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[00:00:05] Okay, if everyone would take their seats, we have a lot on the agenda today.

[00:00:17] I was kind of looking for my seatmate.

[00:00:53] Okay, I am going to call the Land Use Policy Committee meeting to order. The first thing on the agenda is a review of the meeting summary from the last meeting. Anybody have any corrections or additions? All right, then we will take that as accepted.

[00:01:10] We have three items on the agenda today that are all pretty meaty issues. And so I know everybody's going to be focused in their comments. And the first thing on the agenda is the policy plan update. And this is a big project, kind of like ZMOD was.

[00:01:27] And staff is here to update us on where they are with that process. Thank you. Good morning. Good morning, Chairperson Smith and members of the Board of Supervisors. I'm Corrine Bubeck, the project manager for the policy plan amendment. And I'm joined by Kelly Atkinson and Tracy Strunk.

[00:01:43] We're here to provide a status update on the project and provide an update on where we'll be going this year. a brief agenda for our meeting today. All right, we'll dive right in. I'd like to start by providing a brief overview of the difference between the comprehensive plan and the county's regulatory documents to help frame the work of this amendment and future recommendations. The comprehensive

plan is a guide that sets the land use vision for the county and is largely implemented through the development review process of zoning applications. The policy plan includes a number of goals, objectives, and policies. Goals provide the general direction of the plan. Objectives include

[00:02:21] statements to help achieve those goals and finally the policies include specific approaches for pursuing an objective. The policy plan applies countywide therefore it's important to ensure that the policies developed are general and flexible enough to apply across the county but also targeted enough to address the topic we're working to improve. The area plan volumes of the comprehensive plan provide specific guidance and recommendations pertaining to development within the areas of the county to ensure that development is addressing area and site-specific considerations. The zoning ordinance is a regulatory document that applies to all structures and is intended to promote the health, safety, and welfare of the public and implement

[00:03:00] the comprehensive plan. Finally, the PFM provides specific engineering guidelines for the development and construction of new development. The format and general content of the comprehensive policy plan dates back to 1990 when the planning horizons process concluded and a new policy plan based on board goals from 1988 was adopted. The policy plan originally included eight elements, land use, transportation, housing, environment, heritage resources, public facilities, human services, and parks and recreation. Since then, three new elements have been added, economic development,

[00:03:37] revitalization, and visual and performing arts. The policy plan has been updated over the years on an ad hoc basis. For example, we have 14 land use appendices, some of which were added more recently to address emerging trends such as building repurposing and continuing care facilities. However, it has not been holistically reviewed and updated since 1990. For this reason, the board authorized an amendment to the policy plan to review it holistically and to update and streamline the document, align it with the strategic plan and other county plans, and add new policies as needed. The goal of this amendment is not to rewrite the policy plan in its entirety, but to

[00:04:14] update and align based on current, well, current board goals and policies, excuse me. The first direction of the board authorization is to update and streamline the existing policy plan. Much of the background and information and rationale for the original eight elements is out of date and needs to be updated. Also, with multiple amendments and additions, the policy plan has expanded significantly. The countywide strategic plan provides a community-driven vision for 10 outcome areas, while the comprehensive plan specifically sets the land use vision for the county. We'll reference the strategic plan as we work through the policy plan amendment to ensure that the plans

[00:04:53] are aligned and that the land use related items from the strategic plan are implemented. We'll also be working to align the policy plan with the county's one Fairfax policy, resilient Fairfax, active Fairfax, safe streets for all, and other board adopted or endorsed plans. Staff is also looking at how this update can align with the regional equitable development principles recently adopted by COG. Part of this alignment will also include the development of new policies related to equity, community health, resiliency, or others that are identified through the initial outreach.

[00:05:29] While the entire policy plan is authorized for update, we've focused current efforts on the elements that are consistently used, overlap greatly, and are in need of modernization. Phase one is focused on updating the preface, as well as land use, transportation, environment, parks and recreation,

and human services elements, with consideration of new policies related to community health and equity as directed by the board.

[00:05:51] We also have ongoing updates to the housing element. and just last week the board adopted updates to the public facilities element which has set a template for the processing of this amendment phase two will include housing economic development heritage resources revitalization and visual and performing arts of course as part of this process we'll be updating the look of the policy plan similar to the zoning ordinance the policy plan has moved into the encode platform to make it more accessible to allow for internal links and make it easier to move around and update and modernize the look of the document the policy plan update has been branded as plan forward so all of our communications and materials will include the

[00:06:28] plan forward logo and color scheme to accomplish this plan amendment staff has established an interagency team of 14 topic leads which are identified subject matter experts within their topical areas these topic leads will be coordinating with county agencies and identified outreach groups for topic specific issues policy considerations and other needs starting this summer since the december 2022 authorization of this plan amendment staff has identified and completed a number of milestones shown on this slide i'd like to focus on some of the internal

[00:07:00] policy audit work that staff completed at the end of 2023 to assess the plan staff underwent an internal policy audit exercise to evaluate how our current policy plan compares to the recently adopted initiatives and policies by the board and to identify areas that are outdated need to be revisited or in need of new objectives and policies the audit exercise looked at 18 different board adopted or endorsed policies and initiatives, including the Strategic Plan, One Fairfax, Resilient Fairfax, Active Fairfax, and CCAP, just to name a few. We compared those documents to our current policy plan to include all of the elements, not just the ones under review,

[00:07:40] and in total we reviewed all 675 policies in the policy plan. Generally, we found that most of the plan needs to be updated in some capacity to address the themes of equity, resilience, health, and access to opportunity. However, we do have a good base to start from since our plan was forward thinking and generally aligns with the themes and outcome areas of the strategic plan.

[00:08:01] While our current policies are strong and have been effectively implemented through the years, this is an opportunity to strengthen and refine them to address current and future development trends. Therefore, the scope of this amendment is limited to updating, streamlining, modernizing, and adding new policies where needed. The intent of these changes is to bring our plan into the future and ensure its continued relevance, and that it's functional, easy to understand, and provides information needed to implement policies and goals.

[00:08:29] This internal exercise was crucial to complete as the findings will serve as the basis for our focused topic outreach where policy considerations will be explored. So far, our largest milestone this year has been completion of the outreach plan and starting at the end of May, our informational outreach phase will begin.

[00:08:47] During this time, we'll ask the public what's working well and not so well around them with a focus on the land use issues that could potentially be addressed through the policy plan. Then we'll move into our focused topic outreach, where staff will prepare research and information with the goal of

starting to draft policies in the fall based on the board adopted documents, outreach input received, and best practices.

[00:09:07] Our key messages for this phase will focus on specific topics of interest and will include topic-specific questions for the public. We hope to return to this committee in the fall with an update on the feedback received during this phase and to request direction from the board as needed. This policy development work will continue into 2025 with the goal of publishing a community feedback report and draft policies in the first part of the year.

[00:09:31] The community feedback report will include the feedback received and how it was or was not incorporated into the staff recommendations and why. This phase will also include draft plan text for consideration. Upon publishing the community feedback report, staff will return to the board committees to provide updates and draft policies for input and feedback, and our key message will be, did we get it right?

[00:09:51] The recommendations received during the community feedback report release and presentation will be incorporated into the final staff recommendation. This will include publishing a staff report and scheduling public hearings during the later part of 2025. Staff intends to present the policy plan amendment to the board as one item with a single staff report.

[00:10:11] However, the topic areas will be brought before the board committee meetings ahead of scheduling any public hearings to ensure that the board is informed of the progress has opportunities to weigh in on decision points and provide feedback ahead of a staff report being published I also want to say that we'll be releasing a memo with more detailed information after this meeting And with that we want to turn it over to the board for any questions or discussion We're particularly hoping for feedback on on the targeted level of specificity for policies as well as the proposed timeline for phase one

[00:10:45] Thank you, Corrine. Great presentation and update for the board. I appreciate you keeping us informed. As to the specificity, you know, I think that is we always have to remember that the comprehensive plan is a guideline. So I think you're on the right track there. And I think the phase one timeline is really important. This is a big job. We want to get it done. I know you've done a lot of prep work already. So with that, I'm going to turn it to the chairman.

[00:11:10] Thank you very much and good presentation. I concur with everything that Supervisor Smith just said. I think that, you know, from my standpoint to answer the questions, the specificity, I mean, we've got to make sure this is a guide, that we're not so far down in the weeds, that we, you know, create something that prevents something positive from happening.

[00:11:32] And so I do think, you know, that the focus on this being a guide and not a weed-driven document is really important. I also think in terms of the Phase I timeline, I think well within reach. No reason why we shouldn't be able to achieve this.

[00:11:48] I know you've been at this for a while. This is not – we're not just starting this effort. It's been going on since, as the timeline mentions, 2022. And so I do think the timeline is succinct, and we need to make sure we stay on that. I guess a question I would have is how is the board going to get, you know, updates on these milestones as we move along in the process?

[00:12:10] And then how are we going to, how do you envision the public outreach to work in tandem with the schedule? So through this, thank you for the question, through this process we'll be doing iterative

community outreach. So we plan to be out in the community from when we start at the end of this month pretty much until we wrap up.

[00:12:29] We do anticipate coming to the board with those decision points where more guidance is needed. We do also want to keep the board apprised of the progress. So we're hoping to come back in November and then also as the community feedback report is released, come back with more frequency for that deeper dive into individual topic areas.

[00:12:47] Okay, I think that's important because obviously we want to know what progress is being made and also what, if anything, we can do to try to help it stay on schedule, but also making sure that we're doing enough community outreach to get community input on this. It's been a long time since we've done this, but, you know, I think your comments are well taken about how much, you know, redundancy, cleanup, updating, you know.

[00:13:11] To a certain extent, a lot of this is technical. Some of it is subjective, obviously, but we need to just make sure that the subjective elements of it stay at a high level so that they are, in fact, read as and can be interpreted as guidance.

[00:13:28] Thank you. Supervisor Palczyk, then Walker. Thank you so much. Thank you, Corrine and the team, and congrats to Kelly, the new position, good to see in person. Yeah, I think this looks right in the right direction for me, and especially the outreach.

[00:13:49] I'm already sort of thinking about, and I think the chairman was getting the progress here, I also think about how we don't want this to just keep sitting on a shelf, right? And so through this process, the way we do with Tyson's and the yearly report, that might be too frequent for the full county.

[00:14:07] But have you started to think about as you form this engagement and build the trust and the buy-in and the feedback from the community, are we starting to think about how we will continue to monitor this, especially with things that maybe don't get addressed on this first round?

[00:14:24] Great question. Perfect timing, too. So periodically, we release a state of the plan report that provides an update on the progress and milestones. Most recently, one was published a few months ago, I believe. So the intent is to keep that, keep the progress updated through that.

[00:14:43] Yes, Kelly Atkinson, and to add on to that, we have had some high-level internal discussions about potentially migrating the paper document of the state of the plan to more of an interactive database like the Tyson's tracker, so we have a good template there to work from, and so that's one of the things that we are looking at within the planning division.

[00:15:02] You just sang my language, and not just for us here, but I want to say as I go out to the community, there's no more powerful tool for showing what's been happening in the community than that tracker. So love to hear. I know it's a bigger task, but to be able to work through that. Thank you. Supervisor Walkinshaw, then Alcour.

[00:15:22] Thank you, Madam Chair. Agree. You know, I think the timeline looks good. And if we went back and analyzed, you all maybe have this data in terms of how many ad hoc updates there have been over the years. You know, this is a living document. It makes sense to take a holistic look at it as we're doing now. But it won't be the last conversation that we have about the comprehensive plan between now and the next holistic review of it. So I think we should

[00:15:54] strive to stick to that timeline. With respect to the degree of specificity, and I agree with what's been said, it needs to be a guide. I think we want to make sure it's a guide that puts us on a path to achieve our goals, right? The goals that we've outlined in the strategic plan and the documents that you've crosswalked the plan with. And some elements of the plan are already relatively specific. It's just a question of updating those specifics, right? The green

[00:16:28] building policy has a lot of pretty specific bullet points. Some of them are out of date. there's a lot of time spent on the 1970s energy crisis, which is still an important historical event, but we might want to update some of it. So I think we have, and you all are already doing and have done a lot of this work, but for me, the question will be, is it a guide that puts us on a path to achieving our goals? And we have a lot of goals, right? Our environmental and climate goals, our economic development goals, our equity goals.

[00:17:08] This needs to be a guide to get us to accomplishing those goals. Thank you. Supervisor Alcorn, then Luss. Okay. Thank you very much, Madam Chair. Great job. I'm very excited we're doing this. I do have a question.

[00:17:24] There are some parts of the policy plan, well, I'm thinking in particular active transportation, that are going to be going on and being updated outside of this. So are there other pieces that are worth noting that we should be thinking about that might be going in parallel with this update?

[00:17:44] Because I know about active transportation. I think worth mentioning also the urban design guidelines are being updated as well. So we are coordinating with staff from both of those projects as well as a couple other ones to make sure that we're up to date and making sure that the recommendations we make are still applicable.

[00:18:02] Very good. Thank you. Yeah, because I think with active transportation in particular, there's some language there. Some of that was written, I think, in the 1970s. But it was so forward-looking back then that actually some of the language still is okay today.

[00:18:19] It needs to be tweaked. So I guess one thing I would, since this is such an incredibly broad scope of areas And it really builds on so many things that have been developed over the years.

[00:18:37] I would encourage staff, I don't know if it's specificity of policies, but to look to continue policies that are working well, update it with the strategic plan elements.

[00:18:52] But frankly, let's don't – I would say this is too big to come forward with major changes in significant policy areas. I mean, because I – I mean, without – I mean, unless we're going to do something with, you know, some completely different public outreach and engagement process, If this is going to be used to make major changes on our direction, I think we might find ourselves getting bogged down.

[00:19:26] So there's a lot there that needs to be updated, but I'm not saying don't do that. I definitely want us to do that. But on the other hand, I would appreciate if staff identifies areas that, frankly, are going to need additional discussion at the board level, at the community level.

[00:19:47] to flag those, because there may be some things that pop up during this process that need to be pulled out and looked at in greater detail. Because I want to see this move forward in a timely way, but particularly things that might trigger, you know, public interests of significant amounts. You know, we would want to, I think, be careful with that. And the only other thing I would say is there may be some I'd like to see the public outreach plan I don't think that's been

[00:20:23] shared with the board yet it may have been I just missed it but but love to see that as well so thank you on that note I think staff is being very creative with their public outreach and places and where they want to meet the community if you want to just mention that briefly Corrine yes and the public outreach plan is also part of the amendment that we'll be releasing to the board so all of the details will be there but we have identified I believe it's over 300 groups that have a specific interest in the policy plan in addition to the general community outreach that we'll be doing so we're starting with this broad brush of informational informational push to get

[00:20:59] everyone interested and on board before we really dive into the weeds throughout the later part of this year but we're happy to answer any questions once the board receives that thank you I have supervisor less than Harrity I think can I just jump in before before you go just they're going to be at several of the the staff's going to be at several of the bike to work day events actually coming up this week so as part of that kind of exciting thank you very much uh madam vice chairman um i just want to say i appreciate the work that's being done and appreciate all the detail that you have uh detail and thought that's been put into

[00:21:35] this uh plan um maybe a couple questions just from my own uh knowledge base here uh appreciate the recognition of phase one and phase two maybe just so I understand a little bit better how do we decide which items were placed in phase one versus phase two to start so phase one there were items that were specifically called out in the board authorization which included land use environment and such and we added parks and recreation as well as human services into that because of other work that's been completed through those agencies between authorization and

[00:22:12] And now because it would help expedite the process, if you will. So that was the key driver for phase one versus phase two. Okay. And then when you talk about the slide nine, there's the consultant research on national trends, office, industrial, and retail.

[00:22:31] Really appreciate the point that we're going to do some additional analysis and research. How are we going to work with our current kind of agencies in the county that are kind of helping us in those areas? So economic development, DAI, what's the relationship between the consultants' research and those Fairfax County agencies?

[00:22:55] Thank you. Yes, we've retained a consultant to do research in best practices and trends related to industrial office and retail. And so we do have a draft of a couple of those reports. and office in particular, we do plan to share with DEI before we do finalize it to get their thoughts. A lot of the work on that paper has been informed through a previous white paper that DPD published on office repurposing in concert with DEI. I think we presented to you last July at the Economic Committee. So that information, you know, we are sharing that with our other counterparts here. And we do include to do plan to do outreach to them as part of our summer

[00:23:35] outreach okay now that makes sense and then just two follow-up questions on this one point so the question about hotel and residential we won't be doing any analysis on that for this effort we called out office industrial and retail but we're not doing anything relative to office or residential we've done some internal staff research on the hotel conversions into residential so we do have some information internally on that that we've also shared with our

[00:24:13] consultant as well. I think a lot of the recommendations that you're going to see are going to be we're going to be able to apply them you know pretty broad based in terms of you know what areas do you

know do we want to retain office where do you want to retain industrial you know where does it make sense to do the repurposing and so there'll be general guidelines and characteristics at a very high level that we can incorporate into the policy plan. Okay and then how do we envision this effort this research connecting to the public process how do we get those things linked so when we do have those reports we are going to be sharing those and posting those to

[00:24:49] our project website so the public will have access to them but the idea is that we have we will have that research to help inform our very specific outreach we we plan to identify like certain topics that we need to go to the community with and that information will inform that outreach Okay now that's helpful and then last I really appreciate this idea the streamline I think that's so critical and important so what you're attempting to do here is gonna help us trim the document a bit and make it a little more efficient so I look forward to seeing the work that comes as a result of this and again thank you for all that you're doing here thank you madam vice

[00:25:28] chairman thank you supervisor to Harrity and then yeah I'm just gonna keep it quick, and I'll probably make it unanimous, to keep it as a guide. A lot of flexibility. Would also suggest we work in the concept of affordability, which we haven't really specifically called out in any of our land use documents, but I think we need to start. Thanks.

[00:25:54] Supervisor Storr. Thank you, and thank you very much. I very much appreciate the work that's gone into this. The definition for community health that you're using, is that something to be defined? I know, for example, I can think of several key definitions I would include in that, but I don't know if you'd looked at that. Yes, that'll be defined specifically through this process as it relates to the plan, but right now we've identified it as all the things that relate and create a healthy community, so access to open space, access to services, all of the topics

[00:26:31] that fit into that umbrella. And literally, will it look at the core issue of community health, which is life longevity issues between different zip codes, et cetera. I mean, there's a lot of studies out there about that.

[00:26:47] Is that something that would be considered and try to see what we can do to address that involvement of partners, Innova and others? I mean, I'm just trying to get an idea. Yes, it is. And we have our community health lead, who's also working with our human services lead, for collaborating on that part of the outreach and to make sure that all of the recommendations are incorporated and factoring in the critical data points that we have.

[00:27:11] We actually have an internal presentation this week on some of those data points from our health person. I'm very pleased because I think it ties very much into human services and equity, so thank you. I think to specifically identify that in here is good. Appreciate it. Thank you. I want to thank Corrine and Kelly for all their work on this.

[00:27:30] I know a lot of us have gone into it. There's a lot of thought you've put into the process. So thank you. I look forward to updates as we get them. Thanks. All right, I'm going to move us on to our next topic since we have a full day, and this is about the high-pressure gas lines.

[00:27:46] I think one of the most interesting things about this job is you learn about things you never thought you were going to learn about and hear about more detailed things, whether it's sewer, gas lines, all kinds of things.

[00:28:22] So I'm going to turn it. Jackie, are you starting us? Okay, thank you. Good morning. My name is Jackie Camp. I'm with the Zoning Administration Division, and I'll be giving the presentation today. And we have a lot to cover, so I'm just going to go ahead and dig in.

[00:28:38] So we're here in response to the board matter looking for options to prohibit or otherwise regulate high-pressure gas lines in the right-of-way. Part of the research for the topic included understanding best practices, which has been summarily described in the memo with additional info to be provided in an upcoming white paper.

[00:28:59] Washington Gas and Columbia Gas are the local distribution operators in Fairfax County. They operate the city gates where a transmission system feeds into a lower pressure distribution system and everything downstream from that point until it passes through a customer meter.

[00:29:21] The city gate is the dividing facility. Upstream of city gate is production storage and interstate transmission. At the city gate, the local distribution company takes ownership of the gas and reduces the interstate transmission pressures for use in the local distribution company's network or distribution pipelines.

[00:29:40] The distribution company moves the gas throughout its network of pipes and regulates pressures until the gas reaches the customer's meter. The safety requirements in the Code of Federal Regulations include standards that cover design, testing, construction, maintenance, inspections, everything from the project's initiation through the pipeline's lifetime.

[00:30:07] Regulations for gas pipelines establish pipe strength requirements based on population density near the pipeline. Locations along gas pipelines are divided into classes from class one, more rural areas, to four, the most densely populated areas in the country.

[00:30:28] The allowable stress on the pipe has to decrease as class location increases. Washington Gas's practice in the county is to design to that class four, regardless of actual population density. For purposes of safety regulation of pipeline design, the principal criterion is what the gas industry refers to as the specified minimum yield strength, or SMICE, which is the amount of stress on the wall of the pipe, or the pressure, relative to the strength of the pipe material.

[00:31:01] In other words, the gas pressure, or the size, the diameter, of the pipe alone is not indicative of the safety or risk. The SMICE is also related to how different types of pipelines within a system are categorized. A transmission pipeline, as defined in the federal regulations, is determined based on various criteria.

[00:31:23] For today's discussion, we are going to distinguish it as a pipeline that operates at a hoop stress of 20% or more of SMICE, and hoop stress is the stress that occurs along the pipe's circumference when pressure is applied. Local distribution companies may have pipelines among their network of pipes that are categorized as transmission because the stress on those pipes exceeds the 20% of SMICE.

[00:31:50] The federal regulations define high-pressure distribution lines as those that operate above the delivery pressure that is provided to customers. They also operate under 20% of SMICE compared to transmission lines that operate at or above 20%.

[00:32:07] All pipelines are subject to integrity management assessments. Those assessments have caused utilities to manage risk by lowering the stress on older lines and installing new pipes to replace the

original function of an existing older pipe, which is the case in the Tyson's 1 Strip 1 replacement project.

[00:32:28] Older pipes are made of lower quality steel compared to modern steel pipes. In addition, the welding techniques today are more advanced than when these older pipelines were constructed. From the early 1900s through today, the integrity of energy pipelines has benefited from improvements in pipe manufacturing, pipe materials, construction methods, and maintenance practices.

[00:32:51] The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration, or PIMSA, is primarily responsible for issuing and enforcing the minimum pipeline safety regulations.

[00:33:07] In Virginia, the State Corporation Commission, or the SCC, is designated by the DOT as the agency that enforces compliance with federal standards for pipeline facilities used for intrastate transportation of gas. We talked about pipeline design and integrity management in the previous slide.

[00:33:27] Now we'll talk a little about the additional safety requirements that are in those federal regulations. The federal regulations require operators of buried pipelines to carry out a program to prevent damage to those pipelines from excavation activities.

[00:33:43] Operators comply with this requirement by participating in a qualified one-call system. Virginia's Underground Utility Damage Prevention Act requires excavators to contact missed utility prior to digging or excavating to allow time for marking utility lines and to ensure any work is carefully completed without damage. For excavation happening within 10 feet of a Washington Gas high-pressure distribution line, a representative from the utility is dispatched to the site to

[00:34:17] observe the excavation. Another safety program mandated is public awareness. It requires operators to establish a public education program to provide information to those that live or work near pipelines on how they work, how problems can be avoided, why they are important, and what to do on an unlikely event something goes wrong. Audiences include public officials and local and state emergency response agencies, as well as the public and commercial and agricultural excavators.

[00:34:53] Now, regarding the county zoning ordinance, it currently exempts distribution gas lines if located in or under the streets right-of-way. A review of other jurisdictions in Virginia and regional local governments found that no other jurisdiction prohibits high-pressure distribution lines in or under streets rights-of-way in their zoning ordinances.

[00:35:18] Now we'll go over the options staff have identified, which include enhanced public notice and engagement options, a special exception process, and a limit on the location of high-pressure distribution lines. As already mentioned, Washington Gas and Columbia Gas are required under the federal regulations to develop and have a public awareness program.

[00:35:43] The following options covered on this slide are ways to enhance the utility's established programs. Chapter 2 of the county code deals with county property. The first option is to amend that chapter to address a utility that plans to construct a new replacement or extension of a pipeline or other facility within an area owned by the county, including a street.

[00:36:09] The utility would be required to notify and submit preliminary plans for the proposed project to the county. Criteria could be drafted to determine a process that initiated certain public engagement activities by the utility, such as neighborhood outreach meetings or a public meeting with the full board.

[00:36:29] The second public notice option is to develop an agreement between the board and the natural gas utilities, so be similar to the MOU the county has with Fairfax Water. provide early and continuous communications on any upcoming high-pressure distribution pipeline projects as an enhancement to the utility's established public awareness program. It could require natural gas operators to provide regular informational safety updates to the board on the existing infrastructure as they are required to do. In addition, the agreement could include a

[00:37:06] process for the utility to provide information on any future plans to construct new replacement or extensions of high-pressure pipelines. Like the Chapter 2 option, the agreement could include the requirements to submit preliminary plans for any new proposed project to the county. Criteria could be drafted to include a public process, to require the utility to conduct public engagement activities, and or initiate the meeting with the full board. The third public notice option has to do with state law. The Tyson Strip 1 replacement project was deemed by the SEC as an ordinary extension

[00:37:45] or improvement in the usual course of business. Therefore, it did not require a Certificate of Public Convenience and Necessity, or a CPCN. That process includes a public hearing, public notice, and hearing process. The board, as part of its legislative agenda, could request a change in Virginia state code to require a public review and a hearing process for new replacements or extensions of high-pressure distribution natural gas pipelines, such as when they are proposed to

[00:38:17] be located within areas where they did not previously exist. With each option, there are, of course, opportunities and challenges. With the continued integrity management assessments required by the federal standards and with proposed new rulemaking for distribution lines, more upgrade and replacement projects may be initiated for safety requirements. It's important that the board and the public be informed about projects, including early planning discussions on future projects and their locations. That will help a community understand the necessity of a project.

[00:38:56] It also provides an opportunity to provide comments on proposals. This option, however, does not provide county authority to require an alternate location. The agreement option provides a tool for the board and the natural gas utilities to coordinate in developing a meaningful public participation process. The utility's existing public awareness program provides a foundation to enhance outreach and engagement for the public to learn about the natural gas system infrastructure, how the safety programs are implemented, and provide a process

[00:39:32] for the public to be notified early in the planning process on proposed projects that are needed. Like the previous option, there is no authority to require alternate locations, and with an agreement, the parties must agree to the terms. The state code option enhances the already established process administered by the SCC to provide notice and initiate a public hearing process.

[00:39:59] The challenge is that the timeline to any legislative change can be lengthy and uncertain. The next two options are related to zoning. This option would amend the zoning ordinance to require a special exception approval for new high-pressure distribution gas lines with certain characteristics and located in specific areas.

[00:40:22] If this option is pursued, staff would draft new use-specific standards regarding applicability of the special exception process with criteria such as size of pipe, pipe pressure, or SMICE. Location requirements would also need to be determined, such as road classification and or a specific zoning district.

[00:40:46] This next option would limit the installation of high-pressure distribution natural gas pipelines with certain characteristics within specified areas of the county. If identified as a preferred option, staff would work on developing recommendations and options to determine what types of pipeline characteristics and where in the county they would be limited.

[00:41:07] Like the special exception option, possible pipeline characteristics could include size of pipe, pressure, and or spice. Locational criteria could include road classification, such as local roads, and or certain zoning districts, such as select residential districts.

[00:41:27] Regarding opportunities and challenges to those two options, the first option under the zoning, the special exception option, provides a legislative public process to review a proposed project and understand why a proposed location was chosen. Additionally, it allows an opportunity for public participation from potentially impacted residents or business owners.

[00:41:48] There would be challenges, however, determining appropriate special exception standards and equitable locational criteria and pipe characteristics. Additionally, utilities are under statutory obligation to provide natural gas services covered by their franchises.

[00:42:07] So there could be countywide implications from precluding installation in local streets or other locational criteria like zoning districts. It may also be difficult to assign permissions based on zoning district. An example would be if a pipeline is located in a street with residential zoning on one side and commercial zoning on the other side of the street.

[00:42:30] Lastly, this type of legislative process could increase costs to the county residents and business owners for needed infrastructure upgrades. There could be impacts such as condemnation of private property and increase in costs to those that use or want natural gas. The limited location option has many of the same challenges as the special exception option. If a pipeline with certain characteristics is prohibited in one area, it would presumably need to be installed in another area. Determining why the pipeline may be appropriate in one location but not another may be difficult to discern, particularly since

[00:43:08] these types of pipelines, as previously discussed, are heavily regulated regarding safety. Not allowing them in certain residential areas, but allowing them in others, such as prohibiting in low-density single-family neighborhoods, but allowing in high-density multifamily districts could present an equity issue. That concludes the presentation for today, and we welcome any comments or questions. Thank you, Jackie. It's a very complicated topic, and I know you did a lot of work to get us to this point that it would be understandable to us you know

[00:43:44] when I look at the presentation I think the thing that I focus on the most is is the first consideration about more communication and making sure there's communication but as with any changes the board makes I think there's a feeling that we just turn around and do these things quickly and so a little bit of the process say we decided we wanted to look into an SE or something like that What kind of time frame, what kind of work would have to go into making any kind of change like that?

[00:44:15] Casey Judge, DPD. So with the special exception, it would require that zoning ordinance amendment process. That can be lengthy because we do want to make sure we do ample community outreach. So typically your standard zoning ordinance amendment can take six months to a year to get that adopted by the board.

[00:44:33] Thank you. And I really appreciate all the complications with equity and how we do this, knowing pipelines are there. And it is important that the older pipelines do get changed. So thank you. I'm going to turn to the chairman. Yeah, good presentation. I do have a couple of questions.

[00:44:51] You know, first, on slide six, you mentioned that we currently exempt distribution lines in the right-of-way from regulation. Obviously, that's county regulation because, as you mentioned, there's a whole slew of other regulation that happens outside of the county.

[00:45:10] But under the other jurisdictions, there's a different question being answered here. We're exempting them from regulation is not the same question as prohibiting them in other jurisdictions. And so I guess I just want to be clear on this. Are there other jurisdictions that don't prohibit them but require something that Fairfax County doesn't require right now among your menu of options that we know of?

[00:45:35] When we were doing the research on the jurisdictions, and we reached out to a lot of the staff as well just to confirm, because they're the experts, of course, on their zoning ordinances, everyone that we asked whether or not they regulate this in the right-of-way, they did not. There were a couple examples where there would be some language about critical areas, so like steep slopes, where there would be some consideration if something was proposed in those areas.

[00:46:00] And, of course, anything above ground, like above ground pipes, would be. So that's kind of what we had. Okay, but none that require an SE? No, not for this exact kind of distribution pipes under a right-of-way. Okay. And I just want to make sure on slide 8 I'm clear on something, because the difference between the county code chapter 2 and the MOU, I mean, in the county code chapter 2, we're talking about requiring notice and regular engagement with the board, And then under the agreement MOU required public awareness plan and regular engagement with the board.

[00:46:38] So I'm trying to figure out what the difference between the two is. Is the real difference just one is in writing and one is not? Is the same if we go down the route of increased public participation, engagement, awareness route? Are we really talking about the same thing here and it's just a difference of whether you have it legally documented?

[00:46:58] I believe so, and I'll let our legal counsel weigh in. But I believe it's just the two different types of tools that are available that can get you to a similar outcome. So either a code change or an agreement between the agency and the county.

[00:47:17] So, I mean, do we see those as duplicative or substantially different, and for what reason? This is Mark Murray, Assistant County Attorney. The Chapter 2 option would apply to, presumably, utilities, depending on how we would define the applicability, and it would be uniform and applied generally, whereas in agreement we would have to work out the terms with each utility and come to terms with what the requirements, what we could both live with.

[00:47:51] Okay, and this may be an unfair, weedy question, but are we aware of, coming back to what I initially started with are we aware of jurisdictions that we mentioned there are some that have language with you know steep slopes other areas that should be avoided but do we know any that have entered into an mou with a new utility for the purposes of what we're talking about here which is regular engagement with the board and or community engagement chairman we do have as was mentioned in the presentation there is an agreement between the county and the fairfax

[00:48:26] County Water Authority that relates to the location of certain pipelines, not specifically the notice, but there is coordination between the county and the Fairfax Water Authority. I guess what I'm asking is a little bit different. Is outside of Fairfax, are we aware of that, of any of those in existence other places? I'm just trying to establish, I mean, obviously, the water one we're familiar with. I'm just trying to establish, is this becoming a norm within local governments, or would this be something outside of what is typically done?

[00:49:04] I'm not aware of any other agreement between a locality and a utility. Okay. I would just offer also that we can possibly reach out to Washington Gas and Columbia Gas, the operators, to see if they do have any other jurisdictions they work with, as well as the jurisdictions we've worked with when we asked about the zoning ordinance questions.

[00:49:22] Okay. I think that would be good because, you know, I don't – if there's an instrument that's already out there, we don't need to recreate the wheel. I think everyone here would be interested in further engagement, further conversation. I will just say on the SE piece, I get great consternation with that because, you know, I'm thinking of examples of where these exist, and I'm thinking that the board's going to be put in a position to make a bad decision, pick which of these two decisions we want to support, and I would gather that we probably wouldn't support either one of them in a lot

[00:49:57] of cases if there's an alternative option. And so, you know, if we're presented with an SE process, I'm not so sure that, you know, we're going to end up with a better outcome than what we have now, given the challenges that we know that exist in these locations and the work that the utilities have done going into the process to determine which route is the route of least resistance or the one that makes the most sense. Obviously, it creates conversation that maybe we're not having now as robustly as we could, and I think we should be doing that. But in terms of

[00:50:34] the absolute requirement on that, I do get a little bit concerned about what the options are to the board at that point. I think you had mentioned before a statutory requirement for the gas company in this instance to provide this utility support. So if we don't approve an SE, So I'm not sure where that puts us legally, and I'm not asking you to answer that here, but I think it is a complication that we have to address, you know, as we move forward.

[00:51:03] And I think that's probably one of the reasons why there is no other jurisdiction that we know of that does the SE route. But I would like to know, you know, a lot more about the, you know, what would be in an agreement or MOU if there is an existing one out there that we can look at.

[00:51:23] Maybe it's the water one. Maybe it's one in another jurisdiction. Maybe it's one that the gas company has. So, you know, I think there is a lot of consternation about these. But I just want to end by saying that, you know, obviously we're having this conversation. It's obvious we're having this because of an existing one that's being proposed right now that's a 24-inch line.

[00:51:44] How common are 24-inch lines in the county? I mean, how many, where are they? How many do we have? Do we have any idea? From our conversations with Washington Gas, and they are here as well, but it sounded like their typical newer pipelines are that size.

[00:52:03] But we do have a range in the county that, you know, are going back to the late 40s. So there's, you know, everything, I think, from like 6 to 24 inches here. I mean, I ask that question because obviously if one were to go an SE route, and I have major concerns with that, But if one were to go to that route, how

many potential SEs would need to be filed for the gas company to provide adequate access to their customers on a regular basis?

[00:52:32] And I think that's something we need to be concerned about because I don't think any of us wants to delay that process and cause disruptions for customers. But I don't have an idea through this presentation about how many of those we might be talking about. Yeah, we haven't gotten quite into the details of that yet, so that would be from direction from the board on, you know, starting that kind of specifics.

[00:52:57] Yeah, I mean, I don't like that route just because I think it causes a lot of other problems. I'm kind of where Supervisor Smith is on, you know, focusing in on the, you know, increased awareness, increased outreach components that were mentioned in here and better defining those is where I am.

[00:53:16] I think if you go this step with the SE, I think it creates a lot of other, you know, legal challenges that we may not want to discuss in this forum, but certainly are something that the board needs to be made aware of before any decision would be made about which route to go here. And, you know, frankly, I think the fact that nobody else does that is quite telling about the complications with doing that.

[00:53:38] So I would appreciate, you know, as one board member, if we looked more at the Chapter 2 considerations and then the possibility maybe of an MOU, if that makes sense. But at a minimum, we need better community outreach and better communication. Thank you.

[00:53:54] I have Supervisor Bierman, then Palczyk, then Lesk. So just one quick point. I want to make sure I confirm this. But in the city of Charlottesville and in the city of Richmond, they actually handle their own gas pipelines, correct? Correct.

[00:54:09] they're a city-run utility. So in the city of Richmond and then the city of Charlottesville, you wouldn't need a special exception regime or anything like that because the city would still make the decision on where the pipelines go, correct? So in two major cities in Virginia, they actually are regulating and deciding where the city managers, the public entity, if you will, is deciding where these things go, correct? That's my understanding that they're an agency under the city government. Okay. Just on that point, I just want to make sure we understand

[00:54:46] this clearly. The county, if we had regulations in place on these and the county was the one installing these, the county would still have to go through our SE process if we had one. So in those locations, while they may be making that decision, if they have other guidelines in place that would trigger an SE, that doesn't exempt the city from going through the SE process, their own SE process. Is that correct? It would depend on how we would set up the special exception, whether or not, you know, if we'd consider it a public use owned and operated by the board and the county or not, but possibly, yes. Yeah, I just want to make that clear because

[00:55:24] if they did have sensitivity points as to where these could go or couldn't go in those localities that Supervisor Bierman mentions and they had an SE requirement, they would not be exempted from it just because they're government. We have to file SEs to do things we need to do in Fairfax county in cases where those might be required. And I just wanted to make sure of that.

[00:55:43] Sure. But my point is the question comes back to who decides and where these things go. And my issue with going only the county code chapter two or the agreement MOU option is that the county is taken entirely out of the process on where the thing goes.

[00:56:06] And I get that Washington Gas has put in a lot of time and that our gas companies put in a lot of time to deciding where these things go. But let's be clear. This type of pipeline, there are about 130 miles in the Washington Gas system of this type of pipeline.

[00:56:23] There are 5,000 miles in the Washington Gas system of every other type of pipeline. So this is about 2% of the types of pipelines. And these are major infrastructure projects. So actually, Washington Gas has not come to us and said we're replacing these all over the county.

[00:56:39] This is a part of one specific replacement of a 70-year-old line. And the question then becomes, how do you decide to replace that 70-year-old line? And the question there also becomes, where do you put the replacement for that 70-year-old line?

[00:56:55] I think the special exception option gives us a role to play in that. and maybe it's too much. I think we can all agree, I hope, that requiring notice and regular engagement with the Board of Supervisors on proposed pipelines and regular engagement with the residents is a good thing. But candidly, the system that we have right now, I mean, there are also points in this presentation that say things like impact on property owners and rate payers. Candidly, the system we have right now has led to 10 years of trying to replace this

[00:57:32] pipeline and now has thrown this into the court system. And as a lawyer, I can say I don't want it in the court system. There's no predictability there. There's really no predictability there. So I actually think a special exception process, something that is better defined, will create more predictability for the Washington gas. And it's entirely consistent for us to play a role in developing our county. Yeah, sure. If we didn't have a special exception process for everything, then we could develop much more quickly or differently. And I'm sure private industry

[00:58:08] would be very happy with that. But that hasn't stopped us from special exceptions in other instances. I do have a question about regulation of the pipelines. And you may not know the answer to this. This is unfortunately one of the things that came to me at 1130 last night. And so I didn't ask it two weeks ago, as I probably should have, but that's how have localities that don't regulate these pipelines dealt with pipeline replacement projects that take new routes? In fact, much of this pipeline was actually replaced along Route 7 in the exact same place, but now we're talking

[00:58:45] about a new route. So how have those other localities dealt with a situation where the new proposal takes a new route through, say, a residential neighborhood or some other kind of neighborhood? Well, just with our research and what we're learning about the federal regulations, they apply to any new extension replacement, any pipeline that's, especially the SEC is doing all of the intrastate pipeline safety regulations. So it, no matter what, any project is being inspected and, and closely monitored and is under those safety regulations through those,

[00:59:23] those CFRs but the the county we don't have an example where we know of say in Henrico County they decided to move the location of one of these high pressure pipelines and it all went fine we don't have a story like that no nothing specific like that I mean everyone I spoke to that in Richmond or Charlottesville or the other the Washington Gas SEC and Columbia Gas is that they're under those federal safety regulations. And we provided that link. So there are lots to

[00:59:58] cover in there from the beginning of the project through its lifeline. So last question. And this is for Mr. Gorey. So you were talking about with chapter two regulations and making and how they are

universal, correct? So it would be like, this is what's going to happen every time there is a pipeline of this nature put in the right of way is that correct across the county yes you'd have to identify what would require if you were adding some sort of notice provision to chapter two when there's a proposed utility being placed in on county property however you might define that

[01:00:34] utility whether it's by diameter or some other characteristic then it would trigger whatever process the board um passes so it would be it would be something that would have to be written in a way that this could apply to any location all around fairfax county though correct i think the idea would be a general applicability for a utility of let's say a pipeline of a 12 inch diameter or more which or or however the board decides to regulate the utility we

[01:01:13] We talked about public notice. Are there other concessions that we could get through the Chapter 2 process, such as replacement of sewer laterals along the route or something like that? Supervisor, I think we'd have to look specifically into what we could include in the ordinance.

[01:01:35] Okay. So I guess the reason why I ask is because we have development conditions in the special exception process. I want to know whether or not we can have similar requirements that mirror what development conditions would be in a special exception process through the Chapter 2 process.

[01:01:53] Correct, and we take a close look and see what we could include in Chapter 2 and how we might regulate uses on county-owned property. As the board knows, the secondary streets, there's a question that typically the right-of-way is dedicated to the county.

[01:02:14] So the right-of-way is owned by the county and fee simple. So as landowners, it's possible that we could include additional provisions. Okay. Thank you. That's all. I'm sorry, Madam Chair. Yes. If I could just dovetail on that. I don't mean to wordsmith what's being said, but there was a reference to the board's authority within the right-of-way.

[01:02:35] And I do want to be clear. We're not talking about within the VDOT right-of-way. We're talking about underneath the right-of-way. And it's that fee symbol ownership that the border has under the VDOT right of way. Sure. So we own the land below the roads. VDOT owns the roads, which I have to tell my constituents all the time.

[01:02:52] Thank you. Well, VDOT has taken that road into the VDOT system. And that's as far as I would go with that statement. And there are certain statutes that apply in that context.

[01:03:11] But, again, I emphasize we're talking about the board's authority with regard to the fee simple ownership interest that it has in the land area underneath the VDOT right away. So I am going to kindly ask my colleagues to be succinct in their questioning because we have one more meaty topic that I would like us to be able to get to.

[01:03:34] So I have Supervisors Palchuk, Lusk, Alcorn, and then Herity. Thank you, Madam Chair. And thank you to Jackie and the staff on this. I think I need some additional information based on what's been asked. And there are a couple of things that really stand out that whether it's a chart or a way to be able to compare.

[01:03:49] When we talk about public utilities, I now have quite a bit of experience both back in the day with Dominion regarding the Idlewood substation and the agreements we had or don't have or the authority we have or don't have and going to SCC.

[01:04:08] So wondering, number one, how this kind of process compares to that process when it comes to electrical utilities currently. And the other one right now is the Popular Heights water tank with Fairfax Water, which is going through an SE, a 2232.

[01:04:25] And so being able to understand on both of those engagement were the key things that we were really working really hard to get more of. So number one, making sure that we will have the ability to require or highly encourage that outreach in the community and that engagement, especially if projects are slowed down the way they were with the Idlewood Substation.

[01:04:53] And I know Beth's team worked on that with us as well. But on the other hand, I think this was mentioned earlier, I want to caution us from having especially equity-based impacts, negative impacts on any new authority. Nobody, everybody wants water and gas and schools and utilities. Nobody wants them next door or on their property. And so I want to make sure that we are really cautious in both having a seat at that table and working to

[01:05:27] make sure that the best interests of our community and our residents are front and center of any utility work without creating. I mean, all you have to do is look better back at school boundaries from the 1960s and not create that again. Thank you. I'm going to speed people up a little bit.

[01:05:46] Supervisor Lusk. Okay, I'll just state the issues I have and you can send the responses back to me later. The first is I wanted to know if we considered a 2232 option for the process and if we did can you let me know what the challenges and constraints were. Second on the NIP that you provided in the board package of page six you talked about the consultant services be very interested in knowing more about the specifics around those services and then the question that I would really be interested in knowing and answer to is in the research that they do, would it be possible to

[01:06:25] look at emerging technologies as a way to provide the repair of these facilities without having to dig them up? So I know we've got some things we're doing with stormwater, and we're also doing with sanitary sewer. I know it's different applications, but I'm aware that 3D printers are being employed in many different construction technologies in a very different way.

[01:06:50] And what that is demonstrating is that the ability to shoot metal and aggregate composite and other materials on different construction sites. So just wanted to ask if you could provide that information, and with that, I'll conclude.

[01:07:08] I appreciated you being succinct. Supervisor Alcorn, then Harry. Also for information later to be provided. So we're talking about ground property that's owned by Fairfax County. We have utilities, for-profit utilities, that are using that.

[01:07:26] My question is, do we charge rent for this type of use of county-owned property? And if not, could we in the future? Supervisor Harrity. Wow. Okay. You know, I'll just try to be quick.

[01:07:43] No other jurisdiction does this. I don't know why in the world we would want to. There are a lot of old lines that need to get replaced. We don't need to get in the way with time or money on this. I think the SEC handles it. I think there is a notification issue at the SEC that we need to fix through legislation, and that would be how I would hire it.

[01:08:04] I mean, handle it. You know, we're going to add to the cost of both the ratepayers and our taxpayers. Jackie, great job. I tell you learned an awesome amount, but I don't know that you'd consider

yourself an expert, and we're going to have to go hire an expert, and that takes money.

[01:08:22] And we just went through a very difficult budget process, so I'm keeping all that in mind. I guess if I have a question, it'd center around what would it take us to set up some system to administer this and how many hires and all that other kind of fun stuff.

[01:08:44] Okay, so a few questions came out of this. I did not hear support for going down an SE route right now. I know the chairman and I talked about maybe in the Chapter 2 a little bit more communication for people, that perhaps that's a first beginning that we could look at, increasing the communication, getting the answers back to the board, and we can see where we go.

[01:09:12] Supervisor Bierman? Well, at least one of us does support an SE, so I would ask, no, I would just simply ask that when we are considering this and being brought a panoply of options, we do still look into what the SE option would look like.

[01:09:29] To something that Supervisor Palchuk said about equity, you know, we have a one Fairfax policy. We have an equity policy. Washington Gas does not have an equity policy. So keeping us as a part of this process, I think actually is an equity concern.

[01:09:46] So I just ask that that be included in the panoply of options that come back to the board. Thank you. Okay, and we'll have a further follow-up with staff. So we're on the same page. All right. Thank you very much. Thank you, Jackie Now we have the countywide flood risk reduction policy I want to ensure that we at least get through the presentation and ask questions And some of the information that staff wants it really is not timely to make any decisions with some of that right now

[01:10:26] So Ellie you're gonna kick us off good afternoon Ellie Cotting with Department of Public Works and Environmental Services I'll give you the Express version of this presentation In addition to the people listed on this slide We also have Joni Kalmbacher the director for the stormwater planning division also in public works And in the audience with the Northern Virginia soil and water conservation district is Willie Wood the executive director Together we composed an update for you to talk about the staff actions taken to reduce risk of flooding since we last updated you in 2023 and we are here to seek your recommendation

[01:11:00] on the policy and that includes the second bullet staff recommends protecting structures against the 100-year storm adjusted for climate change and what that means is that in any given year there's a one percent chance of that volume of water hitting the county and that we would aim to protect structures meaning houses and commercial buildings from being flooded by that structure And in our toolbox, we have projects that are structural.

[01:11:26] We have programs such as the one that you all approved last fall to start a flood mitigation assistance program grant effective July 1 of this year. And we have regulations such as since 2021, land development services has required infolot developments to control their runoff coming off the property.

[01:11:45] And so those three tools, this balloon represents the county resources for those three tools, And they work in tension with each other unless we grow the balloon. And we are here today to talk about how we should, you know, what the board's recommendation is on growing those resources.

[01:12:01] These are the established, this is the established policy for stormwater capital expenditures. As you, what I want to focus on is what we're talking about today is item two. If you look in the picture on the right, that is a large storm that has overwhelmed the pipe system and it is flowing in the road.

[01:12:18] That's number seven, road flooding. It is the lowest priority for funding. As the water continues to rise, it flows overland. You'll hear a term called overland relief. Ideally, that overland relief allows the water to flow safely past structures. In this image, it is flowing into that house.

[01:12:35] Flowing into that house is item number two, which is representing the structural flooding. And priority number six would be yard flooding. As an update on our programs, we have a slew of existing programs, including our excellent national flood insurance program that achieves a 20% reduction in fees for residents purchasing national flood insurance.

[01:12:57] We have more locally focused, the new grant program we discussed, that's going to look more lot by lot. And we have a slew of recommended programs. I'm doing the express version, so stop me if you want me to go slower. When we met with you last in 2023, you requested an update on what would it mean cost-wise to achieve that recommended level of service for the protecting against structural flooding for the 100-year storm adjusted for climate change. We went back and looked, and in our current CIP, we have almost $100 million of flood-related projects. At current staffing and budget levels,

[01:13:32] we estimate 10 years to complete these projects. When we look at the approximately 570 historically reported and unresolved structural flooding, not including coastal flooding. This is the non-coastal flooding. We estimate $600 million and 70 years to achieve that based on current staffing and budget. For our policies and regulations update, mentioned that inflow requirements have already been established, and you will be hearing more about that in the month of June as the state is requiring all localities to adopt a consolidated stormwater and erosion

[01:14:10] and sediment control regulation, and that will eliminate the single-family dwelling exemption formally, although effectively we have already achieved that. And currently, what DEQ empowers us to regulate is only the added impervious area. So if you take a look at the image on the right, you see a 1960s development where it happened where there was a floodplain.

[01:14:31] it was developed before we had these regulations. So when we regulate, all that we can regulate is what is added on to an existing footprint. If an infill lot development comes in, you have that existing house. We only regulate the square footage added on that will be impervious. And that is important because as we look at our impervious area, we have to consider the state roads that are already existing. And then when you think about the infill lots, so first of all, we're limited on what we can regulate, and also we do about 500 per year, and there are about 200,000 single-family dwellings in Fairfax County. When you do the math on that, that would be thousands

[01:15:07] of years to achieve a meaningful change countywide simply through development, and that extrapolates even to the larger development. So we do need to continue looking for opportunities to have development be a bigger part of the solution, but we can't rely on regulating development alone to achieve a county-wide flood risk reduction.

[01:15:29] So just two more slides. And in conclusion, we're looking for your recommendation on that level of service for that 100-year storm adjusted for climate change and protecting against structures. And then generally, how do we balance our programs, projects, and regulations? How much budget and staff we put towards these will dictate how quickly we're able to improve and reduce risk.

[01:15:54] And staff's recommended next steps include increasing the funding for our Flood Mitigation Assistance Program. We think it's a no-regrets option to have staff come back in the spring, report out on

the effectiveness of what we're seeing there, and recommend on the next funding tranche in time for the FY26 budget.

[01:16:11] We recommend on the projects that we add two staff teams to immediately focus on some of these 570 unresolved but documented structural flooding. And then because it does take a while to onboard staff, should you direct us to add these staff teams, we would report out at the end of calendar year 2025.

[01:16:34] And in terms of regulations, we mentioned July 1 is when the state mandated consolidated regulations take effect. The board will be given options towards eliminating the single-family dwelling exemption for the water quality portion, and you'll hear about that in June.

[01:16:50] And then staff continue to work on a cost-benefit analysis to looking at the advantages of cost and benefits of requiring additional volume detention. And the bigger question is, to have a meaningful impact, do we look to require detention to cover all impervious, including existing impervious?

[01:17:10] Do we look more at the overland relief portion to require adequate overland relief, or is there some other option that we will find as we continue our research? And with this list of recommendations, that concludes the presentation. Thank you, Ellie, for going so quickly.

[01:17:26] It is complicated. There's a lot of details here. And I think some of the difficulties talking about this right now is where we go with the grant programs. We're just starting those programs to see where we put in and if we do put in other pieces.

[01:17:43] I think the 100-year flood for climate changes seems to make sense. That seems to be the easiest issue there. And then how does the funding that we're putting into these programs compare last year to this year?

[01:18:00] So last year, the dedicated revenue source was $95 million, and this year is $100.8 million. Let me just, yes. So $95.1 for FY24 and proposed $100.8 in the adopted budget. Okay. I'm going to turn to the chairman.

[01:18:16] I want to see how many people we can get to have a chance here. Yeah, I appreciate the presentation. I guess, you know, the real question here for us is whether we want to expedite the project schedule. I mean, that's ultimately what we're talking about here.

[01:18:31] And the 95 million flood-related projects, you've already triaged those to be the most significant in terms of the potential exposure and damage that we have on the elements that were mentioned earlier. So those are the ones in the next 10 years that remind me the criteria used to establish which ones go in that pot as opposed to in the $600 million pot.

[01:18:56] Is it just based on that list of elements that you had on the screen a minute ago? Is that how you determine those? So when determining projects, there are a number of things that come into play. One is risk, and you would start with the projects that would eliminate the greatest risk. But the other truly is, as a project goes along, there are land acquisition and community considerations.

[01:19:16] So, for example, I mentioned the coastal community. There was a proposed project that the community is not interested in, and so we're not pursuing that, for example. But in terms of risk, that is actually the greatest risk for flooding. But you start with the basis of what's on slide five to make those determinations.

[01:19:32] Yes. Where you showed us. Okay. I just wanted to make sure that we understood that. I guess I get really concerned about what two staff teams means. Is that two staff positions, or how many positions are we talking about?

[01:19:49] So we would recommend 10 staff, and the 10 staff would be divided into two teams. One of the staff would need to focus on some of that community engagement and outreach, because once you are in people's yards, there is a community engagement piece of that, and one would need to be focused more on land acquisition.

[01:20:05] The other eight would be divided among engineers and project managers. Yeah, I mean, that is definitely not clear in the presentation. I have heartburn over that. I mean, we just mentioned earlier the budget that we just went through. And I got to tell you, adding positions is really difficult, at least for this board member.

[01:20:24] You know, there's a lot of priorities in this county. This is one of them, without a doubt. But, you know, as you just, as was just mentioned, you know, there's $108 million going into this program for FY25. I have no idea how that relates to other jurisdictions.

[01:20:39] I also have no idea how, you know, the number of projects that we have in the pipeline, how that compares to other jurisdictions. Do we find ourselves in a position where we are what we consider to be behind other jurisdictions that are dealing with this issue? I mean, obviously, this is a worldwide issue.

[01:20:56] This is not a Fairfax County alone issue. And I don't get a sense of where we stack up against some of those other ones and where, you know, our major, most major concerns are. If the question is 10 staff members or two staff teams being stood up to expedite the schedule, that's fine for the staffing, but you're still going to need the money for the capital improvements.

[01:21:22] And so what is unclear to me is what recommendations might be made simultaneous to that on the capital side that would be necessary because just adding more staff doesn't move more projects. And so I'm trying to understand the relationship between those two.

[01:21:38] Maybe you can help me understand if those two staff teams were in place today, how much more money would you be asking the board to put in place for capital improvements to keep pace with the staff that are working on these? So a couple things there.

[01:21:54] One, when we compare ourselves to other jurisdictions, in many ways, Fairfax County is gifted because we did preserve the stream valleys in large part and give a lot of those to the park authority. And Fairfax County was ahead of its time in terms of establishing flood regulations. So when we look at some of the older communities, including D.C., Arlington, and Alexandria, they have large public improvement projects to keep even sometimes even just the 10-year storm in the ground because it was an older, it was developed sooner.

[01:22:23] And we were fortunate we had some regulations in place when some of our development took place. To answer your second question, we would need the staff so that we could identify the order of magnitude of what the projects would be. Right now we did our order of magnitude estimate.

[01:22:40] Once we would have more definition about the projects, we'd be in more of a position to come back to the board and talk about some that you might put out for bond. We do also think there are other

funding considerations that could be given, such as grant opportunities. Right now, we don't have the staff to do the scoping of the projects.

[01:22:55] So those 570 unresolved have not been scoped. So just in closing, are you suggesting that the staff numbers alone would expedite our pipeline without necessarily adding substantially to the capital investment that would be needed?

[01:23:13] or are you suggesting that that is a minimal improvement for the county, that the staffing will advance some of these quicker within the financial constraints that we have today, but we're going to reach a point where by expediting these and moving them forward more quickly, we're going to need a new infusion of capital money to support projects in maybe that next tranche.

[01:23:35] It's the latter, exactly what you said. So as we add staff, it would certainly increase things moving through the pipeline. Certainly there would be some low-hanging fruit that could fit within an existing special revenue fund. And then at some point, we would hit a point where we would need to package up the projects that have been defined and come back.

[01:23:52] Okay. Chairman Christopher Harrington, Director of Public Works. Just to elaborate on the options available to the board, there's obviously the level of service. So the board could define success as something different than the 100-year adjusted for climate change. We've attempted to define the problem to the best of our ability with our existing resources.

[01:24:08] It's 70 years until those 570 confirmed structural floodings would be addressed. So with additional staff, we could get a better handle on what that problem is and come back with a better estimate. The board could decide what an acceptable period of time is for us to resolve that based on the desired level of service.

[01:24:25] So you could say, we want to solve the problem in 35 years, and then we could come back and tell you what the necessary resources would be to do that. Conversely, you could say, if we were to increase the funding, we could then provide a refined time estimate for when we would resolve the problem based on the desired level of service. So there are multiple ways to approach it.

[01:24:41] we absolutely acknowledge that there are many priorities that you have to juggle we just are trying to define the problem and then communicate it's going to be a while before we're able to resolve thank you I have supervisor Walkinshaw Alcorn and Jimenez thank you I think Mr. Harrington kind of touched on on my question and it sounds like we don't have the resources to do this but my question was going to be can we tier the 570 projects right presumably there's a degree

[01:25:15] differing degrees of severity risk and cost to address them but you're saying you don't have the capacity to suss that out at this point we uh yes the board could certainly direct staff to refine our prioritization and you could add additional criteria equity concerns vulnerability risk anything could go into that mix as the board chooses to choose which are the next projects that we would be adding into the cip so that would certainly be um direction we would welcome we don't this is our best guess based on you know uh confirmed structural flooding we know these are structures that flood but what the solution is we don't have handle on and just one

[01:25:54] question on confirmed structural flooding that i think the memo says and and you know i think this is great work to get to this point. A lot of work, obviously, has gone into this already. You went back to 1986 and analyzed all of the reports of structural flooding. So, I mean, one just basic question I have, of

those 570 confirmed unresolved, how many of them are people who called us in 1997 and we haven't heard anything since then? I mean, have we been able

[01:26:27] to drill down to that level? Has it been 10 years, 20 years, 30 years since a single report of structural flooding in a structure? Or are they all verified subject to structural flooding today as we know it? We do have those data, and we did employ a consultant to go back and study each of the reported structural flooding. So as you alluded to in the memo, for the 1,600 incidents that were reported, we did field analysis to determine which ones are still vulnerable to flooding.

[01:27:01] One of the analyses, and there's a link in the memo, shows, no surprise, if you live in a low-lying area, you are going to be more subject to flooding and more subject to flooding from the increased precipitation from climate change. And so that was factored in as part of the analysis.

[01:27:17] Okay. So maybe they called at some point in the past, but our analysis suggests that they're still subject to flooding. Yes. Okay. You know, final point, look, it is painful. I think though I agree with Chairman Smith that the 100-year adjusted for climate change is what we need to consider.

[01:27:45] I do think it might be useful for us to understand what the different options would mean. And having gone through the memo, it doesn't really present other options. Personally, I think 100-year adjusted for climate change is where we need to be because that is the most realistic.

[01:28:08] But it would be useful to know, does a different option, a different level of service take us from 570 confirmed to 300 or 100 or 459 as we're thinking through that decision?

[01:28:25] Thank you. Thank you. Supervisor Alcorn Jimenez in store. Very quickly, first of all, on the regulations, I do support identifying additional options on the regulations. Let's see that. We don't want to make the problem worse, or if there are things we could do now to head off future problems, that sounds great.

[01:28:45] I would like the discussion about the projects and particularly structural flooding, I'd like for staff to talk with the county attorney's office a little more about What is the liability that Fairfax County, what liability are we seeing as a result of any additional floods?

[01:29:08] Because I know there are some projects out there that are, where there is known structural flooding. And that's a number I would like to, I think we need to be, we need to understand before diving into any major financial jumps.

[01:29:25] Okay, thank you. Supervisor Jimenez. Well, thank you for the presentation. And these 100-year storms, as we all know, are so exacerbated by climate change. You know, we never now know how strong a storm is going to be, but we do know that the level of the storms are increasing, which impacts especially the most vulnerable communities in Fairfax County.

[01:29:45] So making sure that we are helping to mitigate and to look into the future to see how we can keep their quality of life the way it needs to be is really important. But I want to jump on what the chairman was talking about, Chairman McKay, earlier when it comes to staff.

[01:30:01] How long would it take to bring in that level of staff and how long would it take to get them kind of up and running? What would that process look like? I think we could have a significant hire within several months and then it would take three or four months for them to start looking at some of the 570 confirmed.

[01:30:20] And that's why I recommend that we would come back at the end of calendar year 2025 because that would allow more time for them to have actual field data and some recommendations. It would be great when you come back or at some point if you can, because you said there would be two teams, if you could give some more description of what those teams would actually be doing kind of on the ground, I think that'd be pretty helpful.

[01:30:41] Sure. And the concept behind the two teams, I did give the express version of the presentation, so I appreciate you asking. We do have two different divisions in stormwater that focus on resolving service requests related to drainage and flooding. and our maintenance and stormwater management division tends to do the more everyday and the individual lot and then our stormwater planning division tends to do the more prospective looking where you have several together where there's common infrastructure or where it's more complicated by things like land acquisition and that's the reason for the two different teams. Thank you for explaining. Madam Vice Chair if I could just follow up on that when we when we get more information as

[01:31:18] as Supervisor Jimenez requested, could we also get what other options might be available to us other than adding staff to obtain some of the data and other things that you mentioned, some of the technical data that might be necessary here to fine-tune the list that you have?

[01:31:34] Because we've got to look at, there's got to be some other ways to do that. Because obviously once you create those staff positions, there is an initial benefit of getting these projects better reviewed, better triaged. But those positions are here, then, in perpetuity.

[01:31:51] And I'm just wondering if there's any other technical way that we can get that data without necessarily the positions themselves. I would appreciate that being covered in what comes back to Supervisor Jimenez. And the executive help? Yeah, thank you for that, Chairman McKay, and thank you, Supervisor Smith.

[01:32:08] I will also ask that we look for the prioritized version of what we should be doing versus what we shouldn't be doing. I think as we go through these projects and the things that we have in the queue, maybe it's time for us to take a look at the things that we should no longer be doing as well as thinking about the things we should be doing.

[01:32:31] So I'm going to try and bring you both lenses back to the board. We appreciate that. Supervisor Stork. I thank the chairmen for making that point and the county executive as well for his point because I think that really has to be what we take a look at.

[01:32:49] I know we all know that this is the beginning of this not even the beginning we started with resilient Fairfax the work that we did there we're building to what we recognize is a broader issue that we have to we're going to have to resolve how we best do that I think is what we're trying to get through now and I appreciate the work that's being done one of the things I'm not clear about and particularly one of the most impacted communities is the new Alexandria Bellevue community and they're really the conversations that we had for a couple years with the Army Corps of Engineers and others about how we protect that community

[01:33:27] and the community itself rejected that process just to build a big flood wall and all the impacts that that would have. The basic analysis that you've done is that essentially using the traditional means or traditional methods for how these problems could be.

[01:33:44] You know, the dollar amount you came up with, I know maybe it's a swag, But it's still you use some mechanism some tool for doing that did include the traditional methods or and I know we're all Particularly look at what the Dutch have done and how they not only you know Kind of keep water out but more importantly how they let water come in and how they manage that process Are there other tools like that that that at least the initial review you've done has in it?

[01:34:11] Or will that also be part of what you take a look at? Going forward to how we can address this and I would say anymore more appropriate way rather than just try to keep water out. We're trying to absorb the water and direct it and guide it versus just to build walls. Yes, we are definitely, we keep in touch with all of, you know, nationwide and even worldwide on different strategies that can be employed.

[01:34:37] And it's important to note that one thing that is consistent is that it tends to be the on-lot solutions, not for tidal risk, but for the type of flooding that we are seeing with those 570. The least expensive solutions tend to be the on-lot solutions where you prevent the water from entering the structure rather than the infrastructure projects that take longer and tens of millions of dollars.

[01:34:58] So dollar for dollar, you have more effectiveness with the on-lot solutions. We did, in the memo, we did reference moving to a request for expressions of interest for the coastal community solution because the community was not interested in what the Army Corps had recommended.

[01:35:14] We are interested in seeing if there is another solution out there to be recommended. We are not in a situation the same as the Netherlands, fortunately, and so it is dollar for dollar not going to be worth, I think their project is in the $4.7 billion range, and we don't have room in the Potomac River or the Chesapeake Bay to put up such a structure to prevent the water from coming in.

[01:35:34] I would just, my final comment is that the community very much appreciates that statement in the information you provided, and it does address, I think, what we're all looking for. There may not be that outcome, but I think we want to take a deeper dive in that and see what options there may be.

[01:35:54] So I appreciate that being part of that. Thank you. So I appreciate the information. There's definitely a level of detail and other work that needs to be done going forward, And I know working with staff and the county executive will figure out where the next step needs to take place and how we do that.

[01:36:12] So thank you, everybody. And I will now adjourn the Land Use Policy Committee.

