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Fairfax County Board of Supervisors Meeting, Tuesday, December 9, 2025

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[00:00:03] Good morning, everyone, and welcome to our board meeting of December 9th, 2025. And we, in a moment, are going to begin our meeting as we always do, which is to recognize those who we'd like to keep in our thoughts and prayers. Following that, for all who are able to rise, we will rise for a moment of silence to be followed by the Pledge of Allegiance.

[00:00:25] And I will just say at the beginning of this meeting that we have a very long meeting today. So if people could please keep that in mind as they comment on things so that we can try to get through the agenda rapidly today, because we have a very late evening with a lot of public hearings and a lot of speakers.

[00:00:43] So if we could just be mindful of that, it would be appreciated. Before I ask folks to rise for a moment of silence, as I said, we're going to ask to have folks remembered, those we have lost in the community. And unfortunately, there are a number that I want to mention, and then I will open it up to my colleagues.

[00:01:03] First, on November 14th, John Ribble passed away after facing some pretty significant health challenges. Fortunately, John was never in pain. He had his wife, Maureen, by his bedside upon his passing. For those that didn't know John, John served for 42 years, 42 years, on the Fairfax County Board of Zoning Appeals, spanning from 1982 until 2024.

[00:01:29] During his time on the BZA, John heard thousands of applications, listened to thoughts of speakers, and contributed to a remarkable body of experience and continuity dealing with the county zoning ordinance. He was also chairman of the BZA for 15 years, bringing him a quiet leadership style that was patient, steady, impartial, and above all, respectful of all citizen perspectives.

[00:01:53] John's service to the community did not stop there as he volunteered his time across many civic organizations. He was the recipient of the Fairfax County Federation of Citizens Association's Special Gratitude Award and recognized by the late Congressman Connolly in the congressional record in 2019.

[00:02:10] I know the board joins me in offering our heartfelt condolences to his wife Maureen, their children, John's loved ones, including all of those who worked closely with him over those 42 years on the Board of Zoning Appeals.

[00:02:26] Secondly, sadly, Dr. Barbara Lowry passed away. She was a longtime resident of the Bryn Mawr community in the Mason District. She passed away unexpectedly before Thanksgiving, and she was a trailblazer in many ways.

[00:02:42] After graduating with a degree in economics from Michigan State and later with a Ph.D. from the same institution, Barbara moved to Washington and worked for the Federal Reserve Board, serving as Associate Secretary and Ombudsman to the board, pioneering women to serve in that role.

[00:02:59] When Janet Yellen was appointed the Board of Governors of the Federal Reserve by then-President Clinton, Barbara provided Chief of Staff support to Governor Yellen. Barbara was also active in her community. She coached girls basketball, played volleyball in a women's adult league, and represented the Mason District on the Athletic Council, appointed by then-Supervisor Gross for 25 years, retiring from the council in June of 2023.

[00:03:25] Barbara was also the longtime president of the Brenmar Recreation Club and was instrumental in the county's court case to enforce the development condition that required Jefferson Green and later Monticello Muse owners to purchase pool memberships in lieu of having recreation facilities constructed on site.

[00:03:43] And Barbara was a trailblazer for women in so many different ways, but served her community in so many different capacities if we could keep her and her family in our thoughts and prayers. And then I have two more that I think for a lot of us hit really close to home.

[00:04:00] One is the passing of Harry Glasgow. It's with great sadness we learned the passing of Harrison Harry Glasgow, as we all knew him, who had been dealing with health issues and passed away peacefully in his sleep. Perry was a board member emeritus of the Friends of Huntley Meadows Park and a decades-long champion and advocate for Huntley Meadows.

[00:04:22] Perry also served on the Fairfax County Park Authority Board from 2005 to 2012 as a member of the Fairfax Chesapeake Bay Exceptions Committee from 2003 through 2012 and having served on and chaired the Fairfax County Tree Commission.

[00:04:38] His commitment to Fairfax County is demonstrated by him receiving the Lord Fairfax Award in 1993, as well as the Fairfax County Federation of Citizens Association Citizen of Merit Award in 2009. Harry's commitment to our natural resources did not stop there as he served on the Northern Virginia Soil and Water Conservation District since 2005.

[00:05:00] And I think all of us knew Harry. He was a fixture at Huntley Meadows Park. We all know that his partner, Nancy Veers, was a longtime clerk to the Board of Supervisors as well. But Harry was just a guy that just always had a smile on his face and was somebody who you wanted to run into.

[00:05:21] Always had something clever to say and would always make fun of me for not knowing. I mean, I literally didn't know the difference between I couldn't point out a blue jay versus a cardinal. But Harry knew every bird species to ever fly into Fairfax County and made it a point to tell you that.

[00:05:37] And so I know recently we learned about Celebration of Life for him at Laurel Hill Golf Course next week. And if we could all keep Nancy, Harry, and all his family members in our thoughts and prayers. And then lastly, very sad news that the son of former Mayor David Meyer passed away on Saturday.

[00:06:00] And Elliot was only 32 years old. He's survived by his parents, his sister Louisa Meyer, and her husband Murphy Protzman. Elliot grew up in the city of Fairfax and graduated from Fairfax High School in 2011. He was a member of the Boy Scouts of America Troop 187 and achieved the rank of Eagle Scout.

[00:06:20] He received his B.A. from Randolph-Macon College and an MPP from the Schar School of Policy and Government at George Mason University. Elliott was a contract project manager with the U.S. Department of Energy. And his sudden passing, of course, has former Mayor Meyer and the mayor's wife, Cindy, just completely heartbroken.

[00:06:43] And so I know that each of us will likely reach out to him on our own. We knew Mayor Meyer well, continues to serve Fairfax County in many different capacities. A celebration of life will be held at Fairfax United Methodist Church on Saturday, December 27th at 11 a.m.

[00:07:03] with a lunch reception to follow at the church. And Elliot will be laid to rest at Fairfax City Cemetery. And so when I heard about this news early yesterday, it's just heartbreaking. No parent ever wants to bury a child.

[00:07:19] And this is just terrible news for somebody who was a great partner to us and continues to be a great partner to us in Fairfax County. So let's please keep Mayor Meyer, his wife Cindy Meyer, and our Fairfax City partners and team in our thoughts and prayers.

[00:07:37] That would be appreciated. And with that, I would be happy to recognize other colleagues. And I'm going to start this way, and we'll work our way down. Supervisor Herity. Yes, Mr. Chairman, thank you for your recognition to John Ribble and Harry Blasco. They're both incredible public servants.

[00:07:54] But I am sad to announce the passing of a good friend and community leader, John Backus. John was a co-founder of the firm Proof. He was an early and influential figure in developing our venture capital community, bringing his experience from Stafford and Silicon Valley to Fairfax County.

[00:08:13] John just didn't dedicate time to his company, but also to public service, serving as a board member of the National Venture Capital Association, the Board of Overseers of the Hoover Institute, the Board of Directors of the CLL Society, the Board of the Wolf Trap Foundation for the Performing Arts, and the Investment Committee for Stanford's Dapper Fund.

[00:08:35] I had the pleasure of getting to know John when he served as Chairman of the Northern Virginia Tech Council in the early 2000s and got me involved in both transportation issues and growing a CFO community that understood venture capital. He recognized the importance of transportation to the region, which was unique for a tech guy back then, and telework where NVC led the first area Washington

conference on telework. He will be truly missed. I ask we keep Peggy, Karen, John III, Ben, Helena, and the rest of John's family in our thoughts and

[00:09:09] purse. It truly is a loss. Thank you, Supervisor Herity. Supervisor Stork. Thank you, Mr. Chairman. And personally, I'm still trying to get my head around the fact that Elliot Meyer died. Many of you may recall that he worked for our office for several months earlier this year, and I had no idea until I heard that just now so and obviously I know Mayor Meyer from our NVTC and really so

[00:09:45] many other things that he's involved with but but Elliot was you know phenomenal worker and was a key part of our organization and we were deeply saddened when he chose to leave us you know about six months ago so that's I'm still trying to understand that to be honest I do I also want recognize that Harry Glasgow and how important he was to the Mount Vernon district, but just as importantly to my predecessor, Jerry Highland and Gil McCutcheon, Park Authority. I mean, that was a group of folks who really deeply were engaged and supportive and connected

[00:10:25] and made a huge difference in our community for decades, a millennia almost, right? So those are two. And then the other individual, who I'm also deeply connected to, John Ribble, was a neighbor of mine for 40, 35 years, and lived two blocks from me, and that's really how I got to know him, is the neighborhood, and then where I got my start in all this is our local neighborhood pool basically sprung a really bad leak, and we had to repair it, and we lost a lot of members of our community,

[00:11:03] and I lived down from it, and I said, I'll help, and then somebody said, well, then you can be president. And so every single person here knows how that works, right? But I didn't know anything about this and realized that we needed to get BZA approval for some of the things we were doing.

[00:11:20] And John Ribble was the person who really helped us through that. So there's so many connections in our lives of people who have made a difference that we don't always know or appreciate until time comes that you need to understand and learn more about what they've done.

[00:11:38] I have one other really, actually two other sad notes, if you will. One is Robert Webster was an NCS, Neighborhood and Community Services, employee for many, many years, and he passed away on November 3rd.

[00:11:55] I wanted to honor him, particularly because he was a father, son, brother, uncle, friend, and coach, to really so many, and a clear advocate for our community. The work that he did at NCS and just in our community touched on so many lives for all of us.

[00:12:11] And then the other sad note is one that we still hear all too frequently is that we had another pedestrian death on Richmond Highway on December 7th. At about 10 o'clock at night, pedestrian Robert Brown, 67 years of age from the Herndon area, was hit by a car and died at the scene.

[00:12:35] The circumstances of the collision and the accident are still being investigated, but it's one that we all recognize and we've heard far too often and too frequent. So, Mr. Chairman, this is truly a tough day, a moment.

[00:12:54] Thank you. Thank you. Supervisor Stork, Supervisor Alcorn. Thank you, Mr. Chairman. I'm sad to report the passing of Ruth Overton on November 27th. Not only was she a longtime Reston resident, but also greatly contributed to our community's cultural riches as a patron and performer with the Reston Chorale.

[00:13:16] She sang with this group of amateur professional vocalists for 50 seasons. She joined the Chorale in 1976, soon after moving to Reston. However, she did more than sing. She volunteered in so many ways, including creating the festive live poinsettia trees for the group's holiday concerts, which is an ongoing tradition, and preparing grant proposals and serving as president for many years.

[00:13:42] She and her late husband, Dr. Eugene Overton, also generously supported the chorale financially. Among their many gifts, they partially underwrote the commission of Donald McCullough's The Essential Life, which commemorated Robert E. Simon Jr.'s 100th birthday and the 50th anniversary of Bob's founding of Reston.

[00:14:00] Ruth is survived by her six children and numerous grandchildren. Her son, Jay, requested that his mother relate a request from his mother to take care of the ensemble that she loves so much, just as she has all these years.

[00:14:16] So for those who love choral music, one way to honor her legacy and request is to join the ensemble's beautiful vocal artistry. And I can personally attest to their joyful and uplifting performances since the chorale's ambassadors recently sang at my holiday open house.

[00:14:34] And you can hear from yourself during their Messiah sing-along next Tuesday, December 16th, at St. John Manning Catholic Church in Reston. Ruth will be deeply missed, but her contributions to the corral and to Reston will continue to live on. Thank you, Mr. Chairman.

[00:14:49] Thank you. Supervisor Alcorn, Supervisor Lusk. Thank you, Mr. Chairman. I'll say for Harry Glasgow as well, just an amazing advocate on behalf of environmental stewardship and his public services commitment will certainly be remembered.

[00:15:12] So just wanted to join the chairman in acknowledging his passing and others as well here. And then second, I wanted to dovetail on a comment that was made by Supervisor Herity, thinking about John Bacchus.

[00:15:30] He did something pretty phenomenal as well, which was to help us bridge the West Coast venture capital community here with the East Coast. And he launched Draper Atlantic, which was an opportunity for investment between Silicon Valley and Fairfax County.

[00:15:50] That was done pretty much around the height of the public markets, 98 through 2000. Lots of companies were funded during that time, which led to growth and expansion of our tax base as well. So going back to the leadership that he had, it was significant.

[00:16:10] So thank you for making that point. And then next, I just wanted to also note that we had a pedestrian loss in Frank County District as well. There was a crash on November 16th at the intersection of Old King Mill and Hanover.

[00:16:27] And unfortunately, Marcos Ramirez lost his life on November 28th. And I just want to extend my condolences to the friends and family members of Mr. Ramirez and just acknowledge that we continue to have these losses, and they are very tough.

[00:16:47] I mean, as a member of the board, I know we get these calls, but these are some of the tougher calls to get. So with that, thank you, Mr. Chairman. Thank you, Supervisor Lusk. And if there's no one else who would like to comment, at this time, if all who are able could please rise for a moment of silence to be followed by the Pledge of Allegiance.

[00:17:12] This morning, we have four presentations, and for each presentation, I will announce

[00:18:09] the proclamation and invite our speaker and those who are here with our speaker who would like to come down to the podium in front of me. We will then read the proclamation. After our speaker's remarks, we will pose for a picture from the dais. And first, this morning, we have a very happy one, and that is a resolution to honor Lieutenant Colonel Jabbar Shabazz of the Fairfax County Sheriff's Office for his many years of dedicated service to the county and its residents.

[00:18:38] And for those who are here who would like to come down for this, you are welcome to come down at this time. This was requested by myself. Our speaker, of course, is Lieutenant Colonel Jabbar Shabazz. And of course, here with him is our sheriff, Stacey Kincaid. And I am going to hand over the gavel to Vice Chair Smith so that I can read the following resolution.

[00:19:01] Whereas Lieutenant Colonel Jabbar Shabazz began his distinguished public service career in 1989 with the Richmond Sheriff's Office and in March 1994 joined the Fairfax County Sheriff's Office beginning a 31-year legacy of dedicated service to the residents of Fairfax County.

[00:19:21] And whereas Lieutenant Colonel Shabazz demonstrated exceptional dedication by commuting 100 miles each way for every shift, showcasing his unwavering commitment to duty, professionalism, and the people of Fairfax County. And whereas during his six years as field training instructor, he mentored over 20 deputies, instilling values of accountability, professionalism, and service, while guiding many others throughout his career.

[00:19:47] And whereas Lieutenant Colonel Shabazz's leadership is deeply connected to the community, including his participation starting in 1997 in the youth outreach program led by the Honorable Circuit Court Judge Gerald Bruce Lee, where he mentored young people, encouraged positive life choices, and educated vulnerable youth about African-American culture and history.

[00:20:10] Whereas in 2004, he founded Special Care for Special People, an assisted living community that supports men with mental health challenges, demonstrating his compassion and lifelong dedication to serving those in need. Whereas having served in every division of the sheriff's office and promoted through merit and excellence, he made history in 2022 as the first African-American chief deputy in Fairfax County.

[00:20:37] Now, therefore, be it resolved that the Fairfax County Board of Supervisors, on behalf of all residents, does hereby honor Lieutenant Colonel Shabazz for his remarkable service, leadership, and enduring contributions to Fairfax County. The seconded by Supervisor Herity and Palczyk. Discussion on the motion?

[00:20:56] Yes. As the board is aware, we do this very rarely when a dedicated servant of Fairfax County retires, just given the size of the county. But every once in a while, someone retires that we can't let get away that easily.

[00:21:13] And obviously, that's what we're doing today in honoring Colonel Jabbar Shabazz and what he has meant to our Fairfax County Sheriff's Office. And I think, you know, the resolution speaks for itself, but there's so much more that you have done for our community as a role model, especially for our young people, and just the life that you have led and the contributions that you have made are remarkable.

[00:21:40] And when I first heard of your retirement, I know the sheriff in particular was very saddened, as we all were, to lose such a star, but a star that has delivered and can walk away from this profession, whatever is next in your life, knowing that you made a huge, huge difference in the lives of so many and a huge difference in this office of the Fairfax County Sheriff.

[00:22:04] And so we wanted to honor you. I know I couldn't make it to your retirement party, but I got to see a lot of pictures from it and a lot of tributes that were paid to you. But we wanted to take a chance as a board on behalf of all the residents of Fairfax County to do that as well for you as you depart this chapter of life and move on to the next one.

[00:22:26] I think the points that are in this resolution, particularly the history-making that happened here in 2022, are profound, especially this moment that we're living in, because what you have done is set a path for a lot of other people who might not see themselves in the positions like the one you held, but you did it, and you've proven to them that they too can do it.

[00:22:51] And so I think we all need to reflect on that. And then, as a fun fact, I mean, you're looking at one thing about Jabbar is you knew when he was in the room. Just look at him. His physical presence, you know when he's in the room.

[00:23:06] And I know he attended Virginia State University on a four-year athletic scholarship, played small forward in his senior year. His team won the Central Intercollegiate Athletic Association Championship. And his goal, as with most people who play basketball, and I'm looking at our county executive, because I know he shared this goal, was to one day join the NBA. But their loss is our gain. And I think anyone who looks at Jabbar wants to know what sport he played. His physical presence is well known. But I think it's important because that command of attention is why so many

[00:23:45] people literally look up to you, but figuratively too, as well, for all your success in life. And so we didn't want to let you get away without saying a profound thank you, thank you, thank you, not just for the difference you made in the sheriff's office, but by doing that, the difference you made in the lives of so many people in Fairfax County. Thank you.

[00:24:04] Thank you. Supervisor Lusk. Thank you very much, Madam Vice Chairman, and I will echo the remarks from the chairman and express my appreciation to Lieutenant Colonel Shabazz on his retirement. I would also note spending almost 31 years of your career at the adult detention center could not have been an easy endeavor.

[00:24:27] But your contributions to inmate support services and security, you have made a lasting, lasting impression. So thank you so very much for that. I want to also acknowledge your leadership, your three decades commitment to Fairfax County and the exceptional role model that you have been, as was mentioned by the chairman, over that time period.

[00:24:49] You've made so many outstanding contributions. I want to wish you great congratulations and well wishes on a very deserved retirement and best wishes. Thank you. Supervisor Pelchuk. I wasn't going to speak. We have a long morning, but to me, I just really want to point out how important, as someone who moved here, immigrated here, but a strong father figure had for me, and it reminded me of him hearing your story.

[00:25:21] My father first, we moved to Richmond, and he was commuting every single day to Alexandria until we made the difficult move to Fairfax County with our family. And so I know that the commitment

that you've made, especially understanding the issues, the particular issues that our urban communities face, And that Fairfax County maybe did not understand as well, right, in the early 80s and 90s of the impact that had, especially on our young people of color, our young men, our immigrant community, and those impacted by the system, per se.

[00:25:57] And so I just want to thank you again for your incredible service, your commitment. Many don't see or don't come across the work happening at the adult detention center every day. And I know for you and everyone who spends their time and especially shares their love, their mentorship, and their commitment to growth in every human being.

[00:26:20] So I just wanted to add my thank you and congratulations. And it's a mixed moment. I know the chairman said it's a happy moment. But I know for those of us who will no longer get to have the opportunity of your presence and your mentorship in the county, it is also a very sad moment for us.

[00:26:37] But thank you. Thank you. you from the bottom of our hearts. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Anyone opposed? Any abstention? That motion carries. Mr. Chairman. Thank you very much, Vice Chair Smith. And we have with us, of course, today Lieutenant Colonel Jabbar Shabazz and a lot of his supporting cast. But we welcome you to the board auditorium and at this time would be happy to hear from you. Well, first of all, good morning to you, Chairman McKay and all of the members of the Fairfax County Board of Supervisors.

[00:27:09] This is an all-moment, of course. Chairman, with all due respect, honor, and humility, I'm forever thankful to you and the entire panel of Board of Supervisors for bestowing upon me such a breathtaking recognition. Chairman McKay, it should be noted today that I've always had such a mature level of respect for you.

[00:27:30] I want you to know that. With all due respect, also Sheriff Kincaid, who's standing to my right, None of this would be possible if it wasn't for her. I would not be standing here. I would like to say that Sheriff Kincaid, when she appointed me to chief deputy over three years ago, we had thousands of conversations, of course.

[00:27:51] I would like to talk to you about one that really sticks closer to me. Empowerment. She empowered me to do what I do best, which is to lead, coach, develop, and create a cohesive and continuity amongst all ranks in the sheriff's office.

[00:28:12] So, Sheriff, thanks for that empowerment. I know I was told I only had three minutes. I'm very respectful of time. It did take me two hours to get here. But I want to leave you with two things. I can honestly say I can hang my hat on these two points.

[00:28:30] When I look back over my 31 and a half years as a law enforcement officer in Fairfax County serving the community, whenever I reported to work, I did not take one day for granted. Second thing I'll leave you with this, Chairman.

[00:28:47] Every day that Colonel Shabazz reported to work, he reported to work with a championship mindset. And I thank each of you today for this prestigious recognition. Thank you. Thank you very much.

[00:29:11] Inspiring words, as always, and we leave the sheriff with good luck filling this position. I know you have, but you really can't replace this force that's with us, force of nature, force for good, and it is our honor to recognize you this morning.

[00:29:30] With that, I think we're ready for a photo, and if you all could come forward and face the audience, and the board could rise.

[00:29:54] Next, we have a resolution to celebrate the 250th anniversary of the United States Navy.

[00:30:58] And this was requested by myself and Supervisor Smith. Our speaker is Captain Ryan J. Gall, commanding officer of Naval Support Activity, United States Navy, who is here with us this morning. And I will once again hand the gavel over to Supervisor Smith so that I can read the following resolution.

[00:31:16] Whereas on October 13th, 1775, the Continental Congress established the Continental Navy, marking the birth of what would become the United States Navy and setting our nation on a course towards maritime strength, security, and global leadership.

[00:31:33] And whereas for 250 years, the United States Navy has safeguarded the nation's security, supported global trade, fostered innovations, and promoted international stability through its worldwide presence. And whereas the Navy's legacy has been shaped by generations of sailors and civilians whose dedication, bravery, and commitment to the core values of honor and courage have secured the freedom of prosperity of the United States.

[00:31:58] And whereas Fairfax County is home to thousands of Navy veterans, active duty personnel, reservists, civilian employees, and military families whose service enriches the community and strengthens the region. And whereas the Navy's presence across the national capital region, including commands, research organizations, and support activities, significantly contributes to Fairfax County's economic vitality, workforce development, and civic life.

[00:32:29] And whereas the year 2025 marks the 250th anniversary of the United States Navy, a historic milestone that reflects two and a half centuries of sacrifice, innovation and steadfast service to the nation. Now, therefore, be it resolved that the Fairfax County Board of Supervisors, on behalf of all residents, does hereby commemorate the 250th anniversary of the United States Navy, honors its distinguished history, and expresses profound appreciation to all who have served and continue to serve in the United States Navy.

[00:33:04] I'll second that motion along with Supervisor Palchuk. Discussion on the motion? Very briefly, first I want to thank Captain Gall for joining us this morning to commemorate this birthday, this anniversary celebration of the Navy, and just reiterate something that we do when any of our military professionals come into this board auditorium, which is how proud we are to have such an enormous number of active duty, service, and military-connected families in our county.

[00:33:34] And to be honest, there's no greater endorsement of our quality of life here than to not only have active duty members who might be stationed here, but to have so many retirees when they decide where they're going to permanently live, come back to and make Fairfax County home.

[00:33:51] And I think that's a tribute to their dedication to civic engagement and how much they care about our community. And we know what we do here each and every day is meant to make this a welcoming place to not only celebrate the heroism of our military servants, but also to make sure they are at home here in Fairfax County.

[00:34:12] And we commemorate oftentimes we have Fort Belvoir here in our United States Army for their huge presence in Fairfax County. But I think oftentimes we forget, well, that's a big base that has

people from multiple services. our veteran community is all stripes, and I say that as an Air Force family guy, and each of us have our own connections to different military, but I think it speaks volumes to how many of those call Fairfax County home and how proud we are to have them, and so this is a celebration of 250 years of excellence and success, and a look forward to 250 more years, so thank you for being with us.

[00:34:52] Supervisor Stork. Thank you, Madam Vice Chair, and I also wanted to add my thanks and appreciation to Navy for their dedicated service for all of us for the past 250 years, as well as to recognize that Fort Belvoir is always thought of as an Army post, as a joint base post, and we have a number of Navy personnel there that are part of the Navy Medicine Readiness and Training Command, including the doctors, nurses, and other medical personnel that are there.

[00:35:23] So it is definitely one that we can celebrate and honor because of the presence that's specific here, in addition to, obviously, the many personnel who reside in Fairfax County. So, again, my deep thanks on behalf of all of us.

[00:35:39] Thank you. Supervisor Lusk. I'll just join in and say I'm happy to recognize this major milestone in American history for the Navy, And we'll also add on the point about Fort Belvoir, Navy Construction Battalion is at Fort Belvoir.

[00:35:58] And we also have other active duty personnel, veterans, and families who are a part of the fabric and identity here in Fairfax County. I've had the pleasure of meeting veterans in my own district in Franconia who serve in the Navy and other branches.

[00:36:14] inspired by the stories of service and their contributions to the community after they have served. Through organizations like our Fairfax County Veterans and Military Family Commission and the Northern Virginia Regional Commission's total military partnership, we remain steadfast in our support of active duty military veterans and their families. And again, I want to congratulate you on this major milestone of 250 years with the Navy. So thank you. Thank you. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Anyone opposed?

[00:36:51] Any abstention? That motion carries. Mr. Chairman. Thank you very much. And before I turn the floor over to Captain Gall, I also want to thank Vice Chair Smith, who made sure that we made this resolution happen today as well. And so with that, we have with us Captain Ryan J.

[00:37:07] all-commanding officer of Naval Support Activity United States Navy. Welcome. The floor is yours. Well, thank you very much, sir. I appreciate the invitation. Chairman McKay, Vice Chairman Smith, thank you so much for having me, and that thanks extends to the entire board. I'd also particularly like to call to attention Supervisor Lusk, who's been incredibly supportive of Naval Support Activity Washington's membership and participation in the Northern Virginia Regional Council and the Community and Military Federal Facilities Partnership, CMFFP, which is a mouthful, but I managed to get out almost.

[00:37:39] I've been a member of the Navy for a tenth of the Navy's existence. And you may be asking yourself why this guy from Naval Support Activity Washington is standing before you, and I'll tell you why that is. Naval Support Activity Washington represents seven bases across the national capital region.

[00:37:59] There are three in D.C., there's three in Maryland, and we also have a base in Virginia. Don't tell anybody it's in Arlington. I'm sorry. But of the 33,000 people that come to work at Naval Support Activity Washington every day, fully 40% of those people live in Northern Virginia, across all of our counties of Northern Virginia.

[00:38:21] They are the people you share the road with. They are the people that are your neighbors, and I hope that they are your friends. And I am here to extend that friendship and hope that we can continue to maintain a strong relationship and continue to make the outstanding economic impact that we do.

[00:38:41] I am a Virginia resident myself, as is my command master chief, as is my XO, who actually is a resident of Springfield, sir. So we have a significant footprint in Virginia, and I think that's going to be there for a long time.

[00:38:57] So thank you very much. I appreciate the participation. I participate the resolution today, and go Navy. Thank you. Thank you very much, Captain. Thank you very much, Captain, not only for being here, but for your service as well. And with that, I think we're ready for a photo, and if Vice Chair

[00:39:21] Smith would join me, and if you could come forward and face the audience. And next, we have a

[00:40:38] resolution to honor and recognize the Ronald McDonald House of Greater Washington, D.C. on its 45th anniversary. And this was requested by myself. Our speaker is Kimberly Wolfe, president and CEO of Ronald McDonald House Charities of Greater Washington, D.C., who is making her way down. And with that, I am going to turn the gavel over to Supervisor Smith so that I can read the following resolution. Whereas Ronald McDonald House Charities of Greater Washington, D.C. has provided essential services for over 45 years, helping families stay close to their

[00:41:14] hospitalized children and easing the financial, emotional, and practical burden of a medical crisis and whereas since its founding in 1978 and the opening of the Ronald McDonald House in Washington, D.C. in 1980, Ronald McDonald House has remained dedicated to supporting families during some of their most challenging moments whereas Ronald McDonald House operates two houses where families can find rest, meals, shared spaces, laundry facilities, outdoor courtyards, and a supportive community just steps from their child's care along with playrooms to support siblings during

[00:41:49] extended treatments. And whereas Ronald McDonald House support extends beyond its houses through programs that assist families in navigating treatment wherever they are, including the cart with a heart, hospitality cart at Children's National Medical Center, and Inova Children's Hospital, which offers bedside comfort items for caregivers. And whereas many families served come from underserved communities facing housing and food insecurity, and Ronald McDonald House continues to provide stability, compassion, and practical assistance throughout ongoing

[00:42:23] pediatric treatment. Now, therefore, be it resolved that the Fairfax County Board of Supervisors, on behalf of all residents, does hereby recognize the 45th anniversary of Ronald McDonald House and honors the extraordinary impact of the Ronald McDonald House Charities of Greater Washington, D.C., commending its decades of dedication to supporting children, strengthening families, in fostering a community of healing and hope.

[00:42:50] I'll second that motion along with Supervisor Poucek's inherently discussion on the motion. Thank you, Vice Chair Smith. It's an honor to recognize Ronald McDonald House today for 45 years. And, of course, it's Ronald McDonald House of Greater Washington, D.C., but just to remind my colleagues in our Fairfax County community of their huge footprint right next to a Nova Fairfax hospital.

[00:43:15] And I know I have an opportunity to go in there and tour. It's a beautiful facility. And the folks who are there are extraordinarily grateful for their services. But I think for all of us, it's a heart-wrenching

moment to see what some of these families are going through.

[00:43:33] And to have a charity that lifts some of the practical concerns of everyday life from them so that they can focus on caring for their young one is so powerful. And so if you have not toured the facility, I would encourage you to do it.

[00:43:49] With my other hat on, the ANOVA Health Systems Board of Directors, I am just so happy that we have a partnership there. ANOVA is steadfast in its support of Ronald McDonald House by providing the land to make this happen. And we'll want to continue that partnership for another 45 years plus.

[00:44:09] But literally, lives are changed because of medical treatment. But lives were also changed because of the support system that's in place that allows that to happen. And finally, as the proclamation mentions, there are many families served here who face unprecedented medical but unprecedented financial challenges as well.

[00:44:33] Whether that was before a diagnosis or because of the diagnosis, anything that we can do to allow them to focus almost exclusively, if not exclusively, on the care and curing of their child is so important in difficult times.

[00:44:51] And so I want to thank you, Kimberly, thank the whole team at Ronald McDonald House for what you do and celebrate 45 years and look forward to another. Thank you. Excuse me, Supervisor Palchuk. Thank you, Madam Vice Chair. It's so good to see you.

[00:45:07] Time certainly flies. I feel like it was just yesterday we were there visiting the expansion and the 40th anniversary, so much that we had. I believe Screech from the Nationals was there that day. And while I was not able to join you for the 45th, you know, it was in my backyard.

[00:45:26] At the time, I was living right behind the hospital and had not realized growing up here that growth and the impact of that home. I loved seeing that it really is family-focused. We all know how stressful it is, and it was my first time having to spend time at the hospital, how stressful it is to have to be at the hospital, to have to care for family, but how much harder that is if your family lives far away, if you live far away.

[00:45:53] And so whether it's because of the cost of living or staying here or just the importance of that love, I love this, the House That Love Built. That's my favorite logo I've ever seen. Just knowing that the hospital does so much, including being a place where the Ronald McDonald House houses and supports so many in our community, but it's based right in the heart of the county, in the heart of the region, next to the incredible work that happens at Inova Hospital, especially its Expanding Children's Hospital.

[00:46:27] So I just want to thank the chairman for his services by NOVA, for bringing this forward, but especially to you and all of the staff who care for our families every single day and who provide that support when they have to be so far away from the ones they love. So thank you very much from the bottom of our hearts and looking forward to being here for the 50th and what will pass very quickly, I'm sure.

[00:46:49] So thank you. Thank you. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstention? that motion carries. Mr. Chairman. Thank you, Vice Chairman Smith. And as I mentioned, our speaker today is Kimberly Wolfe, President and CEO of Ronald McDonald House Charities of Greater Washington, D.C. Welcome. The floor is yours. Good morning, and thank you

so much, Chairman McKay and all of the members of the Board of Supervisors. At Ronald McDonald House, our mission is to remove barriers to strengthen families and promote healing when families are facing the unimaginable. We help

[00:47:25] families stay together and stay close to medical care so that, as you've mentioned, we can reduce the amount of extra inconvenience and just the amount of additional trauma that families are going through. In 2026, I'm excited to announce we're going to open an in-hospital program, a Ronald McDonald House family room, so that we can better meet families where they are on their medical journey. We appreciate and thank you so much for this recognition this morning. We invite

[00:48:00] you and any members of the community to come out and visit us. We are grateful for this recognition and we thank you. Thank you very much. Thank you for all that you do. We appreciate that and the whole team. And with that, I think we're ready for a photo. If you could come forward and the board

[00:48:20] could write. And finally, we have a proclamation to designate January 2026 as Firefighter Cancer

[00:49:28] Awareness Month in Fairfax County. Again, this was requested by myself, and I'm going to hand the gavel to Vice Chairman Smith. Our speakers this morning are Brian Edmondson, Assistant Fire Chief in Fairfax County Fire and Rescue, and Robert Bobby Young, President of IAFF. And I know a lot of other folks who are here from the department. It is great to have you with us this morning.

[00:49:52] And I'm going to hand the gavel to Vice Chairman Smith so that I can read the following resolution. Whereas firefighters and emergency medical personnel dedicate their lives to protecting Fairfax County residents, often working in hazardous conditions to ensure community safety, and whereas firefighters are routinely exposed to carcinogens found in smoke, contaminated gear, and hazardous materials, making cancer the leading cause of line-of-death duties in fire service.

[00:50:24] And whereas recent data from the International Association of Firefighters and Firefighter Cancer Support Network show that a significant majority of firefighter line-of-duty deaths in recent years resulted from occupational cancer, underscoring the long-term health risks that firefighters face.

[00:50:42] Whereas scientific studies confirm higher cancer rates among firefighters than the general population, and national efforts such as the National Firefighter Registry for Cancer are enhancing understanding, prevention, and early detection of occupational cancer.

[00:51:00] And whereas Fairfax County's Fire and Rescue Department, in partnership with IAFF and FCSN, remains committed to focusing on cancer prevention efforts, enhancing protection, and providing resources and support for firefighters and their families.

[00:51:17] And whereas recognizing January as Firefighter Cancer Awareness Month reaffirms Fairfax County's commitment to protecting firefighters' health, honoring their service, and raising community awareness of occupational cancer, now therefore be it resolved that the Fairfax County Board of Supervisors, on behalf of all Fairfax County residents, does hereby proclaim January 2026 as Firefighter Cancer Awareness Month in Fairfax County and calls upon all residents to support the health, safety, and well-being of firefighters and first responders in the fight against

[00:51:53] occupational cancer. I'll second that motion with many other board members. Mr. Chairman. Thank you, Vice Chairman Smith. And first, thank you all for being here. And as the proclamation reads, there's a lot of folks who have made contributions to improving this situation. And we know that our first responders across the board face some unprecedented challenges every day in the workplace, with trauma and stress and physical challenges, emotional, mental health issues. We oftentimes don't think directly about the correlation that is here in this

[00:52:31] proclamation between the work that you do and the risk of occupational cancer. And so this is an important proclamation for us to remember, for us to support policies that enhance the ability of people who are in our fire service to seek the support and the resources that they need to be successful. And to that end, I particularly want to thank IAFF for their advocacy in Richmond. I know that Bobby and the IAFF in the 2024 session worked closely with

[00:53:06] Senator Saleem right here in Fairfax County in passing a bill that finally covers specific cancer detection. And this is huge because we recognize what you all are facing. Our medical support team does through the wellness investments that we've made in Fairfax County, but it's important at a statewide level that we also provide this assistance. And if it weren't for IAFF's work in Richmond, I know that bill wouldn't have passed. And the personal stories that you have told about the challenges that you're facing, this is a real thing. The numbers prove it.

[00:53:41] What we need to do is continue to raise awareness and, again, promote the policies necessary to, over time, through use of science and technology and awareness, not stop these efforts until we get to a point where the numbers show something else. But in the meantime, we'll continue to be advocates, hand in glove, with you to raise awareness about this.

[00:54:02] So thank you. Thank you. I have Supervisor Stork, then Lusk. Thank you. I'm out of West here, and I just wanted to really recognize as well the dedication, commitment, and frankly the risk that our first responders, firefighters, take in protecting us.

[00:54:20] I wanted to acknowledge in particular a friend of mine and absolutely a friend of our community, Barry Mayhem, who passed earlier this year in his contributions really to all of us, but in this case giving his life was not what I'm sure what he or any of us wanted, but the recognition that we have to do better and do more.

[00:54:43] And I appreciate very much the efforts that were made to get Richmond to recognize those and to take additional steps to minimize future risk to families like Barry's who suffered the ultimate impact for that.

[00:54:58] So, again, my thanks to all of you for your service. Thank you. I have Supervisor Lusk, then Palchuk. I'll just start by saying firefighters in Fairfax County contribute not just to the safety of our community, but as we recently saw, the national and international community with Virginia Task Force 1. It is vital to recognize the sacrifices of the fire personnel, not only during their service, but after their service. According to the International Association of Firefighters, firefighter occupational cancer is the leading cause of death in line service.

[00:55:37] Virginia recently took a significant step in expanding coverage for line-of-duty deaths as a result of esophageal and other similar cancers after the death of Loudoun County firefighter Captain Danny Wilson. While this is an important step, the work is not done.

[00:55:55] So through legislation and local advocacy, we will continue to support the firefighters and their families affected by cancer. Thank you. Thank you. I have Supervisor Palchek, then Jimenez. Thank you, Madam Chair. And in person, congratulations again to Chief Edmondson and to the entire team who's here.

[00:56:15] I just wanted to share some of the words as I was sitting there on Friday at the Tom Simcoe event and hearing about the screening and the work that's being done is, you know, you are our family. We are the second home for all of our firefighters and medics who spend so many hours away from their families.

[00:56:35] to serve our community, to be at fire stations, to put out fires, to help those struggling in the community of mental health. And to me, I think it's important and heartening as the chair of Health and Human Services and seeing our doctor, occupational therapist here, the increased focus, right?

[00:56:57] We're talking about cancer. We know that there's a huge increased risk. We heard about the screening work that's being done. and it's so critical, and I think everything we can do, the fire department and the county, and thank you to President Bobby for your work on this, is what can we do to support those families?

[00:57:18] And especially to me, as we see more women entering the force and wanting more women to be able to serve in the force, what are the barriers and what are the barriers to the health of our firefighters? And so I appreciate the increased focus, both from IAFF, from the fire department, from the county, on ensuring that we focus on that, we focus on wellness, and we really think about what we can do from screening and support around cancer and what more we can continue to do, but also the lifestyle changes, right?

[00:57:51] It is a tough, tough lifestyle for those who enter the force. And we know you love it. We know you want to put everything into it, but we want to make sure that we're here to protect you. And it was especially touching for me to hear about how the screening came about, the data, right, the data of seeing the cancer cases and tracing those back to those who'd come out and supported after 9-11, right, and seeing the data shows us, and when we follow the data, it shows us where our biggest vulnerabilities are, and we know that they are in our fire and safety and the cancer risks,

[00:58:30] the deadly cancer that can be obviously not screened until very late. But anyway, just really want to thank you all for your work on this. I thank my colleagues for their commitment. Thank the county executive for ensuring that we focus and we invest in early screening and in support to try to reach our families and reach the most vulnerable who, with cancer it is, are our firefighters.

[00:58:58] So thank you, and hopefully we continue to battle this horrible disease earlier on. So thank you. Thank you. Supervisor Jimenez. Thank you so much, and good morning to my friends. Great to see you all again.

[00:59:13] The designation of this month is so important for people to understand that it's not just fires that are a danger to our brave firefighters. We need to understand that this is also not just a month. It's 12 months, and we need to be acknowledging and making sure that you feel supported because you all work so tirelessly to defend our residents and our most vulnerable.

[00:59:36] So as the chairman mentioned, I'll try to be quick with my comments today. I just want to say thank you. We support you. We're with you. We're fighting with you, and we look forward to working with

you moving forward. Thank you. Thank you. Seeing no further discussion. All those in favor of the motion, please say aye.

[00:59:52] Aye. Anyone opposed? Any abstention? That motion carries. Mr. Chairman. Thank you, Vice Chairman Smith. And I also want to thank, we've mentioned several times before, our occupational health team and our doctor is here. I want to thank you and your team for the work you do every day promoting wellness and our public safety officials.

[01:00:09] And with that, I mentioned earlier our two speakers this morning are Bobby Young, president of IAFF, and Brian Edmondson, assistant fire chief. And congratulations to you on your recent well-deserved promotion. The floor is yours. Welcome. Thank you very much, and good morning again.

[01:00:27] It's really an honor and privilege to be here on behalf of Chief John Butler and all of our personnel, my colleagues and friends up here in front today, and that includes you all. It's a somber note, a little different than from this morning in the piece, as we have all likely been touched by cancer in some way.

[01:00:44] Unfortunately, in our service, we are touched more frequently than not. But the future is bright, as mentioned, through technology, through data, and the like, and we're really excited for what that brings to the work of the legislative practice and what IFF and you all bring at the local government level. So thank you. As mentioned, firefighter occupational cancer is now the leading cause of death among firefighters.

[01:01:04] That reality felt deeply in the Fairfax County Fire and Rescue Department. Scientific research underscores this danger. The International Agency for Research on Cancer recently classified the occupation itself as a Group 1 carcinogen. National studies further show that firefighters have a 9% higher risk of contracting cancer or the disease process itself and a 14% higher likelihood of dying from that cancer.

[01:01:28] The human impact is unmistakable. Approximately 40 members to date in the department are currently living with a cancer diagnosis. And in recent years, we have lost four courageous colleagues who are on the job to this disease. Captain Kimberly Shopa, firefighter Kathy Leary, Captain Barry Mayhem, as mentioned, and also tech technician Jaymon Cloyd.

[01:01:51] Through the department's Occupational Health Center, joint labor and management efforts, and leadership, we have deployed PSA, colorectal screening through our annual physicals, and more advanced screenings such as blood antigen tests and ultrasound-based early detection programs, program screening, which was very impactful.

[01:02:13] Over 1,500 firefighters, volunteer firefighters, and retirees were screened. The screenings identified 1,112 actual findings, including 236 high-risk conditions. Many were discovered before symptoms ever emerged, thyroid, kidney, etc., allowing for early intervention, significantly improving health outcomes, and then, in fact, saving lives.

[01:02:37] In response, Fairfax County Fire and Rescue has become a regional and national leader in early detection and cancer risk reduction. The department now provides annual comprehensive screenings, including cardiac and cancer-focused evaluations, in partnership with leading medical experts.

[01:02:54] The Fire and Rescue Department has also implemented wide-ranging policies to reduce hazards, exposures, clean cab gear practices, diesel exhaust mitigation, on-scene decontamination procedures, and modernized live fire training aligned with NFPA standards and continued investment in safer facilities, protective equipment, with data-driven health programs like WellFit.

[01:03:14] And thank you to you all. Fairfax County proudly supports national research initiatives such as National Fire Registry for Cancer, other university partners, and INOVA, recognizing that transparent reporting and long-term data are essential to improving outcomes for future generations.

[01:03:30] The Fire Rescue Department is honored to be designated as a National Fire Registry Gold Helmet Department for its leadership and participation. These efforts are grounded in a profound understanding of the human costs, the firefighters currently battling occupational cancer, the survivors and families' lives we've lost.

[01:03:49] Their experience underscores the urgency of continued action, and the Department reaffirms its commitment to expanding preventative health programs, modernizing facilities and equipment, strengthening partnerships across all government, labor, Local 2068, the IAFF, and medical experts, ensuring that early intervention is the standard of care for every firefighter. Recognizing that firefighter wellness is essential to operational readiness, organizational sustainability, and long-term health of our workforce, thus allowing us to meet our mission every day, which is providing the highest quality of service to protect the

[01:04:24] lives, property, and environment of this community. Thank you. Thank you very much. for those comments and let me ask if uh if president young if you'd like to share a few he said it all he said it perfectly that that is an endorsement right there uh hence the promotion right uh all right uh with that uh i think we're ready for a photo and if you all could come forward

[01:04:47] and the board could rise right uh we are now we're going to move to board i'm sorry to board appointments

[01:06:12] to citizen boards, authorities, commissions, and advisory groups. And I am going to turn to Supervisor Smith to make a motion. I will note that I understand Supervisor Stork is going to have a friendly amendment to add an appointment, but let me turn first to Supervisor Smith.

[01:06:30] I move approval of the appointments to boards, authorities, and commissions in the document dated December 9, 2025. And I will second that motion, and let me first turn to Supervisor Stork for a friendly amendment.

[01:06:46] Thank you, Madam Chair. I would like to amend it to include the name of Walter Clark for the Planning Commission. He's been a current member for some time, and his name was not included in this number, but we'd like to include it on the list. Thank you. And Supervisor Smith, I presume that's friendly. It's friendly to the seconder of the motion.

[01:07:04] Let me ask if there's any other elements of this that board members would like to have voted on separately or individuals that would like to be voted on separately. Seeing no other changes, all those in favor of the motion, please say aye.

[01:07:20] Aye. Any opposed? Any abstentions? And that motion carries Supervisor Lusk being absent from the room. And with that, we are going to move to our next item, which is board adoption of the 2026

legislative program for the Virginia General Assembly, approval of the county's 119th congressional federal legislative strategy and principles.

[01:07:43] And before I turn to Supervisor Jimenez for a motion on our legislative package, I'm going to ask my board colleagues for support for a letter. And those of you, you should have gotten this electronically yesterday, but you should also have a paper copy in your place.

[01:08:01] And as we discussed at our last legislative committee, Supervisor Bierman rightfully raised the issue of whether our position on a potential casino bill was the same as it was in years past. And, of course, I answered that affirmatively, but what I have done is updated that letter for board endorsement.

[01:08:23] And I was tempted to read the entire thing here. I am not going to do that, but I will say that this strengthens some of the language of past letters that this board has sent to our General Assembly. It reiterates that the biggest financial problem the county is facing is state underfunding of public education. Many who support this bill have suggested that the county needs revenue, and they're not wrong from the standpoint of we need revenue, but we need state revenue for public education per the JLARC study. And this letter

[01:08:57] also updates to include the recent analysis that we did on return on investment from the Weldon Cooper Center, which of course confirmed that the board receives back on every dollar it invests in Richmond, Fairfax County receives back somewhere between 22 and 50 cents on the dollar.

[01:09:16] And so our inherent underfunding problems that we deal with on an annual basis start significantly in Richmond. And this letter reiterates that. The letter also reiterates that we have not been a part of the ongoing conversations.

[01:09:35] It does support testimony that we heard from members of our community about the need to set up a gaming commission. And it also talks about fundamentals of our legislative package, which is preserving local authority, overall land use matters, and of course reiterates to me the most important thing, which is if a bill were to pass, that we fully support having that go to referendum and that any such referendum should be controlled exclusively, including when such referendum may be held and may not be held.

[01:10:10] But if there was a referendum to be held, that the date of that should be controlled here locally by the Board of Supervisors. And so all of those elements are in the letter. Like I said, I'm not going to read the whole thing, but I would appreciate my colleagues' support of this. We were, in past years when I brought this forward, had unanimous support for this.

[01:10:30] I hope to get unanimous support again because this is a comprehensive reaction to the bill that's in Richmond. It may be very easy to just say I'm for or against it, but the reality is what I have been concerned about from day one isn't necessarily whether we are for or against it.

[01:10:49] It is to make sure that the protections that residents of this county need are in the bill. We focus so much on pro, for, against the casino, a lot of money being spent on mail, all these things coming out from folks, and nobody's talking about what's actually in the bill.

[01:11:07] And while we may not be able to control what the General Assembly does in terms of passing or not passing a bill, 100% of our efforts should be focused on making sure the elements of the bill protect the residents of Fairfax County, starting with a referendum requirement, putting that referendum control

in the Board of Supervisors, recognizing that if this is to be a revenue enhancement to the county, it needs to be significantly acknowledged by the state that our revenue problem is not solved by things like this.

[01:11:38] There are structural problems that have to be solved, and so this is more than a position letter. This is a strategy, and I think it's really important that we get caught up in position. We forget the strategy part. I've dealt with Richmond for a lot of years.

[01:11:55] I know how things down there work. You can't just have a position. You've also got to have a strategy, and to me, this letter reflects that full, comprehensive strategy and position, and I'm hopeful to get all of my colleagues' support again. For that, that's right, with that, I would move approval.

[01:12:21] I would move that the board adopt the letter, which everyone has now, dated December 9, 2025, regarding the Board of Supervisors' position on potential legislation regarding the possibility of a casino within Fairfax County. Seconded, I'm going to say, by Supervisors Behrman and Palchek.

[01:12:40] Discussion on the motion. I had Supervisor Palchuk first, and then I will add other people. Thank you, Madam Chair. I'm especially thankful to the chairman. I just want to say, as the representative represents 90% of Tyson's, I want to thank the chairman for his leadership.

[01:12:58] We are a Dillon Rule State, and as the chairman listed, the strategy and the work that we have to do to protect that local authority, whether or not we agree with a position, is not straight-cut, not straightforward, and I appreciate the comprehensiveness. We also have listened to our community. Our community has shared many, many concerns about the specific proposals that, to the Chairman's point, have not come to us yet. Share the proposals about any split that might be proposed by any potential proposal.

[01:13:36] These are all proposals, I think is the key word. But most important, the land use authority. I think that is very clear in this letter, that land use authority is one of the very few authorities that we do maintain at the local level in Virginia and our Dillon Rule State, where authority is at the enrichment in the General Assembly on the specifically given to us.

[01:13:58] And we know that this means that our strategy, especially at a time when we have very little say and limited leadership and authority representing us in Richmond. It is important and critical that this comprehensive approach focus on both our needs, our economic needs, to fund our schools, to fund transportation, to fund our economy, to shift our economy at a time where we are struggling, but most importantly, to ensure that we are representing our community, our constituents, and we appreciate the focus.

[01:14:31] So I am very happy to support this. I appreciate that the chairman and all of us representing our specific members in the community are focused on the strategy, how we go into a tough General Assembly session once again, and how we state our position for anything that may come at us and any positions that may come forward.

[01:14:57] And so to be brief, I very much appreciate the chairman both bringing the letter forward but also including the additional information from Weldon Cooper and the J-LOG study that we have already discussed.

[01:15:12] And to understand that local authority, listening to our community, our constituents, some are here, some are not here today, that we are here to protect them, support them, and ensure that we have a

seat at the table. Because if not, we're going to be lunch. So thank you.

[01:15:27] Thank you. I'm going to Supervisor Jimenez, then Beerman. Thank you so much, Madam Chair. And I'd like to thank you, Mr. Chairman, for putting this letter forward. I'd like to echo and fully agree with your sentiments regarding this letter.

[01:15:43] It is a comprehensive discussion on many critical issues. While there are many specifics to this letter, I want to touch on three points. The land use authority belongs to local government. proposals of this magnitude must include our residents moving the decision to a referendum for our residents to decide is essential. Establishing a gaming commission is simply smart governance. It provides structure, oversight, and all the things necessary to strategically support the county's long-term vision and success. As you know, we remain committed to working with the General Assembly, but as the chairman stated, any casino-related legislation

[01:16:21] must respect local authority, reflect the wishes of our residents and community voices, And most importantly, not distract the many other critical pieces of legislation affecting our residents and neighbors happening right now. As I mentioned at the last legislative committee meeting, there are so many things that are impacting our residents, everything from health to transportation.

[01:16:41] We have to get to work. And one of the things that we can't get cut up on is coming back to this over and over and over again. And so I think that with this letter that the chairman is pushing forward, it really does define a vision, but also a strategy, as you mentioned. And with that strategy, we will move forward.

[01:16:58] But we will continue to work on the important issues that are affecting our residents, which there are many of. So with that, thank you so much, Madam Chair. Thank you. Supervisor Bierman. Thank you, Madam Chair. And thank you, Mr. Chairman. I wholeheartedly support this letter as I supported the last two years.

[01:17:18] I say that as somebody who is opposed to the casino concept. I say that as somebody who does not believe on the merits that casinos are effective economic development opportunities. I have cited many times the Federal Reserve Bank of Richmond's casinos and the regional economies has the game changed economic brief that pointed out that we find that job gains from casino development are limited to those in lower density areas that lack nearby casinos, and that the empirical evidence suggests that as commercial casinos and other gambling options have become more widespread, their ability to spur regional economic development

[01:17:57] has become more limited. I'm very, very skeptical that a casino in Fairfax County is the right economic development move. And yes, I recognize I'm talking a little bit about the merits, but I promise that what I'm saying is germane directly to the letter. I also am very skeptical of the idea that casinos are tax revenue generators.

[01:18:17] From the same brief, it says that we find that despite tax revenues being a major motivator for state legalization of casinos, there's little evidence that they boost state taxes. And I've heard a whole heck of a lot about Maryland and their casinos across the river, but that has not solved the Maryland budget or solved other problems.

[01:18:36] And also, I will note that there are major opportunity costs and there are problems that come with casinos. I do not believe that casinos help working people. I think that the only rule of a casino is that

the House always wins. I bring that all back directly to the letter because the letter closes with one of the very, very important aspects of the points that have just been mentioned, which is that there has not been an independent analysis of revenue projections specific to this proposal.

[01:19:06] And as such, the county is unable to determine whether or not this proposal is a good financial deal for Fairfax County residents. For years, we have pointed out that this proposal has been sold by a single developer and by people who have cited projections and other numbers that have sometimes come out of thin air and sometimes come out of a JLARC study that did not ever directly involve the work, did not ever directly involve the people of Fairfax County.

[01:19:35] Pardon me. And as such, I do not think that that JLARC study is truly germane, though I will also note that even that JLARC study, even as the legislature was considering more casinos in Virginia, pointed out on page 152 that there's little evidence of economic growth related to casinos.

[01:19:57] Going back to the letter, I also support that the letter is very clear about the infringement upon our own local land use authority. This letter tries to pigeonhole a casino into a very, very small location in a county of 400 square miles.

[01:20:13] That goes against, frankly, the fundamental principles that are in our legislative package and always have been in our legislative package. I've also noted many times that in every other instance in which a casino has come into a community, the initiation of the idea has come from that community itself.

[01:20:33] That has not happened here. We have talked many, many times about the wrong revenue split that has been in this bill as presented many times. And as is said in the letter itself, we know our residents would not accept the revenue share prescribed in the current statute or previously proposed legislation.

[01:20:56] There have been some arguments that why not just send it to referendum? There is no need to waste time on a costly referendum, on a divisive referendum, when we know that the people of Fairfax County will reject this as every single poll has shown.

[01:21:12] And finally, I want to talk about the opportunity costs of this proposal. We are trying to build an economically vibrant, diverse, and housing-rich area in Tyson's.

[01:21:27] This proposal puts those plans on ice. I have talked to business owners in Tysons. I have talked to investors in Tysons, and they say that they would be concerned about this coming in. We have brought plans just last month.

[01:21:44] We looked at a conceptual development plan that involved an office building, a hotel, and residences, all right next to where this would be. That office building will not be built if they are concerned that they will be next to a casino. There are major opportunity costs associated with this, and the process that has occurred, the backroom deals, the writing of a bill for a specific developer, have been, frankly, offensive to the people of Fairfax County, and we need to say that.

[01:22:15] And I believe that this letter does that very clearly. Thank you. Thank you. Supervisor Herity. Yes, so I tried to read the letter a couple of times, and while I don't agree entirely with many of the blame game paragraphs in the opening and the fact that it does not rule out considering a casino based on my read, and if that's incorrect, somebody needs to let me know, I'm willing to support this letter as a strategy letter because we do need to address many of the things in the letter.

[01:22:51] But I wanted to clarify my support of the letter. Thank you. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Anyone opposed? Any abstention? That motion carries. Mr. Chairman.

[01:23:07] Thank you, Vice Chairman Smith, and I want to thank all of my colleagues for their continued support, not only of the elements of this letter, but, as I said earlier, about the important strategy elements that are behind it. With that, I am going to turn to Supervisor Jimenez, who has a motion for our 2026 legislative program for the Virginia General Assembly and approval of the county's 119th Congress Federal Legislative Strategy and Principles, the chair of our legislative committee. Thank you, Mr. Chairman.

[01:23:37] And before I make a motion, I have some brief comments. Mr. Chairman, today the board is adopting our state and federal legislative agenda for 2026. We are adopting our 2026 legislative program for state legislation and for federal legislation. We are adopting recommended strategies and principles for the 119th Congress. These agendas are the culmination of our thoughtful discussions at legislative committees throughout the fall, insights from staff, and comments from the public.

[01:24:05] All of these items were presented last week's legislative committee meeting on December 2nd. These programs have been updated and streamlined to serve as an effective communication tool to our partners in Richmond and our federal representatives. Our state program continues to ask our delegation to be our partners in Richmond and support legacy items such as appropriately funding our K-12 education system, solving the looming financial challenges presented by the regional transit system, increased support for transportation funding. It also lays out our

[01:24:41] top priorities heading into this session, including addressing the housing crisis, local impacts of federal changes both to our workforce as well as safety net programs, the need for tax reform in order for localities to diversify their revenue streams. 2026 state program contains three initiatives. First, the urban public private partnership. We will support budget and legislative language to create a state fund to help localities transform underutilized commercial properties to create new and productive uses of this existing infrastructure. Second, new authority for the

[01:25:18] park authority, ensuring the public safety is government's highest responsibility. Fairfax County Park Authority, the authority to ban sex offenders from certain park facilities. All families should be able to enjoy our world-class recreation and outdoor facilities, secure in the knowledge that their children are safe. Finally, Acoustic Device Pilot Program. Over the years, the use of illegal and loud aftermarket mufflers have become a concern to many community residents.

[01:25:48] We will initiate legislation to establish a pilot program that will use acoustic devices to measure and enforce current exhaust noise regulations. In addition to our initiatives, the program outlines a path forward on critical issues of the housing crisis, the cost of child care, climate change, and importantly, economic and workforce development. Fairfax County has a proud history of serving as the economic engine of Virginia. With looming uncertainty felt across Northern Virginia, the 2026 state program provides us with a framework to meet the moment and equip us to make real

[01:26:24] progress on what matters most to our community. I am optimistic that it will serve both as a call to action and call to meaningful partnership with our delegation in Richmond. The second item we are adopting this morning is our recommended strategies and principles for the 119th Congress.

[01:26:41] As Congress continues to carry out its work to finalize appropriations decisions for fiscal years 2026 and 2027, our federal legislative approach underscore Fairfax longstanding partnership with federal government as home to numerous federal agencies, contractors, and employees. To build on this, both programs recognize the unique needs of our federally connected workers and place a special emphasis to strengthen pathways for former federal employees and contractors to connect with opportunities that leverage their skill sets and their talents. It also has outlined the county's

[01:27:18] support to bolster grant programs for small businesses, strengthen the regional innovation ecosystem and invest in job initiative programs while also prioritizing training, reskilling, and upskilling workers. Few places across the Commonwealth and county feel the effects of the federal government's actions so strongly as our county does and our federal agenda is clear in asking the federal government to provide necessary stability and funding for critical programs and core services, invest in our infrastructure, including our housing needs, tackle pressing

[01:27:55] energy and climate challenges that move us forward instead of backwards, and work with local communities when selecting sites for federal facilities and relocations. We will continue to work with our representatives in Congress to ensure the federal government is responsive to the county's needs, especially as it relates to strengthening our local economy, which includes protecting federal employees and contractors.

[01:28:21] Finally, Mr. Chairman, I would like to take this opportunity to thank our legislative staff, Jennifer Van Eyde, the director of our legislative shop, and all of her amazing staff, which we couldn't do this without. I'd like to thank all of your staff, all of my colleagues' staff.

[01:28:36] Everyone has been working very hard in the background, I know, from the chairman to every single one of our staff. So thank you all to staff for putting this all together, for working so hard, and we look forward to what's coming in the next several months. With that, Mr. Chairman, I move that the board adopt the 2026 legislative program and also move that the board adopt the recommended strategies and principles for the 119th Congress.

[01:29:01] Second that, along with a lot of other people. Discussion on the motion? Mr. Chairman. Yes, Supervisor Alcorn. Thank you, Mr. Chairman. First of all, I want to thank you for your motion and the updated letter on the casino proposal.

[01:29:19] And let me just say for the record, I'm really tired of talking about casinos, but I do need a couple more minutes to do that. So I've circulated a couple of times to board members a proposed amendment to our legislative package to formally oppose casino legislation that, as the letter points out, we have never formally asked for, and never asked for, period.

[01:29:42] So Tyson's, as Supervisor Bierman mentioned, Tyson's is the economic engine not only for our county, but also for the Commonwealth. And I think it's important to note that on average, each station area in Tyson's generates about \$30 million or more in local tax revenue, and much more than that in terms of state tax dollars.

[01:30:09] So I've also heard from a half dozen commercial property owners who are not affiliated with the casino proposal concern about any casino being in Tysons or even the proposed casino in Tysons.

[01:30:28] And they're worried that it's going to affect their business in a negative way if it's down the street or across the street. So these are companies that have invested literally billions, billions of dollars in

Tyson's. So I think that certainly made an impact on me.

[01:30:48] So I would point out we don't control what Richmond will do, as has been mentioned before. But any casino authorization will create a chilling effect for wherever the state points its finger as its desired casino location.

[01:31:04] So our best chance of avoiding this self-imposed economic hardship, or maybe I should say Commonwealth-imposed economic hardship, is to include an explicit opposition statement in our legislative package. So I move that the following language be inserted into our state legislative package, that we oppose legislation in the General Assembly that— Alcorn I'm gonna interrupt you for one moment can you tell us specifically where you're suggesting and so we don't have a copy of your I guess we're getting a copy of your language can you tell us specifically where in the legislative

[01:31:41] package you're you're wanting to put this this make your motion in the land use section okay so you're on page just want to make sure everybody knows what's being what's clearly what's being proposed here so you are then looking to insert this on, yeah, towards the very end, on page 15, then, as a bullet point? Is that what you're suggesting? That's right, a new bullet point on page 15. Okay, thank you. Yeah, thank you, Mr. Chairman. So I'll just read this. Opposed legislation in the General Assembly that authorizes a casino in Fairfax County without any request for such legislation from the Board of Supervisors,

[01:32:21] without implementation of a statewide gaming commission, and without a tax revenue split that substantially benefits Fairfax County as opposed to the Commonwealth. The designation and location of a casino is inherently a major land use decision, and General Assembly intervention in Fairfax County's land use processes would undermine decades of community consensus and economic success.

[01:32:46] And I'd so move. It's been moved and seconded. Discussion on the amendment. Supervisor Alcorn? No, nothing. Supervisor Herity. Yeah, you know, it's kind of funny, the casino issue, because it's been around for years, but nobody's seen a proposal, although I know a lot of people have seen a proposal.

[01:33:08] What's kind of most disappointing to me is we haven't had staff weigh in on the issue. We haven't had, the board really hasn't had a robust discussion on the issue. We haven't heard from our police on what they see as the safety impact.

[01:33:24] We haven't heard from FCDOT on what they think the transportation impacts of, And, again, there's been no formal proposal submitted. I get that. What we have had is a lot of investment by MGM protecting their market, and we've had a lot of investment by new people trying to develop a casino market right here in Tyson's Corner in Fairfax.

[01:33:48] I've struggled with this, so I went out. I don't gamble. I'm not a fan of gambling. But the fact is it's everywhere. It's on your phone. It's a short drive away. I mean, I still remember Greater Springfield Volunteer Fire Department came to me about six months after MGM opened to share with me they were in a little bit of financial trouble because their bingo game had evaporated.

[01:34:15] So to say it's not here and it's not going across the river, there are clearly a lot of pros and cons to having a casino as a part of an entertainment district. What I've done is I've gone out and made personal visits to many of these casinos.

[01:34:35] And, again, didn't gamble a dollar, wasn't paid for by anybody. But when I went, I went and talked to local business leaders. I'm sorry, local elected leaders, not local business leaders, local elected leaders. I talked to local law enforcement.

[01:34:52] I talked to gaming commission officials. And I, frankly, I think I've seen it done right, and I've seen it done wrong. But in both cases where I saw it done right and wrong, the local community actually supported it pretty overwhelmingly. I've talked with business leaders here in Fairfax, and they're mixed.

[01:35:13] Northern Virginia Chamber is in support. So to say our business community is not, that's at least one entity is not. I'm not saying we should have a casino in Fairfax. What I'm saying is we shouldn't take that option off the table. And we should look at it and evaluate it as a total package.

[01:35:31] hear from our staff about the true impacts our residents should be able to consider persino but i i do appreciate the chairman's letter and there and there are a lot of things you know clearly there needs to be a referendum that's at the tail end of a lot of work it needs to have a conference center something we badly need when i first heard about this about three years ago i sent him to see barry bigger to talk about making sure there was a conference center as a part of this because we need one of those in Fairfax County to be a successful business community. Our 2010 comprehensive

[01:36:07] Tyson's plan says city life with entertainment. It needs to include entertainment in addition to gaming. Any enabling legislation clearly needs to include a regulatory body, a gaming commission.

[01:36:27] What we've done in Fairfax when you go down to, when you go up to Boston where Mass Gaming's done a really good job. Um, they do things up there. Like when you go check in at the front desk, because there is a human trafficking and, and, uh, prostitution that surrounds casinos, you get one card key per ID. They have mass gaming has undercover people walking on the floor to catch drunk gamblers. Um, but, but so does the casino because if, if someone's caught drunk gaming, their penalties are so great that they'd rather catch them before mass gaming does

[01:37:05] Clearly a gaming commission is needed, and any enabling legislation, and the chairman's right here, needs to show deference to localities as far as the zoning and the quality. I didn't go to Rosie's.

[01:37:20] I did talk to the sheriff down there, and that's clearly not something that we want because he talked about their first day and the number of times that he had to visit there to handle incidents that we don't want. So we don't want to rose these, but I'm open to having our staff review and do thoughtful consideration what a quality entertainment district would do for Fairfax County.

[01:37:45] Again, I appreciate the chairman's approach to making sure we're in control of what does happen here because I think we all agree on that. However, bottom line is residents. If residents don't support a casino in a referendum, the project wouldn't move forward and can't and shouldn't move forward.

[01:38:01] So I won't be supporting the amendment. I may, after careful staff review and see in other things, but as of right now, this undefined thing, I don't want to take it off the table yet. Thank you, Supervisor Herity. Supervisor Palcic.

[01:38:18] Thank you, Mr. Chairman. Thank you to my colleagues. Look, it's funny. Generally, I think this is something that Supervisor Herity says is I have a problem with process here. And so I will support this motion because I agree with its content.

[01:38:38] I'm extremely disappointed by the process. As a member who represents 90% of Tyson's, I believe it's unprecedented to have a last minute addition where the majority of the impact from all the hearsay, because no one has had a conversation at the local level, is not in their district.

[01:38:58] The chairman represents 100% of it. I appreciate his letter, his approach. the majority of Tysons is in the Providence District. I have concerns that we're talking and opposing legislation that hasn't been filed as far as I understand. There has been no filing.

[01:39:23] We have a legislative program that is thankfully shorter than it used to be because we know that the strategy and the ability to be able to fight for our constituents in Richmond, especially knowing that we have less and less power in Richmond, is critical.

[01:39:42] As I mentioned earlier, we have areas that we are focused on. How do we get funding and fund our schools? How do we fund metro and transportation? How do we protect local land use authority? How do we focus on health and human services at a time when Medicaid and Medicare are on the chopping block in the federal government?

[01:40:02] These are the big issues that we will start and we will be fighting for. I believe January 16th or around that time until the session ends. The chairman and the chairman of the legislative committee and those of us who meet in legislation will be down there.

[01:40:18] As I was in school board down there fighting for meal stacks to fund our schools. We have to be down there, unfortunately, as advocates often. And the more that we focus on the issues that we do control and protect those, the better off all of our residents will be.

[01:40:36] But as was mentioned, I really, I agree with the contents. I don't want us to be sidestepped, overstepped, thrown under the bus. Tyson's is the economic engine.

[01:40:53] It's just lost Booz Allen. We need to focus on, we continue to make Tyson's, and those of us who live and work represent Tyson's, continue to be effective, supportive of every single individual who lives there.

[01:41:08] And these are tough times. And it was already tough before the federal cuts. And so I will support this. I'm extremely disappointed in the process and the precedent this might set for future legislative packages. We've had many committee meetings.

[01:41:25] I apologize I could not attend the last one due to a family obligation. I will be supporting this. But I think the process sets an unfortunate precedent, and I'm not happy with that. But I will support the motion.

[01:41:40] Thank you. Thank you. Supervisor Behrman. Thank you, Mr. Chairman. I've never been accused of being a fashionista, so occasionally I wear a belt and suspenders. That's a bad joke, but that's how I feel about this motion. My constituents have been very, very clear in asking for something like this. I support the motion for all of the reasons that I've already discussed, so I will briefly end there and say that I think of this as the belt and suspenders approach, and I support that.

[01:42:16] Thank you. Thank you. Supervisor Lusk. Thank you, Mr. Chairman. I'll just harken back to the importance of Tyson's and thinking through even as I spent 21 years of my career in economic development, there was never a time in any meeting, in any discussion, where we talked about having a casino in Fairfax County.

[01:42:43] I look at the current situation here in our elevator office, and we can see the softening of it, and we can also see the loss of tenant mix in Tyson's, and this is significant.

[01:43:01] Tyson's is the number one business center in the county. It's the number one business center in the Commonwealth. So we've got to do everything we can to ensure that Tyson's is successful. So when I think about it, I'm looking at it through that lens, like how do we ensure that we're not creating an issue that would make Tysons even less competitive?

[01:43:27] We can't have business decisions where a company goes, oh, there's a casino in Tysons, so we don't want to locate our business in Tysons. That will cause us significant harm, and we will lose revenues, which will cause us problems into the future.

[01:43:51] So thinking about the impacts of this decision, it has the potential to ripple in ways we don't even know. And I'll also make the point in the legislative package that I appreciate the acknowledgement that we are looking at ways to provide more opportunities for small business development and growth, looking for ways to grow our economic base, because that's what we should be focused on.

[01:44:26] That's what we need here in Fairfax County. So I'll just say from my perspective, I appreciate the motion, I appreciate the intent of it, and recognize that our economic success is predicated on what happens in Tyson's Corner.

[01:44:47] So we should be doing everything we can to ensure that viability. Thank you, Mr. Chairman. Supervisor Jimenez. Thank you, Mr. Chairman. And first, I'd like to say, you know, definitely respect my colleagues' opinions here.

[01:45:07] When it comes to this specific motion, I've been thinking about this this morning back and forth and kind of what it means and what it means to our legislative packet, what it means to our county. I think the one thing we can all take away from this is that every single supervisor up here is thinking about it and is thinking about its residents, is thinking about what their community and their voices mean when it comes to this specific issue.

[01:45:34] I don't think a single one of us is saying we shouldn't go to a referendum, we shouldn't have parameters, we shouldn't look at making sure that the land use is secure locally. Looking at a gaming commission, I think, is something that all of us up here agree on.

[01:45:51] So we're agreeing on a lot of the same things here. The question is, and a lot of it, as Supervisor Paul Cech mentioned briefly, is process. And so the way I'm looking at this specifically as I've worked with our director of leg affairs is to not only streamline but tighten up the process in which we do our legislative work.

[01:46:12] And for that specific reason, and the fact that the chairman has already passed an extremely strong letter that outlines our strategy as a county, that talks about all the things that I just mentioned, the Gaming Commission, the land use, and the referendum, those are very, very strong things that we're sending to Richmond as a collective group.

[01:46:35] That to me is enough. That to me says, if you want to know where we stand, it's in one letter. All the things that we are not just asking, but demand of of us as we look for as we look at a potential vote or not a vote on this issue.

[01:46:52] And because of the process piece of this and because I think the chairman's letter is so strong, I will not be supporting this motion. Thank you, Supervisor Jimenez. And let me wrap up. First, I'm troubled by the process, too. We've heard that from several colleagues.

[01:47:09] I think, you know, doing it this way, I will go on record as saying is, I think, a huge strategic mistake. This recommended change is missing a ton of important stuff that my letter contains, including the referendum.

[01:47:29] We don't even mention that in this change. We don't mention a lot of things. It's just simply we oppose it in essence unless the Board of Supervisors tells us to do it. I really wish that was the standard in Richmond. that Richmond would wait and only consider things that we expressly tell them to consider.

[01:47:48] I really wish that was the case. But, you know, there's real world and there's political world. And that's really what this is about, unfortunately. And, you know, we don't have a bill. We get a bill at the last minute.

[01:48:05] We discuss it in our legislative committee meetings, which we have on Friday afternoons, where we can get into the guts of what the bill says. We're not consulted on it. The negligence of the people promoting and presenting this is our number one problem. One of the reasons why our staff has not definitively weighed in is because they don't get a bill either.

[01:48:26] This is no way to do business. And I would just say in terms of the motion, I am very concerned about the precedent. We pass a legislative package that is high arching. It is our overall philosophy on a lot of things.

[01:48:41] There's some things in here that are specific, but there's really nothing in here that is specific to a single bill, especially not a bill we haven't seen yet. I think adding a couple of sentences to the legislative package actually diminishes the importance of this issue and the comprehensive nature of it, which is why I've put out a letter that outlines all the protections that we need, not just the language that is being presented.

[01:49:08] I don't think it will likely change a vote. I understand how Richmond works. I'm just going to tell you folks right now, actually, it could do the reverse. It could flip votes in other parts of the state who are waiting eagerly for that Fairfax County to definitively weigh in so they have an excuse to stick it to us.

[01:49:27] Just being honest here, folks. Believe it or not, I'm going to support the amendment because I'm tired of the misinformation that's out there. We have had a strategy that has worked for the last couple of years. A bill has not passed because we have laid out parameters that I don't think the General Assembly can achieve.

[01:49:49] We have put out there what the financial mix should be, that it's grossly negligent the way it stands now. We have said we support a referendum. That's not in this language. We have said we want to control the referendum. We have said we will not support a bill that takes away our land use authority.

[01:50:04] We have said all of these things, and the result is bills haven't passed. Let that sink in for a moment. Again, strategy versus political stage. So the easy answer here, I'm going to do something I never do.

[01:50:21] I appreciate the belt and suspenders. You know, a lot of us put a lot of work into this. Not just a couple sentences, but a lot of work in a comprehensive letter that outlines a strategy. But I'm going to do

something I don't normally do, which is I'm going to take the easy political route, but I'm going to tell people right now, it could come at your expense.

[01:50:41] Because by saying you oppose something unless we tell you to do it is going to be seen to a lot of people in Richmond as Fairfax County arrogance. And I am one person going to sit here and tell you I am less concerned about whether a bill gets passed or not as I am what is in the bill.

[01:50:59] What is in the bill? Does it provide our residents protection? Does it put control in the hands of the Board of Supervisors? Does it require a referendum so that our voters get a voice? does that referendum only get authorized by us if we can ever be convinced that this is a good financial deal for us? That's what we should be concerned about. Not, well, we're just opposed to it. It is not that black and white. I'm going to support the amendment, but I'm going to say this.

[01:51:30] I am going to spend all of my time and effort focused on the letter that we just passed, because the letter is a real representation of my position on this. The legislative package is a lot like the budget. You know, there's things in it you're not going to like. I never vote against something because there's one thing in it that I think strategically is a mistake. I'm going to support it because I think it's largely, the two elements in here are largely consistent with my letter. While we don't use the word oppose because I'm not willing to throw our strategy out the window, my letter is very clear that the land use pieces of this are very important to us.

[01:52:08] And I've said in our letter that we have not been involved in this process and we should be. And largely that is what the amendment says. So I find that to be pretty consistent with my letter. But I think what we're seeing here today is a moment of political opportunism at what could potentially be the expense of our residents long term.

[01:52:31] And I do not like adding language to a legislative package about one bill that we haven't even seen yet after we spend a ton of work and a ton of energy hovering over every word of this 17-page document.

[01:52:50] And here we are just doing something in my mind in the name of political expediency, and that's just really not the way I operate. I hope this doesn't happen again, and I hope I'm wrong. I hope that suddenly something miraculous will happen and something will change on this.

[01:53:11] But I doubt it because our strategy in the past has worked, and that's why a bill hasn't been approved. This is a slight change to that strategy in our legislative package. It's not a change in strategy for this chairman because I will continue to focus on every word of the letter that every member of this board just approved a few minutes ago.

[01:53:31] With that, we're going to call for a vote on the amendment. All those in favor, and we're going to do a roll call vote because I already know there's division on this. So let me start with Supervisor Herity on the amendment. On the amendment, Herity, nay. Supervisor Stork.

[01:53:48] Stork, nay. Aye. Supervisor Alcorn is aye. Aye. Supervisor Palchuk is aye. Supervisor Smith. Nay. Aye. Aye. Nay. And Supervisor Jimenez votes nay. The chairman votes aye, and we have a, let's see, one, two, three, four, a five to four vote.

[01:54:12] And so five being opposed, four being in support. The amendment fails. Those supporting, I just, I'm sorry, I'm sorry, I'm sorry. Let me start over. Let me start over. We have, I have, I want to make

sure we have the vote count here, right?

[01:54:29] So I have opposed to the amendment Supervisor Herity, Supervisor Jimenez, Supervisor Stork, Supervisor Smith. And in favor of it, I have the chairman. I have Supervisor Lusk, Supervisor Alcorn, Supervisor Palchik, Supervisor Beerman.

[01:54:48] So the motion, the amendment passes five to nine. Now we're going to vote five to four, nine votes, five to four. This Braddock district seat sitting empty is causing all kinds of problems with our math. So the amendment passes five to four.

[01:55:05] We now have to vote on the overall legislative package because we did not do that as a friendly amendment. So with that, you've heard Supervisor Jimenez's original motion. It's been multiply seconded. All those in favor of the legislative package, please say aye.

[01:55:21] Aye. Any opposed? Parity, nay. Parity votes nay. Any abstentions? And that motion carries. Supervisor Jimenez. Well, thank you, Mr. Chairman, and thank you to my colleagues and staff. As always, just a quick reminder, work session for us is December 16th at 3.30 at the Government Center, the reception at 3 p.m. in the conference room area, work session in conference rooms 10 and 11.

[01:55:47] I will make sure that everyone has this information, no need to write it down. The 2026 Assembly Session begins Wednesday, January 14th. First Legislative Committee meeting is Friday, January 16th at 4 p.m. in Conference Room 11. Thank you, sir. Thank you very much, Supervisor Jimenez.

[01:56:05] And that moves us on to board matters. And as we always do, these have been distributed electronically. We'll go alphabetically by Magisterial District, beginning with myself, to be followed by the Vice Chair of the Board. So I am going to hand the gavel to Supervisor Smith so that I can make the following motions.

[01:56:23] First, I move to approve without objection the proclamation request listed in this document to be presented inside and outside of the boardroom. And that is a resolution to recognize Michael Bratt, a proclamation to recognize National Law Enforcement Appreciation Day, to recognize Community Risk Reduction Week, and to recognize National Day of Racial Healing.

[01:56:47] And I'm healing. I'm sorry. And I know, Supervisor Paucik, you wanted to say something briefly about that. You don't. Okay. All right. And so I move those proclamation requests without objection. Without objection. It's so ordered. Thank you. My next board matter is done jointly with Supervisor Bierman, the chair of our transportation committee.

[01:57:07] And that is to announce our 2026 Best Workplaces for Commuter Awards, FCDOT Commuter Services Team, in partnership with the University of Florida Center for Urban Transportation Research, work to identify Fairfax County employers eligible for the nationally recognized Best Workplaces for Commuters designation.

[01:57:28] This program encourages alternatives to a single-occupant vehicle commuting, such as ride-sharing, transit, biking, walking, teleworking, and other transportation demand management strategies to improve mobility and reduce greenhouse gas emissions. We are pleased to announce that 13 new Fairfax County companies have qualified for 2026 designation, and you can see that those are not only in addition to that, we want to also recognize and commend the two new BWC employers, along with all participating Fairfax County employers, for their leadership in sustainability and alternative transportation.

[01:58:06] And so with that being said, I would move that the Office of Public Affairs and FCDOT staff be authorized to invite this year's award recipients to the boardroom on February 3rd, 2026, and attached to this, you will see the specific list of 2026 awardees.

[01:58:25] I'll second that motion. Is there any discussion on the motion? All those in favor, say aye. Aye. Anyone opposed? That motion carries with Supervisor Herity, Stork, and Jimenez away from the table.

[01:58:43] Yes. Thank you, Vice Chairman Smith. My next board matter is a joint board matter, and this is endorsement of the Metropolitan Washington Council of Governments and Washington Metropolitan Area Transit Authority Board's endorsement of the DMV Moves Plan. And you will see that this is done jointly with Supervisor Alcorn for his service on the WMATA board, Supervisor Lusk with his service on the COG board, and Supervisor Beerman as our transportation chair.

[01:59:10] And as the board is well aware, I served on the DMV Moves Task Force. I do want to thank, at this moment before I read this motion, I do want to thank our county executive because nobody in this room spent more time on the DMV moves matters than our county executive, Mr. Hill, did.

[01:59:29] And I want to acknowledge that and thank him because his guidance through this process has been integral in getting this item to the board today. On November 17, 2025, the boards of both COG and WMATA endorsed the DMV moves plan regarding public transportation in the national capital region.

[01:59:47] The DMV moves plan outlines the need for a long-term regionally coordinated approach to sustaining and modernizing transit services across the national capital region. This resolution acknowledges the critical role of transit in the region's economic vitality, mobility, and environmental goals, and recognizes that WMATA's major capital funding sources have lost significant purchasing power due to inflation and rising costs.

[02:00:11] Without new dedicated capital funding, WMATA will hit its debt capacity limit by FY 2029, forcing its capital program to shrink dramatically and resulting in long-term safety, reliability, and capacity challenges. The Virginia Railway Express and the region's local bus providers also face operating and maintenance pressures that threaten service levels.

[02:00:33] After extensive technical analysis, regional coordination, and public engagement, the DMV Moves Regional Transportation Investment and Action Plan was developed. The plan outlines a 25-year investment framework, identifies long-term capital and operating needs, and recommends funding strategies to support an integrated, reliable, and financially sustainable regional transit network.

[02:00:56] The resolution also calls on federal partners to increase funding, particularly restoring Passenger Rail Investment and Improvement Act purchasing power and directs WMATA to aggressively pursue federal grants, loans, and financing opportunities. Finally, COG and WMATA called on elected officials, agencies, and regional stakeholders to support commitments needed to implement the DMV MOVE's plan and ensure a stable, integrated, and sustainable future for the transit systems that underpin the region's economic and social prosperity. Therefore, I move the Board of Supervisors endorse the resolution passed by the COG and WMATA Boards that endorses the DMV moves plan.

[02:01:35] That motion is seconded by Supervisor Alcorn. Any discussion on the motion? Yes, just very briefly. We've talked about this ad nauseum. I mean, I think all of us serve on other boards that have also endorsed this and covered this issue. The press has covered it extensively.

[02:01:52] I will just say this. I am appreciative that we came to the conclusion that we came to because where we started is very different than where we ended. And we started with what I figured to be a very unsustainable number financially that would be very, very difficult to achieve.

[02:02:12] We started without any other commitments for WMATA oversight and management. And we ended with a dramatically pared-down number that is what I have described in The Art of the Doable. We ended up with additional commitments for WMATA oversight, for financial management.

[02:02:34] And I've got to say, when we started, there were a lot of question marks around Metro and Metro service. And as the DMV Moves Task Force worked, so too did all the metrics in support of Metro. Ridership high, crime low, financial metrics lining up.

[02:02:52] The system is a way better system than it was before. Not perfect, but one of the big imperfections of the system is a lack of dedicated, sustainable, reliable, long-term funding that just about every other transit agency in the country has. And so the next step, obviously hopeful that we can approve this, But the next step for us is to be actively engaged in Richmond towards a solution and a model that treats northern Virginia fairly and recognizes the enormous importance of metro and transit operations in northern Virginia to Virginia's economy.

[02:03:31] And we know that number to be over \$1 billion generated directly to Virginia as a result of the existence of our transit systems. And that doesn't even count all the other financial reasons why this is important. And lastly, on the ground level here, I would say we've had conversations extensively about office development, economic development.

[02:03:53] And one thing that rings true is where our offices and economic development are happening most successfully and most significantly in this county, and I would add in this region, are where metro system exists. That's just a fundamental fact.

[02:04:09] And so I look at this as an investment more than an expense in the future and a cementing of a much more professional and accountable Metro-Wamata system for the long run. And so I look forward to my colleagues' support for this motion.

[02:04:26] I know other jurisdictions have taken up the same motion, and I think it's important for us to speak as a regent here. I don't even know where to start. I'll start with Supervisor Lusk this time. Thank you very much, Madam Vice Chairman. And I'll say I just want to also acknowledge the work that was done on the COG side.

[02:04:44] So this year I serve as chair of COG, so I want to acknowledge Clark Mercer as the executive director in helping to steer and guide and be involved in the discussions around DMV moves. I want to also thank Randy Clark at Metro for his engagement and looking at the budget, looking at ways to find cost savings, and looking at ways to improve the system.

[02:05:10] And I think, you know, that effort is bearing fruit, as the chairman has already indicated and described. And I'll also give kudos and thanks to Paul Smedberg and also from D.C., Charles Allen. They served as the co-chairs of DMV Moves and helped orchestrate over, you know, more than 18 months this study and review, which has resulted in the recommendations that we have here.

[02:05:38] So I'm looking forward to getting this plan financed so that we can move it along and, as the chairman said, advocating in Richmond for the funding that will be necessary. Thank you very much,

Madam Chair. Supervisor Palczyk, then Alcorn. Thank you, Madam Chair.

[02:05:55] Very briefly, it's a long morning, but I very much want to thank our staff, but also, I don't know if it was mentioned, the work that NVTC came and ties and all have done to ensure that we understand the economic impact of transit but also the mobility impact and the ability for our region to move forward.

[02:06:15] I think as most know, the general fund funds most of our expenses including transportation in order to continue to move forward with the excellent work that Metro is doing and with Randy Clark's leadership. Expansion of bus rapid transit, in addition to the rail lines, in addition to last mile connectivity and the ability to expand service, as we know our constituents want and need in order to continue to use transit, is critical.

[02:06:48] But then finally, I don't know if this came up. Supervisor Berman and I were chatting recently, and there are some of us who love transit and use it as much as we can. It has its limits, and we know that even if someone is not a rider, the importance of having access to transit on those who maybe are using their car to get around is that the amount of additional cars that we would see on the road should we not have this funding for transit is enormous.

[02:07:18] It really would be unprecedented and literally bring us to a halt in getting more of our community around the region across the region and as the head of one of the DC Association said to me the connectivity there's nothing more important to the future of DC than the ability to be able to connect our residents our businesses and our employees across the region so I want to thank those who've worked on this and excited that we have a transportation secretary-elect announced who helped lead this.

[02:07:56] Nick Donahue was just announced this morning. So there's some positive news for the future of DMV moves in Virginia. Supervisor Alcorn. Thank you. Just very quickly, I appreciate all my colleagues' comments. I did want to just build on something Chairman McKay said.

[02:08:15] You know, when this process started, Metro was looking at an annual need of \$750 million and up. And that now, after a lot of work, a lot of back and forth, a lot of scrutiny, a lot of push, is \$460 million.

[02:08:34] That's a big change. And with the accountability and with the work that the task force did and you, Chairman McKay, and others, I think this is an excellent regional model for how to move forward.

[02:08:51] And also, this is going to be the focus of my work over the coming months. And I know with Supervisor Stork yesterday, there are a lot of offshoots of this that aren't going to need to be paid attention to.

[02:09:07] So I look forward to helping with that over the coming months. Thank you, Madam Chair. Thank you. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Any opposed? Herity, nay. Supervisor Herity, nay. Any abstentions? That motion carries with one nay vote.

[02:09:23] Thank you, Mr. Chairman. Thank you very much, and also, again, thank all of our regional partners. This has been, I think, up until today, has been unanimously supported. And so I also want to make one really important statement about this before we move to the next item, that when we're looking to Richmond on this, we are looking for a solution to our transit needs, not Metro.

[02:09:49] metro is a part of our transit ecosystem but this is also this motion is also vitally important to supporting vre to supporting connector bus services and all the other transit services that our commuters rely on my next board matter i'm going to offer jointly with supervisor lusk and stork and this is honoring

members of the fairfax county police department for their response on January 6, 2021. On January 6, 2021, Americans, as we know, witnessed an attack on the very foundation of what makes our nation great. On that day, we saw hundreds of our fellow

[02:10:27] Americans violently attack law enforcement officers in an effort to stop the certification of the 2020 presidential election by Congress. As members of Congress did all they could to remain safe under protection of law enforcement, hundreds of officers inside and outside of the Capitol found themselves having to physically resist and fight those who sought to undermine the peaceful transfer of power. Operating under mutual aid agreements, law enforcement throughout the region began descending on the Capitol to aid their fellow officers. Among them were dozens of officers from the Fairfax County Police Department, Civil Disturbance Unit, CDU, who immediately upon

[02:11:05] hearing requests for service began congregating and heading into Washington, D.C. Once those officers arrived, they were met with violence and spent hours in hand-to-hand combat, fending off those who fought to undermine our democratic institutions. These officers represent the very best of our values in Fairfax County and played a vital role in protecting members of Congress and our nation that day. They responded when they were called upon and did so with courage and integrity. Despite the best efforts of law enforcement that day, several individuals lost their lives, including officers from other departments in the subsequent days and weeks

[02:11:42] that followed. Their sacrifices will not soon be forgotten, and our entire nation is indebted to them for their actions that they took that day. We also want to acknowledge the profound impact January 6th had on so many individuals who were serving at the U.S. Capitol that day, multiple public safety agencies and public servants whose lives were altered in ways that cannot be overstated. We extend our deep appreciation to the dedicated law enforcement agencies and federal prosecutors who spent years investigating, prosecuting, testifying, and securing convictions against those who harmed officers, threatened Congress and their teams,

[02:12:21] and attacked our Capitol. Their work was painstaking and essential to ensuring accountability and protecting our democracy. Therefore, as we approach the five-year anniversary of that day, I move that the Office of Public Affairs, in coordination with the Fairfax County Police Department, prepare a proclamation to be presented in the boardroom, thanking the officers who responded and defended our nation on January 6, 2021.

[02:12:48] I also move that the proclamation include the names of officers who subsequently passed away following the attack and who were also Fairfax County residents and whose deaths were ruled to have occurred in the line of duty as a result of the events that took place that day.

[02:13:04] I'll second that motion, along with supervisors Jimenez, Bierman, Stork, and Lusk. Okay, I got a lot of them. Discussion on the motion? Just very briefly, this is a five-year anniversary of a day I think that all of us will never forget.

[02:13:25] This is our moment to know where we were at the moment something we never thought we would see was happening. And the toll this has taken on law enforcement, particularly when convictions were lifted against people who threatened and attacked law enforcement, it takes a major toll on them.

[02:13:50] And we can't ignore the fact that not only were our officers involved in this, but this occurred right next to Fairfax County in our nation's capital. And I don't want anyone to ever forget what happened

that day as a lesson to all of us. But most importantly, I don't want the law enforcement officers who put their life on the line that day to think we've ever forgotten what happened to them that day.

[02:14:11] And finally, I remember shortly after this incident at the Valor Awards, the chamber put together a pretty amazing video, testimony from our officers, what they witnessed that day and how it's affected them.

[02:14:28] And this is the type of stuff that happens in your profession, one minute of one day, that can affect you for the rest of your life. And all the officers that backfilled operations in Fairfax County that day so that our bravest, especially our CDU unit members, could attend to what was going on in Washington, D.C., should be something that nobody in Fairfax County ever forgets.

[02:14:54] And we know we lost people who live in our county that day. They died because of a reckless attack on our democracy, and it's just a moment. I have this conversation with my kids all the time. This is a moment we cannot forget, and this five-year anniversary, we need to honor once again these officers and, most importantly, make sure we never forget.

[02:15:18] Thank you. Supervisor Stork? I fully agree with all that, and I support doing this, and I also support really just making sure we get a list of those names ahead of time because I wanted to make sure that the names are complete because I have a few people that I've been talking with that I wanted to make sure that they were...

[02:15:41] It still doesn't connect, and I'll speak more about this later, but it doesn't connect all the people who have since that time have worked so diligently and hard to hold accountable those individuals who attacked our democracy. And those individuals equally have suffered greatly as a result of this, But I'll speak to that more later.

[02:16:02] Thank you. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Anyone opposed? Any abstentions? That motion carries. Mr. Chairman. Thank you. And then very quickly, just two quick announcements. These are unwritten, but I'd like to share that Fairfax County is celebrating more than 140 early childhood programs recently named to the Virginia Department of Education's 2024-2025 Virginia quality, birth to five VQB5.

[02:16:31] honor roll, recognizing excellence, quality improvement, and high-quality infant-toddler care. These 140 programs were among nearly 500 programs statewide that achieved these distinctions for meeting and exceeding Virginia's highest standards for early learning. This is a testament to the quality of early childhood education that exists in Fairfax County and our staff that helps support them. And I'd like to congratulate all the organizations and individuals who receive this recognition. And then secondly, is to share that my office, along with the staff at the Office of Public Affairs, Fairfax County Department of Transportation, and the

[02:17:09] Fairfax County Police Department and community partners are set to relaunch our public information campaign around the county's Emergency Substantial Risk Order, ESRO, also known as the Red Flag Law. Many of you on this dais will recall this effort that was launched once the county received enabling legislation to create such an ordinance. For this iteration, we will include signage within all Fairfax Connector buses, making individuals aware of the law and how it will be presented in three different languages for accessibility, English, Spanish, and Korean. This go-around, however, we

[02:17:44] will also include a digital campaign led by county staff to reach more individuals. Since this ordinance has been enacted, and I thank my colleagues who supported this, since this ordinance has been enacted there have been 459 esros issued with 917 firearms temporarily removed i'd like to thank all the county staff that have worked with my office to make this happen as well as our community partners and i'm just going to share that again since this started 917 firearms removed

[02:18:17] from people who were seen as dangerous or a threat to the lives of other people in 2020 86 firearms In 2028, 58. In 2022, 134. In 2023, 223. In 2024, 244. And in 2025, 172 for a total of 917 firearms and 459 ESR OSs that have happened because of our support and because of the General Assembly's action on the red flag law.

[02:18:54] And again, I want to thank all the county staff involved in this. This is a major undertaking. I want to thank Tony Castrilli and his team at Office of Public Affairs specifically and DOT, because getting these messages in our buses in multiple languages and having a digital campaign undoubtedly will save lives.

[02:19:14] And so I just wanted to mention that that soon will be being launched and to be on the lookout for that. And with that, that is the end of my board matters. Next up is Supervisor Smith, Vice Chair Smith. Thank you, Mr. Chairman. This is a motion for expedited hearing. Mr. Chairman, pending rezoning application RZ-2023-SU-00016 is a request to rezone property in the Westfields Business Park from the I-3 to the I-4 district, and special exception amendment SEA-2016-SU-022 is a request to increase FAR.

[02:19:50] The property is a secure campus with the entire property occupied by a government tenant. The purpose of these applications is to allow additional office square footage so that the tenant can expand in the future. The application is scheduled for public hearing before the Planning Commission on February 4, 2026.

[02:20:07] I move that the Board authorize an expedited Board date for RZ-2023-SU-00016 and SEA-2016-SU-022 and schedule a public hearing before the Board of Supervisors for February 17, 2026.

[02:20:28] These motions should not be construed as a favorable recommendation by the Board of Supervisors on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in many ways. Madam Chair, we'll second that motion. Is there any discussion on the motion?

[02:20:44] Seeing and hearing none. All those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Smith. And I have another one. Mr. Chairman, pending proffer condition amendment application RZPA-2025-SU-00067 CDPA-FDPA-PCA-2019-SU-003 is a request to add an option for a single-family attached units in one of the land bays in the originally approved development. There are no significant staff issues with the application,

[02:21:22] which is currently scheduled for public hearing before the Planning Commission on March 25, 2026. I move that the Board authorize an expedited Board date for RZPA-2025-SU-00067, CDPA-FDPA-PCA-2019-SU-003, and schedule a public hearing before the Board of Supervisors for April 14, 2026.

[02:21:51] I also move that the Board authorize concurrent processing of the site plan for RZPA-2025-SU-00067, CDPA-FDPA-PCA-2019-SU-003.

[02:22:11] These motions should not be construed as a favorable recommendation by the Board of Supervisors on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinance, regulations, or adopted standards in any way. Chair, we'll second that motion, along with Supervisor Palchuk.

[02:22:27] Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Lusk being out of the room at the time. Supervisor Smith. I'm good. Thank you, Supervisor Smith.

[02:22:43] Next up is Supervisor Bierman. Thank you, Mr. Chairman. I have three of these, and I believe I need to read them all verbatim, so my apologies. I will try to move as quickly as I can. The first board matter is concurrent and simultaneous processing for Spring Hill Land, LLC, which is RZ2025-DR-00013.

[02:23:09] Background, Spring Hill Land, LLC, the applicant is the contract purchaser of approximately 4.97 acres located on the west side of Spring Hill Road, Route 684, and north of the Dulles Access Road, Route 267, and identified in the Fairfax County tax assessment records as tax map parcels 29-1, double circle 1, 45, 29-1, double circle 4, 1, 2, and 3, the subject property.

[02:23:37] The subject property is zoned to the R1 district and is currently improved with four single-family dwellings. The applicant proposes to rezone the subject property to the PDH-3 district to deliver 14 single-family detached homes. The applicant has worked collaboratively with county staff, the community, and my office on improvements to the development plan.

[02:23:56] The application is scheduled for review by the Planning Commission in February of 2026. The applicant has been eager to begin the next steps process and has requested consideration of concurrent and simultaneous processing. Therefore, I move that the Board direct staff to authorize concurrent and simultaneous processing of a site plan, architectural designs, and any other drawings, as may be necessary in conjunction with RZ 2025-DR-00013.

[02:24:26] This motion should not be construed as a favorable recommendation by the board on the proposed application and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Second. Chair, we'll second that along with, I heard, Supervisor Palchik.

[02:24:45] Discussion on the motion? Okay. Seeing none, all those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Bierman. Thank you, Mr. Chairman. Second board matter is an expedited board date and concurrent processing for flagship car wash, which is PCA-78-DR-049, RZ-2024-DR-00018, and SE-2024-DR-00031.

[02:25:22] Background. Flagship Virginia Opco LLC, the applicant, has, with the consent of landowners, 1013 Drainsville Road LLC and 1229, sorry, and 12219 Leesburg Pike LLC, filed a proffered condition amendment, PCA, rezoning application, RZ, and a special exception application, SE, on property identified among Fairfax County tax map records as 6-3 double circle 1, parcels 2A and 2B.

[02:25:53] located at 1013 and 1015 Drainsville Road. The applicant proposes the removal of two aging, stand-alone retail establishments and the construction of a car wash facility in the Herndon area. The pending applications are scheduled for a Planning Commission meeting public hearing on January 7, 2026.

[02:26:12] In order to proceed with construction as expeditiously as possible, the applicant is requesting expedited processing so that a public hearing before the Board of Supervisors may be scheduled. Additionally, the applicant is requesting concurrent processing of the required site plan. Therefore, Mr. Chairman, I move that the Board of Supervisors direct the Director of Planning and Development to schedule PCA-79-DR-049, RZ-2024-DR-00018, and SE-2024-DR-0031 for a public hearing before the Board on February 3, 2026.

[02:26:51] I further move that the Board of Supervisors direct the Director of Land Development Services to accept the concurrent and simultaneous processing any and all plans filed by Flagship Virginia Opco LLC during the pendency of the applications. The scheduling of a board date and the authorization of concurrent processing in no way relieves the applicant from the requirement to comply with applicable standards of the zoning ordinance.

[02:27:17] In addition, the authorization should not be construed as a favorable recommendation on the application by the board, nor does it prejudice staff's review. Second. Chair, we'll second that along with Supervisor Palczyk. Discussion on the motion. Seeing and hearing none, all those in favor of the motion, please say aye.

[02:27:35] Aye. Any opposed? Any abstentions? That motion carries. Supervisor Beerman. For expedited processing, this is a lot of words. We're expediting board matters here. I've got one more, but I'll break it up, actually, to make one quick announcement, which is that my open house at the Duranesville District office is tomorrow from 5 to 7.

[02:27:59] All are welcome. County staff are welcome. Members of the board, it should be a good time with good cheer. Now, for the last one, expedited and concurrent processing for MCP Dulles Tech Center, LLC, which is RZ-FDP 2024-DR-00019, concurrent with PCA-79-C-037-010.

[02:28:26] MCP Dulles Tech Center, LLC, has filed a rezoning and final development plan on a parcel of land identified on the Fairfax County tax map as 16-3 double circle 131 to permit residential development and an overall floor area ratio of 1.41.

[02:28:45] The applicant has also filed a concurrent partial proffer condition amendment to delete the property from a prior zoning approval. The proposed rezoning application replaces two-office building and surface-level parking with townhomes, a multifamily building, and urban parks in the Innovation Center Transit Station area.

[02:29:05] The rezoning and proper condition amendment applications are scheduled for a Planning Commission public hearing on December 10, 2025. Skip that and go to my open house. The applicant has worked collaboratively with county staff, the community, and my office over the past year on improvements to the development plan.

[02:29:24] In order to reach the Board of Supervisors in January 2026, the applicant has requested expedited processing to establish a Board of Supervisors public hearing date for the applications. In addition to accelerate the delivery of housing stock and urban parks proposed with these applications, the applicant has requested concurrent processing of its site plan.

[02:29:44] Therefore, Mr. Chairman, I move that the Board of Supervisors direct county staff to expedite the scheduling of the Board of Supervisors public hearing for RZFDP-2024-DR-00019 and PCA-79-C-037-010

to a date certain of January 13, 2026, and concurrently process site plan applications associated with rezoning application RZFDP-2024-DR-00019.

[02:30:23] This motion should not be construed as a favorable recommendation by the Board of Supervisors on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. I'm happy to second that motion along with Supervisor Palchik.

[02:30:43] Discussion on the motion? Seeing and hearing none, all those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Beerman. I thank my colleagues for their support and for their patience, and I'm done. Thank you. Thank you, Supervisor Beerman. Supervisor Lusk.

[02:30:59] Thank you, Mr. Chairman. I'll start with my first motion. which is for a sewer lateral board matter. Many of the residents have privately owned sanitary sewer laterals. They extend from their home into the VDOT right-of-way before connecting to the publicly maintained sanitary sewer.

[02:31:20] When such private laterals are damaged or require replacement, homeowners are often surprised to learn that the financial responsibility is theirs and that repairing pipes located within the VDOT right-of-way can be difficult to permit and expensive to construct. Residents within the Frank County District have shared that the county code provisions of Prince William and Loudoun County are such that local government either owns or maintains and manages the laterals when located within the VDOT right-of-way, thereby potentially reducing the cost burden to their individual homeowners.

[02:31:56] Since earlier this year, staff from the Department of Public Works and Environmental Services and staff from land development services have been working very closely with two affected property owners in my district and staff from my office on this issue. DPWES staff notes that Fairfax County Code Section 65-6-5 ownership of building sewer explicitly establishes that the county does not own or maintain these private laterals even under public rights of way. The county currently manages more than 3,300 miles of public sanitary sewer. Significant expansion

[02:32:36] of the county's maintenance responsibilities to include all private laterals would be prohibitively expensive to the county sewer customers, although an immediate solution to address unique situations where property owners are at no fault of their own become disproportionately impacted should be explored. As such, I move to the county executive, direct staff in the Department of Public Works and Environmental Services in coordination with Land Development Services and the Office of the County Attorney to do the following.

[02:33:07] First, estimate the scale of the problem in which privately owned sewer laterals are located within the VDOT right-of-way. Second, research how neighboring jurisdictions have addressed this particular problem. Third, identify alternatives available to the county to assist residents in these situations along with the potential benefits, implementation timeline, and costs, including additional employee resources necessary for each alternative, and then fourth, provide a summary report of staff findings, including their recommendations to the Board of Supervisors.

[02:33:44] I further move that after staff have provided such summary report to the Board of Supervisors and the county executive direct staff to initiate the minimum necessary amendments to the county code

that would not have a substantial adverse impact on county sewer charges in order to implement the staff recommendation.

[02:34:02] So moved, Mr. Chairman. Supervisor Lusk, I'm going to ask you to consider changing the last part of the motion to send the staff information to the Land Use Process Committee for discussion. I think it's premature to ask staff to initiate amendments to the county code when we haven't even seen the findings yet.

[02:34:23] So I think if we can just do this sequentially, I'm happy to support it with that change. That's a friendly request. I'm certainly open to that. So thank you, Mr. Chairman. Then I will second the motion. Further discussion on the motion? Just thank you for that change.

[02:34:39] Yeah, thank you. Any other further, no further discussion? All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Lusk. Okay, thank you, Mr. Chairman. I also have an expedited processing matter as well.

[02:34:57] So Franconia Development Partners LLC has filed resigning application RZ 2025-FR-00005, concurrent with FDP 2025-FR-00005.

[02:35:14] Pardon, I'm stressing to see the number of zeros here. on 3.26 acres of land in the Franconia district, consisting of five adjacent parcels, tax map numbers 081-03-050003A,

[02:35:33] and then 81-305-0002A and 081-305-0002B, 081-305-0002C, 1 and 081-308-0503.

[02:36:02] The proposal is to develop the property with up to 120 affordable housing units. Community outreach on this project has been extensive and continues. This project is currently scheduled for a public hearing before the Planning Commission on February 4, 2026.

[02:36:18] In order to proceed with filing applications for financing as expeditiously as possible in calendar year 2026, The applicant is requesting expedited processing so that a public hearing before the Board of Supervisors may be scheduled.

[02:36:36] Additionally, the applicant is requesting concurrent processing of the site plan. Therefore, Mr. Chairman, I move the Board of Supervisors to direct the Director of Planning and Development to schedule RZ 2025-FR-00005 for a public hearing before the Board of Supervisors on February 17, 2026.

[02:36:55] I further move the Board of Supervisors to direct the Director of Land Development Services to accept concurrent and simultaneous processing of the associated site plans and building plans. These motions in no way relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards.

[02:37:12] Further, the adoption should not be construed as a favorable recommendation on the application by the Board of Supervisors, nor does it prejudice staff's review. So move. You've heard the motion. I will second the motion along with Supervisor Herity.

[02:37:29] I guess just a question for the county attorney. The tax map references listed there are fine. I've not seen them listed that way before. Normally they're double circles, and I just want to make sure we're clear on the tax map parcels that are involved here so we don't have to come back and redo this in the future.

[02:37:46] I think we are, but I just want to verify that. Mr. Chairman, it looks like it could be tracking the tax assessment record. I think it's fine. The tax assessment record instead of the tax map number, so it will work.

[02:38:02] Okay. All right. You've heard the motion. It's been seconded. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Lusk. Okay. Thank you, Mr. Chairman. And then last, this holiday season, the Franconia District has been and seen an incredible amount of generosity from our community members.

[02:38:23] I wanted to briefly highlight several incredible organizations that have helped provide food to the most vulnerable members in the Franconia district. Furloughed federal workers recently dealt with the longest government shutdown in U.S. history, unable to feed, in some cases, their families.

[02:38:39] The United Community stepped up and ran a weekly food distribution feeding hundreds of furloughed employees every single Friday. I want to say thank you to the United Community for showcasing the ingenuity. It helps our residents when they need it the most. Second, at the Franconia Governmental Center, my office has collected food, and I'm proud to highlight the following.

[02:39:00] Koinonia received just under 200 pounds of food from that collection. Echo received 300 pounds. And United Community over 325 pounds. In total, 820-plus pounds of food collected. And lastly, I'd like to thank the Scouting America for providing food for our community.

[02:39:20] Through their Scouts for Others campaign, they collected an unbelievable amount of food. Scouting America collected over 60,000 pounds of food for Koinonia, Echo, and United Community. That's over 30 tons of food for our community.

[02:39:36] I'd also like to briefly thank New Life Open Bible Church for distributing turkeys during the Thanksgiving holiday, as well as the Journey Church for their monthly mobile market. These collections make a massive difference in the Franconia District.

[02:39:52] So thank you to everyone involved, everyone at United Community, Scouting America, New Life Open, Bible Church, Journey Church, and everyone who donated at the Franconia Governmental Center. So grateful for the commitment of these residents, and thank you for that, Mr. Chairman.

[02:40:11] And then I have Supervisor Lusk, thank you for bringing this forward. I just want to acknowledge, because I've been to these all over the county, that this generosity is happening all over the county. And I've said this before, I'll say it again, that the way we treat our most vulnerable can speak a lot about the quality of the county that we live in.

[02:40:33] And certainly these organizations listed here, but this work continues with a lot of our nonprofit, some of our for-profit businesses, our faith communities. And there's not a day that goes by where I don't see this happening in the county, and it is much, much appreciated.

[02:40:49] Supervisor Lusk. Thank you as well, Mr. Chairman. And then last, it's an announcement that's going to be a surprise to the person, so I'll just go ahead and do it now. I'd like to acknowledge the length of service for one of my employees.

[02:41:05] I would like to present Regina Coyle with her recognition of 30 years of dedicated service to Fairfax County. And what's interesting is in 1995, I met Regina when I was working for then-Supervisor Jerry Conley.

[02:41:23] And I got the opportunity to learn a few acronyms in a day. And I want to say Regina was very patient. I think I raised my hands multiple times because there were a number of acronyms that were spinning in the discussion on land use and development.

[02:41:42] And I just want to acknowledge it's been a pleasure to work with her since 1995. I've had the opportunity to work with her at the Economic Development Authority when she was also at the Department of Planning and Zoning and then also when she was at the Department of Housing.

[02:41:59] So we've been able to kind of grow up together over the last 30 years. So with that, I'd like to just present her quickly, her length of service for 30 years. Thank you, Mr. Chairman.

[02:42:22] Regina, I think Supervisor Luss forgot to mention you started when you were 12, as we can clearly tell. But congratulations to you on a huge milestone. Well done. And was that the end, Supervisor Luss?

[02:42:37] Yes, sir. Thank you very much. Thank you. Supervisor Alcorn. No board matters. Thank you Supervisor Alcorn, Supervisor Jimenez. Thank you Supervisor Jimenez, Supervisor Stork. I just have one verbal board matter, but it's one that also has paper with it, and that everybody should have gotten their 250 passport, their little passport, and this is your ticket, folks.

[02:43:04] You don't have to spend thousands of dollars to buy this passport. It's free, but you can actually return money to you, because if you go just to one location, there's more than 50 locations that this applies to.

[02:43:19] If you go just to one, the next time you go to a location that has a charge, you get a 15% discount. And then on top of that, you have a chance to actually earn some money, some cash back, if you will, if you go to more than five. So I know there's, again, dozens around the state, because this is a Virginia passport.

[02:43:39] You know, Virginia is for lovers, so that should be for all of us, right? locally I there's again a lot of them in here but locally I have to mention of course the the key ones in the Mount Vernon district and I know Kathy's looking at me but obviously we have Mount Vernon estate of course in Pope Lay House in Woodlawn we have the National Museum in the US Army Gunston Hall and again many many others but I at least wanted to highlight those and remind folks that this is an opportunity to to to stay at home this holiday season and see a lot of amazing places, but this is for 2026, so you really have a whole year

[02:44:18] to use your passport to visit all those sites in Virginia, so thank you. And we should check people's passports at the end of this year and make sure that everyone has at least visited the National Museum of the United States Army. I know I've gone there many times, check that passport, but we should check others at the end of this.

[02:44:38] Thank you, Supervisor Stork. Supervisor Palczyk. Thank you, Mr. Chairman. And first of all, one of my favorite sites is Pope Leahy House got to visit in fifth grade as part of the pull-out GT program and just fell in love with Frank Lloyd Wright at that moment.

[02:44:57] So I'm so glad that that's incorporated when we talk about the Mount Vernon District. I have two written board matters. The first one is a request to publicize the Providence Perspectives premiere. I'm so thrilled to invite the community to the premiere of our documentary series, Providence Perspectives, which is an oral history series of the Providence District.

[02:45:22] The premiere will happen this coming Saturday, December 13th at 2 p.m. at the First Baptist Church of Merrifield. It's been an incredible partner. The documentary project has been done in partnership with Channel 16 and especially, I don't know if she's here today, but with Fran.

[02:45:38] I'm sorry, Fran, your last name always is a struggle. So Fran G, I'm going to call you, with whom this would not be a reality. And this first segment focuses on education from the one-room schoolhouses in Oakton to the diverse campuses of Fairfax County Public Schools of today.

[02:45:57] I hope you will join us. I know it's a busy time, but hope you will join us for this meaningful opportunity to connect with Providence District, to learn about local history makers and their stories. And you can find more information or register for the event on my website, [fairfaxcounty.gov slash Providence](http://fairfaxcounty.gov/providence).

[02:46:18] And definitely want to thank the Pastor Shepard and the community at First Baptist for their partnership on this. And therefore, I would move without objection that the Office of Public Affairs and Neighborhood and Community Services help publicize this event on the appropriate channels.

[02:46:35] I also invite my colleagues, you should have received a formal invitation, but here's your informal one, and community members to join us at this premiere. It's a short film, but it'll be a really nice ceremony and community gathering in the heart of Merrifield this coming Saturday at 2 p.m.

[02:46:51] The next one is our annual winter gear drive. Somehow it's been six years already, but as the cold weather sets in, many in our community are in need of warm clothing, especially this year, we know, with so many community members struggling to make ends meet at the end of each year.

[02:47:10] My office will be hosting our sixth annual Winter Gear Donation Drive through January 16th, collecting gently used or new coats, jackets, scarves, gloves, hats, et cetera. The donations will benefit Second Story, Committee for Helping Others, the Lamb Center, the Northern Virginia Family Services, and more information on drop-off hours and locations that are across the district can be found on the Providence District website, fairfaxcounty.gov/providence.

[02:47:39] This year's partners include the Dunloring Volunteer Fire Station, the Department of Neighborhood and Community Services, the Tyson's Community Alliance, Vine Church, Celebrate Fairfax, and the Miller Heights Neighborhood Association. If you or your HOA are interested in helping collect donations please email providence@fairfaxcounty.gov and we'll be more than happy to coordinate with you. Therefore I ask that the Office of Public Affairs and Department of Neighborhood and Community Services once again help us share this information on their channels and definitely want to thank all our partners. I know that the sign that the Dunloring Volunteer Fire Station has on Gallows Road is quite the public sign

[02:48:18] and so we appreciate how much they're able to support us and all others and if any of my colleagues would like to help or partner with us, please reach out as well. We know that these incredible needs at this time, and I know all of you are doing a lot of work in your districts as well. And without objection, the Office of Public Affairs part is approved.

[02:48:38] Supervisor Palchuk. Thank you. I believe that is all for my board matters today, Mr. Chairman. Thank you very much. Supervisor Herity. Yes, Mr. Chairman. I have no written board matters, but as you know, I never miss an opportunity to recognize Spartans. So real quick, I want to congratulate the West Springfield High School's girl volleyball team on their incredible season, winning the Class 6 championship.

[02:49:01] They came from behind, giving up the first two sets. They won the next three, and I assume they'll be here with the winner's sports group. I also want to congratulate the football team on a great season. They went all the way to the Occoquan Regional Championship before losing in the semifinals.

[02:49:17] So that's it, Mr. Chairman. Thank you very much, Supervisor Herity. And I know, thank you for that announcement, good games. I had a chance to see some of them. But I would just say also Office of Public Affairs is always tracking any that win state championships.

[02:49:36] And as we do twice a year, we will recognize any of those teams that have won state championships here at the board. So thank you. With that, we're going to move on to administrative items. And I am going to ask Supervisor Smith that she has a motion to approve Admin Items 1 through 10.

[02:49:54] Thank you, Mr. Chairman. I move approval of Admin Items 1 through 10. And the chair will second that. And let me ask if any board members have Admin Items they would like to have discussed or voted on separately. Any that they would like to have, Supervisor Lusk.

[02:50:10] Mr. Chairman, I'd just like to ask a question on Admin 3. Admin 3. So admin three is grant agreement between the Virginia Resources Authority and Fairfax County for the Little Hunting Creek Detailed Model and Mapping Study in the Mount Vernon and Franconia District.

[02:50:26] Supervisor Lusk. Thank you, Mr. Sherman. Very quickly, I just wanted to find out if there will be recommendations that will come as a result of this study that will address flood mitigation. Christopher Harrington, Director of Public Works and Environmental Services.

[02:50:44] So there wouldn't necessarily be direct recommendations from this study. we're looking at it as a pilot effort to sort of gauge what it would take for us to expand the modeling and mapping to other watersheds. However, once the modeling is done, we would use that to update flood maps. And so that would assist our friends in the land development services and property owners with understanding their flood risk and accounting for it through the development process. And then, you know, we would still continue all of our additional work associated with the board's recently revised flood risk reduction policy. So with that, Mr. Chairman, And I'll say I really appreciate the work that you're about to undertake and just will acknowledge in this area we do have some challenges with flooding.

[02:51:23] So anything that we can do, I'll look to the future to see what comments and suggestions. So thank you. Okay. If there are no other questions, all those in favor of admin items 1 through 10, please say aye. Aye. Any opposed? Any abstentions?

[02:51:39] That motion carries. And that brings us to action items. Action item number one is approval of vacation of a parking reduction for the Mount Vernon Costco in the Franconia District. Supervisor Lusk. Thank you, Mr. Chairman.

[02:51:55] I will say very quickly, with the adoption of revised parking requirements that were done with parking reimagined by this board in 2023, the Mount Vernon Costco site qualifies for a lower minimum parking threshold.

[02:52:14] And in order to provide greater flexibility to manage the on-site parking at this site, I move the Board of Supervisors approve the vacation of parking reductions for the Malvern and Costco, originally approved on October 15, 2019, with Special Exception Amendment 2010-LE-025. So moved.

[02:52:37] Chair, we'll second that. Is there any discussion? Seeing and hearing none, all those in favor of Action 1, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Action 2 is approval of the proposed Fairfax County manufactured housing relocation guidelines, and as my understand, action on this being deferred until after the associated public hearings this afternoon, and at this time I would turn to Vice Chair Smith for a motion. Thank you, Mr. Chairman. I move that the Board of Supervisors defer action on the proposed Fairfax County manufactured housing relocation guidelines to follow the

[02:53:11] afternoon public hearing for the manufactured housing plan amendment PA 2022-CW-1CP and residential manufactured home park district and related revisions with the record remaining open for public comments. Chair will second that along with others discussion on the motion. Seeing and hearing none all those in favor please say aye. Aye. Any opposed? Any abstentions? That motion carries. Action three is authorization for the Fairfax County Redevelopment and Housing Authority to issue tax-exempt multifamily housing revenue bonds or notes in an amount not to exceed \$16 million

[02:53:46] to finance the proposed Kindred Crossing project in the Mason District, Supervisor Jimenez. Thank you, Mr. Chairman. I move the county's executive's recommendation to support this bond issuance and move this much-needed project forward. Chairman Chair, we'll second that motion, along with Supervisor Lusk.

[02:54:05] Discussion on the motion. Seeing and hearing none, all those in favor of Action 3, please say aye. Any opposed? Any abstentions? That motion carries. Action Item 4 is resolution to apply for a waiver to administer Pioneer and Garfield precincts in the Franconia District and Penderbrook and Burke No. 2 precincts in the Springfield District as split precincts pursuant to Virginia Code Section 24.2-307 in the Franconia and Springfield Districts.

[02:54:34] And I understand Supervisor Herity has a motion. Yeah, Mr. Chairman, as we've done before, many years, I move that the Board of Supervisors adopt the resolution to apply for a waiver to administer Pioneer and Garfield precincts in the Franconia District and the Pender Book and Burke No. 2 precincts in the Springfield District as split precincts as attached as attachment 2 to Action Item 4.

[02:54:56] So moved. Chair, we'll second that along with Supervisor Lusk. Any discussion? Seeing and hearing none. All those in favor of Action 4, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Action Item No. 5 is approval of the Director of the Department of Cable and Consumer Services recommendation on the number of taxicab certificates to be authorized in 2025.

[02:55:18] Supervisor Smith. Thank you, Mr. Chairman. I move that the Board of Supervisors approve the Director of the Department of Cable and Consumer Services recommendation that no additional taxicab certificates be made available to be issued in 2025.

[02:55:34] The Chair will second that motion. Is there a discussion on the motion? Seeing and hearing none, all those in favor of action five, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Action item number six, authorization to execute a transfer agreement for the change of ownership of Coxcom LLC, doing business as Cox Communications, Northern Virginia, a transfer.

[02:55:57] And again, my understanding, action is being deferred until after the associated public hearing this afternoon. So I'll turn to Vice Chair Smith. Thank you, Mr. Chairman. I move that the Board of Supervisors defer action on the authorization to execute a transfer agreement for the change of ownership

of Coxcom, LLC, DBA, Cox Communications, Northern Virginia, a transfer until after the public hearing on the proposed transfer scheduled for December 9, 2025, at 4.30 p.m. has been held.

[02:56:27] Chair, we'll second that motion. Is there any discussion? Seeing and hearing none. All those in favor of Action 6, deferral, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Action Item No. 7 is sale of general obligation public improvement bonds and public improvement refunding bonds.

[02:56:45] And I'm going to turn the gavel over to Vice Chair Smith so that I can move the county executive's recommendation. Thank you, Mr. Chairman. Motion? Oh, that's the motion. That's the motion. I move approval of the county executive's recommendation. I'm sorry. I'm not used to doing this.

[02:57:02] This is second by Supervisor Beerman. All those in favor of the motion, please say aye. Aye. - Eddie, anyone saying nay? Any abstentions? That motion carries, Mandy. - Thank you, Vice Chairman Smith. - What was wrong on that one? - Action, we're on action item number eight, approval of the FY 2025 to 2030 transportation priorities plan.

[02:57:22] And at this time, I'm gonna turn to our transportation chair, Supervisor Bierman, for a motion. - I move approval of action item eight, consistent with the county executive's recommendation. - And the chair will second that motion. Is there any discussion on the motion? - Question for staff staff. - Yes, Supervisor.

[02:57:38] In the package, there's the repayment of \$100 million in EDA revenue bonds. I don't recall what projects those were for, that we were using EDA bonds for. We have staff assembling here to answer that question.

[02:58:01] And while they're assembling, staff, did you hear the question? Could you repeat? I'm sorry. Let me let Supervisor Harry repeat. There was a line item in here, repayment of EDA revenue bonds of \$100 million.

[02:58:21] That wasn't the bond value, not the repayment. I think the repayment amounts approximately \$8 million. But what is that for? Smita Chalapa, Coordination and Funding Division.

[02:58:40] So that \$8 million, Supervisor Herity, is when we are going to start repaying the bonds. We have assumed \$100 million in EDA revenue bonds. For what projects? We do not have a list of those projects yet.

[02:58:58] It was what? Casual. Yeah. Okay. Yeah. All right. Thanks. Okay. Are there any further questions? Seeing and hearing none, all those in favor of action item 8, please say aye.

[02:59:14] Aye. Any opposed? Any abstentions? That motion carries. Action item number 9 is resolution specifying the Board of Supervisors' good faith commitment to appropriate funding necessary for the county to meet its obligations under the tentative agreement with the Service Employees International Union, Virginia 512, as set forth in Department of Management and Budget's fiscal impact study.

[02:59:37] And I am going to hand the gavel to Supervisor Smith. And at this time, I will move the county executive's recommendation. I'll second that motion. I'll second that motion. Any discussion? Just very briefly, this doesn't really require discussion, but I would just say that I want to thank the SEIU.

[02:59:56] Several members are here for their work, along with our county staff, who I do believe worked in good faith and came up with an agreement that is doable. And what this does is set forth a strong

recommendation to the county executive to meet our obligations under this tentative agreement.

[03:00:15] And I'm only commenting on this because it is historic from the standpoint of this is the first SEIU Virginia 512 negotiated contract for our county employees and I want to thank them for all their hard work on this and for coming forward with something that again I believe is doable this will be adjudicated of course through our budget process but this is a step that we must take to signal to the accounting executive our desire to comply with this agreement and so just making sure the public knows what we're doing here and want to thank our county employees for all their hard

[03:00:53] work. Thank you. I have Supervisor Alcorn, then Palachuk, then Garrity. Thank you, Madam Vice Chair. So yeah, this is a big deal. And frankly, I wanted to also focus on something that doesn't always get focused on. Usually it's just the compensation issues. But there's a lot of detail in here about basically the work products that our county employees do and how that's done.

[03:01:20] I think that's really important. It's clear there was a lot of good back and forth discussions and give and take on basically how changes could be made in the work environment and how that can work for our employees and for the county. And I'll just flag one thing in particular, the artificial intelligence sections and basically as new tools, not just AI, but as other tools become available. And basically there's a process that we basically are open to as a county for doing

[03:01:54] things better. And so that's very hopeful, and I think that helps underscore how this can be a win-win for our employees and for our county overall. So thank you. Thank you. Supervisor Thank you, Madam Vice Chair, thank you to the chairman for this work, and I want to double, triple my thanks to the many county employees, to the SEIU, to the staff who represented the county, to the chief negotiator.

[03:02:22] 99.85% of the ballots cast, we would all die for those percentages, voted for approval at an unprecedented, historic, none of our lifetimes have we had this type of contract for county employees who are in the trenches every day, supporting families, supporting the environment, supporting the staff, ensuring our community continues to be a safe, vibrant, and wonderful place to live, to raise a family, to retire.

[03:02:56] So it is a historic moment. We're going to go into a tough budget season, but I think starting with the excellent work and the good faith that was put into it by the negotiators, by the employees, and by our staff. I know as we learn through this process, and it's always hard to do something new in the county, in a county of this size, and we learn through that process.

[03:03:21] But from everything we've seen and heard to date, the process so far has been excellent. I appreciate those of you here today representing hundreds, thousands of employees, and congratulations on an excellent, excellent first agreement.

[03:03:37] And we look forward to continuing to work with you and with our county representatives through the budget. Thank you. Supervisor Herity. Yeah, it's no surprise that I don't support public sector collective bargaining.

[03:03:53] I do fully support engaging with our employees and addressing their needs. Many things that come out of collective bargaining process are things that we probably would have done anyway. But the process has led to less public transparency, less interaction and transparency with the board, less flexibility for the board to determine how to prioritize spending in very difficult budgets and more

spending on administrative and legal processes that take away from our ability to fund the needs of our residents and employees.

[03:04:22] I certainly don't agree with the process that locks employees into paying union dues with a 30-day window around the anniversary date to stop deductions. Even telemarketers do better than that. As we saw earlier this year, these agreements keep us from doing very common-sense things that staff projected would benefit both employees and save our taxpayer dollars.

[03:04:45] That was the IAFF recommendation. While I consider all requests and grievances brought by our employees, I fundamentally disagree with the process that makes us agree to terms that may conflict with other needs. So I'll not be supporting this item. Thank you.

[03:05:00] Thank you. Seeing no further discussion, all those in favor of the motion, please say aye. Aye. Anyone opposed? Herity, nay. Any abstentions? That motion carries with one nay vote. Mr. Chairman. Thank you, Supervisor Smith. I appreciate your engagement on this, as always.

[03:05:19] Thank you. We are now going to move on to, we have one consideration item, which is Fairfax County Police Civilian Review Panel amended bylaws, and I will turn to Supervisor Lusk for a motion. Yes, Mr. Chairman, I will move the staff and county executives' recommendation for this item.

[03:05:36] And I will second that motion. Is there any discussion on the motion? I was just going to say a very basic point here, Mr. Chairman, is allowing for the terms of the vice chair and the chair to extend from one year to two years. That is the extent of this item.

[03:05:52] Thank you, Mr. Chairman. There's no further discussion. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. We do have two information items on which we do not vote. Information item number one is endorsement of volume one urban design guidelines for Fairfax County commercial revitalization districts in areas 2025 update.

[03:06:15] Are there any questions? Again, this is just an information item. Questions? Supervisor Luss. Chairman, this is a quick question. And just thinking about the review that we are currently undertaking in Springfield, Will these guidelines be incorporated in the review that we are currently engaged with in the Springfield area?

[03:06:39] Yes, they will apply. Elizabeth Haig, Department of Planning and Development, they will apply to the Springfield area, and it can be part of what we look at when we do the Comprehensive Plan Amendment. We do also expect to do a Volume 2 for Springfield, the district-specific guidelines, after we complete the comprehensive plan, because they are intended to help implement the comprehensive plan.

[03:07:03] So that will be a follow-on once that amendment is done. Great. Thank you. Okay. If there are no other questions, information item number two is presentation of the Fiscal Year FY 2025 Annual Comprehensive Financial Report, ACFR, and Popular Annual Financial Report, the PAFR.

[03:07:24] Let me ask if there are any questions of staff. Again, this is just an information item. Any questions of staff? Not seeing and hearing any, so thank you. We appreciate you being here. Good work. There were no questions. With that being said, before we break for closed session, I'm going to ask the – first let me ask if there are any deferrals that board members would like to announce at this point for this afternoon.

[03:07:50] Supervisor Alcorn. Thank you very much, Mr. Chairman. There is a 3.30 public hearing on a 100-mil case, Comstock, Reston Station, LLC, and SE 2025 HM-001. The public hearing is being deferred, so I'm just announcing the intent to do that until a date certain, at the applicant's request, to date certain of February 3, 2026 at 3.30 p.m.

[03:08:16] So I'll be making that motion after we come back. Okay, and I know Supervisor Palczyk, you have two of them you want to mention. Yes, sure, Mr. Chairman. As listed here, the first intent to defer is public hearing SC-2024-PR-00039 VIP management, intent to defer to January 13, 2026 at 3.30 p.m.

[03:08:42] And the second is the public hearing on the ordinance expanding the Cedar Residential Permit Parking District, District 35, also intended to defer to January 13th at 4 p.m. Okay. Thank you for that announcement. Are there any other deferrals?

[03:09:01] Okay. At this time, let me ask the county attorney how long we need for closed session. Mr. Chairman, I estimate approximately one hour. One hour, so that puts us in closed session at 2 p.m. It is 12.45. We are going to—actually, 2.30.

[03:09:16] We're going to go into closed session at 2.30, not 2.31, 2.30, because we have a lot of public hearings that will begin at 3.30. So 2.30 on the dot. We will begin closed session should this motion be approved, and at this time I'll recognize Supervisor Smith.

[03:09:34] Mr. Chairman, I move that the Board of Supervisors recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.2-3711 and listed in the attached agenda for this meeting. And in addition, one is permitted by Virginia Code Section 2.2-3711A, 7 and 8, briefing regarding Johnson v. Shifflett, case number 1-25-CV-80, United States District Court for the Eastern District of Virginia, And two, appointment to the Board of Zoning Appeals and annual evaluation of the county executive,

[03:10:12] as all as permitted by Virginia Code Section 2.2-3711A1. You've heard the motion. I'm happy to second that with Supervisor Palczyk. Discussion on the motion? Any discussion on the motion? Everyone is clear. 2.30, not 2.31. With that being said, all those in favor of the motion, please say aye.

[03:10:31] Aye. Any opposed? Any abstentions? That motion carries. The board will recess, report to closed session at 2.30. We will begin our public hearings at 3.30. Some of us will be there.

[03:10:43] From closed session, and before we move on to public hearings, we do have some closed session business,

[03:25:29] starting with a motion to come out of closed session. At this time, I'll turn to Supervisor Smith. Thank you. Mr. Chairman, I move that the Board of Supervisors certify that to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements by virtue of Virginia Code Section 2.2-3711, and only such public business matters as were identified in the motion by which closed session was convened, were heard, discussed, or considered by the Board of Supervisors during the closed session.

[03:25:57] And the Chair will second that motion. Is there a discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries, and motions coming out of closed session, Supervisor Lusk. Thank you, Mr. Chairman.

[03:26:15] I move the Board of Supervisors approve the settlement demand of the personal representative of the estate of Timothy Johnson according to the terms and conditions outlined by the county executive in closed session. The Chair will second that motion. Is there discussion on the motion? Seeing and hearing none, all those in favor, please say aye.

[03:26:34] Aye. Any opposed? Any abstentions? That motion carries. Supervisor Smith. Mr. Chairman, I move that the Board of Supervisors concur in the Fairfax County Circuit Court's reappointment Daniel H. Aminoff to the Fairfax County Board of Zoning Appeals. Second. The Chair will second that, along with Supervisor Palchik.

[03:26:51] Discussion on the motion? Seeing and hearing none, all those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Smith. Mr. Chairman, I move that the Board of Supervisors approve the County Executive's annual evaluation on the terms and conditions discussed in closed session.

[03:27:07] Heard the motion. The Chair will second that, along with Supervisor Lusk. Discussion on the motion? Seeing and hearing none, all those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries. And with that, we are going to move on to public hearings. And just a few announcements about public hearings. You can testify here in person. You have a number of options to testify. You can testify here in person. You can provide testimony by phone or by YouTube video. At the designated point in the public hearing, I'll call for any speakers from the speakers list, and they will either come forward or their video will be shown or they will be connected by telephone. There will then be an opportunity for anyone

[03:27:47] else that would like to speak on the matter to come down to the podium in front of me or to call in at 703-324-1020. Speakers testifying via video must have submitted their video no later than 9 a.m. on the day prior to the hearing. For public testimony, you're given three minutes to speak as an individual. If you are a spokesperson for a group, you are given five minutes. The board has a very long agenda this afternoon with a lot of speakers. So when it's near your time for your presentation or near your time to testify, please, please, please come down

[03:28:21] closer in the auditorium so that when we call on you, you are ready to do that. And I'm going to now call our first public hearing, which is a public hearing on PCA 2006-SU-025-06, CDPA 2006-SU-025-04, Timber Ridge Management, LLC in the Sully District, and could we please have the applicant reaffirm the affidavit?

[03:28:50] Members of the board, Bob Brandt with the law firm of Walsh Colucci. On behalf of the applicant, I can reaffirm the affidavit, which is dated November 5th, 2025. Thank you very much. Are there any disclosures from board members? Any disclosures from board members? Seeing and hearing none, I will now recognize county staff for a staff presentation.

[03:29:11] Hi, my name is Ciara Downing from the Department of Planning and Development. The applicant seeks to amend a previously approved rezoning for a mixed-use development to allow for single-family attached dwellings and a community arts center. The property is zoned to the planned development commercial district and is also located within the airport noise impact and water supply protection overlay districts.

[03:29:34] The property is part of a larger, approximately 101-acre mixed-use development known as Commonwealth Center. The subject property, Land Bay D-2, is located within 6.8 acres located in the northeast quadrant of the intersection of Newbrook Drive and Westfields Boulevard.

[03:29:53] The applicant proposes a PCA with an accompanying CDPA to allow the development of the property with up to 67 single-family attached dwelling units and an approximately 15,000-square-foot community arts building which is classified as a cultural facility by the zoning ordinance and will be dedicated and constructed by Fairfax County the single-family attached dwellings will be will include five affordable dwelling units and three workforce dwelling units the proposed development will result in a density of approximately 9.79 units per acre and an FAR of 0.37 the

[03:30:30] applicant proposes approximately 2.9 acres of open space representing 42.3 of this total site area. The open space would include 0.31 acres of publicly accessible urban parks comprised of a central park located on the property between the proposed community arts building and the residential dwellings and a linear park along Newbrook Drive. The overall approved open space percentage for the Commonwealth Center will remain at 51% open space on 100 acres. Vehicular access to the property will be provided from an existing curb cut on Newbrook Drive and may also be provided via an inter-parcel connection to the townhomes

[03:31:09] to the west. In addition to the new sidewalk along Newbrook Drive, the applicant will construct an 8 to 10 foot wide sidewalk along the property's Westfield Boulevard frontage to connect with the existing sidewalk on the west side of Westfield Boulevard and its intersection with Walney Road. The previously approved limited access point from Westfield Boulevard would be removed. Additional pedestrian improvements along Newbrook Drive have also been provided to ensure safe crossing to existing retail uses.

[03:31:40] Revised proffers dated December 8, 2025 were included in the BOS supplemental package and included a minor edit to clarify maintenance responsibilities of shared amenities on the site between the applicant and the county. No other substantive changes were made.

[03:31:56] Staff continues to recommend approval of the applications. Thank you. That concludes my presentation. Thank you very much. At this time, we'd welcome the applicant's presentation. Thank you again, Mr. Chairman, And thank you to staff, first and foremost, for working with us on this application. Very pleased to be in front of the board today with their recommendation of approval as well as a recommendation of approval from the Planning Commission.

[03:32:18] But I really want to specifically commend staff on one thing, which is the speed in which they process this application. When we approach staff, we express to them the importance of getting this done. And so we submitted this application earlier this year. I believe it was accepted in the middle of June.

[03:32:34] And here we are before the end of the year in front of the board. And I think that they should really, really be commended for meeting the mark and getting this done in this period of time. This is really an exciting application. Not only is it bringing 67 new single-family attached dwellings to Westfield, an area which is transitioning from a suburban office park to a thriving residential mixed-use community, but this application really stands apart.

[03:32:59] And the reason for that is the 15,000-square-foot community arts center. The applicant will be dedicated in the land to the county for that community arts building. They'll be performing site work,

including the installation of the parking lot, the installation of utilities. And they'll be providing a \$1.3 million contribution to allow that vision to come to fruition.

[03:33:21] So there's a significant number of community benefits with this application. But that, I think, is really the icing on the cake, the cherry on top. So again, this has been a very collaborative effort, working with staff, working with the capital facilities team at the county, which is in the process of designing and finalizing plans for that building.

[03:33:39] But speaking on behalf of not only myself, but also the applicant and our team, we're really, really excited to see that community arts building come to life here in Westfields. So with that, again, pleased to have staff's recommendation of approval, the recommendation of approval from the Planning Commission, and the support of the Seller District Land Use and Transportation Committee.

[03:33:58] With that, our team is here. We're happy to answer any questions that you have. Thank you very much. For that presentation, are there any questions of staff or the applicant? Not seeing any, so thank you. This is a public hearing, and let me check.

[03:34:13] I do not have any speakers who have signed up in advance to testify on this matter. Is there anyone here present who would like to speak on this subject? This is a public hearing. Anyone who would like to testify on this matter? Seeing and hearing no one. Let me ask if we have any callers.

[03:34:29] there are no callers. Assume the applicant waives rebuttal. Closing comments again and a recommendation from county staff. On December 3rd, 2025, the Planning Commission recommended approval of the application subject to the proffers consistent with and now executed on December 8th, 2025. Staff concurs with those recommendations. Thank you very much. Questions from board members?

[03:34:54] Seeing and hearing none, I will now close the public hearing and recognize Vice Chair Smith for motion. I'm going to make my motion and then make some comments. Please. I move that the Board of Supervisors approve PCA-2006-6-SU-025-06 and CDPA-2006-SU-025-04 subject to the proffers

[03:35:31] dated December 8, 2025. I further move that the Board of Supervisors approve the waivers and modifications listed in the staff report and on the handout dated December 3rd, 2025, which will be made part of the record. You've heard the motion. The chair will second that motion. Is there any discussion on the motion? Yes, Supervisor Smith. First, I do need to thank Sierra and Billy O'Donnell for all their work on this. As the applicant said, we were able to move quickly with this. This piece of property was originally entitled for a movie theater and retail, and

[03:36:08] you know, those things have changed over time. And one of the things that I said the community expected was something community serving on this site. So sure, we could do some more residential. I appreciate all the work that the applicant is going to do to get us there with the pad site, the utilities, the parking lot. I think it will be a great amenity for the community. I think 67 units is the right number of units there, and we'll get some ADUs and WDUs out of that, which is really important. So I think the process worked really well.

[03:36:39] I appreciated the communication we had through that, but I really have to praise our county staff for ensuring that we made the mark with this. So thank you very much. Thank you, Supervisor Smith. You've heard the motion. It's been seconded. Any further discussion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank

you. Next, we have a public hearing on SE-2025-HM-00001 Comstock Reston Station Holdings LC in the Hunter Mill District, and we understand this is being

[03:37:17] deferred. Supervisor Alcorn. Thank you, Mr. Chairman. I move that the Board of Supervisors defer the public hearing for SC 2025-HM-00001 to February 3rd, 2026 at 3.30 p.m. Second. I've heard the motion.

[03:37:32] It's been seconded. Discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. All right. Next, we have a public hearing on SEA 80-82-C-027-002, Wolf Trap Foundation for Performing Arts in the Hunter Mill District.

[03:37:58] And at this time, could we please have the applicant reaffirm the affidavit? Good afternoon, Chairman, members of the board. My name is Kathy Taylor from the law firm of Walsh Kluchi. On behalf of the applicant, I do reaffirm the affidavit dated October 30, 2025.

[03:38:16] Thank you very much. are there any disclosures from board members? Any disclosures from board members? Seeing and hearing none, I would now recognize county staff for a staff presentation. Good afternoon, Mr. Chairman and members of the board. I'm Karen Yee with the Department of Planning and Development.

[03:38:32] The subject property is the Barnes at Wolf Trap. The 17.25 acre parcel is located on 1635 Trap Road and is zoned R1. A floodplain resource protection area and EQC are located at the southeastern corner of the site. The subject site is developed with several buildings. The Center for Education building and the barns are located at the south of the site, and the maintenance and admin buildings are located on the middle and north of the site. The applicant is requesting SEA approval to permit a 9,300 square foot addition on the south side of the barns building.

[03:39:06] The proposed addition will expand the kitchen area, pre-show dining and gathering area, and cellar space. Site improvements will include a four-foot wide sidewalk extension at the front of the barns building and six bicycle parking spots. Minor modifications were also made to the previously approved development conditions. These changes include adjusting the capacity of the barn's auditorium from 352 to 382 to reflect patron capacity instead of seated capacity in order to reflect the barn's existing operations, which include seated and non-seated events. There were no changes made to the hours of operation. All performances and private event uses of the

[03:39:41] Building addition will continue to cease at 11:00 p.m. And that concludes staff presentation. Thank you. Thank you very much We now would recognize the applicant for an applicants presentation Good afternoon again chairman members of the board. My name is Kathy Taylor from the law firm of Walsh Colucci similarly, we wanted to Very much thanks staff and commend them for their quick review of this application And just working with us to to really push this application along

[03:40:15] We are also very excited to be able to share this proposal with you all. If you've ever been to the barns at Wolf Trap for a performance or event, I think you will agree with us when we state that this edition that we are discussing this afternoon, and as staff has described, is one that's been a long time coming. I do have a few brief remarks in the presentation, because I thought it might be nice to just provide a little bit of color about this very beloved treasure in Fairfax County. So when people hear Wolf Trap, I believe they often immediately think of the filing center In the larger Wolf Trap National Park for

the Performing Arts, if you look at this image, the barns is actually outlined in red And then the filing center is to the north across from Dulles Toll Road

[03:40:55] As you as you heard this SCA request only pertains to improvements at the barns It's operated by the applicant which is the Wolf Trap Foundation for the Performing Arts That is a nonprofit organization that is separate from the National Park Service As staff noted, the Performing Arts Center is subject to a special exception that was approved back in the 1980s for a cultural center.

[03:41:16] As you know, if you've been there, it's comprised of two historic salvage barns that were purchased and reconstructed in 1981. Since that approval, there have been other special exception amendments, the last being back over 20 years ago. So you can imagine, these improvements are frankly quite overdue.

[03:41:34] Staff did a fairly good job of going through the improvements that are being proposed, which are quite limited, so I won't do that. I just wanted to highlight with this slide, you can see where that Barnes edition will be. It's in that yellow portion of the slide. Much of the overall existing site will remain unchanged in its natural, unwooded, undisturbed state, where a lot of the transitional dense screening around the site will remain the same.

[03:41:58] So now turning to the actual Barnes edition, again, if you haven't been there, I think these are great representations of what that site looks like today inside. You can see that there are limited pre-concert gathering spaces for seating. There's a very small lobby area, a main concessions bar, which is the image to the bottom right.

[03:42:17] And currently, this pre-dining gathering spaces only can accommodate 130 to 150 patrons, where the actual auditorium is over double that. And so you can imagine the spaces here are quite constrained.

[03:42:32] So I won't go through all of these bullet points. The existing spaces in the blue, that barns addition will be that red area. As I noted, the intent of this application is to provide much-needed upgrades to the barns, which hasn't had any major renovations for the past 20 years, and these improvements will more accurately reflect existing operations, which the applicant is not proposing to change.

[03:42:57] These are just the building elevations that you already saw, just shows you how it will seamlessly integrate with the existing barns today. Similarly, this new barn addition will be a reclaimed barn, so how the previous two were completed architecturally, as I mentioned, it will be consistent with what was there in terms of size, massing, as well as materials.

[03:43:20] In fact, the applicant has already worked with a local donor to potentially repurpose an existing barn. You can see in this image, this is a barn that is located in Loudoun County along Route 15. It will need to be removed because of the VDOT widening project in that area.

[03:43:37] So they are already working to be able to re-salvish this barn. Similarly, it will be taken apart and then reconstructed on the wolf trap property. So I won't go through all of these. It's a lot of words. However, the applicant has agreed to a number of development conditions that will ultimately govern the approval.

[03:43:55] Happy to answer any questions about those. So finally, I will note that because the barns is nestled in a residential community, the applicant team did conduct various forms of outreach on this proposal. You can see that listed here, including an in-person community meeting. In the end, we do believe that this proposal to permit this building addition to the existing barns will improve and enhance existing amenities that I'm hoping many of you have already enjoyed, optimize the usage of the barns, and better the overall experience for all visitors. As such, the Hunter Mill Land Use Committee has recommended approval, including staff, as well as the planning commission. And with that, I do request your

[03:44:32] favorable consideration and are happy to answer any questions you may have. Thank you very much. Are there any questions of staff or the applicant? Seeing and hearing none. This is a public hearing, and I have no one signed up in advance to testify on this matter. Is there anyone present in the auditorium that would like to testify on this subject? Anyone present who would like to testify?

[03:44:54] This is a public hearing. Seeing and hearing no one. Let me ask if we have any callers. There are no callers. No callers. The applicant waives rebuttal. Closing comments and a recommendation from county staff. On November 19, 2025, the Planning Commission recommended approval of the application.

[03:45:11] Staff concurs with the recommendation of approval. Thank you very much. Last check, questions from board members. Seeing and hearing none, I will now close the public hearing and recognize Supervisor Alcorn for a motion. Thank you, Mr. Chairman. I would request that the applicant confirm for the record their agreement to the development conditions dated November 5th, 2025.

[03:45:32] Yes, on behalf of the applicant, we do agree to those development conditions dated November 5th, 2025. All right, fantastic. Thank you for summarizing the changes here. This is going to be a nice little addition to this wonderful facility, and thank you for working with the neighbors as you went through the process.

[03:45:48] So with that, Mr. Chairman, I move that the Board of Supervisors approve SEA 82-C-027-002 subject to the development conditions dated November 5, 2025, and I also move that the Board of Supervisors approve a waiver of subsection 5108.5.C2A of the zoning ordinance for the barrier requirement along the southern lot line of the site.

[03:46:15] You've heard the motion. The chair will second that. Is there a discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Thank you very much. All right. Next, we have a public hearing on SEA-2006-PR-008, Sonic Development, LLC, in the Providence District.

[03:46:46] And as soon as they can get down the steps, we would welcome the applicant to please reaffirm the affidavit. Good evening, Mr. Chairman, members of the board. My name is Bernie Suchicito, and on behalf of the applicant, I reaffirm the affidavit dated October 30, 2025. Thank you.

[03:47:09] Thank you very much. Are there any disclosures from board members? Any disclosures from board members? Seeing and hearing none. At this time, we'd recognize county staff for a staff presentation. Thank you, Mr. Chairman. I'm St. Clair Williams with the Department of Planning and Development. The applicant, Sonic Development LLC, seeks to amend a previously approved special exception for a vehicle sales establishment to rent construction of an 8,660-square-foot addition to the existing new vehicle sales building in the northern section of the subject property.

[03:47:43] The 2.86-acre property, which is zoned at C8 and I5, is located in the southwest quadrant of the intersection of Route 29 and Prosperity Avenue in the Merrifield Suburban Center. The site is within an area designated as a commercial revitalization area in the comprehensive plan.

[03:48:00] The site has been developed with and used as an automobile dealership since the 1950s. And again, the applicant seeks to amend a previously approved SE to permit the construction of an 8,660 square foot addition to the existing new vehicle sales building.

[03:48:16] No modifications are proposed to the building in the southern section of the property. The proposed building addition would expand the building footprint along the eastern and southern or rear sides of the building and create a second story addition. The current site access will remain unchanged. However, the applicant proposes to add ADA-compliant curb improvements to the existing entrance along Route 29.

[03:48:42] Finally, in the location circled in red, the applicant proposes to install a concrete curb no less than 8 inches in height. The purpose of this curb is to restrict display vehicles from being parked within the landscape panel area along Route 29. This concludes my presentation. Thank you, Mr. Chairman.

[03:49:01] Thank you very much. At this time, we'd welcome an applicant's presentation. Good evening, Mr. Chairman, members of the board. Again, Bernie Suchezyto, Land Juice Planner. I'd like to thank St. Clair and the rest of staff on such a wonderful job working with them over the last several months on this application.

[03:49:17] The applicant is really excited to bring this application forward to you today, as St. Clair pointed out, for an expansion to allow for a more modern new sales building for BMW of Fairfax. The applicant worked closely with staff to address their concerns and comments and received a Planning Commission recommendation for approval back in November.

[03:49:41] With that, I conclude my presentation, and I'm available to respond to any questions you may have. Thank you. Thank you very much. At this time, are there any questions of staff or the applicant? Not seeing any, so thank you. This is a public hearing. Is there anyone here present who would like to testify on this matter?

[03:49:59] I have no one who had signed up in advance. Is there anyone present who would like to speak on this matter? This is a public hearing. Seeing and hearing none, let me ask if we have any callers. There are no callers. There are no callers. The applicant waives rebuttal. Closing comments and a recommendation from staff.

[03:50:16] On November 12, 2025, the Planning Commission voted to recommend approval of the requested special exception amendment, subject to the development conditions dated October 30, 2025, and approval of the requested modification. Staff concurs with those recommendations, subject to the development conditions now dated December 3rd, 2025. Thank you, Mr. Chairman. Thank you. Last check. Questions from board members?

[03:50:38] Seeing and hearing none, I will now close the public hearing and recognize Supervisor Palczyk for a motion. Thank you, Mr. Chairman. And again, thank you to St. Clair and Kathy and all the staff who've worked on this and to the applicant. As was shared, this is a pretty straightforward application. I've known this dealership as long as I've lived in Fairfax County. Nice to say it was from the 50s. It really is just

allowing an upgrade to the site. We're happy to see that continues to be successful and a part of the Merrifield area.

[03:51:06] As was stated, it's going to keep the very low 0.25 FAR. No new uses, no intensification, no added traffic. But there will be improvements to the landscaping, to the ADA requirements, and to the EV charging to help modernize the site.

[03:51:25] With that and all standards for vehicle sales use being met, Appreciate that staff have found no adverse impacts on the neighbors as well. And as this area continues to slowly or differently develop, let's say, we appreciate the work and the commitment to continue to be good neighbors and a good business in the area.

[03:51:48] So to that, I do have three motions for approval. I move that the Board of Supervisors-- oh, no, one motion. I move that the Board of Supervisors approve SCA 2006-PR-008. Can we have you ask the applicant if you agree to these conditions?

[03:52:06] Sorry about that. Thank you. I'm trying to go quickly, and I slowed us down. Mr. Chairman, I request that the applicant confirm for the record their agreements, the development conditions now dated December 3rd, 2025. Yes, on behalf of the applicant, we agree to the development conditions dated December 3rd, 2025.

[03:52:25] Thank you. Thank you. And now the motion. I move that the Board of Supervisors approve SCA 2006-PR-008 subject to the development conditions dated December 3rd, 2025. Approve the modification of streetscape and sidewalk-slash-trail requirements along Route 29 and Prosperity Avenue in favor of that shown on the SCA Platts.

[03:52:50] And finally, approve the modification of the front yard setback along Route 29 to that shown on the SCA plaque. You've heard the motion. I'm happy to second that, along with Supervisor Herity. Discussion on the motion?

[03:53:06] Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries Supervisor Alcorn and Supervisor Stork being absent from the dais. And with that, we're going to move to our next public hearing, which is a public hearing on SE 2025-PR-00016, MicroStrategy Incorporated, doing business as strategy in the Providence District, and could we please have the affidavit be reaffirmed?

[03:53:39] Welcome. Yes, good evening, Mr. Chairman, members of the board. Again, my name is Bernie Cicicero. I'm a land juice planner with Walsh Colucci, and on behalf of the applicant, I reaffirmed the affidavit dated November 13, 2025. Thank you. Excellent. Thank you very much. Are there any disclosures from board members?

[03:53:56] Any disclosures? Seeing and hearing none, I would now recognize staff for a presentation. Thank you, and good afternoon, Mr. Chairman and members of the board. I'm Sunny Ann from the Department of Planning and Development. The applicant is requesting a special exception for signage modifications on an office building in the Towers Crescent Development in Tysons.

[03:54:17] The PDC-zoned 27,878-square-foot application site is located north of Towers Crescent Plaza, west of Ring Road, and south and east of Fashion Boulevard. It contains a 13-story office building. While

the site is part of the larger Towers Crescent mixed-use development with an approved comprehensive sign plan, the special exception applies only to the application area for three building-mounted signs.

[03:54:46] The applicant requests to replace an existing 179.2-square-foot rooftop sign with a new 662-square-foot sign on the north elevation, which faces Interstate 495. On the south elevation, while the two existing signs would be retained, the existing 143.2-square-foot sign is proposed to increase to 200 square feet.

[03:55:09] The total requested sign area would be 872.5 square feet. In addition, the applicant is requesting a modification for the sign facing Interstate 495 to expand beyond the perimeter of the rooftop screening wall and to be more than 12 feet above the roof that supports the screening wall.

[03:55:30] Staff finds the proposed signs are proportionate to the building height and facade size and architecturally integrated with the building's design and materials and will not impact the adjacent development and the beltway. This concludes my presentation.

[03:55:47] Thank you. Thank you very much. At this time, we'd welcome the applicant's presentation. Good evening, Mr. Chairman. Again, Bernie Chichicito. I'd like to thank Sunny Yang and the other members of staff on their work on this application. They were very helpful in the special exception process for signed modifications.

[03:56:06] As we all know, this is still a very evolving process, and we're all learning things. The applicant is very excited to bring forth this application before you today. It is an opportunity for them to implement their rebranding of their corporation's name from MicroStrategy to Strategy B.

[03:56:22] And with that, they worked with staff to design this larger sign, 662 square foot, to be more aesthetically intact with the architecture of the building. We believe that it's in proper scale to the rest of the building and is going to be a positive contribution to the ever-evolving Tyson's Capitol Beltway Corridor.

[03:56:44] With that, I'm available to respond to any questions you may have. Thank you. Thank you very much. Are there any questions of staff or the applicant? Seeing and hearing none. This is a public hearing, and I have no one who signed up in advance to testify on this matter.

[03:57:00] Is there anyone here present who would like to speak on this subject? This is a public hearing. Anyone who would like to testify on this matter? Seeing and hearing no one. Let me ask if we have any callers. There are no callers. No callers. The applicant waives rebuttal, closing comments, and a recommendation from staff.

[03:57:18] On December 3, 2025, the Planning Commission recommended approval of the application subject to the development conditions dated November 19, 2025. Staff concurs with the Planning Commission's recommendation. Thank you. Thank you very much. Last check, questions from board members?

[03:57:36] Seeing and hearing none, I will now close the public hearing and recognize Supervisor Palchuk for a motion. Thank you, Mr. Chairman. And this, again, pretty straightforward. We love signs, but absolutely want to thank Sonny Yang and the staff for their work on this and the applicants for their work on this.

[03:57:56] I recently drove by to look at the sign that is up, the new strategy sign, and it seems very appropriate. So, you know, from 495 residents and visitors, we'll be able to see firsthand that Tyson's is open for business. Tyson's hosts five Fortune 500 companies, 90,000 jobs, 110,000 daily visitors, and just over three square miles.

[03:58:20] And so this is one of the region's strongest employment centers and a magnet for major corporate tenants, and we love to keep our excellent tenants there. As Tyson's continues to grow, it's a powerhouse for innovation, investment, and opportunity. This is a project that really reflects the kind of major but minor changes we make to have that major corporate presence that's already thriving here to be able to maintain and continue to be competitive, especially in difficult times.

[03:58:50] It's also, as our planning commissioner stated, consistent with the building architecture, does not overwhelm the facade, and is consistent with the Tyson's urban design guidelines. So with that, I want to, first of all, request that the applicant confirm for the record their agreements, the development conditions dated November 19, 2025.

[03:59:16] Yes. On behalf of the applicants, we agree to the development conditions dated November 19, 2025. Thank you. Thank you. I have one motion. I move that the Board of Supervisors approve SC-2025-PR-00016.

[03:59:34] Subject to the development conditions dated November 19, 2025. You heard the motion. The chair will second that motion. Discussion on the motion. Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions?

[03:59:50] And that motion carries Supervisor Alcorn being out of the room. Thank you. And our next public hearing, I believe, is being deferred. But our next public hearing is on SE-2024-PR-00039, VIP Management, LLC, in the Providence District.

[04:00:15] And at this time, I will turn to Supervisor Palczyk. Yes, Mr. Chairman, due to affidavit issues, I move that the Board of Supervisors defer the hearing and decision for SE-2024-PR-00039 to a date certain of January 13, 2026 at 3.30 p.m.

[04:00:41] You've heard the motion. The chair will second that. Discussion on the motion? Seeing and hearing none. All those in favor, please say aye. Aye. Aye. Any opposed? Any abstentions? And that motion carries. And next, we have a decision only on the public hearing on proposed plan amendment 2022-CW-2CP, Comprehensive Plan Policy Amendment, Phase 1.

[04:01:17] And at this time, I am going to turn to Supervisor Smith for a motion. Thank you, Mr. Chairman. I'm going to make some comments, a motion. have a follow-on and some other comments. At the end of 2022, the Board of Supervisors authorized the consideration of a comprehensive plan amendment to update the countywide policy plan called Plan Forward. The goals of this update are to streamline the current plan, align with the countywide strategic plan, one Fairfax, and other recently adopted plans

[04:01:51] to update policies and add new policies. Phase one of Plan Forward has included robust engagement with the community planning commission and county agencies which has been reflected through the multiple iterations of draft plan text we have seen to date on november 18 2025 the board held a public hearing and deferred the decision to today to allow additional time for board members to review

and provide input on the draft plan text during the deferral period staff met with board members to discuss the text and gather additional changes the changes reflected

[04:02:29] in the December 3, 2025, version of the plan text incorporate those edits which align with the initial direction to streamline, align, and update the policy plan. The board commends the time and effort put into this amendment by the community, planning commission, and staff. This amendment is phase one of a two-phase effort, and we look forward to what's next. Therefore, Mr. Chairman, I move that the Board of Supervisors adopt Plan Amendment 2022-CW-2CP, dated December 3, 2025.

[04:03:05] You've heard the motion. The chair will second that. Discussion on the motion? Yes, let me start over here. Supervisor Herdy. Yeah, I want to start by thanking staff for their work on this. It was a lot of work.

[04:03:21] They had the impossible task to take 18 board-approved plans, none of which were fiscally constrained, and put them into a policy plan while trying to balance that against the cost of housing and streamlining our current plan. There's some items in this update that I am very supportive of.

[04:03:38] The emphasis on committing to protect the Aquacom watershed, the respect for established neighborhoods, preservation of industrial zone land, and the additional uses that are included in the repurposing section. However, again, we see an increase in requirements that will lead to additional costs.

[04:03:57] requirements for developers there are a whole bunch of place we took should and moved it to a required reducing flexibility from new stormwater management requirements which will result in more costly infrastructure to bird friendly construction techniques that we allow an outside unelected entity to determine that new new projects that have to comply with we've increased from lead silver to lead gold that's that's you know by all standards

[04:04:33] out there that I've seen that's a 10 10 to 15 percent increase in the cost of a housing unit 10 to 15 percent increase in the cost of a housing unit and that's our requirement now for more the more restrictive nature of phasing requirements to studies developers need to do into the cultural impact of communities and enhance revitalization these new provisions are adding material cost complications times to an already inexpensive labor-intensive and complex development projects adoption is plan wide significant cost to our housing

[04:05:08] units which is what this board says we're trying to address and I don't think this one cuts it so I will not be supporting it Thank You supervisor Alcorn thank you mr. chairman I'm gonna go a little different direction than what we just heard I I actually I think this actually compiles and brings together a lot of things that had it been included in different parts of the comprehensive plan different Fairfax County policies and really does bring it together I think in a responsible way I do want to thank in particular Supervisor Smith for

[04:05:46] shepherding this and for bringing this bringing this home because there are a lot of different pieces that needed a lot of very specialized attention, because if you look at any one piece in isolation, it doesn't necessarily make sense.

[04:06:05] So understanding it in context, how it relates to other parts of the plan, how it relates to other requirements, sometimes in the zoning ordinance, these are all things that had to be considered. And I do want to mention there are also, you know, there's good language in there about community engagement

and getting the community involved in our land use processes and our planning processes and rezoning reviews and such.

[04:06:32] But there is new language in here, particularly very excited about the community health language that's there. And there is equity language in here. It may not be everything that maybe all of us wanted at every turn.

[04:06:50] But this is definitely a step forward. And I think there are some additional related concepts that over time, particularly as it relates to engaging communities that are the potential subject of redevelopment and some new ways to bring community development into it that we can get involved and bring into the process and into our planning documents.

[04:07:17] But for now, I think this is where we need to be. I'll be supported in motion. Thank you. Supervisor Palchik. Thank you, Mr. Chairman. Before I share my comments, if I could have a quick clarifying question. I've been communicating with staff on a change that was made since the Planning Commission regarding the area. Comprehensive plans specifically for me overseeing Tyson's and where there might be a conflict, if you could just clarify for us how staff would be seeing something coming in in Tyson's that maybe is currently different on the Tyson Comprehensive Plan versus what might be seen in the policy plan?

[04:07:59] Certainly. Tracy Strunk, Department of Planning and Development. So the current language for non-residential in Tyson's and for some of our other areas recommends LEED Silver. The proposed policy plan language would recognize for Tyson's and for our other development areas and areas of high focus an expectation of LEED Gold.

[04:08:24] So there is certainly, or a similar program, we have other language for flexibility, and we have language that allows staff to work with applicants if that is an issue. There is, I know there was a concern raised about there being a conflict between the plan language that recommends silver and Tyson's right now, because that was, we were looking not in the area plans, this was a, this plan amendment was to address the policy plan and the policy plan language that recommends gold, and I should say our research and what we have seen with applicants coming in through proffers is that they are proffering to the gold, but that doesn't, I understand

[04:09:03] the concern about there being not a lack of clarity there. So we have looked at, we have some upcoming plan amendments in Tyson's and that is a place that we will be able to go back and fix that discrepancy. And in addition, we can certainly do outreach to the community and we do almost every case that comes in in Tyson's or other areas comes through our pre-application process, so that is another place that we can certainly make sure that there's clarity on what the expectation is so that there's not a disconnect there. I appreciate that and I think also hearing we are in difficult times and so we want to make sure that we are focused on environmentally

[04:09:42] sound solutions without an exorbitant increase in costs that makes it more difficult to build. So I would appreciate that clarity, that communication, but also if we could continue to track changes in the impacts on the costs of doing construction as we move forward, I think that would be very helpful. We do have quite a few plans in area plans, so we know that for industry, including affordable industry and businesses to move forward, clarity is critical. So I appreciate that and the continued work there.

[04:10:16] And then I also just want to second, to me, the big new thing here that I very much appreciate is the health section, and I want to thank our health policies manager for her work and the team who have worked on this. I look at things holistically, and so to be able to think about how we continue to build healthy communities where people can thrive, where they can afford to live, to have access to open space, green space, safe areas to walk and bike, to be able to age in place and community.

[04:10:46] So I very much, to me, that is something that is new, that really stands out as an area. And I believe the Planning Commission highly praised it as well, of the thoughtfulness of how everything we do comes together, how we focus on a community, and not to mention making sure that in a county of over a million people, that we be more targeted, more thoughtful, and do a better job.

[04:11:12] and how we do outreach and engage with our communities, especially the voices that are not typically heard. So my hope and my expectation is that this policy plan gives us that guidance to support our small businesses, our residents, and our vulnerable communities to have a voice at the table in a county that continues to evolve.

[04:11:35] But I want to thank all of the staff for their work on this, and especially our vice chair for shepherding this excellent work. That's the problem with doing good work is you get more work on your table. So I appreciate that and look forward to supporting this. Thank you, Supervisor Palchek.

[04:11:50] Any other comments? Supervisor Beerman. Thank you. These plans are really tough. You have to balance a lot of different things. It's a big county.

[04:12:07] It's complicated. We all know that. I think it's really important when you go to page 9 and you look at legal authority, purpose, and scope, that these plans are general in nature.

[04:12:23] They should be considered to be aspirational, which frankly should go in both directions. As in there are some times where they're a little too aspirational and there are some times where they might not be aspirational enough. In other words, if you want to come in with something you think is even better, lead platinum.

[04:12:42] Go right ahead. We'll accept that, too. And I think that's really the nature of this beast, so to speak. I don't think that it's something that will always please everybody all the time. I also think that the really important thing when it comes to land use is, for better or for worse, the nine people up here and soon to be ten.

[04:13:09] That's kind of how this works. And and and so I think this is something that I can support knowing all of that, knowing its general nature, knowing its aspirational nature and knowing that this is part of a pretty lengthy, ongoing conversation about how we develop this county.

[04:13:31] Thank you. Thank you, Supervisor Bierman. Any other comments? Let me just say, I think, as was just expressed, this has been a balancing act, and I want to take people backwards a little bit because I think folks are surprised to hear this, that these conversations that have been happening are a result of authorizing this three years ago, not three months ago, not a year ago, but this has been worked on for three years with extensive community input.

[04:14:05] And, you know, I will also point out that this is to update a document of which some sections of it are 40-plus years old. So, you know, we can talk about what the impacts are of this, but I would say not updating this would have been the most damaging thing we could have done.

[04:14:25] I actually see streamlining. I see reduction in redundancies in this. I see modernization of our policies to reflect what's actually happening in the real world. And the outdated document that we had actually was becoming a problem facilitating development and redevelopment.

[04:14:45] And so I, too, see it very differently, perhaps, than some do here. This will not do everything for everyone. And I want to acknowledge that that's where the balance piece of this becomes really important. Our board has to balance appropriate protections for the environment with the need for redevelopment and economic development in the county.

[04:15:06] Our board has to balance the need to address health inconsistencies in our community with the desire to not scuttle, I should say, development that's happening in other parts of the county. And so when you have a county this diverse, it is very difficult to do this work, and it absolutely requires the type of balance that I have seen in the final motion.

[04:15:32] And I do want to thank all the folks who provided input on this. As I said, it's been a three-year process, not the least of which are some of our board's authorities and commissions like the TAC, EQUAC, the Tree Commission, all of these groups that were involved, all the county agencies, everything from LDS to our chief equity officer that were a part of these conversations. And then last but not least, as others have said, Supervisor Smith. This is a big undertaking, and without her leadership, I don't think we would have reached the balance that we have reached today. And also want to thank the Planning Commission. I know they spent enormous

[04:16:09] amounts of time working on this and trying to improve it and providing the input that was important for us as we went down this path. And so I, too, will be supporting it. And if there's no further comments, all those in favor of the motion, please say aye. Aye. Any opposed?

[04:16:26] Parity nay. Any abstentions? And that motion carries eight to one. And with that, we're going to move. Ah, you have another one. That's right. You do have a second one. Okay. I have a follow-on motion, then some comments. I move that the Board of Supervisors direct staff to conduct a general review of the policy plan at least once every five years to determine whether changes in policies and land use planning initiatives during the previous five-year period such as but not limited to the updating of area plans warrants revisions to the policy plan thank you you've heard the motion and

[04:17:01] the second of the motion are there any is there any further discussions on that yes supervisor alcorn yeah it's a great idea i i think it would also be helpful during this five-year period for somebody to do a technical edit because there are things, you know, sometimes words are used a little differently and the terminology varies across the policy plan. So at some point, as part of that update process, I think that would be helpful too. Thank you. Thank you. Very good. Any further discussion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any

[04:17:37] opposed? Any abstentions? That motion carries Supervisor Smith. Okay. So I'm going to read something then I've got to say a thank you. The planning commission offered a follow-on motion related to community engagement. Planning staff already conduct robust engagement as part of the plan forward and other plan amendments and studies guided by the comprehensive plan, the county's inclusive community engagement framework, and emerging best practices. Rather than establishing a new directive, I would encourage planning staff to continue this ongoing work, educating and engaging the community on planning processes,

[04:18:16] so residents are well prepared to participate in future comprehensive plan updates with a continued emphasis on increasing the pool of people we engage with as has been happening steadily over recent years. I've just seen wonderful work, the outreach that's happening when the comprehensive plan studies are doing.

[04:18:36] I see so many staff members sitting here that I know put so much time and effort into this. want to thank you all but I have to give a special thank you to Corrine and for Kelly for ensuring that everybody got their stuff and got it moving forward my advice to you is take a breath and reflect before we get to phase two I think everybody needs to breathe and look at what went well where you want to change things it's going to be a lot of work continuing but as you know this board appreciates all the efforts that went into this and the community and the

[04:19:12] Planning Commission. So thank you very much. Thank you very much, Supervisor Smith. And as we all said, thank you as well. With that, I believe we're done with that now. At this time, I am going to call our next public hearing, which is a public hearing on proposed plan amendment 2022-CW-1CP manufactured housing concurrent with proposed zoning ordinance amendment regarding residential manufactured home park district and related provisions and as soon as staff

[04:19:47] is ready we would welcome a staff presentation and while we're waiting for staff let me just make one other announcement that translation services are available via headset for those in the audience who do not speak English and I understand that we do have a number of speakers who will need translation services from the podium which we will provide to make sure that we hear from everyone and so I want to make that announcement while we're

[04:20:17] waiting for staff to assemble good afternoon members of the board I'm Leah

[04:20:50] Niebauer from the Department of Planning and Development Fairfax County is home to seven manufactured housing communities with 1,769 units unlike traditional home ownership where the land and home are owned by a single entity residents of manufactured homes typically own the home but rent the land from a separate entity.

[04:21:14] These communities serve as a crucial source of housing for working families, but the supply has been diminishing over time. In 2021, the board established the Manufactured Housing Task Force, which developed as a set of recommendations aimed at preserving affordable housing opportunities that exist within manufactured housing communities. Three of The 34 task force recommendations relate to the comprehensive plan.

[04:21:42] One, define manufactured housing communities. Two, provide area plan recommendations regarding preservation and if redevelopment is planned, achieving the goal of no net loss through replacement considerations. And three, strengthen policy plan language to have the same protection as other single-family residential communities.

[04:22:02] In a collaborative approach effort with housing and community development, We engaged property owners and managers, community members, advocates, the Manufactured Housing Roundtable, Planning Commission, and the Board of Supervisors Land Use Committees.

[04:22:20] There was a second round of engagement to review the draft recommendations, which was published in both Spanish and English. The community members expressed support for preservation strategies and concerns and fear that redevelopment will occur and result in displacement.

[04:22:37] The property owners and managers stated that there are currently no pending applications to replan, rezone, or redevelop any of the communities. The adopted Appendix 10, Guidelines for Mobile Home Retention in the Land Use Policy Plan, lacks guidance on preservation strategies for existing manufactured housing communities and preserving affordability levels.

[04:23:01] To strengthen the policy plan language, the proposed updates would remove Appendix 10 and create a new Objective 7 within the housing element and include policies that preserve existing manufactured housing communities through facilitating potential investments in infrastructure, encourage rezoning or special exception to support preservation, and promote resident-led acquisition or non-profit organization when the communities are for sale.

[04:23:28] If redevelopment occurs, proposed policies include preserving existing affordability levels with a goal of one-for-one replacement and, if feasible, relocating community members back on site into affordable committed units. Developers should consult with the Department of Housing and Community Development early in the process, as well as conduct an affordability analysis and review relocation support per the manufactured housing relocation guidelines.

[04:23:56] When redevelopment or other environmental hazards warrant relocation, identify land to support relocation and preservation of affordability, and facilitate home ownership opportunities. The comprehensive plan references the Manufactured Housing Relocation Guidelines.

[04:24:13] While this item is not part of the comprehensive plan amendment, it will be put forward for consideration as an action item and provide tools and recommendations for residents to find temporary and permanent relocation support. The proposed updates look at providing preservation guidance for each community within the area plan.

[04:24:32] Woodley Hills, Audubon, and Waple Mills Estates are currently zoned for residential manufactured home park district. The proposed text is to be explicit that these are planned and developed for manufactured housing use and should remain. Some units within Audubon Estates are located within the floodplain.

[04:24:51] Replacement of units within the floodplain needs to follow floodplain regulations per their zoning ordinance. The comprehensive plan land use plan map density range will also be updated to reflect the existing density. Meadows of Chantilly is zoned for industrial use.

[04:25:08] However, the adopted plan supports the community as a suitable residential neighborhood that should be protected. The plan-based map will not change at this time, given that the plan recommendations surrounding the site are industrial and the areas within the airport noise district.

[04:25:24] Harmony Place Mobile Home Park is zoned for commercial use, but is planned for residential use. Replacement of units within the floodplain should follow floodplain regulations per their zoning ordinance. The proposed revision would note that these are planned and developed as manufactured housing use, and if redeveloped, the goal of one-for-one replacement and relocation guidelines should be met.

[04:25:49] Alexandria Mobile Home Park and PennDaw Terrace Mobile Home Park are also zoned for commercial use and have mixed-use redevelopment options per the Richmond Highway Corridor Plan. The proposed revisions include updating the plan recommendations to know that these are communities

that are planned and developed as a manufactured housing use at the baseline, but also retain the redevelopment options currently within the plan.

[04:26:12] If redeveloped, the goal of one-for-one replacement and relocation guidelines should be met. That concludes the presentation for the comprehensive plan, and now I'm going to pass it on to Janann to go over the Zoning Ordinance Amendment.

[04:26:53] Good afternoon.

[04:27:22] My name is Janann Cato, and I'm a planner with the Zoning Administration Division. And I'll be presenting today on the proposed zoning ordinance amendment, but I was told to wait a second, so I'm going to wait.

[04:27:56] Okay, so I'll be presenting today on the proposed zoning ordinance amendment. My name is Jananne Cato. Three of the seven manufactured home parks are zoned to the RMHP district. Three parks are zoned C8, and one is zoned I3.

[04:28:14] The parks in the C8 and I3 districts are legally nonconforming uses. As part of the coordinated community outreach, we solicited feedback from residents on minimum separation distances between homes with a voting poster at each meeting.

[04:28:34] Participants generally prefer to maintain the current requirements of 15 feet between units. We also were concerned about limited parking and a desire for more spaces to accommodate the number of people in each household. The proposed changes to district standards are intended to bring the existing parks closer to conformance.

[04:28:56] These changes do not require any modifications to the existing legally non-conforming manufactured homes, but would apply in the future or to existing unpermitted additions. The main changes include increasing density from 6 to 10 units per acre, which is consistent with the density in the zoning ordinance at the time when most of the parks were developed.

[04:29:19] Reducing setbacks to the boundary of the park to 5 feet, which better aligns with existing conditions and with certain other residential districts. Also reducing certain minimum required distances between structures by maintaining the 15-foot minimum for side-to-side separation between units, but reducing the separation distance to 10 feet if units are oriented end-to-side or end-to-end, which you could see in the diagram on the bottom right.

[04:29:48] The advertised range does go down to 10 feet, eight feet, and six feet, as that's the minimum required by building code for manufactured homes. Allowing roofed or open decks to be as close as five feet to another structure. This is to address that many of the homes already have covered decks or patios that don't meet current requirements and cannot be permitted.

[04:30:12] Increasing the parking rate from 1.5 to two spaces per unit, which aligns more with the parking requirement for single-family detached dwellings. And this would not require changes to existing parking, but would apply to any additional development. The proposed amendment would also allow for the board to modify the RMHP district standards with the approval of profit conditions or a special exception.

[04:30:43] The amendment also proposes two new application types and expands a current application. Currently, the zoning administrator can approve an error in building location up to 10%. The proposed

amendment adds that distance between manufactured homes can qualify for the same administrative approval.

[04:31:03] Also being proposed is a new special permit process that would allow homeowners to request a reduction in the minimum required distance between manufactured homes down to either the building code minimum or five feet, whichever is greater. This provides flexibility for existing homes that either have or would like an addition or deck while still maintaining safety.

[04:31:26] Additionally, the amendment includes a new special exception application for non-conforming parks that would allow the parks to reconfigure or otherwise make updates to the site. As part of the review, the board would have the ability to modify the RMHP district standards, and so the park would no longer be considered non-conforming.

[04:31:50] Finally, there are two more proposed changes that we'd like to highlight. State code dictates that manufactured homes are eligible to be replaced with a similar unit. Currently, there are a number of homes located in the floodplain that are considered legally non-conforming, and under current zoning ordinance regulations, their replacement requires a special exception. The amendment updates the floodplain section to allow these homes to be replaced without a special exception, which is consistent with state code. Replacement units would still be required to be elevated for safety. Also, additions to units or new pad sites in the floodplain

[04:32:30] would require a special exception approval. Lastly, the transitional screening requirement is proposed to be revised to group manufactured homes with other single-family detached and attached dwellings by removing the requirement for a 25-foot buffer and 6-foot solid fence or barrier between manufactured homes and single-family homes.

[04:32:54] Thank you, and we're happy to answer any questions. Let me ask at this time if there are any questions of staff. Any questions of staff? Okay.

[04:33:10] Seeing and hearing none, this is a public hearing, and I do have speakers who have signed up in advance to testify on this matter, a number of them. And as I mentioned before, we will provide translation services for a handful of our speakers today. And I'm going to call our first speaker, which is Marianela Funes, Community Organizer with Tenants and Workers United.

[04:33:33] If you could come on down. And if you are here to testify, I need you to come down closer. We've got a long night here tonight. That will be followed by Dania Moya. We have a caller, Jill Norcross and Hilda Ore Sotomayor.

[04:33:50] If I called your name, please make sure you're down here close. So when you're ready to, when your turn is here, we are ready to hear from you. Speaker number one, again, is Marianela Funes. Welcome. Thank you, Mr. McCain. Yeah, Marianela Funes, Community Organizer with Tenants and Workers United.

[04:34:09] And we have been in the city for almost 40 years and in a focus on mobile home communities in the last seven years. And we honestly wish, instead of having this public hearing about guides for relocation, we wish to testify about preservation and protect and improve mobile home communities.

[04:34:35] We have been in many meetings with many of you. And all of you have told the communities that there is no space in the county to replace these communities. Also, our communities are paying

between \$1,400 in rent.

[04:34:58] But according to community experience and my own experience, I don't see in the county a two-bedroom apartment for that price. I have seen working with many complex apartments, and people are paying over \$2,000 for a two-bedroom apartment, and rent is going high.

[04:35:22] And there are many members from the community that wish to be here, but because of the timing and transportation are not here. But they asked me to share the following testimonies. Kenya Hernandez and her three kids live in Pendam.

[04:35:39] They live in a single-section home, and she bought the home in 2024, and she pays \$82,000. She paid \$1,350 of rent, \$760 between gas, electricity, and water, and she has invested around \$42,000 in home improvement.

[04:36:06] She works full-time at Mount Vernon School, And she invested her life savings to get this home. Sonia Lara and his family live in Audubon. Her home is a single section.

[04:36:23] She got this home in 2025 for about \$60,000. And she already invested like \$12,000 on home improvement. She works two full-time jobs as a cleaning services.

[04:36:41] Alberta Uloa lives in Alexandria Mobile Home. She got his home in 2018. She paid \$30,000, and she has invested around \$25,000 in home improvement.

[04:36:58] And she wished to stay in the county and work, and her kids go to school there, and she works full-time as a child care provider. Because all of the people that lives in the mobile home have similar experience, we think relocation funding shouldn't be an empty promise because there are incomparable rents in the county or land for a mobile home to be moved.

[04:37:33] Also, let's take into consideration that many of these homes are built in 1940, and those homes, you cannot move those homes, I mean, I'm sorry, you cannot move those homes anywhere. Also, we are asking the fair market value, in place fair market value.

[04:37:53] As you can see, some mobile homes were bought last year or this year, and the value is really high. Plus, people have invested a lot in home improvement. Also, we think there should be a local county investment program to raise or flood-proof the units.

[04:38:15] And it shouldn't be a cost from the community. For us, there should be county funds to protect and help these families to move the homes from this area.

[04:38:31] For example, Audubon has around 120 units that are in risk areas and Harmony Place as well. But the communities shouldn't be paying for this. Also, we think the cost and fee for permission should be lower.

[04:38:53] It's too high. And also, we think the home ownership opportunity is a great idea. But before thinking on that, we need to know deeply the community, the income, and everything for that situation.

[04:39:10] We think opportunities to own the land by co-op model is more ideal model to preserve mobile home communities. Thank you. Thank you very much. Speaker number two is Dania Moya, and I understand we'll have a translator as well.

[04:39:30] Welcome.

[04:39:44] Tengan todos. Muy buenas tardes. Primeramente, Dios, esto, gracias por darme la oportunidad de estar aquí, y muchas gracias a todos.

[04:39:59] Thanks for the opportunity for letting me speak. Quisiera, bueno, mi nombre es Denia Moya. I'm Denia Moya. Yo vivo en las trailers de Harmony Play con mi familia. Quisiera contarle un poco de mi historia. I'd like to tell you a little bit of my story.

[04:40:18] Yo me compré mi trailer, Toda Destruída. I bought my trailer, Toda Destruída. Me costó \$20,000. It costed me \$20,000. Todos mis ahorros se me fueron totalmente ahí. I spent all my savings on it. En construcción, reparación.

[04:40:33] En building it, fixing it. Y aún todavía no he terminado de repararla. And I'm not done fixing it. Lo que quisiera pedirles es una petición. I'd like to ask, as a petition. Es que si a un caso viene una compañía.

[04:40:53] In the case a company comes in. Quiere vender las propiedades. And wants to sell the property. give us the chance to buy the land so we can buy them we don't want to be moved out of the county because the trailers are too old to be moved out please give us the opportunity

[04:41:25] to own. Think of our families. In case there isn't this opportunity. Necesitamos que las trailers los den un valor de pagarlo lo justo. Ya que nosotros esto no los han costado ni Because this didn't just cost us \$5,000, \$10,000, \$15,000.

[04:42:01] We'd like to preserve our homes. As our kids are closer to our schools, we're closer to our jobs. I'd like to add another petition. And that is to have control over the rent.

[04:42:23] It goes up year after year, and we're, well, we don't have that many resources.

[04:42:39] We've invested our money in Germany, and we have no money to buy a house.

[04:42:53] our salaries go up rates are increased by about one dollar in three or four years every time the rent goes up we're closer to losing our rent please take into account my petition. We'd like to stay in the community. We'd like to preserve it. Gracias. Thank you.

[04:43:30] Thank you. Our next speaker is Jill Norcross, who has joined us by phone. Jill, can you hear me okay? I can. Can you hear me? Yes. Welcome. The floor is yours. Thank you so much. My name is Jill Norcross, Executive Director of Affordable Housing, and I'm speaking on behalf of the Affordable Housing Council of their county. In addition of our particular of this affordable housing task force that was created in 2020 and the subsequent

[04:44:04] manufactured house created by the board of supervisors in 2021 um in 2022 in september the manufactured housing task force delivered our recommendations to the board of supervisors for the preservation of the county's approximately 1750 manufactured homes as well as tools and strategies to address the unique needs and challenges facing the community owners and then in october 2022 you authorized the consideration of a county-wide comprehensive plan amendment for the manufactured housing um developed according to the recommendations

[04:44:41] of the task force so here we are we're finally here as you consider the plan amendment and more and i just wanted to thank you for that i just want to offer a few comments on the proposed comprehensive plan amendment the zoning ordinance amendment and also the relocation guidelines which were developed by the department of housing and community development i really want to first

commend all the county staff who have been working across many departments and planning and development zoning and housing and community development who've been diligent and considerate in making these improvements which have helped the residents of the mobile home park communities to preserve

[04:45:18] their housing which we know is one of the most market affordable options we have in the county Yet, these residents are also among the most vulnerable when it comes to federal, state, and local protections from redevelopment. And just as a cautionary tale, as my organization has been working this fall with the residents of a mobile home community in the town of Leesburg, Virginia, where preservation policies nor relocation guidelines are not in place, and the resources for the residents have been really cobbled together at the 11th hour, as the families will all be forced to bleed this place from their homes by January 31st, 2026.

[04:45:55] The partners in the jurisdiction, including the Community Foundation, Loudoun County, dozens of nonprofit organizations and faith communities, have literally had a band together to try to support these residents, many of whom have had to leave Loudoun County and even the state of Virginia to find affordable housing after being displaced from their home.

[04:46:14] So believe me, while our Fairfax County process has taken several years to come to fruition, it is much better to have these plans and policies in place before the threats of displacement occur. So I just want to thank you for making this a priority for the county and designating the resources and staff to make these important changes.

[04:46:31] Both at AHAC and Novaja have worked with Megan Van Dam and Ivana Escobar and HCV, who have been really extremely helpful in helping us think through some best practice preservation interventions and relocation guidelines in Leedsburg, helping out another jurisdiction, not to mention the excellent zoning and planning and development staff who have made the presentations to AHAC.

[04:46:55] um and with the community and other staff members so i know the relocation guidelines have room for improvement to ensure that all residents are adequately compensated so they can find similarly priced housing in our county and i know fairfax naacp housing committee and science and workers united have worked hard to identify other best practices and also to help to explain the reality of the current residents and shaping those guidelines and i commend them for their work This has been hard work, but also important work, especially as we continue to lift up the goals of One Fairfax to strive for equity for all our residents.

[04:47:30] So thank you for this opportunity to speak today and to get this finished. Thank you very much for that, Jill. And our next speaker is Hilda Ore Sotomayor, who, again, I'm told may need translation services.

[04:47:47] Is speaker number four Hilda Ore Sotomayor here? Yes. Okay. Good afternoon.

[04:48:14] Good evening. This is more or less the same thing we saw with the last person. I bought a trailer about four months ago.

[04:48:33] cost about 33,000 and I'm investing the rest of my savings which are about another 33,000 and now this comes a big surprise it's the first time I've been hearing about this stuff I had to look for a part-time job To pay my expenses.

[04:49:11] This is my worry. I won't be able to move. Like the last person said. These are old mobile homes. And I've been renovating from the floor up.

[04:49:27] Everything. for us. I'd like to think it's something positive for us. That doesn't work against us. That's it. Thank you. Thank you very much. Our next speaker is Mary Payton, who I know is here, to be followed by Dee Carter, who is going to be calling in. And Mary is chair of the Fairfax County Branch of NAACP Housing Committee. Welcome. Good afternoon, Cara McKay

[04:50:03] and supervisors. So you've just passed an aspirational plan to develop, to direct the growth of Fairfax County that includes a vision statement. The county will plan for growth by providing diverse housing options, ample employment and business opportunities, essential services, and preservation of a natural environment for future generations. Communities will be designed to be safe, walkable, well-connected by a multimodal transportation system with cultural, recreational, and healthy spaces that foster a sense of place and ensure access to a high quality of life for all people.

[04:50:42] You're now considering an amendment to that plan regarding how it applies to the manufactured housing communities. I've worked with these communities for about seven years along the Route 1 corridor, where they've gone through many of the issues affecting mobile home communities nationally, including poor conditions, rising rents, sale of parks to equity firms, tenant organizing, and impending development.

[04:51:04] We know that mobile home parks provide the most affordable market-rate housing in the county, but they are vulnerable to displacement. In its Land Use Plan, the Board has chosen to designate some mobile home communities for denser development, which has increased the value of this land, making it attractive to large developers.

[04:51:25] We ask you to take responsibility for this decision and to ensure that the residents of these parks will still have access to the high quality of life described in your vision statement. They already have a sense of place and community and they want to keep it, as you can hear.

[04:51:42] In the case of mobile home parks, there's a wide gap between what the law says and what is moral. I didn't say that. A land use attorney told me that recently. If you follow the letter of property law, mobile homeowners can be cleared from the land like trees. And this amendment offers some things to lessen that pain.

[04:52:01] But if you follow your own moral code as to what you are promising Fairfax County residents, you will use every possible legal and financial mechanism to help these homeowners fulfill their dream of cooperatively owning their land and managing their own communities. This model has been realized in many places and could happen here, even if it's in a different piece of land with a different configuration of homes.

[04:52:26] The county already tried it once in trying to secure a mobile home park, but lost out because of a weakness in the state law section that we're trying to address this year. Here's a more aspirational take on the manufacturer housing section of the policy plan for your consideration.

[04:52:48] Objective 7. Preserve affordability of manufactured housing communities. Support resident ownership of parks or relocation of communities. And if redevelopment is inevitable, support fair compensation and relocation of residents considering their preferences.

[04:53:05] Policy A and B would be the same. Policy C, provide ongoing engagement with mobile home community residents regarding their community's needs. Ensure they are informed about and can comment on surrounding county land use plans and development proposal, especially efforts to develop their park.

[04:53:24] D, encourage housing stability and equity building by supporting efforts of residents or allied nonprofit organizations to purchase the communities. E, identify public land for possible relocation of communities in ways that combine affordability and equity through cooperative land ownership.

[04:53:43] F, if redevelopment is proposed by a park owner and no relocation site is possible, activate the relocation plan, which guides the developer to offer fair compensation, moving expenses, and relocation assistance. But please don't be lulled into thinking that passing relocation guidelines that are impossible to carry out, in fact, because the county's high housing costs will result in fairness.

[04:54:10] Take the relocation guidelines for a test drive, as did NICP member Dee Carter in her testimony, which follows mine. Many families who've lived here for decades would be forced out of the county. Also, police set a zero charge for mobile home community residents who apply for zoning approvals.

[04:54:29] It currently costs up to three times their monthly pad fee, according to zoning department personnel. That's not something you would do to a homeowner. Staff from Housing and Community Development and the Planning and Zoning Departments have done a remarkable job over the past year and redrawing zoning requirements and meeting monthly with mobile home communities.

[04:54:52] They've done what they can under your constraints. Now it's your turn as elected representatives to set a higher goal that includes your constituents in mobile home communities and your vision for the future of Fairfax County. Thank you. Thank you very much.

[04:55:07] Mary, our next speaker is Dee Carter. Is Dee Carter on the line? Can you hear me okay? Yes, can you hear me? We can hear you. Welcome. The floor is yours. Okay. Thank you very much. Good afternoon, Chair McKay and other supervisors. I am Dee Carter, resident of the county. I am a realtor and a member of the Federalist County NAAC Housing Committee, and I will work with staff to help develop a more realistic plan for compensation and relocation of mobile home families. To begin to estimate fair compensation for mobile homes in

[04:55:46] in the county, I have pulled listings for sales of all mobile homes over the past five years. I have found sold prices for three parks. Meadows of Chantilly, Whittles Mills, and Audubon and Fair County District has three listed sales ranging from \$36,000 to \$91,000.

[04:56:06] Whittles Mills and Braddock District four listings ranging from \$27,000 to \$41,000. Meadows of Chantilly and Sully District four listing listings with \$16,000 to \$23,000. to \$120,000. Most sales outside Chantilly probably do not go through a real estate broker.

[04:56:26] All sold prices are recorded in the county Department of Taxation and in the county's assessment. The range of sold prices is wide. Appraisals are based on the age, size, and condition of the home, as well as location and comparable sales prices. Because of the wide range of sold prices. It would be both fair if homeowners are based on individual appraisals. On average, appraisals should be done by a licensed appraiser, specifically

[04:57:01] in mobile homes appraisal, and done at in-place appraisals, assuming the park will cooperate. The policy for mobile homes is that mobile home tenant protections offering relocation paid approximately a minimum of \$5,000 in parks and envelopes.

[04:57:23] Read it required to strengthen domestic violence, lease termination rates, and maintenance responses. They also recognize that manufacturing homes is affordable, street-line local zoning, pathway to convert homes to real property, aiming to modernize, modernize rules, and preserve housing.

[04:57:45] This should be aware that the proposed Manufacturing Housing Committee Relocation Guidelines asks the developer to locate wealth in the county, if possible, in the approximate price rate currently affordable to the mobile homeowner. Manufacturing housing is the most affordable, market-grade form of housing.

[04:58:05] The ground lease rent along Richmond Highway are mostly below \$1,200 a month. A debt repayment of the mobile home itself could be added to that for the monthly housing. comparable to rent or mortgage payments, but probably for under \$2,000, I found only six two-bedroom apartments.

[04:58:26] Most of the most homes I listed had bedrooms and were around 1,500 square feet. A search of rental townhouses or units of that description in Frederick County turned up five listings under three.

[04:58:43] For up to \$2,500 a month, I found 102 bedrooms or three bedrooms, most of that square feet, added throughout the county. If they move to Prince William County to a townhouse under \$200,000, I found three listings. Similar to \$2,500 for a two-bedroom or three-bedroom around 1,500 square feet, I found five units added throughout Prince William County. If searched for rental or townhome listings for units of that, it turned up only 23 listings

[04:59:22] under 3,000. The other listings were under 1,000 to 15 square feet. For similar units under 2,000 in Prince George's County, Maryland, I found zero listings, mostly under 1,000 square feet. Units under 2,500, there were 20 listings found for three bedrooms, two bath rental units with at least 1,500 square feet. Similar search for these units under 3,000, I found five listings, Department of Checking House with at least 6,000 square feet more about when we try to that we get

[05:00:00] market value and that they're able to try to at least try to live within the county itself or similar or comparable in other schools. D, your time expired a while ago. Appreciate your testimony.

[05:00:17] I will say if you have that testimony in writing as well. If you could send that to the board, that would be helpful. I heard most of what you said, but you cut in and out because of the cell service, so it would be helpful if you could submit that in writing. If you have it, if not, I think we captured it.

[05:00:34] I think I've also submitted it earlier. Okay, great. Thank you very much. We now are on speaker number seven, Therese Chaplin, submitted video testimony. Hello, my name is Therese Chaplin, and I work with Tenant Workers United through a faith community organization along Richmond Highway.

[05:00:58] MHC is one of the most affordable forms of housing there are for our essential workers. We have five great communities in our area. I will address the land use policy plan element on manufactured housing communities, specifically policy D, which is to promote affordable homeownership opportunities and support for community members or non-profit organizations to purchase the MHCs.

[05:01:25] This policy sounds like it addresses the manufactured homeowner's main goal of collective ownership of their park rather than seeing it developed and then being displaced. However, it could be

more clearly stated. It should say, promote affordable home ownership opportunities and mobile home parks by supporting community members or non-profit associations in their efforts to purchase manufactured housing parks when they are for sale.

[05:01:52] A couple years ago, the county did facilitate a bid on an MHP, actually outbidding the competition. But then it lost out because of a penalty clause in the sales contract between the park seller and potential buyer. Delegate Paul Kreeseck's legislation to allow mobile home park tenants the right of first refusal to buy their park passed both the House and Senate last year, but was seriously watered down by the governor.

[05:02:18] The delegate will introduce a similar bill for the fiscal year 26 session. With the county's previous actions and the hard work of our delegate to renew an obstacle to resident purchase of the park, we are making progress. However, now we need the county policy to clearly state that it will work with residents and nonprofits to make an offer on a park whenever possible.

[05:02:41] This is happening around the country through efforts of groups like the resident-owned community ROC USA. ROC USA has finally come to Virginia and facilitated the purchase of Crestview Cooperative and Buena Vista MHP last month, giving 71 families long-term stability, control, and the ability to build equity where they live.

[05:03:05] County staff is in touch with ROC USA and may be able to engage them in negotiations here. Cooperative ownership of a park is the most practical form of stability and ownership for MHCs. Residents gain limited equity and make their own park rules with governing councils with training and support from an organization like ROCUSA.

[05:03:27] This is the option that most of the residents have sought for many years. They express a desire to remain together as a community so they can support each other. Let's help our essential workers who live in MHCs to achieve their dreams by adopting clearly stated policy.

[05:03:44] And thank you for all you're doing to promote affordable housing in Fairfax County. Thank you very much for that testimony, and that is the end of my speakers who have signed up in advance to testify. Is there anyone here present who would like to speak on this matter who has not already spoken?

[05:04:01] Anyone present who would like to speak on this matter that has not already spoken? This is a public hearing. Seeing and hearing no one, let me ask the clerk if we have any additional callers. There are no additional callers at this time. Closing comments and a recommendation from county staff.

[05:04:18] The Planning Commission held a public hearing on the plan amendment on November 19th and recommended approval of the proposed plan amendment with the text as shown in the staff report dated October 22nd, 2025, and the proposed zoning ordinance amendment with the text as shown in the staff report dated October 14th, 2025.

[05:04:44] Staff concurs with the Planning Commission's recommendations. Thank you very much. Are there any questions from board members? Questions? Question? Supervisor Lecce. Thank you, Mr. Chairman. First, I'll just make a couple of comments. I'll note that when we had the public meeting, there were approximately 78 participants from across the county in different mobile home parks that were a part of that discussion.

[05:05:15] And I'll be frank here in saying that there were some issues, I believe, with communication during that process and that there might have been some difficulty with regard to translation and being able to understand everything that was being discussed in that meeting.

[05:05:37] I know we had translation services, but I think it was a question of the translation and then the interpretation by those that were on the call. So I just want to lift up that my first point is we're going to have to do some additional communication and making sure that everyone understands really the purpose of the guidelines, the ordinance and the in the changes that are being discussed here and making

[05:06:11] sure that they understand that second I'll say the preservation of these units is a central and pivotal focus of this work in that in my district so in Franconia we have two mobile home parks one Audubon which is the largest with over 700 units and then the second harmony with roughly 91 so I have the largest number of mobile home units in my district of any district in Fairfax

[05:06:48] County so I fill this issue even more as it relates to the concerns of those who live in these parks I recognize that there's some fear and thinking through some of the comments that we just heard we're not proposing any changes in terms of those mobile home parks developing right now.

[05:07:15] We're saying that if in the future there is a decision by the owners to make a change in terms of their individual parks, then there's going to be opportunities for us to have guidelines that can be applied to help with relocation and to help prevent displacement as much as possible.

[05:07:41] And I think, you know, from some of the speakers, we could tell that that wasn't exactly understood. And I will say that from my perspective, I'm going to probably need to do some additional outreach and we'll engage the staff in doing that even after a decision is made here so that we can really hone in with the residents and make sure that they are on the same page as we are here.

[05:08:11] I feel that what we're doing here is to make it better for those residents. We're establishing kind of a set of rules here that we can apply to help them in the event that there's a displacement.

[05:08:31] So let me just ask a few questions, and maybe we can get clarification on those. I know there were some specific questions about fair market value. We want to ask the staff if they can basically define what that means and how they are applying fair market value as a part of this ordinance and guidelines.

[05:09:04] Hi, this is Ivana Escobar. I'm the Manufacturer Housing Coordinator for the Department of Housing and Community Development. The fair market value is for permanent relocation. residents would have the opportunity to either decide within the fair market value or that minimum that we have for that 22 for a double wide and 13 for a single wide the fair market value would be appraised by someone who has experience doing appraisals within manufactured housing communities okay so that's important is that that'll be done by third party second as a sub

[05:09:40] question is on your \$22,000 figure in your \$13,000 figure can you talk a little bit about how you determined those two numbers please yes so what we did is we looked at best practices and one of them was looking at how much it would cost to move a unit and we looked at the higher end just looking at where we are in Northern Virginia as well as we also wanted to just be intentional of making sure that even though we have a lot of units in the county we also recognize that there's some units are built prior to 1973 so that's why we do

[05:10:19] have it highlighted there that those units that can't be moved or they were built prior to 1973 would get you know that minimum value okay and that's really more so for the older units that cannot be moved so we're clear on that point yeah we wanted to just put a baseline for those units particular because we do know if they do a fair market value in those units especially because they don't have that manufactured housing hot sealed they're not valuable but they wouldn't be considered as valuable as those that were built prior. Okay, and then I know that there

[05:10:54] were a couple of points about funds to help families that are in the floodplain or risk areas. Is there anything that we can do? I know it's not specifically identified here, but if there's a interest in addressing those families and the issues attendant to them, what are some of the opportunities we have to address those concerns and just to clarify Megan

[05:11:32] Van Dam with the yes Department of Housing and Community Development just to clarify are you talking about as part of a relocation proposal to to if they if we're recommending that the that the homes be relocated out of the flood plane correct right so we would look to be able to help them I think the biggest challenge with that is making sure that we have a a place for the the homes to be moved to um but i think at the moment one of the considerations we're doing in harmony is looking at uh supports

[05:12:06] that we may have to elevate the homes if it is possible uh to do that um but i i think and i'll turn to uh the zoning administration staff because i don't think that the uh current proposals on the table in terms of both the policy and the regulation would would force any of the existing residents to to have to move their home or elevate it or do anything with it it's really looking at future right locating new units within

[05:12:38] the floodplain yeah that's correct existing homes in the floodplain would not are not required to be elevated unless they're replaced the replacement units would need to be elevated okay that's helpful and then let me ask on the fee structure because we heard the the cost for some of the fees and I believe if we're looking at the ordinance it's between what zero dollars

[05:13:12] and 1230 1230 so acknowledging that that high end of the range is going to be prohibitive for many of the residents has the staff thought about a number that's more more reasonable say in the range of say \$250 to \$300 or something is that something that we've looked at and considered we propose the range between zero dollars and a thousand two hundred and thirty dollars and that's

[05:13:49] for the special permit for the reduction in the minimum duration distance and we've considered that the one thousand two hundred thirty dollars does align with similar special permits and we also looked at the lowest special permit cost is five hundred and eighty five dollars I believe so we did put forth a range for the board consideration? Yeah, I think for me personally, this number is high. I mean,

[05:14:24] if we're going to be charging more than \$250, say \$300 for this, I think it's going to be prohibitive for a number of the residents. I would hope that we can look at that and come up with a number that's going to be appropriate based on the circumstances. And so with that, I'll say, You know, I'm, you know, committed to continuing to work with the community.

[05:14:47] We tried to find a pathway for a nonprofit to come in and acquire the mobile home park that's Harmony. We were so close, as one of the speakers indicated earlier, and unfortunately that did not happen.

[05:15:04] So I think in the long term, you know, looking for ways to allow for those nonprofits and others to be able to help the owners become owners of the underlying land is going to be really important so I know this is not what we're discussing today but I just want the folks that are listening to me hear that this is something that we are continuing to look at and recognize it as a challenge and that this is affordable housing there are many residents who choose to live in this housing and I believe they

[05:15:42] have the right to do that but they need to be able to do it in a safe and you know clean and productive environment so these are the things that we're committed to doing so with that I will can just continue my questions thank you mr. chairman okay are there any other questions from board members yes supervisor Smith are there at this time any pending applications to replan rezone redevelop or sell any of the manufactured home properties no not at

[05:16:20] this time I think some of the difficulties for the community and hearing these changes we want to make is understanding when and how they would get implemented so I'll give one example from the zoning ordinance change we're changing from 1.5 parking spaces to two how would and under what circumstances would that change occur yeah that would that change would occur if there was additional development or reconfiguration of any of the manufactured home parks when that would

[05:16:54] apply. And so that statement you just made really holds for the changes in the zoning ordinance, correct? And so these aren't changes that will just automatically happen once we vote on this. And I think that clarity and that messaging over what these changes really do and when they would occur is going to be important in future communications with the community. Thank you.

[05:17:16] Thank you. Supervisor Smith, any other questions? Seeing and hearing none, I will now close the public hearing and recognize Vice Chairman Smith for a motion. Mr. Chairman, first I am going to have a motion for Action 2 that we deferred this morning. I move that the Board of Supervisors approve the proposed Fairfax County Manufactured Housing Relocation Guidelines dated November.

[05:17:45] Hold on a minute. I just want to make sure. I thought we needed to do Action 2 after we approved this item I think we're doing it in the opposite order I think we want I want to look at staff and find out here because we deferred action to so that we could approve here yeah hold the public hearing and and approve the the public hearing item is that correct and then we go to action - yes correct okay okay so let's let's scratch that we're starting over on a motion here so So do you want me to do the plan amendment next then?

[05:18:24] Yes, the plan amendment, then followed by that, action two. Okay. The plan amendment, followed by the zoning ordinance amendment. Followed by the zoning ordinance amendment, followed by action two, is the last item we act on. And apologies for if we messed up the order of the pages.

[05:18:40] Yes. Okay. We've had a lot of talking, so I'm not going to do the opening remarks. We've been at this, and staff has worked at it. So, Mr. Chairman, I move that the Board of Supervisors adopt the Planning Commission recommendation for PA 2022-CW-1CP with the modification shown in bold and yellow highlighted font as shown in attachment 1 of this motion.

[05:19:06] That's been seconded, moved and seconded by Supervisor Palczyk. Discussion on the motion. Seeing and hearing none, yes, Supervisor Stork. Thank you, Mr. Chairman.

[05:19:22] I had a few comments I wanted to make and mostly to express the process that we've followed to update something that's more than 40 years old that desperately and decidedly needed to be updated.

And I know we're not probably everywhere we want it to be for a couple reasons.

[05:19:41] One is that we need state action to address some of the key elements that I think would really give the kinds of protections and support and, frankly, create the community process that would ultimately result, I think, and one that would be fair to the residents as well as ultimately the potential redevelopment that could occur as a result of that.

[05:20:03] But I wanted to highlight a couple things that I think are really critical to this and absolutely were critical to me in this. First off, I believe that we do and are with this potential approval to our protecting the residents but also providing them with an opportunity to grow and for their neighborhood, if you will, to change as the neighborhood changes around them, not to them but with them.

[05:20:33] And what that looks like, I don't know. I really don't. But what I do know is right now lots of things can happen that the community doesn't have to be as engaged and frankly doesn't have some of the same protections and supports that I believe are essential to some of my core beliefs.

[05:20:52] And one of those core beliefs is that we need to make sure that we don't leave anyone behind in things that we do. And leaving people behind means not giving them an opportunity to stay in their community, not doing one-for-one housing options for them, not creating opportunities for them to continue to remain a part of a community that they've, and frankly, many, many cases, and I know hundreds of people that have been in our community for decades, but give them an opportunity to stay in our community and provide specific measures and specific mechanisms for them

[05:21:30] to do that. So that one-to-one replacement thing was a key piece of it to me. And so the language that we use does matter. In this case, that language, I think, is there. Compensation for relocation guidelines, I think that's critical.

[05:21:46] And the county making every effort to provide the opportunities to remain in the community. Those are the key things that I thought were an essential part of this, having affordability analysis work that we do, enabling and really encouraging residents or nonprofits when the situations are appropriate to work with any potential owner that wants to sell to, frankly, provide other opportunities for the residents to continue to live and or manage their own park.

[05:22:17] Those are all, I think, key parts of what I believe are important parts of this process. Establishes a special exception process, which really is, in my mind unclear, provides guidelines and rules for how to do those things. So it can't be quite so, I guess, authoritative.

[05:22:39] You have to actually go through a process. You have to engage the residents. You have to work with them. You have to follow our rules to be able to do these kinds of things. We have not only on a park-wide basis, those kinds of engagements, but also for providing individual homeowners with a special permit process.

[05:22:57] So there are many, many things here to like. There's more things, I think, particularly with some state support, which I know Delegate Cresac has been working on for years and potentially has an opportunity to make those changes this year. All of those things combine, to me, and the fact that this existing situation we're in is 40-plus years old, it begs the kinds of changes that we have here and the kinds of improvements that we made here, and frankly, the kind of assurance to the residents and to the park owners what the process is if they or residents want to leave or do something different.

[05:23:34] So with that, I will be supporting this. Thank you. Thank you, Supervisor Stork. If there's no further discussion, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. And Supervisor Smith, you have a motion on the zoning ordinance part.

[05:23:53] Yes, Mr. Chairman, I move that the Board of Supervisors adopt the proposed zoning ordinance amendment for residential manufactured home park district and related revisions with the staff recommended options as set forth in the staff report dated October 14, 2025, and that the amendment take effect at 12.01 a.m. December 10, 2025.

[05:24:14] And the chair will second that motion. Discussion on the motion? Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Aye. Any opposed? Any abstentions? That motion carries. And at this time, we're going to go back to action item number two.

[05:24:31] And let me restate action item number two was approval of the proposed Fairfax County manufactured housing relocation guidelines. Supervisor Smith. Thank you. I move that the Board of Supervisors approve the proposed Fairfax County manufactured housing relocation guidelines dated November 3, 2025, as found in the attached attachment titled Fairfax County manufactured housing relocation guidelines of the board item. Thank you. And the chair will second that along with Supervisor Palczyk. Discussion on the motion? Supervisor Palczyk. I just want to thank everyone involved with this process again I know it's never easy to do it for the first

[05:25:07] time but I was mentioned I know it sounds like at the community meeting there were issues with an interpretation it is one of the toughest jobs I've ever had I want to thank the interpreter who was here today did an excellent job I want to thank the staff as we continue to learn how to better engage and ensure that we are targeted and fully inclusive of our community to me that's the most important thing we can do and so I want to thank you for ensuring that we had community voices here today and through the process. Thank you Supervisor Palchek

[05:25:43] if there's no further discussion all those in favor of the motion please say aye aye any opposed any abstentions and that motion carries all right thank you all very much a lot there but appreciate everyone's patience as we got through that. And I'm going to call our next case, which is a public hearing on proposed plan amendment SSPA-2023-3-1BR Park Center in Land Unit J of the Dulles Suburban Center in the Sully District. And as soon as staff

[05:26:18] is ready, we would welcome a staff presentation. Great. Thank you. Good afternoon, Mr. Chairman, members of the board. My name is Michael Burton, joined by Clara Johnson with the Department of Planning and Development. I'm also joined this evening by Bob Pecora, representing the Department of Transportation, and we're here to offer staffs consideration for SSPA 2023-Roman numeral 3-1 BR Park Center Plan Amendment. The subject site is approximately 64 acres, located at Tax Map Parcel

[05:26:56] 43-2, double circle 2-39C, with a general address of 14905 Conference Center Drive in the Sully District. Located within Land Unit J of the Dulles Suburban Center, the subject property is currently developed with high-security office uses. The existing development is consistent with the context of the Westfields Business Center in Chantilly, a prominent job center developed broadly with a mix of uses, including high-security and non-secured office sites, commercial retail sites, and residential communities. The subject site is predominantly surrounded by other office uses with the smaller residential community developed to the south as well as a hotel and

[05:27:35] conference center to the southeast across conference center drive. The adopted plan guidance for the site recommends a mix of uses including office, conference center, hotel, industrial, and industrial flex uses up to a 0.5 FAR including private open space. On April 11, 2023, as part of the 2023 SSPA cycle, the board authorized consideration of a site-specific plan amendment for the subject property to increase the planned office potential from 0.5 FAR to 0.69

[05:28:10] FAR. To note, this plan amendment was reviewed with a subsequent rezoning application. The Park Center plan amendment considers adding approximately 530,000 square feet of office development. The concept plan pictured here, provided with the 2023 SSPA nomination, includes an additional office structure on an undeveloped portion of the site and an additional parking structure to the north. As part of our evaluation, staff considered the efficient integration of new office space with the existing office campus. Additional considerations included opportunities to enhance

[05:28:49] both pedestrian and bike facilities that serve the area. The study considered targeted transportation facilities that include a transit stop and intersection improvements, such as added turn lane capacity and enhanced pedestrian crossings and pathways. Finally, staff's considerations included expanding on-site protection of the Farmington Bush Hill Cemetery.

[05:29:10] This concludes the presentation, and staff is available to answer any questions that you may have. Thank you. Thank you, Michael, for that presentation. And I don't know if we handed out copies of my motion to board members.

[05:29:28] Do you guys have those? Okay, so we made a change there. Does anybody have any questions of staff? Okay, seeing none, this is a public hearing, and we don't have anyone who signed up. Is there anyone here in the auditorium that would like to speak to this matter?

[05:29:46] Okay, seeing no one, I will now recognize the clerk to see if we have any speakers who have called in. No callers. No callers. Closing comments and a recommendation from staff. Thank you. On October 29, 2025, the Planning Commission supported the staff recommendation for plan amendment SSPA 2023-Roman numeral 3-1BR to add an option to the plan to allow for an increase in office development potential from 0.5 FAR up to 0.69 FAR.

[05:30:17] This concludes the staff presentation. Thank you, Madam Chair. Thank you. I'm going to pause here for a second, but I'm going to thank you for all the work that you did on this. This part of the Westfields Business Park has a lot of secure businesses, which are really vital to us as a county.

[05:30:43] Okay. We're good. So I'm going to ask Supervisor Stork because of his... Would you kind of, like, call on me to make a motion and then take a vote? Yeah. Thank you, Vice Chair Smith. I'm calling on you for a motion, please.

[05:31:06] Thank you very much. I move that the Board of Supervisors adopt the Planning Commission recommendation for Plan Amendment 2023-Roman Numeral 3-1BR. with modifications to allow flexible solutions to providing pedestrian and bicycle facilities the amendment would add an option to allow for an increase in office development from 0.5 far up to 0.69 far the proposed plan text is

[05:31:38] shown in the handout dated December 9 2025 motion in a second by supervisor

[05:31:47] Palachuk. Any discussion on the motion? No discussion. With that, we'll take a vote. All those in favor, signify I'm saying aye. Aye. Opposed? Abstentions? That motion passed with Supervisor Bierman

and Chairman McKay out of the room. Thank you. Thank you. Back over to you, Vice Chair. Thank you very much. We are nothing if we're not flexible. Thank you. I appreciate that. Okay. Oh, in the nick of time.

[05:32:19] Thank you, Mr. Chairman. Thank you. Next, we have a public hearing on proposed plan amendment 2024-CW-T1, Route 29 corridor from Germantown Road, Russ Road to Buckley's Gate Drive, Summit Drive.

[05:32:40] And at this time, I am happy to recognize county staff for a staff presentation. Thank you, Mr. Chairman. I'm Ryan Stewart of the Department of Planning and Development. With me this evening is Michael Garcia and Arpita Chatterjee with the Department of Transportation.

[05:32:56] This plan amendment is essentially a follow-on to a transportation study of the Route 29 corridor that reassessed the plan's guidance for grade-separated interchanges and active transportation needs. This segment is immediately west of the City of Fairfax and the Braddock and Springfield supervisory districts.

[05:33:12] The Board endorsed the study's findings in December of last year and authorized this plan amendment to update the comprehensive plan and the countywide transportation plan map. And Ms. Chatterjee will now provide the details and the staff recommendation. Thank you. Thank you, Ryan.

[05:33:29] Good evening, Mr. Chairman and members of the Board. My name is Arpita Chatterjee, Transportation Planner with the County's Department of Transportation. The purpose of this PA is to update the comprehensive plan guidance for the corridor based on the findings of the Route 29 study.

[05:33:47] The Route 29 study was undertaken to reassess the long-term needs of the corridor and develop context-sensitive solutions that serve residents and commuters. Currently, adopted comprehensive plan shows planned interchanges at Legato Road, Monument Drive, and Shirley Gate-Vapalsmill Road at Route 29.

[05:34:04] The study corridor falls within the Fairfax Centre area. Our recommendation is in line with what the plan recommends for the FCA. The study looked at three different scenarios. Existing conditions, future 2045 baseline conditions, assuming we make no improvements to the corridor, and future 2045 preferred mitigation alternative.

[05:34:25] This was the basis for the recommended changes to the comprehensive plan. It includes removing the three interchanges and proposed ad-grade improvements. We had extensive public outreach throughout the course of the study and the plan amendment. We conducted two public surveys and we found that the community supports staff recommendation for the removal of the planned interchanges and have ad-grade improvements.

[05:34:47] Here is a quick rundown of the recommended ad-grade improvements. For the intersection of Vapilsmill-Shirley Gate Road at Route 29, our study found that it has high volumes, delays, long queues, and lacks adequate active transportation infrastructure. To address these issues, our study proposed the addition of a second left-hand lane for both Shirley Gate Road and Vapilsmill Road, signal timing adjustment, high visibility crosswalks at all four legs of the intersection, median refuge islands, etc.

[05:35:15] These recommended improvements addressed both traffic operations as well as pedestrians and bicyclists' safety and comfort. The intersection of Lagarto Road and Monument Drive did not show significant operational deficiencies in the existing and the baseline scenarios.

[05:35:31] With minor lane configuration changes, signal timing optimization, both the intersections, Lagarto Road and Monument Drive, are expected to operate with fewer delays throughout the peak period. The study evaluated the existing pedestrian level of comfort and bicycle level of traffic stress for the study corridor.

[05:35:48] Based on our study findings, we see that existing infrastructure is not conducive for pedestrians and bicyclists' safety and comfort. We are making recommendations to improve the facility, especially on the southern side. So in conclusion, staff recommends retaining the earth-grade configuration of the corridor and remove the planned interchanges.

[05:36:07] Staff also recommends, as an interim condition on the south side of Route 29, to facilitate the planned goal of shared-use paths. A combination of the service drive and a sidewalk may be considered to provide a comparable function as a shared-use path. And that concludes the staff presentation. Thank you, Mr. Chairman.

[05:36:31] Questions of public hearing, and I have no one who has signed up. Oh, I do have someone who has signed up in advance to testify, and that is Keith Henning, who has submitted video testimony.

[05:36:47] If we could play that. I'm here to share my support for the Comprehensive Plan Amendment for the Route 29 Corridor Improvements. This is a project that any moron can see needs to be done. However, apparently we need to study it for two years and have public hearing upon public hearing so that Nimmies can complain about how construction will obscure their view of the picturesque gas station across the street.

[05:37:12] Then maybe we can actually build it a quarter century later when my infant daughter has already grown up, completed college, and moved to a jurisdiction that actually wants to keep jobs in residence and its borders. This is right now is one of the clearest examples of why Americans have lost faith in their elected leaders' abilities to get anything done.

[05:37:31] If you were to ask anybody if it would be a good idea to increase the connectivity between two of the most economically active parts of a region along a corridor with some of the lowest income residents in the county that would allow them access to two new job centers and will be far cheaper to maintain than the current infrastructure, any fool with half a brain would tell you yes. But because of our obsession with process over outcome, it's going to take us 25 years to do it. As Route 29 is currently situated, it is wildly unsafe to travel along any way other than by car. Additionally, there is ample space to create an entire BRT lane

[05:38:10] with separated cycle tracks on either side of the road. This is partly due to the current service lanes which as they are right now are as useful as udders on a bull the county has made the mistake of relegating cycle infrastructure to side roads and using multimodal pathways which just look like black sidewalks we need clear cycling infrastructure in the areas where people are actually trying to get to not off to the side where it's convenient for drivers look no further than the city of Victoria, B.C., which managed to triple its cycle commuting rate in just a decade as an example of

[05:38:49] how to do this. However, that may be too much to expect from our leaders here who would rather spend millions to study whether or not we should do the obvious. Thank you. Thank you for that testimony. And let me ask if there is anyone else here present who would like to testify on this matter. This is a public hearing. Anyone who would like to speak on this subject is present in the auditorium. Seeing

and hearing no one else. Let me ask if we have any callers. No callers. No one has called in. Closing comments and a recommendation from staff. Thank you, sir. On November 29th,

[05:39:28] 2025, the Planning Commission held a public hearing and voted 12-0 to recommend adoption of the staff recommendation found on page 30 of the staff report dated October 29th, 2025. Staff concurs with this recommendation. Thank you, sir. Thank you very much. Last check, questions from board members? Seeing and hearing none, I will now close the public hearing. Since this is in the Braddock District, I am going to turn the gavel over to Vice Chairman Smith, and I will make the following motion. I move that the Board of Supervisors adopt the Planning Commission recommendation for Plan Amendment 2024-CW-T1 as found in the board item. I'll second that motion.

[05:40:06] Any discussion on the motion? Seeing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Thank you. Thank you very much. And that brings us to the biggest item of the night. And I just want to make sure folks know a few things.

[05:40:25] First, we have, at this point, 59 speakers who have signed up already to testify, with many being videos. The videos will be queued after all phone calls and all in-person testimony is completed. And I just want to make sure folks know that in terms of order.

[05:40:44] And this, of course, is dealing with a public hearing on a proposed zoning ordinance amendment regarding electrical substations. And at this time, I would recognize our county staff for a staff presentation. Thank you. I'm Carmen Bishop in the Zoning Administration Division, and I'm joined by William Malin, Assistant Zoning Administrator, and Tracy Strunk, Director of the Department of Planning and Development, and I'll be presenting the proposed zoning ordinance amendment for electrical substations.

[05:41:17] The proposed amendment focuses on changes to permissions, new setbacks and screening standards, a noise study requirement, and the revisions to the alternative site review standard. The proposed text also includes various minor edits and organizational changes.

[05:41:40] Given the need for substations to be located throughout the county, the proposed amendment does not remove any zoning districts where substations are currently allowed and would add the PCC district. The primary change in permissions would be to change the substations from by right to requiring an SE in two districts, the I-3 and the I-4 district.

[05:42:05] This change would align with the permissions more closely with the permissions for data centers. Substations are already in SE use in most zoning districts, and the SE process is processed concurrently with the 2232 requirement.

[05:42:22] The Planning Commission recommended also requiring an SE in the I-5 and I-6 when located next to residential. The amendment includes proposed setback and screening standards to assist with mitigating visual and noise impacts of substations on surrounding areas.

[05:42:42] The proposed standards would apply to new substations and also to an existing substation, but only in the direction of the expansion and only if the expansion is more than 10 percent. The amendment also includes setbacks 100 feet from residential, 50 feet from a public or private street, and 20 feet from commercial.

[05:43:09] The Planning Commission recommended a setback of 200 feet from residential and 30 feet from commercial, where a substation abuts a street or a residential area, a minimum 12-foot-high visually solid fence or wall would be required. A landscape buffer would also be required, which could be located within the setback area.

[05:43:30] And the planting requirements for that would be similar to what we have in the zoning ordinance for transitional screening, but would not require deciduous trees. Substations are also subject to the county's noise ordinance.

[05:43:46] As part of the background research on this amendment, a report was prepared by an acoustical consultant. This consultant noted that the sound levels of the equipment, which is primarily a hum from the transformers, can range from 55 up to 80 decibels at the source, which could potentially exceed the maximum allowed under the noise ordinance of 55 decibels at night or 60 decibels during the day in residential areas.

[05:44:12] Each site is unique with many variables that affect sound propagation, therefore the amendment proposes to require a noise study, but only for substations that are abutting residential to demonstrate that the proposed substation would meet the noise ordinance.

[05:44:29] The amendment also includes edits to the current special exception standard that requires a review of alternative sites. This standard applies to proposed light utility facilities in residential districts and requires a finding that there isn't an alternative site in a commercial or an industrial district.

[05:44:49] The proposed edits would allow consideration of co-location or expansion of an existing site if that would minimize adverse effects on the residential district. The edits also expand the review area for distribution substations from 500 feet to one mile consistent with the current requirement for transmission substations.

[05:45:11] The Planning Commission recommended additional edits to this provision to include consideration of properties abutting or across the street from residential. Thank you, and we are happy to answer questions. Thank you very much. Let me ask if anyone has any questions at this time.

[05:45:28] We'll have another chance, of course, after the public hearing. Any questions at this time? Supervisor Alcorn. Yeah, thank you, Mr. Chairman. And just very quickly, I'm just interested in the setback from residential. So staffs recommending 100 feet, Planning Commission recommended 200 feet, is that correct?

[05:45:45] That's correct. Okay, all right. I want to hear what we hear during the public hearing, but I may be looking to do something somewhere in between those two. But I want to hear what the public says. Thank you. Okay. If there are no other questions at this time, as I mentioned, we have a long speakers list here.

[05:46:07] And I am going to begin with speaker number one. No stranger to this board auditorium. Welcome back, Tom Davis. Thank you, Mr. Chairman and distinguished members of the board. My name is Tom Davis. I'm a resident of Sully District. I was elected to this board 46 years ago, if you can believe it.

[05:46:26] Served my 15 years. We don't believe it. Well, it puts me somewhere between a has-been and a historical figure. I'm somewhere in there. You know, tonight's hearing is reminiscent of some of the battles we fought in the old days where highways and roads were kind of a proxy for the growth movement.

[05:46:45] And the board in those days, listening to the crowd, made some major mistakes. They knocked out 66 inside the Beltway for a while. Had to be knocked out the Monticello Freeway. Voted against at one point the outer Beltway, even Metro Extension. They use us as a proxy, but growth is inevitable.

[05:47:01] And the one thing we learned from that is to recognize what's the future going to be and plan for it and try to direct it, which is what I'm going to talk about tonight. Tonight also is a battle over substation that raises similar issues. We know that more electric power is going to be needed, the growth in electric vehicles, conversion from gas to electric as part of the Virginia Clean Energy Act, demands of technology, high-density affordable housing.

[05:47:27] It's coming, but this ordinate change serves as a proxy for some to try to go after other disfavored uses in that area. And I don't think we should mix up the two. Slowing the growth of the electric grid doesn't solve anything, and it raises costs that ultimately results in higher rates.

[05:47:47] We like to say the pain may be mandatory, but the suffering is optional. So I just offer four quick insights. Number one, 2232 has worked pretty well. Utilities work well with the county staff. They work through this. Even if it doesn't turn out, the board can still delay it. You can slow roll this if you somehow get an obstinate applicant in these areas.

[05:48:06] But it has, by and large, worked very well. Second, grandfathering. I think the staff recommendation has gotten this right. The staff recommends 24 months for approval. The board's message is if you invest money in our county, we will not change the rules in the middle of the game.

[05:48:22] In these very uncertain times, predictability is needed, and changes will not be subject to the political whims of the moment. It's a lesson Washington could use, but I think this board has stood behind that. Third, by exempting I-districts, you will steer substations where they will have the least impact on residences.

[05:48:39] If an I-district and our districts are treated the same, with the additional burden of a special exception, which means higher costs, more time, and higher risk. There's little incentive to not look at residential areas for those locations. But by foregoing the special exception in I-districts, I think utilities will naturally choose there, go the less onerous route, and they'll still be subject to the 2232 process.

[05:49:04] And finally, one exception I would make would be to suggest that the Dulles Airport, which is still zoned residential, that that be exempted as well because that's an appropriate place for it. I sent a letter to the board. I asked that to be included in the record, and I hope I set a standard for brevity. Thank you. Thank you very much, Tom.

[05:49:20] Good to see you again. Speaker number two is Renee Grebe, to be followed by Ronald Wilcox, William Walsh, and Kevin McGonigal. If I call your name, please come down close and be ready to testify when it's your turn. Welcome, Renee.

[05:49:35] Hi. Good evening, Chairman McKay and members of the Board of Supervisors. I'm Renee Grebe, Fairfax County resident and Nature Forwards Northern Virginia conservation advocate. And thank you for the opportunity to provide feedback tonight. March 19th, 2024, board matter that kicked off this proposal started with the sentence, quote, the increasing demand for data centers and the increased understanding of their potential impacts reveal a need to consider strengthening our regulations, end quote.

[05:50:02] We at Nature Forward couldn't agree more. We know this infrastructure is needed for a lot of things, like we just heard from the prior speaker, but data centers are right now driving their need. In November, you heard our concerns that the policy plan needs to be further strengthened in regards to data centers. We have passed some of the policy plan tonight, but tonight I'm asking to further strengthen this proposal.

[05:50:24] If you've not taken a guided tour of Data Center Alley in Loudoun County, I encourage you to do so, and I'm happy to offer that to anyone. I'm happy to take you there and show it to you. The movie Blade Runner, a vision of a dystopian future, comes to mind. If you've not visited the Loudoun Gateway Metro stop at peak rush hour, I encourage you to go.

[05:50:43] Billions of dollars were invested in Metro with the idea that it would be a keystone of a vibrant community. And now it's a modern-day ghost town with data centers being built as far as the eye can see. If you've not been to Sully Highlands Park in Herndon, right here in Fairfax County, I encourage you to go.

[05:50:59] You'll see dozens of chimneys, each attached to a diesel generator side-by-side with kids' sports fields, a chilling backdrop to a baseball diamond. Tree buffers look ridiculous compared to towering monoliths. If you've not been to the site of Plaza 500 in Fairfax County on the border with the city of Alexandria, less than a mile from the metro, I encourage you to go.

[05:51:20] Imagine a five-acre substation plunked down 67 feet from communities, displacing better land use opportunities such as future residential growth, just a stone's throw from a transit station. These places are some of the most chilling land use decisions you'll see in Nova. These places make real what the words on paper will be defining.

[05:51:39] you'll see in neighborhoods ruined you'll see property values that have gone up for data center developers and down for residents and ratepayers you'll see ANOVA that people don't want to move to and while the previous examples deal with issues greater than just simply substations substation impacts are increasingly the result of the installation of data centers and the issues are often inextricably linked when considering the effect on residents we appreciate the staff report acknowledges that these proposed ZOA changes are intended to align more closely with the permissions for data centers as these are a significant concern for us. I ask you tonight to please consider the following three asks: support the Planning Commission's

[05:52:18] recommendations that substations require a special exception when proposed directly adjacent to residential districts. We appreciate the move to SE for I-3 and I-4, but we absolutely oppose the buy-right options in I-5 and I-6 areas where substations would be directly adjacent to homes. By allowing buy-right substations adjacent to neighborhoods, it leaves residents without a voice again. Let's not do that. Two, please support the Planning Commission's recommendations that substations have a minimum setback of 200 feet. We had hoped for 300.

[05:52:49] 200 would be a nice concession. We appreciate the recommended increase setback to preserve that better sense of community because, again, we must protect our residents. And lastly, we ask that unapproved substations comply with the new zoning ordinance. Substations are paid by us as residents because they are a public facility.

[05:53:09] Utility providers must provide power to approve developments. They can't take their business elsewhere like a developer could. Our communities are paying, and our communities that are most

impacted, and they are the ones that deserve the safeguards that this ZOA should provide.

[05:53:25] Let's stop allowing poor land use decisions to continue when we know better. Let's be sure to strengthen protections for residents and ensure substations that have not yet been approved to meet strength and standards, to have them meet strength and standards that we can feel good about. This is a no-brainer for a public utility to meet newly approved standards.

[05:53:43] It's allowable under law. Let's use the authority we've been given. Please don't let stronger protections for residents slip through the cracks for this zoning ordinance amendment. We have the chance to get it right and make meaningful changes to safeguards our communities and green spaces that drew people to Fairfax County in the first place.

[05:54:00] Thank you for listening. Thank you, Renee. Speaker number three is Ronald Wilcox, to be followed by William Walsh and Kevin McGonigal. Welcome. Thank you, Mr. Chairman, the Board of Supervisors, and my own Supervisor, Patrick Herity.

[05:54:17] I appreciate you all listening to my remarks. First of all, I would like to associate myself with the remarks that I heard from former Congressman Tom Davis. I agree with them entirely. I did not have time to do quite as diligent of research as I've ever seen for his remarks.

[05:54:35] I was thinking about what I've heard here tonight, is that we want to turn substations into a sprawling complex, with a larger setback than its actual footprint. So 200 feet seems like a lot of land to take out of use for the community.

[05:54:59] Other uses will not be able to be made because they're part of that setback. So no matter how great a use, well, you can't use it. So I oppose strongly these setbacks. I remember one of the most beautiful places from my childhood was directly adjacent to a place called the Magic Garden, which was a garden of redwood trees.

[05:55:27] And it was this wonderful, peaceful place. And right next door was a substation. You never heard it really. You hear a hum when you go by. So I think a substation, compared to other residential uses, is a really good neighbor.

[05:55:43] The only time trucks come is maybe when there's an emergency and you don't have any power and you're glad to see the trucks, and it almost never happens. So they don't clog our roads with industrial traffic or residential traffic, cars.

[05:56:03] They just sit there and do their hard work for us. So I was one of the speakers on October 16th, and I'm more convinced ever that we need to not limit these substations because we need their services for our community.

[05:56:24] If we don't keep up, our energy reliability could go down and prices could go up. Our nation has spent the last few years pushing to reduce diversity of our education choices in favor of focus on electricity, such as all electric cars.

[05:56:40] We're seeing the danger of putting all our eggs in one basket as electricity bills climb and our infrastructure is strained. In Fairfax, the Planning Commission has recommended this recommendation. I didn't like what I heard, and apparently the staff didn't either.

[05:56:58] So if you're going to do something, do the staff, but I don't oppose more stringent regulations on an essential service that serves all residents of Fairfax. Well, thank you very much.

[05:57:14] Thank you. Our next speaker is William Walsh, to be followed by Kevin McGonigal, and then we have a caller. Good evening to the Fairfax County Board. Fairfax County has a long and detailed process in considering an evolving development.

[05:57:40] I myself have spoken at various opportunities for public comment, and as far as I can tell, the efforts put into these processes has been sufficient in the past to make community voices heard. Separating out electrical substations for additional special exception requirements is something I do not feel is necessary and could lead to delays and necessary upgrades to our electrical grid in our rapidly growing county.

[05:58:08] Adding potential a year and a half to an already long approval process could lead to a dangerously inferior power grid, something we would not want in our beloved technologically advanced Fairfax County. So for these and other reasons, I implore you to vote no on the electrosubstation zoning ordinance amendment.

[05:58:28] I would like to make a personal comment. At an earlier American era, we were on the verge of histories profound and tragic. President Franklin Delano Roosevelt spoke about guiding an arsenal of democracy to meet the challenges ahead.

[05:58:50] We are on the verge of another great era, written by computer code and computer technologies. Essential for this progress is what I will whimsically call the electrons of democracy. Your decisions will not just affect our community, but potentially the nation and its history.

[05:59:13] I wish you Godspeed for the important decisions you have to make. Thank you for listening. Thank you very much. Our next speaker is Kevin McGonigal, to be followed by caller Robert Rafferty, Robert Anderson, and Peter Weyrich.

[05:59:31] If I called your name, please come on down closer and be ready to testify. Welcome. Good evening. I'm a resident of the Mason District for 43 years. My wife and I have raised two sons. They both live in the county, one in Burke and one in, right within two miles of this facility.

[05:59:50] I've looked at the additions or the exceptions that are being made here, and it bothers me that we're looking at adding additional encumbrances to the process that most likely will add, untold, 16, 18 months to the building process, all of which will be adding additional costs, all of which will eventually add in additional expenses to the cost of energy that my wife and my two sons and their families are paying.

[06:00:20] I've asked the board to reject these exceptions of this amendment. We look to unburden the person here, the citizen, from unnecessary expenses.

[06:00:37] I also concur with what I heard about from Mr. Davis and the issue of the use of land not to be fully utilized. So I hope that the board will be good stewards of our money and not encumber the process of building and bringing power to our county.

[06:00:57] Thank you for letting me speak. Thank you. Our next speaker is Robert Rafferty. Is he on the line? Mr. Rafferty, welcome. The floor is yours. Thank you. Good evening. I appreciate this opportunity. Since I can't be there in person, I'll be concise with my remarks.

[06:01:16] So my name is Rob Rafferty. I live in Centerville in the Sully District. And Fairfax County runs on electricity, and without it, we'd really be behind the eight ball. So I imagine that many people don't

know how power and electricity gets to their outlets.

[06:01:34] It might as well kind of be magic. But if the Fairfax County Board of Advisors disrupts that magic, imagine how many upset voters there will be. So the proposed electrical substation zoning ordinance amendment that you are currently considering could disrupt our ability to get reliable electricity, increase the cost, and amper, you know, our great economic growth engine.

[06:02:04] So a lot of us don't think power has, you know, we don't think about power as long as the lights go on and when we flip the switch, that doesn't happen. You know, the government has to always sort of explain why. So I ask that you please reject the Electrical Substation Zoning Ordinance Amendment.

[06:02:25] Voting no is important for our economy and the security of our electrical grid. Thank you so much for your time and attention. Thank you very much. We are on Speaker No. 7, Robert Anderson. Is Mr. Anderson here?

[06:02:41] Robert Anderson, Speaker No. 7. Speaker No. 8, Peter Weyrich. to be followed by Sarah Kelly and Jason Stanford. If I called your name, please be down here close.

[06:02:57] Oh, I'm sorry. I did. I missed a page. I'm sorry. I'm sorry. I got people excited and got stood up. It was excitement. So we have to be followed by Jim Bonk, David Shepard, and Perry Young. If I called your name, please be ready to testify.

[06:03:15] And we are on speaker number eight. Mr. Waverich, welcome. I appreciate the time to address you today on this important issue that affects all of us and our wallets. The amendment to Fairfax County zoning procedures that the County Board of Supervisors is considering is one that could make it more difficult to build electrical substations in Fairfax County, delaying new ones by an additional 14 to 18 months, a point that has already been made.

[06:03:49] This additional process could increase costs, which would be passed on to consumers, who are already burdened by high federal, state, and local taxes, including a new upcoming tax on restaurant meals, fast food meals, and prepared foods. Coupled with a huge increase in overall inflation over the last few years, it would be a tough additional burden for you as supervisors to impose higher electricity costs on the residents of Fairfax County.

[06:04:16] So to keep prices lower, please vote this amendment down. Thank you. Thank you very much. We now are on speaker number 9, Jim Bonk. Speaker number 9, is Mr. Bonk here? Okay. How about speaker number 10, David Shepard?

[06:04:34] David Shepard, speaker number 10. Okay. Speaker number 11, Perry Young. Speaker number 11, Perry Young. Speaker number 12, John Roderick, to be followed by Deborah Harvey, Terry Clower, and James Leach.

[06:04:59] Welcome. This is speaker number 12, John Rhetorick. I am John Roderick, and I live in the Springfield District since 1986. I have no relationship with Dominion Energy beyond being a customer for 39 years. Substation designs must meet extensive industry and Dominion Energy standards.

[06:05:19] These standards guide design for safe and efficient operation, maintenance, and component replacement. However, they limit the flexibility in design. Proposed revisions to Section 4, Subsection 5, the introduction and subsections, little A, setbacks, and little B, screening, will constrain the space needed for maintenance and repair.

[06:05:42] Does the board really want to force the electric utility to use cranes to reach over equipment when replacing substation components? Keep in mind, power incoming to substations is greater than 2,000 volts. I recommend against such requirements that force overly creative designs because of their impact on design and approval time and capital and operational expenses, including special equipment to work around walls for any repair tasks when customers may be without power.

[06:06:12] Subsection C, landscaping. Aesthetics are nice, but I ask that you consider the impact of landscaping requirements 30 and 40 years after planting. Tree and shrub growth provide screening, but when they become so big they are in the way of the substation, neighbors will complain when they are removed and replaced with young plantings.

[06:06:29] This will likely become contentious, a situation that should be avoided in order to ensure continuous operation of the substation. Many trees were left when more than 1,000 townhomes in my HOA were built, beginning in 1985, 40 years ago.

[06:06:46] And in 2025, they are much larger and not part of dense woods. They lean, threatening adjacent townhomes so much that my HOA spends \$160,000 a year just to remove these problem trees. Also, the prospect of a storm blowing over a large 40-year-old tree onto substation equipment creating an outage and likely a fire is an extremely scary thought.

[06:07:12] Subsection 6, noise. I oppose special noise studies for each proposed facility. Number one, have the utility conduct two noise studies of existing substations, one for a larger facility, one for a smaller. Present data for a variety of distances and use that for each facility as proposed.

[06:07:29] Subsection 7A, delete, quote, would minimize adverse effects in the R district as compared to alternative sites, unquote. And insert, is the most feasible, including adverse effects, unquote.

[06:07:47] Minimizing it is an overly general requirement. Demonstration of feasibility requires alternatives to be considered, which is adequate, given that the Planning Department holds final approval authority regardless of feasibility conclusions. Thank you.

[06:08:05] Thank you. Our next speaker is Deborah Harvey, followed by Terry Clower and then James Leach. Is Deborah here? Okay. Mr. Clower. Good evening and thank you.

[06:08:22] I'm Terry Clower. I'm the director of the Center for Regional Analysis and the Stephen Fuller Institute at George Mason University. I'm speaking to you tonight not just about the particular zoning case that you're looking at, but more broadly about a way we are doing business in the county, and I want to just put out there for your consideration.

[06:08:43] First of all, you know, you may be understanding that I'm suffering a little bit from data availability withdrawal, right? We don't know everything that's been going on, but there are a couple of things that I think are worth knowing, things we do know. As of the third quarter of this year, Fairfax County Professional Business Services, private sector employment, was at levels back to 2021.

[06:09:07] We've lost four years of job growth in the biggest private sector, the most valuable private sector we have. If I look at BLS data on establishments, the number of businesses located in this county, comparing the first quarter of 2023 versus the first quarter of 2025, which is the last data we have and before all the doge cuts, we have 4,418 fewer businesses in this county than we did two years ago.

[06:09:37] So we know the data about what's going on with offices. We know about the unemployment rate at least a little bit. We don't have the data, but we know there are challenges. So let's just say the bottom line is that the county's economy and the resulting budget, while maybe not a disaster, certainly is not the prettiest you guys have seen recently, right?

[06:09:58] Despite that, and it's pretty negative right now, and it's going to be negative for a while as we try to get over the speed that these shocks have hit us. I'm hopeful about the county's long-term prospects. We have the underpinnings, and we have the resources to compete effectively for the industries that are going to grow in the mid-21st century.

[06:10:19] But there's some caveats. First of all, we are going to have to suffer some pain in the meantime, which may mean that we're going to have to do things differently than we have historically done them. And the assumptions are that we need to work harder than ever before at being competitive.

[06:10:35] The second is that our hope for a better economy is certainly not a strategy. The success we have had in the past is very much the past. The game has changed. And third, just a little piece of just recently released information, Site Selectors Magazine just released their issue that lists the most important factors for attracting firms.

[06:10:59] These are the people that actually help firms figure out where they're going to be. Number one, the availability, cost, and reliability of utilities. So if you affect the cost of utilities, we're less competitive. The second, and it's a tie, number two is tied, ease of permitting and regulatory processes.

[06:11:24] And I've been doing this game for well over 35 years now, and I have never seen regulatory processes rank anywhere near this high before in these kind of rankings. The second is transportation infrastructure. Well, we've got some challenges there, thinking about how we're going to have more money for Metro, et cetera.

[06:11:43] The proposal that you're considering here, if enacted, will increase operating costs for electric utility providers. That's simple math. And those costs will be passed along to the ratepayers, over half of which, in terms of dollar values, represent residents and the other half to businesses.

[06:11:59] You also may have heard some statements that proximity to these electric substations impact property values, the disamenity of appearance, etc. We did a study, I think it's been sent to you, of every home sale in 2023 in Fairfax County, accounting for as many factors as we could measure.

[06:12:20] Size of the home, age, lot size, other conditions, proximity to metro, all these factors. There is no statistical evidence that being closer to a utility infrastructure, these substations, lowers property values.

[06:12:36] In fact, the coefficients are actually positive, much because probably the way that those substations are located where you have jobs, where you have hospitals, where you have retail. On this particular proposal, and quite frankly, more broadly, on any proposal of a change in policies that will increase the cost of doing business in Fairfax County, for what we're in now, I just implore you to say, not now.

[06:13:05] Just slow your roll. Don't do things that are going to increase the cost of doing business now. We need to keep Fairfax County as economically competitive as possible so that we can realize these opportunities that are sitting there at our doorstep, waiting for us to take action of.

[06:13:22] And with that, thank you for your time. Thank you so much. Next is James Leach, followed by Sarah Kelly and Jason Stanford. And if I call your name, please come down close. Chairman McKay, members of the Board of Supervisors, thank you for this opportunity to speak.

[06:13:43] I'm here on behalf of the Northern Virginia Technology Council, where I serve on the Board of Directors and as chair of the NVTC Cybersecurity Community of Interest. NVTC represents more than 500 technology companies, service providers, educational institutions, government organizations, and innovators.

[06:14:05] Our mission is to accelerate technology innovation and workforce development and to strengthen the economic vitality of the national capital region. Fairfax County is a critical part of this ecosystem, and we appreciate your long-standing partnership and engagement with the NVTC.

[06:14:25] We are here today because the proposed zoning ordinance amendment for substations as currently drafted could significantly limit Fairfax County's ability to maintain the reliable, secure, and scalable energy infrastructure that its employers and residents depend on.

[06:14:44] Northern Virginia sits at the nexus of technology, government, education, and innovation. Every organization in this ecosystem, from a five-person startup to a global defense contractor, depends on resilient, uninterrupted electric service.

[06:15:03] Energy reliability is now a top factor in business investment decisions and counties that cannot provide sufficient capacity risk losing employers and future growth. Fairfax County is already competing with peer regions across the country and around the world.

[06:15:23] At a time when Virginia is projecting potential power constraints in the next several years, it is essential that the county avoid policies that make it more difficult or time-consuming to site, modernize, or secure substations and other critical components of the electric grid.

[06:15:43] Substations are the backbone of energy delivery, and delays or additional barriers in permitting or zoning directly affect power availability, service reliability, and the county's capacity to support advanced facilities, innovation, and sustainable growth.

[06:16:02] NVTC supports clean energy innovation and a modern grid capable of integrating renewables. But these goals are not achievable without sufficient electrical capacity. A clean future, a competitive economy, and a world-class workforce all require a dependable, modern energy infrastructure.

[06:16:25] Fairfax has long been a national leader in technology and innovation. The question is whether we are equipping the county for the next decade of growth or unintentionally constraining it. If energy reliability or availability is restricted, employers will look elsewhere.

[06:16:41] For these reasons, NVTC respectfully asks the board to reconsider the proposed zoning amendment in its current form. We encourage the county to adopt zoning and permitting processes that support timely, efficient development of critical electrical infrastructure and that strengthen our long-term energy reliability.

[06:17:05] The decisions before you will shape Fairfax County's competitiveness for decades. We share your commitment to a strong, sustainable, and prosperous future. Thank you for your time, consideration, and service to Fairfax County.

[06:17:22] Thank you so much. Our next speaker is, let me see if I miss one, Sarah Kelly, followed by Jason Stanford. Okay. Alicia Campos. Come on, Jason.

[06:17:39] Oh, Jason. I'm sorry. Go ahead, Jason. Thank you for the opportunity to comment today. My name is Jason Stanford, president of the Northern Virginia Transportation Alliance. The alliance is a partnership of businesses, citizens, and community organizations who support investing in our transportation network to improve the quality of life and economic prosperity of our region. Recently, the SJ28 Working Group recently identified \$400 million per year in new additional funding necessary to maintain Northern Virginia's transit system.

[06:18:12] Despite what you probably hear from elected officials in other parts of the state, we all know that the majority of those costs end up being borne in Northern Virginia, Fairfax County, you know, one way or the other, that we don't get all of our tax dollars back that we pay into the state. At the same time, the office market that has long supported local budgets and transportation improvements in our community is struggling. And the recent changes at the federal level threaten both the housing market and the regional economic growth. Without a quick and significant pivot to strengthen Fairfax County's tax base, elected leaders will be forced to make extremely

[06:18:50] tough decisions about the future of metro, the Fairfax connector, roadway, bike, pedestrian improvements that affect our community's quality of life. Private sector investments represent a tremendous opportunity to flip the script and provide vital revenue for transportation and other essential county infrastructure. But regulatory changes in areas such as the proposed zoning ordinance amendment on electric substations creates a new barrier to existing investment that the county government is counting on. We need to look no further than across the Potomac River

[06:19:25] into Maryland to see the impacts of well-meaning regulations that discourage future economic growth and development. Montgomery County just announced an \$850 million decline in forecasted tax revenue over the next six years. With so many economic headwinds facing our community, Fairfax County could be next. Maintaining and expanding opportunities for economic development in Fairfax County is a clear win-win for Fairfax County and our region's transportation network.

[06:19:55] So please oppose any new regulations that would negatively affect the expansion of growing industries that are key to our region's economic and transportation future. Thank you. Thank you, Jason. Next, I have Alicia Campos, Ann Bennett. Oh, Alicia's a phone call. Is Alicia? She didn't answer okay thank you and then it followed by Ethan Heinzelman followed by

[06:20:22] Whitney Redding and then Greg Holden if I called your name please come down hi Anne hello about some pictures I don't know if you guys can see them or not but first I just want to thank you all for taking up this is EOA and thank the staff for all the work it's important work because at least from our point of you this work is here to protect us the residents of Fairfax County cost as you

[06:21:01] know is often taken up by the state I think we hear a lot of fear by the industry but I see this as your way to protect us from major electrical infrastructure so we appreciate being here today substations as you can see have changed over the years.

[06:21:24] They are an important part of our public infrastructure, but they're bigger and taller as we support this data center growth, which is 84% of the economic development in the state now. Because

these new scaled substations can be up to 20 acres, 100 feet tall, and maybe 500 kV, each request should be evaluated individually under a special exception with an eye toward protecting county residents.

[06:21:52] from safety, aesthetic, and noise concerns that they pose. These things are huge and growing bigger all the time. They are not what I grew up here in the county with, and I certainly would be concerned if one was proposed next to where I live.

[06:22:10] We do ask that you strengthen the ZOA by supporting the Planning Commission recommendations for special exceptions in I-3, I-4, I-5, and I-6 districts adjacent to residential districts and uses. This allows flexibility to modify standards to address site-specific challenges as new substations get larger and taller to serve more intensive power demand.

[06:22:38] We support, sort of, the compromise of 200 feet setback. It's better than 100, but actually we prefer 300. There's no height limit in this COA.

[06:22:54] So we think a safer option would be a 300-foot setback, the same setback applied in the data center zoning ordinance. A new substation can be over 90 feet tall, and even with a 200-foot setback, a substation's height could be just twice the height of the setback, which permits the infrastructure to hover over adjacent residential development, especially if the topography has the substation elevated.

[06:23:22] We support, and you can see here, this is in Sully, next to the Sully Highlands Park. You can see the substation here on the top right corner. It's all right next to residential, playgrounds, ball fields.

[06:23:40] These things are huge. We support COLA. We ask you to support co-location, alternative location standard, a mile distance requirement for co-location or expansion of substations. By the way, this is the picture Renee mentioned, the Loudoun Gateway Metro.

[06:23:59] That's one data center there. There's infrastructure coming between the parking garage there and the data center. It's just gobbling up public amenities, actually. So that's why this language is important. We like the language defining an alternative site to include existing substations in any district and the requirement that an alternative location in a commercial or industrial district cannot be adjacent to an art district or existing residential use.

[06:24:27] We ask that you add a provision to apply this ZOA to unapproved substations proposed directly next to residential districts. By doing so, you can avoid already known conflicts and apply these higher standards. We support the solid barrier requirement and the new landscaping requirements, but as you can see they just don't do the job you know with a hundred foot substation whether it's solid or not solid it's depending on the height and the topography it may not do

[06:25:04] anything if if you know for instance a neighborhood the ridges of Edsel could see a proposed Dominion substation 70 feet away from their townhomes and that topography the fence will not make a difference there. So lastly, here's a picture in Ashburn. You can see that's a big fence. That's a big brick fence. As you can see what the truck's there. This is what we're talking about now.

[06:25:36] This is why it's really important to support a very strong ZOA and protect your residents. Thanks. Thank you, Ann. We are on speaker number 20, Ethan Heinzelman, to be followed by speaker 21, Whitney Redding, and speaker 22, Greg Holden. If I called your name, please be ready to testify. Welcome, Ethan.

[06:26:07] Thank you, Board of Supervisors, for taking some time to listen to my comments tonight.

[06:26:27] I've heard a lot of people get up here and talk about the benefits of data centers and the necessity of having them and growing them, and I agree with most of their points. But I think their arguments fail to consider the core point that I think is at issue tonight.

[06:26:44] It's not should data centers exist or are they good. It's how do we increase their expansion or encourage their expansion in a way that minimizes their negative impacts to existing Fairfax County residents. In 2023, I attended an open house for Dominion Energy where I saw this.

[06:27:01] They showed me this map. I looked at the map, and when I realized that the green line represents the proposed transmission line route of high-voltage transmission lines that tower upwards of 125 feet and the proposed substation location, I immediately asked the representative, why would you put the substation in the area that maximizes its exposure to all existing residents and creates over a quarter mile of unnecessary high voltage transmission lines running through my backyard and those of my neighbors? The response was not forthright at first, but after some debate, we got to an honest answer because that's

[06:27:41] where the owner wants it. And I said, well, does the owner pay for this project? I didn't know the answer. I was curious. And she responded, no, the rate payers do, which includes the owner. And I said, well, my curiosity quickly changed to frustration. And I said, so you're telling me that you're going to run a quarter mile of unnecessary high voltage power lines through my backyard to feed a substation that none of us wants, to power eventually a data center that none of us needs, well none of us wants to have, and we get to foot the bill for it, she sheepishly

[06:28:19] didn't respond. Now this is the issue at hand tonight. I've blown this up and created my own little version of it so I could create what I would have thought would be an obvious proposal. I hope it's as obvious to you as it is to me that this is an unacceptable location for a substation. Of all the acreage they have to use, they use the one spot that is most damaging to our property values why would it not make more sense to relocate the substation down at the south end where it does not border any existing residents and on both sides well on the right

[06:28:57] side there in the blue you have abandoned warehouses there is more than enough acreage to fit the substation yet that is not the option they propose changing the substation from location a to b does nothing to negatively impact the county's tax revenues it does nothing to negatively impact my property value. But this is exactly why a special exception is necessary. I am here pleading with you tonight because I don't have the opportunity to do so with Starwood Capital directly. And I know that this is not about their application. This is just one example to illustrate my point. And I appreciate all you do. Please accept the Planning Commission's

[06:29:37] recommendations to require the setbacks. 70 feet from these people's homes, 100 feet of power lines From my backyard, Mr. Clower, I hope it's correct that it won't impact my home property value, but why find out if we don't have to?

[06:29:56] Thank you. Thank you for your consideration. Thank you for your testimony. We are now on speaker number 21, Whitney Redding. Welcome. Bear with me, I'm not technical.

[06:30:12] I'm going to just check this out.

[06:30:25] Hopefully that will come up. Hello, thank you. My name is Whitney Redding.

[06:30:48] I live in Mason District, and I'm co-founder and director of Friends of Home Serrana 501c3 with 330 members. I'm here to share our perspective on the proposed zoning ordinance amendment for substations as it would relate to any sites with resource protection areas, RPAs, and the streams they protect.

[06:31:05] We urge you to adopt the stronger standards endorsed by the Planning Commission and to make all unapproved substations subject to the new ZOA for the following reasons. A new generation of substations is currently being built adjacent to the new data centers they will exclusively serve.

[06:31:22] It is only fair that neighbors be as far as possible from the most immediate environmental impacts of their powerful new neighbor, noise and heat island effects. Please retain the 200-foot setback from residence. Regarding the proposed special exception for substations in all I-3 and I-4 and in I-5 and I-6 parcels that are near residence, please retain this language since not all industrial parcels are equal.

[06:31:47] For example, in our watershed, the proposed Edsel substation is technically zoned industrial, but in reality has as many residential neighbors, including some mere footsteps away, than in an R-zoned area. Meanwhile, the nearby Van Dorn substation is technically zoned residential, but sits between I-495 and the Metro tracks.

[06:32:07] If the site exception is meant to address substations near residents, then please make sure the ZOA is applicable to substations near residents. We strongly encourage the use of the special exception process, where possible, so the county can address actual site conditions and use this process to negotiate for better outcomes.

[06:32:25] Case in point, the proposed Edsel substation and its roughly 100-foot-tall transmission towers and power lines would directly impact an RPA for two streams, Turkeycock and Backlick Run. There's a huge amount of asphalt on this site that goes right up to the turkey cock run stream bank, contributing to both degraded conditions in the stream valley, a vast urban heat island of 20 degrees over normal temperature.

[06:32:54] And yet, this stream is the last remaining greenway for wildlife from Backlick Run to Bryn Mawr Park. Once the planned stream restoration is completed in Bryn Mawr Park, it will also be even more vibrant.

[06:33:09] Handled thoughtfully through a special exception process, redevelopment of this site presents an opportunity to reverse decades of stormwater damage, superheated runoff, and lack of trees and native vegetation on the subject property that continue to erode and compromise turkey cock run.

[06:33:35] The only way to improve the ecosystem services in stream valleys is to pay attention to fragments such as this one, case by case, through the local redevelopment process. By contrast, consider how this project would turn out if it continues as a buy-write. Because of the substation's proposed location, enormous transmission lines will run so close to the stream for the entire length of the property that they will negate the turkey-cock-run stream valley, such as it is, out of existence due to necessary tree cutting at the stream to protect power lines. They would basically lock in its subpar conditions in perpetuity. The stream

[06:34:12] will no longer have the shade it needs for aquatic life. The degraded stream and its outdated 20th century approach to managing stormwater will become its forever condition. That is a perversion of the chesapeake bay act finally we ask that the board add language to require all as yet unapproved

substations including the proposed edsel substation to be subject to the new standards in 2024 both the jark as well as the state corporation commission singled out plaza 500 this project i've described when discussing the role of local governments inciting data centers and related

[06:34:50] infrastructure appropriately due to its poor placement, unusually close to residents. As a public utility servicing all of Virginia, Dominion adapts to local zoning changes when planning and building substations. This is our request.

[06:35:05] The Edsel substation is at its lowest point in the Turkeycock watershed. The stream flows through Mason, Green Spring Gardens, Branmar Park, only to die to be choked in the home stretch before draining into Backlick Run at this site.

[06:35:23] Please do the right thing by agreeing to the increased protections, including a special exception for industrial sites near residents, and ensure all currently unapproved projects, such as Edsel substation, comply with the new standards. Don't go after shiny diamonds when really the most valuable thing in the world is your water. Thank you.

[06:35:42] Thank you very much. Our next speaker is Greg Holden. Greg here. Okay, to be followed by James Parmelee. If I called your name, please come down close so that we're ready for you when it's your time to testify. Good evening, ladies and gentlemen.

[06:36:10] My name is, excuse me, I have a bit of a cold. My name is Greg Holton. I'm 67 years old. My parents moved here when I was one. I've lived in Fairfax County for 66 years.

[06:36:26] You can imagine what Fairfax looked like. I live in Chantilly. Hold on a second. Something has happened here. hold on for a minute what fairfax looked like 65 years ago the changes that are happening now are at a specific special rate the the building is is while it's in control the citizens of fairfax

[06:36:54] elected you to be responsible with your decisions and this bill this amendment is not responsible We want you to think about what you're doing, make a good plan, and be responsible with the building and the future of Fairfax, including the transmission stations and the substations.

[06:37:21] Thank you very much. Thank you. Our next speaker is James Parmelee. I don't see James here. We now have three callers. Do we have James Highland on the line? James is not available, but Isabella is.

[06:37:36] Okay, Isabella Hale, can you hear me okay? i apologize isabella also was a no answer we have kevin reynolds ah okay uh kevin can you hear me okay all right we're moving in sorry again no i apologize hey hey kevin can you hear me okay i'm trying to hear can uh kevin reynolds can you hear me okay uh kevin reynolds kevin reynolds can you hear me okay oh i can't hey jeff okay well

[06:38:15] Welcome. The floor is yours. Thank you very much. I apologize. I'm toggling. So, Chairman McKay, thank you so much. Vice Chair Smith and members of the board, I'm speaking to you tonight as a private citizen who has lived in Fairfax County for more than 30 years.

[06:38:36] My wife, Stacey, is a retired Fairfax County high school girls coach, and we've been grateful to live in Fairfax County. Professionally, I've been a banker for over 40 years, and I've had the privilege of starting a bank here in Fairfax County, one that remains headquartered in this community.

[06:38:53] Fairfax has been a wonderful place for us to live, work, and raise a family. I also serve on George Mason University's Leadership Council, and I chair the 123 Club, a nonprofit, nonpartisan

organization focused on strengthening the regional economy, workforce development, and critical infrastructure investment.

[06:39:15] These roles give me a broad view of the economic challenges and opportunities facing Fairfax today. And it is from that perspective that I want to share my concern about the proposed substation zoning ordinance amendment. Fairfax County is entering a period of real economic headwinds.

[06:39:36] Commercial tax revenues are under pressure. The office market is struggling. And competition for new investment has never been stronger. And at this time, we need to be enabling growth, not placing new constraints on the infrastructure that makes growth possible.

[06:39:56] Reliable and scalable electronic, electric infrastructure is fundamental to our economic health. Every business expansion, every new housing development, every school or community facility relies on timely access to power.

[06:40:14] Yet the proposed zoning changes would significantly restrict where substations, the backbone of the electric grid, can be sited and would add a new layer of discretionary review that can slow down projects that already take many, many years to complete.

[06:40:33] When you restrict land options, add uncertainty, increase the risk of costly delays. You don't just impact utilities. You impact the entire economic ecosystem. Higher infrastructure costs ultimately show up in higher energy bills for our families and our businesses.

[06:40:54] And when infrastructure becomes harder to deliver, companies and developers begin to question whether this is the right place to invest. As someone who has spent a lifetime in banking and business, I've seen how sensitive investment decisions are to regulatory uncertainty and rising costs.

[06:41:15] The proposed ordinance may appear narrowly focused, but its economic implications are broad. It can make it harder to support new housing, discourage commercial redevelopment, and slow the county's ability to modernize its grid at a moment when electrification and energy demands are rapidly increasing.

[06:41:35] For these reasons, I urge the board to keep substation development in industrial districts by right. Industrial zones are precisely where this type of critical infrastructure belongs. And preserving by right approval there allows the county to concentrate substations where they are safest, most compatible, and least disruptive to surrounding communities.

[06:42:02] Doing so will give Fairfax the flexibility it needs to support growth, keep energy costs manageable, and remain competitive regionally. It is a practical, balanced approach that protects our economic future while still giving the county ample tools to ensure thoughtful planning.

[06:42:22] Thank you all for your time and for your service to our community. Thank you, Kevin. Thank you for that. We are on speaker number 27, Susan Swiatek. Are you here? Susan Swiatek? Okay. How about caller Nicole Riley? Ms. Riley, can you hear me okay?

[06:42:44] Yes. Can you hear me? Yes. Welcome. The floor is yours. Great. Thank you. Good evening, Chairman McKay and members of the board. My name is Nicole Riley, and I serve as Director of Virginia Government Affairs for the Data Center Coalition. The DCC is a national trade association serving as the voice for the data center industry.

[06:43:02] I appreciate the opportunity today to offer comments on the county's proposed substation zoning ordinance amendment. Our members include the region's leading data centers and digital infrastructure companies, businesses that support thousands of high-wage jobs, anchor Fairfax County's technology ecosystem, and contribute significantly to the county's tax base and long-term economic strength.

[06:43:25] Our industry is deeply interconnected with Fairfax County's broader high-tech economy, cloud and AI companies, cybersecurity firms, federal contractors, life science innovators, and the many small businesses that serve them. These sectors collectively sustain tens of thousands of high-paying technology, IT, and defense jobs, and Fairfax County has long been a national magnet for this talent.

[06:43:49] But these industries share one essential requirement, access to reliable, scalable electric power. Substations are the backbone of that power system. They support not only data centers, but homes, schools, hospitals, transportation, electrification, and the county's clean energy and redevelopment goals.

[06:44:07] Without timely delivery of new substations, Fairfax County will have challenges in attracting and retaining the very industries that drive its economic competitiveness. The proposed zoning changes would make it significantly harder to deliver the electrical infrastructure the county needs.

[06:44:24] Substations already involve long, complex development timelines, and the new requirements would further shrink the number of feasible locations and introduce additional layers of uncertainty into an already demanding process. These constraints would slow the county's ability to meet rising demand and increase costs for residents and businesses.

[06:44:44] Such delays risk hindering economic development and elevating ratepayer impacts at a time when grid modernization costs are already significant. Fairfax County should be encouraging the next generation of high-paying technology employers to invest here rather than creating conditions that push them to jurisdictions with more predictable access to power infrastructure.

[06:45:05] The ability to plan and construct substations efficiently is central to the county's competitiveness. For these reasons, we encourage the board to adopt a more flexible, technically grounded approach that keeps substations feasible in appropriate industrial areas, avoids duplicative approval layers, and ensures the county can deliver the reliable electrical capacity required to support economic growth.

[06:45:29] Fairfax County has been a national leader in innovation for decades. Preserving that leadership will require an electrical infrastructure framework aligned with the county's economic, housing, and clean energy objectives. DCC stands ready to work with the board, county staff, and utilities to help achieve those goals.

[06:45:47] Thank you very much. Thank you. We are on speaker number 29, Sergio Carpillo. Are you here? Sergio Carpillo, speaker number 29. Seeing him. Speaker number 30 is Mike Rockefeller.

[06:46:03] Mike Rockefeller here. Okay. and to be followed by Ryan David, Brian Sterling, Aaron Stone. If I called your name, there's plenty of seats right down here in the front. Don't want anyone falling down. Welcome. Good evening, Chairman McKay and the members of the board.

[06:46:20] Thank you for the opportunity to speak to you today. My name is Michael Rockefeller, along with being a resident of Fairfax County for the past 16 years, originally in Springfield and now in Fairfax

Station. I serve as the Chief Financial Officer of William A. Hazel. In this role, I oversee financial planning, capital strategy, long-term investment decisions for a company that has partnered with Fairfax County for more than 60 years. That perspective gives me a clear view into how economic conditions, regulatory frameworks, and infrastructure readiness influence whether investment flows into the county or is directed elsewhere. Tonight, I'd like to address the economic implications of the proposed substation zoning ordinance. Fairfax County, like much of the region, is navigating a period of economic

[06:47:00] uncertainty. Commercial vacancies remain elevated, financing for development is more constrained, and employers are making careful decisions about future growth. In this environment, the county's ability to provide a predictable, business-friendly climate is more important than ever. Substations play a quiet but foundational role in that equation.

[06:47:20] They enable everything that follows. Housing redevelopment, transportation improvements, schools, private sector expansion. When the approval path for this infrastructure becomes more complex and less predictable, it increases risk for businesses, developers, and lenders alike.

[06:47:37] Even small increases in risk can influence whether a capital project proceeds or whether it is deployed elsewhere, and whether employers choose Fairfax County over competing jurisdictions. Fairfax County has long benefited from being viewed as a reliable, forward-looking partner for development.

[06:47:54] That reputation matters and is very important. It encourages businesses to expand here, supports job creation, strengthens the tax base. Preserving that reputation requires policies that align with current economic conditions, not policies that inadvertently create obstacles during sensitive period for the regional economy.

[06:48:15] Forgive me. My message tonight is straightforward. Fairfax County should move carefully and ensure that any revisions to the ordinance strengthen, not weaken, the county's ability to attract new investment.

[06:48:31] At a time when businesses are evaluating where to grow, the county's focus should be on providing clarity and consistency. This is an opportunity to reinforce stability and demonstrate that Fairfax remains committed to supporting economic growth, quality jobs, and a resilient business climate.

[06:48:49] Thank you for your time and continued leadership. Thank you. We're on Speaker 31, Ryan David, to be followed by Brian Sterling, Aaron Stone, John Roddy. If I called your name, please be ready. Welcome. Thank you.

[06:49:06] Chairman McKay and members of the board, I appreciate the time tonight and the opportunity to speak. My name is Ryan David. I'm a professional engineer and principal at Urban Engineering and Associates. I have extensive experience in Fairfax County. I personally have practiced in the county for over 27 years, and our company has been doing business in Fairfax for over 60.

[06:49:28] We deliver complex projects throughout the county, and we lead applicants through site feasibility processes, legislative land use applications, rezoning, special exceptions, special use permits, 2232 applications, site plans, public improvement plans, and many more.

[06:49:46] We're asked many times to help the county with their processes just because of our extensive experience in the county. We provide guidance and help with their procedures. The 22-32 process. This is done to review location, character, and extent.

[06:50:05] This is an extensive process. When we go through a 22-32, we meet with staff. It's very similar to that of any other legislative land use application, a special exception where we spend months with county staff through various reviews where we address comments on plans like setbacks additional landscaping where staff has the opportunity to move the site around and implement some of the things that we're talking about tonight and that happens on many projects and we've done that many times so at the end of the staff review process we

[06:50:41] We have a plan that comes to Planning Commission, and that plan is scrutinized again by the Planning Commission at a public hearing, and the public gets a chance to stand up and voice their concerns, and sometimes changes are made to the plan yet again. And then that 2232 plan is approved.

[06:50:59] Once that plan's approved and its location, extent, and character are documented on a plan, it then goes to site plan, and that site plan has to follow and meet the intent of that 2232. So there's a process in place.

[06:51:15] What I'm here to say tonight is that we don't need an extra process. The extra special exception process is just going to add time, expense, staff expense, time, and take away from the efforts that they should be focusing on elsewhere. In addition, the industrial districts adding a SE to additional industrial zone land for special exceptions, is just going to discourage people and applicants from locating in these districts where they really should be located.

[06:51:53] So I'd just like to finish up by saying that let's keep it the way it is. The 22-32 process works. Don't add any extra SEI districts. Let's encourage substations to go in the I districts. That's where they belong.

[06:52:09] Thank you for your time tonight. I appreciate it. Thank you. Speaker number 32, Brian Sterling, will be followed by Aaron Stone, John Roddy, and Douglas Bell. Welcome. Thank you. Good evening, Mr. Chairman, Vice Chair Smith, members of the board.

[06:52:24] My name is Brian Sterling. I am a resident of the Mason District, and I am speaking on behalf of my neighbors in the Save Bryn Mawr Coalition. We ask that you adopt the Planning Commission's recommendations for substations abutting residential districts in full, including a 200-foot setback standard and landscaping requirements, as well as the good neighbor protective measures like the noise study requirement, improved co-location options, and an SE process that happens concurrently with the 2232 process, not adding time, but giving you all the ability to have proffers which are not available in the 2232 process.

[06:53:04] We also ask that you only adopt subsection B of the Planning Commission's Appendix 1 language because it affirms what state law already says. An applicant may rely on prior approval of their application, not submission, not acceptance, but approval.

[06:53:22] This is especially important to us because of how egregiously Dominion's proposed Edsel substation for Plaza 500 fails to meet every reasonable standard under consideration. On one side, it is 67 feet from a residential property line.

[06:53:38] It is the only pending proposal that would not meet any of the recommended siting and design standards and does not deserve special treatment. Unlike data centers and other private development that you may hope to encourage with zoning ordinance exceptions for business development purposes,

electrical substations are owned and operated by state-regulated public utilities, which are required by state law to provide service.

[06:54:04] Referred to as the duty to serve, state law requires the public utility to serve all. It cannot take its business elsewhere. This means that electrical substations will continue to be placed and built where they are needed and service Fairfax County.

[06:54:22] In other words, updated zoning rules would not dissuade the development of substations. So, unlike grandfathering in the data center ZOA, the issue is not whether substations will be built. It is just how substations are built. It is only Fairfax County and the counties across the commonwealth that can fulfill what I'll call the duty to protect the duty to protect residents from incompatible uses and to determine whether public utility infrastructure is indeed too close to residential homes. State-regulated public utilities knowingly and successfully operate in this

[06:55:01] environment where zoning rules are not the same from county to county and do change over time. Importantly, public utilities regularly and successfully adapt to changes without killing investment. For example, just last week, after eight months of work by their staff and planning commission and a marathon public hearing in October, the Stafford County Board of Supervisors unanimously amended their zoning ordinance to prohibit data centers within 750 feet of residential uses, and substations within 300 feet of residential uses. They also affirmed

[06:55:38] that approved projects could continue and did not give special treatment to pending applications. I think this becomes even more notable when you consider that happening at the same time, in November, Governor Youngkin announced a \$2 billion data center investment in Stafford County.

[06:56:00] Speaking of money, the economics at play are also distinguishable from private investment. The utility must build, and we, the rate payer, are the ones paying for it. Fairfax County household rate payers, like everyone in Virginia right now, are footing the bill for energy infrastructure demand that is fueled by data center growth.

[06:56:22] With the State Corporation Commission's recent decision, household ratepayers are and will continue to shoulder the financial burden of Dominion Energy's duty-to-serve data centers with massive new substations and transmission lines. Fairfax County household ratepayers should not also be burdened by self-imposed substandard zoning rules.

[06:56:43] I'm paying for this anyway. I want the best rules, and I want those rules to apply to pending applications and future applications. In sum, pending public utility applications should not be grandfathered.

[06:57:00] New rules do not drive away public utility business because of the law's duty to serve. Supply drives cost, not setback in landscaping rules. And the state just decided we all will be paying more regardless of what local rules apply.

[06:57:17] No public utility project should be exempt from the best local zoning rules available at the time of approval. I ask you to reject Subsection A of Appendix 1, which amounts to special treatment for just one project, and to not give any public utility project special treatment.

[06:57:34] Thank you. Thank you. Speaker number 33, Aaron Stone, to be followed by John Roddy, Douglas Bell, Tyler Ray. If I called your name, please be ready. Welcome. Thank you. Good evening,

Chairman McKay and members of the board.

[06:57:51] My name is Aaron Stone. I live in Fairfax County, and I have for 19 years. I'm also a superintendent who has spent my career working on all kinds of site development projects that keep this county growing and functioning. I'm here tonight because from where I stand as a resident who relies on a steady construction activity to support my family, the proposed substation zoning amendment worries me.

[06:58:10] Not just because it poses planning and design standards or good community process, but because I know firsthand how sensitive the construction industry is to slowdowns and uncertainty. For people like me and thousands of Fairfax residents who work in the trades, engineering, construction management, our livelihoods rise and fall with the pipeline of these infrastructure projects.

[06:58:31] When the work moves, we have to move. When it stalls, we stall. During the times of this industry, you fight for every project, you take the work at a loss just to keep your team working together, and you go to bed sometimes wondering if there will still be a paycheck next month. When the economy is strong, when responsible development is supported, and when infrastructure keeps us pace and the need for our communities, we can focus on doing good work, not just surviving the next downturn.

[06:58:56] Right now, Fairfax is growing. That growth brings opportunity, stability, and the promise of long-term careers for residents like myself. But it also brings increased demand for reliable electricity. My concern with the zoning amendment is as simple. Adding more layers of restriction doesn't just affect the utilities and or the developers.

[06:59:14] It affects the workers in the field, the engineers behind the drawings, the inspectors, the surveyors, the equipment operators, the small businesses that depend on this steady stream for these projects. It affects people like me, residents, and the ability to make a living is directly tied to Fairfax County's ability to keep essential infrastructure moving forward. I'm asking to consider the human side of this decision. Consider the crews who build these projects and their families that they support. Consider what happens when these projects are delayed, when land becomes infeasible and uncertainty grows. That uncertainty trickles all the way down to the people who lace up their boots every day to build this county's future.

[06:59:51] I urge you to oppose the substation zoning amendment as written and take the time to reassess its practical impacts on everyday residents like me. Our jobs, our stability, and our ability to continue contributing to this community depend on keeping necessary infrastructure deliverable. Thank you for your time and service to this county.

[07:00:07] Thank you. We're on Speaker 34, John Roddy, to be followed by Douglas Bell, Tyler Ray, and Bill Diem. Welcome. Thank you. My name is John Roddy, the CEO of William A. Hazel.

[07:00:24] I appreciate the evening to speak to the board and the opportunity to have an exchange about this. For more than 60 years, Hazel has helped build the institutional infrastructure that supports Fairfax County's businesses, homes, and public facilities.

[07:00:41] We employ over 500 skilled workers, many of whom live in the county. And our work depends on the timely delivery of reliable utility infrastructure, especially substations. I'd like to focus on the employment and development impacts of the proposed substation zoning ordinance amendment.

[07:00:59] Substations are essential to keeping construction and redevelopment on schedule. When a substation is delayed, the projects that rely on it, housing, schools, mixed-use developments, transportation improvements, also get delayed. That affects not just our company, but the entire ecosystem of subcontractors, suppliers, and tradespeople who support development throughout the county.

[07:01:21] For our workforce, predictability matters. Our crews plan their work months ahead. When a utility facility is pushed back, it disrupts the sequence of grading, road work, and site development tied to it. While our team is adaptable, prolonged delays make it harder to maintain consistent work and steady hours for employees.

[07:01:41] About two months ago, I had the epiphany that we had nine signed contracts worth over \$100 million that were all unable to start because of various permitting and related delays. This will only add to that number. Please bear in mind that we found that each month added to the front-end delay to the start of a project adds over a percent to the cost of the project.

[07:02:03] Think what that does to the expansion of the supply of affordable housing. The proposed ordinance adds new layers of review and procedural uncertainty to an already complex process. These additional requirements don't improve safety or community outcomes.

[07:02:21] They simply make it more difficult and time-consuming to deliver the electrical infrastructure that all development relies on. Every major priority the county has identified, expanding housing, revitalizing commercial areas, providing EV charging, supporting schools, and attracting high-quality employers depends on having power available when projects are ready to come online.

[07:02:44] If the approval process slows down critical utility infrastructure, the county's entire development pipeline and the revenues that it brings along slow with it. Fairfax County's long-term competitiveness is tied to its ability to provide reliable, timely infrastructure.

[07:03:01] Employers looking to invest need assurance that the county can support their power needs without prolonged uncertainty. In closing, I respectfully urge the boards to ensure that zoning changes do not unintentionally hinder development or disrupt the jobs and workers that keep Fairfax County growing or make closing the budget gap any harder than it already is.

[07:03:25] The county's economic successes and its future opportunities depend on infrastructure that can be delivered efficiently and on schedule. Thank you for your time. Thank you. Speaker number 35 is Douglas Bell, followed by Tyler Ray and Bill Diem.

[07:03:45] Welcome. Good evening. My name is Douglas Bell, and I've previously testified before this board and the Planning Commission regarding the data center zoning amendment.

[07:04:01] I currently serve as Senior Principal Consultant and President of Kavanaugh-Tachi, an acoustical consulting firm founded in 1975. In the course of my nearly 40-year career, I've consulted on over 1,000 environmental noise projects.

[07:04:17] Additionally, I co-authored a textbook on the topic of industrial noise control. As a subject matter expert in environmental noise, I'm speaking to offer further insights. The proposed amendment includes various design restrictions targeting potential noise impacts associated with substations.

[07:04:37] Specifically, these restrictions include imposing increased setbacks and requiring solid fencing surrounding the substation. It is my opinion that these restrictions will only impose a burden on utilities without achieving any of the intended goals. Currently, noise emitted from a substation is controlled by the Fairfax County Noise Ordinance.

[07:04:58] This is a robust and unambiguous ordinance which has served the county for decades. It's crucial to understand that the limits are determined by receiving property boundaries and receiving property use, ensuring that residential districts are well protected.

[07:05:15] The ordinance even accounts for heightened awareness during nighttime hours by applying the most restrictive limits during this period. It is my professional opinion these standards are equitable and practical. The zoning amendment recommends increasing setbacks and providing mandatory solid fence screening around substations.

[07:05:34] Since the regulatory limits of the noise ordinance already dictate acoustic design, these requirements provide no additional benefit to the community. The property line limits defined in the ordinance must be met, regardless of what the setbacks are.

[07:05:52] It's my experience that when a noise ordinance exists, utilities will consult with acoustic engineers to ensure that their projects comply with applicable limits. In this process, acoustic engineers will use several effective tools to estimate noise impacts and then provide recommendations to mitigate impacts when warranted.

[07:06:10] There are other options besides setbacks and screening that can be used to control substation sound. To arbitrarily dictate setbacks and screening to control noise could result in very inefficient designs. In the course of preparing for this testimony, I reviewed a report entitled Electrical Substations in BESS, Noise Findings and Recommendations.

[07:06:33] This report was prepared for the Zoning Administration Division and dated April 30th, 2025. The report does not appear to recommend additional acoustic restrictions that should be applied to substations besides enforcing the existing ordinance. In fact, it specifically points out that setback distances are not a viable measure to ensure sound levels.

[07:06:55] It is my experience that industrial projects are successful in balancing the objectives of developers with the need of an acceptable sound environment for the community when three factors are part of the development process. First, the community has clearly defined objective standards to serve as goals for the developers to achieve.

[07:07:15] Second, the developer commissions a sound study to determine the feasibility of a design with regard to achieving these goals. And third, post-construction sound measurements are performed to verify performance and to identify any problems to be remediated. In conclusion, it is my opinion that with regard to sound produced by substations, The Fairfax County community is best served by addressing noise through the framework of the existing noise regulation.

[07:07:41] This regulation requires developers to perform a comprehensive evaluation of acoustic impacts in order to ensure compliance with standards which are appropriate and effective. Additional regulatory requirements with minimum setbacks and required screening do not provide additional noise benefits to the community.

[07:08:01] Thank you for your consideration. Thank you. speaker number 36, Tyler Ray, to be followed by Bill Diem. Welcome. Thank you. Good evening. I want to thank the board for the opportunity to speak tonight on the important issue for all Fairfax County residents. I represent the Bren Point community who's facing an unapproved substation at the adjacent Plaza 500 site. This proposal fails to meet any of the Planning Commission's siting standards you're considering tonight. Tonight we're talking about substations for

[07:08:37] data centers, as my slides will show. These substations are not your neighborhood substations powering our homes and nestled discreetly behind trees and shrubs. These are high voltage, massive structures that reach heights of nearly 100 feet. They span acres upon acres and contain enough energy to power entire cities. They are connected by equally massive transmission towers and lines. These images are the reality popping up in Fairfax County and expanding throughout Northern Virginia. I have two simple asks for you tonight. The first is to adopt the

[07:09:14] substation recommendations as unanimously recommended by your planning commission. The second is to require that unapproved substations next to residents comply. Your appointed planning commission with their decades of expertise and insight unanimously made these recommendations after careful consideration and negotiation. They balance residential safeguards with industry flexibility.

[07:09:39] The Planning Commission unanimously recommended sensible residential safeguards, including a 200-foot setback, co-location, and alternate location language, allowing for existing substations to be utilized for new substations.

[07:09:59] They also added an end to buy-write substations when adjacent to residents and echoed the staff report recommendations for a special exception for I-3 and I-4. In terms of industry flexibility, the proposed ordinance does not require setbacks, fencing, or landscaping requirements for substations when it's within and fully surrounded by industrial areas and private roads. It does not require a noise study when these aren't adjacent to residents, and it only requires a special exception in I-5 and I-6 districts when they are directly adjacent to

[07:10:35] residents. Importantly, it also processes special exceptions and any needed 2232s at the same time. 2232s and the special exceptions are not the same thing or, you know, basically the same as some other speakers like to have you believe. For example, Chairman McKay and Vice Chair Smith, you both recently attended the groundbreaking for the Chantilly Premier Data Center.

[07:11:00] In your press release for that, you stated that there was strengthened community and enhanced quality of life. All of those provisions were gotten because of a special exception process. Obviously, a 2232 doesn't happen for data centers, but the idea of what can be provided for a special exception is illustrated through that. My second and most important ask for you tonight is to apply these new standards to unapproved substations directly adjacent to residents. Doing so recognizes that all ratepayer residents are paying for these substations and all residents should benefit from

[07:11:37] these new standards. It recognizes and sympathizes with residents that electricity rates are increasing as a direct result of the need for data center substations. You can demonstrate local leadership that these ratepayer increases won't come without added safeguards for all residents. Lastly, I'd like to clarify some claims you've heard tonight and through an email campaign led by the data center industry. The data center industry has claimed that new ordinances will raise resident rates. This is simply not true. The Board of Supervisors does not control utility

[07:12:13] rates. The State Corporation Commission does. Rate increases are coming regardless. The board can decide, though, whether those rate increases are paired with protections for residents. Next, the data center industry claims that proposed changes must be fair and that they've already invested significant resources and new requirements through an ordinance would add costs.

[07:12:37] The fact is, these costs are public utilities born by ratepayers. What isn't fair is for substations to be located so close to residents that they impact our home values and the financial investments of residents in our own homes. A peer-reviewed study from the Appraisal Journal finds homes within 164 feet of substations experience a 5.4 to 7 percent decrease in home values. Applying this to the Bryn Mawr community whose homes sit less than 100 feet away, the cost to homeowners in lost equity is between \$4.3 and \$5.5 million. Per home, that would be between

[07:13:12] \$45,000 and \$58,000. I'll wrap up now. This amount may not seem like a lot to the data center industry, but for us residents, this is our life savings. It's our retirement. It's our family legacy. I hope Plaza 500 isn't the first, but without your action tonight, it certainly won't be the last, and it certainly won't be only in Mason District. I humbly ask you to adopt the Planning Commission recommendations and apply the new ordinances to unapproved substations next to residents. Thank you. Thank you. Thank you very much. Our next speaker, Speaker 37, Bill Diem.

[07:13:50] Are you here? Okay. Good evening. Chairman McKay, members of the board, thank you for this opportunity to speak. My name is William Deegan, and I represent Critical Power Consulting, a firm that supports major development projects, secure the electrical capacity they require by coordinating with utilities across the nation. Our work spans every sector of the county's economy, and it all depends on one thing, a reliable, robust, and resilient electric grid. For that reason, we must

[07:14:29] express our strong opposition to the opposed substation ZOAM and the Planning Commission's recommendations. Utility development is already heavily regulated. Substation siting and construction are governed by a comprehensive regulatory framework at the local, state, and federal levels. Each is designed to ensure safety, reliability, and public accountability. At the State Corporation Commission, the CPCN process requires utilities to evaluate co-location options, upgrades to existing substations, and multiple transmission line routing alternatives.

[07:15:05] These cases are highly technical and data-driven. They are open to public comment and require a demonstrated need for the capacity requested. At the federal level, the FERC and the NERC impose reliability standards for system planning, contingency performance, and infrastructure adequacy.

[07:15:25] Utilities cannot deviate from these standards. They must build the infrastructure required to meet forecasted load while maintaining a stabilized grid. In short, substations are already among the most scrutinized infrastructure assets in the country.

[07:15:41] The ZOAM does not fill a regulatory gap. It adds a redundant layer that conflicts with established regulatory pathways. The ZOAM's criteria are overly restrictive and functionally unworkable. Fairfax County already utilizes the 2232 review and the site plan process to review location, screening, compatibility, and community impacts.

[07:16:04] This proposed ZOAM introduces expanded setbacks, heightened screening, and special exemption requirements that significantly reduce the number of feasible parcels, particularly in industrial districts where new capacity must be added.

[07:16:20] When land options shrink, utilities are forced onto compact parcels that can only accommodate gas-insulated substations, also known as GIS. GIS is a valuable technology, however, it costs two to four times the traditional air-insulated designs.

[07:16:37] They are more expensive to maintain, and they require specialized training to ensure reliable grid operations. Mandating GIS through zoning and not engineering creates avoidable cost escalation, and these additional costs will not solely be absorbed by the large load customers as discussed.

[07:16:58] Comments made during the Planning Commission hearing suggested that large load customers shift substation costs onto others. This is incorrect. Large load customers already pay the full substation infrastructure required to serve their load, along with any needed transmission or distribution upgrades.

[07:17:17] However, when substations are needed to support the broader grid, not the large load customer, the ZOAM creates new challenges. New challenges that restrict viable sites and effectively force GIS-only solutions.

[07:17:33] This adds system-wide costs that will ultimately flow down to the residents, small businesses, and community institutions of Fairfax. The ZOAM is also going to slow down substation delivery and possibly undermine reliability. A typical substation already takes 6 to 10 years from planning to energization.

[07:17:53] In practice, the ZOAM delays projects precisely when the county is working to expand housing, reduce fossil fuel use in the homes, electrify fleets, enable transit charging, implement the CCAP, and operational energy strategy commitments.

[07:18:11] Electrification cannot occur without capacity. Capacity cannot be added without substations. As drafted, the ZOAM creates a structural barrier to meeting the county's own energy and economic development goals. Critical power consulting respectfully urges the board to reject or substantially revise the ZOAM. The amendment does not improve safety or compatibility but what it does do is it reduces site feasibility, increases community costs, and impedes the timely development of essential grid infrastructure. Fairfax County's growth,

[07:18:49] reliability, and decarbonization efforts all depend on a predictable, workable path for substation development. The ZOAM, in its current form, does not provide that path. Thank you for your time and consideration. Thank you very much. Before we start playing the videos, and there's a lot of them, I am going to call one last time for people who I understand have come, and I'm going to do this this one time i don't normally do this so it's really important that people show up when

[07:19:22] it's their time to speak david shepherd is david here to be followed by deborah harvey to be followed by james parmalee and then i'm going to check on the phone with alicia campos and that's it then we're playing the videos and then i will check if there's anybody else in the auditorium who would like to speak welcome thank you mr chairman i'll be very brief i just would like to encourage the board to oppose the zoning amendment on electrical substations. I believe we need the energy. I'm concerned about the negative effect it might send in terms of being anti-business.

[07:19:58] And I would just conclude with everyone keeps talking about affordability. It's the big news. Every time I turn on the news, I hear about this issue of affordability. My guess is you'll find a connection between affordability and the number of zoning amendments. Thank you. Thank you.

[07:20:15] Debra Harvey is Debra Harvey here welcome this is speaker number 13. Good evening thank you for the opportunity to speak with you today I'm here not just as a representative of my organization but as a Fairfax County resident and a constituent with a significant interest in the proposing proposed zoning update I'm here representing the heavy construction contractors Association which is a nonprofit trade association representing construction companies over 200 companies with 46,000 Virginia residents employed. We welcome this

[07:20:54] opportunity to provide input. The members of the Heavy Construction Contractors Association are those that build our state's infrastructure: the transportation, electric, gas, water and wastewater, and communication infrastructure, as well as providing the site work for major construction projects like the electrical substations. Dozens of these companies are headquartered in or have significant locations based in Fairfax County we are intimately familiar with the process of obtaining approval to site and build substations the existing process is rigorous comprehensive and appropriate for the type of building

[07:21:32] being done and already takes a significant amount of time adding special exception requirements would not add useful value and would duplicate the existing 2232 process, and might create significant delays to the start of construction, which in turn would delay the delivery of desperately needed electric power capacity.

[07:21:57] Substations are unique construction undertakings requiring specialized planning and execution to design, build, and complete the projects. Similarly, both commercial and residential projects are dependent on the timely delivery of power capacity.

[07:22:13] The delay of new substations creates a domino effect delaying the dependent development, which impacts Fairfax County's future tax base and negatively impacts projected budget shortfalls. To avoid unnecessary delays, we are asking that this board maintain the process and grandfather all projects currently in the pipeline.

[07:22:33] We are also asking that you facilitate the siting of new substations by maintaining bi-right developments in all industrial districts and retain appropriate setbacks and screening requirements. The minimum setback to residential districts at 50 feet, as recommended by Fairfax County's own knowledgeable and experienced staff, and is consistent with existing conditions and the existing setback requirements for other industrial uses, including waste reclamation and junkyards.

[07:23:06] 200 feet is excessive, given the limited siting possibilities for these substations. By continuing to support the strategic location and appropriate approval criteria and processes for the construction of substations, Fairfax County and its residents will realize the related economic growth.

[07:23:26] The power infrastructure that these substations can and will provide is essential to the continued economic success for the county. Thank you for your time and consideration. Thank you. Speaker number 23, James Parmelee.

[07:23:43] Thank you for the opportunity to speak. I want to say that I completely agree with what Tom Davis, former Congressman Tom Davis, was saying earlier. But with some of the speakers I heard today, I thought I had walked into the wrong hearing. and I thought this was a data center hearing and I couldn't understand that because that's not the topic tonight. And I was thinking, well, you guys might be confused that you might be thinking it's a data center hearing also. So I would like you to clear your minds of data

centers. Pretend that there are no data centers. Now, of course, you'll have to throw away your smartphones because those

[07:24:19] don't exist either, but there are no data centers. Imagine we're coming into a new general assembly in about a month, and we are presumably going back to the electric car regulations that we had before, and we're all going to get electric cars in the next couple of years.

[07:24:39] So I'd like you to think of all the cars on 66, electric. All the cars on 395, electric. All the cars on 95, electric. All everywhere, County Parkway. All the cars in Fairfax County, electric.

[07:24:54] What are they going to do without substations? And, you know, imagine all those cars stopping because their batteries don't work. Their batteries can't get juice because they couldn't recharge them, because there weren't enough substations and the grid collapsed.

[07:25:11] That's not even an exaggeration. If we do move successfully to electric cars across Virginia, which is presumably going to be the law again in a couple of months, they have to get electricity. So we need substations, and you guys are in charge of making sure that those substations, that the power companies are allowed to build those stations.

[07:25:36] You already have zoning procedures that seem to have worked successfully so far. I would say that there's no reason to mess with them, particularly now that you're about to see the greatest single explosion of need for electricity since the electric light bulb.

[07:25:54] So now is not the time to make it harder. All those cars are going to need juice. So thank you for your time, and please vote no on all of this and stick with what you got. Thank you. Thank you. And let me ask if we have Alicia Campos on the line. I'm here.

[07:26:10] Welcome. The floor is yours. Hello, Board of Supervisors. Thank you all for allowing me to advocate for my community this evening. My name is Alicia Campos, and I'm here as a resident of the Bryn Mawr community. I'm testifying tonight to ask each of you to put residents first by enacting strong protections for our neighborhoods near electrical substations.

[07:26:30] Massive substations for data centers and other high-energy uses do not belong near homes. They must be set back at least 300 feet and located at alternative sites far away from residential areas. Right now, the county is facing rapid substation growth with Dominion Energy racing to build before new rules take effect.

[07:26:49] I'm asking you all tonight to adopt the approved Planning Commission recommendations and require all unapproved substations next to residents to comply. As ratepayers, we fund these projects, and we deserve the same protection. This is my fourth time testifying because the decisions made here this evening will affect my community and thousands of others across the state.

[07:27:10] Companies like Google and Starwood Capital claim they are working hard to minimize impact, but in reality, those companies have publicly stated are expanding our data center investments, both domestically and abroad, generate compelling value for investors. They aren't making these decisions for our community or us, but for themselves.

[07:27:27] They simply just want to make people who are already rich, richer. I conducted some basic research on the CEO of Starwood Capital, the private investment firm pushing for these exemptions for

Plaza 500. The CEO's name is Mr. Barry Sterling. He's a Miami resident, and his primary home is located in a gated community, surrounded by lush landscaping for optimal privacy.

[07:27:48] His house, guess what it's worth? An estimated \$51 million. The people who are advocating to rest these critical decisions have the time, the resources, and the money to do the right thing, to make them. I moved into Bread's Mar when I was 25 years old, and I'm now 30.

[07:28:05] The entire time, I've grown to love my little community more and more each day. My home is not just where I sleep, but it's also where I work. I spend more time at home than anywhere else. I don't want to live with the constant noise and industrial impacts of being less than a few feet away from a data center.

[07:28:23] I ask you to imagine if this is your home, your parents' home, your child's home. It may be mine today, but it could be yours tomorrow. These companies aren't looking after me, so I'm begging each of you to please consider these exemptions and look after us this evening. Please listen to the people you actually represent and end by-right substations in all districts next to residents.

[07:28:43] Living near an industrial area shouldn't take away the right to public process. Don't limit the collation or alter location for substations at the expense of residence. Thank you so much for your time this evening. Thank you. I am going to allow two more speakers who weren't here when I called their name.

[07:29:01] If you have not spoken and you missed your turn, do not come down here and ask the clerk to be heard. Because I am going to play all the videos and then we are going to hear from anybody else who is here who missed their turn when I called their name. So these will be the last two speakers before all the videos are played.

[07:29:20] And I'm going to go with Speaker No. 9, Jim Bonk, to be followed by Robert Anderson, Speaker No. 7. Thank you for allowing me to address this audience.

[07:29:40] I am a 30-year resident of Sully Station area. I've been in Fairfax County for many years, and I've seen a lot of changes. And I have a prepared script here, but I'd like to reinforce what Mr. Parmalee said. I'm looking at a young lady there, Ms. Smith, who lobbied me not too many years ago to allow for expanded construction of apartments and about 28 corridor growth.

[07:30:10] I also listened to her pitch about how we needed data supply, data stations rather, data centers. And I asked the question, what about electricity? And all of a sudden, now we've got a U-turn going on here. All of a sudden, there's concern about substations.

[07:30:26] Well, how else do you deliver electricity without substations? So I'm going to keep my comments real clear. I wish that you would probably support a logical system, which is in places I understand already. I was in the construction industry for many years, not here in Virginia.

[07:30:43] But the bottom line is without electricity, with ongoing demand continuing to grow, as Mr. Parley said, we all drive cars. I don't know how many electric cars are you driving out there. I'd like to ask. Anybody? Any electric cars on the board?

[07:30:59] No, you can raise your hand, please. You're afraid to rent an electric car? I'm not trying to be embarrassing here. I'm just making a point. You're a representative of this county. I would submit that probably even more of other people who live in this county don't have them either.

[07:31:17] But they're coming like everything's coming. If you can't deliver the juice to the homes, to the apartments, to the businesses, and so forth, how else are you going to continue to have a stable county government and a stable county environment?

[07:31:32] So I would submit that you continue to use the zoning regulations that are in place, respect the laws that are in place. If there's need to have some oversight as well, that's fine. But you can't just shut down the growth by saying we're not going to have power stations.

[07:31:49] I accept that you appreciate my comments, and I'm done. Thank you. Thank you. And we are on speaker number seven, going back to speaker number seven, Robert Anderson. Okay, thank you. I got caught on another industrial project, another infrastructure, the Beltway, so I got here a little late today.

[07:32:06] I'm going to truncate my speech because I've heard enough about the physics of power and all like that. So I'm going to junk out like a minute and a half here. I'd just like to say reliable energy is necessary for the future Fairfax County because we've got to attract industrial and manufacturing base to the city.

[07:32:30] to the county. And, of course, tracts and power stations. Power stations are integral in that. Let me just say, I'd like to assuage the angst that some of our members here or our citizens here have about having industrial equipment proximate to their homes. I recall some maybe 30 years ago, the whey and cry of the erection of power lines

[07:33:10] transversing the county. And I remember the term site pollution was, seemed to be the term of art for the invasion of our county. Now, I live juxtaposed to these power lines. And because of the necessary swath of land that is cut out by these power lines, I have in perpetuity a forest primeval behind me. I've got deer, I got fox, I got turtles. My dog got lost back there for two days. This is in Annandale, Virginia. I found him caught laying

[07:33:49] upside down in a tree like that. It was quite cute. But I want to point out that when we heard that the power lines were just going to cause a blight across the county, they did the exact opposite. I can imagine if those power lines weren't there, I'd be looking at Waffle Houses, Starbucks, as far as the eye could see. And I happen to know, I work for Metro, and I do have occasion to be near the big power stations, and I happen to know that they cut out a big swath of

[07:34:22] land in perpetuity of grass around there for the ingress and egress of the equipment when it comes for to fix the power lines or to fix the equipment on the transformers.

[07:34:41] But when it's not being occupied by equipment there, it is pretty much laying follow, and you can chip golf balls or whatever you have there. It's a nice little area. That's all I have to say, and I thank you very much for your time. Thank you.

[07:34:57] At this time, we are going to start playing the videos. This will encompass speakers number 38 all the way through speaker number 59. And at the end of speaker number 59, I will call for anyone else who has not testified.

[07:35:14] And so if the folks here could go ahead and begin rolling the videos. Good evening. My name is George Landreth, and I live in Chantilly in the Sully Magisterial District near Poplar Tree Elementary School. I appreciate that the Board of Supervisors is holding a hearing to allow public comment regarding the consideration of a proposed amendment to Fairfax County's electrical substation zoning ordinance.

[07:35:42] The problem with the proposed amendment is that it would add a special exception requirement to the process of building electrical substations in our county. The current process of building an electrical substation can already take about six to ten years, and adding a special exception requirement would only extend that and make it even longer by perhaps a year to a year and a half, and that is just probably not wise.

[07:36:08] While I support thoughtful planning and oversight, this proposed change would only add additional and unnecessary bureaucracy to an already complex process, making it harder, slower, and more expensive to deliver reliable and affordable electricity to the homes and businesses in our county.

[07:36:28] The current process, while not simple, is functioning. It strikes a balance between oversight and progress. With Fairfax County's growing population and increasing electricity demands, this is not a good time to add more delays, more costs, and more government interference.

[07:36:46] So I respectfully urge and ask every member of the Fairfax County Board of Supervisors to vote against this proposed amendment and to make sure you're protecting the reliability, the affordability, and the timely expansion of our energy infrastructure.

[07:37:03] Thank you and good evening. Esteemed Chairman McKay, Vice Chair Smith and members of the board, my name is Angelia Long. As a ratepayer and resident, I am asking you to adopt the unanimously approved Planning Commission recommendations and require all unapproved substations next to residents comply.

[07:37:30] With my energy costs increasing because of the need for new substations, the Board of Supervisors should not allow more substations without passing protections that apply to all residents. I am paying for these substations and I should benefit from the best zoning rules.

[07:37:50] You see all these substations are sprouting everywhere and it is impacting everybody, the community staying here. we have wildlife we have children we have old people and i'm middle-aged and my health is already declining and with all these substation placed so near me it is going to make it decline faster and and even harder for me to take control of my health economically wise you have if you put a substation so near to me not only am i paying a lot more already eating into my fixed income or

[07:38:30] the lack of it is also reducing the way my my the potential of the growth of my my home everybody around like in the townhouse my neighbors they have been paying a lot to have tranquility clean stream without all these power lines running around buzzing of the substations

[07:38:58] i'm not a very ai person and i think we are good as we are all these substation increasing of them is just not green at all and and i'm very sad our world is dying we are really not able to save it do we have to hasten its death there are still children there are still future children coming is this what we want to leave for the future generations a dead world so i hope you have

[07:39:37] family and you have you have your grandchildren great-grandchildren to think of as well now or in the future so i hope you you know how i'm feeling i might be dying another 10 20 years but others are still living chairman mckay vice chair smith and members of the board my name is kyle vizina I am asking you to adopt the unanimously approved Planning Commission recommendations and require all unapproved substations next to residents to comply.

[07:40:14] With energy costs increasing because of the need for new substations, the Board of Supervisors should not allow more substations without passing protections that apply to all residents. As an avid outdoorsman, turkey cock and back lick run are very important to me.

[07:40:34] I walk along these streams regularly and pick up trash, so I have seen firsthand how fragile they are. Placing a data center and its associated substations near these streams would severely harm water quality, damage aquatic life, disrupt wildlife, and degrade the natural spaces that I and my community care for.

[07:40:57] And the impacts wouldn't stop there. Pollution and runoff entering Turkeycock and Backlick Run ultimately flow into Holmes Run and then the Potomac River, affecting a much larger ecosystem and the waterways our entire region depends on. I urge you to please adopt the Planning Commission recommendations. Thank you. Chairman McKay, Vice Chair Smith, and members of the board, My name is Alfredo Essene. As a ratepayer and resident, I'm asking you to adopt the unanimously

[07:41:32] approved Planning Commission recommendations and require all unapproved substations next to residents comply. With my energy costs increasing because the need for new substations of the Board of Supervisors should not allow more substations without passing protections that apply to all residents. I'm paying for these substations and I should benefit from the best zoning rules. Thank you. My family purchased a home in Fairfax County thinking elected officials would support

[07:42:03] residents over business. We do not want a substation or a data center in our beautiful neighborhood. There are too many children living here. The air quality will get down. We will lose our water pressure, we say no to a substation and we say no to a data center. No. This is our home.

[07:42:30] This is our future. This is the future of our children. Save our neighborhood, not our businesses. Good afternoon, Chairman McKay, Vice Chair Smith, and members of the board. My name is Teresa Gooden and as a ratepayer and resident of Jefferson Green Condominium, I am asking you to adopt the unanimously approved Planning Commission recommendations and require all unapproved substations next to residents comply.

[07:43:06] With my energy cost increasing because of the need for new substations, the Board of Supervisors should not allow more substations without passing protections that apply to all residents. I'm paying for these substations and I should benefit from the best zoning rules.

[07:43:26] What impacts would a substation have if placed near your home? Economic, health, environmental impact, et cetera. Thank you for your time. I have lived in Jefferson Green over 30 years and it's just a shame what's happening right now.

[07:43:45] Thank you. My name is Mike Graham. and my wife lori and i are residents of the ridges of edsall community we want to begin by sincerely thanking the planning commission and ultimately this board for adopting new substation ordinances that protect both public health and residential property values in neighborhoods near proposed electrical substations the concerns that led to these protective ordinances have not changed

[07:44:20] simply because an application for a substation has been filed. Construction has not begun, no equipment has been ordered, and the project remains unapproved. There is still full opportunity and we believe a clear obligation to apply the new rules fairly and consistently.

[07:44:40] We respectfully ask the board to uphold two key provisions of the recently adopted ordinances for the plaza 500 project one minimum 200 foot setback from residential properties the proposed substation is approximately 100 feet from our home and many others for reference the u-haul trucks currently visible behind us are parked roughly 100 feet from our property line a substation at that distance would expose our homes to significantly elevated electromagnetic

[07:45:13] fields, EMF, throughout our living spaces. Two, mandatory co-location with existing substations. This requirement was specifically enacted to minimize the proliferation of new substations in established residential areas and to concentrate infrastructure where impacts are already present. Plaza 500 does not meet this standard. We urge the board to affirm that the new ordinances apply to all pending and unapproved substation projects, including Plaza 500, without exception or

[07:45:52] grandfathering. Consistent application of the rules we have just adopted is essential to maintain public trust and to deliver the very protections the ordinances were designed to provide. Our family, along with our neighbors, trusts the county government to safeguard our health and the value of our largest investment, our home.

[07:46:17] Allowing this project to proceed under the old rules would permanently harm both. Thank you for your time and for your commitment to fair, protective, and forward-looking land use decisions. We are grateful for the opportunity to address you and trust you will uphold the ordinances as written.

[07:46:41] Chairman McKay, Vice Chair Smith, and members of the board, we are Lori and Eric Baumill. As Dominion rate payers and Fairfax County residents, we are asking you to adopt the unanimously approved Planning Commission recommendations and require all unapproved substations next to residents comply.

[07:47:06] With our energy costs already increasing because of the need for new substations, the Board of Supervisors should not allow more substations without passing protection that apply for all residents. We are paying for these substations, and we should benefit from the best zoning rules possible.

[07:47:29] The current plan is to place the substation directly behind our home, closer than the existing building, pictured here, and with a 123-foot transmission pole. In addition, any runoff from the transformers would run directly into the intervening watershed stream, Turkey Cock Run.

[07:47:49] Thank you for your time and attention. Thank you. Chairman McKay, Vice Chair Smith, and members of the Board. My name is Lily Wong. My husband and I are rate payers and homeowners in the Brenpoint community.

[07:48:06] We are asking you to adopt the unanimously approved Planning Commission's recommendations and just as importantly, require all unapproved substations next to residents comply. Without all of these protections I just mentioned, my family and my fellow neighbors and community will be subject to the consequences of Plaza 500 being built and forever overshadowing our homes, only a literal stone's throw away. My neighbors and my own dominion bills and energy costs have

[07:48:41] already increased because of the need for new substations for a rapidly expanding new tech and AI industry. These aren't your mother's data centers anymore. We need to change with the changing world, yes, but we should all consider the implications for those who are going to be affected the most and make sure those who are the most vulnerable will be protected. In the case of Plaza 500, the most affected

and most vulnerable would be my family and my community. I implore you all, our board of supervisors, to not allow more substations without passing protections that

[07:49:19] apply to all residents. Please don't be so easily swayed by those who speak at the behest of a faceless corporation who offer the promises of stimulating an economy. The jobs they provide are temporary, and once the data centers are built, it will only be a windowless building filled with machines and maybe one engineer. They promise tax savings, but conveniently fail to mention the rising cost of utilities to power these energy-sucking plants. These corporations aren't people who live and work in these neighborhoods. They have one priority, and it's

[07:49:56] their bottom line. I am paying for these substations and I should benefit from the best zoning rules. Thank you. Chairman McKay, Vice Chair Smith, and members of the board, my name is Debbie Filippi and I'm sending you this video regarding your upcoming vote Tuesday night on whether to require the Plaza 500 data center Edsel Road substation to follow new standards that would prohibit its construction as currently proposed. As a rate payer and resident, I am asking you to adopt the

[07:50:31] unanimously approved Planning Commission recommendations and require all unapproved substations next to residents to comply. With my energy costs increasing because of the need for new substations, the Board of Supervisors should not allow more substations without passing protections that apply to all residents. I am paying for these substations and I should benefit from the best zoning rules. Additionally, this particular substation is nestled right in the

[07:51:05] middle of major residential areas, and there is an industrial park not a mile up the street where it would be better suited. I ask for your consideration of this Tuesday night when you take your vote. Please put your residence first with respect to this particular substation. Thank you for your consideration. Hi, my name is Dorian Horvat and I'm a teen speaking on behalf of my family of four who have been residents of Overlook for the past 17 years right across from where a new

[07:51:43] substation is being proposed. As ratepayers and residents, we're asking you to require all new substations comply with this ordinance. My parents are paying for these substations and our family should benefit from the best zoning rules. We're also asking you to allow the co-location of substations in any district with an existing substation. It shouldn't matter what district the substation is in because what matters is that it's located safely away from residents.

[07:52:12] Some of these new substations could be over 100 feet tall and more than four football fields wide built just 100 feet from people's homes. That's far too close. Substations this large bring noise, bright lights, and possible health concerns. And once they're built, we can't take them back.

[07:52:28] Please make sure that these rules are fully enforced and that families have a voice before any new projects move forward. We just want to feel safe and be treated fairly. Thank you for listening and for protecting the people who live here. My name is Ben Cooper.

[07:52:46] As a ratepayer and resident of Fairfax County, I'm asking you to require all new substations comply with this ordinance. I'm paying for these substations and I should benefit from the best zoning rules. I'm also asking you to allow the co-location of substations in any district with an existing substation.

[07:53:07] It shouldn't matter what district a substation happens to be in. What matters is that it is located far away from residence. Thank you. My name is Austin Nguyen, and as a ratepayer, I'm a resident and asking you to require all new substations to apply with this ordinance.

[07:53:24] I'm paying for these substations, and I should benefit from the best zoning rules. I'm also asking you to allow the co-location of substations in any district with an existing substation. It shouldn't matter what district a substation is in. What matters is that it's located away from residents. Thank you.

[07:53:40] Good day. My name is Candace Osborne. As a ratepayer and resident, I'm asking you to require all new substations comply with the new ordinance and regulations regarding proximity of substations and data centers to residential homes. As a homeowner, I will be paying for these substations and I should benefit from the best zoning rules.

[07:53:59] It has been shown that residents that have substations built in close proximity to their homes see a significant increase in their electricity cost and lower property value due to noise and aesthetic concerns. I'm also asking you to allow the co-location of substations in any district with an existing substation.

[07:54:17] It shouldn't matter what district a substation is in. What matters is that it is located away from residents. This significantly impacts on the quality of life for me and my fellow residents in our community. We walk our dogs, take jogs, ride our bikes, and enjoy the protected stream that lies in between Plaza 500 and our homes.

[07:54:35] As a community, we do not want to have constant noise from cooling equipment and emergency generators or incur health risks from electromagnetic fields. I would like to ask that you ensure that Plaza 500 adheres to the new standards that prohibit substations from being constructed near residential homes.

[07:54:52] Thank you for your time and attention to this matter. Hi, my name is Chris Oliver. As a ratepayer resident, I'm asking you to require all new substations comply with this ordinance. I'm paying for these substations, and I should benefit from the best zoning rules.

[07:55:09] I'm also asking you to allow the co-location of substations in any district with an existing substation. It shouldn't matter what district a substation is in. What matters is that it's located away from residents. Thank you. My name is Monica Rupert.

[07:55:26] As a ratepayer and Fairfax County resident off Edsel Road, I'm asking you to require all new substations comply with this ordinance and its amendments. I'm paying for these substations, and I should benefit from the best zoning rules.

[07:55:42] I'm also asking you to allow the co-location of substations in any district with existing substations. It shouldn't matter what district a substation is in. It matters where that it is located away from residents.

[07:55:58] The county has experienced rapid substation growth with Dominion Energy Racing to beat appropriate county regulation. Do not give them special treatment by exempting unapproved substations from new standards. We are all paying for these substations and demand these new protections benefit all of us.

[07:56:16] Thank you very much. Hi, my name is Michael Schfaro. As a ratepayer and resident, I'm asking to require all new substations to comply with this ordinance. I'm paying for these substations, and I should benefit from the best zoning rules. I'm also asking you to allow the co-location of substations in any district with an existing substation.

[07:56:35] It shouldn't matter what district a substation is in. What matters is that it is located away from residents like myself. Thank you. My name is Mark Adams. As a ratepayer and resident, I'm asking you to require all new substations comply with this ordinance.

[07:56:54] I'm paying for these substations, and I should benefit from the best zoning rules. I'm also asking you to allow the co-location of substations in any district with an existing substation. It shouldn't matter what district the substation is in.

[07:57:10] What matters is that it's located away from residents. Thank you. Hello, my name is Kenneth Erickson, and I'm a resident of the Bryn Mawr area in the Overlook neighborhood.

[07:57:27] And as both a Dominion Energy Ratepayer and a resident of Fairfax County, I'm asking the Planning Commission to require that all new substations comply with the updated ordinance. I believe that any new substation coming into the county should benefit from the best zoning rules, and those rules are designed to protect residents.

[07:57:50] I believe that it should be allowable to co-locate substations in any district with an existing substation. This is a good way to take advantage of land and places where a substation has already been developed without causing further encroachment on residents. I'm also greatly concerned by the potential cost increases here.

[07:58:08] I believe these are costs that should be borne by the developer and the energy utility, as well as the potential environmental and quality of life impacts of having a substation so close to housing. Thank you for your attention to this matter. My name is Trefini Lowe, and as a rate payer and resident, I am asking you to require all new substations comply with this ordinance.

[07:58:31] I'm paying for these substations, and I should benefit from the best zoning rules. I'm also asking you to allow the co-location of substations in any district with an existing substation. It shouldn't matter what district a substation is in.

[07:58:49] What matters is that it is located away from residents. The proposed 100-foot setback from residential property is insufficient. If a substation must be built near homes, the county should require a further minimum setback and a solid noise barrier to reduce the low-frequency hum.

[07:59:10] I also ask that all substation applications include a third-party verified noise study and that enforceable noise limit of the county be made conditions of approval and not just suggestions. noise, emissions, and health impacts from these substations will be permanent. All applications, whether old or new, should follow these new guidelines. Thank you for your consideration.

[07:59:41] Hi, my name is Michelle Schwimmer. I'm a resident of Fairfax County and I'm asking that you require all new substations to comply with the new ordinance. I'm paying for these substations and I should benefit from the best zoning rules period. I'm also asking you to allow the co-location of substations in any district with an existing substation. It shouldn't matter what district a substation is in. Thank you and I hope you do the right thing. Good evening Chairman McKay,

[08:00:16] Vice Chair Smith, and members of the board. I'm unable to attend this evening due to travel but I want to thank you for the opportunity to speak. My name is Tim Pendergrass. I'm the president of the Ridges and Edsel Homeowners Association. Our community lies less than 100 feet from the proposed Plaza 500 electric substation. Our small community helps pay for these substations and I feel that we

should benefit from the best zoning rules. I'm asking you to adopt the Planning Commission's recommendations unanimously approved and just as importantly I'm asking you to require

[08:00:54] all unapproved substations next to residents to comply with my energy costs increasing because of the need for new substations the Board of Supervisors should not allow more substations without passing protections that apply to all residents and those protections should apply to any proposed but unapproved substations I liken that to the FDA so bear with me if the FDA had disallowed a particular product or ingredient because it was potentially unsafe, they would not go ahead and allow use of that ingredient as long as a request had been made

[08:01:34] prior to their finding. I know you aren't the FDA, but if you pass these protections, shouldn't they be applied to all yet unapproved requests? I mentioned that there is a planned electric substation that is less than 70 feet from our community residence, and it will have a significant impact upon us all. This is no small substation. It's designed to support a massive data center.

[08:02:00] The impact would be multifocal, noise, lights, visual blight, and the potential risks that some epidemiological studies and the World Health Organization have identified. Potential risks are risks.

[08:02:15] I'm asking you to protect your residents. I understand you can't always eliminate risks, but you can often mitigate them, and that's what I'm asking you to do. These are residences that were zoned, approved, and have existed for 23 years.

[08:02:31] I'm quite certain that when zoned and approved, they never intended or even considered that a massive electric substation would one day be proposed a mere 70 feet away. Yet that is exactly what is happening now. Our property values will not escape the impact.

[08:02:49] A recent study, a real estate study, found properties within 980 feet of power lines had 10% lower market values compared to similar properties farther away. that study was on the market impact of power lines my community is facing a neighbor that is a huge electric substation a couple of residents in my community told me it's a waste of time to come here this evening that the decision is likely already made or that it will go against protecting a small group of residents in our neighborhood but i feel differently maybe it's just due to

[08:03:25] the time of year you know holly jolly i think you want to do the right thing and i trust that you will look after the residents that you represent. Thank you for your time and your consideration, and happy holidays. So that is the end of our video testimony. Let me ask if anyone here is present who has not already spoken, if they would like to testify. Is there anyone here present?

[08:03:57] Okay. For folks who are here present who have not spoken already, please come down here and sign in with the clerk off to my far right and while they are doing that let me ask if there are any callers do we have any callers live on the line right now no callers no callers that are live right now so what i'm going to do is we're going to hear from anyone who hasn't spoken and hasn't signed

[08:04:23] up as soon as i get the list from the clerk in the order in which they're signed up um and while

[08:05:07] i'm waiting for the list if i since i don't have it if you could please state your name and address for the record. Does this work? Yes. Okay. My name is Susan Swiatek and I'm a Fairfax County resident, obviously. I have a Fairfax address down near Burke. I'm here just independently and I'm just trying to

restate what I said last time is we're looking for balance. We have wildlife and that's an issue. We have residents here, there and everywhere and that's

[08:05:40] an issue. But our needs are for growth. Our needs are for more power. I mean, there's a lot of electric vehicles where a lot of people are still considering buying an electric vehicle. Those are the wave of the future. Maybe they have a few problems right now, but, you know, 10, 15 years from now is the wave of the future. There's Bitcoin, which uses the blockchain technology, and it's very data-driven, data-dependent, very data-heavy, heavy computing. Data centers are just a fact of life. I mean, I don't think we can avoid them. And I see in Loudoun County, they've been more proactive on this. Of course, they have a lot more land to work with. But it does, it has

[08:06:19] shaved some money off the taxpayer's burden when you look at other sources of income. I mean, now we have this food tax, which I won't go into. But the point is, you know, you can't stop progress. We're going to need data centers. And I think if you look at a map of Fairfax County and all the little areas were lit up where you could potentially put a data center prior to these more difficult ordinances. When you put the new ordinance in, a lot of those little lights go out. In other words, there's not enough space to put a data center. So I'm just wondering how much you're kind of

[08:06:55] hobbling us and generating our own power and how much is transmission going to cost if we're always grabbing it from Loudoun County or here, there, and everywhere. So I'm just looking for a balance if you look at everything else. I did do some reading on this company, Respire, R-E-S-P-Y-R-E, and they make green walls.

[08:07:15] They started in Europe, but it could be used to mitigate. I think we need to look more at mitigation. These green walls, it's a type of cement that promotes moss growth, and the moss gets very thick, and then you have local indigenous insects that make a habitat in there, and then the birds are eating the insects.

[08:07:35] But the whole point is, this growth, it absorbs a lot of water, so you have less water runoff problems whenever you're making a big concrete structure. That is one of the issues. And it dampens the noise, and it also improves air quality. It absorbs CO2, and it lessens the urban heat island effect.

[08:07:53] So it has a lot of good things, and it would certainly look more aesthetically pleasing to those that had to be near it. So that's all I have to say. I'm looking for balance. I'm looking for protecting the most sensitive wildlife areas. But I think some residents maybe can be compensated in some way if there's a data center that's closer to them than they would like.

[08:08:16] Maybe the developer could have to pay them some money. Those are my thoughts. Thank you very much. Thank you. Our next speaker is Perry Young to be followed by Lynn Strobel. Good evening, members of the board. I'm Perry Young.

[08:08:33] I live not too far from here in Salt Lake District. Fairfax County has been hard on taxpayers recently, but it looks like it's about to hit our power bills hard too, as if we haven't been hit hard enough. Why do we need an electrical substitution voting ordinance amendment to add more layers of process on top of an already lengthy regulatory process?

[08:08:58] And why wouldn't we at least grandfather proposals already in the process? This seems inadvertently fought out and could lead to a weakened power grid and higher consumer costs. Please

reconsider this course of action and say no to these unnecessary electrical substation zoning ordinance amendments.

[08:09:21] Thank you for your time. Thank you. Lynn Strobel is our next speaker to be followed by Holden Foxworth. Thank you, Mr. Chairman, members of the board. My name is Lynn Strobel. I appreciate the time this evening to provide a few brief remarks.

[08:09:37] I will just start off by saying that this is a zoning ordinance amendment about restrictions on substations, not about the uses that they serve. They do, though, however, serve many uses. Electrical substations are the backbone of the electric grid, an electric grid that needs to remain dependable and resilient so that businesses remain vital, that growth is encouraged, green building policies can be met, mass transit can be sustained, And we can all go home tonight and flip the switch, and we know that the lights will go on.

[08:10:12] The proposed revisions discussed tonight should be reasonable. I think that's kind of what we're looking for here. And I want to just touch on a couple of things, hopefully, that you'll be considering. I don't think that special exceptions should be required in industrial districts.

[08:10:31] What that will do is just place another approval process in front of substation development, and it would not be directing substations to the districts in which they belong. They should be in industrial areas. I also think that there should be some common sense applied with setbacks, especially when you have industrial uses next to industrial uses or separated by road, whether it's public or private.

[08:10:58] I think that, you know, as long as it's not a major arterial, public roads and private roads separating industrial uses should not require setbacks. There should also be a reasonable distance between residential uses and substations.

[08:11:18] I would just note that in the zoning ordinance today for I-6 uses and things like, you know, junkyards, the setback required, the transitional screening and barrier requirement between residential and these I-6 uses is 50 feet.

[08:11:34] And I just want to emphasize that there is a setback in the ordinance of 200 feet, but that's between residential and interstate highways, which I think are much more intrusive and noisy and perhaps objectionable than data centers.

[08:11:51] So I really think that needs to be considered with regard to the grandfathering provisions, looking to basic fairness on that. I think that if you file under a set of rules, then you should be able to finish under that same set of rules. And I also think that one of the provisions actually included by the Planning Commission could come forward because there's a two-year period during which I would recommend two years.

[08:12:17] The Planning Commission recommended 12 months, whereby a site plan should be approved. Unfortunately, people going through the site plan process don't control that site plan process. And there was a provision added, and I'll sum up here quickly, that the board should be able to extend that.

[08:12:35] And I think that perhaps should be included. So I will just sum up by saying that there have been a number of letters I know submitted, one went in with Dominion Energy, several developers, a number of individuals. I hope you've had time to read them because it's a real diverse group of individuals

offering their perspectives as to why maybe there should be some consideration of revisions to the ordinance as recommended by the Planning Commission and as drafted by staff.

[08:13:03] So I thank you for your time. Thank you. Our next speaker is Holden Foxworth. Chairman McKay, members of the board, thank you for the opportunity to speak. Substations are critical public infrastructure, facilities that power every economic sector in Fairfax County.

[08:13:23] They are not optional amenities. They are the cornerstone of a modern grid. Over the past decade, the process of delivering a substation has become increasingly difficult. At the same time, demand for reliable electricity continues to increase. Fairfax County's own plans, CCAP, the Operational Energy Strategy, the Countywide Strategic Plan, all recognize that the county's climate goals require more substation distribution capacity, not less.

[08:13:50] To understand the real-world impact of the proposed OAM, we conducted a countywide land analysis of industrial parcels. Across I-3 through I-6 districts, 124 parcels initially appear viable for substation siting.

[08:14:06] Once known development activity, parcel geometry, and the proposed ZOAM criteria are applied, that number drops to just 12 parcels, less than 10% of the available inventory. This leaves the county with a critically thin pipeline for the infrastructure required to support housing growth, electrification, fleet transition, EV charging, and economic development.

[08:14:30] If industrial zoning is restricted to the same degree as residential, substations will inevitably start showing up in residential areas. The ZOAM as drafted makes that outcome more likely. To be clear, this is a county-wide conversation concerning substations and should not be misconstrued as an opportunity to single out any one use.

[08:14:51] There has been testimony suggesting that Fairfax County residents will shoulder the costs for substation projects driven by data centers. That is incorrect. Data centers pay for their own infrastructure. They fund substation construction, transmission extensions, and distribution improvements required to energize their facilities.

[08:15:10] Large load customers enter binding financial agreements with utilities long before the project reaches the 2232 application. They post major upfront deposits and assume long-term minimum demand obligations that ensure they, not Fairfax residents, cover the cost of system upgrades.

[08:15:29] If a data center needs a substation, a transmission line, or a distribution upgrade, the JLARC study confirms the data center pays for it. However, for substation servicing non-data center uses, of which the county will need many over the next 10 years, any excess costs will be borne directly by the utility and passed through to the rate base.

[08:15:51] Fairfax County is aiming for a cleaner, electrified, economically competitive future. That future is impossible without substations. The ZOAM, as drafted, significantly limits where substations can go and contradicts the county's own climate, electrification, and growth strategies.

[08:16:08] I respectfully ask the board to refine the amendment so it preserves flexibility for substations within industrial districts and protects communities without constraining the infrastructure the entire county depends on. Thank you for your time. Thank you very much. And that is the end of our speakers who I have signed up in front of me.

[08:16:25] Let me ask if there's anyone else present who has not already spoken who would like to testify. This is a public hearing. Not seeing anyone. Let me ask the clerk if anyone has called in. No callers. No additional callers. At this time, I'd ask for closing comments and a recommendation from staff.

[08:16:42] Thank you. The Planning Commission held a public hearing on October 16th and on October 22nd recommended approval of the proposed amendment with the edits as listed in the board item. Staff also recommends approval of the amendment with the text as shown in the staff report dated July 15th, 2025, and with the revisions to the use standards in subsection 4102.4.x5 as recommended by the Planning Commission, except for the modifications to the residential and commercial setbacks.

[08:17:16] Thank you. Thank you very much. At this time, I'd ask board members if they have any questions. Let me ask one question. I only have one. With regard to the setback, the 200-foot setback, I know that the staff recommendation, the Planning Commission recommendation are a little bit different, but I just want to go back to the staff recommendation.

[08:17:40] if you could remind us kind of what criteria you looked at in making the determination that staff made about the setback amount. I can't remember if that's comparable to other jurisdictions or was based on some other type of background or evidence. If you could just refresh our memory on that.

[08:17:56] Yeah, thank you. It's actually based on several factors. One is looking at other jurisdictions. For instance, it comes to mind that Loudon and Henrico have a 100-foot setback. Also, We looked at setbacks for other uses in the zoning ordinance, and there are several that have a 100-foot setback from residential or other uses.

[08:18:19] And then also based on site visits and looking to see how much distance in certain cases of existing substations seems to provide effective buffering from surrounding residential. Okay, and so used all those criteria to come to the conclusion that staff did of a recommended 100-foot setback.

[08:18:41] Yes, that was the basis for our recommendation. Okay, all right. Thank you for that. That's very helpful. Other questions from board members? No one had any questions a minute ago. I just want to point out. Supervisor Alcorn. Thank you, Mr. Chairman. I am, after hearing the testimony, I am going to, if it's not included in the motion, I'm going to move to amend to go between the planning commission and the staff recommendation of 150 feet.

[08:19:10] And so just a heads up. Thank you. So, and that's fine. I just want to make sure right now we're just trying to get questions before we get to the motion. Supervisor Stork. Thank you, Mr. Chairman. And my question is related to an existing facility, and we have in here, the language in here is by more than 10%, and there was also increase up to 20%.

[08:19:37] Any sense? Can you give us a similar kind of recitation as you did with the setback as to the reason for the by more than 10%? Yeah, so, and also I'll clarify for the setback, it would be measured from the nearest piece of equipment to the property line.

[08:19:56] Not the fence, just the piece of equipment. Not the fence, exactly. So it is a little, you know, and that's similar to how we would measure a setback to, say, a building. In this case, a substation is a collection of equipment. So we're measuring to that.

[08:20:11] And then we did want to allow for some flexibility for existing substations to expand. Maybe they need to add some equipment and come a little bit closer without triggering even, And so then you

wouldn't even look at any of the requirements under that subsection, you know, if they're just maybe adding a piece of equipment and they're reducing the distance by less than 10%.

[08:20:34] That still seems a little small because 10% is, you know, doesn't seem like much. Is there any particular basis? Are there others that have used that criteria? I'm not arguing in favor of one or the other, but just 10% is pretty limited.

[08:20:53] I think it is somewhat unique of an approach in the ordinance, so I guess I don't have anything analogous to offer. Thank you. Okay. Other questions at this time? Okay.

[08:21:10] At this time, I will close the public hearing and recognize Vice Chair Smith for a motion. Thank you very much, Mr. Chairman. I'm just going to make a couple of comments before I read my long motion. Back when we were doing data centers and there were questions about substations, the board decided to do a follow-on motion to have asked staff to look at substations.

[08:21:35] And to be truthful, I really wasn't that aware of the process for substations. And as my colleagues know, I seek to understand before I do my work. And in my research and talking to staff members, I found out that we do have a very robust 2232 system to look at substations, And staff is able to get what we need.

[08:21:56] We have about 80 substations in the county. It's not something we have complaints about. We've heard the testimony tonight. And this is always the piece for the board to understand the consequences and the complications of the decisions we make.

[08:22:12] I think staff had most of it right. My motion is going to make a couple of changes from what staff proposed. but balancing all those things, balancing what we heard tonight and economic development and the fact that we need power.

[08:22:28] So I am going to get to it, and this is a little bit long. Mr. Chairman, I move to adopt the proposed zoning ordinance amendment for electrical substations as set forth in the staff report dated July 15, 2025, with the staff-recommended options with the following revisions.

[08:22:47] 1. In subsection 4102.4.x1, delete the row in the table with the light utility facility permissions for the I-3 and I-4 districts, and add I-3 and I-4 to the row with the permissions for I-5 and I-6.

[08:23:06] 2. At the end of the first paragraph of subsection 5, add, Additionally, these provisions do not apply to a private street where the substation and the land located across the private street are zoned to an I-district.

[08:23:23] Number three, in subsection 5B, add, that is, in the second sentence to read, a visually solid fence or wall that is a minimum of 12 feet in height is required where a substation, and then it goes on.

[08:23:40] Number four, add a second sentence to subsection 5C1 to read, where landscaping is required under this subsection, street frontage landscaping in accordance with subsection 5108.3 is not required.

[08:23:57] Number five, in subsection 5C4, revise the first sentence to read, the landscape buffer must be continuous except where driveways, electrical line connections to the substation, overhead or underground, duct banks, and related easements or other openings are required.

[08:24:18] Number six, add a new subsection 5C5.D to read, the measurements under this subsection C5 may exclude areas of existing vegetation designated for preservation as determined by the director.

[08:24:35] Number seven, add a new subsection 5C6 to read. The director, in conjunction with the site plan, may modify the landscaping requirements of this subsection in accordance with the provisions for transitional screening in subsection 5108.6.b.

[08:24:54] And I further move that the amendment become effective at 12.01 a.m. on December 10, 2025, and that Appendix 1, provisions relating to previous approvals, be updated to include the following language for the Electrical Substations Zoning Ordinance Amendment.

[08:25:15] A, accepted applications. Number 1, subject to compliance with Subsection 2 below, any application for a special exception or for a site plan for an electrical substation will be reviewed based on the zoning ordinance provisions in effect on December 9, 2025.

[08:25:34] If it is A, accepted for review before the December 10, 2025, or B, accepted for review before December 10, 2026, and is in accordance with 1, an approved Virginia Code 15.2-2232 application, or 2, a 15.2-2232 application accepted before December 10, 2025, and approved before the special exception or site plan application. Two, an application that meets

[08:26:10] the requirements of subsection one above will remain subject to the previous zoning ordinance provisions only if the application is approved by December 10, 2027. That approval remains valid and the substation is constructed and established in accordance with approved plans and permits.

[08:26:29] Three, an approved plan may be revised notwithstanding this amendment if it does not aggravate conflicts with the amendment. Building permits and other related subsequent plan and permit submissions may be accepted, and new approvals may be granted consistent with the approved plan. The applicant-slash-owner may elect to have the above applications reviewed in their entirety under the provisions of this amendment. B. For all rezonings and related development plans, special exceptions or site plans that include an electrical substation approved before December

[08:27:06] 10, 2025. The applicant slash owner may continue under their previous approval. Subsequent plan and permit submissions may be accepted and new approvals may be granted consistent with those prior approvals. Revisions to such prior approvals may be approved if they do not aggravate conflicts with this amendment. Second. You've heard the motion. It's been seconded by Supervisor Herity.

[08:27:33] discussion on the motion Supervisor Alcorn yeah just very quickly as I mentioned I I I would like to split the difference between the staff recommendation Planning Commission just on the setback from residential not because of noise but just because these particularly the newer ones that are coming in are really more industrial scale and inside so mr. chairman I would move to amend the motion with the following revision that in subsection four one zero two point four point x five a two the minimum setback from an abutting lot line of an art district or a property developed with a residential

[08:28:12] use be changed from 100 feet to 150 feet second you've heard the motion and a second by Supervisor Jimenez discussion on the amendment Supervisor Jimenez and then Supervisor Hardy first I want to thank my my colleague for bringing this motion forward and for thoughtful now properly navigating has clearly been a complex issue with wide-ranging implications at the same time I do also want to thank our colleague supervisor Smith for all her hard work and

[08:28:49] investigation into these very complicated issues so I personally shared the concern that the staff recommendation of 100 foot setback may not provide sufficient buffer for nearby residential

communities that distance It doesn't always offer meaningful mitigation for concerns around noise, visibility of neighborhood character.

[08:29:07] I also understand the challenges posed by the Planning Commission's proposed 200-foot setback, particularly when it comes to renovating or upgrading existing substations that are already in constrained urban and suburban settings. We cannot overlook the fact that substations are essential infrastructures.

[08:29:24] If we are to set the bar too high, we risk making it functionally impossible to modernize older facilities, and that has real implications for resilience and public safety. To me, this 150-foot setback, as offered by my colleague, represents a fair and workable compromise.

[08:29:42] It increases protections for adjacent residents beyond the original staff proposal. It preserves flexibility for utilities and planners to make improvements where necessary, and it allows us to move forward with a standard that balances land use capability with operational feasibility.

[08:29:58] I support this motion as a thoughtful middle ground approach that incorporates both the community's concerns and the technical realities of our infrastructure needs. Thank you, Mr. Chairman. Thank you, Supervisor Jimenez, Supervisor Herity. All right, Mr. Chairman, I've got a question. Obviously, this is going to impact any renovation that we do on existing substations.

[08:30:19] Do we know, does staff know how many existing substations would not be able to meet, do not currently have the 100-foot setback? No, I'm sorry. We don't have that information.

[08:30:35] So we have no idea how many substations we're not going to be able to upgrade if we approve this amendment. Hold on a second. Let's see if staff, we don't have any idea what that number is.

[08:30:51] Well, I'll note that in most zoning districts, a substation already requires a special exception. So all of the residential, commercial, and so as part of a special exception application, reduction in the setback could be requested okay yeah but that again that adds to the process I'm not going to be supporting the amendment okay any further discussion on the amendment okay so we first will vote on the amendment all

[08:31:25] those in favor of the amendment please say aye all those opposed say nay nay and we have division let me start with Supervisor Harity Harity nay Stork Korn, aye.

[08:31:42] Peltrick, nay. Smith, nay. Bierman, nay. Lusk, aye. Jimenez, aye. And the chair votes nay, and the amendment fails 6 to 3.

[08:32:00] So we're back to the main motion. Discussion on the main motion. I'm going to start on this end, and we'll work our way down. Supervisor Herity. Yeah, I could say a whole lot. I just put it, so I'll keep it very brief. I've not heard a more diverse set of speakers talk about the impact of additional regulation on cost and affordability.

[08:32:24] So, I mean, it's clear this was borne out of concerns over data center infrastructure. But it's no mystery that Virginia and Fairfax County face a looming energy crisis. I'd say we are already in one. Because of that, we need to do everything we can. And upgrading existing substations is one of the key ways that we can improve our electrical performance and reliability.

[08:32:46] So I am going to be supporting this 100%. Okay. Supervisor Alcorn. Thanks, Supervisor Smith, for her work. Did you want to go? Actually, go ahead. Supervisor Alcorn, then we'll go back to Supervisor

Stewart. All right, thank you. Yeah, just very briefly, I want to point out, by going with the staff recommendation, so if we're going to have buy right in I-3 and I-4, and I'm okay with that, But we're having a lot of conversions of old office parks to residential.

[08:33:16] So we need to keep this in mind as we go through the process of changing our comprehensive plan. Because it's going to make everything a little more complicated this way. But I will be supporting the motion. Thank you. Thank you.

[08:33:31] Supervisor Stork. I'll be supporting the motion. And it's complex, but I also recognize that we need to continue to enable additional power where we need it. And that's not something that we're driving. It's us individually at the board.

[08:33:49] Our constituents, our community is driving it. So I think we're trying to be sensitive to that with the steps that we're taking here. I'm confident that if we see parts of this that aren't working right, we'll come back and take another look at it. And if nothing else, I'll ask the committee chairman, land use committee chairman, to have us look at this 18 months or so from now and just let us know if we're seeing any particular issues or concerns that we should revisit.

[08:34:18] So thank you. Thank you, Supervisor Stork. And let me ask you folks on this side, Supervisor Beerman. Yeah, so it was a very long motion. So I'm actually glad that Supervisor Alcorn pointed out what I think is the most important aspect of the motion that is different from the staff recommendation, which is continuing to allow buy right in I-3 and I-4.

[08:34:45] It's the weirdest year of my life, folks. I hang out with Barbara Comstock at No Kings rallies, and I'm completely in agreement with Congressman Tom Davis with respect to I-3 and I-4. I think that really by having these by right in industrial areas, we are making it more likely that they get put into industrial areas and making it less likely that they get put into residential areas.

[08:35:10] I think that's how we should be doing things. I think that does make sense. I do think there are do continue to be protections for residents in the 2232 process. i don't know about you guys but we follow pretty closely what our planning commissioner does on things uh and admittedly i'm doing something slightly different than her here but uh we you know you the 2232 process does afford a layer of protection for residents i also do support um you know you said earlier that a hundred foot setbacks were consistent with loudon county

[08:35:47] I do think that being consistent with other counties in our area makes sense. I do think this is a balance, so I'm sorry. I do think it is good that we have some more landscaping and other things that protect residents.

[08:36:06] Yes, they are new. Yes, they might be a little more burdensome. I think we can get through that. But overall, I think the final conclusion that I have about what is here in this process is that it balances competing interests, does provide some sufficient protection to our residents, and does actually push substations into the areas where I think they most likely belong.

[08:36:30] Thank you. Thank you, Supervisor Behrman. Supervisor Lusk. Thank you, Mr. Chairman. And I'll say I'm supporting the item this evening as well because of the need to ensure our future viability, ensuring that we're competitive, being able to provide for the energy needs, and allowing for a way for this county to be positioned to be able to attract new and emerging businesses to this area as well.

[08:37:01] So very supportive. Thank you. Thank you very much. Anyone else who would like to speak, let me just thank all the folks who testified. Going back to what Supervisor Herity said at the beginning, which was abundantly obvious to all of us, is there was extreme diversions on the testimony that we heard and very different viewpoints.

[08:37:23] And what that means is that requires a balance by this board. And I think we have weighed this for quite a long time, provided a lot of testimony. I do think that the 2232 process works fairly well. I do think that we need to steer these uses into certain districts, and that's what happens here.

[08:37:43] I do think we needed to modernize the language here to reflect the real reality of what's happening on the ground, and this does that. And I also, you know, absolutely agree that, you know, given the demand for housing and the demands on our grid in this area, we cannot ignore that.

[08:38:03] And we have many crises that we're dealing with. Power is one of them, of course, but so is affordable and accessible housing. Can't have housing without power. And, you know, this is a tough issue. It's a tough balance between a lot of competing interests. But I feel like the motion that Supervisor Smith made struck the right balance between all of the testimony that we've heard.

[08:38:26] And I think there's probably something in that motion that everybody could take exception with, but I hope they don't take exception with the fact that we've listened, we've heard, we've balanced the testimony, and we've come up with what I think is a solution that meets in the appropriate place. So I, too, will be supporting the motion.

[08:38:44] With that said, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries 9 to 0. And let me, before we call the next public hearing, do the obvious and thank Supervisor Smith, as others have done, for her tremendous, tremendous work on this.

[08:39:03] I can't underestimate how much time and energy that she has invested in this. And I know, because I've talked to her about it ad nauseum, the number of hours and time that she has spent on this, the number of hours and time that staff have spent working with Supervisor Smith and other board members, the Planning Commission, and the community is very much appreciated and want to make sure that we say that.

[08:39:28] And with that, we are going to move on to our next public hearing, which I understand is being deferred, and that is a public hearing to consider an ordinance expanding the Cedar Residential Permit Parking District, District 35 in the Providence District. Supervisor Pouchik. Yes, Mr. Chairman, the public hearing to expand the Cedar Residential Permit Parking District is unfortunately unable to go forward, schedule, and advertise today due to a public notice issue. Therefore, I move that the public hearing to consider an ordinance expanding the Cedar Residential Permit Parking District District 35 in the Providence District be deferred to a

[08:40:07] date certain of January 13, 2026 at 4 p.m. You've heard the motion. It's been seconded by Supervisor Alcorn. The chairman will second that as well. Any discussion on the motion? Seeing and hearing none. All those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries and with that we're going to move to our next public hearing public hearing on adoption of amendments to chapter 124.1 erosion and stormwater management ordinance of the code of the county of fairfax virginia to implement changes to the virginia erosion and stormwater management

[08:40:42] regulation and at this time i would recognize staff for a presentation good evening mr chairman and members of the board for the record my name is john friedman i'm representing the department of Land Development Services. With me this evening are Kirsten Munst, Director of the Site Development and Inspection Divisions of LDS, and Erin Blanche with the County Attorney's Office.

[08:41:06] For your considerations this evening are proposed amendments to the Erosion and Stormwater Management Ordinance. The proposed amendments implement changes to the Virginia Erosion and Stormwater Management Regulations, in particular changes to the water quality control requirements.

[08:41:22] The amendments also include clarifications of existing ordinance provisions. The proposed amendments required by changes to the state regulation are mandatory on localities and have to be incorporated into our local ordinance.

[08:41:39] To comply with the effective date of the changes to the state regulation, staff begin enforcing the new water quality control requirements this past July 1st. Construction plans submitted before the effective date may continue to be processed under the old criteria to final plan approval.

[08:41:57] We have not experienced any issues to date with application of the new requirements. The major changes to the criteria are as follows. The allowable phosphorus load from land-disturbing activity for new development is reduced from 0.41 pounds per acre per year to 0.26 pounds per acre per year for plans submitted on or after July 1, 2025.

[08:42:25] The allowable phosphorus load from redevelopment is unchanged. Compliance with the water quality control criteria for both new development and redevelopment must be demonstrated using the updated Virginia runoff reduction method, which includes changes to the amount of phosphorus wash-off from various land cover types.

[08:42:48] Water quality controls and erosion and sediment controls must be designed in accordance with the updated edition of the Virginia Stormwater Management Handbook. The changes to the method for determining compliance somewhat offset the reduction in the allowable phosphorus discharge.

[08:43:07] The end result is that the phosphorus reductions for sites with higher proportion of maintained lawns will rise slightly, and the required reduction for sites with a higher proportion of impervious area will be slightly lower. That concludes my presentation. I'll be happy to answer any questions you may have.

[08:43:26] Thank you very much for that presentation. Are there any questions of staff? Any questions of staff? Seeing and hearing none. This is a public hearing. I have no one who has signed up in advance to testify on this matter. Is there anyone here present who would like to speak on this matter? This is a public hearing. Anyone present who would like to testify? Seeing and hearing no one. Do we have any callers? No callers. No callers. Closing comments and a recommendation from county staff.

[08:43:55] The proposed amendments were recommended for approval by the Planning Commission. Staff recommends that approval. I just want to reiterate that the substantive changes to the ordinance are mandated by changes to the state regulation, which are already in effect.

[08:44:12] Thank you very much. Are there any questions from board members? Last check. Seeing and hearing none, I will now close the public hearing and recognize Vice Chair Smith for a motion. Thank you, Mr. Chairman. I move that the Board of Supervisors adopt the amendments to Chapter 124.1, Erosion and

Stormwater Management Ordinance, as advertised and set forth in Appendix A to the staff report dated October 14, 2025, and that the amendments become effective at 12.01 a.m. on December 10, 2025.

[08:44:44] Chair, we'll second that motion. Is there any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you. Next, we have a public hearing to consider an ordinance to amend and repeal sections of the Fairfax County, sections of the Code of the County of Fairfax, Virginia, Chapter 4, Taxation and Finance, Chapter 21, Automobile Graveyards, and Chapter 23, Bondsman.

[08:45:14] And as soon as we are ready, we would appreciate a staff presentation.

[08:45:27] Good evening, Mr. Chairman and members of the board.

[08:45:42] My name is Young Terry, Deputy Director with the Department of Tax Administration. The board agenda item before you is to consider amendments to amend and repeal sections of the code, specifically Chapter 4, Taxation and Finance, Chapter 21, Automobile Graveyards, and Chapter 23, Bondsmen.

[08:46:01] We've compiled a list of changes as outlined in the agenda item. These changes are needed to resolve inconsistencies between other chapters of the county code and to reflect amendments to the Code of Virginia. We're happy to go through any of the amendments. However, the specific changes to the chapters are listed in the item.

[08:46:20] Thank you very much. Are there any questions of staff? Any questions of staff? Seeing and hearing none, this is a public hearing, and I do have a number of speakers signed up in advance to testify. Let's see. Oh, that's the next one.

[08:46:36] I do not have any speakers signed up to testify. I made everyone nervous. That's the next one. I do not have any speakers who have signed up to testify. in advance on this matter. Is there anyone here present who would like to speak on this subject? This is a public hearing. Anyone who would like to testify? This is a public hearing. Seeing and hearing no one, let me ask if we have any callers. No callers. No callers. Closing comments and a recommendation from county staff. We recommend that the board adopt the proposed ordinance to Chapter 4, Chapter 21, and Chapter 3 of the Fairfax County Code with an effective date of

[08:47:13] January 1 of 2026. Okay. Are there any questions from board members? Last check. Seeing and hearing none, I'm going to close the public hearing, turn the gavel over to Vice Chair Smith so that I can make the following motion. I move that the board adopt the proposed ordinance to amend and repeal sections of the Fairfax County Code set forth in Chapter 4, Taxation and Finance, Chapter 21, Automobile Graveyards, and Chapter 23, Bondsmen, as set forth in Attachment 2 to the board item for this public hearing. The provisions of this ordinance will take effect January 1, 2026.

[08:47:49] Second. Second. That was along with Supervisor Palchuk. Any discussion on the motion? Hearing none, all those in favor of the motion, please say aye. Aye. Anyone opposed? Any abstentions? That motion carries, Mr. Chairman. Thank you very much, Supervisor Smith, and thank you to staff.

[08:48:05] Next, we have a public hearing to consider proposed amendments to the Fairfax County Code Section 82-5-32, removal, immobilization, and disposition of vehicles unlawfully parked on private or county property to include increasing rate and charges. And this one is the one I do have speakers signed

up in advance for. If you are here to testify on this matter and you have not already signed in, please come down and see the clerk to my far right and make sure that you are signed in. And with that being said, as soon as staff is ready, we would welcome a staff

[08:48:40] presentation. Good evening, Chairman and members of the board. My name is Amanda Castle. I'm the Consumer Services Division Director in the Department of Cable and Consumer Services.

[08:48:56] I'm joined by Rebecca Makeley, Director of DCCS, and Senior Assistant County Attorney John Burton from the County Attorney's Office. The Virginia Code enables Fairfax County to regulate trespass towing and certain fees. Trespass towing services is the removal of vehicles parked in violation of law or rules set forth by a property owner manager lessee or authorized agent thereof without the consent of the vehicle owner approximately 45 000 trespass toes occur in fairfax county

[08:49:29] annually by 16 trespass toe operators this public hearing considers amendments to fairfax county's Trespass Tow Ordinance, which is found at Fairfax County Code, Section 82532. These proposed amendments were initiated by the Fairfax County Trespass Towing Board and include the following.

[08:49:50] Replace the registration certificate with a requirement for trespass tow operators to obtain an operator permit from our agency to tow and store or release vehicles within the county, provide for the denial, suspension, or revocation of operator permits, changes to certain rates and charges and minor changes in editorial corrections. Staff recommends the following regarding certain rates and charges. And apologies for the lengths, there are several proposed increases. Number one, establishing a hookup and initial towing fee of 210 for passenger

[08:50:28] cars. Number two, increasing the hookup and initial towing fee for vehicles other than passenger cars with a gross vehicle weight rating, also known as GVWR, of less than 7,500 pounds from \$150 to \$210, increasing the hookup and initial towing fee for vehicles other than passenger cars with a GVWR of 7,501 pounds through 10,000 pounds from \$250 to \$305.

[08:51:00] Number four, increasing the hookup and initial towing fee for vehicles other than passenger cars with a GVWR of greater than 2,000 pounds from \$500 to \$610. Number five, increasing the drop fee from \$50 to \$80.

[08:51:16] Number six, increasing the storage fee after 24 hours from \$50 per 24-hour period to \$61 per 24-hour period. And last but not least, at number seven, increasing the administrative fee from \$75 to \$92.

[08:51:34] These proposed rates and charges are consistent with the Virginia State Corporation Commission's recommendations, fee maximums provided for in the Virginia Code, and or the BLS Index, which has historically been used by our team in DCCS as the formula and methodology for trespass towing rate analysis and recommendations.

[08:51:55] The county executive recommends approval of the proposed amendments to Fairfax County Code Section 82532 as set forth in Attachment 5 to the Board Agenda item for this public hearing. Should the proposed amendments be approved today, the provisions of Fairfax County Code Section 82532 shall take effect upon adoption.

[08:52:15] Thank you. Thank you very much. Are there any questions for staff? Questions for Staff Supervisor Palchik. Thank you, Mr. Chairman. Thank you so much, Ms. Castle. So going through some of

this information, since there are several fees, I believe the jurisdictional analysis we have, I guess, I want to know how up-to-date it is.

[08:52:38] If we were to move forward with the recommendation, it would be helpful to just better understand where we would fall in the jurisdictional analysis, especially just on the less than 7,500 pounds, the initial towing fees.

[08:52:56] All the towing fees, sorry, for the smaller vehicles. Thank you, supervisor, or Palchek, Rebecca Makeley, Director for the Department of Cable and Consumer Services. So the jurisdictional analysis was accurate as of our filing to the clerk's office, which was last week.

[08:53:14] I will say that the only pending action is with the Arlington County. They have their board public hearing scheduled for December 10th to consider raising their current rate for the hookup and initial tow fee with a GVRW of 7,500 pounds or less from their current rate of 135, and they have advertised up to the new state maximum of 210, and they'll be holding their public hearing on December 10th.

[08:53:38] All of the rates are current as of last Thursday. Okay, that's very helpful to know because that stood out to me. Thank you. Thank you very much. Any other questions of staff? Seeing and hearing none, this is a public hearing, and I do have eight speakers who have signed up in advance to testify.

[08:53:53] If I call your name, please come down close so that when it's your turn, we're ready to hear from you. And our first two people are callers, Michelle Nelson and David Davis. Before I go to them, speaker number three, Heather Ferguson. Speaker number four, Ashley Miller. Speaker number five, Michael Fernandez, if you can make your way down closer. And we will start with phone testimony with Michelle Nelson. Is she on the line? Welcome, Ms. Nelson. Welcome.

[08:54:22] The floor is yours. Okay, great. Thank you. I'm sorry. I feel a little bit out of circuit here. So good evening, Chairman, members of the board, and specifically board member Herity. My name is Michelle Nelson, and I am an owner in the Britford Community Association, a 73-unit townhouse HOA community built in the Burke area in the late 80s. I'm here to brief you on a county-wide safety and enforcement gap that exists in HOA-managed, owned residential properties and to ask you to direct staff to bring back options for county ordinances and

[08:55:00] state legislation to close that gap. A quick insert, my request is very similar in nature to the previous public comments on how the proposed substation ordinance amendment may affect a community site safety and protection plans, design standards, and the overall performance of the County. In our Britford subdivision, the original approved site plan that was reviewed and approved by Fairfax County Zoning and VDOT in the 1980s required four-foot concrete sidewalks in the HOA common area along our internal streets. Those sidewalks were a condition of site approval for

[08:55:38] the subdivision, are shown on the recorded plots as continued pedestrian routes, and function as the only safe way for children, older residents, and people with disabilities to walk through the neighborhood without walking in the street where 100-plus cars drive through daily. Because the sidewalks sit on HOA-owned common area instead of in public right-of-way, our HOA board has allowed daily vehicle parking directly across these sidewalks.

[08:56:05] On many evenings and weekends, the sidewalks are completely blocked by vehicles in multiple locations. A person using a shoulder cane or wheelchair must leave the sidewalk, walk into the roadway,

and then find a way to get back over a four-inch high curb. The community's children walking to and from the school bus stops walk in the road and navigate oncoming traffic.

[08:56:25] This past winter, I became extremely frustrated because our private road was effectively a sheet of ice and vehicles were parked across the safer sidewalks. My adult autistic son uses the sidewalks 365 days per year en route to work in area Burke shopping centers, but I had to drive my vehicle to pick him up outside of the subdivisions because the sidewalks were not available.

[08:56:48] Residents have complained to the board, the HOA board, and no corrective action has been taken. The enforcement gap is that when residents such as myself try to address this, One, police identify these sidewalks as private and advise that they cannot enforce normal sidewalk obstruction ordinances or ticketing towing because the slaps are on HOA Common Area.

[08:57:11] I don't know. Maybe that's why I was plugged into this public hearing. Two, the Department of Co-compliance has been contacted about these conditions. I spoke directly with Deputy Director Ben Akin, but he has not opened an enforcement case or provided a clear written explanation of whether and how the original approved site plan design requirements for these sidewalks can be enforced through its existing authority.

[08:57:36] And three, the Bridgeport HOA Board refuses to enforce its governing documents or the original design intent of the VDOT site plan. In addition, these same board members park across the pedestrian sidewalk. So what I'm asking the county, understand that this undermines the safety goals that motivate the original sidewalk requirements.

[08:57:56] This contradicts the county's goals for accessibility and walkability. And some subdivision sidewalks are protected, while in poorly managed Asian ways like Britford sidewalks may be used as parking pads without penalties. So my request first is, one, the board asks direct staff, including zoning, co-compliance to the Department of Transportation, the police department and the county attorney to, one, develop an immediate enforcement measure to make the sidewalks 100% available solely for pedestrian use as is currently legally enforceable.

[08:58:32] Two, study the scope of the problem. Identify how many HOA and condo communities in Fairfax County that have sidewalks that were required by county VDOT approved site plans but are located on private common area parcels, and assess how often these sidewalks are obstructed by vehicles or treated as parking spaces. Three, report back to this board with options to either clarify the enforcement authority where when a county requires sidewalk is located in the H-Oell Accountment Area and establish a clear standard that sidewalks must remain open. And second, based on that staff work,

[08:59:10] I ask that the board consider a county ordinance, making it a violation to park a vehicle so as to obstruct any sidewalk that was required by approved site plan, regardless of parcel ownership, and to a legislative proposal to the Virginia Assembly for the scene.

[08:59:29] Thank you. I'm just going to skip over a bunch of stuff. Yeah, thank you for your time. Thank you, Ms. Nelson. Thank you for your testimony, and I just want to acknowledge Supervisor Herity, of course, is here and said he will be reaching out to you. So thank you for your testimony. Speaker number two is David Davis.

[08:59:46] Is he on the line? Mr. Davis, welcome. The floor is yours. Thank you. I would want the members of the board to vote against this proposal of raising these fees.

[09:00:02] I and citizens here in Fairfax County, we all, for the most part, would say we oppose it. You're here for us, the citizens of the county, and also representatives of the county, to help us not be, as they would say, I guess taken advantage of by these small companies that tow us illegally, I don't want to say illegally, but tow us and have these outrageous fees.

[09:00:34] You know, times are tough, and there's no reason for these tow companies to have these outrageous fees. The fees themselves are just outrageous anyways. Arlington is not going to be passing this legislation, and you guys need to do some more, I guess, investigating or research to see how other communities, be it in North Virginia or other parts of Virginia, their fee bases are.

[09:01:00] And I think once you're going over \$210, that's ridiculous for a hookup fee. And this is predatory in itself. And these tow drivers, they come into these apartment complexes, condo complexes, and pick up a visitor that's just come in here just to come over to visit a friend.

[09:01:21] And all of a sudden their car is just lifted because they're getting more fees. And so it's only a benefit in a handful of companies because that's all they are, a handful of tow companies, and a lot of us citizens are going to get affected by this, and you guys are going to hear a lot more complaints that these fees do go up.

[09:01:42] I would hope that the board would not increase these rates due to the fact that these rates are already too high and there's just going to be a lot of turmoil and a lot of upset people when these fees, when people come to get their vehicles.

[09:01:59] You know, there's going to be a lot of situations when it's not their fault, but times are tough and these fees are just outrageous in themselves where they're at. and you guys are going to put in an additional surcharge or increase these prices about \$150 or more, you know, that's this hardship on a lot of people.

[09:02:18] So I hope the members of the board would take that in great consideration and not approve the increase of fees and research this even more or pass it for another time to maybe address it with more research.

[09:02:36] So thank you. And if you guys have any questions for me, I'm happy to answer any of the board members' questions, and I'll stay on the line. That's okay. Thank you for your testimony. Speaker number three is Heather Ferguson, to be followed by Ashley Miller, Michael Fernandez, Henry McCartney, in that order.

[09:02:57] Welcome. Good evening, Chairman McKay and supervisors. As many of you know, I'm Heather Ferguson, the vice president of Dominion Towing. We've been in business and operating in Fairfax County for over 25 years. First, I want to start by saying thank you.

[09:03:14] I know over the last month or so, I personally have met with many of you and or your staff, and I really, really appreciate your time. And so I'll keep this short and sweet. So from an industry that has no control over our pricing, we encourage you to support the rates and code changes put in place by the SCC and the TTAB as they are there with a goal of not only to protect the consumers, but also to fairly compensate the towers for the hard work that we do.

[09:03:46] With that being said, I'm not going to repeat everything that we've talked about pertaining to 82-5-32, but simply just want to make it be known how important this is to not only me and my business,

but the livelihood of our employees and our industry as a whole.

[09:04:05] Thank you. Thank you very much. Appreciate your testimony. Our next speaker is Ashley Miller. Good evening. Thank you guys for seeing us tonight and hearing this.

[09:04:23] I am Ashley with Dominion Towing. I also am a Fairfax County resident. We definitely support the changes to the code. We have been, it's been an ongoing issue as far as pricing. Obviously, everything is significantly more expensive now, not just towing, fuel, just everything.

[09:04:44] It's affecting everybody just like it's affecting the county residents. It affects us and our employees and myself and my family. The SEC did an extensive study on the rates, as you guys possibly know already, and then the TTAB also did some studies.

[09:05:00] A lot of our neighboring jurisdictions have increased the tow fees, And if there's a county in Virginia that does not have a towing board, they have automatically gone to the state rate, and those are typically your rural areas. So with us being in the most expensive or one of the most expensive counties in the state, we should definitely be a little bit raised.

[09:05:22] So thank you guys so much for your time. Thank you very much. Our next speaker is Michael Fernandez, followed by Henry McCartney, Gary Kaufman. Welcome. Chairman McKay, members of the board, my name is Michael Fernandes, owner of Battlefield Toin.

[09:05:42] We have been in business here in Fairfax County since 96. Thank you for the opportunity to speak today, and thank you for allowing me to meet with you all in the last few weeks. I urge you to support the proposed rate increase and the accompanying reforms before you.

[09:06:01] The rate adjustment is not about excess or greed. It's about sustainability and accountability. It will allow responsible operators to pay fair, compensated wages and provide health insurance, helping us retain qualified employees who take pride in their work and serve our community with integrity.

[09:06:24] Just as important, the new laws tied to this effect will help weed out bad apples in the industry, those who cut corners and undermine public trust. Raising standards protects both employees and residents and ensures the quality, compliance, and ethics are the rule, not the exception.

[09:06:44] By voting in favor of these measures, you are investing in a stronger workforce, higher industry standards, and better service for our county. I respectfully ask for your support, and thank you for your time and consideration. Thank you very much.

[09:06:59] Our next speaker is Henry McCartney, to be followed by Gary Kaufman. and then we have a video. Welcome. Good evening, Chairman McKay and members of the board. I'm Henry Stein McCartney, chairperson of the Trespass Towing Advisory Board. First, I would like to thank you for the opportunity to serve on the Trespass Towing Advisory Board with other outstanding members. Collectively, members of the Advisory Board represent 72 years of experience in the towing industry, 32 years of experience as members of the Advisory Board,

[09:07:38] 23 years of experience in the enforcement of towing laws and 12 years of experience in regulating the trespass towing industry in Fairfax County. The advisory board has a deep understanding of the trespass towing industry and the appropriate regulations that tow operators must follow and the rates necessary to sustain the industry which provides vital parking enforcement services to private property

owners countywide. Over the course of seven months, the advisory board worked to develop the proposed revisions in Chapter 825-32.

[09:08:12] The most significant proposed revision is the introduction of operator permits, which, if approved, will exercise the authority granted to the county by the Virginia General Assembly in their 2024 legislative session. And that authority allows the county or allows localities in Planning District 8 to require tow operators to obtain a permit to tow and store vehicles within the locality.

[09:08:39] This permit would replace the current tow operator registration requirement and would enable the Department of Cable and Consumer Services to take important regulatory actions against trespass tow operators that violate county tow regulations. This expanded regulatory authority over the trespass towing industry would protect the public from unscrupulous trespass tow operators.

[09:09:01] The next significant proposed revision is an increase to trespass tow rates and fees. In addition to county code, tow rates are also prescribed by the Code of Virginia in Section 46.2-1233, which sets the maximum allowable fee that can be charged for the hookup and towing of passenger vehicles at \$210.

[09:09:21] The Virginia General Assembly increased the maximum allowable rate to \$210 pursuant to recommendations by the State Corporation Commission, which was directed by the General Assembly in 2024 to undertake an examination of towing rates in Virginia.

[09:09:39] In November 2024, the SEC issued a 128-page report of their findings that provides a comprehensive assessment of the cost incurred by trespass tow operators and recommends the appropriate transportation cost index elements to be considered in tow ratemaking.

[09:09:56] It was the conclusion of the SEC that the appropriate rate for the hookup and tow of a passenger vehicle from private property should be set between \$200 and \$210, And they also found that the drop fee of \$25 prescribed by Virginia Code is too low and should be set at 40 to 50 percent of the trespass towing rate.

[09:10:16] In determining the appropriate rates and fees for Fairfax County, the advisory board took the SEC report findings, the maximum rates set by the Virginia General Assembly, and the rates set by Fairfax County in its contract with tow operators for public safety towing into consideration.

[09:10:35] The rate set forth by Fairfax County Contract for Public Safety Towing sets the non-accident hookup and tow rate for vehicles over 7,500 pounds at \$464, and for vehicles over 10,000 pounds at \$628.

[09:10:54] Additional allowable contract fees include \$87 per day for storage that applies immediately when the towed vehicle arrives at the tow lot and a \$165 administrative fee that is charged after the vehicle has been in the possession of the tow operator for more than three days.

[09:11:11] The rates proposed by the advisory board for vehicles over 7,500 pounds and 10,000 pounds and the advisory board's proposal to increase the storage fee and the administrative fee were guided by and were reflective of the county contract rates to bring trespass tow operators to parity with public safety towing.

[09:11:37] I must note, however, that the staff recommended rates and charges differs from the rates and charges recommended by the advisory board. It was the advisory board's belief that the TTAB proposal was justified, and that is the proposal that the trespass-to-advisory board voted on unanimously.

[09:12:11] Thank you. Thank you very much, Henry. I appreciate your work on this. Speaker number seven is Gary Kaufman. Welcome.

[09:12:28] Good evening, Chairperson McKay and members of the board. I had a much longer speech. It's gone long in the night. We're going to move on. I just want to let you all know my name is Gary Kaufman, Operations Manager of Henry's Record Service. We agree with the SEC study. It's right in line with our business, what we do, and the proposed rate we support.

[09:12:49] Thank you very much. Thank you very much. Speaker number eight is Krista White, who has submitted video testimony, if we could play that. Hello. Thank you for the opportunity to speak today. I wanted to address the proposed towing fee increases and specifically to request that the board vote against the rate increases proposed by the Trespass Towing Advisory Board. As such, I wanted to offer my personal experience with towing as someone who lives in a community with restricted parking.

[09:13:18] I know that we probably tend to think of people who are towed as those who might knowingly and willfully violate a parking rule and so to some extent we might think that it's only fair that they pay for that transgression in the form of fees but my experience with towing which I know is mirrored by others in my community and probably the county at large is that I have been towed from a space where I am legitimately parked as someone who pays to maintain and own the parking spaces of my community. The only reason that I have been towed in these situations is because in the course of my busy life I forgot to place my community's parking permit in a prominent place inside my car where the tow company could see it. And just as a note, at least in my community, only one parking

[09:13:58] permit per household is issued. And so if a household has multiple vehicles, then you have to remember to swap that permit between vehicles or you will be towed. So then for the minor transgression of forgetting to move a parking permit, I have come out in the morning to find my car not there, forcing me to be late for work, pay Uber fees to get me to the tow lot on top of the then hundreds of dollars that I then have to pay to have my car released. And so while yes, we can say that I should have remembered to place that decal in my car, I would argue that this process already constitutes somewhat extreme punishment for a minor transgression and a moment

[09:14:33] of forgetfulness that I think we can all identify with in our busy lives. So while I don't mean to get off topic and suggest that the board should address this wider problem, I do want to bring up the situation as an example of people who might be affected by fee increases in addition to those who might, as we might say, more legitimately deserve to pay because of a willful violation of the rule.

[09:14:54] And so I would just ask the board to consider those who are towed from a place where they legitimately have a right to be and just made a minor mistake in whether they really deserve to pay hundreds of dollars, even more so now with the proposed fee increase.

[09:15:10] So in addition to that, I do want to thank the board of supervisors for performing due diligence in this manner by comparing the proposed rates to those calculated by the PLS and SCC and other nearby localities, I think it noteworthy that the rates recommended by the Trespass Towing Advisory Board exceed those other recommendations in almost every category.

[09:15:29] As I'm sure the supervisors well know, the towing board contains two representatives who are members of the towing industry, and so their recommendations are likely to be biased towards the interests of the industry rather than the public welfare. And so I would just ask the board of supervisors to

keep that in mind when making its decision along with the experiences of myself and like I said others in my similar circumstances who perhaps don't necessarily deserve to pay hundreds of dollars for for a minor moment of forgetfulness so thank you so much appreciate the time thank you very much uh and that concludes my list of speakers signed up in advance to testify is

[09:16:08] there anyone else present who would like to speak on this matter okay please come down um I've mentioned earlier, if you're here to testify on something and not signed in, please sign in with the clerk. Let's skip that. In the interest of time, you can sign in after you speak. If you could come on down to the podium and then sign in on your way back past. Thank you. Welcome.

[09:16:27] Good evening. My name is Mandy. I'm a resident of the Fairfax County. I had no plan to make any talk about this issue because for the past seven hours I've been sitting here, and believe me, I have a new respect for each one of you sitting here for hours.

[09:16:45] So I waited for seven hours to speak with you about something else. But while standing here, I took a look at the book that is up front for the public. And I could not believe the amount of nickel and diming the consumers.

[09:17:01] If they are told between hours of 7 to 9 or 12 to 2, Saturday, Sunday, this area, that area, drop fees, this is absolutely ridiculous. And I understand that the Virginia law allows you guys to reach the maximum amount that you can increase it, but it doesn't mean that we have to do that.

[09:17:25] Actually, in the charts that was up front on the book, if I understood it correctly, somewhere in there says that the salary and the profit increase was 18.5%.

[09:17:41] That's nearly 20% increase in profit for the towing company. And I wonder if they're asking for the increase in toll fees. Is it that the price of the gas has gone up since last year?

[09:17:57] Actually, it has come down. What initiates this increase suddenly for the consumers? And I just don't get it. And I doubted if the 20% increase would add to the integrity, accountability, and the ethics of the tow companies, who are, some of them are in the predatory and unlawful towing, just to make a quick box.

[09:18:19] And having said that, somewhere in the chart, again, there was information sought from these towing companies to complete their charts. There were 16 tow companies listed on the charts.

[09:18:37] Out of the 60 practicing in this county, only two companies have forwarded the information and that's on the chart that is in front of you. Only two. If they're not transparent as far as sharing information, sharing profit, sharing other information, I don't know why we have to give them an increase in their towing fees that doesn't benefit the citizens.

[09:19:00] We're in an era right now that whole lot of people, as you heard previously in the past seven hours, from the gentleman who does analysis for the George Mason University. We have tons of people who are unemployed right now, and the predatory practices is that you tow a car, by the time the poor guy who doesn't even have a job tries to get his car out of the lot, who's gonna cost him 600, 700 bucks, and has to borrow money from somewhere, gets a lien on his car, his car gets sold, is absolutely unacceptable.

[09:19:33] Please reject this increase, thank you. - Thank you. And let me ask, last chance, anyone here present who has not spoken who would like to testify? Seeing and hearing no one, let me ask the clerk if we have any callers. No callers. No callers. Closing comments and a recommendation from staff.

[09:19:50] The county executive recommends approval of the proposed amendments to Fairfax County Code Section 82532 set forth in Attachment 5 to the board agenda item for this public hearing. Thank you.

[09:20:06] Thank you very much. Questions from board members? Seeing questions, Supervisor Pouchek. Thank you, Mr. Chairman. This is a question for staff related to education and communication and who that falls on.

[09:20:24] As someone who lived in an older condo association and in a very urban area, definitely signage and practices are quite different in towing practices that are used in order to enforce parking issues across the county but most of these are private properties. So could you clarify for us what kind of both education and enforcement are currently used in order to ensure best practices are kept up by the towing companies or the property owners? Thank you, Supervisor Palchuk. Again, Rebecca Makeley, Department of Cable and Consumer Services. And you are correct.

[09:21:01] The trespass towing ordinance applies to private property or county property in Fairfax County and so private property owners can contract with the registered tow operators. They have a contract between those two parties on what they'll be towing for and how they want those tows administered on their private property.

[09:21:18] There are signage requirements in our ordinance that have to be posted on the private property so that those that might be subject to a tow know how to claim their vehicle. I will say that in some of the discussions that have come up through this hearing process and working with both the Trespass Towing Advisory Board and the Consumer Protection Commission, staff is going to be working with both of those public bodies to see if there's additional outreach that we can do to make sure that residents in these areas are aware of tow requirements and aware of recourse in the event that they are towed.

[09:21:52] The ordinance does require that our consumer affairs information be posted in all trespass tow lots, so that is signage that we require. We inspect, and the trespass tow operators are in compliance with that, so it does have information there. So if a consumer is retrieving their vehicle, they do have that information if they do want to reach out regarding it.

[09:22:10] But we are wanting to be a little bit more proactive with the outreach and seeing if we can engage with the private property owners to see if there's additional outreach that can be done. The Consumer Protection Commission has some recommendations on that moving forward. I appreciate that. And when you have that, if you could share it with us and our offices in OPA to help push that out as well.

[09:22:28] I know that signage, I've seen signage that's not consistent with the regulations and, again, just being able to share out the information and where people can go when there are concerns or complaints. Thank you. Absolutely, we can do that. Thank you.

[09:22:45] Are there any other questions of board members? All right. At this time, I will close the public hearing and recognize Vice Chair Smith for a motion. Thank you, Mr. Chairman. I move that the Board of Supervisors adopt the amendments to Fairfax County Code Section 182 - 5 - 32 set forth in attachment 5 to the board agenda item for this public hearing you've heard the motion I'm happy to second that along with several other board members discussion on the motion seeing and hearing none all those in favor of the motion. Please say aye aye any opposed any abstentions and that motion carries and that brings us to

[09:23:25] Our next Item which is public comment. No, I'm sorry. It's not public We have one final public hearing before we get to public comment.

[09:23:48] And I just want to announce for folks, I know a number of folks who were on the public comment list, they have left. And, you know, I know we'll work with the clerk on being able to give them an opportunity to sign up again, given the lateness of the hour.

[09:24:03] So if you were signed up to speak, please sign up again so that we can get you on the schedule for our next public comment. And with that being said, we actually have two items because after this public hearing, we have to go back and take action on action item number six from this morning.

[09:24:20] So next, we have a public hearing to consider adoption of an uncodified ordinance to approve the change of ownership of Coxcom LLC, doing business as Cox Communications, Northern Virginia, a transfer. And at this time, I'd recognize county staff for a staff presentation. Good evening. My name is Rick Elrod.

[09:24:40] I'm the Division Director of the Communications Policy and Regulation Division of the Department of Cable and Consumer Services. And I'm joined by Department Director Rebecca Megley and Megilana Faust from the County Attorney's Office. Cox Communications provides cable service to the entire county, except for the rest in franchise area, under a franchise agreement with the county.

[09:25:01] This public hearing considers adoption of, as you just said, an uncodified ordinance to approve the change of ownership of Coxcom LLC, which does business as Cox Communications of Northern Virginia, to Charter Communications Incorporated. This change of ownership counts as a transfer for purposes of the franchise agreement.

[09:25:21] Charter filed its transfer application on August 13, 2025. After the transaction, COXCOM will become a wholly owned subsidiary under the control of Charter, but COXCOM will continue to hold the franchise and provide cable and other services to county residents.

[09:25:39] Charter has satisfied the requirements of the county code and the COXCOM franchise agreement with respect to the proposed transaction. The county executive recommends adoption of an uncodified ordinance to approve the candidate ownership of Coxcom LLC, DBA, Cox Communications, North Virginia, to Charter Communications Incorporated, subject to a transfer agreement.

[09:26:00] Thank you. Thank you very much for that presentation. Are there any questions of staff? Seeing and hearing none, this is a public hearing, and I have no one who has signed up in advance to testify on this matter. Is there anyone here present who would like to speak on this subject?

[09:26:17] this is a public hearing. Anyone who would like to testify? Seeing and hearing no one, let me ask if we have any callers. No callers. No callers. Closing comments and a recommendation from staff. The county executive recommends adoption of the ordinance. Thank you. Thank you very much. Last check, questions from board members. Seeing and hearing none, I will now close the public hearing and recognize Vice Chair Smith for a motion. Thank you. Mr. Chairman, I move that the Board of Supervisors adopt an uncodified ordinance to approve the change

[09:26:53] of ownership of Coxcom LLC, doing business as Cox Communications Northern Virginia, to Charter Communications, Inc., a transfer subject to the provisions of the proposed transfer agreement. Second. You've heard the motion. It's been multiply seconded. Discussion on the motion?

[09:27:10] Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. We now have to go back to Action Item 6 from, I almost wanted to say yesterday, but from early this morning.

[09:27:26] And that is Action Item 6, Authorization to Execute a Transfer Agreement for the Change of Ownership of Cox Comm, LLC, Doing Business as Cox Communications, Northern Virginia, a Transfer. And again, I will turn to Vice Chair Smith for a motion. Thank you, Mr. Chairman.

[09:27:42] I move that the Board of Supervisors authorize the county executive or designee to execute the transfer agreement for the change of ownership of Coxcom LLC doing business as Cox Communications, Northern Virginia, to Charter Communications, Inc., a transfer. I will happily second that motion along with several others.

[09:28:00] Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you all very much. Sorry for the lateness of the hour, but appreciate you hanging here with us.

[09:28:17] That brings us to our last item, which is public comment. And I just want to read a couple rules for public comment very quickly. Before we start public comment, the board, it's important to announce the board will hear public comment on any issue, issues under litigation, except issues under litigation, issues that have been scheduled for a public hearing before the board, personnel matters and/or comments regarding specific individuals. Speakers must register in advance and each speaker is given three minutes for their remarks. A maximum of ten speakers may address the board during any public

[09:28:54] comment period and speakers may address the board once during a six-month period. And again, I have a speakers list that did have six individuals on it to testify in person. I know one of them has moved to phone testimony. If you had to leave early, please reach out to the clerk to get rescheduled, but I will call the names even though I know some of these people are not here. Speaker number one, Robert Rigby. Speaker number two, Todd Usher. Speaker number three, Larry Good. Speaker number four, Mark Welsh, I understand is on the phone. Mr. Welsh, can you hear me okay? Yes, I can. Welcome. The floor is yours.

[09:29:34] Good evening, Mr. Chairman and board members. With budget season fast approaching, I would like take a few minutes and ask you to consider a suggestion, one that perhaps could mitigate the projected budgetary shortfall. For at least the past four years, FCPS has included in their annual budgets a 310-person staffing reserve. Last year, that equated to \$33 million in salaries and benefits. Separately, they also include additional staffing for projected increases in special education, economically disadvantaged, and multilingual student enrollments. In the last

[09:30:10] four years those staffing increases have ranged from 20 to 60 million what happens when these funds are not needed based on actual enrollment fcps spends that funding on something else something that they have not budgeted or articulated a need for with that unknown how can you fulfill your responsibility for making fiscal assessments that balance funding needs for all county programs and the burden on taxpayers in other words over the past four years You've provided FCPS about a quarter of a billion dollars, a quarter of a billion dollars for staffing contingencies.

[09:30:45] Yet do you know whether these funds were truly utilized for classroom positions? Instead, why not create a reserve fund for FCPS separate from their operating funds? A staffing reserve and additional

staff needed for projected enrollment changes could be funded as part of this reserve instead of being included in the operating fund budget.

[09:31:07] If SGPS determines that additional staffing above the baseline included in their operating fund is necessary, they request a transfer of money from the reserve fund to the operating fund. The reserve fund should be subsequently replenished from carryover funding.

[09:31:23] If no additional staffing is necessary, the staffing reserve remains available for the next fiscal year. Isn't that a win-win? You could not be accused of failing to fully fund the school budget as you would be providing funding specifically for the requested purpose.

[09:31:39] But if it's not all needed, the need to raise taxes the following year is otherwise mitigated. If I could make a further suggestion, the staffing reserve could be initially funded by transferring monies from an existing reserve, such as the managed reserve. The county's overall 10% reserve benchmark would be maintained, and new funding, likely equating to one to two cents of the real estate tax rate, would otherwise be unnecessary.

[09:32:06] I don't mind paying my share of taxes for additional classroom educators because of increased enrollment. But I certainly resent paying taxes that FCPS uses for some unexplained or unjustified purpose. I suspect most of your constituents feel the same way.

[09:32:21] I thank you for your time and consideration and also for your public service. Thank you, Mr. Welch. Speaker number five is Deanne Wilson. Deanne. Deanne. Very good. As number seven, I have never done this before.

[09:32:40] I'm glad I'm a performer and not a politician because you guys got stamina. I've got to give it to you. Okay. My dissertation today is about Senior Care Facilities' AI Payment Structures and Implementation. There's a system dysfunction. Good afternoon, Mr. Chair, Madam Chairwoman.

[09:33:00] I'm here to address an urgent operational crisis regarding the implementation of new artificial intelligence payment structure, specifically at Fairfax Nursing and Rehabilitation Center, a facility under the umbrella of LifeWorks Rehab and MFA, Medical Facilities of America.

[09:33:20] This facility's administrator, while this is not about him personally, Mr. Fistiaria, the discussion is centered on the failure of business procedure, specifically the Stamply AI vendor portal, a policy implemented between August and November 2025.

[09:33:39] The core issue is quite simple. This new system is unsustainable, disruptive and non-functioning, resulting in months of unpaid invoices. Let's look at the systematic flow. The current policy dictates that once the AI vendor portal receives an invoice, any subsequent invoice is automatically kicked back, even for an unpaid item, as a duplicate.

[09:34:07] In one case alone, eight separate invoices were submitted supposedly processed and still remain entirely unpaid. The fundamental dysfunctional gap here is the lack of human contact and accountability. The standard accounts payable system provides a human contact who can confirm receipt, verify payment status, and track if a check has been cashed.

[09:34:34] The AI system is not programmed for this critical function. The administrator of Fairfax Nursing and Rehab has also asserted he has no human AP contact, only an unmonitored email address for invoice submission.

[09:34:50] He has admitted that other vendors and employees are also experiencing non-payment due to this new structure, claiming it renders him powerless, quote-unquote, to follow up. This failure touches directly upon oversight concerning implementation, accountability, and transparency.

[09:35:08] The system was deployed without a functional verification or follow-up protocol. There is no designated point person. No one can be held responsible for the lapse in payment. The black box nature of the AI vendor portal means we cannot track the payment, violating basic business procedure.

[09:35:30] This creates a serious risk that will expand and become fraught with mounting dysfunction if not addressed immediately. We are discussing over 90 days past due payment and procedure that threatens the operational stability of a senior care facility.

[09:35:48] Therefore, this current policy needs an immediate reversal. It is imperative that this function return to human administration and delegation to restore basic business functionality. I urge the board to use its influence and demand an immediate human point person and a functional procedure be reinstated at Fairfax Nursing and Rehab and its parent companies.

[09:36:08] Thank you so much for your time and attention to this matter. Thank you for your testimony. Appreciate it. Thank you. Speaker number six is Mandy Nixalat. Welcome back, Mandy. And we do have a handout from you.

[09:36:27] Okay, so I'm back again, and this time I want to talk about my concern, personal concern, regarding the ordinance within Fairfax County and how the citizens get to benefit or not to benefit from the committees and hours of time that the committee members put into it without any benefit for the citizens of the county.

[09:36:53] To paint a picture for you guys, I was parked legally, as you see in the picture, in a building that is for senior citizens and handicapped people near Tyson's Corner. On a very cold day, just like tonight, just add five more points of more wind, cold wind to it, and right now it's about 20 degrees outside.

[09:37:21] And we came out at 11 p.m. We didn't see our car outside. And then we looked for it since we were legally parked. We went to the office. We said, where is our car? And the only person who was there and was working there since 6 p.m., and we couldn't find the car at 11, he said he had absolutely no idea because nobody came to the office to ask for his permission to tow any cars.

[09:37:49] So our car was gone. And that night, when it was 20 degrees outside, just imagine, paint a picture for you, just imagine your mom or an older sister, 70 years old, and 65 years old ladies, in the middle of the night, had to walk through 20 degrees outside, really cold.

[09:38:11] They walked two miles just to get to another building, to get a key, get another car, to get to the towing company. Yes, the towing company realized that they had made the error. They didn't want to admit to it, but the person who was working that night reached out to the property manager and said, you know, I don't know what's going on.

[09:38:33] So they got into a conference call and forced the towing company to release the car. They were not willing to bring the car back, but the 70-year-old woman and the 65-year-old woman had to walk. And by the time we got home and we got the car back, it was 2 a.m. with absolutely no reason.

[09:38:52] So I did what I was supposed to properly do. I was told that you have a complaint against a towing company. Reach out to the Fairfax County Department of Consumer Affairs Division under Cable

and Consumer Services. So I did that. I filled out the application for complaint.

[09:39:09] I submitted it. And then after that, I went back and forth, back and forth. And I waited for a long time to hear back something from this committee. And I was told that the towing advisory group was within that section, and they would also get involved if have to.

[09:39:29] So I waited, and I waited, and I reached out to the Consumers Affair, and they said, well, you know what? The towing company who towed your car and it was unlawful, they refused to answer and reply to your complaint.

[09:39:48] Why is that? I thought to myself, look on the list. Oh, they are a member of the towing advisory who you guys had selectively chosen them. Please don't do that again. But anyway, so they refused to reply to my complaint.

[09:40:07] And we waited and waited. Another letter went out from the Consumers Affair. They refused again. I think it was about the third one when they said, you know what? We're not going to get involved. We don't want to reply. And they are a member of that committee, of the toying advisory group.

[09:40:27] So it's really embarrassing. So having said that, I asked them, I asked the Consumers Affair office, I said, so what are we going to do? What's next to do? So the answers I got from the Consumers Affairs Office was that our hands are tied.

[09:40:46] There is not much we can do. This process, if we wanted it to move forward for mediation or arbitration, is only volunteering. So if the business says, I don't want to do it, that's the end of it. How is that even possible?

[09:41:03] We spend hours and hours of staff time, paying salaries, having committees, meetings, and the consumers are left outside unless I pay \$400 an hour and take them to court because the ordinance in Fairfax County has nothing.

[09:41:22] No, as they said, this is what they told me when I asked them. They said that a complaint cannot be taken by the towing advisory committee. A mediation or arbitration cannot be accepted unless the other side voluntarily accepts. They said Fairfax County Consumers Affairs ordinances does not have ability to issue any penalties for unlawful towing. We also don't have any power to take any disciplinary actions. And I think these are all the stuff that is missing as part of the Fairfax County

[09:42:00] ordinance who governs these rules on predatory and unlawful towing. They also said towing companies, smaller ones, they don't even have to register with Fairfax County even if they do business here and they tow cars. And I wonder if you can even enforce the regulatory issues on these companies that they're not registered and they don't have to even register with you guys.

[09:42:26] I looked at the sign and I asked them, I said, well, this sign is not even proper. So the issue is within the apartment building and also the tow company, because tow companies should have known what the law is, the state law is, what the ordinance is, and they shouldn't have touched that car.

[09:42:45] And they did. Thank you. Time expired a long time ago. If you could please quickly wrap up. I apologize. So I reached out to four different divisions. I reached out to ADA to see what the issue is about, where should I make a complaint about sign, because when the sign goes up, somebody got to inspect.

[09:43:05] They have to have a permit to erect the sign. So ADA said, there's nothing we can do. Go to the consumer's affair office. Well, I've been already there. So then they said, go to the code enforcement. Code

enforcement said, not my problem. Go to the zoning department.

[09:43:20] Went to the zoning department. Zoning department said, go to the enforcement office. So here we are, and I have reached my limit. I've done all I could, and I've read the Ordinance of Fairfax, which I think is missing a whole lot of enforcement issues.

[09:43:39] And somewhere in the Virginia—last sentence. Please. The Virginia Consumer Protection Act, Section 59.1, 196, and 207, says that the county has the ability to refer a case to the commonwealth attorney for investigation.

[09:44:01] I beg you to do that. Thank you. Because I think once we set an example, then the other companies would do that. And please fix the ordinance. We will look into that. Thank you very much. And I'm sorry to cut you off. I just had to be fair with the time. And with that, if there's no further discussion, that brings us to the end of our board meeting.

[09:44:22] of December 9th, 2025, and with that, the board is adjourned.



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