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Fairfax County Board of Supervisors Meeting, Tuesday, May 9, 2023

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[00:00:04] Good morning, everyone, and welcome to our board meeting of May 9th, 2023. And we're going to begin our meeting, as we always do, with a moment of silence to be followed by the Pledge of Allegiance. Before we do that, I will just note that Supervisor Stork is not yet with us.

[00:00:22] He is representing the board at a Mount Vernon Hospital event with Inova Health Systems this morning, so he will be here shortly. And before we stand for a moment of silence and Pledge of Allegiance, I'd ask other board members if they have individuals this morning that they would like to keep in our thoughts and prayers as we move through our day.

[00:00:41] And let me just begin with, I think all of us this week have been dealing with the news of the tragic shooting in Allen, Texas. and I am, you know, beyond impatient and angry that we have had to start too many of our board meetings the same way. And while this tragedy did not occur in Fairfax County, this senseless act of violence that killed eight lives, including children in Texas, I think should touch us all,

[00:01:14] especially given the age of some of these kids that were affected by this. And, you know, I think about too many people in Fairfax County who have either been victims of gun violence or more importantly, no people who have been victimized by gun violence. And I think it's almost getting to a point where that's every individual, sadly. And while we want to pray for these families in Texas and the Allen,

Texas community, we also want to pray for the individuals in Fairfax County who in one way or another have been touched by gun violence and unnecessary gun violence and i think

[00:01:54] hopefully all of us can turn our prayers into anger and action because this should not be happening in this country and we should not have to be talking about it again this morning so if we could keep those victims in our thoughts and prayers i would appreciate it supervisor gross Oh, thank you, Mr. Chairman, and certainly share your outrage.

[00:02:15] I think we all do. But I'm reminded also that it's been 17 years since we had our own tragic, deadly, horrible gun violence that took two of our police officers at the Sully Station. We just observed, we don't celebrate that, we just observed that anniversary.

[00:02:36] I believe it was yesterday. Yesterday. And I remember that. I think I'm the only member of the board who was in office at the time in 2006. And what we didn't know was whether this was an orchestrated event that was going to affect other police stations and being in lockdown at the Mason District Police Station and being escorted to my car at the end of the day by officers with their rifles at, you know, ready.

[00:03:08] It's been 17 years since that happened, but it's sort of like yesterday, as far as I'm concerned, because that was sort of the first time we had that kind of situation where we had multiple shootings, multiple deaths in a county facility.

[00:03:25] And so as we are remembering the many tragedies that we have, when I think back 17 years ago, we didn't have nearly the kinds of weapons available to the general public, and there certainly was a much different attitude about the use of those kinds of weapons.

[00:03:50] So thank you very much for bringing that up, Mr. Chairman, because we must always remember, always. thank you supervisor gross supervisor Lusk thank you mr. chairman I would like to acknowledge the passing of miss Teresa Madlaga Teresa was a green spring resident and a member of our Franconia community I recently had the opportunity to become acquainted with Teresa's life when speaking with her grandson Matthew Bell who many of us know following some extended time that he was able to spend with her over the Easter holiday Teresa

[00:04:25] came to the United States in 1951, living most of her life in New Jersey while moving to Virginia after retirement to be closer to her grandchildren, where she lived for over 30 years, calling Braddock, Springfield, Franconia home at different times. In 2012, she moved to Green Spring with her husband Dan. He was also a veteran of World War II. Aside from her devotion to her family, especially her grandchildren. Teresa was especially involved in her church. While I didn't know her well, I felt

[00:05:01] the gravity of both her life and the love of her family when her grandson recounted his fond memories of her to me recently. I want to take this moment to acknowledge her passing. She is survived by her husband, Dan, her two children, Terry and Karen, and her grandchildren, Matthew, Kevin, and Stephen Bell.

[00:05:25] In lieu of flowers and other condolences, Teresa's family has requested that donations be made in her memory to the epiphany of the Lord Byzantine Catholic Church in Annandale. So with that, Mr. Chairman, our thoughts and prayers are with her family at this time.

[00:05:44] Thank you. Thank you very much, Supervisor Luss, Supervisor Palchek. Thank you, Mr. Chairman. Thoughts and prayers today, not with a local, but with a commonwealth victim. Unfortunately, another thing we're seeing these days is our pedestrian fatalities, and not just here.

[00:06:05] Unfortunately, Sean Suarez, who I had the opportunity to work with when he was in the governor's office and was a dedicated student at VCU going back to get his MBA. I know we have many of our rising seniors, graduating seniors headed to schools across Virginia, and as we work together to help improve safety and pedestrian safety, it is a community effort reminding all of us, and especially those maybe with newer cars or licenses, to drive safely.

[00:06:37] You are not just getting somewhere, but you want to get there safely, and you want to make sure everyone around you is able to walk, bike, or drive safely to their location. So a dedicated public servant to our community, our thoughts and prayers with him and with those who worked and served alongside him for Sean Suarez today.

[00:06:58] Thank you. Thank you, Supervisor Palczyk, Supervisor Alcorn. Yeah, thank you, Mr. Chairman. I'm sad to let you know about the passing of a notable Fairfax County resident, National and Local Transportation Leader, Eric Peterson, who was 72, of the Vienna area, actually in the Providence District.

[00:07:16] He passed away on April 21st after a hard-fought battle with cancer. He was a longtime staff member for U.S. Senator John Warner, and he served in several key roles, including the L.A. press secretary, speechwriter. After leaving the senator's staff, he went on to hold federal executive positions across multiple administrations, including Deputy Undersecretary, U.S. Travel and Tourism Administration and Commerce.

[00:07:42] He was Executive Director of the U.S. Consumer Product Safety Commission, senior advisor to the administrator, the research and special programs administration, and several others in the Department of Transportation. In addition to his federal government endeavors, Mr. Peterson made substantial impacts while holding positions in the private sector, including his achievements as the executive director of a group called LEADER, the Landowners Economic Alliance for the Dulles Extension of Rail.

[00:08:09] And he worked there to establish a tax district, the tax district, and enable development of the Silver Line. He also played a major role in launching and growing the D.C. Restaurant Week into what it is today, while serving as president of the Restaurant Association of Metropolitan Washington. So later, his career focused primarily on transportation, in particular high-speed rail.

[00:08:30] He never retired, preferring to maintain an active role shaping transportation policy as a consultant, a member of several advisory boards committees at the Mineta Transportation Institute, American Public Transportation Association and the U.S. Transportation Research Board. And our sincerest condolences to him, to his family, and his friends. Thank you, Mr. Chairman.

[00:08:52] Thank you, Supervisor Alcorn. Supervisor Smith. Thank you, Mr. Chairman. Lynn Keywell passed away, and she was 64. She had cancer. And Lynn was one of our public health nurses and worked in the elementary schools and really enjoyed helping children and being part of their lives and made a difference for them. So I just her husband, Ryan, and she has four children and two grandchildren. So if we keep her family in our thoughts and prayers. Thank you. Thank you very much, Supervisor Smith. And

seeing no one else that would like to be recognized, if we could all please rise for a moment of silence to be

[00:09:29] followed by the Pledge of Allegiance. Face the flag. I pledge allegiance to the flag of the United States of America and to the republic of which it stands, one nation, under God, indivisible,

[00:10:01] with liberty and justice for all. Okay, this morning we have five presentations and for each presentation I will announce the proclamation and invite our speaker down to the podium in front of me and then we will then read the proclamation and after the speaker's remarks and a vote we will pose for a picture in front of the dais and our first resolution this morning is to recognize the James Madison girls basketball team for its wins in the Virginia high school class 6a state

[00:10:37] championship. And this was requested by myself, supervisors Alcorn, Palczyk and Smith. And I know our speaker today is James Madison girls basketball coach, Kirsteen Stone. If you could come on down and all your players, it's wonderful to see them all if they can come down and join you at the podium as well. And at this time, we'll turn to Supervisor Alcorn for a resolution.

[00:11:02] All right. Thank you, Mr. Chairman. This is a fun one. Whereas in March, the James Madison High School girls basketball Warhawks won an unprecedented fourth straight Virginia High School League class six state championship, defeating Manchester in a thrilling 49 to 46 overtime victory. And whereas this victory represented the team's ninth state final appearance the most in class six history and whereas despite several veteran players graduating last year the team provided to be proved to be a powerhouse once again completing a 25 and four

[00:11:37] season to make it to the state finals and whereas the team's hard work hustle dedication and talent along with the support and the guidance of head coach stone led to their outstanding achievements for this season therefore be it resolved that the fairfax county board of supervisors on behalf of all residents of Fairfax County, does hereby congratulate the James Madison High School girls basketball team for their outstanding accomplishments this season and championship victory yet again.

[00:12:06] I'm happy to second that, along with Supervisor Palchuk and Supervisor Smith. Discussion on the motion, Supervisor Alcorn. Yeah, thank you very much, Mr. Chairman. I think when I brought this to the board, I think the word was dynasty. I think that was the key.

[00:12:24] So congratulations. Seriously, this is really a wonderful honor. And I know each of you has worked so incredibly hard to get to where you are. And the model that you provide to your classmates and peers and, frankly, to all of us is just fantastic.

[00:12:41] Coach, thank you for everything you've done to make this happen and to really help these teammates bring their full potential to bear. And it just makes a difference, I know, in everybody's lives. So thank you so much. Thank you, Supervisor Alcorn.

[00:12:58] Others who would like to be recognized, Supervisor Palchik. Just, it's your day, but want to congratulate you. I know we're trying to get you in early so you can get back to school. But once again, we are so proud of you. And I know that it's the team effort and what you've learned and take out of this, not just the championship that's absolutely to be commended, but the fact that you have incredible coaches and a supportive community and that you support each other through these times.

[00:13:22] School is about so much, especially high school. and learning all of these skills and so i hope that you will continue to take what you have learned with you and that you'll come back and be coaching future generations of leaders in our community congrats to all of you and your families who i know some of them are back there taking photos today thank you supervisor palchek and and let me add my congratulations as well i was actually going to start where supervisor palchek ended which is thanking all the family members, all of your family members, because I think, you know, I know that playing high school sports, it's like a family affair, not just your immediate family, but you all feel like a family

[00:14:00] as well, and it's definitely a team effort. Coach Stone, just a remarkable run. Congratulations to you. We had, in our meeting before last, we had the Hayfield boys here, who also, of course, won a state title, and, you know, I remember them standing in front of us, and that was their second, And we were almost tempted to use the word dynasty.

[00:14:22] There may be heading towards the dynasty that you have at four years and nine appearances, but you all not only make us proud every day in school, but you made all of us in Fairfax County proud at the state level, winning a fourth consecutive tournament, which is unbelievable.

[00:14:39] I can only imagine that teams that would be competing against you are hoping and praying that they're not meeting you in the state tournament, given your record. But you've made all of us proud, and you do every day in school. And I want to thank Coach Stone, your teachers, parents, and administrators who all make this happen.

[00:14:56] These are life memories that you will never forget will be with you forever. So cherish them and cherish them every moment. With that, I think we are ready for a vote. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions?

[00:15:12] And that motion carries. Coach Stone, welcome. The floor is yours. I first want to say thank you for all your kind words. and thank you for having us. This team, you know, all of our championships were very special, but we graduated eight last year, and I think, you know, it was, you know, we were touted to the rebuilding year, and, you know, if you looked at where the rankings, we were always way down and lots of teams above us, and I think these girls particularly were really strong, and they, you know, every practice we said, don't worry about what the rankings say.

[00:15:47] It's what we do in practice. And so I think, you know, one thing that was interesting this year is we actually lost in the district semis Which was the first time in seven years we didn't compete in the finals And I think a lot of talk in social media and everything is about failure and how you overcome failure And I think that these girls were super strong and you know They could have just given up and you know listen to what the press says and listen to what but they didn't they Fought back and they worked harder and they watched film and they got to work on the court and so I'm just super proud of everything they do and, you know, the assistant coaches, everything they do.

[00:16:24] And our administration is fabulous and backs us with everything. So that's us. Excellent. Thank you very much, Coach Stone. And congratulations to each and every one of you on this achievement. And I think we're ready for a photo if Supervisor Alcorn, Palchik, and Smith want to join us for a photo.

[00:16:43] And if you could come forward and face the audience.

[00:18:25] to recognize the West Springfield High School wrestling team for their historic success at the first Virginia High School League girls wrestling championship. And this was requested by myself and

Supervisors Harrity and Walkinshaw. And I know we have with us West Springfield High School girls wrestling team coach Patrick Smith. And if you and anyone who is here for this recognition could join us. And at this time, we'll turn to Supervisor Harrity to read the resolution.

[00:18:54] Yes, Mr. Chairman, I have a resolution. I also have a certificate of recognition, and I'll move them both together if that works. And before I start, I'll say this is kind of a historic occasion that West Springfield gets to celebrate, so I was happy about that part.

[00:19:10] Whereas in 2022, the Virginia High School League and its executive committee voted to designate girls wrestling as an emerging sport at the urging of schools across the state, And whereas at the time, nearly half of the 271 schools in Virginia had at least one female wrestler on what was considered a boys wrestling team, and the numbers were growing.

[00:19:32] And whereas in February, Virginia held its first official girls' state wrestling meet in Manassas, where 284 athletes, including West Springfield Spartan wrestlers, competed. And whereas three West Springfield girls wrestlers made it to the 6A state semifinals and freshman Elaine Promozik became the first ever Virginia High School League girl states wrestling champion in the 156 pound class.

[00:19:57] Now, therefore, be it resolved that the Fairfax County Board of Supervisors on behalf of all residents of Fairfax County does hereby congratulate the trailblazing West Springfield Spartans girls wrestling team and coach Pat Smith on their accomplishments this season.

[00:20:13] And a certificate of recognition presented to Elaine Promozik in honor of her historic victory as the first ever Virginia High School League Girls Wrestling Championship, winning the 156-pound class state title. So moved.

[00:20:28] I'm happy to second both of those. Is there any discussion on the motion, Supervisor Herity? I think it's one of the knowledge first your hard work and your victories. Wrestling's an intense sport, requires a lot of hard work and sacrifice.

[00:20:46] I'm sure the board will agree it's a shame it took it this long for Virginia to get to the point of having a girls' state wrestling championship. And I'm proud the VHSL school statewide parents and students came together to push to hold that first state meet. So West Springfield alumni, it's even better that West Springfield could submit a legacy defining achievement by getting their three wrestlers to the 6A state semifinals.

[00:21:14] It's a testament to your hard work, to your coaching. It's great to see a familiar face back there in Steve McArdle, West Springfield High School graduate and wrestler. And we've got Pat Smith from Lake Braddock, Coach Smith from Lake Braddock. Congratulations also to Elena for being first ever is something not everybody can say.

[00:21:37] So, you know, you were the only D.C. area wrestler to win a title, so congratulations on that. Learning more about your story and the difficulties you faced from injuries in that pandemic, it's incredible what you were able to accomplish. I think this is something you can all look back on fondly over the years as being part of this the first state girl state wrestling championship and congratulations on your victory thank you supervisor harry others supervisor walk and show thank you mr chairman i agree with everything supervisor harry said congratulations to you especially uh you have

[00:22:16] helped pave a path that i know a lot of girls are gonna are gonna follow and i was reading a little bit about the years-long effort to establish girls wrestling as a sport in Virginia. And I know there's still work to be done, but incredible progress that's been made. And I saw a quote from the coach of Culpeper, and he pointed out, unfortunately, wrestling as a sport has been a little bit on the decline in losing athletes nationally. And I think we know that it's the girls that are going to save wrestling, the sport.

[00:22:54] It's a lesson that you're not going to succeed in the year moving forward in 2023 if you're not fully including 51% of the population. And thank you all for being part of making that happen. So thank you. Thank you, Supervisor Walkinshaw.

[00:23:11] And you have sufficiently teed up Vice Chairman Gross, who really has been waiting for this moment, Supervisor Gross. I think we all knew that was coming. I can't let this moment go by. Title IX. You know, what you have done on girls' wrestling demonstrates that every sport should be available and is available to all genders.

[00:23:38] And I think that, of course, being the first is terrific, but it's those who will follow you as a leader that will be your real final stamp on the sport. Title IX, yay, Title IX.

[00:23:55] This would not have happened 20 years ago, even. Wouldn't have happened 10 years ago. But Title IX has opened the doors for women, young women, girls, to heights that they never dreamed of, at least when I was a child and growing up.

[00:24:13] So congratulations. I think you probably could have done it without Title IX, But Title IX actually does benefit all athletes, whether you're male or female. Thank you. Thank you, Supervisor Gross. And Supervisor Gross is very consistent.

[00:24:32] And she mentions this when we have girls teams here with regularity to receive recognition. But as others have mentioned, and I agree with, I mean, this is a special one. And it's special that one of our schools in Fairfax County could achieve this.

[00:24:48] And Elena has been mentioned many times, congratulations. I think the thing that should scare all the competition is that she's a freshman. So she's got a ways to go in terms of success, but what an amazing achievement. And, you know, as others have mentioned, the multiple sports that are played, you know, wrestling takes a level of intensity and discipline that most people don't understand.

[00:25:11] But, you know, most people who wrestle are also excellent athletes in other areas as well. And I think that's been proven here as well. And so I want to congratulate all the folks who competed and all the girls who wrestled, period, in the county.

[00:25:26] But most importantly, the achievements that you have succeeded with and your team has succeeded with are remarkable. And we hope this is, you know, we know this is the first. We hope it's certainly not the last. And as Supervisor Gross said, I think we all play a role in promoting multi-gender athletics.

[00:25:47] You know, I think sitting here thinking about how long it's taken for the state to recognize this, we still have a lot of work to do. You know, my daughter's on her high school dance team, and one of the consternation points is that they no longer have boys who come out to be on the dance team.

[00:26:04] They used to have this routinely. And so I think standing up and defending the rights of all kids to play in sports is an important thing to do to build self-confidence, to build mental wellness among our

students, and to recognize these remarkable achievements.

[00:26:20] Because if boys can do it, girls can do it, and vice versa. And this is certainly evidence of that. So congratulations on this historic moment. Certainly have made Fairfax County proud. With that, Supervisor Harry, did you want to make another comment? One other point, I was sharing this with the coaches earlier to go back to the point I learned, I think it was about two months ago, that the Women's National Rugby Foundation or Federation is working on documenting West Springfield High School's girls rugby team as actually the first one in the nation.

[00:26:56] That happened, and they've got some articles, but they're trying to find the documented proof that early, and that was early in the 80s. So West Springfield has a proud tradition in being first when it comes to women's sports. Thank you for that, Supervisor Herity. And with that, I think we're all ready for a vote.

[00:27:14] All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. And Coach Smith, welcome. The floor is yours. Thank you, Chairman McKay. I'd like to start off by thanking you, the entire Board of Supervisors, and particularly Supervisor Herity for having us here today.

[00:27:33] These young ladies are truly trailblazers, and we're very fortunate. Now, at our school, we do get a great deal of support from our administration, so I do want to thank our principal, Mike Mukai, our Director of Student Activities, Leah Conte, who's here today. And when we were talking earlier, when I listened, talking about the families, about the Madison Warhawks, we, too, are very fortunate that we get great support from our families.

[00:27:58] We have Elena's mother, Marissa Primozik, that's here today, And we have Avanna's parents, Micah and Anna Harford, that are here today as well. I also want to acknowledge that coaching staff is so important. Chip McArdle, who is a West Springfield graduate, he's part of the program.

[00:28:16] He's also in the Hall of Fame at West Springfield High School. So he's on board here. So we're very fortunate to have that continued support. When I listened earlier talking about Title IX, about a decade ago, I listened to Dan Gable. He came out to George Mason University to talk to the alumni, and he actually said that one of the things that's going to really help wrestling stay at the forefront is to increase women wrestling.

[00:28:39] He was a father, I think, of three or four daughters, and how true that was. So when I heard the supervisors mention that today, it really brought back an old memory. And these young ladies truly are trailblazers. And I know we have just a couple here today, but as we go forward, their accomplishments, their setting the pace is going to increase women's wrestling, not only at the high school level and the collegiate level, but there's young girls that are out there right now that are thinking about going out for the youth league programs because of what these young ladies are doing.

[00:29:09] So, again, I want to also mention, I hope I'm pronouncing this right, but your PIO, Don Neiders, she helped set this up this morning. And thank you very much because that was very helpful getting everybody here. So, accomplishments. So, we have Avana Harford, okay, and we have Elena Primozik.

[00:29:29] Avana won a match at the state tournament, okay. In addition, these girls are true student athletes, and I'll go into that in a minute. I'm going to start with Avana, and I'm going to finish with Elena.

But Havana, she has a 3.9 grade point average, okay? So when we talk about student-athlete, it's important to point out that student comes before athlete, okay?

[00:29:47] She is not only an accomplished wrestler. She won the Vic Blue Memorial Tournament earlier in the season prior to the state tournament. She's also an accomplished Brazilian jiu-jitsu competitor. She just won a tournament this weekend out in Maryland. Earlier in – or last year, she went to the youth girls' jiu-jitsu tournament and took second place down in Kissimmee, Florida.

[00:30:08] And she's going back there this year, hopefully, to win the gold medal. So there's a big correlation between Brazilian jiu-jitsu and wrestling. They're both grappling sports. And, again, great student athlete. She's very busy. She has her own website. She babysits, in case anybody's interested.

[00:30:25] So, anyway, she's an entrepreneur, as Chip. We were talking earlier about it. But it's amazing. These young ladies, they're disciplined. They're coachable. They're prompt. They set an example that it's so good because they do things that it carries across the whole team.

[00:30:44] Their accomplishments and the way they go about things really carries across the whole team. Next, Elena. Elena Primozik, yes, she won the state championship this year. Thank you for mentioning she's the only girl from our Northern Virginia, Fairfax County area that won the state tournament. She had 25 girls in her weight class, got to the finals, but they're both freshmen.

[00:31:03] So can you imagine three years from now where we're going to be? She pinned her opponent, a very, very tough opponent. She pinned her opponent in the state finals. So it was, it was an amazing finish to the season. It really, really was. Um, she has a 4.1 grade point average.

[00:31:20] Um, so you talk about student athletes, right? And then in addition, her fresh, she started off her freshman year. She started off, she was a starter on the girls field hockey team, started off the season as a wrestling manager. She had wrestled before, but didn't know if she wanted to wade into it again.

[00:31:35] And, uh, Went from manager to wrestler to state champion in the course of this past season, okay? And now she's a starter on the Varsity Girls softball team as well. So it's just two wonderful young ladies that have just accomplished so much in a short period of time.

[00:31:53] And we, as coaching staff and the administration, we just look forward to seeing where they're going to be in four more years or in three more years and how they're going to help, selfishly for wrestling, how they're going to help increase the participation in the sport.

[00:32:08] But, again, for all of you here today, thank you so much for having us out here this morning. It means the world to us, and so thanks a lot. Thank you very much, Coach Smith and remarkable young women. I hope they saw how excited you were to tell their story as well.

[00:32:26] And so, you know, excellent job, of course, coaching, But clearly, being a part of their lives and being as proud as you are of them, I think, sends a strong message. So thank you. Thanks. And we all are. It's a team approach. Thank you. Absolutely. With that, I think we're ready for a photo.

[00:32:41] And if Supervisor Herity and Walkinshaw want to join me for a photo. Do you want to come down? Come on. Can you get the parents? Yes. Absolutely.

[00:33:16] And next, we have a proclamation to designate the month of May 2023 as Stroke Smart Month.

[00:34:21] And this was requested by myself, Supervisor Lusk, and Supervisor Palchik. And I understand we have with us a Fairfax County resident and stroke survivor, Jeff Cashman. If you're here and can come on down, and if anyone else is here with you, Jeff, they're welcome to join you at the podium as well.

[00:34:40] And at this time, I would recognize Supervisor Lusk for a resolution. Okay, thank you very much, Mr. Chairman. Whereas one in six people will have a stroke in their lifetime, and strokes are the leading cause of long-term disability, putting a tremendous emotional and financial burden on individuals, families, and communities.

[00:35:02] And whereas, while there are life-saving treatments available today, they must be administered within three to four hours of the onset of stroke symptoms. And most people do not know the signs of stroke or the importance of calling 9-1-1 immediately.

[00:35:20] And whereas the stroke onset to 9-1-1 time has not changed significantly in the last 25 years, and whereas the 2021 Strokesmart launched an initiative in the Commonwealth to increase symptom awareness and response, including educational videos, materials, and classes, and whereas increasing stroke awareness is vital to creating healthier communities and reducing long-term disabilities

[00:35:53] and will help ensure that Fairfax County residents have access to knowledge and resources necessary to effectively respond to a stroke incident. Now, therefore, be it resolved, the Fairfax County Board of Supervisors, on behalf of all residents of Fairfax County, hereby proclaim the month of may 2023 as stroke smart month in fairfix county and urges all residents to learn about the symptoms and signs of stroke and how to respond and to share the

[00:36:26] knowledge to help keep our community safer so moved been moved and uh multiply seconded uh discussion on the motion supervisor lusk thank you mr chairman um as i indicated in the proclamation one in six will suffer uh from a stroke with communities of color having the highest stroke rates.

[00:36:46] Studies have found that black individuals between the ages of 45 and 54 die of strokes at a rate that is three times greater than their white counterparts. Most stroke patients arrive at the emergency room too late to access effective treatment.

[00:37:06] Without getting the proper care immediately, stroke patients will pass away or live with a disability because they didn't recognize the signs of stroke and did not call 911 immediately. I'd like to show this little stroke smart magnet, which I've provided to each of my colleagues here on the board, which basically indicate some of the signs of stroke and also gives you a place to call in the event that you see these signs.

[00:37:39] Anyone that would like to order these magnets can do so as an organization by reaching out to www.virginia.gov. And then if you're an individual, you can order these magnets by using www.nvems.org.

[00:37:59] And I'm also pleased to share that there will be a Stroke Smart Training for residents of the Franconia District at the Hybo Valley Community Center. We'll do that on May 26th at 6 p.m. Training will be given by Margaret Probst, who's here, from the Northern Virginia Emergency Medical Services Council.

[00:38:17] She does a fantastic job teaching people on how to recognize the symptoms of stroke. I'd like to, again, thank Margaret Probst for offering the training at the High Low Valley Community Center and for sharing. She's the one that came to me, provided this stroke-smart training, and advocated for the need for us to do this in Fairfax County.

[00:38:38] So I want to acknowledge that as well. And then thank you to Mr. Jeff Cashman, a Fairfax County resident here who's a four-year survivor of a stroke. And he's going to take some time, accept the proclamation, and share his story.

[00:38:53] So again, thank you very much. And the last point I'll make, which is a personal one, I think Supervisor Alcorn is aware of this. My grandmother suffered from three mini strokes, and then she had a massive stroke, which ended up taking her life.

[00:39:10] So I know how important this is and recognize that we've got to be diligent and specific in trying to make sure we identify these symptoms and we get the help that is needed. So with that, thank you, Mr. Chairman. Thank you, Supervisor Luss, Supervisor Gross.

[00:39:25] Thank you, Mr. Chairman. In 1999, Innova Health Foundation and the American Heart Association worked together on something we called Operation 911. I think it had an effect because people didn't talk too much about stroke 20 years ago, and they're doing a lot more of, there's a lot more publicity about stroke, and these are very, very helpful. But stroke isn't always this. It can

[00:39:59] be something that creeps up on you and i will use my husband as an example sure in 2005 we were at wolf trap gala he fell i thought he had just stumbled getting out of the car he fell got up okay fine later in that weekend it was you know how do you understand what i'm saying if you've been married a long time you know your spouse sometimes just doesn't pay attention

[00:40:30] and so it's like is this normal or is something going on by that Monday I realized that there was there were too many little triggers that said something's not right and it turned out he had a stroke he was having a long stroke none none of these really but a long stroke went to the hospital he was in the hospital he had a second stroke and that's when it affected his speech and it was instantaneous you could see something was wrong immediately. Fortunately he recovered

[00:41:07] from his stroke but I wanted to make sure that when we talk about these indications which are very very helpful we know of people who actually had somebody with them when they were having a stroke and discovered you know what's wrong this is this is what's wrong but there are other little signs that you might miss so if it doesn't seem right if something doesn't seem quite right you really need to call and not wait so that's from my personal experience even though I had participated

[00:41:40] in the operation 9-1-1 for more than a year I didn't recognize those little tiny indications that were not the big, oh, my gods. So we need to keep attention to what is routine and then what doesn't seem to be quite so routine because it could be a stroke.

[00:42:01] Thank you. Thank you, Supervisor Gross, Supervisor Herity. I think I'm going to pass after that. No, I mean, as those of us that are at increased risk of stroke, and you can't wait, and that's the big message, And I think you said it better than I was going to say it, so I'm going to go with that.

[00:42:23] The key thing is just don't wait, because the sooner you get treatment, the more likely you are to recover. If you wait, the likelihood of recovery can go down pretty quickly. Thank you, Supervisor Herdy. Supervisor Alcorn. Yeah, thank you, Mr. Chairman. I just want to share something about my family that experienced this, and I think demonstrates how this can really make a difference.

[00:42:45] Eight years ago, my niece, and this is very unusual, but in her 20s, was at a social event. And this first thing, the drooping, someone at that event who actually happened to be in medical school at the

time noticed it and basically said, you need to get to the hospital immediately.

[00:43:06] They did. She had a stroke. And she suffered some numbness. She had a little bit of paralysis for a while. but she was there early enough, she's since fully recovered. But without this, you know, without somebody noticing that, and basically she had a headache, but it wasn't, you know, it was a little bit general, but this, that first line is what basically tipped off her colleague.

[00:43:37] And so thank you so much for bringing the awareness. It does make a difference, and it's not just those of us that are a little older, But I know certainly as we move forward, we do have increased risk as well. So thank you for doing this. Thank you, Supervisor Alcorn.

[00:43:54] And I'll just add, just listening to my colleagues, all of us have a personal experience with this and just shows you how often this happens and yet how little, in some cases, some people know what to do. You know, I learned about this years ago when then State Senator Tati Poehler had her stroke.

[00:44:14] and if she hadn't been sitting at lunch with a couple of close friends of hers who noticed it, she would be the first to tell you she would not have lived, and it was a matter of time, and while she had permanent disability as a result of that, she's alive now and been alive for a long time despite having a very significant stroke, and it was hearing that story and asking the people at lunch, what did you, how did you notice? And it's those stories, those personal stories that we have that we have to all do a better job of telling because this happens all too often. And we know that the

[00:44:52] effects are much, much more devastating if there happened in isolation or the people around these loved ones don't know what the symptoms are. And so while I'm glad Stroke Smart, you know, was launched in 2021, you know, this has been going on for a long time. And I hope that this effort in this campaign raises the level of awareness so that more lives can be saved and more people can recover from stroke. And so thank you, Supervisor Lusk, for bringing this forward to the board.

[00:45:21] I think we're ready to vote. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries and was mentioned before. We have a stroke survivor and county resident, Jeff Cashman, who is with us. Welcome. The floor is yours.

[00:45:37] for moving this down. I'm here today with Suzanne Coyle. Suzanne was one of my speech therapists during my rehab, and then we reconnected later on when health insurance decided that I had gotten as well as I was going to get. The Stroke Comeback Center is an organization based in Vienna and Rockville, Maryland that fills that gap for people like me who need to recover more. It also connects you with people walking that same long, slow road of recovery, and I've gained strength from

[00:46:12] the friends and colleagues I've met there. Thank you, Suzanne, for that help. I feel a little bit like I'm preaching to the choir. Having listened to all of your personal testimony, you get it. You don't need convincing, but you may not know how urgent the need is for this public health information campaign. And I would like to offer my personal testimony to demonstrate where this goes wrong because we didn't catch my stroke. And I got better and I stand here today in spite of

[00:46:46] that, but it didn't work right in my case. I ask you to play along with me while I tell this story. Take a breath and hold it while I go through this. Okay, ready? I was certified by the Red Cross in first aid. I'd been in the military for 32 years and I got all the advanced life-saving training there. I'm not one of those people that is afraid of doctors. I have taken an aviation medical exam, physical exam every year since I was 17 years old, and I seek medical treatment

[00:47:20] when I need it. When I stroked out, I was surrounded by family, people who knew my baseline and recognized something was wrong, but we didn't know what it was, and we didn't know what to do. So when you hold your breath, and I hope you still are, your body starts sending alarm signals, right your brain is telling you this is an emergency you need to do something right away when oxygenated blood stops getting to a spot on your brain it is a similar emergency but the

[00:47:52] alarm bells don't come in clear signals it comes in the be fast acronym right it's the face it's the slurred speech it's the paralysis on one side can't raise your arm and i would like to call your attention to the be part of the be fast acronym that's new and that was my feature balance and eyesight my two eyes didn't focus on the same thing and like supervisor gross mine came on they they called it a stuttering start episodically over the first couple days so that's a thing too

[00:48:27] and it happens and it goes away and i thought i guess that's nothing right i missed it i had multiple chances to catch this. And I missed it. And my family missed it too. And I'll tell you, they had as much at stake as I did. I had two kids in high school at the time and my wife, and their lives changed as much as mine did. So for the people around you, they need to know this, right? There's your chance to save it. Not only do you need to know it, you need to recognize it.

[00:49:01] And then you need to act and advocate. And I'm optimistic that you would find a better response here in Northern Virginia. Then I got in Burlington, Vermont at the medical hospital, a medical center hospital of Vermont, where after being transported by the ambulance to the emergency room with stroke symptoms, they left me on a gurney for two hours before they treated me and the window to intervene and reduce the damage closed. So you also need to advocate confidently for the emergency medical care you need with the sense of urgency you get

[00:49:37] when you're holding your breath, and if you're still holding it, you know it now at this point. So know this, recognize it, and advocate it, and thank you for the spotlight you're shining on the need for this. Thank you very much, Jeff. Powerful testimony. We appreciate you coming forward and sharing that, and that this was recorded so that hopefully a lot of people in the county get to see and hear exactly what you just described, and we can save lives and reduce damage done for stroke victims. So thank you for your advocacy. With that, I think we're ready for

[00:50:17] a photo, and if you all could come forward and face the audience. And Supervisor Lusk and Palchuk

[00:50:23] will join me. And next, we have a proclamation to designate the month of May 2023 as Lyme Disease

[00:51:33] Awareness Month, and this was requested by myself and Supervisor Herity, and I understand we have the National Capital Lyme Disease Association, Executive Director Monty Skull here with us today. And anyone else who is here with you is welcome to come down and join us. And at this time, I'd recognize Supervisor Herity for a resolution. Yes, Mr. Chairman, I have a proclamation.

[00:51:57] Whereas May marks the start of tick season in Northern Virginia, and the Fairfax County Health Department and the National Capital Lyme and Tick-Borne Disease Association are among many organizations working to increase awareness and education about the threat it presents, and whereas Lyme disease is the fastest spreading vector-borne disease in the United States, and whereas each year approximately 476,000 cases of Lyme disease are reported by the CDC, with several hundred cases

reported in Virginia in the last few years, and many cases going unreported, and whereas Lyme disease can take many forms from muscle pain to arthritis to heart

[00:52:37] disease and Bell's palsy and can cause flu-like symptoms as well as extreme fatigue. And whereas individuals can protect themselves by wearing EPA-registered repellents such as DEET, performing tick checks after outdoor activities, and promptly removing attacked ticks, and promptly disagreeing, diagnosing potential cases of Lyme degrees, now therefore be it resolved that the Fairfax County Board of Supervisors on behalf of all residents of fairfax county does hereby proclaim may 2023 as lyme disease awareness month in fairfax county

[00:53:15] and urges all residents to take actions to prevent and protect against tick-borne illnesses so moved moved and multiply seconded uh discussion on the motion supervisor harry yes mr chairman uh very happy to see uh us recognize lyme disease awareness month again especially this year as researchers is say that we're more likely at risk because of the very very mild winter that we have which is good for ticks bad for us. Lyme's a terrible disease it's become more prevalent in Virginia especially northern Virginia where more and more people I meet have been affected by the

[00:53:52] disease either personally or through a loved one. Over the last couple of years residents have spent more time outside due to the pandemic and I think that continues which increases people's risk um, making education even more important. Uh, Lyme disease is, is notoriously difficult to diagnose. And that's the biggest issue I think that we still have, which is why we need more education on the disease and disease prevention. Uh, NatCap Lyme, uh, and Monty, I want to thank you. And I recognize a lot of the faces that are there with you, uh, uh, has done great work in our

[00:54:29] region at educating residents on how they can check for ticks and protect themselves especially grateful for the materials that you've developed to help educate our students tick prevention education is especially important for our children is 30 percent of those Lyme cases are typically children and the disease can stay with them for the rest of their lives if it's not caught and treated thanks for all you all you do and look forward to continue working with thank you Supervisor Herity, Supervisor Palchik.

[00:55:01] Thank you, Mr. Chairman. Thank you both for bringing this forward. Thank you all for being here. Someone who loves to hike, I know that that tick check is so incredibly important. I also know having an older aunt who was unfortunately diagnosed in New England back where we were just learning about Lyme disease in our area, the prevalence of it.

[00:55:22] And finally, I know with a little four-paw-furred animals coming along with us outside to play in the great outdoors and to go out, just how important it is to check ourselves, but also our pets. They can bring them home with them.

[00:55:39] And we know that we want to continue to be outside. It's lovely to be out there. Today's probably the only, hopefully, day this week that's not a nice one to be out in the backyard or going on the trails. But those tick checks are so critical. And I really appreciate your support and your advocacy for spreading the word.

[00:55:58] As Supervisor Herity shared, it is hard to diagnose and is with you for life, unfortunately. And so thank you for what you do. Thank you for helping us spread the word in the community. We want to be able to have people out and about enjoying those great outdoors and doing it safely and just checking for those ticks when you come home.

[00:56:17] So thank you so much for what you do and looking forward to seeing you here yearly. until we finally fight that terrible disease. Thank you. Thank you, Supervisor Palczyk. Anyone else who would like to be recognized? Let me also thank you, Monty, and the work that your organization does to build awareness. As several have said, this is hard to diagnose. I think the surprising stat in the proclamation this year was the one about the children. You know, I think for adults, the word has spread rapidly, although not nearly enough in terms of the importance of tick

[00:56:52] checks but too often i think kids you know we forget to do that and kids we want them outdoors we want them off of devices and out in nature and we don't want them to be scared to do that so we all have a responsibility to make sure we look after them just as we look after ourselves and hopefully that number will go down and as supervisor herity said you know if you were a child and get this can be with you for the rest of your life you know my dad got this some years ago and still has effects from it. And that was a learning experience, a close up front learning experience

[00:57:27] for all of us. And as we've mentioned several times earlier today, we certainly did with strokes that I think all of us know someone who has had Lyme disease. And so it's all of our responsibility to be spreading the word about what that means and what the symptoms are and to be helping each other and certainly building awareness on designations of months certainly will help all of our county residents. But we need to be doing this all year. May is an important time because this is a very tick-heavy month, but we really need to be raising awareness about this year round, and I thank you and your organization for doing that. With that, I think we're ready for a vote. All those in favor of the motion, please say aye.

[00:58:05] Aye. Any opposed? Any abstentions? And that motion carries, and Monty Skull, again, is the Executive Director of the National Capital Lyme Disease Association. Welcome. Thank you. I would like to thank you all again.

[00:58:22] Pat Herity, Supervisor Pat Herity, for introducing this proclamation in Fairfax County again this year, and you all voting for it. It is so needed, public awareness about Lyme and tick-borne diseases. We now refer to Lyme as tick-borne diseases because we have finally established the fact that there are more than one pathogen to deal with besides Lyme, which is Borrelia bigdorferi.

[00:58:48] But today, I'm not going to do my usual talk. I am going to be very personal because this will probably be the last time I meet with you all. I've been coming here for over 10 years accepting the proclamation, and I'm going to introduce you to new people this year that have worked very hard, that dedicate themselves, their efforts, all freely, and that really make a difference in our county.

[00:59:20] Kathy Below, she's our Assistant Deputy Director. We have Marjorie Vega from MyLimeGuide, who has helped many, many patients. We have Don Below. We have Jake Broughton.

[00:59:36] And we have a new member on our group, Almas Athakari. Athakari, it's a hard one to pronounce. And then we have Dominique, who did a wonderful project last year for his Eagle Scout badge. and you can see he's quite decorated for all the different activities he's done and now he has organized a project that every year at McLean Day he will have the scouts there to relate to the public and to explain to them about Lyme and tick-borne diseases so we're so happy to have

[01:00:12] him on board his mother Laura over there and our educational director Chris Rowe and I must mention to you all that Chris drove two hours today to be here. He came from Montgomery County,

Maryland, and he's a teacher in the system over there, and he's very, very dedicated. So I wanted to introduce the new people to you. I also want to say this is a tough one, because Lyme disease

[01:00:45] has been very controversial, as you all know, and it's been a long, hard-fought battle, and if it wasn't for Pat Herity, we probably wouldn't be here today. And Pat, I want to acknowledge you.

[01:01:05] This morning I went through my files from 2009 and found a letter that you had written and distributed throughout the county. And it also went to the chairman and members of the committee down at the General Assembly in Richmond, Virginia.

[01:01:26] And he has done more for this cause than you all probably realize. I just want to read you two paragraphs. Is it all right, Pat? It's all right with me if it's all right with the chairman. I knew it was going to be all right with Pat.

[01:01:41] So yes, it's certainly okay. Mr. Chairman, Lyme disease is a horrible, debilitating disease that affects many citizens of this country. but has not traditionally been a problem in the Commonwealth of Virginia.

[01:01:57] Remember now, this was 2009. However, in the last couple of years alone, we have seen number of reported cases of positive contradiction double in Virginia. And I wouldn't be surprised if the true number was double or triple of what is currently being reported due to the high number of misdiagnosis and the lack of requirement for doctors to report a positive case of Lyme.

[01:02:25] That is why today I would like to voice my support for HB Bill 512 proposed by Delegate Hugo Rustin Comstock that would allow doctors to prescribe long-term antibiotic treatment to those that have Lyme disease.

[01:02:42] I have spoken to hundreds of people that are in pain and suffering because of this disease. They believe that if they and their doctors were given At the very least, the option for long-term antibody treatment, it would mark a significant step to help to alleviate their suffering.

[01:03:02] Doctors need the tools to be able to do their job properly for their patients. And our Commonwealth needs hard data on this ever-emerging disease to truly see how important of an issue this is to address.

[01:03:18] And this is why I support the bill. That is a person that speaks to truth, and Pat Herity spoke to truth over 14 years ago and has continued to support this cause. Everybody that you see up here are all volunteer.

[01:03:36] Nobody's paid to do this job, and most of us have the disease, and we're in the persistent form of us. So when you talk about the strokes, a lot of us are having small TIAs as we stand here, But it's just the process of the disease.

[01:03:55] And I want to show you how dedicated these people are. And Pat, I can never thank you enough. And we worked for over 15 years to get into the public schools in Fairfax County, education for children.

[01:04:15] And this, I'm a teacher, so I feel very strongly about this. And we came up with our own materials drafted by teachers to get into the public schools. We couldn't do it on our own.

[01:04:33] And so we had to write a law. And it was Delegate Reed that took that law and got it passed in 2022. Now I want you all to know that all public schools in our state of Virginia, and that's in Fairfax County, will have literature on Lyme awareness, both on prevention and, you know, also to some extent on treatment, what to do if you get bit by a tick, in public libraries and in all state and interstate parks.

[01:05:05] So we have, I am now on a committee, by the way, that has started to discuss and plan with the state health department what that literature should be. So it is all because it began here, I feel, in Fairfax County, and you all supported Supervisor Herity with his belief that this was a real public problem and it needed to be addressed.

[01:05:40] And so I want to thank each and every one of you for supporting this cause. It means a tremendous amount to all of us and to the citizens of Fairfax County. So thank you very much. Thank you very much, Ms. Scull. And I think we're ready for a photo.

[01:05:57] So Supervisor Herity will join me. And if you all could come forward and face the audience.

[01:06:00] And next, we have a proclamation to designate the month of May 2023 as Fight the Bite Awareness Month.

[01:07:43] And this was requested by myself and Supervisor Herity. And I know we have with us our representatives from the Fairfax County Health Department Division of Environmental Health, including, I believe, Director Peter Sheehan is here. Peter, if you can come on down, and anyone who is here with you is welcome to join you at the podium as well.

[01:08:06] And while you're doing that, I will recognize Supervisor Herity for a motion. Yes, Mr. Chairman, I have a proclamation to move. Whereas mosquito and tick season is underway in northern Virginia, making this an opportune time to remind residents about the impacts of mosquitoes and ticks, the diseases they transmit, and the effective means of prevention.

[01:08:26] And whereas West Nile virus, Lyme disease, and other vector-borne diseases continue to impact the lives of our community, and with more residents spending time outdoors during the pandemic, among other factors, case numbers have been trending up.

[01:08:41] And whereas mosquito and tick bites can be prevented by using personal protective measures, such as the use of repellents recommended by the Centers for Disease Control and Prevention, dressing to prevent mosquito and tick bites, and performing tick checks, and whereas residents can help prevent mosquitoes in their yards and neighborhoods by eliminating standing water in their yards, emptying containers that may hold standing water, or requesting a yard inspection from the Fairfax County Health Department, now therefore be it resolved that the Fairfax County Board of Supervisors on behalf of all residents of Fairfax County does hereby proclaim May 2023

[01:09:21] is fight the bite awareness month in Fairfax County and urges all residents to take action to prevent mosquito and tick-borne illnesses. So moved. I'm happy to second that motion. We listened to every word of that. We were not distracted by the arrival of the infamous mosquito while you were reading. You know, I was reading, I heard the giggles and I already knew what was happening. Yeah, that's right. As soon as I heard the giggles. It's the return of the human-sized mosquito uh to the government center but i'm happy to uh second that motion discussion on the motion supervisor harry yeah and and what what is neat about the human-sized mosquito is that

[01:09:57] that's what uh that's what gets people's or that's a tick actually it's not a mosquito but that that is usually what gets the kids attention and as we were talking earlier is about kids so but i'm grateful we're doing this again and and this kind of wraps mosquitoes into the the the lime and tick uh awareness month and i've got some talkers so i'm not even gonna read but uh you know we we all i think at our summer concert series have the education booths and it's important that we get the great publications that our health department comes out with and in the mosquito dukes and that kind of stuff and get it out uh in the neighborhood and the awareness campaign is working so we i've

[01:10:36] been out in the in the woods with county staff a couple of times and this is one of the things i'm proud of our county for doing is the education that we do on on the bite prevention and to see our people go out prepared with the right clothing is important because it's it's important that we protect our employees as well as as make our citizens aware so those are just a couple of the things that have hit me so that the work you're doing to educate our employees and help our employees is is working because I've seen it in action more than a couple of times and we just need to continue to do everything we can to educate our residents because this is entirely

[01:11:15] preventable if we get in front of it. Yes. And equally important, making it fun and interesting so that people pay attention and catch has been the hallmark of this campaign from the county from the beginning. And I do believe that's why it's making a difference because people can relate to it. So thank you for doing that. Supervisor Pouching. Thank you, Mr. Chairman. I really just want to thank all of you and your staff I know four of you are here with us today as you know the work we do in outreach the materials you supply for our summer entertainment series yours

[01:11:50] are the most popular things we hand out from the repellents to the all of the mosquito information to the booklets for the kids they love that and I know as we've gone through hopefully out of a pandemic we do continue to appreciate your work and ensuring that we're sharing the education piece for our community as we shared completely preventable but it does take the effort the education the understanding especially as things have changed over years when I was growing up it was the poison ivy that was the big culprit of being outside and a little bit of the mosquitoes and so really just want to thank you your team behind the scenes is incredible anytime we need

[01:12:29] support and additional materials. You're there. You bring them to us to hand out to the community and just a big kudos to your entire department and our public health team for your continued efforts from the fun costumes to the education piece. We really couldn't do it without you.

[01:12:46] Thank you all very much. Well said. Thank you, Supervisor Pouchek, Supervisor Walkinshaw. Just want to echo the thanks and to the previous group as well. And, you know, thinking about the arc of Supervisor Herity's involvement in Lyme disease, it coincides with what we now know as the driver of the increase in Lyme disease, which is the warming of the climate. And the EPA pulled together all of the research and studies that have been done on it and concluded that climate

[01:13:23] change is driving the expanded range of ticks, which increases the risk of Lyme disease. We know that deer ticks are active when temperatures are over 45 degrees. So warmer temperatures are increasing their range. There's been Lyme disease in Canada, as far north as Canada, which had never happened before. And I went back and looked at our resilient Fairfax plan, which I thought included everything it could possibly include, but this is part of it. And we have to treat

[01:13:56] the increasing prevalence of Lyme disease and other tick-borne illnesses as part of our resilient Fairfax plan, because as the climate warms, it's going to become an even bigger problem. So thanks for being ahead of the curve, Supervisor Herdy, but it's going to continue to be a bigger and bigger challenge as we work to address it. So thank you. Thank you, Supervisor Walkinshaw,

[01:14:24] And good point. And of course, with the torrential downpours that we've been having, too, as a result of climate change, that's where your stagnant water, where in some areas of the county used to lay for a couple hours, now can be sitting there for days, which we know are breeding grounds for mosquitoes and something that, you know, we have to be concerned about as we think about, you know, drainage and flooding and some of the resiliency things we're working on is that, you know, more and more you're seeing stagnant standing water in parts of the county.

[01:14:54] that didn't exist there before and obviously that as I said earlier creates a breeding ground and something that needs to be addressed through the awareness campaign and the work that you all are doing so a lot of interconnected things here to think about again and I you know want to thank our staff as several others have because you know this is an amazing effort I know you work at it all the time there are peaks and valleys in terms of public awareness but this is a message that you know we try to relate to the community year-round and certainly now as we're approaching summer is the time we elevate those efforts and

[01:15:29] designate may to to make sure that all of our residents are aware of what to do and how to protect themselves and so thank you for for doing that with that i think we're ready to vote all those in favor of the motion please say aye aye any opposed any abstentions and that motion carries And we have with us representatives from the health department, including Peter Sheehan, who is our director of the Division of Environmental Health.

[01:15:57] Welcome. The floor is yours. Good morning. Thank you for this opportunity for shining a spotlight on mosquito and tick bite prevention. As you know, the bite of an infected mosquito or tick can lead to life changing illnesses.

[01:16:14] West Nile virus and Lyme disease are two of the vector-borne diseases transmitted by mosquitoes and ticks, respectively, in our region. Over the last few years, we have seen how simple prevention measures make an impact on individual and public health.

[01:16:35] The same is true of vector-borne diseases. Avoiding times and places where the vectors might be present. Using repellents that contain EPA-registered, CDC-recommended active ingredients like DEET.

[01:16:54] Using permethrin-treated clothing and gear. Perform tick checks on yourself after outdoor activities. If you have visitors from other parts of the country who don't understand ticks, i'm from arizona originally and i don't know what a tick was so i moved here make sure that that you try to educate those who are from other parts of the country who are visiting you shower soon after outdoor activities and put your clothes in the dryers for 10 minutes for on a high heat all these

[01:17:28] are important actions that can be taken to prevent bites especially when they are combined together To help spread the prevention word, our staff are attending community events such as Springfest and Coolmore Multicultural Day.

[01:17:48] The Fight the Bite calendar will be distributed to fourth graders throughout the county, throughout the Fairfax County public school system later this month, and our information will be

provided at back-to-school events and through our partnerships with our community health staff in the health department.

[01:18:09] Thank you again for this proclamation and helping us fight the bite in Fairfax County. Thank you. Thank you very much, Peter. And if the others who are with us would like to introduce themselves to the board, I would appreciate that. I'm Josh Smith, Environmental Health Supervisor in the Disease-Caring and Sex Program.

[01:18:33] I'm Tilda Hoff, Environmental Health Specialist with the Disease-Caring and Sex Program. And I'm Rachel Kempf. I'm also an Environmental Health Specialist with DCIP. Thank you. Excellent. Thank you all for your work and wanted to make sure folks watching could recognize you as well in the roles that you play because we do outstanding work, and we appreciate it.

[01:18:56] With that, I think we're ready for a photo. And so Supervisor Herity and I will join you if you could come forward and face the audience.

[01:19:36] And next up, we have board adoption of the FY 2024 budget plan.

[01:20:15] And as the board is aware, we had pre-markup already, and we had markup last week. So I know we've thoroughly discussed this. And this is really just from a legal standpoint, making sure that all the right motions are there and that the budget is approved. And before I make those motions and pass the gavel to Supervisor Gross, I'd ask our county staff if there's any small update or report they'd like to provide us.

[01:20:44] Christina Jackson, Chief Financial Officer, no. The motions that you'll go over today are the typical motions that we go over at this time, including the tax rate resolutions, establishing the tax rate, and approving the vehicle assessment ratio as well. Excellent. Thank you, Ms. Jackson.

[01:20:59] Any questions of county staff? Seeing and hearing none, I do have a series of five motions. Our first one is I move the board set the real property tax rate at $1.09.50 per $100 of assessed value. As a result of this action, the real property tax rate for calendar year 2023 will be reduced by a penny and a half from the present rate of $1.11 per $100 of assessed value.

[01:21:24] You've heard the motion. Second. And multiple seconds. Is there discussion on the motion? Discussion on the motion. Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed say nay. Parody nay. Any abstentions? Seeing that motion carries 9 to 1.

[01:21:45] Thank you, Supervisor Gross. My next motion is approval of the FY 2024 tax rate resolution. Having established the real property tax rate at $1.9.50 per $100 of assessed value, I move that the board approve the FY 2024 tax rate resolution adopting tax rates for Fairfax County as detailed in attachment two of the memorandum to the board dated May 8th 2023. Second. You've heard the motion and multiple seconds. Is there discussion on the motion? Seen and hearing none.

[01:22:15] All those in favor of the motion please say aye. Aye. Any opposed say nay. Heardly nay. Any abstentions? That motion carries nine to one. Thank you Supervisor Gross. Our third motion is approval of the FY 2024 vehicle assessment ratio. I move the board approve the FY 2024 resolution adopting a vehicle assessment ratio of 90% as detailed in attachment three of the memorandum to the board dated May 8th, 2023. Seconded by, you've heard the motion, seconded by Supervisor Lusk. Is there discussion on the motion? Seeing and hearing none, all those in

[01:22:50] favor of the motion, please say aye. Aye. Any opposed say nay. Any abstentions? That motion carries unanimously. Thank you, Supervisor Gross. Motion four is approval of the FY 2024 appropriation resolutions for county agencies funds and school board funds and the FY 2024 fiscal planning resolution. I move board approval of the FY 2024 appropriation resolution for county agencies funds, the FY 2024 appropriation resolution for school board funds, and the FY 2024 fiscal planning resolution is set forth in attachments four, five, and six of the memorandum

[01:23:28] to the board dated May 8th 2023 second you've heard the motion seconded by Supervisor Palchuk is there discussion on the motion I just want to thank and recognize FCPS CEO Marty Smith is here with us today representing the school board thank you thank you other discussion seen and hearing none all those in favor of the motion please say aye aye any opposed any nay any abstentions That motion carries by a vote of 9 to 1.

[01:23:58] Thank you, Vice Chair Gross. And finally, our fifth motion is on sewer ordinance amendments. As part of this year's budget process, amendments to the sewer ordinance were proposed. The public hearing was advertised on March 24 and March 31, 2023, and it was held on April 11, 2023 at 3 p.m.

[01:24:16] I therefore move that the Board adopt amendments to the Code of the County of Fairfax, Chapter 67.1, Sanitary Sewers and Sewage Disposal, Article 10, Charges, by amending and readopting Section 67.1-10-2 of the County Code as advertised.

[01:24:34] I'd be happy to send that. It's been multiply seconded. Is there discussion on the motion? Discussion on the motion? Seen and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed say nay. Any abstentions? That motion carries unanimously.

[01:24:50] Thank you, Supervisor. Gross and before we conclude this item I too want to again thank staff our budget staff who do an amazing job for them while this is an important part of the year of course they're working on budget items throughout the year then the work never stops but we we reach a peak at this point and certainly over the past couple months the work that our staff has done responding to Q&A and helping us with our citizen meetings and community outreach and the clerk's office with all the extra work with the public hearings to make sure that our residents could be heard is much appreciated.

[01:25:28] And I also want to thank my colleagues for such a strong vote in support of this budget. I think there's so many good things in this budget that are necessary to keep our county's reputation where it is. And I support, I mean, I appreciate the strong support of my colleagues and the extra lift of the vice chairs of the budget committee, Supervisor Faust and Supervisor Smith as well.

[01:25:50] So thank you very much. With that, we are ready to move on to board matters. And again, these have been compiled digitally, and we will go alphabetically by district following myself and Vice Chairman Gross.

[01:26:06] And I am going to temporarily turn the gavel over to Vice Chairman Gross so that I can read my board matters. I have a couple of them. First is a board matter to approve without objection the proclamation request listed in this document to be presented inside or outside of the boardroom as appropriate.

[01:26:25] And board members got this in advance. You'll see a number of requests here. I'm not going to read them all, but there is a new one that was added since the clerk circulated the document. And that is

the second bullet point, which is a proclamation to recognize National Gun Violence Awareness Day on June 2nd, 2023.

[01:26:44] And with that, without objection, so ordered. Thank you, Supervisor Gross. My next board item for jointly with Supervisor Smith and Supervisor Stork. Governor Youngkin has recently announced that $35 billion is being directed to develop data centers in Virginia.

[01:27:02] Data centers can be beneficial from a tax-based perspective and perhaps even a building repurposing perspective. Currently, the county has 11 existing data centers and five are in the pipeline. Some have gone in by right, and others have come through our zoning process.

[01:27:18] The region continues to receive requests for more data centers due to our unique location related to the Internet's fiber infrastructure. Under our 1978 zoning ordinance, data centers were treated as telecommunications facilities and were allowed by special exception in residential districts and by right without any specific use restrictions in all commercial, industrial, and planned districts, if included in the approved development plan or the PRC plan.

[01:27:48] The ZMOD ordinance that we adopted in 2021 and that we were in the process of re-adopting after the Virginia Supreme Court declared the 2021 adoption to be void eliminated the option for data centers to locate in residential districts, in most commercial districts, and in many P districts.

[01:28:08] And I just want to reiterate that ZMOD became much more restrictive when it came to data centers than our outdated 1978 ordinance. I think a point missed by a lot of people as we've gone through the process. ZMOD also introduced new use-specific standards imposing size limits for data centers in newly proposed buildings in certain commercial and industrial districts and requiring that cooling, ventilating, and other equipment be enclosed in most zoning districts.

[01:28:37] Data centers, as we know, are an evolving industry that merits our continued attention. EQUAC has requested that the board look into potential environmental issues associated with data centers and the Planning Commission based on feedback received during the ZMOD readoption process recently asked staff to review data centers further as part of the Zoning Ordinance Work Plan.

[01:29:00] Therefore, I move that the board directs staff to research what advances are being made to address potential environmental issues, to research potential environmental issues and mitigations, to develop locational guidelines that address siting facilities, and to review how data centers should be approved. Staff should also consider where any new guidelines, if adopted by the board, should be located, including the comprehensive plan and the zoning ordinance.

[01:29:26] I further move that the staff return to the board by the end of the year with their findings and recommendations you've heard the motion seconded by Supervisor Smith is there discussion on the motion just very briefly madam vice chair I first I first want to thank equac for their involvement in this but but most importantly I think it's this is an important moment to shine a light on one of the many benefits of Z mod if you look at all the things that have been changed with regard to data center certainly our 1978 zoning ordinance is categorically out of date and ZMOD was meant to modernize so many elements of it including

[01:30:03] how we control data centers and so this is an effort to build upon that and make sure that while we are open to data centers in Fairfax County they only work if they're in the proper location and have the

proper environmental mitigations as well as are properly located in an appropriate place relative to residential properties and other uses.

[01:30:26] And so I appreciate staff's work on this through ZMOD and in advance their continued work on this to get us some additional guidance that the board can consider by the end of the year. So thank you, Madam Chair. Other discussion, we're going to start at this end. Supervisor Alcorn.

[01:30:42] Thank you, Madam Chairman. I want to thank the chairman and the co-sponsors for bringing this forward. And in particular, for also flagging the issues that EQAC raised, I know they have asked for us to look at this.

[01:30:59] Appreciate their suggestions and advice on that. The other thing, the only thing I would ask that, I know we've said by the end of the year, but I'd encourage staff to move quickly on this. And frankly, if there are things that are ready to move before the end of the year that they would recommend, I would suggest they do that.

[01:31:17] This is a moving target. I mean, we've got, as you said, 11 data centers currently in Fairfax County 5 in the pipeline. I think four of those may be in the 100-mil district, at least four. And the technology is changing. The practices are changing.

[01:31:33] So there may be some things that we would need to do even sooner than the end of the year. So I just encourage us to be flexible and staff to bring things forward as they're ready. Thank you, Supervisor Alcorn. another discussion um supervisor harry and then supervisor lusk yeah and i don't know that this is the appropriate motion but one of the big concerns obviously with data centers is power requirements and i recently met with the new president and novek and incredible that right now data centers are 20 of their power base and in 10 to 15 years they're going to be 90 of their power base but

[01:32:11] less than 5% of their customers I at some point in time we need to we as the elected body here needs to and it's a little outside our realm take a look at are we gonna have the sufficient power where is it going to come from what's the grid gonna look like and and I don't know if it's in this motion already but at some point we're going to really need to dig down and understand what that's going to look like and I know there are state bodies that are looking at it as well but it's a it's an incredible change that we were talking about the

[01:32:47] impacts this summer of having to run generators because we're not gonna have enough power locally so I think power needs to be a focus this as well as the many the many other elements of it and that's inclusive and implied I will say I can't remember Pat if you're on the regional commission or not but I know NBRC has been dealing with this issue and talking about power availability throughout the region in Northern Virginia for quite some time and have really been on the front lines of doing that.

[01:33:18] So it's something we'll continue to monitor. And it's also a subject that has come up a number of times at the Virginia Association of Counties because it is a statewide issue, especially down in the Tidewater where they have a lot of telecommunications and data centers.

[01:33:34] Supervisor Lusk. Yeah, I'm going to give some credit here to Supervisor Herity. I was going to make the same point, but then the other point I wanted to make is leaping off of Supervisor Alcorn's. I think the evolution of this technology is one that's still kind of up in the air. So the future of quantum computing and other storage capacity issues is one that we probably want to do a little research on too

because I think, you know, data centers as they're currently configured and operated, the future of them is that you won't need as much space.

[01:34:06] And I just worry personally as we think about, you know, adding a bunch more of these into the county, We have to be thinking about what happens as that technology evolves and changes. So I hope that as a part of this review, the county will look at those emerging trends with the other centers and be aware that there might be things down the pike that we need to be thinking about even now.

[01:34:30] Thank you, Mr. Chairman. Thank you. Any other last? Okay, Supervisor Walkenjohn, then Supervisor Stork, and then we're going to vote. Yeah, just one point, you know, in terms of the environmental impacts that I think are important. And, you know, I spent a lot of time on data center and cloud computing issues at the federal level.

[01:34:50] And the localized environmental issues absolutely are important. Power, water, emissions. One thing that's often, though, lost is that from a climate perspective, from an energy perspective, the alternative to a data center is not no data center.

[01:35:09] The alternative to a data center is racks of servers in a closet or in a basement of a building somewhere, including some that maybe might still be a few in this building. And the transition to cloud computing has meant the transition from those racks of servers on premises to a data center.

[01:35:30] And when you net it out, those data centers tend to be more efficient than racks of servers plugged into the wall in the basement of a building. So as we look at the environmental impact, you know, I think it's important that we put it into that context.

[01:35:47] If you just measure the emissions that that building creates, and we should hold them to high standards, you're missing the alternative, which is most often much less efficient. Unless we all stop using our phones and our devices, then we won't need them. But I don't think that's going to happen, so thank you and and supervisor walking shot to that I'll take the chair's prerogative here. They also we haven't talked about security at all and that's one of the other Important pieces of getting them out of individual buildings and getting them to a location that is absolutely secure Because everyone's data needs to be secure a supervisor stork and then we're going to vote and my colleagues have made the point that I wanted to make in

[01:36:26] Particularly, I wanted to focus on the environmental part, which is why we are, I guess, co-sponsoring this, because we know, we recognize it, it all fits together. It's a complex issue, but we want to make sure we're understanding it, and we are implementing it effectively, and protecting our environment at the same time.

[01:36:43] Thank you. Thank you, Supervisor Stork. We're ready to vote. All those in favor of the motion, please say aye. Aye. Any opposed, say nay. Any abstentions? That motion carries, Mr. Chairman. Thank you, Vice Chair Gross. And finally, I have a joint board matter with Supervisor Stork, and this is a resolution to West Potomac High School student Sarah Nagda.

[01:37:04] On April 26th, the Washington Post reported on outstanding high school senior athlete from West Potomac High School, Sarah Nagda, who now a senior, runs for the varsity cross-country and track teams and swam for the varsity swim and dive team. Off the field, Sarah is the founder and CEO of Replay It, a nonprofit dedicated to giving children the opportunity to participate in sports through donations of gently used sports gear.

[01:37:32] She, her family, and friends started this charity organization when she was a freshman in high school. Replay It has donated more than 2,500 pieces of sports equipment. Sarah believes that she's been fortunate to have a family who can support the fees and equipment one needs to play sports.

[01:37:50] However, she knows many girls are not able to have the opportunities that she has had. In Sarah's words, seeing the impact firsthand is when I really saw that what I was having a part of these incredible girls' journeys. Therefore, we move that the Office of Public Affairs prepare a resolution to congratulate Sarah on her exceptional service in organizing the community to donate used sports equipment to replay it and invite Sarah to receive a resolution inside or outside of the boardroom.

[01:38:19] You've heard the motion and the second, or is there discussion on the motion? Mr. Chairman, Title IX gave access, but not necessarily provided equipment. That is right. And, Madam Chairman, to that point, you know, I know this from my own youth sports travels, that there are a lot of kids in youth sports in this county who not only cannot afford the fees to be able to participate, but certainly can't afford the equipment.

[01:38:44] And I know a lot of our leagues do, you know, within the leagues provide ways for people to gain access to sports equipment by passing it down or transferring it from older kids to younger kids. But what Sarah has been able to do, you know, as CEO is really address a lot of the high school age kids, too, who might not be in one of those youth league networks to be able to do that.

[01:39:06] And frankly, as a result of it is providing sports equipment to kids who otherwise might not be able to participate in high school athletics. So this is a big deal and such a young, smart mind to be able to pull this off. And so we want to honor her. All those in favor of the motion, please say aye.

[01:39:22] Aye. Any opposed, say nay. Any abstentions? That motion carries unanimously. Thank you, Vice Chairman Gross. And next up, we have you, Vice Chairman Penny Gross. Thank you, Mr. Chairman. This is a very brief request. Mr. Chairman, this Saturday, May 13th, the Mason District Governmental Center will hold a community open house from 10 a.m. until 2 p.m.

[01:39:43] The open house will feature the police department's bicycle safety program by the neighborhood patrol unit, an explosive ordinance disposal unit, and the canine unit. We also will have a fire and rescue apparatus, including a Jaws of Life junked car. Indoors, we'll have the police crime solvers program and hidden in plain sight exhibit, as well as fire and rescue, the office of emergency management, the sheriff's department, adult and aging division of the Department of Family Services, domestic and sexual violence services, urban forestry, and the park authority.

[01:40:13] among others and my office will also have a table because we're heading it up. It will be an exciting and interesting day for the whole family and I anticipate some free giveaways too. I ask without objection that the Office of Public Affairs publicize Saturday's Mason District Governmental Center open house in its various county communications and let's hope for good weather. Thank you. Thank you Madam Vice Chair and without objection that is so ordered. And that's for me. Thank you very much. Supervisor Walkinshaw. Thank you, Mr. Chairman. No written

[01:40:46] board matters. Just two announcements. One, I want to invite everyone to a paw-tay. I probably never thought you'd hear me say that. The second annual Braddock Bark Festival is coming up Sunday, May 21st, 1 to 4 p.m. at Lake Akatink Park. We had a lot of fun. Last year, we've added this year a children's

pavilion with pet-focused kids activities. So everyone throughout the county and the community are invited 1 to 4 p.m. at Lake

[01:41:22] Akatink Park on May 21st. Second, I want to introduce our Braddock District summer intern who's here with us today, Amina Kudatri Plummer. Amina is a student at McGill University. She's studying international development and urban studies.

[01:41:41] She and her family have been Braddock District residents since 2017, and she graduated from Woodson High School. She's interested in both law and urban planning and is considering, we're hoping to nudge her in the right direction, considering a career in public service.

[01:41:56] In the past, she's interned for family equality, working on advocacy workshops for young adults and meeting with legislators. She has two siblings and two dogs. You have to bring them to the Braddock Bark Festival. She enjoys reading novels and adding TV shows to her to watch list and then forgetting about them.

[01:42:19] She's too busy working, doesn't have time to watch them. Please welcome Amina. Excellent. And that's all I have. Thank you. Excellent. Thank you, Supervisor Walkinshaw. Supervisor Faust. Thank you, Mr. Chairman. Mr. Chairman, this is an expedited processing for Converge West Falls LLC.

[01:42:40] Mr. Chairman, Converge West Falls LLC has filed a rezoning application, RZ 2022-DR-00018 and FTP 2022-DR-00018 to permit the redevelopment of the Virginia Tech Northern Virginia Center located at 7054 Haycock Road, Falls Church with multifamily residential office and institutional uses.

[01:43:12] Public hearing is scheduled before the Planning Commission on July 12, 2023. The applicant has requested an expedited Board of Supervisors public hearing date to advance delivery of the project and public improvements. The application, known as Converge, proposes a new corporate headquarters location for HIT contracting as well as laboratory space for Virginia Tech to be known as the National Center for Smart Construction.

[01:43:40] The applicant has also submitted proffers committing to the construction of West Falls Station Boulevard prior to the issuance of any reps or non-reps for the project. This improvement would provide a critical pedestrian, bicycle, and vehicular link between the West Falls Church Metro Station site to the east, which is proposed to be redeveloped into a mixed-use transit-oriented development, and the City of Falls Church's West Falls project, which is currently under development.

[01:44:10] Therefore, Mr. Chairman, I move the Board that the Board of Supervisors direct staff to expedite a public hearing held before the Board of Supervisors for RZ 2022-DR-00018 located at tax map 40-3 double circle 10092 and 0092A to a date certain of July 25, 2023.

[01:44:37] This motion should not be construed as a favorable recommendation by the Board of Supervisors on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way.

[01:44:56] So moved. Second. Heard the motion. It's been seconded by Supervisor Lusk. Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstention?

[01:45:09] That motion carries. Supervisor Faust. No further. Board matters. Thank you, Supervisor Faust. Supervisor Lusk. Thank you, Mr. Chairman. First, Enterprise RAC Company of Maryland, LLC, the

applicant is requesting a special exception to permit the installation and operation of a car wash on property identified among the Fairfax County tax map records as 90-2, double circle 1, parcel 50, the subject property.

[01:45:37] The car wash will allow the applicant to clean its vehicles between rentals and will not be open to the public. The applicant is currently processing a special exception application identified as SE-2022-LE-00047, which is scheduled for the Planning Commission hearing on June 7th.

[01:45:57] Applicant is anxious to implement the proposed use as soon as possible. Therefore, Mr. Chairman, I move that the Board of Supervisors direct the Director of Planning and Development to schedule SC-2022-LE-00047 for a hearing before the Board of Supervisors on June 27, 2023, or the next available date.

[01:46:19] The applicant understands that the authorization of exibit processing and the scheduling of a board date in no way relieves it of the requirement to comply with applicable standards of the design ordinance. In addition, the authorization does not dictate that the pending application will be approved, nor does it prejudice staff's review.

[01:46:37] So moved. You heard the motion. It's been seconded by Supervisor Faust. Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Lusk. Thank you, Mr. Chairman.

[01:46:53] Second is Graham Springfield Hyundai Property LLC. The applicant is the owner of approximately 7.65 acres located on the east side of Loisdale Road on property as identified among the Fairfax County tax assessment records as 90-4 double circle 1 parcel 64A part, the subject property, and zoned to the C8 district.

[01:47:19] Subject property is one of four parcels developed together with automobile dealerships along Loisdale Road. the applicant is currently processing a proper condition amendment and a special exception amendment to amend two of the prior approvals to allow a second vehicle sales rental and establishment on the subject property the applications are scheduled for a hearing before the planning commission on september 13th 2023 again the applicant is anxious to commence construction is asked for consideration of concurrent processing and the scheduling of a

[01:47:51] Hearing before the Board of Supervisors, therefore, I move the Board direct staff to authorize concurrent and simultaneous processing of a site plan, architectural drawings, and any drawings as may be necessary in conjunction with PCA-2010-LE-005 and SCA-2014-LE-005.

[01:48:17] In addition, I move the Board direct the staff to schedule a hearing for PCA-2010-LE-005 and SCA-2014-LE-005 before the Board of Supervisors on September 26, 2023 or the next available date.

[01:48:37] This motion should not be construed as a favorable recommendation by the board on the proposed applications. It does not relieve the applicant from compliance with provisions of any applicable ordinances, regulations, or adopted standards. So move, Mr. Chairman. I've heard the motion. It's been multiply seconded.

[01:48:54] Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Supervisor Luskin. Thank

you, Mr. Chairman. My last item is just a quick announcement. Mr. Chairman, you as well as Supervisor Stork are aware from your extensive involvement.

[01:49:16] The Richmond Highway BRT Charm Community Charm Initiative is focused on integrating artwork into each BRT station that reflects the history, identity, and character of the neighborhood surrounding each station area.

[01:49:31] The primary way for this community charm will be represented at each BRT station in unique artwork on the glass windscreens that are part of each bus shelter. I am very excited that Fairfax County DOT has worked with three local high schools to generate designs at seven of the nine BRT stops.

[01:49:56] Students from Hayfield Secondary School used photography to create two pieces of art for the Huntington Metro, King's Crossing, and Beacon Hill Stations. Students from West Potomac High School created two pieces of hand-drawn artwork for the Lockheed and Hyba Valley Stations.

[01:50:15] And students from the Mount Vernon High School created five pieces of digital artwork for the Woodlawn Station and four pieces of digital artwork for the Fort Belvoir Station. I had a chance, as well as the chairman and Supervisor Sturck, to view all of these submissions by the students, and I've got to say, I was blown away and extremely impressed.

[01:50:36] Not only am I pleased with the inspiration that they have given us for the Community Charm designs, but I am hopeful, hopeful that we can incorporate their concepts and other projects in the Franconia District. I'd like to specifically thank some particular teachers from the participating schools.

[01:50:55] First, Casey Shannon from the Hayfield Secondary School, Amy Stoll from West Potomac High School, and Sally Gilliam from Mount Vernon High School. All of their students and the Fairfax County Public Schools Art Educational Specialist Aaron Stratton for their hard work to make this project possible.

[01:51:14] And last, Supervisor Stroke and I are looking forward to viewing the artwork that's being prepared for the two stations not covered by the high school, so Gum Springs and Highland Center, as it is currently being prepared by students at the Gum Springs Community Center and the South County Teen Center.

[01:51:35] And I hope the public will share in my enthusiasm for the creativity and contributions of all the young people involved. With that, thank you, Mr. Chairman. Excellent. Thank you, Supervisor Lusk, and thank these teachers and the students for their amazing work.

[01:51:51] I know we were all dazzled by it and look forward to ways that we can work it in and implement it into the community. So thank you. And was that all, Supervisor Lusk? No further items, Mr. Chairman. Thank you. Okay. Thank you. Supervisor Alcorn.

[01:52:08] Thank you, Mr. Chairman. Two board matters and two quick announcements. First of all, on March 27, 2023, the Vienna Town Council requested initiation of negotiations between the Town of Vienna and Fairfax County that, if successful, would result in a memorandum of understanding that under the Town of Vienna's contemplated new zoning ordinance, they would be allowed to use the Fairfax County Health Care Advisory Board to review applications for assisted living facilities being developed inside the Town of Vienna.

[01:52:40] The Health Care Advisory Board would have an advisory role only, and ultimately authority for action on such facilities would remain with the Town of Vienna. This advisory service would be used by

the Town when such facilities are above a to-be-determined size. So with that, Mr. Chairman, I would move that the Board instruct staff to study this request as well as communicate with the Town of Vienna staff and report back to the Board on possible chartering, organizational, legal, and operational changes to the Health Care Advisory Board as well as possible establishment of an MOU between the county and the town for the purpose of establishing this relationship.

[01:53:15] I'm happy to second that, along with Supervisor Lusk. Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Alcorn.

[01:53:31] Thank you, Mr. Chairman. So, Larry Butler, who's the Chief Operating Officer for the Reston Association and one of the association's longest-serving employees has announced his retirement effective June 23rd of this year. During his more than 40-year career at R.A., he has become part of the fabric of the community and has often been referred to, although not necessarily by me, as Mr. R.A. Larry started his career with R.A. as a seasonal employee in the spring of 1982.

[01:54:01] He briefly left the association in the mid-'90s to serve as general manager for the Ashburn Village Community Association, but then returned to R.A. as Director of Parks and Recreation. During his tenure, Larry was instrumental in starting R.A.'s Lakes and Watershed Management Programs and was active in the Virginia Lakes and Watershed Association. In addition, he served for years on the North American Lake Management Society Board of Directors as the organization's president. Some of the successful projects that Larry's led at R.A. include the Northern Virginia Stream Restoration Bank Program, assisting with the fundraising and approvals for the Nature House, converting the Southgate Pool to a well-utilized and county-operated community

[01:54:41] center, now known as the Kathy Hudgens Community Center, by the way, and getting lights on the Browns Chapel Little League Field. So therefore, Mr. Chairman, I request that the Office of Public Affairs prepare a certificate of recognition for Larry Butler to be presented at the June 6, 2023 board meeting or any other date that works for all parties.

[01:55:00] I'm happy to second that, along with Supervisor Lusk. Any discussion on the motion? I'll just say that we recently referred to Pete Murphy as a Fairfax County institution. I think it's clear that Larry is a Reston institution, so I really look forward to honoring him, and thank you for bringing that forward.

[01:55:20] All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Alcorn. Thank you very much, Mr. Chairman. And then just a couple of announcements. First of all, I wanted to take a moment to recognize Terrence Stroman, who has been doing and has done an exceptional job at Cornerstones during his 11-year career there.

[01:55:42] Unfortunately, he's moving on to another job. So, you know, and he's one of these folks, as we all know, who makes such a difference in the community very quietly. And he's worked for the last 11 years and more helping our most vulnerable residents and most recently was director of community-connected sites and worked very closely and in support of several neighborhoods in Reston.

[01:56:06] So the community is going to miss him, and we wish him well and thank him for the service. So I wanted to let folks know about that. And then finally, we had a great, this weekend, we had a great tour to Hunter Mill. And I want to thank the chairman for joining the ride and for, frankly, taking it easy on me as we rode, you know, along the route.

[01:56:29] It was a great tour. I know it's an opportunity for all of us to see parts of Hunter Mill District that maybe we wouldn't see otherwise. And I especially want to thank folks from the Reston Community Center, FAB, the Hunter Mill District Office staff, and our police department and all the volunteers.

[01:56:49] that helped out to make that a safe and successful event. So thank you all. Thank you, Supervisor Alcorn. And it was outstanding and it was beautiful. I mean, perfect, absolutely perfect weather day Sunday morning for a bike ride. And so it was very well done from start to finish.

[01:57:07] And add my thanks to all those individuals you mentioned that made it happen because having organized one of these, and I know Supervisor Stork does too, I don't think most people understand the amount of work that it takes to put on an event like this, and it's tremendous, and most importantly, it was a fun morning and taught a lot of folks about bicycle safety and opportunities as we continue to advocate for more bike-friendly streets, so it was a great opportunity, so congratulations.

[01:57:37] And next up, we have Supervisor Stork. Thank you, Mr. Chairman, and I want to just not only thank you for doing it, because I know it's a different, I could not come this year because I had other obligations, but I also want to thank your staff because I do understand, even though I don't always recognize it effectively, how crucial and how much energy and effort and time and so on that they put into that, because it is a big deal, and it is, I think, a great way to highlight what we're becoming, which is a street and pedestrian-friendly, I mean, a bike and pedestrian-friendly community, and it's a great way, congratulations, and look forward to being there next year.

[01:58:15] A couple other things to recognize, first and foremost, this is Military Spouse Appreciation Week, and I'm doing this jointly with the Chairman McKay, Supervisor Penny Gross, Supervisor Pat Herity, and Supervisor Rodney Lesk. The freedoms that we as Americans enjoy can only be made possible by the efforts of the more than 2 million men and women who serve our nation as active duty service members of the armed forces.

[01:58:41] Right here in Fairfax County on Fort Belvoir, there are approximately 4,420 active duty service members and 2,246 military spouses. Proudly, Fairfax County is home to approximately 80,000 military veterans and their spouses.

[01:58:59] Military Spouse Appreciation Day is a day set aside for us to pause and recognize military spouses who have had the greatest impact on service members' lives through their support and commitment to service. The average military spouse moves 8 to 12 times in the span of a 20-year military career, which often results in starting over in each location and dealing with the struggles of meeting new people and feeling a sense of community where they live.

[01:59:24] Military Spouse Appreciation Day is recognized nationally on May 12th this year. However, tomorrow, May 10th, we are co-hosting our third Veterans and Military Spouse Career Fair with Fairfax County Economic Development Authority at the National Army Museum and virtually on May 11th. Therefore, Mr. Chairman, in honor of our supportive and heroic military spouses, including those residing here in Fairfax County, I move without objection that the board recognize May 5th through 12th, 2023 as Military Spouse Appreciation Week. I also move without objection that a proclamation be signed by the sponsors of this board matter to be presented to Army

[02:00:04] Community Service at the Veteran and Military Spouse Career Fair on May 10th, 2023. And without objection that is so ordered i would just note that that's tomorrow so we want to make sure to

coordinate all these signatures we probably want to try to get something done here by the end of the day just because we're we're all here it can sign on okay excellent without objection it is so ordered supervisor stork and then just also the career fair that we're doing as part of that has been very very successful not only in recruiting but also retaining those frankly the technical skills and really the great knowledge that our military veterans and spouses have and keeping

[02:00:43] them in Fairfax County where we have in this area we have more than 130 20 25 30,000 job vacancies so this is this is a big deal we have amazing talent we definitely want to keep them here and this is a great way to do that. My second item is the 40th anniversary of Newington Forest Elementary School and I'm doing this jointly with Supervisor Pat Harity. Newington Forest Elementary School is celebrating 40 years of brilliant students, teachers, and administrators. After opening in 1983, Newington Forest Elementary School has provided excellent education to our youngest students by creating a safe and inclusive space for all students to learn and grow.

[02:01:21] To celebrate this milestone year, Newington Forest Elementary School is hosting a 40th anniversary picnic on Thursday, June 1st, from 5.30 to 7.30 p.m. The event invites all current and former students, parents, and faculty to join this joyous occasion.

[02:01:41] Therefore, Mr. Chairman, without objection, we ask that the proclamation be signed by the Chairman, Supervisor Herity, and myself be presented to Newington Forest Elementary School to take place outside the boardroom for recognition of the 40th anniversary. And without objection, that is so ordered, Supervisor Stork.

[02:01:57] Thank you, Mr. Chairman. That's it. Thank you very much. Next up is Supervisor Palczyk. Thank you very much, Mr. Chairman. And I want to, first of all, just thank Supervisor Stork. A couple weeks ago for Purple Up Military Child Month, I had the opportunity to go once again to now Mosaic Elementary School.

[02:02:16] They're one of their vice principals. Her husband is in the Coast Guard. They have a long-distance relationship at this point. I know very tough on the family, but she loves her job here. Her kids love it here, and we appreciate all they do, and that he's able to help bring the helicopter to come to the kids.

[02:02:35] every year so really appreciate your efforts on that the the kids and the the spouse is very much appreciated um i have one two written board matters one that came in a little bit late you should all have and then just a uh a verbal announcement uh the first board matter is uh for tyson's corner center pca 2004 2004-pr-044-04 members of the board and the cdpa members of the board in 2007 the Board of Supervisors approved the rezoning of Tyson's Corner Center to transform the 78-acre

[02:03:10] Supra Regional Mall site into an urban mixed-use environment. The first phase of this transformation was completed in 2015, and as we all know, it has been very successful. Maysearch has filed a series of cases, PCA 2004-PR-044-04, CDPA 2004-PR-044-03, and FDPA 2004-PR-004-03 to shift some of the

[02:03:47] approved square footage closer to the Tyson's metro station. Mace Ridge and their team have been working closely with county staff, with Commissioner Nozelski-Eichner, and with my office to refine and improve the proposal. I am happy to report that they continue to make progress and are on track to go to a public hearing this fall, in the fall. With this progress in mind, Mace Ridge has requested a date-

certain scheduling of their board hearing. The application is currently scheduled to come before the Planning Commission for a public hearing on Wednesday, September 13, 2023. I therefore move that the Board of Supervisors direct staff to schedule the

[02:04:25] reference applications for public hearing before this Board of Supervisors at our meeting scheduled for Tuesday, September 26, 2023. This motion should not be construed as a favorable recommendation by the Board of Supervisors, nor does it prejudice in any way the Board's consideration of these applications. Heard the motion. It's been seconded by Supervisor Lusk. Any discussion on the motion?

[02:04:49] Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Palchuk. Thank you, Mr. Chairman. And for this final one, actually, Vice Chairman Gross, if you'd like to join us for this as well, it is in the Springfield and Providence districts, but it is really all about girls and sports.

[02:05:10] So I'd be happy to add you. Thank you. This is a joint board matter with Chairman McKay, Supervisor Herity, and Vice Chairman Gross. for Girls on the Run 5K, which I'm so delighted is really not just about running, but really about development, about girls and ensuring access. I'm delighted to present this as I helped found the first team as a coach at Kingsley Commons, and they continue to run, and we're so delighted that this is happening in Fairfax this year. Members of the board, Girls on the Run, founded in 1996, is a non-profit organization designed to enhance participants' social, emotional, and

[02:05:47] physical skills. What began as a program with only 13 participants has since grown astronomically and now serves over 2 million participants from coast to coast. Students in grades 3rd through 8th are welcome to participate. Girls on the Run has a long-standing and unwavering commitment to building a world where any and every girl can know and activate her own limitless potential through developing skills that will help her successfully navigate life's experiences.

[02:06:14] Each year, Girls on the Run hosts hundreds of 5Ks across North America, making it one of the largest 5K series in the world. This year, for the first time, the Girls on the Run 5K will take place at two different locations in Fairfax County, at Fairfax Mall and at the Basis Independent School in Tyson's, and they are being supported by Fairfax County Police and our offices.

[02:06:37] Each event requires over 100 volunteers to be successful. Girls on the Run is currently looking for dedicated volunteers to make this spring 2023 5K a success. And there are things besides running where they need volunteers. Volunteer roles include bus greeter, roadrunners, cheer marshals, start and finish supporters, check-in, and many more.

[02:06:57] For more information about how to volunteer, please visit www.gotrnova.org slash volunteer. And I have also included the flyer for both events, as well as the full array of volunteer opportunities here for you.

[02:07:15] Therefore, we move without objection that the Office of Public Affairs publicize the event on the appropriate channels, inviting our community to attend and encouraging all to volunteer. And without objection, that is so ordered. And having had to travel with my daughter to several of these in Prince William County over the years, I'm really glad to see this in Fair Oaks Mall.

[02:07:37] so it's fantastic so thank you for thank you for bringing attention to that and without objection office of public affairs will share opportunities on how to participate and also on how to volunteer yeah

and i just want to add i love how they've lowered the barriers from providing shoes and equipment transportation working with our title one schools and they really have grown i believe they're if not the largest one of the largest girls on the run organizations in the country and really, I think, do incredible work. When I realized it was more than about just the run, I was so excited that they were coming to the county. Absolutely. Thank you very much,

[02:08:14] Supervisor Pouchik. And was that all? Yeah. Just one more announcement. I think many of you have heard when we talk about regionalism and we're often sad when we lose some of our best employees to other counties or jurisdictions in the region. I'm so delighted that the Tyson's Community alliance has elected its very first um ceo uh we want to thank uh rick who has served as an interim but katie crystal as you have heard um had already announced she would be stepping down from the board next year in arlington county but she will be stepping down and joining on july 5th as the

[02:08:50] official ceo uh we are delighted to have her those of you who worked with her on regional transportation or other issues know how she's committed to the region's transportation housing and ensuring that everyone including young families and seniors are able to live and work and play in our region so i think it is a great find and a great opportunity for tyson's to have its very first ceo for the region and i believe she will be joining us at one of our future committee meetings so uh she will be able to represent uh officially as the new tyson's community alliance partner

[02:09:29] and i know is so delighted to get to work with all of us and to have tyson's community alliance really be an excellent pilot for what can be done across refrex county so i just want to congratulate her and her family um and sorry arlington board but i think we've got a good one here so uh that is all Mr. Chairman. An excellent selection so thank you for announcing that. With that next up is Supervisor Herity. Yes Mr. Chairman I have one announcement and one unwritten board matter.

[02:10:01] I am very pleased to introduce the newest member of my staff Maddie Godfrey who's joining my office as our communication and community outreach assistant. Maddie's a student at George Mason University pursuing her bachelor's degree in communication. She comes with experience as a radio host, basketball game producer for GMU's Women's Basketball, cultural editor for Mason Student Media, and patriot leader with GMU's New Student and Family Programs. We are very happy to have such a bright Mason student working with us. Please join me in welcoming Maddie.

[02:10:39] And sorry, this one is unwritten. I expected it was going to be in the package, but It's without objection, I move that we prepare a proclamation recognizing Police Week in Fairfax County, May 14th through the 20th, 2023.

[02:10:57] Without objection, that is so ordered. Anything else, Supervisor Herity? That's it for me. Okay. Supervisor, I'm sorry. Okay. Supervisor Smith. Thank you, Mr. Chairman. This is a joint board matter with Supervisor Herity.

[02:11:13] I would like to congratulate and recognize three outstanding individuals from Chantilly High School for winning individual state championships in their respective winter sport. Matthew Brea Sr. won his third Class 6 state diving championship on February 16 at the Aquaplex in Hampton, Virginia.

[02:11:31] Matthew easily outdistanced the competition, winning by an astounding 54 points. Matthew was also named to the Washington Post first team, All Met, for swimming and diving. Ezekiel Keel, a

sophomore, won the 113-pound Class 6 State Wrestling Championship on February 18 at the Virginia Beach Sports Center by a 2-0 score.

[02:11:51] In dramatic fashion, he prevailed in what had been a scoreless match until the final seconds. Ezekiel was also named to the Washington Post's second team, All Met for Wrestling. Benjamin Weider, a sophomore, won the 144-pound Class 6 State Wrestling Championship on February 18 at the Virginia Beach Sports Center, dominating his opponent in a 20 to 5 decision last year he finished third in the state tournament benjamin was also named to the washington post second team all met for wrestling therefore mr chairman i ask without objection the the aforementioned winter sports sports state champions from chantilly high school be brought before the board to receive a resolution recognizing

[02:12:28] them for their outstanding achievement at the june 6 2023 board meeting and without objection that That is so ordered. Supervisor Smith. Okay. Supervisor Stork. Thank you, Mr. Chairman. I just, one of the things I failed to mention was why I was late this morning. And it's something I think important to really the whole community.

[02:12:47] Inova, Mount Vernon Hospital dedicated the new Veach Behavioral Health Unit at Mount Vernon Hospital. It is, it will provide adult care and patient and hospital care for mental health issues and needs that we have in our community.

[02:13:05] And for those of you who are involved with this, and I know most of us are very involved with this, we know that there's severe inadequacy of those kinds of services and units. So it was a great, frankly, recognition celebration. Jeff Veach is from West Potomac High School in our area and a graduate and somebody who clearly has been very dedicated to this community, who's a very successful entrepreneur who's not only done this in terms of donations, but also was a key improvement to our emergency room at Mount Vernon Hospital.

[02:13:34] And again, Mount Vernon Hospital and NOVA have made a huge commitment there to do even more. And next week we're going to be going back for another dedication of some additional improvements at the facility. So I just wanted to thank Mr. Chairman for giving me the opportunity to be there and represent not only him but the board as well for something that I know we all recognize is so important in our community.

[02:13:54] Thank you. Thank you very much, Supervisor Stork, and thank you for doing that. And the Veach family has, you know, long been supportive of particularly Mount Vernon Hospital. And so I'm sorry to miss that this morning, but thank you for representing us. And thank you for telling, you know, the rest of us, you know, what that was about.

[02:14:12] Because it is an absolutely critical thing and an absolute critical time for that expansion. Supervisor Gross. Thank you, Mr. Chairman. As the board knows, I represent the county on the Innova Board of Trustees as well as on the Mount Vernon Quality Committee.

[02:14:29] Inova Mount Vernon Quality Committee, and this has been a long time coming, but there are a couple things I wanted to point out. We need more beds, more behavioral health beds. This was an opportunity for Inova to, as they were redesigning Inova Mount Vernon and adding on, to be able to really have a state-of-the-art kind of unit. It will look different than other units because of the way It's set up, and it really is set up to be safe and welcoming to people.

[02:15:06] You know, it's not the kind of locked doors and that kind of thing, but really a lot of counseling, a lot of support for the patients and their families. And Nova Mount Vernon was really excited about doing this. And I think that, you know, if we look back in a couple months, see how they're scaling up, it will be a huge benefit to our community because we do need those inpatient beds thank you thank you supervisor gross yes supervisor stork and then we're going to move on to admin items i

[02:15:41] apologize but i but to to also tag on that one of the things that we all also recognize is we have a severe deficit of adolescent psych beds and i want to just i want to keep pounding that as well as reminding folks that we've got to fix that it's making a huge difference for our it would make a huge difference for our family, but right now we have deficits that are really unmet that we know are causing families a great deal of pain and difficulty in trying to address those needs otherwise, so thank you.

[02:16:10] Thank you, Supervisor Stork. And with that, we're going to move on to admin items, and let me ask Supervisor Gross if she has a motion to approve admin items 1 through 6. So moved, Mr. Chairman. Heard the motion. I'm happy to second that. Is there any discussion on the motion? Any discussion?

[02:16:27] Seeing and hearing none. All those in favor of Admin Items 1 through 6, please say aye. Aye. Any opposed? Any abstentions? And that motion carries and brings us to action items, and we have four of those. Action item number one is a resolution to support the abandonment of Route 4117 in the Mount Vernon District.

[02:16:49] Supervisor Stork. Thank you, Mr. Chair. I move the county executive's recommendation. I'm happy to second that motion. Is there any discussion on the motion? Any discussion? Seeing and hearing none, all those in favor of action item one, please say aye.

[02:17:05] Aye. Any opposed? Any abstentions? And that motion carries and brings us to action item number two. And action item number two is approval and authorization to execute a revision to the project administration agreement with the Virginia Department of Transportation for the Richmond Highway Corridor Improvements Project in the Franconia and Mount Vernon districts.

[02:17:28] Do we have a motion? Supervisor Lusk. Thank you, Mr. Chairman. I'll quickly move the county executive's recommendation and say that I'm delighted that we're able to provide the first phase of funding for this Richmond Highway improvement. And I'll say it's going to be the first step in allowing us to embark on the revisioning and the redevelopment of this corridor.

[02:17:51] I'm happy to second that motion along with Supervisor Stork. Any other discussion on the item? I would just say that much to a lot of people's chagrin, these projects take a long time. And I know how long ago a previous board had laid the foundation to get the funding for this project.

[02:18:11] And it's a multi-year funding endeavor, but so critically important not only to South County, but to the entire county that this project be done and be done as efficiently and as quickly as possible in an area that desperately needs it. And so a lot of people to thank for getting us to this point, and there'll be many more milestones coming to the board as we move forward. With that, all those in favor of action item number two, please say aye. Aye. Any opposed? Any abstentions?

[02:18:43] And that motion carries. Action item number three, I understand we are deferring action item number three and so we do not need to call that item but it is being deferred as the as the agenda shows so we will move on to action item number four which is approval of the one-year action plan for the use of

community development block grants cdbg home investment partnerships program funds home and emergency solutions grant esg and fy 2024 supervisor faust thank you mr chairman uh i

[02:19:20] move the approval of the county executive's recommendation second heard the motion it's been multiply seconded are there any questions or discussion any discussion on the motion seeing and hearing none all those in favor of action item four please say aye aye any opposed any abstentions that motion carries and that brings us to our one information item and just as a reminder we do not vote on these but as this item is provided for information to the board should there be any questions or comments.

[02:19:53] So are there any questions or comments on information item number one, which is the Fairfax Falls Church Community Services Board fee schedule. Any questions? Seeing and hearing none. That brings us to the end of our information items, and we now will go on to closed session.

[02:20:16] Let me ask the county attorney how long we need for closed session. Mr. Chairman, I estimate no longer than 30 minutes. No longer than 30 minutes for closed session. And when I look ahead to our agenda this afternoon, it has gotten significantly shorter.

[02:20:33] All of the 3.30 items and two of the 4 o'clock items are all going to be deferred. And there is a 4.30 item that is being withdrawn. So, if that is the case, the board should report back for closed session at, so let me ask the county attorney, since all the 3.30 items are canceled, we can start any time after that, but not before that.

[02:21:04] So, if the board were to reconvene for closed session at 3.30 and reconvene for public hearings at 4 p.m., does that work schedule-wise? Yes, sir. I just wanted to confirm. So should this motion pass that I'm going to ask Supervisor Gross to make, the board will be in recess until 3.30.

[02:21:22] We'll reconvene for closed session at 3.30 and then be ready for our 4 p.m. public hearings. And there is one, two, three, only four of those this afternoon, three four o'clock items and one 4.30 item.

[02:21:37] So with that, let me turn to Supervisor Gross for a motion. Mr. Chairman, I move that the Board of Supervisors recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.2-3711 and listed in the attached agenda for this meeting.

[02:21:54] And in addition, as permitted by Virginia Code Sections 2.2-3711A8 and 19 and 2.2-3705.214 legal and law enforcement briefing regarding a proposed memorandum of understanding between the Fairfax County Police Department and the Federal Bureau of Investigation relating to the Northern Virginia Regional Intelligence Center, where open discussion would compromise public safety.

[02:22:22] You've heard the motion. It's been seconded by Supervisor Lusk. Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. And before we go into recess, there are, as I mentioned, a number of items to be deferred.

[02:22:41] And I just want to make sure people are watching who would like to come testify on these matters that the deferrals. Let me ask Supervisor Smith if she wants to announce her intention to defer three of her cases, and then there's one in Springfield District.

[02:22:56] Supervisor Smith. Thank you, Mr. Chairman. I will be deferring the Maton-Gloris Road and the Virginia Medical Transport and the Vacation of Barney Road. Okay. Supervisor Herity. Yes, Mr. Chairman, I intend to defer Merit Investment, LLC.

[02:23:13] Okay. And then lastly, the item that was withdrawn was the public hearing to consider the creation of the Community Development Authority for Huntington Central and the Mount Vernon District, which was announced at 4.30 and has been withdrawn. I just want to make the public aware of those changes in the interest of any of them wanting to testify on those.

[02:23:31] And with that, the board is in recess until 3.30. I know there were no other motions coming out of closed session, so at this time we are going to begin public hearings.

[02:23:52] And just a reminder for everyone, individuals wishing to provide testimony have a number of options. They can testify here in person. or they can provide testimony by phone or YouTube video. At the designated point in the public hearing, I will call for any speakers from the speakers list, and they will either come forward or their video will be shown, or they will be called by telephone.

[02:24:11] There will then be an opportunity for anyone else who would like to speak to the application to come down to the podium or to call in on a number that will be provided on the screen once we get through the speakers who have signed up in advance. Speakers testifying via video must have signed up and submitted their video no later than 9 a.m. on the day prior to the hearing.

[02:24:32] For all testimony, you are given three minutes to speak as an individual. If you are a spokesperson for a group, you are given five minutes. With that being said, first thing we need to do is we have a number of cases that are being deferred. And so let me begin by calling the first one, which is a public hearing on RZ 2022-SU-00010, Matan-Gloris Road, LLC, in the Sully District.

[02:24:59] Supervisor Smith. Thank you, Mr. Chairman. At the request of the applicant, I move to defer this public hearing for application number RZ 2022-SU-00010 to a date certain of June 6, 2023 at 3.30 p.m. I've heard the motion. It's been seconded by Supervisor Lusk. Any discussion on the motion?

[02:25:20] Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Next, we have a public hearing on PCA 80-S-008-02 and RZPA 2022-SU-00095, Virginia Medical Transport, LLC in the Sully District. Supervisor Smith.

[02:25:44] I move that the Board of Supervisors defer the public hearing for PCA 80-S-008-02 to a date certain of May 23, 2023. Second. Heard the motion. It's been seconded by Supervisor Lusk. Any discussion on the motion?

[02:26:01] Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Next is a public hearing on RZ 2016-SP-033 Merit Investment LLC in the Springfield District, Supervisor Herity.

[02:26:21] Yes, Mr. Chairman, I move the Board of Supervisors to defer the public hearing for RZ 2016-SP-033 to a date certain of May 23rd, 2023. You've heard the motion. It's been multiply seconded. Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye.

[02:26:40] aye any opposed any abstentions and that motion carries next is a public hearing on a proposal to vacate a portion of barney road in the sully district supervisor smith i move to defer this public hearing for the vacation of a portion of barney road to a date certain of june 6 2023 to a time consistent with the associated rezoning application number rz 2022-su-00010 to be scheduled for board consideration on june 6 2023 you've heard the motion and the second by

[02:27:18] supervisor lusk is there any discussion on the motion seeing and hearing none all those in favor of the motion please say aye aye any opposed any abstentions that motion carries and that brings us to our public hearing to consider an ordinance expanding the colmore residential permit parking District, District 9, in the Mason District. And at this time, once staff is ready, we would welcome a county staff presentation. Good afternoon, Chairman McKay, members of the Board, Henry Stein

[02:27:57] McCartney, Department of Transportation. This is a public hearing to consider expanding the Colmore Residential Permit Parking District, District Number 18, to include the segment of Wilkins Drive from Vista Drive to Knollwood Drive, as shown on Attachment 2 of the Board package. Residents along this block of wilkins drive requested expansion of the colemore rppd to protect residents from unreasonable burdens to access their property caused by the parking of non-resident

[02:28:31] vehicles fcdot performed a parking study during peak hours of demand and found at least 75 of the total number of on-street parking spaces were occupied and at least 50 of those occupied spaces were filled by vehicles registered to non-residents of the petitioning block based on the results of the parking demand study and the fulfillment of all other requirements that set forth in fairfax county code staff recommends approval of the colmore rppd expansion as proposed thank you very much are there any questions of staff any questions of staff not seeing and hearing any this is a

[02:29:07] public hearing and i do have one speaker who has signed up in advance to testify on this matter and that is speaker one stephen schreiber is mr schreiber here he is here and he is an individual testifying and has three minutes welcome the floor is yours okay thank you and thank you for allowing me the opportunity to speak i am here to ask you to prove the proposed amendment that would include my block in the comor rppd my block has 10 houses four on one side of the street six on the other

[02:29:43] we are block away and between justice high school and bailey's elementary school so at certain times of the day we have a fair amount of school and bus traffic what distinguishes our block is that we are not included in either the colmore rppd or the justice high school rppd approval of the proposed amendment therefore merely extends to us the relief already available to the rest of our

[02:30:15] neighborhood the rppd districts were created to address the conditions that we face this includes parking by private and commercial vehicles that are not registered to my block the average for this one block is 18 to 25 cars and this includes out-of-state vehicles too maryland district of columbia this is a problem day and night both during the week and especially friday afternoon until monday morning the same vehicles are parked there all of the time most residents of my block

[02:30:54] park in their own driveways. The excessive parking by the non-resident vehicles often makes entering and especially exiting your driveway dangerous. It's hard to see around two or three vans parked on your street. The excessive parking narrows the street to one lane and that creates jams and hampers, school buses, traffic. The parking also makes it difficult to find space

[02:31:31] for garbage bins, for leaves that you're putting out for collection, and for bulk pickups. We have people who work on their cars on the street because they don't live there and they can't work on their on the cars in their driveways. And now, with the commencement of renovations to Justice High, we're starting to get student parking on our street also. So, you know, and that's primarily because we're the only block 10 houses that aren't privileged with protection right now.

[02:32:12] I've lived on Wilkins Drive since 1982. For a large portion of that time, we did not have these issues. My hope is that the approval of the amendment to include us in the Colmore RPPD will help restore and maintain the residential character of the block. Please approve the amendment. Thank you. Thank you, Mr. Schreiber. Appreciate your testimony. This is a public hearing. Is there anyone else present in the auditorium who would like to speak on this matter? Sir, if you could come down and if you could kindly sign in here at the corner of the

[02:32:48] dais with the clerk so that we can get your name and address. I appreciate that. After this gentleman, is there anyone else here who would like to testify on this matter? Anyone else who would like to testify on this subject? Okay. And let me ask the clerk, is there anyone who's called in at this time? Okay. All right. Welcome, sir. If you could just introduce yourself with your name and address and welcome. Sure. Thank you. I'm Mark Tonkovic at 3324 Nevia Street in Falls Church. I want to thank Steve for his testimony to the neighborhood that we've all seen in our

[02:33:26] immediate district, but really just want to thank Supervisor Gross and her crew for an initiative that we began back in 2009. And so here we are. This is like the last section to kind of complete this moving problem. So if you would bless it and approve it, we'd be most grateful. That's all I want to say. Just thank you.

[02:33:43] Thank you very much, Mark. Appreciate your testimony. Let me confirm with the clerk again, there are no callers. No callers. Any closing comments from staff? Staff recommends approval of this item. Okay. Last question, last call for questions from board members.

[02:34:02] Seeing and hearing none, I will now close the public hearing and recognize Supervisor Gross for a motion. Thank you, Mr. Chairman. I'm not sure this is the last time we will see this particular area come forward for another expansion because we are doing this incrementally, it seems. But each time, Mr. Tonkovic and his neighbors do the work that is necessary to bring the case to fruition.

[02:34:29] And by the way, tomorrow afternoon is the volunteer Fairfax community champions. And Mr. Tonkovic is the Mason District Community Champion this year because of the work that he has been doing over and over and over again for his particular community, the latest stuff, which is the RPPD.

[02:34:50] So with that, appreciate them coming out. And I would move the county executive's recommendation. I'm happy to second that motion along with Supervisor Lusk. Any discussion on the motion? Mr. Chairman, one thing that this RPP will not do, and we will still need to have some work done, and that is the speeding that is happening at Vista and Peace Valley Lane right in that area as the kids come out of school or the parents go to pick up the children.

[02:35:22] The stop signs are routinely passed through, and the speeds are not what they should be in a neighborhood. But the RPPD does not address that. This RPPD addresses parking, but these are the challenges that many of our older neighborhoods face, and we will work on getting them corrected incrementally.

[02:35:48] Thank you. This is an important step forward, so thank you. Any other comments? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Thank you very much. Thank you. Next, we have a public hearing to consider an ordinance establishing parking restrictions on Whittier Avenue in the Drainesville District.

[02:36:13] And at this time, I'd recognize county staff for a staff presentation. Thank you, Chairman. I'm Henry Stein-McCartney once again with the Department of Transportation. this is a public hearing to consider parking restrictions in the drainsville district on whittier avenue between old dominion drive and laughlin avenue as shown on attachment two of the board package property owners along these blocks of whittier avenue are seeking relief for long-term parking and vehicle storage that diminishes the capacity of on-street parking for other uses the requested restriction will prohibit the parking of commercial vehicles

[02:36:50] recreational vehicles and all trailers from 10 p.m to 6 a.m seven days per week staff has observed the stated blocks of whittier avenue over a 30-day period and documented long-term parking of commercial vehicles along them based on our findings staff recommends approval of the parking restriction as proposed thank you very much any questions of staff seeing and hearing none this is a public hearing and i have one speaker who has signed up in advance to testify and that is andrew

[02:37:20] Henkel who has submitted video testimony if we could play his video. 6711 Whittier Avenue. This is my video testimony regarding the proposed parking restrictions for Whittier Avenue. Over the last year we have seen a significant amount of increased commercial vehicle parking on Whittier Avenue. Most of these vehicles are using this as a 24-hour parking lot while others are using it

[02:38:00] strictly for overnight parking. This has affected us in two different ways. One from a business perspective and one from a safety perspective. On the business side, it has caused an extreme limited visibility of our businesses. People being able to see our businesses from the street is paramount. We're not seeing the right video. Additionally, we've had limited parking due to the number of spots these large and long vehicles are taking up on Whittier Avenue. Prior to their parking there, those spots were constantly filled every day. Now, our patients and our clients are

[02:38:38] having difficulty finding parking spots. More importantly, this is now causing a safety issue. The visibility getting in and out of our parking lots has been significantly reduced. I've seen and heard of multiple near collisions in the area due to people not being able to see oncoming traffic. And in fact, at one point, I was the first person on a scene as a woman was t-boned coming out of our parking lot. Clearly, this is not the intention of what the parking on that

[02:39:12] streets should be. And I highly encourage you to pass the parking restrictions so that we can get back to a more safe and business-friendly environment. Hello, my name is Dr. Andrew Hinkle.

[02:39:28] So I think we're going to figure out what happened there and replay that? Yeah, thank you. Okay. And while we are waiting for that, let me see, is there anyone else here present who is here to

[02:39:58] testify on this matter? Anyone in the auditorium who would like to speak on this subject? Mr.

[02:41:49] i wonder perhaps while we're waiting uh perhaps my name is dr andrew and i'm a dentist practicing at 6711 whittier avenue this is my video testimony regarding the proposed parking restrictions for whittier avenue over the last year we have seen a significant amount of increased commercial vehicle parking on whittier avenue most of these vehicles are using this as a 24-hour parking lot while others are using it strictly for overnight parking this has affected us in two different ways: one from a business perspective and one from a safety

[02:42:27] perspective. On the business side, it has caused an extreme limited visibility of our businesses. People being able to see our businesses from the street is paramount to our success. Additionally, we've

had limited parking due to the number of spots these large and long vehicles are taking up on Whittier Avenue. Prior to their parking there, those spots were constantly filled every day now our patients and our clients are having difficulty finding parking spots more importantly this is now causing a safety issue the visibility getting in and out of our parking lots has been

[02:43:06] significantly reduced i've seen and heard of multiple near collisions in the area due to people due to people not being able to see oncoming traffic and in fact at one point i was the first person on a scene as a woman was t-boned coming out of our parking lot. Clearly, this is not the intention of what the parking on that street should be. And I highly encourage you to pass the parking restrictions so that we can get back to a more safe and business-friendly environment.

[02:43:42] Thank you, Mr. Henkel. And that completes our speakers who have signed up in advance. Let me ask one more time. There's no one here present who would like to speak on this matter. This is public hearing anyone present who would like to speak seeing and hearing no one no one has called in at this time i would ask staff if they have any closing comments or recommendations staff recommends approval of this item thank you very much last call for questions from board members seeing and hearing none i will now close the public hearing and recognize supervisor faust for a motion thank you mr chairman uh first of all i thank dr hinkle for his testimony today and also

[02:44:19] So his good efforts in terms of getting us to this point, helping us to address a serious safety issue and convenience issue in downtown McLean.

[02:44:31] So the county executive recommends that the board adopt an amendment to Appendix R of the Fairfax County Code, which is attachment one to the board item, to prohibit commercial vehicles, recreational vehicles, and trailers as defined respectively in Fairfax County Code sections 82-5-7, 82-5B-1, and 82-1-2.

[02:45:02] to print a print 50 from parking on whittier avenue from old dominion drive to laughlin avenue from 10 p.m to 6 a.m seven days a week and i move approval of the county executive's recommendation i'm happy to second that along with supervisor lusk any discussion on the motion any discussion on the motion seeing and hearing none all those in favor of the motion please say aye aye any Any opposed? Any abstentions? And that motion carries. Thank you, Supervisor Faust. That brings

[02:45:38] us to our next item, which is a public hearing on a proposal to adopt an ordinance requesting an increase in frequency and or duration of events of specified designated outdoor refreshment area licenses under Virginia Code Section 4.1-206.3-D2C. And as soon as staff is ready, we would welcome a staff presentation. Good afternoon. My name is Laura Gorey from the County Attorney's Office and I'm joined today by Tracy Strunk, Director of the Department of Planning and Development and with

[02:46:15] staff from the Fairfax County Police Department. This is a public hearing to consider an amendment to the Fairfax County Code to request an increase in the designated outdoor refreshment area license events. In 2021, the General Assembly amended the Virginia Code to create this new type of license designated outdoor refreshment area which i'll refer to as dora license the code allows for a licensee to hold up to 16 outdoor events per year each of which may last up to three consecutive days this photo here is one of the reston town center association's dora events

[02:46:52] before approving a dora license holder's request for more than 16 events the virginia abc board requires the locality to pass an ordinance requesting that increase. VABC's legal counsel explained that the

purpose of that requirement is to ensure that the licensee has coordinated with the locality and that the locality approves of the increase.

[02:47:15] When applying for a DORA license, the applicant has to describe the licensed area and its proposed public safety plan, and an ordinance requesting an increase in events should do the same. So the proposed county code amendment today would add a new appendix W to the Fairfax County Code to request this increase.

[02:47:35] And this is as a result of the Reston Town Center Association reaching out to Supervisor Alcorn at the beginning of the year to express concern that they were going to run out of their 16 events. And so they wanted to get an ordinance allowing this increase in frequency. Under Section 1 of the proposed Appendix W, it would pertain specifically to RTCA's DOR license and allow them an increase up to 50 events per year.

[02:48:02] And as required by the code, as I said, it describes the licensed area and the public safety plan. And if the Board of Supervisors were to adopt this code amendment, then the Reston Town Center could ask the VABC Board for an increase in the frequency of its events.

[02:48:20] And here we have a map of the licensed area. This red outline is the exterior or maximum limits of the licensed area, but it's my understanding that RTCA frequently holds events within smaller subsets and at that time they'll set up barricades and post signage so that if people are drinking outdoors they know to stay within the barricaded area.

[02:48:45] And Robert Gowdy, the Executive Director of RTCA is here today and he'd be happy to explain more about how these events work and some of the subset areas and we have one final slide here which is just to clarify that the increase is in licensed events not an actual increase in licenses although maybe that's something you'll start to see at some point so with that that concludes my presentation we're available to answer any questions if you have some are there any questions of staff any questions of staff supervisor palchik thank you just a brief question um first of all

[02:49:24] To clarify, the DORA events, are these events also known as sip-and-stroll events? In Reston, yes, they're known as sip-and-stroll. Well, that's one of the types. Apparently, there are many different ones, and maybe Mr. Gowdy will explain some of the others, but that might be one of the best known.

[02:49:41] Okay, and is there, so in Reston, the DORA events are limited to 50 events per year versus being a general sip-and-stroll area that is always open for sip-and-stroll? Yes, that's correct. So if you do adopt this ordinance, they would be limited to 50 events, each of which can't last more than three days.

[02:50:02] Okay. Thank you. Okay. Any further questions? Seeing and hearing none, this is a public hearing, and I have no speakers who have signed up in advance to testify on this matter. Is there anyone present in the auditorium that would like to speak on this subject? Anyone present who would like to speak?

[02:50:19] Sir, if you could sign in with the clerk with your name and address. After this, gentlemen, is there anyone else present in the auditorium that would like to speak on this specific matter? Anyone else who would like to testify? Okay. And if you could introduce yourself and your address for the record, we would appreciate it.

[02:50:45] Welcome. The floor is yours. Thank you, Chair McKay. My name is Robert Gowdy. I'm the Executive Director of the Reston Town Center Association, the applicant here for the ordinance. I really first and foremost want to thank Supervisor Alcorn for his leadership and his help in bringing this here today. and Laura Gobi, who's done a great job with kind of putting the legalese together.

[02:51:03] It's a little complicated, it's a little unique, but I think it's something everybody can get their minds around fairly quickly. We tested, pilot tested, a sip-and-stroll ABC license last year in Reston Town Center. We did eight events, and it was so well-received that our board decided this year to expand the number of offerings in Town Center.

[02:51:22] We could have gotten what is called a commercial lifestyle license from ABC, which we would stand up 365 days a year. we didn't want to do that. We don't want to turn Reston Town Center into a constant hub crawl. So we want to do selective events that we control. And so we went and got this DORA license that Laura explained, but has a 16 event cap. And seeing the enthusiasm that we had last year for these events, we've decided to increase. We'll do about 30 this year. And going up to 50 avoids us having to come back to the Board of Supervisors year after year incrementally increase. The events we run, there are three really. There's second Saturdays, which is the second Saturday of the month. It runs from 1 to 530. The streets of Town Center are activated with

[02:52:01] a kid zone, a pet zone, a game zone, entertainment, all free, all open to the public. Go into the participating establishments and bring your beverage of choice onto the streets in the barricaded area if you'd like. The second one is our Reston Concerts on the Town, celebrating its 30th anniversary this year. Many of you have probably been there. Nationally renowned Axe Big Bad Voodoo Daddy, Grammy nominee, Plano Libra, Grammy nominee, Babaseth, Dwayne Dobssey, and the Zydeco Hellraisers, all national acts, some of which appeared at Wolf Trap.

[02:52:34] The Difference at Town Center, all free, all open to the public. And this year, we're adding Sip and Stroll to that event within the designated area. And then finally, an event we piloted last year, Darden and Friends, Darden Purcell, national recording jazz artist and chair of the Jazz Studies Department at George Mason University, curates this series.

[02:52:52] We plumb the entire depths of jazz serving equity in our programming, and we do that in our park, Town Square Park, and barricade that area for sip and stroll as well. All of these areas, as Laura noted, are barricaded, which is above and beyond what is required in the license, so it's actually a more restrictive and a more controlled environment.

[02:53:11] We make it a pedestrian-only environment, so there are no cars on the streets while people are sipping and strolling at these events, and it's limited to the time of the event. So in the concerts cases, we're talking a couple to several hours. That's the sum of it, I think, I hope, and I'd be happy to answer any questions.

[02:53:28] Thank you very much. Mr. Gowdy, any questions? I don't think we have any questions for Mr. Gowdy or staff? No, I was just going to quick comment. I mean, we talk about placemaking, and this is really what it's all about. So that's all I could think when you were talking. Thank you, Supervisor. All right. It's right on.

[02:53:44] Any other questions? Okay. Thank you very much for your testimony. Appreciate it. Let me ask the clerk if anyone has called in. No one has called in. Closing comments and a recommendation from

staff? Staff recommends approval. Thank you very much.

[02:53:59] Any further questions from board members? Seeing and hearing none, at this time I'm going to close the public hearing and recognize Supervisor Smith, the chair of our Land Use Process Committee. Supervisor Smith. Thank you. Mr. Chairman, I move that the board amend the Fairfax County Code by adding a new Appendix W as recommended by the county executive to request an increase in the frequency and or duration of specified designated outdoor refreshment area licenses under Virginia Code Section 4.1-206.3 per end D to C to include the following change.

[02:54:38] In the intro to Appendix W, line 14, make licenses singular and add events. So it reads DORA license events under Virginia Code Section 4.1-206.3 d2c and i move that the adoption of appendix w become effective at 1201 a.m on may 10 2023 been moved and seconded by supervisor alcorn who represents that area and some other board members as well any discussion on the motion seeing and hearing none all those in favor of

[02:55:13] the motion please say aye aye any opposed any abstentions and that motion carries and next on the agenda we have a public hearing to consider the creation of a community development authority for huntington central in the mount vernon district and this application i know is being withdrawn so let me turn to supervisor stork for a motion thank you mr chairman i i move the county executive recommendation you've heard the motion and the second by supervisor alcorn any discussion on the motion any discussion seeing and hearing none all those in favor of the motion please say

[02:55:50] aye aye aye any opposed any abstentions and that motion carries and that brings us to our next public hearing which is a public hearing on the re-adoption of the zoning ordinance as amended through march 22 2023 and once staff is ready we would welcome a staff presentation great thank you i'm casey judge with the department of planning and development i'm joined by carmen bishop tracy Strunk, Leslie Johnson, and Bill Malin all with the Department of Planning and Development also.

[02:56:23] Today's public hearing does focus on the consideration of re-adoption of the zoning ordinance that was previously adopted by the board on March 23rd 2021 known as ZMOD as well as subsequent zoning ordinance amendments that were made since that time. The public hearing is due to the recent Virginia Supreme Court opinion that ZMOD is void ab initio because the public hearings were held electronically. As part of the ZMOD project, the 1978 zoning ordinance was repealed and replaced. This new zoning ordinance did a number of things. First and foremost, it did modernize land uses and their associated regulations. We did revise the overall structure

[02:57:02] and format to make it more intuitive. We rewrote the regulations into a more easy to understand language, and we also uploaded it onto an online platform that's more accessible on all different sorts of devices. The modernization of the land uses and their subsequent changes did result in, I'm sorry, the modernization of land uses and their associated regulations resulted in substantive changes that were highlighted and discussed as part of the project. The ZMOD ordinance was developed over three years with public input along the way. Drafts of each of our major topic areas

[02:57:37] were released, and then we worked with the community to include edits and feedback on different topic sections. Over 100 public meetings were held. 63 of these public meetings were held before the pandemic in person. And notably 14 of these meetings were held with the Board of Supervisors. Various options were ultimately brought forward for consideration. The county has had the benefit of operating under the ZMOD ordinance for almost two years now. And in addition, seven amendments were

also adopted in that time. So the ordinance under consideration today is the ordinance that was adopted and in effect on march 22nd 2023 prior to the supreme

[02:58:16] court opinion with readoption we will need to make several revisions most notably to replace the july 1st 2021 date with the new effective date of the ordinance the zmod ordinance itself has nine articles and it also has appendix one which is the provisions related to previous approvals so much of the substance of the 1978 zoning ordinance was brought forward with those changes that I mentioned, really the substantive changes were occurring in Article 4 to the use regulations.

[02:58:47] Separate zoning ordinance amendments are underway, tackling a couple other high-level topics, including parking and loading, signs, and landscaping and screening. The substantive revisions included to modernize the use regulations are included in that Article 4, like I mentioned. Just to highlight a couple of uses, electric vehicle charging, stacked townhouses, solar collection systems, and goods distribution hub were all new uses that were identified. They were carved out and we gave them specific use standards. Other uses were consolidated, such as our outdoor commercial recreation and indoor commercial recreation use. These consolidations

[02:59:22] did result in permission changes. And other uses were simply given new names and brought forward from the 1978 ordinance. So there are a few topics that we like to consider, more of our hot topics that were debated during the ZMOD project, and we'll give a little bit more detail on those topics in the next couple of slides. So accessory living units, or ALUs, that's our new name for accessory dwelling units under the 1978 zoning ordinance the accessory dwelling unit standards were added back in 1983 and some of them were notably very out of date for example the requirement that someone on the property be a person that was either 55 years in age or older or a person with a disability was

[03:00:00] not found during our research in any other jurisdiction also we did do want to note that alu's can be part of the affordable housing toolkit while not rent controlled they do typically occupy the lower end of the rental spectrum. Most of the standards in the 78 ordinance were objective, and they also do continue to protect neighborhood character. And then development conditions that were applied to those special permits often restated the standards from the zoning ordinance. And then lastly, and possibly most importantly, the occupancy standards allowed two roomers or boarders or an ALU with two people, but not both. So the difference really does boil

[03:00:38] down to the allowance of a kitchen and it does not increase the overall occupancy provisions so alu standards under the new z mod proposal allow interior alus with an administrative permit approval and detached alus continue to require special permit approval as well as a minimum lot size of two acres all alus are required to comply with certain use specific standards we only allow alus in conjunction with single family detached dwellings there is a requirement that the owner live on the property there's also a maximum two-bedroom and two-person limitation for

[03:01:13] the alu with zmod the age and disability requirement mentioned was removed and that interior alu administrative permit was added new standards were also added regarding parking for administrative permits as well as entrances garages and curb cut requirements to prevent the appearance of a duplex we also reduced the renewal time frame for the initial permit down from five years to two years to make sure that we're reviewing the any complaints as well as the associated use specific standards so the next two slides i'll just walk through really

[03:01:47] briefly on the pre-zmod and post-zmod standards related to the accessory living units as mentioned that accessory dwelling unit requirement that someone be a certain age or with a disability was removed with zmod the size under the previous ordinance was allowed up to 35 of the principal dwelling for the alu we added a limitation that the alu could note could be no larger than 800 square feet for 40 of the dwelling and that's whichever is less this can be increased with approval of a special permit also i do want to note that the entirety of a basement or cellar could be used for an alu and for detached alus we applied a 1200 square foot limitation

[03:02:27] as mentioned the previous accessory dwelling units all required special permit approval and for the interior alus under zmod administrative permit could be applied for if certain standards were met with a special permit to modify certain standards such as size access and entrance requirements as well as the parking standards no changes were proposed to the detached accessory living units in addition for the location of the units the owner occupancy requirement and then the maximum number in bedrooms those were all carried forward from the previous zoning ordinance in In terms of parking, with the previous special permit approval, all the parking was assessed

[03:03:05] by the BZA, but with the Interior Administrative Permit, one additional parking space is required and no changes with the detached accessory living units that's still assessed by the BZA. As mentioned, the renewal was reduced from the every five years for the initial renewal to be taking place within the first two years, and then we are reviewing the records of compliance for renewal of those permits.

[03:03:27] And then lastly, with the entrance requirements, we did clarify that the requirement for an entrance to be located on the side or rear is for new entrances. And then for interior ALUs, we added that any proposed garages or carports must be located adjacent to existing garages or carports.

[03:03:44] That's to get that preventing the duplex appearance. And they have to use the same driveway and curb cut. These standards can be modified with special permit request. Like the ALUs, home-based businesses, excuse me home-based businesses were the subject of much discussion for about two years the first draft was released in april of 2019 and those discussions continued through adoption in the spring of 2021 there are many reasons to modernize our approach to home businesses first is that home occupation permit under the 78 ordinance it lists only prohibited uses and

[03:04:23] provides examples such as home crafts authors and dressmakers of uses that would be allowed so this leaves many uses up to interpretation especially the more emerging ones as to whether or not they should be allowed the 78 ordinance also takes an inconsistent approach to uses i'll be touching on employment employees in just a couple slides for customers the administrative home occupation permit allows customers only for teaching occupations and then with a special permit

[03:04:59] customers are only allowed for certified professionals such as a doctor or an accountant and also a hair salon and really due to the changing nature of the economy there continues to be an interest in workspace alternatives and home businesses are an important part of that they provide a place for a business to start and grow before transitioning to a larger commercial space so with zmod the home-based business or hbb use aims to treat uses equitably and it applies

[03:05:33] objective standards so with the administrative permit it did carry forward the requirement or the allowance for customers but only with instructional activities but under zmod a special permit can be requested for customers with any type of HBB except for the retail sales and small scale production.

Similarly, one non-resident employee is allowed with the administrative permit, but with a special permit any HBB can request non-resident employees. Zmod added a

[03:06:08] maximum size of 400 square feet. It carried forward the requirement that there be no outdoor storage or any exterior evidence of the business except zmod did allow for certain outdoor activities such as teaching tennis lessons or swim lessons now we have seen the concern that a special event administrative permit would be issued for a home-based business but that would not be allowed because of that standard that i just mentioned that the there be no exterior evidence of the

[03:06:41] business so a special event permit is by definition an outdoor activity so this slide lists some of the objective standards that apply to an hbb the operator must live at the dwelling there is a limited and specific list of allowed uses there could be no exterior evidence of the business one commercial vehicle is allowed but i will note that is true for any residents whether you have a business or not if there is delivery or distribution to or from the dwelling the vehicles

[03:07:14] are limited to 28 feet in length if customers come to the home there needs to be a designated off-street parking space health department approval is required if the property is served by well or septic and there is prohibition of certain hazardous material storage so this slide like with the alu's we're going to provide a comparison of the 78 zoning ordinance on the left and the zmod ordinance on the right and i'll walk through this quickly it's going to recap some of the information from the previous slides but in this comparison fashion so right at the top you

[03:07:49] can see there are three ways to have a business under the 1978 zoning ordinance there's the home occupation administrative permit there's the home professional office that's the certified professionals only uh that's a special permit and then the barbershop or beauty parlor is also a special permit and then with cmod we did consolidate those into the single hbb use which is uh can be permitted with an administrative permit if it meets the standards or us other requests can be made

[03:08:22] with a special permit i will note that partly because of the limitation on customers and for other reasons the barbershop or beauty parlor is only available by special permit now moving down to the next row the customers home occupation permit allows for teaching occupations four students at a time or eight in a day home professional office it's determined by the bza barbershop or beauty parlor it's just limited to up to one patron at a time and under zmod it carried forward as i said that allowance for four students at a time or eight in a day with the

[03:09:00] administrative permit and then with the special permit they can request customers except for retail and production uses moving down to the employees a home occupation permit under the 78 ordinance allows one non-resident employee and i'll note this is allowed in any dwelling unit type the home professional office allows four to six employees depending on the lot size but no employees are allowed for a barbershop or beauty parlor. Under ZMOD, it does allow for the one non-resident employee with the administrative permit, but that's further restricted to be only

[03:09:39] in a single-family detached dwelling, but then any home-based business can request employees with the special permit. The 78 zoning ordinance did not have any specific size limits or parking requirements both of those were added with zmod a maximum size of 400 square feet and that designated off street parking space and lastly zmod did reduce the special permit application fee from 16 375 to 435 which is in line with other homeowner application types so uh in accordance

[03:10:18] with a follow-up motion approved by the board as part of the adoption of zmod staff prepared a status update on the implementation of the alu and hbb uses this report was issued on january 25th of this year it is posted on the zoning administration division work program web page and the data that you see here for administer for the permits actually reflects a 17-month period from july 1 2021 through december 1 2022. the numbers of alu permits does reflect what was

[03:10:56] anticipated based on removing that age or disability requirement and creating the administrative permit and you know that was based on during the time we did review other jurisdictions and uh such as arlington or montgomery county and what kind of numbers they were seeing and this is is quite in line with what was anticipated now dcc has been tracking complaints for us on issues related to alus and hbb's and no complaints were filed for a previously approved alu and only one complaint

[03:11:31] was filed for a previously approved hbb and staff will continue to monitor these uses and will prepare an additional status update next january so moving on to freestanding accessory structures we took a realistic view of the whoops we're going to go back to that there we go we took a realistic view of what homeowners are looking for we reviewed previously approved special permits

[03:12:07] we looked at the sizes of structures that are available for purchase as well as the size of dimensional lumber and taking that all together cmd did include revised height and setback regulations for accessory structures to allow them to be up to 12 feet in height if they are five feet from a side or rear lot line. ZMOD carried forward the allowance that structures up to eight and a half feet in height can be anywhere in a side or rear yard. And ZMOD also added some flexibility for privacy screens and other deck modifications. ZMOD added further

[03:12:43] restrictions setting a maximum height and a cumulative square footage for enclosed accessory structures now absent this accessory structures when they are reviewed for zoning purposes are reviewed individually and i'll note that there is no limit on the number of accessory structures which can be allowed on a lot under the 78 ordinance or under z mod so when we review them individually it would be for conformance with the definition of an accessory structure or an

[03:13:19] accessory use on a structure by structure basis so these new standards with the cumulative size and the maximum height they do add an extra layer of protection for those lots that are 36 000 square feet or less and developed with a single family dwelling now we're up to the data centers under the 78 zoning ordinance data centers are allowed as a telecommunications facility this means that they are allowed by special exception in residential districts they're allowed by right in commercial industrial and planned districts and there are no specific

[03:13:57] use limitations with zmod it was recognized that data centers were an emerging use with potential land use impacts so they were defined as a separate use and limited to the c3 and c4 office districts and the i2 through i6 industrial districts and the prc ptc and pdc plan districts to mitigate noise impacts cooling ventilation generators and other equipment are required to be enclosed except in the heavier industrial districts and size limits were added of 40 000

[03:14:31] square feet in c3 and c4 and 80 000 square feet in i2 and i3 these limits can be exceeded if repurposing an existing building or with a special exception approval and it's recognized that this is a use that you know needs additional review and consideration before we switch to the next slide can i can i just ask one clarification the first bullet you can you outline again under the 78 ordinance. I went through that really quick, but I think there's some confusion about data centers

[03:15:06] and what ZMOD has done to them. So can you remind us under the 78 ordinance how data centers get approved? Yes, absolutely. So under the 78 zoning ordinance, data centers had been interpreted and consistently applied as telecommunications facilities. If you're familiar with the 78 ordinance i believe it was paragraph five under the category one se uses and so as a telecommunication that type of telecommunications facilities they were allowed with a special exception approval

[03:15:46] in any residential district and then by right in and across the board any commercial industrial any plan districts and there were no additional uh use limitations applied to those uses and so with zmod we did um we did definitely pull back it's a use that was discussed a number of times um both uh with the board and the planning commission and uh you know as part of preparing for this we did go back and look at the evolution of some of the standards and it was in direct response to feedback that was received along the way okay and so under the 78 ordinance there were

[03:16:25] no standards no standards okay thank you for that clarification all right so um and also as discussed during zmod the zoning ordinance it really is a living and breathing document it's regularly amended uh to keep pace with trends and best practices and each year staff does bring an update to the work program which is approved by the board and establishes the priorities and timing for the development of ordinance amendments and being on the work program does mean that

[03:17:00] it received receives thorough research on topics and there's targeted outreach and engagement with the community so this year there is a planning commission land use process review committee scheduled for june 8th and a board land use policy committee meeting scheduled for july 18th thank you thank you very much for that presentation and let me ask if my colleagues have any other questions i do want to start with one question as probably directed at the county attorney

[03:17:36] but in terms of the virtual meeting status that took place can you walk us through very briefly the sequencing of the authority that the Board of Supervisors had during the pandemic to hold virtual meetings? Yes, sir. So as the board will recall, you declared a state of emergency due to the COVID-19 epidemic on March 17th of 2020. And on March 20th of 2020, the Virginia Attorney General issued an opinion stating that public bodies can only meet to discuss emergency matters

[03:18:12] during virtual meetings. The Attorney General also recognized the authority of localities to adopt continuity and government ordinances to provide for virtual meetings to be conducted for continuity and government matters. The Board adopted an emergency continuity and government ordinance on March 24th of 2020. It was adopted on an emergency basis and you then adopted a permanent version of that ordinance on April 14th of 2020. On April 22nd of 2020, at the governor's recommendation, the General Assembly took up what is called loosely the

[03:18:51] budget language, and that was Amendment 137 to House Bill 30 taken up in the Senate, and the General Assembly adopted this budget language, allowing virtual meetings to continue operations as long as all FOIA transparency measures were preserved, including notice allowing the public to watch in real time and allowing the public to participate in public hearings.

[03:19:18] The then chairman of the FOIA Council, Senator Stewart, observed at that time that the budget language would allow local governments, among others, among other public bodies, to take up regular business. He said, and I quote, I know that these local governments and other agencies need the ability to meet and conduct regular business, not emergency business, not continuity of government business to

keep things running, but the things that our citizens expect them to do, like lane use cases, like Chesapeake Bay Act cases, there are a multitude of things, end quote.

[03:19:53] So at the time of the board's original hearing on ZMOD in March of 2021, the budget language that I have referred to was continued in effect through that time and was in effect at the time of those hearings. Thank you very much for that clarification, because I do think there's some confusion over the original emergency ordinance and the act that took place on April 22nd of 2020 that explicitly expanded the subjects under which local governments could meet and could meet virtually.

[03:20:27] And so I appreciate that that clarification, that sequence was was important. Other questions that board members have of staff before we begin the public hearing. Any questions of staff? Okay. Seeing and hearing none, this is a public hearing, and I do have 22 speakers who have signed up in advance to testify.

[03:20:51] If you were here and have not signed up, if you could please see the clerk and get signed up, we will go through the 22 speakers who have signed up in advance first. Then I will ask if anyone else in the auditorium would like to testify, and then we will check with the clerk to see if anyone who has called in. I'd ask everyone to please be punctual to the time limits that are listed on the speakers list.

[03:21:11] And when it's near your time, if you could come down closer to the podium so that you are ready when it's your turn to testify. And I'm going to call the first three speakers to see if they're here. Speaker number one, Tyler Ray. Is Mr. Ray here? If you could come on down. Speaker number two, Jeff Flading. Is Jeff Flading here? Do not see Jeff.

[03:21:31] Speaker number three, Cynthia Shang. Cynthia Shang here. If you could come on down a little bit closer, and we will begin with Speaker 1, Tyler Ray, President of the Bren Point Homeowners Association Board of Directors, and has five minutes. Welcome. The floor is yours. Thanks.

[03:21:49] Good afternoon, Chairman McKay, Vice Chair, Gross, and Supervisors. My name is Tyler Ray. I'm a resident of 6186 Veneto Terrace in the Mason District. I'm speaking on behalf of the Bren Point Homeowners Association about data centers in ZMOD. My ask of the Board of Supervisors today is twofold.

[03:22:07] First, to adopt the Planning Commission's unanimously passed follow-on motion adding data centers to the Zoning Ordinance Work Program. And second, until the Zoning Ordinance Work Program has completed its review and its recommendations are adopted to remove by-right data centers for I-4 and I-5 districts by changing them from a permitted use to a special exception under ZMOD Table 4101.3.

[03:22:32] This will allow for a public process to review proposals in districts adjacent to residential areas that are likely to cause the most significant concern among residents. Buy-write use for data centers should end because in our experience, developers have learned to take advantage of the permissive zoning rules in ZMOD that remove public input and review.

[03:22:52] I'd like to share with you why the public process for data centers is so critical as demonstrated by a recent rezoning application that would have permitted a massive industrial data center less than 300 feet away from my and two other residential communities in the Mason District. This past November, the Planning Commission unanimously approved a motion to indefinitely defer a rezoning application seeking to rezone a parcel in the Mason District, known as Plaza 500, from an I-3 and I-5 split district to a fully I-5 district.

[03:23:23] Prior to the decision hearing, then Commissioner Stranley informed the applicant that she intended to make a motion to recommend denial, which was supported by the Planning Commission. The applicant at that time decided to ask for an indefinite deferral instead. Despite the developer repeatedly indicating that they didn't have any plans for the Plaza 500 property during this process, the owner was not willing to agree to a staff-recommended proffer on data center use.

[03:23:49] When specifically asked during the public hearing whether the developer would agree to a proffer to exclude a data center as it permitted use, given the concerns of county planning staff, the developer declined to do so and highlighted their by-right ability to construct a data center. It was only through the public engagement requirements of the rezoning process that the reality of a data center development surfaced beyond the potential flagged in the staff report.

[03:24:13] Through public notice, commission hearings, and required filings available online, all of this allowed the community and staff concerns to receive fulsome review and consideration. Without the public hearings and public filings that the county requires for transparency and fairness in the rezoning process, a massive I-5 zone data center can now be under development within 300 feet of private residences and with no meaningful mitigation of the negative impacts from the unique industrial use.

[03:24:40] Construction of data centers at this location remains an active threat given the permitted use in I-3 and I-5 districts under the original ZMOD. And so while flagging data center concerns in a staff report, county development staff recommended the use of tools including proffers and a PCA application that the county had available to it to provide a public review and protect surrounding residential communities under the original CMOD that was provided through the rezoning application.

[03:25:06] The need for these tools was indeed borne out as the developer in our Plaza 500 case would go on to confirm that a data center on the property was a, quote, very viable use while offering only minor traffic abatement proffers and not addressing noise, light, and environmental concerns attendant to the type of data centers seen in I-5 districts.

[03:25:27] All of this demonstrates the tactics in which data center developers can work to evade the public process, mislead local government, and avoid engagement with neighborhoods in which they seek to build. But none of this would have mattered had the developer in their Plaza 500 case not been required to submit to a public process.

[03:25:44] The county planning staff, the planning commission, and eventually the board of supervisors and the public would have been without a voice and powerless to stop this clearly ill-advised and widely opposed data center in the middle of a residential community. Thankfully, the public engagement process for this rezoning application occurred as intended, providing for robust debate and deliberation.

[03:26:05] The county now has the opportunity to tweak the data center adjustments made with the CMOT in light of our experience. County staff even indicated that ByRite data centers could need additional review during questioning last week from Planning Commissioner Schumatt, who himself designs data centers for a living.

[03:26:21] With by-right permission of data centers, developers have no incentive to address the variety of Fairfax County community concerns attendant with data centers by not having to undergo a public review or county input, including by the Board of Supervisors. So to wrap up, please take this opportunity to add

transparency by adopting the Planning Commission's unanimously passed follow-on motion on data centers to the Zoning Ordnance Work Program.

[03:26:43] And until that has been completed, change data centers from permitted to special exception for I-4 and I-5 districts in CMON. Thank you. Thank you very much, Mr. Ray. And just for your information, the board did approve my board matter today, asking that we follow up on the Planning Commission's follow-on motion.

[03:27:04] And we've directed staff to do exactly what you mentioned, so I appreciate that. Our next speaker is Cynthia Shang. Ms. Shang is testifying as an individual and has three minutes. welcome the floor is yours my name is Cynthia Shang and I live in the Pleasant Valley community of 541 homes in Chantilly we do not have an HOA so we rely heavily on the county zoning ordinance I have a powerpoint slide can someone put that up please thank you you emphasize that data centers were treated as telecommunications facilities in the old ordinance they were category one

[03:27:43] light public utilities which always required a special exception in i3 i4 and i5 districts so changing them by right in zmod is a significant change because these industrial districts are adjacent to environmentally sensitive parkland and residential neighborhoods they have regulations that require the uses to be clean industries and to have minimal impact on noise and environmental pollutants. In the example shown on the slide, you can see that these districts surround a large residential community and the RC district containing Cub Run

[03:28:22] Stream Valley Park, which ultimately supplies our drinking water. Even now, an enormous 10-story tall, 402,000 square foot data center is being considered adjacent to Cub Run Park and neighboring Pleasant Valley community. And the larger the data center, the noisier and more polluting it is. We know that data centers have a tremendous energy usage, consume an enormous amount of water, are noisy, and contribute to water and air pollution. A September 2022 White House report acknowledges that, quote, electricity usage from digital assets is contributing to greenhouse gas

[03:28:59] emissions, additional pollution, noise, and other local impacts, unquote. Excessive water and electrical usage and the ability to pollute do not constitute a clean industry, thereby violating I-3's purpose.

[03:29:16] And the 24/7 jet engine roar from rooftop HVACs violates I-5's requirement to minimize noise and other environmental pollutants within the district and on neighboring areas. At the PC hearing when Commissioner Darren Shumate, who designs data centers for a living, it is not exaggerating that air-cooled chillers on the roof of an Amazon building make a lot of noise and ask staff, is there a mechanism in place to ensure that we're not going to have a noise issue when it gets built as opposed to reacting to it after it is built? Staff replied that there

[03:29:55] is not, that the noise ordinance is a complaint-based system. So what are you going to do? Call up Amazon and say, um, can you please keep it down? Even staff admitted that data centers in these districts is, quote, something that we need to further review, unquote.

[03:30:14] So unless this hearing is a complete farce, we should be identifying and correcting issues with ZMOD, not plowing ahead. Because once you let the genie out of the bottle, you can't get it back in. I just have one question. If you did not deliberately mislead us and simply made a mistake, why can you not take advantage of this opportunity to correct ZMOD and remove the by-right data centers in I-3 through I-5 districts?

[03:30:42] Thank you, Ms. Scheng. Can I get an answer? This is not a back and forth. Okay, well, then I would like to request that my supervisor, Kathy Smith, ensures that the question of why you cannot take advantage of this opportunity to correct ZMOD and remove the by-right data center development in I3 through I5 is answered sometime during this hearing tonight.

[03:31:04] Thank you. Thank you, Ms. Chang. Speaker number four is Adrienne White, and Adrienne White has joined us by phone, is that right? Correct me. By phone. Okay, welcome, Ms. White. The floor is yours. Thank you. Mr. Chairman and members of the board, my name is Adrienne White. I am representing Reclaim Fairfax County, a countywide organization that represents citizens and members of homeowners and civic associations from every district of Fairfax County.

[03:31:36] I'm speaking tonight for thousands of people who believe Fairfax County's government has lost its way. Here we are again, two years after you passed ZMOD, a new zoning ordinance without statutory authority, driven by consultants charging megabucks to repackage advice they had peddled to other jurisdictions and opposed by a majority of Fairfax County citizens.

[03:32:01] Today, we restate our opposition to provisions of ZMOD. CMOD was initially sold as a project to transform our zoning ordinance into a modern user-friendly document that would be easy to read, understand, and cross-reference and remove gaps and inconsistencies, a worthy endeavor.

[03:32:21] Sadly, a group of you slipped in changes to zoning processes and rules that would also transform our way, quality, and character of life in residential neighborhoods. There are so many issues I must cover in five minutes. I will be speaking very quickly as I attempt to summarize most of our major objections to ZMOD.

[03:32:40] I will not have time to speak to its hostile agritourism amendment, although I did testify against it. The zoning ordinance should not be a vehicle for social engineering, but ZMOD is. The trendy, some would say communistic, provisions that eliminate private property rights that, along with a wide range of housing types, great schools, a diverse population, and ever-increasing entertainment, shopping, and dining opportunities spread throughout the county underlie the county's popularity. ZMOD will destabilize the predictability of our stable, relatively safe residential

[03:33:17] neighborhoods, the backbones of the county's historical success. I will note that the county is losing members of its population, largely, I believe, because of its escalating tax burden, but also because the county government is no longer known to be putting residents first.

[03:33:34] We are opposed to provisions that substitute administrative processes for notice and public hearings for applications to approve ALUs and new home-based business uses in single-family residential neighborhoods. We did not have a say when the county hired consultants to aid and advise you in making changes that are trendy in other parts of the country. Controversial bills to eliminate single-family zoning have failed in many states, but Arlington County passed their missing middle debacle despite widespread opposition from single-family homeowners,

[03:34:09] their voters. Our single-family neighborhoods are endangered by ZMOD. We elected you to represent our interests, and most of us are opposed to the changes in ZMOD that will destabilize our neighborhoods and potentially harm the environment. If you think that CMOD will increase the stock of affordable housing in the county, you are deluded. If you think people will create ALUs for charity to add to

the county's housing stock, you are deluded. Rental ALUs will be priced at market rates unless they are built for relatives. Guaranteed. By abolishing notice to neighbors

[03:34:46] and public hearings for ALUs, you will disenfranchise your constituents. In effect, CMOD will increase the density of our zoning districts without a comp plan change. Why should our most precious RC districts be open to increases in impervious surfaces and density?

[03:35:04] Aren't you supposed to protect them and the Occoquan Reservoir, however inconvenient that may be to your economic development objective? We oppose the encroachment of commercial uses with employees and customers coming and going in our neighborhoods and buy-right business signage.

[03:35:21] Why would anyone want to live next to a house with customers coming and going seven days a week until 9 p.m.? Why would you propose to make data centers a buy-right use in certain industrial districts? Do you really not know that there are I-districts across the street from residential districts?

[03:35:40] Tyler Ray named one for you in Mason District. There are serious environmental issues with noise, resource use, and runoff that are plaguing jurisdictions across the country, particularly counties adjacent to ours. I have barely scratched the surface of the deficits in this poorly created ordinance.

[03:36:00] The scheduling of this hearing so quickly after the Virginia Supreme Court voided ZMOT indicates how desperate you are to impose your will on an unwilling county population. Our only saving grace is that this is an election year, and I sincerely hope that voters will remember which supervisors voted to abolish notice and public hearings for intrusive neighborhood actions, depriving us of our right to be heard regarding impacts on our homes from proposed uses next door. Retaining meaningful citizen engagement in land use should remain a higher priority than trendy social engineering, and definitely not for your pride or reputations.

[03:36:40] No good will come from Zmod. Thank you for listening. Thank you. And we are now on speaker number five, Steve Delbianco, is speaker number six, Jeff Parnes, I know is here, and speaker number seven, Arthur Purvis, if you could make your way down a little bit closer.

[03:36:57] Jeff Parnes has five minutes. Welcome. I'm sorry, Steve Delbianco has five minutes. Welcome. Thank you, Mr. Chairman, members of the Board of Supervisors. I'm Steve Delbianco. I reside at 1920 Virginia Avenue in McLean. I'm here representing the McLean Citizens Association, where I've served on the board of directors for two decades.

[03:37:17] Since 1914, AMCA has served to represent the interests of McLean, which is important because there is no other governmental structure for our area. And today, AMCA includes 20 different HOAs and citizens associations. We were very familiar with the old zoning ordinance, which had evolved into, admittedly, a complicated mess.

[03:37:36] And we were very much on board with the modernization project from the very start. I led the MCA Planning and Zoning Work Group that studied ZMOD for four years, including meetings with staff and the outside consultants that you brought in. And in 2021, we approved a four-page ZMOD resolution that I hope you have before you.

[03:37:57] And also in 2021, MCA President Rob Jackson shared our concerns with you before you voted. I'll focus just on the highlights of our ZMOD resolution, starting with what we support. We do support the reorganization and the orientation of the zoning ordinance with use of tables, graphics, and hyperlinks.

[03:38:14] We embrace the idea of frameworks of uses with standards and permissions, and we appreciated changes for yard setbacks on corner lots. But now let me turn to the MCA concerns with ZMOD. In briefings with staff, we saw the outsized influence of your outside consultants.

[03:38:31] Their agenda transparently included fixing the housing affordability problems in Fairfax two ways, by making it easy for a single-family home to become a multifamily dwelling and making it easy to operate a home-based business in a residential area. What made it so easy?

[03:38:47] The new administratively approved permits where you no longer alert the neighbors and give them an opportunity to comment on special permit applications. Those changes were very concerning to MCA, and they could transform our neighborhoods. Turning specifically to ALUs, the ALU proposal in ZMOD harms neighborhood character, creates unwanted density and burdens on public infrastructure in schools.

[03:39:12] Why? Well, ZMOD allows additional families and unrelated individuals to move into apartments in what are now single-family homes. So with just an administrative permit, any home can create an apartment, rent it to unrelated tenants. And ALUs that have basement entrances existing effectively become a duplex, regardless of what the standards say.

[03:39:32] We also oppose removing the requirement that someone in the principal dwelling or the ALU be at least 55 years old or have a disability. Turning next to the home-based businesses, it is appropriate to have customer limits of zero, except for the narrow exceptions you've proved. If more customers are sought, let the homeowner get a special permit.

[03:39:51] MCA opposes allowing a home-based business to have unlimited deliveries, pickups, vendor visits, and an employee who's there all day. MCA opposes the buy-write placement of up to 12 square foot of signage, permanent yard signs associated with the home-based business.

[03:40:10] This will undoubtedly and obviously affect the neighborhood character. When it happens, neighbors will blame ZMOD, and they'll blame their county government. Finally, the special permit process. We understand the desire for efficiency at granting permits. However, ZMOD eliminates the public notice and chance for neighbors to comment, even on something that would dramatically change the character of the neighborhood they live in.

[03:40:34] MCA therefore opposes the elimination of the special permit process. To conclude, neighborhoods that are zoned single-family residential today should remain that way unless rezoning occurs. But until you rezone, approvals by an administrator should not transform our neighborhoods one lot at a time.

[03:40:51] with no opportunity for citizen input. I'm thinking back to the consultants that you hired to help with ZMOD. They did great work on modernizing our antiquated ordinance, but their vision for changing our neighborhoods is not shared by those of us that live here.

[03:41:07] The concerns held by the citizens that you work for are more important to your success as supervisors than are the views of consultants that work for you. So please don't believe the lack of complaints is an indication of success for the early rollout of HBB and ALUs.

[03:41:26] The wave of complaints, they will come once neighbors see homes with apartments and signs, delivery vans serving home-based businesses. And please don't approve ZMOD without substantial

revisions. Thank you. Thank you very much. Speaker number six is Jeffrey Parnes, who also is representing an organization and has five minutes.

[03:41:48] Mr. Parnes, welcome. The floor is yours. Thank you. Good afternoon, Chairman McKay, and the rest of the members of the Board of Supervisors. My name is Jeff Parnes. I'm speaking today representing the Joint Sully District Land Use and Transportation Committee and the Fairfax County Federation of Citizens Associations.

[03:42:10] Neither of the organizations for which I am speaking would object to a straightforward modernization of the county's existing zoning ordinance. What we have before us today is not such a straightforward modernization, but a commingling of changes and ideas not previously found in the ordinance. Many of these are worthy concepts and deserve to be incorporated into the audits, depending on detailed review and citizen input.

[03:42:33] But what it is said, the devil is in the details. Our organizations have voiced their concerns previously and provided you with statements to that effect. Today, we will just highlight our concerns. We objected to the manner in which the original ZMOD ordinance was adopted, and our concerns were ultimately affirmed by the Virginia Supreme Court.

[03:42:51] We restate our opposition to any action by the board that fails to protect residential neighborhoods from the development impacts proposed by ZMOD and agritourism, including negative impacts on neighborhood traffic, congestion, excessive noise, environmental impacts, and other detrimental effects.

[03:43:09] We restate our opposition to ZMOD abolishing the public hearing process for accessory apartments and family dwellings. Citizens should be entitled to notice an opportunity be heard regarding proposed accessory apartments in the neighborhood and mitigating of impacts on the neighbors and their local infrastructure from their uses.

[03:43:27] We restate our opposition to the abolishment of the over 55 disabled criteria for accessory apartments and family dwellings. Opening up the accessory apartments to all tenants in all single-family homes creates a de facto increase in density and generates unmanageable impacts on the parking infrastructure, resulting in an effective density increase.

[03:43:47] We restate our opposition to ZMOT allowing the maximum size and limitation of an accessory apartment to be exceeded if the ALU is proposed to fully utilize the floor area in a basement or cellar. Basements or cellars with separate warehouses effectively create stacked duplex dwelling units.

[03:44:03] We restate our opposition to any action by the board which fails to protect the Aquicon watershed, including the aquifer and wells used for drinking water, or fails to protect the natural communities, including flora in Florida, to threaten species and contiguous wildlife habitat.

[03:44:19] We restate our opposition to ZMOD abolishing the public hearing process for home businesses such as beauty parlors and barbershops. We again oppose allowing those uses in homes served by well water and septic drain fields. We restate our opposition to Zmart allowing up to two home businesses on every residential lot, including beauty parlors, barbershops, tailoring, etc.

[03:44:39] We restate our opposition to Zmart allowing unlimited delivery traffic with no limitation of the frequency of delivery vehicles. We restate our opposition to Zmart allowing home-based businesses to

obtain administrative permits for special events of up to 21 days.

[03:44:55] A public hearing with notice to neighbors and opportunity to comment should be essential. We restate our opposition to the unrealistic and unforcible caps relying on the honor system on both occupancy of accessory apartments and numbers of customers visiting the home business. We should be depending on the Fairfax County professional staff rather than the neighborhood snitches.

[03:45:15] We restate our request that the signage for home businesses and single family lots be minimized. The proposed 12-foot square foot limitation is excessive. We restate our opposition to allowing food trucks in residential neighborhoods. We restate our opposition to allowing, by right, unlimited number of freestanding accessory developments on a residential lot.

[03:45:36] We restate our opposition to ZMOD increasing the height of freestanding accessory structures in residential lots to 25 feet, which are out of character residential neighborhoods. We strongly oppose the ZMOD making data centers by right. You have heard by many other people, we re-agree with their concerns.

[03:45:54] For the reasons previously stated, we restate our opposition to the agritourism provisions incorporated in ZMOD. We oppose busting the Aquacon downzoning to allow new by right commercial use with parking lots on side roads in the RC and RE districts.

[03:46:12] Any such use must require notice to neighbors and a meaningful public hearing and imposition development conditions to mitigate impacts on the environment and the community. Both the Joint Sully District Land Use and Transportation Committee and the Fairfax County Federation of Citizens Associations respectively add the board not to adopt a Z-MOD at this time.

[03:46:32] We ask that the county residents be allowed significant additional opportunity to discuss amendments collectively and ask questions regarding the likely impacts with meaningful interaction between the county and the public and sufficient time to propose constructive suggestions.

[03:46:49] Thank you again for the opportunity to speak. Thank you very much, Mr. Parnes, and Mr. Parnes was Speaker No. 6. We are now on Speaker No. 7, Arthur Purvis. Is Speaker No. 8, Mark Crawford, here? He's on the phone, okay, and Speaker No. 9, Clyde Miller, is here.

[03:47:06] Okay, Mr. Purvis, welcome. The floor is yours. Thank you, Mr. Chairman, Mr. Chairman, members of the board. Thank you for the opportunity to testify. I am Arthur Purvis. I address you not as President of the Fairfax County Taxpayers Alliance, as I have for the last 26 years, but as the Republican candidate for chairman of the Fairfax County Board of Supervisors.

[03:47:29] I speak on data centers and accessory living units. Data centers bring tax revenue without increased need for services, and there is an affordable housing shortage. Virginia is the data center capital of the nation, partly because Dominion Energy provides low-cost, abundant, and reliable power.

[03:47:48] However, state laws dismantling fossil fuel power plants before providing affordable, reliable solar and wind, if there is such a thing, jeopardize that supply of energy. It is warmer, but where is the evidence of an existing existential climate crisis?

[03:48:07] I was recently given a handout on extreme weather events in Fairfax County. The last extreme weather event was in 2019. The Department of Public Works could only cite a three-inch increase in

annual rainfall over the last hundred years and sea level rise since 1924, but they don't know when the sea level rise began.

[03:48:28] It could have begun hundreds of years ago. The supervisors adopted an affordable housing policy in 1973. Now, half a century later, teachers and police still cannot afford to live in our county despite an investment of millions of tax dollars.

[03:48:49] Only private sector developers can build the thousands of units needed. True developers build high-end housing, but when people move to high-end housing, the lower cost housing they vacate becomes available. More housing requires higher density, which neighbors often oppose, but the ALU ordinances baked into ZMOD bypasses that input.

[03:49:12] You will approve ZMOD to avoid lawsuits. However, I recommend that you immediately remove by-right development of I-3, I-4, I-5 data centers and by-right development of ALUs. Give neighbors a say.

[03:49:29] Regarding affordable housing, voters have elected officials, you, whose policies have attracted thousands of immigrants and refugees to our county. I've met some. They're good people. With tens of thousands more waiting to cross the border on May 11, thousands more may be coming.

[03:49:52] Having attracted them here, is there an acceptable way to provide the increased density to give them housing? The community needs to be involved in that difficult conversation and not bypassed.

[03:50:07] Thank you. Thank you, Mr. Purvis. And speaker number eight is Mark Crawford, who has joined us by phone. Mr. Crawford, welcome. Good evening, and thank the supervisors for their service. It's a tough job running this county. ZMOD organization, reorganization of existing county regulations, is a good idea.

[03:50:29] It has merit. That said, it appears that the majority of the supervisors are ready to make a costly mistake. We don't fully understand the impact of ZMOD because the staff work hasn't been done to measure the increased air pollution, water pollution, deforestation, and higher temperatures that will result from increased density.

[03:50:50] It ignores the fact that families make investment decisions to buy homes based on the type of zoning that exists and at the time of purchase in the associated neighborhood environment. ZMOD gives no consideration that financial damage homeowners may occur resulting from the degradation of housing values in neighborhoods due to ZMOD.

[03:51:11] Indeed, ZMOD currently, as currently structured, arbitrarily strips neighbors, homeowners of the legal protections conferred on their property and neighborhoods by previous county policy and regulation. Without a formal county-wise referendum approving specific provisions of their plan, the Fairfax County Board of Supervisors is coised to implement a broad upselling of many family residences, meaning increasing the density of living units and expanding the scope of commercial business activities that can occur in neighborhoods.

[03:51:41] These actions can substantially degrade the quality of life in neighborhoods. One example is the plan to eliminate the accessory dwelling unit regulation in favor of an accessory living unit regulation, which would allow anybody to rent an apartment in a residential neighborhood.

[03:52:06] Instead, decisions on whether to grant an application on an ALU should not be left to county administrators who may be easily influenced by a phone call from a supervisor's office.

[03:52:24] In short, transparency in the accessory living unit decision process would be far less than what exists when a permit must be vetted by the eight-member Board of Zoning Appeals in an open meeting. The effect of this change is to allow virtually every single family of residents to become a duplex and to do so with merely administrative review.

[03:52:47] ALU should not be allowed by right, but only after a demonstrated need and BZA review based on the 1978 ordinance. The ALU process does not provide explicit authority for Fairfax County zoning enforcement to inspect properties containing ALUs.

[03:53:03] It is bad enough that zoning enforcement officials generally operate only on a nine-to-five basis during the week, not on weekends and on evenings. Illegal boarding houses are operating in Fairfax County, as we speak, but county inspectors are not able to document violations. ZMI's ALU system may exacerbate the problem without vigorous enforcement of regulations.

[03:53:25] The integrity of Fairfax County's single-family neighborhood also is challenged by ZMI's expansion of home-based businesses to permit retail sales, repair services, on-site manufacturing, food production, and many other activities. ZMOD does not state what is not allowed. It also fails to acknowledge that customers visiting home-based businesses may increase overall business-related traffic flow into neighborhoods over a 13-hour period, seven days a week. Remarkably, Fairfax County ZMOD rules place no limitation on the types of equipment that can be used in home-based businesses,

[03:54:00] Nor is there a limitation on the number of hours the owner of the home home based business can operate. The adverse impact of virtually uncontrolled home based businesses in the neighborhoods is likely to be magnified in many instances by ZMI's regulations covering enclosed freestanding accessory structures.

[03:54:20] Depending on lot size structures, approximately a thousand square feet could be built, some as close as five feet to the property line. Structure heights could be as high as 20 feet in some instances. In other instances, structures could occupy 60% of the rear yard. Mr. Crawford, your time expired a while ago.

[03:54:37] I'm not sure if you were finished there, but if you could please wrap up quickly. The Board of Supervisor and Fairfax County Planning Staff have veered from past practice by failing to provide detailed, thoughtful staff reports on major significant changes on the county's zoning regulations. They should address these before implementing ZMOD.

[03:54:55] Thank you very much for your time. Thank you, Mr. Crawford. And we are now on Speaker 9, Clyde Miller, will be followed by Speaker 10, Mark Vianney, and Speaker 11, Amy Friedlander. Is Speaker 11 here? Mr. Friedlander is here. Okay. He will be third up here.

[03:55:11] Mr. Miller, welcome. You have five minutes. Good evening. Thank you. Clyde Miller, 3436 Skyview Terrace in Falls Church, speaking on behalf of the Holmes Run Valley Citizens Association, the board. It was recognized at the outset, it was recognized that ZMOD would make editorial changes to zoning regulations, restructuring use categories, moving uses from one category to another, etc.

[03:55:35] These changes improve the organization and usability of the ordinance, and they do not change how land is allowed to be used. That's helpful. But far beyond these editorial changes, EMOD includes 12 substantive regulation amendments that do change how land may be used.

[03:55:54] Three of the changes are new regulations for data centers, live-work development, and electric vehicle charging stations. The other nine amendments are changes to current regulations, of which only four have been discussed in hearings, namely accessory living units, freestanding specialty structures, home business, and flagpoles.

[03:56:13] The remaining five have not been discussed in hearings for want of time, namely limiting the authority of the Board of Zoning Appeals, P-District Bulk Regulations, Cluster Subdivision Open Space, Commercial Revitalization District Bulk Regulations, and Food Trucks.

[03:56:32] In addition to the 12 substantive amendments, ZMOD has introduced new land use management concepts potentially damaging to residential districts. One most alarming concept introduced is the notion that substantive amendments may be made to the zoning ordinance without first explaining the amendments in staff reports.

[03:56:56] Staff reports explain the letter and ramifications of proposed amendments, including the reason for change, the basis for expecting benefits for the county community, potentially damaging consequences for residential districts, and how the proposed amendment mitigates the risk of those damages.

[03:57:17] The staff report provides residents evidence that their communities are adequately protected. The staff report is also the vehicle that fulfills the county's obligation to inform interested parties, including decision makers, regarding the particulars of the proposed amendment.

[03:57:38] They are universally recognized as essential for proper, appropriate, and defensible land use decisions. Without a staff report, a substantive amendment to the zoning ordinance is not defensible.

[03:57:54] A recent vocal defense of ZMOD has cited the large number of briefings the staff has provided over the past years. Staff briefings can be helpful, no question, but it goes without saying that staff briefings are not a substitute for staff reports.

[03:58:13] A second alarming concept introduced by ZMOD is the notion that 12 substantive amendments can be adjudicated in one board hearing with speakers limited to 5 and 3 minutes. A speaker with 5 minutes and 10 upon addressing all 12 amendments would be limited to 25 seconds to address each one.

[03:58:36] With 3 minutes, he would be limited to 15 seconds. Obviously, 15 seconds is not enough time. The hearing is the means by which the county fulfills its obligation to allow interested parties to participate in decision-making.

[03:58:54] Where a hearing, like this one, does not provide reasonable time for residents to address the principal issues and express their concerns and recommendations, amendments adopted are not defensible. Nothing has given the board authority to overthrow the county's process for amending zoning regulations in ZMOD.

[03:59:19] The 12 amendments have not been explained in staff reports, and adequate time for their consideration in briefings has not been provided. The 12 amendments simply should not be adopted or readopted.

[03:59:35] Rather, they should be expunged from ZMOD. The Board then could proceed with adopting the restructured ordinance and later propose adopting each of the 12 amendments in turn in accordance with

our standard process based on individual staff reports and hearings that allow appropriate and adequate opportunities for public participation.

[04:00:01] The ZMOD ordinance should not be readopted. I would be happy to answer any question. Thank you very much, Mr. Miller. And speaker number 10 is Mark Vianney, to be followed by Amy Friedlander, and then speaker 12 is Scott Adams. Mr. Vianney, welcome.

[04:00:22] Chairman McCain, members of the board, thank you very much for taking the time to listen to me. My name is Mark Vianney. I reside at 8312 Lilac Lane in the Mount Vernon District of Fairfax County. I'm speaking today in my individual capacity. We have a lot of speakers today, so I'll be brief.

[04:00:38] But basically, simply put, I'm here to speak in favor of adopting ZMOD. We've heard from the staff report. We've heard from the history. This is a product of many years of outreach, of research, of working with folks and very numerous stakeholders to make this thing happen.

[04:00:55] It was necessary because the old zoning ordinance was just getting too complex, unwieldy, and we have to maintain our economic competitiveness with other jurisdictions And other jurisdictions have kept up with their resounding ordinances, have made circumstances where it's easier for people to understand what they can and cannot do with their property.

[04:01:12] Particularly at a time when we start seeing accelerating changes in the way, you know, non-commercial uses or non-residential uses, businesses and like that are evolving. You know, and that was one of the great things about, you know, ZMOD. As we look forward to, you know, think about the wieldy things you had to deal with.

[04:01:28] These changes were happening before the pandemic. During the pandemic, they only got more complex. And I think that's important to understand when you're talking about adopting this during the pandemic is you had a situation where you had folks working remotely, people trying to figure out what they can and cannot do with their property. You have zoning ordinances that could actually allow people to figure that out without having to go to seek a determination or otherwise burden county staff.

[04:01:50] And that was a big part of helping us maintain our economic viability as we went forward. Coming out of the pandemic, those trends have only further accelerated. And the terms, and would you look at the updated hypergraphs, the uses and everything, those work very well for what we see right now as we move out of here.

[04:02:07] You know, and I think it's important to understand, is this perfect? No, no legislation is ever perfect. You know, we already have, you know, we have one motion to further amend this, you know, coming out of Chairman McKay's motion. You know, this ordinance will continue to be evolved just as every other piece of legislation continues to evolve.

[04:02:25] The 78 zoning ordinance was admitted hundreds of times. But right now, it's a very good document for the purposes we need. You know, you have a legislative process to further amend this for folks that are not happy with what they'd like to see in some parts of this. But overall, it's a very good document. I think it's also very important to understand what the change that happens since the Berry decision to the various big projects and smaller projects and folks that have relied on that approvals under the ZMOD.

[04:02:51] You know, particularly as we're going into an uncertain economic climate, things are getting a little colder, a little chillier here. you know, people to have the ability to move forward, have some certainty. We don't want to create confusion. We don't want to create uncertainty, you know, particularly going to economic comment. We got to keep the county competitive. I urge you to continue to move forward with this. Thank you very much. Thank you, Mr. Vianney. And speaker number 11 is Amy Friedlander. And Amy is representing an organization and also has five minutes. Welcome.

[04:03:22] Good afternoon, Chairman and members of the Board of Supervisors. My name is Amy Friedlander, and i am director of acquisitions for eya a residential mixed-use developer in the dc area with several projects under construction in fairfax county i'm also here today as the co-chair of the fairfax government relations subcommittee of naop northern virginia two years ago naop and the real estate industry in fairfax supported the adoption of zmod after a robust engagement and analysis process by the county the modernized zoning ordinance worked well for the past two

[04:04:00] years guiding development and providing certainty for residents property owners and developers alike we urge the board of supervisors to quickly readopt the ordinance as it is critical to maintaining the county's best in class reputation amongst property owners developers lenders business owners and residents as a great place to live work play and invest thank you thank you very much our next speaker is scott adams speaker number 12 will be followed by speaker 13 elena

[04:04:32] schlossberg is is elena here okay uh you will be speaker number uh 13 scott adams to speaker 12 welcome thank you and good evening mr chair and members of the board i'm scott adams i'm a land use partner with mcguire woods and i also chair naop northern virginia's government relations efforts. And on behalf of that organization, we'd like to strongly encourage you to adopt the zoning ordinance this evening. Through no fault of the counties, the Supreme Court decision

[04:05:04] has truly created uncertainty in the zoning process, in the reliance of stakeholders on zoning decisions that the county has made. Not only developers, but homeowners, small business owners, people who are looking to invest in the county. And it has started to impact the county's reputation, which has been historically a leader in not only Northern Virginia, but frankly, a national reputation as a great place to live, a great place to do business, a great place to

[04:05:37] invest. I've heard from folks outside of the D.C. area after the decision came out questioning what is going on in Fairfax County. I've had partners who are working on deals, people looking to invest in the county, calling to pick my brain on, is this a safe place for us to invest? Is this a safe place to take over a business? Those are questions that should not be happening in Fairfax County because Fairfax County is one of the best governed jurisdictions in the country. And while you can't control the Supreme Court decision, making a decision tonight

[04:06:16] to readopt the zoning ordinance and readopt ZMOD is something that's within the county's control to help resolve some of that uncertainty. I think it should be restated that the county went through an extensive process when this was adopted the first time around in 2021. Four years of public meetings and input. I see a lot of familiar faces here tonight because I was at a lot of public meetings with those same folks who are here testifying tonight on a lot of the same issues.

[04:06:47] And I think it's great. That's part of the process. But there have been opportunities for everyone to be heard, to have their opinions taken into account as the county has adopted ZMOD previously and hopefully as you're adopting it again tonight.

[04:07:06] We don't need to hypothesize about some of the impacts that we're hearing about tonight because we've got two years of data of projects being approved, of the zoning ordinance being administered without issues. And while it's not perfect, and I think we heard tonight, you know, issues with data centers and adding the study of those to the work program, you know, we have a work program for that very reason, that it is a living document that is constantly being evaluated.

[04:07:33] And so I encourage and I'm encouraged that the county has put that on the work program so that it can be addressed through a public process. But overall, right now is not the time to create more uncertainty by delaying the adoption of ZMOD.

[04:07:52] Now is the time to create uncertainty for everyone who relies on the zoning ordinance, everyone who interacts with the Fairfax County government by saying, you know, we've been through this process. This is a good ordinance. It has good outcomes. It's clear.

[04:08:08] People know how to use it. It should be readopted. And so I would strongly encourage you to readopt the zoning ordinance tonight. Thank you. Thank you, Mr. Adams. And speaker number 13 is Elena Schlossberg, who is Executive Director of Coalition to Protect Prince William County, and has five minutes. Welcome.

[04:08:28] Thank you very much, Chairman McKay. My name is Elena, and yes, I'm the chair of Prince William County Protect PwC, but I also grew up here in Fairfax from Mantua Elementary.

[04:08:50] I can still say my name in sign language because back then, every kid learned sign language. I don't know if you still do that, and I graduated from W.T. Whitson. I am here tonight because you all have an opportunity to not make the same mistakes that everybody else is making.

[04:09:12] And I say that as someone who found themselves creating an organization at my kitchen table because of an Amazon buy-write data center of only 450,000 square feet, which seems like nothing today with the digital gateway, which is 27 million. So I want to share some of my experiences.

[04:09:32] And one of the things that we fought was that we felt as a community that we were bearing the brunt on a micro level of data center development. Our homes, our property, our natural and cultural resources were being sacrificed for these bulk load customers.

[04:09:49] And we actually prevailed upon the SCC legal staff to take our position as a respondent. They agreed that the bulk load customers should pay by using the line extension policy in order to protect citizens.

[04:10:07] But what I'm really going to invite each and every one of you to do right now is pay attention to what is happening in Virginia. Each and every one of you represent a locality, but your decisions are impacting the state.

[04:10:29] They are impacting the reliability of the grid. They are impacting the ability to meet our clean Virginia goals. Things are a little crazy in Prince William County, and there might be a video of me dragging down 40 pounds of coal to the chair of Prince William County.

[04:10:47] And what I said to her was, if you continue to approve this kind of unrestrained data center development, we will be using coal as generation. That was in December of 2022.

[04:11:06] So I'm going to read to you. I have all these notes I don't normally, I'm like, I think I'm going to use them and then I never do because I just prefer to have a conversation because ultimately we're all in

this together. January 31, DEQ says they want data centers to operate on diesel generators because of stress during peak load times.

[04:11:28] March 5th, CNBC, Mid-Atlantic Region could run out of power in seven years. That's us. That's what we are doing to the grid. May 3rd, 2023, Virginia Mercury. Has everybody read this article?

[04:11:44] If you have not, you must before you make any decisions on data center development by right in Fairfax. Dominion projects new gas plants. Advanced nuclear will be needed to meet soaring demand. Dominion says the steep rises in demand are linked to accelerating data center growth.

[04:12:04] I mean, we all know that. There is no power, insatiable appetite like a data center. In addition to new projects, various scenarios propose keeping online the coal and biomass-fueled Virginia City Hybrid Energy Center and the coal-fueled Clover Power Station, which the utility jointly owns with Old Dominion Electric Cooperative, until at least the 2030s.

[04:12:32] What decisions you make here today, the next generation is going to feel. I cannot impress upon you enough that Virginia is at risk, not only of losing our green spaces, the integrity of our natural parks, our clean water and clean air, the grid.

[04:12:57] And the reason why it's so important you understand why the SEC agreed with us is because they believed that the data center developers, those bulk load customers, should be paying for their infrastructure. So when you hear these descriptions of nuclear and gas, new generation, who's paying for that?

[04:13:20] If you are a Virginia ratepayer in this state, you are subsidizing the data center industry. I'm going to leave you with this thought. I love Virginia, and it is your responsibility as decision makers to protect our homes, our natural resources, our quality of life, and our grid.

[04:13:47] You absolutely should not remove your tools and your oversight, with your special exception. Thank you. Thank you very much. And we are on Speaker 14, Gregory Regal, who has submitted video testimony.

[04:14:04] Thank you, Mr. Chairman, and good afternoon. For the record, I'm Greg Regal. I'm a land use and zoning lawyer with the McGuire Woods Law Firm in Tysons, Virginia. I'd like to start by saying that leadership on the part of this board that is responsible and at times decisive, drives the quality of life and the economic success of Fairfax County.

[04:14:30] The Supreme Court's decision in Barrie effectively creates a need and opportunity for exactly that same leadership. Re-adopting ZMOD is the correct and necessary response to the six, seven, or even eight-figure economic decisions that individual and corporate citizens alike have made in reliance on that same ordinance. This is not to say that the ordinance can't and shouldn't evolve, but this is neither the time, place, or process for that evolution.

[04:15:02] If and perhaps when the ordinance needs refinement or revision, it should happen in the same process with stakeholders of all types that occurred during the extensive outreach that preceded the original adoption of ZMOD. Doing that now in response to a narrow procedural question raised by the Virginia Supreme Court or not re-adopting ZMOD is contrary to the work that led up to its adoption, and as I've referenced, decisions made in reliance on the same. In closing, re-adopting the ordinance is

absolutely right on substance and is an equally strong statement about the county's leadership. Thank you very much for your time and your consideration.

[04:15:42] Thank you. And we are on Speaker 15, Amy Gould. Is Ms. Gould on the line? Yes, I am. Can you hear me? We can. Welcome. The floor is yours. Thank you very much. My name is Amy Gould. I live at 7718 Lafayette Forest Drive in Annandale, Virginia. Thank you for the opportunity to speak here. I have many areas of concern, but will only address three of them due to time constraints. I agree with other speakers who have spoken out on data centers by right, which create big environmental issues. Data centers are very secretive during the land use process when it comes to revealing how their infrastructure works or the volume of water and electricity they use, stating their clients don't want that disclosed.

[04:16:21] One of the byproducts of data centers' water usage is desalination of millions of gallons of water they use every day. Water providers like Fairfax Water have a very difficult time removing salt from water, even from roadway grounds, so this cost should be paid by the data centers who are exacerbating this problem, not by the residents. Not to mention issues with electricity and relentless noise impacting nearby residents that have come to bear here in Virginia.

[04:16:43] Each application should be decided based on its merits and potential conflicts with the surrounding community. My second item is allowing expansion of home-based businesses on septic It just shouldn't be allowed unless special equipment is installed to handle those, particularly ones that might use forever chemicals like salons.

[04:16:59] Others have addressed this tonight, I know. But these should only be allowed where public sewer exists. There should be no consideration of these near the octagon. This should be the highest priority for this board, in my opinion. I live in a zip code where the Environmental Working Group stated two years ago has the highest rate of forever chemicals in the entire county.

[04:17:16] EPA is in the process of regulating these now, so any regulations the county currently has don't address this. Once these chemicals are there, they are extremely difficult, if not impossible, to remove. Additionally, the public should have a right to comment on the neighbor building an ALU, even if you are inclined to approve them.

[04:17:33] Not every street has the same frontage, and cutting down mature trees to build additional structure like an ALU on a single-family home lot can impact the neighbors. Each one should be judged on the circumstances of that one project, even if it means more work for staff. I live in a very densely populated area that has heavy exhaust fumes off the beltway, is underserved with a very high diversity demographic and is plagued with illegal dumping.

[04:17:56] I wish this county would focus more on quality of life problems of existing residents rather than preparing for all the new residents you are trying to bring here and keeping the developers happy. One way would be to front load the cost of dumping at the permit stage so the smaller laborers don't have to pay to bring it to the landfill or call ahead after working all day on a job site or own a tipping truck to offload or even find where to bring it on the county website, which is only in English.

[04:18:20] Where is the equity there? It does not surprise me to see land use attorneys and the Gartner Report participants testifying for quick adoption of ZMODs since NAIOP and NVBIA were the only ones who were allowed to participate. Perhaps if you had had the environmentalists and the water experts during that process, we would not be here today.

[04:18:37] We could all endorse ZMODs, but residents were not included in that Gartner process, only the developers were, so we haven't had the luxury even put on the front end of it. We're keeping residents out of the picture, and we're now playing catch-up, which was clearly by design. Thank you very much. Thank you.

[04:18:52] And we are on Speaker 16, Lynn Molston. And following, we have a call following that. And is Keith Elliott here, Speaker 18? Okay. We are on Speaker 16, Lynn Molston, who is president of Reston Citizens Association.

[04:19:10] Welcome. Warren, rest of the Board of Supervisors. My name is Lynn Molston. I live at 11472 Lynx Drive in Reston, Virginia. And I serve as president of Reston Citizens Association, and for one, I'm happy that we're here again.

[04:19:33] This means that we have an opportunity, we the people have an opportunity, one more chance to try and find a workable solution with our planning commissioners, DPD staff, and you, the Board of Supervisors.

[04:19:50] Now, we know how we got here, and I'm not going to burn my precious five minutes rehashing the past, But let me tell you, this rush to reenact ZMOD is continuing to mute the voice of the public. Much to my surprise at last week's Planning Commission meeting, I noticed the motion had already been crafted ahead of the public testimony period.

[04:20:13] And I suppose tonight we're wasting our time again, because my guess is you already have crafted the motion for tonight too. No doubt with the blessing of our county attorney. So what I testify tonight will have no bearing on your decision, but you must know that the county's DPD staff has wasted two years while ZMOD made its way through the Virginia Supreme Court.

[04:20:39] You see, all the problems that were identified through Reston Citizens were ignored. It was only during the planning commission meeting last week that I learned of staff's explanations for the discrepancies we identified, but these explanations are not sufficient and these errors need to be given scrutiny.

[04:21:03] It looks like my slides are not working again. Okay, we're going to have to proceed with, on page 627, article 9, number 2 of the proposed ordinance and you all did receive these slides ahead of time so i don't know if if miss cooper is able to to pull those up where the interpretations and definitions are provided the words must and

[04:21:38] shall are mandatory the zoning language that protects world famous reston has been changed from shall to is which means this language is no longer mandatory these changes abolish thank you That's awesome. Thank you. Okay, so we can move on. The zoning language that protects world-famous Reston has been changed from shall to is, which means this language is no longer mandatory.

[04:22:18] These changes abolish protections of a historic world-renowned planned community. There are no footnotes explaining why this change is being made. There is a big difference between shall not exceed and is. This is not right. This language change adds stacked townhouses, a new definition

[04:22:50] for a new use as a new type of housing in Fairfax County, but it does not appear to increase the per-person figure when calculating Reston's density. This is not right. Why are we taking away noise protection in residential areas and no longer protecting our residents?

[04:23:21] The noise ordinance is not sufficient. Do we want an airport, heliport in the PRC and residential areas 200 feet from any lot line? What are the day and night noise implications?

[04:23:46] Why isn't there a maximum size requirement for data centers in the PRC, PDC, and PTC as there are for commercial and industrial areas? Why not allot the same number of parking spaces for single-family attached dwellings as for stacked townhouses?

[04:24:09] Why is a single-family attached dwelling provided more parking? Sorry, can I have a little more time just because of food? If you could, yeah, if you could please wrap up, thank you.

[04:24:24] What is the purpose of creating this new definition? Why are you seeking to eliminate the availability of space requirement for public-use gatherings? So, despite accusations, these are not NIMBY concerns.

[04:24:42] These are valid errors that require attention. Chairman McKay, I was present when you addressed the attendees and recipients at the Fairfax Federation Citizen of the Year Award two days ago. In fact, I had the honor of sitting at the table with the amazing Michelle Menapace.

[04:25:02] You there, you recognized the effects that the pandemic had not only on mental health in the community, but the volunteerism of county citizens and the stress that the pandemic placed on our citizens, all of who would not have been able to testify otherwise.

[04:25:20] Do you think the low number of speakers who have signed up to testify against ZMOD tonight is because they're giving up? Frankly, it is demoralizing, and I can tell you, citizens' associations didn't have sufficient time to alert the citizens we serve about this rush by the county to reapprove ZMOD.

[04:25:42] On behalf of Reston Citizens Association, we strongly urge the extraneous provisions of ZMOD be removed so that ZMOD conforms to its original purpose, which was to modernize permitted uses and regulations, make the zoning ordinance easier to understand, and create a streamlined, user-friendly document with tables, graphics, and hyperlinks.

[04:26:09] Finally, I have to give a shout out to Supervisor Alcorn and his staff for the tireless work representing the citizens of Reston and the Hunter Mill District. Thank you. Thank you very much. We are now on speaker number 17, Debbie Smith.

[04:26:25] Is Ms. Smith on the phone? Can you hear me okay? I can hear you. You can hear me? Yes, we can. Welcome. The floor is yours, and you have five minutes. Thank you. Good evening. I'm Debbie Smith, 3127 Juniper Lane in Falls Church. I'm chair of the Mason District Council of Community Associations, speaking tonight on behalf of our board.

[04:26:45] When the project to modernize the zoning ordinance was announced, many applauded the news of a more navigable, understandable, and device-friendly document. However, that effort morphed into something totally unexpected with the insertion of major changes for ALUs, HBBs, and accessory structures, which effectively bypassed focused attention by the public on these controversial land use issues.

[04:27:11] Alarmingly, these proposals remove the special permit process of public notice and public hearings, thereby depriving residents of the opportunity to be heard in these significant changes occurring within their own neighborhoods. These ZMOD amendments have the capacity to forever change

the nature of the county's stable, single-family neighborhoods and should never have been casually slipped into the ordinance update.

[04:27:37] Each amendment demands a thorough, traditional, dedicated zoning ordinance amendment process with analysis and review, staff reports, and public hearings. Importantly, these changes are not community-driven, and despite county outreach, they are not community-supported.

[04:27:57] During public hearings in early 2021, you heard comments from dozens of diverse communities, from Gum Springs to Great Falls, McLean to Mount Vernon, and Sully to Springfield, and you received hundreds of individual letters from residents overwhelmingly opposed to these changes.

[04:28:17] Even the county's own ALU and HBB survey results clearly highlight the opposition to ZMOD proposals. Of new concern, last week in the Planning Commission's public hearing on ZMOD, and again in a PC Land Use Committee meeting on February the 16th, the zoning administrator indicated that after 18 months of monitoring, her department was aware of things that could be done better, and her department would likely be coming back with recommendations for changes to ALUs and HVBs in the future.

[04:28:48] Oddly, no one at those meetings inquired about the current deficiencies or about the anticipated likely changes. This is troubling. We should know more about these before moving forward as is. Perhaps you can learn more tonight.

[04:29:05] The Mason District Council Board strongly recommends we have important discussions about recommended changes now and not wait. Thank you. Thank you very much. And we are now on speaker number 18, Keith Elliott.

[04:29:23] Speaker 19, John Farrell is here. Speaker 20 is a call-in. So welcome, Mr. Elliott. All right. Good evening, everybody. I appreciate your time, Mr. Chairman and members of the board. I'm here to speak a little bit about the ALUs, the home-based businesses, and other items using my real estate background.

[04:29:45] I've been in real estate, property management, rental management, and also managed several homeowners associations over. a few years. I understand the county is trying to find a way to correct a problem with affordable housing. We want to keep the workers here, and I understand it. It's a good topic, and it needs to be done. I just think the ways that you're going about it with the ALUs and the HBVs, or excuse me, the ALUs, is not the proper way to do it. As a real estate broker, I know that owners of properties are going to want to make some money, right? And they're going to fix their basements,

[04:30:22] and they're going to build a unit within their basement and they're going to rent it out. And they're not going to charge a low income. They're not going to go through the process of putting the kitchen, the bathrooms and finishing it and doing whatever they got to do and then charge a low rent.

[04:30:37] It's just a crazy idea to think it's going to be done. Apartments, they don't have yards. Apartments don't have parking. It's scarce. And in a house, you get more parking and you can get more, you can get a yard for the kids to play. And sure, you got, you know, in your ordinance, you got a way that you can't park on the street in the ordinance.

[04:30:58] But who's going to enforce it? The cars are going to be there. So I think, you know, we need to protect the communities and get our kids outside, right? We got to, you know, protect the communities, have the kids come outside and play. And if the kids are coming outside to play and you have more density inside these houses, what's going to happen?

[04:31:18] You're going to have more vehicle traffic. You're going to have trucks coming in and out. And God forbid there's a little boy that's playing soccer, and the ball goes in the street, and there's a parked car, he doesn't realize, doesn't see another car coming, and then something bad could happen. So I think you've got a really, you know, tremendous unintended consequence there, and you've really got to look at it.

[04:31:38] And as far as the home-based business is concerned, again, that's going to bring more vehicle traffic as well, right? They're going to be coming and going, and it's just a fact. And I think you guys really need to look at it and understand that. I know the county is trying to make the road safer for kids to walk to school.

[04:31:57] And if you're trying to do that, the problem that's occurring right now is because there's overcrowding. If there's overcrowding, now you add more traffic. How are you going to make the road safer for the kids to walk to school? So just kind of consider it and think about it. And regarding, you know, data centers, I'm not an engineer or anything else like that.

[04:32:13] But I could tell you in real estate, you know, and I know in Loudoun County and Prince William County, they're behind the eight ball. So why should Fairfax County be behind the eight ball? So instead of bringing in all these data centers right away, the buy-write clauses and everything else, why not think about it and make sure that there's proffers, there's things set up that, you know what, you got to put a certain amount of trees in the front, right?

[04:32:34] Ooh, good gracious, I got another 10 minutes here. Can I have another comment then just to kind of close it out? Hey, listen, I appreciate your guys' time. It might be already a foregone conclusion that it's going to go through, right? But instead of throwing a fastball and make this thing go through really quick, why not a curveball?

[04:32:53] Throw a curveball in there, remove the HBBs, remove the ALUs, and pass the mod, and also the data centers too, and pass the mod. Then discuss the items in an open session and go from there. Throw a curveball for everybody right now.

[04:33:08] I think that is the right thing to do. And thank you again for your time, and I pray you guys will hear the voices of everybody in this audience here today. Have a great evening and good luck with all this. Appreciate it. Thank you very much. Speaker number 19 is John Farrell, who's the president of the Reston Association, has five minutes.

[04:33:27] Is Sheila Dunheimer here? Sheila is. And Robert Whitfield. Robert Whitfield is here. He's speaker number 22. We're on speaker 19. John Farrell, welcome. Thank you, Mr. Chairman. I'm John Farrell, president of Reston Association. And I'm going to speak tonight to a provision in ZMOD that affected the PRC district uniquely.

[04:33:55] Reston Association is the largest property owners association in the Commonwealth. It is also one of the largest in the country. It is one of the largest landowners in Fairfax County, and it is clearly the largest land owner in the PRC district.

[04:34:10] It owns 1,350 acres of land that it maintains. It has 55 miles of trail, 15 pools, 54 tennis courts, 17 ball fields, eight pavilions, and four community buildings.

[04:34:31] All of these facilities are open to the public. Let me say that again. All of these facilities are open to the public, but they are funded by a $20 million budget that is paid for exclusively by the 23,000 houses that are members of Reston Association, including, Mr. Chairman, about 1,000 units owned by the county.

[04:34:59] Many of these amenities are more than 60 years old, and our members realize that there is a need for renewal and enhancement of these facilities. RA has a capital budget of $18 million for the next five years. Beyond that, it goes higher.

[04:35:17] But we have encountered in ZMOD an obstacle, if not an outright barrier, to the improvements that our membership have asked us to make. Article 8, Section 8100.2F-3C, got to love it, has been interpreted to limit RA's ability to enhance its open space acreage to only, got to love this, benches, gazebos, and playground equipment.

[04:35:48] That's it. Unless we go through the process of having a PRC plan amendment approved. A PRC plan amendment, half a million dollars, because you have to do a tree survey, you have to do a wetland delineation, geotechnical reports, stormwater analysis, and other civil engineering, and let us not forget the lawyer's fees.

[04:36:15] Please. In many instances, these preparations costs far exceed the actual construction cost for a batting cage or a pickleball court. And let me tell you about pickleball.

[04:36:29] We went through this process with Barton Hills. Our staff had proposed to light the Barton Hills tennis courts and the zoning administrator said, no, can't do it. You need a PRC plan amendment. Now we appealed that decision to the BZA. We lost there. And the decision was made to abandon the lights. Now, maybe that was the intent of the decision. I don't know. But that was the net result. Those courts will not be lit and the use of those courts will be eliminated.

[04:37:00] During that process, our staff said, well, what if we go through a PRC amendment process? What are we looking at for studies? Is there anything we can get cut around so that we don't have to spend that kind of money? And the answer was, well, maybe, but we don't know.

[04:37:18] We'll see. No comfort. No predictability. The provisions of this section of the PRC ordinance as amended by ZMOD leave us vague and unable to know what to do and what we can do.

[04:37:35] RA is a 501c4 organization it is not a developer contrary to what I've heard some members of the public and some public officials say it should not be regulated as if we were building a data center we're not we are the principal provider of recreation and open space for the citizens of Reston and everybody else and we shouldn't have to look at killing a project an enhancement to our facilities because the transactional costs are twice the budget for the construction.

[04:38:11] That doesn't make any sense. Its board is elected by the 63,000 citizens who live in Reston. I just went through a re-election campaign, and I got more votes than the folks who sit on the Board of Governors of RCC.

[04:38:28] More people voted in that election than have voted in some of our primaries. Its capital plans are vetted with its membership. And by state code, the members of Reston Association can come to any board meeting, any committee meeting, and are allowed to speak and allowed to comment on our capital plan.

[04:38:51] So, therefore, RA is not like a developer of a data center. We're much more like the park authority, which, oh, by the way, only has 100 acres in Reston, or the schools. And we should be given some deference in listening to our membership and trying to provide for them.

[04:39:08] So we have submitted and handed out to you proposed amendments to that section of the county ordinance. I would hope that you would adopt them tonight, but I understand that you may want to take some time to think about it. I would hope you would put it on your work plan, but I know the work plan.

[04:39:26] Having practiced land use law around here for 40 years, I'd like to get a little closer to the top of the work plan, if you don't mind, Mr. Chairman. I thank you for your time, and on behalf of the 63,000 people who live in Reston, I thank you for your consideration, and I hope we can get some clarity and some simplification of the process to reinvigorate the properties that we administer.

[04:39:51] Thank you. Thank you, Mr. Farrell. Our speaker number 20, Mark Looney, has joined us by phone. Mr. Looney, can you hear me? Is Mr. Looney on the line? The call actually just dropped. The call just dropped, so we'll try to circle back.

[04:40:08] Thank you. number 21, Sheila Dunheimer, is here. So if we could have Sheila come on down and following Sheila will be Speaker 22, Robert Whitfield. We will try to return, see if Mr. Looney returns at that time. Ms. Dunheimer, welcome. Thank you. Good evening. I'm Sheila Dunheimer. I live at 10505 William Terry Drive in Vienna, Virginia. I know the options today are to consider the readoption of the 2021 z mod including all seven previously adopted amendments and i would ask

[04:40:40] tonight that you seriously consider to pull out the agritourism amendment for a number of reasons and as well i believe that there are further discussions that should take place with the alu's the hbb's the right for uh by right uh agritourism there was an uh since the adoption of zvod in 2021 there were changes in the definition of agricultural operation by the virgin by a virginia bill number 678 that passed in 2022 in the virginia legislative session this bill altered the definition to now

[04:41:19] include the housing of livestock as defined in in the virginia code i know that staff had already addressed this in november 1 2022 there was a staff report that addressed minor and editorial revisions to include adding that to the agriculture operation definition and then it also impacted keeping of animals as well but there's also impacts to agritourism and huge impacts to residential zoning that could be a possibility of this for instance within the keeping of livestock

[04:41:56] right now the housing of livestock was considered an accessory use on a lot of two acres or more in size so now should it should the keeping of livestock that's now defined as an agricultural operations still be allowed on only two acres under 6c and another because of this as well once it's an agricultural operation they can have barns and barns are allowed to have no height restrictions they're excluded from the maximum height restrictions so it's a totally

[04:42:36] different category than an accessory structure like a shed another thing is roosters roosters I we have one in our neighborhood is should only be in areas that are over seven acres in agricultural operation.

[04:42:52] But in the RE zone, that's easily attainable. And you would not all you'd have to have is a single horse or you know, a goat, even fish. I mean, maybe even a koi pond could qualify as housing livestock.

[04:43:09] I don't know what the definitions are. Other direct impacts to agritourism. in the agricultural operation if you have a minimum of seven acres in the housing of livestock you could once you're in agricultural operation it may include agritourism so agritourism then in residential areas would they be allowed bed and breakfast food trucks i mean all they need is 20 acres that's still easily obtainable in re zones so those are just a few of the things that

[04:43:41] In particular, with the agritourism amendment, I think before it is just accepted, I would request it to be set aside and take into consideration the new definition and the impacts, particularly in residential areas.

[04:43:57] Thank you. Thank you very much. We are now on speaker number 22, Robert Whitfield. And let me ask speaker number two, Jeff Flading. Did Mr. Flading ever arrive? Okay. Okay.

[04:44:13] Thank you. Mr. Whitfield is speaker number 22 and if there's anyone else here who would wish us to testify and has not signed up, if you could please sign up with the clerk. Mr. Whitfield has three minutes. Welcome. Mr. Chairman, thank you for having this hearing. I have to admit that I was somewhat surprised. I didn't even know until Saturday afternoon that this was coming up and only then by chance did I learn about the Planning Commission hearing from last Thursday.

[04:44:46] And as I drove here at 4.30 and the meeting started, and the lady who presented information, I heard more information in that 10 or 15 minutes. This is what you presented.

[04:45:03] This is dated March 22, and it says April 14. Staff report. This is it. I'm tempted to suggest that this board treats the public like Mary Antoinette in 1789.

[04:45:21] Let them eat cake. Okay. I have been involved in planning issues. I first came to Reston in 1977. And day one, I met Pat Kane. And so Pat helped guide my early understanding of Reston. And then I met late Dave Edwards. And he got me involved in going to meetings. I've been to over 5,000 meetings in the last 25 years. So I see things that many others may not. But I am impressed with the

[04:45:55] testimony you've heard here tonight. And it suggests that something didn't quite go right in the process. I went to many Zmods between about 2015 and 2018. I guess you had consultants from Denver, but I didn't see the final product. And I have to confess, even though I have worked in real estate 30 years plus, long retired, but there's much I don't understand. And hearing And John Farrell just now described, I'm a Reston resident for about 25 years.

[04:46:35] Planning is complicated, but the public has to understand what is going on. And right now I feel somewhat defeated. We are updating the comprehensive plan in Reston, and this January, Supervisor Alcorn requested that we add an equity and a health component.

[04:46:56] And I've asked what the potential cost is of these things. So it's not just a zone. In fact, what's the impact? So this would be a good question for this ordinance, the ZMOD. I understand and support some of the intents, but it's got to be a process that the public understands and supports.

[04:47:15] And we need to know what its fiscal impact is going to be. Now, I work mainly on transportation issues. And the one thing in reading through the materials, which I guess this is this, transportation doesn't even show up. And so I would ask, I understand that there are title insurance issues that are causing you to want to act hastily, but those need to be balanced with the public interest and need to know what's going on and what its impact is going to be on their communities in the future.

[04:47:48] And I would be glad to participate with others in whatever process or committee this board sets up to help us understand better what's going on. Thank you. Thank you, Mr. Whitfield. And let me return back to Speaker No. 20, Mark Looney.

[04:48:04] Is he back on the phone? Mr. Looney, can you hear me okay? I am, Mr. Chairman. Sorry we got disconnected earlier. No problem. Welcome. The floor is yours. Thank you, Mr. Chairman. I'm Mark Looney. I'm a land use and zoning attorney with the law firm of Cooley. I reside at 1920 Franklin Avenue in McLean in Supervisor Faust District.

[04:48:23] I, like many others, participated in a multitude of meetings during the original consideration of the ZMOD zoning ordinance updates, including meetings with staff, the county's consultant, members of the planning commission, and others throughout that process. The result of those efforts was a document that improves the user experience, makes the zoning ordinance more clear, and reflects the modern world that is different from the one in 1978 when the last ordinance was adopted. In making your decision to approve ZMOD, the board balanced the competing interests of those multiple groups, all of whom had divergent opinions about what should or should not be in the zoning ordinance updates.

[04:49:03] None of us got everything that we wanted, but at least we were heard. But unless you re-adopt ZMOD, all of that work may be for naught. Frequently, when the board adopts policies and ordinances, the board also agrees to revisit that decision at a future date to assess how the implementation is going and determine if tweaks to the policy or ordinance are needed. Usually, those things occurs in years, not months, meaning you evaluate the effects of your changes over a period of years and not months. That process obviously was disrupted by the Virginia Supreme Court's decision on ZMOD. But this is not the time to do an evaluation that you otherwise would do

[04:49:43] years into the future, but only months after the adoption of ZMOD. ZMOD got it right at the time, and you have an opportunity in the future to reevaluate it as that implementation continues. but that time is not tonight. There's an urgent need to re-adopt ZMOD. There are pending applications that need guidance and finality. There remains a cloud of applications that were approved under ZMOD. The first step to clearing that cloud is to re-adopt the ordinance. I urge the board to re-adopt the ordinance and to set the record straight that Fairfax County has a

[04:50:20] new zoning ordinance moving forward. Thanks for your time. Thank you very much. And that completes our speakers who signed up in advance let me ask if there's anyone else present who has not spoken who would like to testify on this matter this is a public hearing is there anyone else present who would like to testify and let me ask the clerk if we have anyone else who has called in no there are no callers no additional callers closing comments and recommendations from county staff thank you the planning commission held a public hearing on may 3rd and recommended readoption of the zoning

[04:50:57] ordinance as amended through march 22nd 2023 with the text as presented in the staff report in addition references to chapter 112.1 should replay be replaced with 112.2 it was also recommended that appendix one regarding previous approvals be updated with the july 1 2021 date references revised to the new effective date of the ordinance and to move the holland hills provisions from subsection two to subsection one and staff concurs with the planning commission recommendation thank you and we're happy to answer any additional questions okay uh questions for

[04:51:35] staff let me start with uh supervisor smith thank you mr chairman um i would like to address the issue that some of the people that testified asked why we aren't making changes tonight so if the

county attorney could explain the process that we need to use and i also want to state that we advertised at our april 11th meeting we advertised this public hearing so there was notice before this public hearing supervisor smith there is a well-established process that's used for zoning ordinance amendments as you are aware it the matter first comes before the board for

[04:52:12] authorization to advertise after that authorization is obtained there is notice of the zoning ordinance provisions um that's published in a newspaper and that is all prescribed by the virginia code the virginia code also requires as to zoning amendments that the advertisement contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed ordinance can be examined and so that was properly done in this case but it

[04:52:47] means that what you advertised is what's before you and if more restricted measures are going to be imposed then one has to question whether they're in the scope of the advertisement and the advertisement of course is is designed to make the public aware of what it is you're discussing and deviations outside of that realm of issues that were part of the advertisement always requires a close examination of whether it can be done in accordance with the advertisement that was run.

[04:53:22] Additional questions? Any additional questions of staff? Supervisor Faust. Yes, it was, you know, the last or next to last witness held up like a two-page or three-page document that was referred to as the staff report.

[04:53:41] But, in fact, that document incorporated links to significantly more information about the ZMOD and the changes that were being made from the 1978 ordinance.

[04:53:57] Is that correct? Yes, that's correct. Most notably, we did have a summary of notable changes that highlighted all of the changes between the 1978 ordinance and the ZMOD proposal, as well as the subsequent amendments that had been adopted. And the copy I have is 24 pages long, single-spaced, and very small type.

[04:54:18] And it also includes within that 24-page document additional links to really helpful information to explain the changes that occurred with regard to the ALUs and I think the home-based businesses.

[04:54:35] Yes, that is correct. And perhaps others. So anyway, there is a lot of information available. Any other questions? Supervisor Palchek. Thank you, Mr. Chairman. Sorry, I also had a question following the testimony we heard today. One speaker mentioned that they were involved in four years of study before the first ZMOD resolution was actually presented to the board.

[04:54:59] could you give us just a brief history of when this was first studied and I was before some of us on this board as well as from that time forward the amount of time that was spent in in outreach and in in our board working on the resolution before first approval before today yeah it was a long and iterative process where we you know as Casey mentioned on her slide where we issued drafts we had outreach and we'd issue another draft and it wasn't just all in

[04:55:35] one piece we wanted to make it manageable so that people could review it in detail and provide feedback and I think if some people might correct me I think maybe one of the initial meetings was actually held in 2017 and then you know I think we really got started more in 2018 with the adoption in 2021. Thank you I really appreciate that I think I learned even more today about the scope of engagement

and input that was done through the community. Thank you Supervisor Palchek. Other questions of staff? Let me ask one

[04:56:13] question a little bit of a trick question but I know our staff is capable of answering it. We heard some testimony about overcrowding and I'm just wondering if you can remind the board how many related and unrelated people can live in a house irrespective of the ALU provisions?

[04:56:34] In other words, what is allowed in the ordinance today without regard to the ALU provisions that we're speaking about? Great question. If the booth could share the slide that's being shared on our monitor currently, we do have a slide because it is quite complicated. There's a lot of different arrangements in which a home can be occupied by right here we go we use our icons so we do have many options in the 78 ordinance including a family with that two rumors or borders allowance and that's where the ALU change really allowed those two rumors and borders to also have a kitchen and have that more separate unit you can also occupy a dwelling by with four unrelated

[04:57:14] people you can also have two single parents and any number of their children as well as a group residential facility, and that's up to eight individuals as well. So that special permit also on the side, that's kind of another way in how to occupy. But really on the left is your by-right comparisons there. Okay. I appreciate that. And it's a great graphic. I didn't know we had that, but I do think there's a misconception out there about current occupancy limits. And, you know, frankly, one of the challenges with ALUs and the existing, well, actually one of the challenges

[04:57:52] with the existing ordinance is that there is overcrowding that is occurring in some neighborhoods and it's being done illegally. And as a result of that, you have unsafe conditions in some of these homes. And so the current ordinance is ill-capable of really regulating that in a very organized way, and that has to do with the occupancy provisions that are in that graphic that are in the existing 1978 ordinance.

[04:58:19] And so I just wanted to make sure people understood what was in the 1978 ordinance in terms of occupancy and how that relates to the conversation of ALUs that we're speaking about today. And the only other question I wanted to ask, because I know that there's been some testimony about a lack of citizen involvement and engagement, and I think Supervisor Palchuk's question was a very good one, but of the over 100 public meetings that were held, How many of those, again, were in person?

[04:58:51] I think we had a count of 63 were in person, and those are all listed on our Zoning Administration webpage. We have the ZMOD information still posted up there, and so you can see all the different groups that we met with, and it even lists whether they were in an electronic meeting or not.

[04:59:11] Okay, thank you. Any other questions of county staff? Seeing and hearing none, I am now going to close the public hearing and recognize Supervisor Smith for a motion. Thank you, Mr. Chairman. I'm going to have a motion, some comments, and then follow-on motion.

[04:59:31] Mr. Chairman, I move that the Board repeal the 1978 zoning ordinance designated as Chapter 112 of the County Code and adopt the new and modernized zoning ordinance as Chapter 112.2 as set forth in the staff report dated April 14, 2023 to include the following changes.

[04:59:52] Wherever the proposed text refers to Chapter 112.1, revise it to say Chapter 112.2. With respect to previous approvals as set forth in Appendix 1 of the proposed zoning ordinance, make the following changes to Appendix 1.

[05:00:09] Replace all references to July 1, 2021 with May 10, 2023. Relocate subsection 2.B.1 regarding the Holland Hills Historic Overlay District to subsection 1.H and delete the reference to the amendment number ZO 112.1-2022-6 and replace the effective date with March 9, 2022.

[05:00:39] and that the repeal of Chapter 112 and the adoption of 112.2 become effective at 12.01 a.m. on May 10, 2023. For any period when Chapters 112.1 and 112.2 are both in effect, Chapter 112.1 will supersede Chapter 112.2.

[05:01:07] You've heard the motion. It's been seconded by Supervisor Gross. Discussion on the motion. Supervisor Smith. Thank you. Following a multi-year process of public engagement, the original version of the proposed zoning ordinance was adopted on March 23, 2021, as part of the Zoning Ordinance Modernization Project, also known as ZMOD. It was then amended seven times over the next couple of years. Based on the recent Virginia Supreme Court opinion in Barry v. Board of Supervisors, the 2021 ordinance, designated as Chapter 112.1 of the County Code,

[05:01:45] was declared void ab initio because the Board's meetings on it were held virtually due to the COVID-19 pandemic. The General Assembly had passed legislation in 2020 specifically authorizing virtual meetings during the statewide COVID emergency and exempting them from some of the ordinary requirements of the Virginia Freedom of Information Act v. FOIA. The legislation still required public notice, access, and opportunity to comment, and the Board met all those requirements.

[05:02:19] In fact, the Fairfax County Circuit Court ruled three times in favor of the Board's authority to meet virtually. The Board has petitioned for a rehearing by the Supreme Court, but since the opinion was issued in March, the county has been reviewing pending applications under the previous 1978 zoning ordinance. The opinion casts a cloud on zoning applications that were approved during the time when the county was operating under ZMOD, even though many were also approvable under the 1978 zoning ordinance. Given that cloud, we need to move as quickly as possible to restore certainty

[05:02:57] and provide a path forward for the countless people and businesses who have relied on the ZMOD ordinance. The groundwork for the reconsideration of ZMOD was established during the original multi-year process for modernizing the zoning ordinance.

[05:03:13] Numerous documents with summaries and analysis were issued along the way and presented to the community, the Planning Commission, and the Board. Many of these documents and presentations are linked via the memorandum to the Board and Planning Commission we received from staff dated May 1, 2023. Although the scope of the project included restructuring the 40-year-old ordinance, it also included substantive changes to update land uses and associated regulations. These substantive changes included modest steps toward modernizing

[05:03:47] our approach to accessory living units and home-based businesses. The proposed changes concerning ALUs and HBBs were first released in April 2019 and were the topic of extensive discussions with the community, the Planning Commission, and the Board. After review and deliberation on these uses, the Board did not expand the ability to have customers with an HBB without a special permit and public hearing. Only teaching businesses were allowed to have customers, which was already permitted in the 1978 ordinance. Also, in response to concerns

[05:04:25] raised about HVBs and ALUs that are located in dwellings served by well and or septic systems, a standard was added requiring the applicant to obtain approval by the health department prior to either

administrative or special permit approval. With regard to ALUs, the board did approve an administrative permit approach for ALUs located within the principal dwelling.

[05:04:50] The Board also approved the deletion of the age and disability requirement for the occupancy of an ALU. This was after extensive discussion by the Board that ALUs can serve as an opportunity for young professionals just starting out, or family members coming home from college, as well as for older adults and individuals with disabilities.

[05:05:10] The board also limited the size of the ALUs to 800 square feet and continued to require a special permit for detached ALUs. While some people have expressed concern that this measure could increase density in our neighborhoods, I would note that the occupancy limits for a single-family dwelling under the 1978 ordinance already allow two roomers or boarders.

[05:05:35] These provisions bring the county more in line with many of our neighboring jurisdictions. the board directed staff to create a report that is available online and identifies all submitted ALU applications weekly. As directed by the board, staff provided a status update on ALUs and HBBs in January of this year, and staff will continue to monitor these uses and report back to the board next year with future recommendations. Similar to ALUs and HBBs, we also received testimony from Equac and others regarding agritourism. I remind the board that this topic was the subject of a

[05:06:13] separate amendment with its own outreach that was being processed during the same time as ZMOD. It was adopted in June of 2021 and became effective concurrent with ZMOD. The concerns we heard expressed with agritourism were that we were opening up to the RC district to commercial uses like wedding venues. What I think got lost in that discussion is that the state code already permitted agritourism activities when in association with an agricultural operation and localities are only allowed to regulate if the activities constitute a significant impact

[05:06:48] to the health, safety, and welfare. In adopting the amendment, the Board increased the minimum acreage for an agricultural operation from five to seven acres, added specific provisions in the RC district to limit the amount of paved surface in association with an agritourism use and created tiers of agritourism uses with limits on the numbers of attendees per day. Also similar to HBBs and ALUs, staff prepared a status update that was given to the board in January of this year.

[05:07:22] Staff noted that one tier four permit was issued in August 2021 to Cox Farms. There were no complaints received related to agritourism through December 2022. Finally, another one of the uses that has received a lot of attention is data centers. Prior to ZMOD, data centers were considered telecommunication facilities and were permitted in all residential districts with special exception approval, and they were allowed by right in the commercial and industrial districts with no use standards and in all planned districts if included in the approved development plan or

[05:07:59] PRC. With ZMOD, the proposed regulations restrict the use to only certain commercial, industrial, or planned districts, and specific use standards are included. This use was identified for further review as part of our board matter this morning, and I'll have additional remarks about data centers as part of a follow-on motion. And now, after the benefit of almost two years of experience with ZMOD, I feel I can say that the overall implementation has gone well, and I will mention in a follow-on motion. Land use is a continually evolving topic and we will be discussing the future review and

[05:08:37] revisions to the zoning ordinance as part of the work program on July 18th. Thank you, Mr. Chairman. Thank you, Supervisor Smith. Further discussion on the motion? Is there any further discussion on the motion? Supervisor Alcorn. Yeah, thank you, Mr. Chairman. So I had some concerns about ZMOD when it came through the process and I ended up actually voting against it whenever it went through.

[05:09:01] But, frankly, the implementation has surprised me. It's actually gone better than I expected. And I think the information staff provided tonight that was included in the January update from staff on implementation, ALUs and home-based businesses, is very helpful in understanding sort of the scale of the impact of ZMOD.

[05:09:27] Frankly, it's modest. So we're looking at 37 ALUs that were approved out of about 400,000 households in Fairfax County during the first 18 months. HBBs, we're looking under 400.

[05:09:46] We've obviously got to stay on top of this and make sure that we're not seeing any of the things that we've heard tonight. We heard during the ZMOD development discussion actually occur.

[05:10:02] But frankly, I didn't hear tonight specific instances of problems associated with ZMOD. Where I did hear a specific instance, and I want to thank the representative from the Reston Association, is in a case relating to the PRC ordinance specifically.

[05:10:21] And this is one of the items that I believe is teed up to be addressed in a follow-on motion. So, now that said, there were other very specific things that were brought up, and I really appreciate the folks that brought those up.

[05:10:37] Supervisor Smith already asked about the recommendation on data centers in the I-3, I-4, and I-5 districts. There were other suggestions that were made and comments made from the Reston Citizens Association. some of the specific language, and in this case in the PRC ordinance, and some of the concerns about how that language is framed.

[05:11:02] This is very appropriate discussion for possible changes in a future zoning ordinance amendment. And this is, I'm happy to host a meeting with the Reston Citizens Association to discuss that. also want to be careful because i believe supervisor walkenshaw has some prc zoned property with recreation facilities in his district as well but even aside from the recreation things i know there were concerns about the language is maximum is versus shall not exceed parking requirements for townhouses versus stacked and some other issues so happy to have those discussions so

[05:11:41] I think there also, I believe were mentioned that staff may be coming forward with some cleanup perhaps or maybe recommended fixes relating to ALUs and HBBs at some point during the work program process.

[05:12:01] I welcome that, look forward to that. I know we got our update in January, but as one of the speakers said, yeah, this isn't perfect. this definitely ain't perfect but it is a process or we have a process where getting input from affected residents from people involved in the process from concerned citizens we have a process through our work program in order to address that I welcome that and I look forward to seeing how frankly we can make

[05:12:36] this better and I do say I'm glad we're not trying to go beyond the advertised the scope of what was advertised for this change because as we can see sometimes when we do things that maybe aren't

completely process whole then we get sued we lose and we end up having to come back and address it just like what we're doing tonight so I thank you to all the folks that came out and talked I certainly heard you I know my colleagues did and thank you to staff for working

[05:13:15] through this I think we do have some tweaks some improvements to be made in the near future and I look forward to those conversations thank you mr. chairman thank you very much supervisor Alcorn supervisor gross and we'll work our way this way. Supervisor Gross. Thank you, Mr. Chairman. The one thing certain about the human condition is change. When I moved into Fairfax County in September of 1970, the population was 455,000 people. When the 1978 zoning ordinance was adopted, the population had gone up to 566,000.

[05:13:53] Today, our population is twice that, and the zoning ordinance must keep pace with a diverse and growing community with new and different needs that were not on anyone's radar screen in 1978. ZMOD will not solve all of the problems of the world. It's not designed to do that, but it is designed to look to the future. It is not designed to shut the door either on today's residents and visitors or future residents and visitors. Five years of work, at least 102 public

[05:14:30] meetings and untold emails, articles, and telephone conversations. There was almost no stone left unturned during our ZMOD deliberations. I supported ZMOD in the 2021 vote, and that support continues. I want to thank staff for their excellent work all through those five years and for their multiple reports. They should be celebrated, not castigated. Thank you, Mr. Chairman. Thank you, Supervisor Gross, Supervisor Faust.

[05:15:05] Thank you, Mr. Chairman. First of all, thank everyone who's participated in the process. It's unfortunate we had to go through this again, but I think it's healthy. I mean, it's a rare instance where you pass a massive zoning ordinance and then get an opportunity two years later to decide whether you got it right or not.

[05:15:30] And I feel like we did. I supported the ordinance when it was adopted, thought it was good. I didn't necessarily feel it was perfect, but that's never been the standard. It has worked well for two years, and there are some issues, given the uncertainty, however, that the Supreme Court decision has imposed and the need, in my opinion,

[05:16:06] to send the message that we do, in fact, believe in what we've done and we believe in what we have asked our residents and our applicants to live with for the last two years.

[05:16:21] I just think it's without hesitation that I support re-adoption. And again, it may not be perfect, and I'm personally concerned about the data center testimony, but we've already taken steps to address that.

[05:16:45] We have the issues with respect to the ALUs and the home-based businesses. I understand that we'll never get complete agreement on that, even if everyone fully understands what the 78 ordinance allowed versus what the zoning ZMOD would permit.

[05:17:16] But I do believe that there is some misunderstanding, particularly about what was allowed before the ZMOD. I think you pointed this out, Supervisor Alcorn, and I made a note of it that no one testified about a single problem that they've had with respect to an ALU or a home-based business.

[05:17:41] That's not to say there aren't any out there. I suspect there are some, and I think we have a report that indicates there were a couple complaints. But fundamentally, you know, it hasn't changed the quality or the culture in our community.

[05:18:02] It has not had that adverse impact, and it can have very positive impacts, both of those in terms of our housing and our economy. So it was said tonight that ordinances can evolve.

[05:18:21] And I think, you know, we didn't need to be reminded of that, but it was a nice way to kind of wrap up the evening. Some great testimony on some issues we need to look at, and we need to always be working on making it better. But for now, I think it's very, very good, and I support adoption.

[05:18:40] Thank you, Supervisor Faust. Supervisor Herity. I want to start by thanking all the speakers who came out tonight for their input. As one speaker said, I hope you aren't wasting your time. I think we do have a lot to do to regain the trust of our citizens.

[05:18:57] I know that I am listening to you. As many of you know, I was one of the two supervisors that did not support the original version of ZMOD. It was supposed to be a reorganization that ended up being more than that. I did not support the changes then, and I do not support them now.

[05:19:21] I do believe that we, like schools, should have been back in person, especially with contested decisions like this one. At our April 13th board meeting in 2021, the board will recall I deferred a decision on an acquisition case regarding Burke Road because I felt it needed to be heard in person.

[05:19:44] In April, I started to ask the chairman and the board will remember I started voting against meeting virtually. That's all water under the bridge now. However, we're kind of where we are now, and I recognize because of the vast economic uncertainty that we need to have this in place.

[05:20:02] it would not be in the best interest of the county to run another process delay a resolution or unfortunately to even fix what we have in front of us that we know needs some fixing as we've heard already as was the case two years ago there are things in zmon i do not support if i were going to be the deciding vote i would vote in favor of adopting zmon the good news is i'm not the deciding vote i'm not going to vote against it but i am going to abstain on the vote

[05:20:41] Supervisor Palchuk. Thank you, Mr. Chairman. And actually first of all, I really want to thank Supervisor Smith you have done Incredible work leading us through this process Both in the prior board as well as in this one. And so I know land use is not your background I have been impressed by your leadership your attention to detail and your ability to work with staff With the community and with all of us here on this board to wrangle us to something following Supervisor Faust comments the only thing

[05:21:17] that comes to mind is not letting the perfect be the enemy of the good this is originally an ordinate zoning ordinance that is older than two of us on members of this board and it should be a living document this is it was no longer representative of the community we live in today nor the community that we hope to continue to live in and build for our children and I hope the next ordinance changes do not happen in another 40 years when perhaps

[05:21:56] our children are at this table I think we know that there are many challenges in the community this will not solve all of them but I I think as we've heard over past two years that this has potentially been in place um that it it it has not caused uh concern i appreciate mr alcorn sharing his his feedback and his updates of where he is today and and his feelings on this um it does not go as far as i would have liked in

some areas and it goes too far compared to where others would have liked and i think that shows that we have listened to each

[05:22:31] other we've listened to the community and very very much appreciate the staff hours I can't believe 2017 is when this all started so our planning and department staff or zoning staff and our legal staff I really want to thank all of you for your efforts I know that we now have an updated ordinance one that we can track that we can monitor that we can tweak and update as we are doing tonight when we hear of things that do need to be changed and I think that this shows that we are not only responsive to the concerns and the needs of the community but also that we are willing to work together and find the best

[05:23:09] possible no perfect solution so I want to thank all of you here participating tonight those of you who participated remotely I hope you appreciated the ability to do that and I appreciate that we had so many community members who were able to participate many parents at home or members who could not join us due to physical constraints and have been able to do so over the past three plus years so i do think that we have a hybrid approach that works i was disappointed by the supreme court's decision i think it does not represent what we have seen in the participation and increased participation of

[05:23:47] our community and in this board continuing to work through the pandemic so i want to thank both of our champions for the leadership through this process i know it has not been an easy one and everyone who has participated with their thoughts with their edits they're many many hours away from their families our staff here for this so happy to support this and to continue to monitor as we go forward any future improvements we can come up with but i think at this point it is prudent to readopt what took many years of progress and process and finalized development

[05:24:22] for this zoning ordinance thank you very much for your work on this thank you supervisor paucic supervisor lusk thank you mr chairman um i voted in favor of zmod um a few years ago and i will continue to be in favor of it i think i appreciate the point that it's an iterative document that we're going to be able to continue to make refinements over time this is not the final decision with regard to this document the other point that i was really taken by by one of the

[05:24:56] the speakers who made the point about you know this is a place you can live work play and invest this is a critical point invest in we've had a number of individuals come forward to make a decision to invest in this community and they had approvals that gave them the ability to do that Those approvals are in jeopardy because of this decision, and I, for one, am in a district that needs additional investment.

[05:25:35] And we have seen, over the last two years, a number of projects come forward in the Springfield Town Center, unique and important, consistent with the comprehensive plan, consistent with the desires and the wishes of the community, and they could be in jeopardy because of this decision.

[05:25:54] I believe it is in the interest of Fairfax County, in the interest of Fairfax County, that we make this decision. I spent 21 years working in economic development. I am committed to doing everything I can to help grow the commercial tax base here in this county.

[05:26:18] And the way we do that is with something called investment. So the decision here is really important, and I am delighted to stand up and be in support of that here today. Thank you, Mr. Chairman. Thank You Supervisor Lusk anyone else who would like to supervise your story. Thank you chairman and and I'm gonna echo the comments of some of the most recent speakers. This is I was not and I was not enthusiastic about See my last time because I had a couple concerns and I'll speak to those in a second

[05:26:54] But I think the most important thing I was enthusiastic about and I think one that's further evident today Is the fact that our residents and small businesses homeless business folks can understand this document? I don't know about the rest of you But I've tried in my staff at different times have tried to follow and and look through some of the details of the Of the preview of our current now current zoning process and it's cumbersome difficult and something that anybody who has ever Been a small business person or try to do things on their own recognizes that it needs to be simple and easy and that wasn't. This is, as at least a couple of our

[05:27:33] speakers highlighted, it's easier, simpler. It's definitely more competitive with surrounding areas and the flexibility that it offers, I think, is a critical part of this. And then frankly, it's consistent with, I think, our times, which is to try to be more accommodating, more flexible. And the things that we learned from pandemic is how to respond to the kind of the status of the day and how do we react and hopefully make that a little bit easier, whether it's with restaurants or small businesses in the home, again, or residents.

[05:28:04] My two concerns from last time were the affordable living units, especially, and then some of the home-based business limits. I think what we've learned over the last two years is that they, frankly, have worked okay. I mean, we have not had the overwhelming number of folks.

[05:28:21] We have a system that's worked reasonably well. And even people in my community that were concerned before are not the same people that are concerned nowadays because they see that this next iteration of what we're doing is a reasonable one and one that we should support, recognizing that we can always adjust and modify it as we go along.

[05:28:39] So I'm supporting it today and look forward to making future changes and modifications as we may need. So thank you. Thank you. Supervisor Walkinshaw. Thank you, Mr. Chairman. And I supported the original adoption of ZMOD and support it today.

[05:28:56] I'll note this was referenced earlier. We had a lot of in-person meetings in the Braddock District to talk about ZMOD, a lot of opportunity for people to weigh in, and they did and helped to make it better. And I'll just talk about one provision, and I really appreciate Supervisor Alcorn's intellectual honesty and acknowledging that some of the fears about ALU specifically have not panned out.

[05:29:21] And, you know, when I was running for this job in 2019, I met a constituent who her mother had recently taken ill and she needed to have her mother come live with her and was trying to figure out how to accommodate that, that difficult decision and challenge that a lot of families in our community face.

[05:29:41] And, you know, she had gone online to figure out what's the process, What kind of approval do I need to get to turn my basement into a little apartment for my mother to come and live with me? And she was so intimidated by the process, the cost, the complexity, the red tape, the bureaucracy, the government regulation, that she just threw up her hands and said, I'm not going to be able to do it.

[05:30:08] I don't know how to do it. And I think sometimes we forget, and probably all of us in this room here today, we have land use lawyers, We have citizens who admirably have educated themselves on the zoning ordinance and ZMOD. Most of the people in Fairfax County are just trying to live their lives.

[05:30:26] They don't know what ZMOD is. They don't know what the zoning ordinance is. Sorry to tell you all, they don't know who we are, right? And when we have complexity and regulation and significant cost

that impacts people's lives, it does harm to them.

[05:30:44] And what we also learned through the process with respect to the ALUs is for those people who decided to take on the challenge of going to the BZA and getting approval and going before their neighbors to describe what's going to happen inside, inside their own home, in almost every case they were approved.

[05:31:04] But they were approved after months of process and thousands and thousands of dollars out of pocket. And that's why, for that constituent, who, by the way, I was jogging, that's a humble brag there, I don't do it very often, but I was jogging, and I saw her, and she had received an administrative permit to build the ALU in her basement for her mother to come and live with her.

[05:31:30] and it was relatively inexpensive for her to do that and the good news is the fears that there were going to be thousands and thousands of ALUs that would quote change the character of our neighborhoods hasn't panned out and if you extrapolate out 20 years from the handful that we've had so far those fears still aren't going to pan out but there are people out there whose lives have been made a little bit easier and a little bit simpler because of that process and if we're not here to do that, I don't know what we're here to do. So I'm enthusiastic to re-adopt ZMOD. Thank you, Mr. Chairman. Thank you, Supervisor Walkinshaw. And I'm just going to

[05:32:08] be very brief because I think folks here have made some outstanding points. I would just start by saying one thing I think everyone can agree on is that the current almost 50-year-old zoning ordinance doesn't work for anyone. It cannot be understood by most people. It, as Supervisor Walkinshaw said, makes it almost impossible for people to do some fundamental things that do not change the character of neighborhoods, but actually have forced people into doing things that are illegal. There are parts of our zoning ordinance that are blatantly discriminatory. Let's be honest.

[05:32:48] An age restriction on ALUs suggests that people of a certain age have a different impact on a neighborhood than other people. So there are elements of the zoning ordinance that can't even be understood, that don't stand up legally, and that are ancient.

[05:33:07] And what board after board after board after board has sat here and done is just added to the ordinance to the point that it's this big now and has contradictions in it. And so years ago, what a board decided to do is say, you can't keep doing that.

[05:33:28] At some point, you have to stop and say, it's time to modernize the ordinance, create a living document like the ordinance we have. How many times, this is a question I don't expect an exact answer to from staff, but how many times has our zoning ordinance been amended since 1978?

[05:33:49] I think it was 400 and, did you say 80? Okay, so we're 480. 180 times it has been amended. I don't think we have to tell people it's a living document. It clearly is a living document. The question is whether at some point in time you restart with a document that people can understand and use and stop adding to it and recognize the fact that if you're amending your ordinance routinely, as we have to, as conditions in the community change, impacts to communities change, you want a board to actively manage the zoning ordinance.

[05:34:26] and a living document. And so I supported it then because I thought it cleaned up and fixed a lot of things that no ordinance amendment to the 78 ordinance could fix. And where we are today is adopting a new ordinance that has gone through an extensive amount of meetings. And I do think there is

a difference between we weren't involved in the process and we don't support it. Those are two different things. And you can be involved in the process and don't support it without a doubt.

[05:34:58] And what we have heard in the testimony, there are elements of it, as others have described, as imperfect. And I would agree with that. You know, this is a little bit like adopting the budget. There are things in the budget probably each one of us didn't agree with. But at some point in time, you have to vote on the totality of the document.

[05:35:16] And is it in the interest of Fairfax County to vote on that document or not? And I think this is in the interest of Fairfax County to vote on, with the caveat that it is a living document. And there are a number of things that will have to evolve and change. The monitoring that staff is doing of the two things we heard the most about, ALUs and HPVs, makes sense to me.

[05:35:37] But frankly, we monitor everything in the zoning ordinance. And as problems arise in the community, we attempt through zoning ordinance amendments to correct those. And this imperfect but vastly improved document over 1978 will be subject to that same constant ongoing review and scrutiny.

[05:35:56] And there are some follow-on motions that I appreciate that are being added here that clarify some of those things. And as I mentioned earlier, certainly the action that we took on my board matter this morning dealing with data centers falls squarely into that category.

[05:36:12] We have a zoning ordinance work plan for a reason. And the reason is that as things arise, we put them on the work plan, we address them, they come forward as ordinance amendments. And every element of ZMOD will be subject to that same scrutiny and process just as the 1978 ordinance was.

[05:36:30] And so I want to thank the folks who testified because they may not think they were heard. They very much are heard. And the ZMOD that we are about to adopt may have some concerns and elements in it that not everyone agrees with.

[05:36:47] But those will be scrutinized and reviewed constantly by this board and staff, including the items that will be mentioned in the follow-on motion that we're going to hear from in a minute. But I also want to thank the staff and my colleagues because, as several others have noted, rewriting an ordinance this old is not an easy process.

[05:37:08] It's been a long, windy road, as some have said, to get to this point. I'm just proud we didn't do the same thing that all the other past boards have done and just said just add words to an old 1978 document at some place at some point you have to replace that document and start with one that's usable for people and I think that's where this started I think that's where this is ending and I think the ongoing conversation about elements of it that have been debated here today will continue in perpetuity with this board with future boards with staff and that I think is what the intention of the ordinance is to begin with and so I do

[05:37:46] want to thank staff because I do think that as many times as they have tried to clarify things, as many meetings as they sat in, many times that hasn't resonated. But I do appreciate all the work that's been done. And I'd be remiss if I didn't point out that drafts of ZMOD changed constantly and significantly by staff in response to public outreach that happened over the last years.

[05:38:14] So the idea that somehow was put on the table, all these changes happened, nobody knew about them, and no one was listening, and we got to here today. I just categorically reject that because I

was involved intimately, as all of us were, in the process.

[05:38:29] And we know that the original document changed significantly, and most specifically, in response to public outreach that was had. That's what drove most of the changes to get to the original adoption that we had some years ago.

[05:38:45] So I supported it then, I will support it now, and most importantly, I will support the follow-on motions because I do think there are things in here that still have to be clarified, fixed, potentially tracked, and dealt with at a future date.

[05:39:01] But in totality, this is a massive improvement over the 1978 document. And so with that, I think we're ready to vote on Supervisor Smith's motion. All those in favor of her motion, please say aye. Aye. Any opposed? Any abstentions?

[05:39:20] Parity abstain. So that is nine to zero to one. And at this time, I'm going to recognize Supervisor Smith for a follow-on motion. I'm going to make the follow-on motion and I'd like to make a couple of comments. As part of its public hearing held last week, the Planning Commission recommended several items be added to the Zoning Ordinance Work Program, which is scheduled to be discussed by the Planning Commission's Land Use Process Review Committee on June 8 and by the Board's Land Use Policy Committee on July 18. While the new and modernized zoning ordinance brings the ordinance into the 21st century, land uses are continually evolving and zoning ordinance

[05:39:58] amendments are needed to keep pace, one such use as data centers. There was extensive testimony on this topic at the Planning Commission and also today at the Board's public hearing. In contrast to the 1978 ordinance, the ZMOD ordinance that is being proposed for readoption significantly narrows the zoning districts where the use is allowed and includes standards that limit the size and noise impacts in certain districts.

[05:40:23] This morning, Chairman McKay, Supervisor Stork, and I introduced a joint board matter directing staff to continue working with the data center industry to understand what advances are being made to address potential environmental issues, to research potential environmental issues and mitigations, to develop possible further locational guidelines to direct siting facilities, and to further review how data centers should be approved. The zoning administrator already indicated to the Planning Commission that this topic would be added to the Zoning Ordinance Work Program, which the Board will review on July 18. The Planning Commission also recommended

[05:41:02] adding two other topics to the zoning ordinance work program one PRC plans that's planned residential community review the exceptions for when a PRC plan is required in subsection eight one zero zero point two point F three C to expand the permitted minor improvements that would not require a PRC plan these exceptions could include updating existing recreation features community facilities and the placement of minor structures above the current limitations, particularly as they

[05:41:35] relate to open space and community facilities. And two, editorial revisions. Compile editorial revisions, including those needed to comply with the state code and to recognize that the Board of Zoning Appeals may have up to three alternate members. These alternates would be in addition to the BZA's seven permanent members, a number capped by the state code. Mr. Chairman, I move that review of PRC plan exceptions and editorial revisions be included on the work program for discussion and prioritization by the board on July 18.

[05:42:08] I'm happy to second that with a whole lot of other folks. Discussion on the motion, Supervisor Smith. Thank you, Mr. Chairman. So this was quite a process when it started and one of my great joys tonight is to see Carmen and Casey back together again. We had so many meetings and it was such a process and learning experience and so I can't thank you enough for all your work on it and the presentation tonight was excellent and explained things and this is where you get in danger when you start naming people but I also

[05:42:47] need to thank Bill Mayland and Tracy and David Stoner and I'm sorry Leslie Johnson's not here because my first recognition that we needed to change the zoning ordinance was trampolines. Yes, that's right. Chairman McKay, that we had a building that they wanted to put in trampolines and it wasn't in the zoning ordinance, and we had to lengthen the process and take their time and money to change the zoning ordinance to do that.

[05:43:13] So we did need to be modernized. I can't thank you all enough for your expertise and the work that you've done and that I know we'll continue to do going forward. Thank you. thank you supervisor smith and thank you for these uh follow-on motions one of course that responds to the board matter from earlier and the other that deals with the prc issue that we heard from and of course with hbb's and alu's we will continue to monitor those as we have been for the past couple years to see as others have mentioned earlier if any additional amendments or changes need to happen with those and i just want to conclude also by by thanking staff as you did

[05:43:49] like i did earlier um your trip down memory lane i mean it was it was something um the idea that you couldn't put a trampoline park in a regional shopping center was stunning only to be followed by the idea that at that time that same springfield town center couldn't have a dave and busters restaurant in it because we didn't have a definition for that that shows you how grossly outdated our 1978 ordinance was and how it wasn't working for anyone um and so i do appreciate that that disturbing walk down memory lane but do really appreciate the staff work on this this

[05:44:24] has been a massive massive undertaking puts us in a much better position uh certainly does not eliminate the need for future ordinance amendments as we're already teeing up as this is a living document that will require a lot of those over the years ahead just like the 78 ordinance did and so i appreciate the follow-on motions if there's no other discussion all those in favor of the follow-on motions please say aye aye any opposed any abstentions and those motions carry and that brings us to the end of our board meeting of may 9th 2023 and the board is adjourned

