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[00:00:02] Good afternoon. I'm going to call the Land Use Policy Committee meeting to order. And before we get started, the chairman has a motion. I do. Madam Chairman, Supervisor Sizemore-Heiser is asked to participate remotely in the Land Use Policy Committee meeting this afternoon due to a medical reason.

[00:00:22] So preliminarily, I'd ask Supervisor Sizemore-Heiser to please state your name and general location for the record. Hi, Trottyna Sizemore-Heiser. I'm in Burke, Virginia. Thank you very much. At this time, I move that the Land Use Policy Committee certify for the record that Supervisor Sizemore-Heiser's voice can be adequately heard by all persons assembled here today in this conference room.

[00:00:43] And I further move that the committee approve Supervisor Sizemore-Heiser's remote participation in this meeting as it fully conforms to the Fairfax County Board of Supervisors' policy for remote participation in meetings. I'll second that motion along with Supervisor Palchuk. Any discussion on the motion?

[00:00:59] All those in favor, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Thank you, Mr. Chairman. Thank you. Okay, so we have two topics on the agenda today. We are going to start with the, oh, I always forget the minutes.

[00:01:15] Anybody have any additions or corrections to the minutes? Okay, then we have the minutes from the last meeting. Okay, we are going to start with the commercial and industrial modernization project. And Lily, you're going to kick us off?

[00:01:30] Thank you, Madam Chair, and good afternoon, supervisors. I am Lily Gazoo with the Zoning Administration Division, Department of Planning and Development, DPD, and I'm joined today by Tracy Strunk, Casey Judge, Bill Maland, and Drew Hachar, also from DPD.

[00:01:49] The project before you is, this topic before you today was added to the Priority One Work Program to consider five specific uses and address zoning provisions that staff has historically found difficult to apply consistently and that no longer fully reflect current use patterns.

[00:02:18] There will be a part two which will review the commercial and industrial districts in greater depth, and that part two is on the Priority to Work program. The first use under consideration is associated service use.

[00:02:36] This refers to businesses located in the same building as and serving the principal use and includes business services, child care centers, convenience stores, personal services, carryout restaurants, and restaurants.

[00:02:54] These uses are allowed by right in certain commercial and industrial districts as well as in the R20 and R30 residential districts. if they meet limits on size, including a maximum of 10% of the building they occupy, and limit in hours of operation.

[00:03:13] In the commercial and industrial districts, they must also be part of an integrated office or industrial complex. This amendment seeks to address challenges with certain existing standards and to respond to changes in technology and marketing that have expanded associated service users beyond their original purpose of serving business building occupants.

[00:03:40] The proposal would replace difficult to enforce standards with clearer, more objective criteria so that the users remain predictable and transparent, continue to function in the district where they are allowed, and still protect the commercial and industrial districts.

[00:03:59] Staff is proposing to remove the associated service use standard entirely and add the relevant standards to the individual use-specific standards for the corresponding users. The maximum size of 2,500 square feet and cumulative size of 10 percent would be retained with ranges provided for the Board's consideration.

[00:04:25] Hours of operation would no longer be tied to another principal use which staff proposes to retain the existing 6 a.m. to 10 p.m. limitation and any of the standards may be exceeded with approval of a special exception.

[00:04:41] For child care centers, we are proposing in the R20 and R30 districts a maximum enrollment cap of 60 children and with a range provided for the board's consideration as well. The second use under consideration is foot trucks.

[00:05:02] Currently, food trucks are allowed to stay at one location for up to four hours, including setup and breakdown, with a longer eight-hour limit on larger agritourism, winery, brewery, or distillery sites of 20 acres or more.

[00:05:22] Staff is proposing a tiered time framework for foot trucks that provides more flexibility while still treating them as temporary uses. In the commercial and industrial districts and non-residential areas of planned districts and in association with agritourism on less than 20 acres, staff proposes increasing the hours to a maximum of six hours with a range of up to eight hours provided for the Board's consideration.

[00:05:55] No changes are being considered to the existing four-hour limit in residential districts and the residential areas of the P district and the eight-hour limit for agritourism sites with 20 acres or more. The third use under consideration is recycling centers. The existing standard in the zoning ordinance specifically prohibit recycling centers in the I-5 district from having any outdoor storage, while a standalone storage yard use, which can include outdoor storage,

[00:06:32] is permitted by right as a principal use and could be allowed on the same property. Staff's research of adjacent jurisdictions indicate that this requirement is unique to Fairfax County. To resolve this inconsistency and to better align with regional standards, staff is recommending to allow accessory outdoor storage for recycling centers in the I-5 district subject to certain use-specific standards.

[00:07:02] These standards will require all mechanical processing that generates noise and other potential impacts on adjacent properties such as crushing, compacting, and or shredding to occur within a completely enclosed area.

[00:07:17] Staff is also considering a limit of 10,000 square feet for outdoor storage and could not be located within the minimum required front setback. And additionally, a minimum six-foot-tall solid or opaque screening fence or wall would be required to screen the outdoor storage area.

[00:07:40] The fourth topic is under consideration is specialized instruction centers. The use is defined as a facility primarily devoted to vocational, professional, musical, dramatic, artistic, scientific, or performing arts instructions or other similar special subjects.

[00:08:01] Examples include tutoring centers, music lessons, art classes, ballet, and other similar activities, and this use does not include a size limitation. This use is distinct from an existing use, which is health and exercise facilities, both small and large, which are defined as indoor facilities where patrons participate in exercise or similar activities intended to improve or preserve physical fitness or athletic skills.

[00:08:37] Small health and exercise facilities are those with a maximum gross floor area of 6,000 square feet, and those that exceed 6,000 square feet are large facilities. Examples include health clubs, gyms, yoga studios, cycling, and other fitness classes like karate and martial arts functions, instructions, sports-related training, instructions, and simulate uses. Staff is proposing to create two new distinct uses for specialized instruction centers, small and large, using the 6,000 square feet threshold that exists with

[00:09:16] health and exercise facilities. This would provide a consistent way to evaluate the scale and potential impacts of each use. The proposal would not regulate specialized instruction centers similarly as health and exercise facilities.

[00:09:32] However, the size distinction would give smaller, lower impact facilities more flexibility, while larger facilities with more intensive operations would require greater review.

[00:09:48] Specifically, small specialized instruction centers are proposed to be allowed with a special permit required in the residential districts while continuing to be allowed by right in the commercial and

industrial districts. Large specialized instruction centers would no longer be allowed in the residential districts but would be allowed by right in the commercial districts and with a special permit in the industrial districts.

[00:10:13] The staff is also proposing a lower fee of \$5,790 for the small centers and the standard special permit application fee of \$23,210 for larger centers with lower to upper ranges provided for the board's consideration.

[00:10:34] And then the last topic is vehicle sales. A use covered under the same umbrella is vehicle rentals and vehicle service uses. Vehicle rentals are allowed by right in most commercial districts if they meet limits on size, vehicle types, and on-site inventory, which may be exceeded with a special exception approval.

[00:10:57] Vehicle sales, however, are not permitted in those same districts. And in the planned districts, both vehicle sales and vehicle rentals are allowed when shown on an approved development plan or with a special exception. Staff is proposing to expand vehicle sales permissions in the conventional zoning districts by aligning them closely with the vehicle rental permissions.

[00:11:27] Under the proposal, vehicle sales would be allowed in the C3, C4, I3, I4, and I5 districts with special exception approval. And use-specific standards are also proposed to mitigate potential impacts.

[00:11:43] The Special Exception Framework would give the Board case-by-case discretion to evaluate each application and apply specific design standards. The proposal would also allow vehicle sales to include an accessory vehicle service and repair use, provided the area is completely enclosed.

[00:12:04] Staff's research on other jurisdictions, vehicle sales standards, as well as the county's review of zoning applications identified a logistical issue in which multi-car transport carriers unload vehicle inventory directly in the public right-of-way, creating potential traffic conflicts.

[00:12:27] And to address the impacts related to vehicle loading and unloading, staff is proposing to require vehicle sales operations to provide a dedicated and obstructed on-site transport vehicle unloading area that is 20 feet wide and 80 feet long at a minimum.

[00:12:51] Following the feedback received today, we are going to present the amendment to the Planning Commission's Land Use Process Review Committee on October 8, 2026. Staff will also host several outreach meetings to both the public and to industry, and will anticipate to have authorization in public hearings early 2027.

[00:13:19] With that, I conclude my presentation, and I am available to answer any questions you may have. Thank you. Thank you for that presentation. I'm going to turn to the chairman first. I don't have any questions other than encouragement. I think, you know, these seem all modest in my mind.

[00:13:35] We'll see what the public feedback is, but, you know, frankly, I think some of these are long overdue, and the fact that we're couching this as modernization I think is the right way to explain it because I feel like we're catching up to what real-time demand and consumer interest is in.

[00:13:51] I will compliment staff on the timeline because it's tight, but I think it's necessarily tight. I don't think this is going to engender a whole lot of conversation. We should be able to stick to that timeline, but this is about being spry, creating economic development opportunities, and being responsive to what's actually happening in the market.

[00:14:09] So I look forward to what the community feedback says, but I think this is right on track. Supervisor Palczyk. Thank you madam chair. Thank you. This is very helpful 100% agree with that. I think I have a question trying to clarify and when you talk about the specialized instructional centers I was also looking at the religious facilities because I've been wondering I know we have some faith communities especially as we're looking at that master arts plan that are having spaces that may be honestly for Instruction or even just in an office building but more for a small art exhibition

[00:14:47] I just want to make sure we're trying to make it easy for our art spaces, which we hear about, are necessary and costly to be able to set up in maybe less formal spaces. So I don't know where that would fall here. So William and Magdalene, so we do have additional uses for religious assembly on the work program to look at other secondary uses.

[00:15:08] That's currently our priority, too. So this one we're just focusing on specialized instruction and harmonizing that with the religious assembly. but we absolutely will be looking at allowing for additional non-residential uses in our religious assembly providers, art galleries, maybe coffee shops, some of the uses that are identified as part of the Faithful Housing Bill that would be coming up in an amendment very soon.

[00:15:35] And I appreciate that, but I guess I don't want to overlook this piece if there's something here where it's not specifically instruction but maybe other types of uses like just small use for art space. I don't know if that would fit in. If we could review it since we're looking at it, I think it's a great opportunity.

[00:15:52] Thank you. Supervisor Jimenez. Well, thank you so much, and thank you for this update and this presentation. I'll just be super quick. I know I had worked on about a year ago trying to extend the food truck hours, and so it's great to see this here.

[00:16:08] I think that this gives food truck owners and future food truck owners an ability to work an entire day instead of what was previously just four days. So thank you for that. Supervisor Pelchik?

[00:16:24] Sorry, I had another technical question. Under recycling centers, does that include if there are composting sites that are doing composting in an industrial space, if they need some outdoor storage as well, would they fall into that? And it's very rare, but we're starting to have some local businesses.

[00:16:44] Sure, Casey Judge. So we can take a look at that. That might be another use, maybe like a production processing, but we can circle back with you on that one. Okay. Thank you. Thank you. Supervisor Stork? Thank you. And I was looking at this, and I just wanted to clarify, on the vehicle sales part, the storage or parking of vehicles, is there any restrictions on that?

[00:17:08] As proposed, we're not putting any additional restrictions on parking of vehicles at vehicle sales. it would be the existing standards that would apply to vehicle rentals and vehicle sales, which would be they could park as long as they meet the parking requirements.

[00:17:34] I know that we've had several situations in the past where individuals who have car dealerships and want to park vehicles elsewhere as close by as they can because they don't have any more room on their lot.

[00:17:51] And it seems like we've had, I don't know, restrictions. And I guess I'm not sure the particular – I'm going to have to go back and look at the particular zoning on that. But I know that there were some limitations on what they could or couldn't do. And so does this parking for vehicle sales at another lot but

still part of the same organization, can we make sure that those two are at least connected together, tied together in some way?

[00:18:19] Because I think it's really a better system for us is to deal with one entity. And obviously the owner can be held accountable for how they maintain those parking areas. So I don't see a downside to it, but I wasn't clear about what it could and couldn't do.

[00:18:35] So we do have another use, new vehicle storage or vehicle storage or impoundment yard. So it would most likely fall under that if it's off-site and separate. So we have separate permissions for that sort of use. Are they more or less restrictive than this? So it looks to be less restrictive.

[00:18:58] It's a permitted use in the I-3 through I-6 zoning districts, as well as many of the commercial districts. So the use that Lily had discussed requires a special exception in those districts. And I'm trying to get away from the special exception, particularly for something like that.

[00:19:13] And this opens up C-3, C-4. And did you all look at C-2? I don't know that I necessarily want it, but I at least wanted to have thought about it or had that as part of consideration.

[00:19:29] Because it's better than some of the, I'll just say, some of the lots that we have and what's in them to have new cars parked in it versus nothing. We will definitely take a look at this lower C2 district and see how the permissions align with the new vehicle storage and or used vehicle storage versus the vehicle sales.

[00:20:02] Thank you. And I'll do the same, and I would like to probably have a follow-up conversation that we should schedule. Thank you. Yes. Okay. I had one question related to food trucks. On pages 8 and 9 of the white paper, it has some of the concerns of the health department when you get up to eight hours for a food truck, the cold holding capacity, potable water and wastewater capacity, cleaning and sanitizing requirements, and employee facilities.

[00:20:31] So I would imagine as you go through this process, that will be part of the discussion we have so people understand the impacts there and if any of them can be attenuated if the board did choose to go to eight hours. Definitely. We will continue communicating with the health department to see how increasing the hours will impact the safety of food and making sure that everything is...

[00:20:58] Absolutely. That's an important part of anything we do, right? we want safe food trucks in our community. Okay, I don't see any other questions on this one,

[00:21:07] so thank you for all the work, and we will move on to our next topic. So our next topic is about

[00:22:07] a sanitary sewer lateral evaluation, easy for me to say, and this was prompted by a board matter that Supervisor Lusk brought forward, and I am going to turn it over to William Barrack. Good afternoon, Board of Supervisors. Once again, my name is Bill Barrack. I'm the Director of Wastewater Planning and Monitoring Division. With me this afternoon is Deputy Director of Wastewater and Stormwater, Ellie Cotting, and from my team at Wastewater Planning, Alan Ward.

[00:22:42] So today we're here to talk about the sanitary sewer lateral evaluation. And as Supervisor Smith alluded to, this really started as a December 9th board matter. And the problem that the board was interested in is really their concern was for owners, the significant cost of private laterals within the VDOT right-of-way fixing those. And there was really four questions that were asked as part of that board matter. They're listed here and there. And for folks that maybe don't think about wastewater on a daily basis, such

as us, we have this graphic on the right-hand side, and it really demonstrates what we're talking about when we say private sewer

[00:23:21] laterals. So you have a business or a home, and there is a small pipe that carries wastewater from your business or your home through your property, potentially into the VDOT right-of-way, and connects into Fairfax County's collection system, and that's shown by that graphic.

[00:23:37] Fairfax County here, Fairfax County Code 65-6-5, that entire lateral, that entire pipe from the home to the collection system is the homeowner or business owner's responsibility. So today we're going to be talking about what we're seeing, and please keep in mind as we're going through all of this, both state law and sewer utility bond requirements really limit our funding alternatives when we're getting into that.

[00:24:01] So please keep that in mind as we're going through this today. So the first question that was posed in the board item was, what is the size of the problem? How many sanitary sewer laterals are within the VDOT right-of-way?

[00:24:18] And since, because of Fairfax County Code 65-6-5, that Fairfax County doesn't have ownership responsibility, we don't have records of these assets. We don't know their condition, but we do know where our sewer customers are, and that's denoted by the yellow dots that are at each of those.

[00:24:35] And we do know where our sanitary sewer infrastructure. So we used a straightforward GIS exercise to basically connect each of the residents or homeowners to the closest sanitary sewer, and that's shown by the graphic that's here. And out of the 250,000 laterals that we have here in Fairfax County, about 48% or 125,000 are estimated to have a portion within the VDOT right away.

[00:24:57] So leaving the homeowner or business owner's property, going into the VDOT right-of-way. If we add all those up, that's about 700 miles total. That 125,000 add up to about 700 miles. And to level set 700 miles, Fairfax County's collection system is approximately 3,300 miles.

[00:25:14] So it's about one-fourth to one-fifth of our existing collection system. So when we look at this, once again, 48% of laterals have a portion within the VDOT right-of-way. When we look at this on a magisterial district basis, it's fairly consistent around that 48 percent, some districts being slightly higher, some being slightly lower.

[00:25:40] When we're looking at age, just like Fairfax County in our system, a lot of the development occurred from the 1950s to 1970s. The same thing with our Fairfax County collection system. The same thing goes for private sewer laterals within the VDOT right-of-way.

[00:25:57] Currently today, about 5 percent of these sewer laterals within the VDOT right-of-way are greater than 75 years. But if we fast forward 20 years in the future, about almost 50% of those laterals will be at 75 years or greater. So just like we have aging infrastructure within the wastewater collection system, these laterals are aging as well.

[00:26:22] So laterals by the numbers, customer type. So as we went through the numbers, these are primarily, having a portion within the VDOT right-of-way, are primarily a single-family detached situation. So single-family detached homes are about 62% of our lateral connections, but almost 97% of these laterals, private laterals that are within the VDOT right-of-way, are single-family detached homes.

[00:26:49] So one thing to keep in mind as we're going through the rest of the presentation, any alternatives that we're proposing would primarily benefit single-family detached homes. And the table at

the bottom really lists out the other percentages being significantly smaller with the largest being single-family attached or townhomes.

[00:27:11] We also looked at laterals in the VDOT right-of-way through an equity lens using a vulnerability index, and we really worked with our colleagues at One Fairfax. And the vast majority of these laterals, 69%, are either in low or very low vulnerable areas of Fairfax County.

[00:27:31] Saying that another way, on average, the homeowners that are in low or very low vulnerability or homeowners that potentially would have a little bit more means to pay for these sewer fixes, that's where the vast majority of these are within the VDOT right-of-way.

[00:27:51] The laterals are within the VDOT right-of-way. So that was the extent of the situation, kind of question number one. Question number two was asked, what are our neighboring utilities doing?

[00:28:07] So we developed a list of 10 questions and reached out to 21 utilities within Northern Virginia, across the river in Maryland and D.C., and then throughout Virginia. And several takeaways really came out of this, one being for utilities that do offer structural repairs in the VDOT right-of-way, a lot of them are either cities or authorities.

[00:28:30] There's not too many counties that offer that. And when we look at this throughout the state of Virginia, none of these programs are need-based. There are some programs that are nationwide that are need-based, but looking in the state of Virginia, none of these structural support programs for the private lateral within the road right away are need-based.

[00:28:47] And the other thing that was really kind of struck us when we started asking questions of, on average, how much does each of these lateral repairs cost, the range was huge, from \$10,000 to upwards of \$100,000 for these. And that really has to do with a lot of the variables associated with this. It could be the depth of the infrastructure, the lateral, the length of the infrastructure, how far does it go, is this infrastructure along Route 1 where we'd have to go across multiple lanes, the soil conditions, the number of utilities, etc. So there's a huge range in the

[00:29:19] cost of fixing these private laterals. So when we're looking at that, there are some utilities that do own this portion kind of outside the property in the road right of way, but those are either across the river, such as Washington Suburban Sanitation Commission or DC Water, or outside of Northern Virginia. The vast majority of utilities within Northern Virginia do not own the private laterals within the road right away. And we did do a quick analysis to look at if this was something that we did take on. Once again, we don't have records because we currently don't

[00:29:58] own these assets. We don't have records and we don't have condition. In order for us to kind of get that information, we're estimating a pretty big price tag of \$1.5 billion in significant amount of staff in order to do that. And I think that really goes back to the numbers that we're talking about here. 125,000 of these laterals, 700 miles. We don't have records. We don't know the condition of that. So that's not a recommendation. That's more just a level setting, level setting the numbers that we're talking here. So the alternatives we'll talk about a

[00:30:29] little bit later, the numbers have an M, not a B. So we'll go into that. So as we're talking about potential actions, alternatives, one action that Public Works thinks is kind of a no-brainer is education, right? When I've gone out into my neighborhood and asked my neighbors, you know, where is your

responsibility of your lateral? First of all, people are like, what are you talking about? Second of all, so this is something even in a day-to-day when we're

[00:31:03] working here, talking with a lot of residents, homeowners, business owners, the knowledge of your responsibility is not only for the private lateral on your property, but also within the road right of way is something that may not be intuitive to a lot of folks.

[00:31:20] So an education program to really get that information out there to understand your responsibilities. In addition, there are potential options to help with risk mitigation. The cost for these fixes can potentially be very high. Some of that could be an add-on to your homeowner's insurance, depending upon which homeowner's insurance you have. There's also other programs through gas or electric that allow certain risk mitigation. Just like anything, you have to read the fine print associated with them there are limitations but there are risk mitigation options public works feels like that this is a no regrets option to to push forward

[00:31:56] it would be low cost there's a very high level example that we have here on the graphic of some of the information we could put out there we could do it through outreach events newsletters mailers or even social media to really get the word out there we feel like this is no regrets for us to to move out there to get the education out there. Other options, and we're going to go into other alternatives, are limited by state law. So as we're going into this, the board, please consider the legal authority when we're pursuing these additional options. So as we talked about, this

[00:32:32] is potentially a large amount of sanitary sewer, \$125,000. So we recommended in order to start prioritizing a need-based pilot in order to do that. This pilot program, and we'll talk a little bit more about the why behind this, would need to use general funds to support this program, and then we're going to talk about two potential options of what we could do here.

[00:33:00] So when we're talking about program funding considerations, current state authority does not allow us to directly give general funds to a homeowner to help them pay for their private lateral. One potential option would be to appropriate these general funds to a third party, but if we did do that, state law does not allow us to condition those donations. So we would have some limitations there. So if we were going to go down this road, any consideration of this option would require additional research. We'd really need to go that. Or we could go to the General Assembly

[00:33:37] and ask for additional authority when it comes to this. Once again, that is general funds. When it goes to wastewater funds, wastewater funds cannot be used for this type. And it really goes back to general bond resolution that all system revenues has to pay for system assets and sewer laterals are not system assets as a result because of that general bond resolution for the sewer system we're not allowed to use wastewater funds so we've talked about the funding now what are the potential options the first is a partial reimbursement so what does that look like partial reimbursement

[00:34:14] the homeowner would still operate and maintain keep ownership of this lateral if there was a structural issue within the VDOT right-of-way portion highlighted by the red area there of that graphic the homeowner would go hire a contractor and fix the lateral associated with it but then the county could come in and reimburse a portion of that cost in order to help support that customer once again we can set the terms of that but one one idea would be reimbursement up to 50 percent up to a maximum of \$10,000 per lateral. If this was implemented as limited by state law,

[00:34:52] a \$250,000 general fund could help at a minimum, we're estimating, depending upon the cost of each one, about 25 customers with very limited staff support. If we were to implement this program across the county, that would be about \$45 million over the next 10 years, so significantly more if we didn't do a need-based pilot program. What is structural repair in the VDOT right-of-way look?

[00:35:19] So once again, the homeowner would maintain ownership responsibilities and maintenance responsibilities of private lateral, but if a structural failure occurred in the VDOT portion, not a blockage, but an actual collapse of that lateral within the VDOT right-of-way, the county would come in, step in, hire a contractor, and fix that lateral.

[00:35:39] If we were to implement this as limited by state law, a \$250,000 general funds need-based pilot could help at a minimum five customers, depending upon the cost of each one, with very limited, less than one FTE staff support. If we were to implement that across the county, so not a need-based pilot, we were estimating \$90 million over 10 years. Alternatives. So as we said, as I said earlier, Public Works feels the education is a no regrets to move forward, to really let

[00:36:16] homeowners know not only their responsibilities, but potential options to help them with some of these costs. Given the large number, \$125,000 of private laterals from the VDOT right-of-way, we think a need-based pilot is using general funds, is a potential approach that could work.

[00:36:34] And there's two potential options, one being partial reimbursement or structural repairs. And finally, when we're thinking about all of this, both require consideration of legal limitations. I feel like I've said that five times, but just want to reiterate. So the recommendation sought today. Does Public Works continue with the program as is, Adding on the no regrets education component, do we pursue state code legislative needs in order to do partial reimbursement?

[00:37:03] Do we pursue state code legislative needs to allow for structural repairs? The table at the bottom, once again, kind of brings it all together of if a \$250,000 general fund, this is the minimum amount of folks that we, customers, residents that we think that we could help if we had 500,000 general fund, those numbers, and then if we implemented it countywide, what that implementation cost.

[00:37:29] with that and open it up to questions i do have one final thing unfortunately we one of our team members couldn't be here today katie seger the assistant division director of engineering for wastewater planning who did a lot of this analysis had her baby on august 17th so she has a different role right now but i just wanted to thank her for all her hard work that went into this this was months of work so with that opening up to questions thank you bill um when i got brief with staff. I was just, I really thank them for all the work, all the research. A lot of time went into this. If you look at the document we have with this, you can see how many staff hours

[00:38:09] it took and everything they put together. So I greatly appreciate that. I'll wait to see what other questions there are for one question, but I want to say that I think we need to move forward letting people understand this and know about it. I am not supportive of moving forward with a pilot.

[00:38:28] I think we have a community that is at the time that they've reached their limits, right? We can't add another program. We're going to be looking at perhaps cuts through going forward in the budget. So I appreciate all the work and time. I really think it's important.

[00:38:44] You know, we sit here and we talk and we say, do we have the insurance, right? We need to understand that because I think most people don't even know what the lateral is. So with that, I'm going to

turn to the chairman. Thank you. Well, first, this has been mildly entertaining. I appreciate the severity of the issue, but there's really no option here for us other than what I think Chairman Smith just said, which is the education piece.

[00:39:09] I would ask that, you know, I think I know this from talking to other homeowners as well, that they get various solicitations for this insurance. I think it, you know, maybe intentionally within the insurance industry, it's hard for people to understand what's covered and what's not covered.

[00:39:28] And without giving people legal advice, I think we should go as far as to tell people what to look for in their own policy or who are reputable providers and partners with the county that provide the insurance for these programs that we know about.

[00:39:45] I know we're always careful about supporting a private entity, but in this case, I know that, for example, local utilities provide this extra insurance. We can certainly say that that's a valid place to get insurance, but go from education to another step, which is maybe even offering some guidance without tipping into providing people legal or personal investment advice.

[00:40:11] The second thing I would ask is, is there any way for a potential homeowner to know they might have a potential problem? So we know what the ages are here. I don't know what the characteristics of a potential failure down the road are. I don't know what a typical life expectancy is of one of these units if they're used properly.

[00:40:32] I know we'll educate people on how to properly use it and try to prevent this from happening, but I have no concept of what the real-life expectancy is if we know that. Probably not because we don't own these, but I think it's a valid question. And then also, is there any way we can tell people what are signs of potential failure or things that people should be concerned about?

[00:40:56] So the useful life of the infrastructure is always a challenging one. It really depends upon a lot of factors, the material that it's made of, the soil conditions it's in. So 75 years was kind of a baseline. A lot of infrastructure can last longer than that. So that's kind of what we're using there.

[00:41:13] With respect to, you know, do you have a problem? I mean, those kind of questions, and we can make that as part of the education, to reach out to wastewater planning. We have the tools to kind of look up where the age of the infrastructure was. We know when customers connected into our system.

[00:41:29] So we don't know the exact records of that sanitary sewer lateral, but we can piece a lot of information together and give a best estimate of that, and we can do that as part of that to help homeowners. I think that would be helpful. And then related to that, and I think I know the answer to this, but I'll ask the question anyway, knowing that permits are necessary to do this work, do we see patterns in certain areas of the county?

[00:41:52] Other than the years, are we seeing any patterns of concerns in certain areas where these particular repairs maybe are having to take place at a much more rapid rate than we're seeing in other parts of the county? Colin Warden.

[00:42:09] So we in our office do approve permits for connection. We don't typically see them for repair. So we really don't have information on that, but we can work maybe with LDS and having those permits routed to us. I think it would be nice for us to just know, are we seeing any pattern?

[00:42:26] I mean, I don't know sitting here if we have certain subdivisions that have a higher rate of failure. Well, yeah, I mean, exactly. What the technology was at the time the initial installations of those happened, I mean, we should be able to draw some conclusions without giving somebody personal advice, but if you live in a particular area that was built in this time frame with this technology, you might want to be on higher alert.

[00:42:50] Again, the county attorney is sitting over here breathing heavily, and I'm not trying to get us into a position of providing specific advice to people, but I do think we can use the intel that we have and just put it out there as a statement of fact just to give people as much information as possible.

[00:43:06] Thank you. Thank you very much. I appreciate the chance to weigh in here. I just wanted to share one question and then share an anecdote. But I 100% agree with the education campaign, and I think it is very, very important because, and again, I'm not necessarily saying promote any private particular insurance or company providing a service, But just the knowledge that this is an issue that homeowners should look, that there are possibilities of insurance and things out there that they should look at, I think is vital.

[00:43:44] And I will tell you, because this happened to me as a young homeowner 22 years ago, bought a house and the pipes failed. And we had just refinanced to help pay for my son's autism therapy because I wasn't incurred by insurance. And \$30,000 of that went to repair the sewer pipes.

[00:44:02] And we had no idea that there was insurance and things available for that. So, you know, just sharing that personal answer that this is a very real issue. And I think education would go a long way to helping our homeowners know what to buy. You know, but on the side note, one thing I haven't seen in the presentation, I don't know if you looked at, is which of those areas, neighborhoods, houses may have a higher prevalence of Orangeburg pipes that were put in a lot of homes from 1949 to 1975.

[00:44:32] and have a much higher prevalence of failing like 30 to 40 years down the road. And that may be one reason my Braddock district is the highest number because a lot of the homes here were built in that time range. So as we're looking at, trying to pinpoint to Chairman McKay's very good point about, you know, are there areas that are at higher risk or we're seeing, you know, more permits requests?

[00:44:54] Have we looked at the areas that have homes that might have a higher prevalence of orange broke pipes and therefore a higher risk of failing? So, Bill Barrett, specifically for this analysis, we did not look at that. One of the challenges would be we know when sewer customers connect into our system, but once again, because we don't own and operate these private laterals, we don't know the material associated with them.

[00:45:20] So we could narrow it down to a certain time, the homes in this area are similar to times when Orangeburg was installed, but we couldn't say with any certainty, was that Orangeburg or another ductile iron or another material that was used. It may just be another thing in your education campaign saying, as an FYI, if you bought your home between this time, you may have these types of pipes, right?

[00:45:42] Like just information is, knowledge is power. That's all I'm trying to say on that piece of it. So that's all I wanted to bring up is another factor to look at. Thank you. I have Supervisor Lusk, then Harrity, then Stork. Thank you very much, Madam Vice Chairman. Let me start by saying thank you to the staff for conducting this analysis and review.

[00:46:02] And I'll say you answered all the questions that were asked in the board matter as the author of the board matter. So I'm pleased with that. I'll also say I've learned something in this process. So that was the intent, really to get information, really understand the scope of the problem, so to speak, as it relates to how many of these laterals we have.

[00:46:24] And having over 125,000 is a pretty significant number. The issue that you raise with the aging of the system, so looking at over the next 20 years, having 50% of them that are over 75 years or more, that identifies that there is a pending issue looming for a number of these laterals.

[00:46:49] And I do appreciate the suggestion on what we could do. And I'm going to say I'm with my colleagues. I didn't author this board matter to say that we should do something. I authored the board matter to understand what the issue was and if there was a possibility.

[00:47:06] But when you look at the costs that are associated with any of the actions that we're suggesting here, they are exorbitant. And taking over total ownership of the laterals at \$1.5 billion is not a small amount of money either.

[00:47:25] So I did pause when I got to that slide of the presentation. But again, really appreciate the focus on the education. I think that's really where we need to go. And I'll say, William, we just had a conversation with a resident in Franconia over their lateral line.

[00:47:51] And I think that was not an easy conversation. and we know how people get exercised, and there's a lot of angst around understanding what their responsibility is, and it would probably be better if we were able to educate them before they had this problem. So I think, to me, this is the benefit of undertaking this educational campaign, is we're going to help educate people before they are in kind of a crisis, so they won't be totally surprised. And the costs for these repairs are shocking. And to hear even what our

[00:48:25] colleagues said as a young parent having to pay \$30,000 for her letter line, that's a significant amount of money a number of years back. So I'll just conclude by saying recognize the work that was done, appreciate what you've helped us learn about our letter lines and the cost associated with it, and we'll just say I look forward to the education campaign and supporting it and thinking through how we might do some specific outreach to certain homeowners associations

[00:49:04] and just trying to think about this issue. And I appreciate the chairman's point about if there's insurance or there's certain areas that have a more pronounced problem, if we can do, you know, work in the associations and in those group settings to help talk about this problem as well.

[00:49:27] And with that, I'll conclude. Thank you very much. Thank you. Thank you. Supervisor Herity, Stork, and then Poucha. Yeah, I'll echo the great work. It's surprising for people to know, and usually they find out when it's too late. Fortunately, I wasn't one of those.

[00:49:45] I think it's refreshing to hear that we realize we can't put anything more on the backs of our taxpayers. so i think that i i echo that um two questions one and i don't know if you know the answer to this is there a way for residents to tell if they have the burnt orange pipe and and that might be something useful to i mean short of having a plumber come in and is that that's that's really the the shortfire way would do a cctv of closed caption camera of that sewer lateral which isn't a bad thing to do anyway to figure out if you've got tree roots growing through it and that sort

[00:50:25] of thing that you can do preventative without having to replace the whole thing too. So there may be a piece along those lines that we can do. Did you have something, Jen? Jen Miller, Deputy County Executive. Yeah, I think a lot of people don't realize that's not part of the homeowner's inspection. When you buy a house, you have to add it on for a few hundred dollars. And for anyone who's had a personal experience or a friend who has, I think we all purchased that, but it is an add-on. You have to have a special request. But I was just typing a note to Ellie. I think what we'll do is um send a blurb to everyone because i know you all send out community letters once we

[00:51:01] get the website with the information maybe just as a info sharing that you can include in your community messaging to help at least educate folks as a starting point so my my second question or thought not not a question direction but just a thought i i had the issue with the water pipe i did buy the insurance through one of the utilities i forget which one which was very nice still had a basement to fix but um we might want to consider and i had the blue pipe which is the equivalent of the burnt orange in the water side of things um we might want to consider reaching out to fairfax

[00:51:38] water maybe if we're going to do something cover cover all of them they i know they've done a lot of communications and that maybe they can include our communications with theirs or vice versa So it's really the same kind of issue, just one's going in, one's going out.

[00:51:58] So just a thought we might want to partner. If it makes sense, sometimes you can reduce costs of communication when you partner. Supervisor Stork, then Peltzik. Thank you, Madam Chair.

[00:52:14] And my particular neighborhood has the Orangeburg Pipe, and every single house there over time has replaced it, and we knew that when we moved in the neighborhood. So there is some neighborhood education that goes on, But I think whatever we can do to reinforce and support that, I think, is in all of our interests. And then I do want to encourage us as part of that education that we do provide tools to assess.

[00:52:37] If you want to look at an insurance option, that I think we should offer some tools to be able to do that. As somebody who spent many years in the insurance industry, no, they're not in property casually. I do know that the loss ratios for these kinds of insurances are very low.

[00:52:54] They're very lucrative for insurance companies. I mean, I'm talking about less than 50% loss ratio. If you spend a dollar only overall, their customers, maybe they spend 50 cents, and that means they have 50 cents for everything else. So I think there are rating agencies. I think there are other ways that we could help people understand that without having the county assume any liability for that.

[00:53:16] So I would strongly encourage that. I mean, that's one of the reasons why I don't usually do it myself is I know that it's like a deductible, right? you're taking a little bit of a risk, but you also know that if you do it the right way, you will ultimately be able to save money by, if you will, self, by having a sinking fund, as we heard earlier in the budget. But I think we need to provide some information about that.

[00:53:40] And I've always, and not just for this issue, but I think in general, I think our county could do a much better job of educating folks about contractors and opportunities i i particularly and i've brought up in this uh form and with this group before about doing that for contractors and particular contracts who may be more environmentally focused that there are rating systems out there that we could again share without you know saying that they're we endorse them one way or the other, but giving any kind of homeowner information about contractors

[00:54:19] who are consistently this way or that way, just the facts, I think gives our homeowners a lot more information and, frankly, ultimately leverage to pick the right one. So I don't think it's just about this issue. I think we as a county could figure out a system to do more stars if you meet certain categories, which could be determined by the industry themselves.

[00:54:42] We don't have to make those decisions. So thank you. And it's a great report. I appreciate the work you've done. You know, this is my favorite kind of work session to run because we're getting back a little more than a half an hour, and I know how much work everybody has to do.

[00:54:58] So I want to really thank you all for all the work that went into this and for my colleagues for their very succinct and wonderful questions. And the Land Use Policy Committee is adjourned.



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