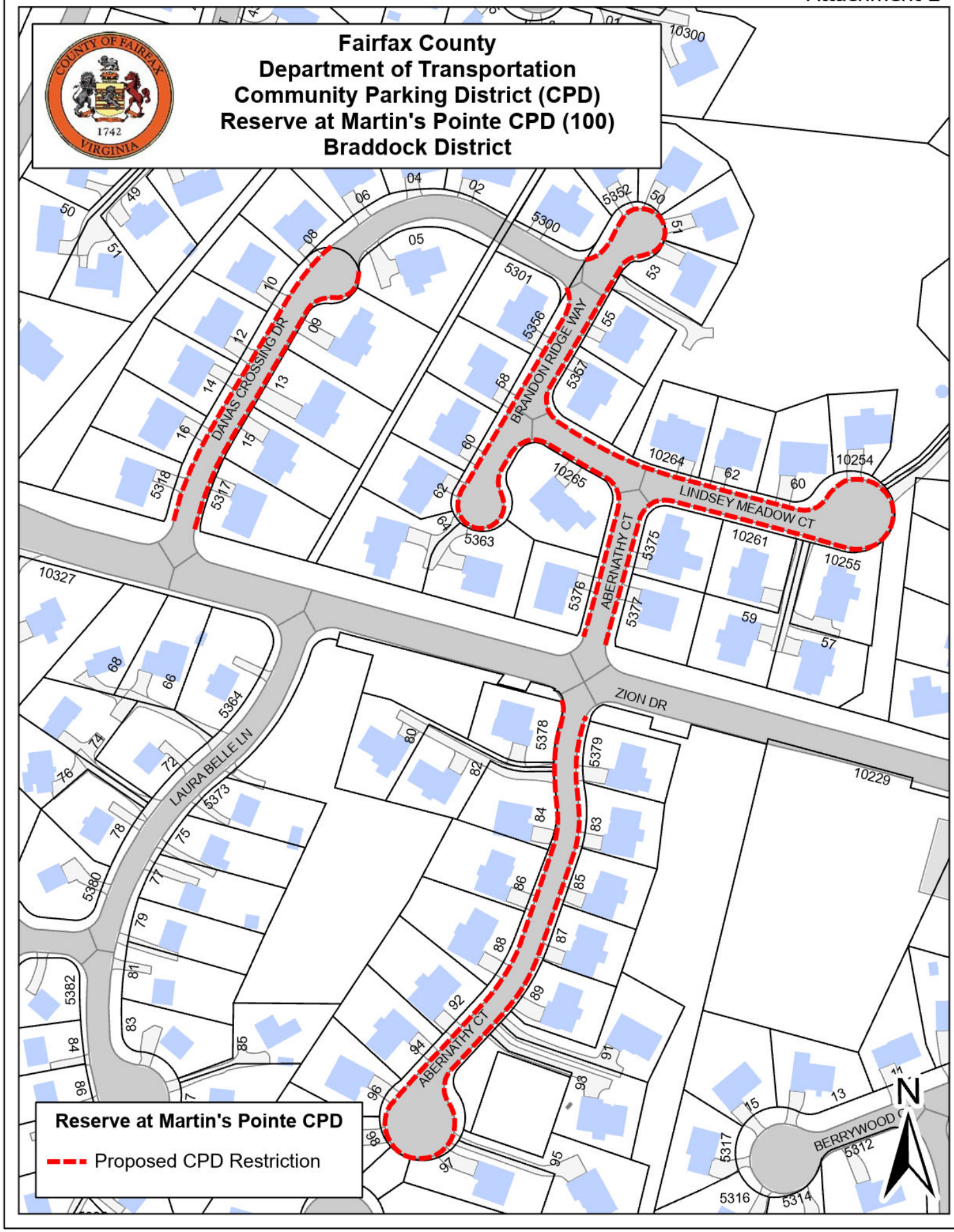
(3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

(c) *Signs*. Signs delineating the Martin's Pointe Community Parking District shall indicate community specific identification and/or directional information, if applicable, in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Attachment 2



Board Agenda Item
August 25, 2026

4:30 p.m.

Public Hearing to Expand Parking Restrictions on Boone Boulevard and Howard Avenue (Providence District)

ISSUE:
Public hearing to consider a proposed amendment to Appendix R of The Code of the County of Fairfax, Virginia (Fairfax County Code), to expand the area where certain parking is restricted on Boone Boulevard and Howard Avenue in the Providence District.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt an amendment to Appendix R of the Fairfax County Code (Attachment 1). This amendment will prohibit commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), from parking on the north side of Boone Boulevard from the western property line of 8330 Boone Boulevard to Howard Avenue, and on Howard Avenue from Boone Boulevard to the Leesburg Pike Service Road, at all times.

TIMING:
On July 14, 2026, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix R of the Fairfax County Code to take place on August 25, 2026, at 4:30 p.m.

BACKGROUND:
Fairfax County Code Section 82-5-37(5) authorizes the Board to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

The owner of the commercial parcels at 8300 - 8330 Boone Boulevard and 8219 Leesburg Pike contacted the Providence District office seeking assistance to restrict commercial vehicles, recreational vehicles, and trailers from parking on the unrestricted blocks of Boone Boulevard and Howard Avenue along their properties at all times. These portions of Boone Boulevard and Howard Avenue have historically been used for long-term parking of commercial vehicles and trailers.

The requested blocks were studied consistently over a 30-day period and staff found that long-term parking of commercial vehicles is occurring, thereby diminishing the capacity of on-street parking for other uses. Staff recommend parking restrictions for all commercial vehicles, recreational vehicles, and trailers along the north side of Boone Boulevard from the western property line of 8330 Boone Boulevard to Howard Avenue, and on Howard Avenue from Boone Boulevard to the Leesburg Pike Service Road, at all times.

A parking restriction on Howard Avenue from Old Courthouse Road to Boone Boulevard that prohibits parking of commercial vehicles, recreational vehicles, and trailers from 10:00 p.m. to 7:00 a.m. seven days a week, was approved by the Board of Supervisors on February 20, 2018.

Parking restrictions for other nearby segments of Boone Boulevard that prohibit parking of commercial vehicles, recreational vehicles, and trailers at all times were approved by the Board of Supervisors on July 25, 2023; March 18, 2025; and September 30, 2025. The proposed parking restriction will expand the existing restrictions to include the stated segments of Boone Boulevard and Howard Avenue.

EQUITY IMPACT:
Generally, the establishment of restrictions to prohibit parking of commercial vehicles, recreational vehicles, and trailers in commercial areas supports a dynamic and accessible commercial environment that benefits businesses, residents, and the wider community by eliminating long-term parking of these vehicles. However, parking restrictions in one area can lead to additional parking in other areas. At this time, there is insufficient information to determine an overall equity impact related to this change.

FISCAL IMPACT:
Funding in the amount of approximately $1800 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, Appendix R (General Parking Restrictions)
Attachment 2: Area Map of Proposed Parking Restriction

Board Agenda Item
August 25, 2026

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, 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

ASSIGNED COUNSEL:
Peter Basanti, Assistant County Attorney

Attachment 1

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

APPENDIX R

Amend *The Code of the County of Fairfax*, *Virginia,* by adding the following to Appendix R, in accordance with Section 82-5-37:

Boone Boulevard (Route 786)

Commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), are restricted from parking on the north side of Boone Boulevard, from the western property line of 8330 Boone Boulevard to Howard Avenue, and from Howard Avenue to the southeastern property line of 8230 Boone Boulevard; and on the south side of Boone Boulevard, from the northeastern property line of 2051 Chain Bridge Road to the northeastern property line of 8301 Boone Boulevard, and from Howard Avenue to the southeastern property line of 8229 Boone Boulevard, ~~twenty-four hours per day, seven days a week~~ at all times.

Howard Avenue (Route 786)

Commercial vehicles, recreational vehicles, and trailers, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50), are restricted from parking on Howard Avenue, from Boone Boulevard to Old Courthouse Road, from 10:00 p.m. to 7:00 a.m., seven days a week; and from Boone Boulevard to the Leesburg Pike Service Road, at all times.

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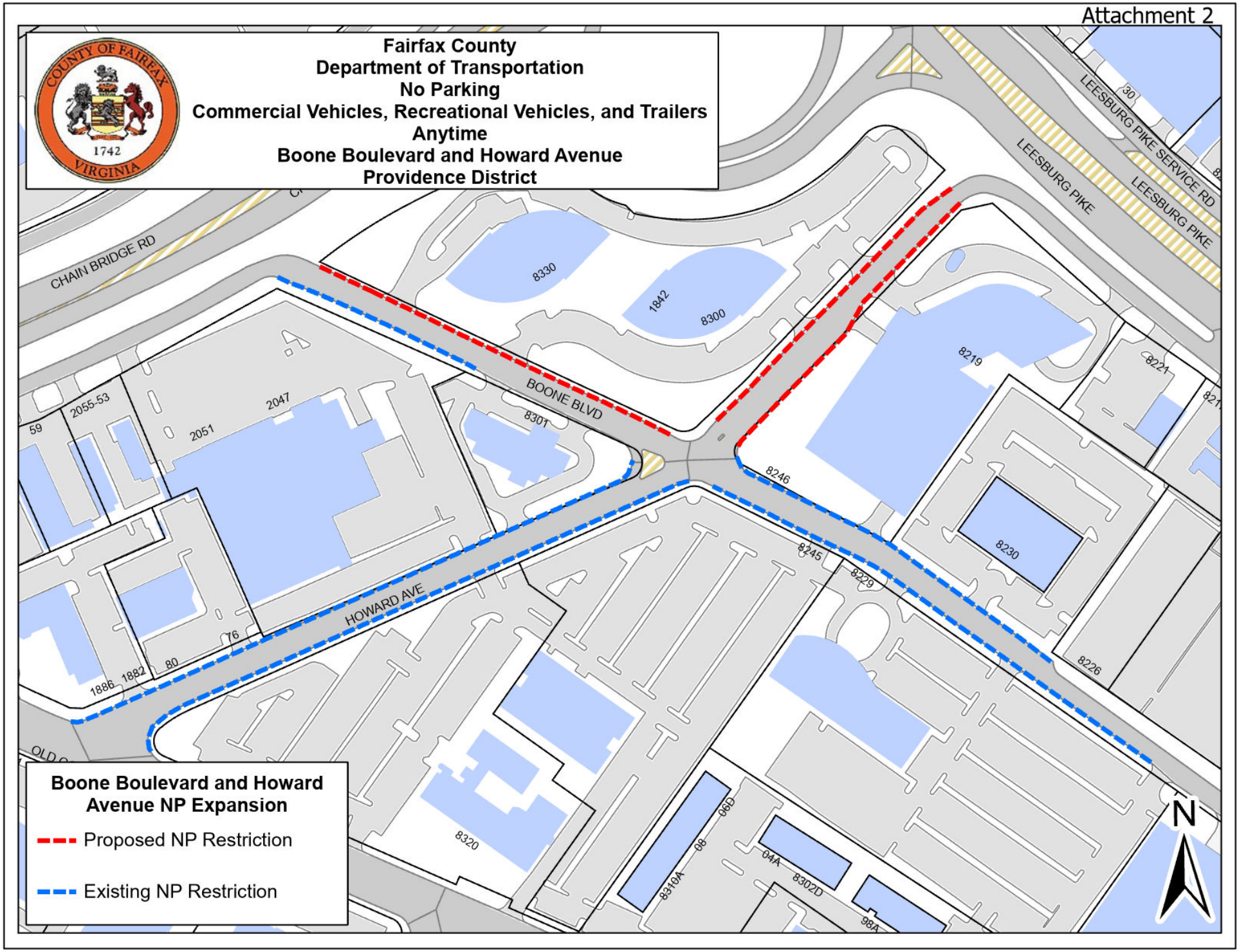
Attachment 2



Board Agenda Item
August 25, 2026

4:30 p.m.

Public Comment on Issues of Concern