



## September 2010

### “A Month in Review”

- **A Confusing Question on this Year’s Ballot** – The “Plain English” version of this year’s transportation bond referendum is anything but plain English. Get the plain facts.
- **Vehicle Registration Fee** – Now appearing on your bills. I voted against bringing back this fee and I spoke out against its return throughout the entire budget process. Perhaps more importantly I offered areas where we could cut spending instead of imposing this fee.
- **News on the Extended Use of the I-66 Shoulder Lanes** - As *Herry Report* readers are aware I have been pushing hard for extended use of the shoulder lanes on I-66 when it is congested. This commonsense solution for one of our most congested corridors essentially adds two lanes to the corridor and is a bargain at \$8M. Progress, albeit slower than I would like, is being made.
- **Protecting our Boarding and Riding Stables** - I was successful in my efforts to protect some of the County’s many boarding and riding stables from having to incur expenses that likely would put them out of business.
- **Plans to Amend Tree Ordinance** - I have repeatedly argued we need to ask fundamental questions about our regulatory program, especially when we are considering additional requirements on our homeowners and businesses. County staff is proposing some amendments that will lessen the impact on homeowners and businesses while still protecting our tree canopy.
- **Board Considers Policy Change Regarding Funding of Sewer Extension and Improvement (E & I) Projects** – I successfully argued for a delay in the implementation of the Board’s new policy on sewer extensions. The impact could be significant on some

homeowners (especially those with septic) and I believe we should get public input. Please let me know your thoughts.

- **Groundbreaking and Information Meeting on Fair Lakes and Fairfax County Parkway Construction** – We broke ground today. This is a project I have been working on since taking office in 2008 and by working with VDOT to resolve dam-related issues and Dominion Virginia Power to relocate power lines, we were able to shave a year or more of construction time off of the project. An information meeting will be held on October 27<sup>th</sup>.
- **New Online News Site Covering Burke - Burke Patch** - Recently I sat down with a new online community oriented website called the Burke Patch and talked with them about a number of issues.
- **Operation Medicine Cabinet Cleanout** – Help our community by monitoring and properly disposing of your unused or expired medications. Doing this prevents accidental poisoning or abuse by others, and protects the environment. Disposal is free, convenient, and confidential and can be done at multiple locations throughout the County.

### **A Confusing Question on this Year's Ballot**

Read the “plain English” ballot question below and see if you can figure out what Fairfax County voters are being asked to vote on this November:

#### **TRANSPORTATION BONDS**

**Shall the Board of Supervisors contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in addition to the bonds previously authorized for transportation improvements and facilities, in the maximum aggregate principal amount of \$120,000,000 for the purpose of providing funds to finance the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to Fairfax County, Virginia pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact?**

Did you guess that voters are being asked whether the County government should be authorized to contract a debt and issue bonds in the maximum amount of \$120,000,000 to finance Fairfax County's portion of the Washington Metropolitan Area Transit Authority's (Metro's) Capital Improvement Program (CIP) – also known as Metro Matters? Probably not.

The Board of Supervisors was asked to approve this “plain English” ballot question at our September 14<sup>th</sup> meeting and I chose to speak against it and not to support it because it is anything but “plain English”. I believe that when the average voter reads this question in the voting booth they will assume that a substantial portion of the \$120 million is going to “constructing, reconstructing and improving primary and secondary State highways” since those are the first

uses listed in the question. The reality is that all of this money is going to Metro which is the last possible use listed in the question.

I think taking questions like this straight to the voters in a referendum is a healthy part of the democratic process. But in doing so we need to be completely clear with what we are asking the voters to approve. This question does not do that and so I did not support it. Unfortunately I was not able to get the language changed due to time constraints before the November 2<sup>nd</sup> election but I assure you that I will fight to make sure that all future ballot questions actually appear on the ballot in easy to understand “plain English”. For more information on the ballot question please see the Ballot Explanation (which does not appear on the ballot) at [http://www.fairfaxcounty.gov/opa/bond/2010\\_english\\_statement.pdf](http://www.fairfaxcounty.gov/opa/bond/2010_english_statement.pdf)

### **Vehicle Registration Fee**

We have received quite a few calls and emails asking about the new \$33 per car “Vehicle Registration Fee” that appears on this year’s car tax bills. Just a reminder: **I voted against bringing back this fee and I spoke out against its return throughout the entire budget process.** Perhaps more importantly I offered areas where we could cut spending instead of imposing this fee.

Unfortunately a majority of Board Members (Supervisors Frey and Cook voted with me against the fee as well) felt the county needed more revenue and voted to put this fee in the FY 2011 budget, even though there were still areas remaining where we could have cut spending. To read my full thoughts on the FY 2011 budget (which was passed in April) please click here: [http://www.fairfaxcounty.gov/springfield/pdf\\_files/herrity\\_report/budget\\_markup\\_2010.pdf](http://www.fairfaxcounty.gov/springfield/pdf_files/herrity_report/budget_markup_2010.pdf)

### **News on the Extended Use of the I-66 Shoulder Lanes**

As *Herrity Report* readers are aware I have been pushing hard for short and long term improvements to I-66. Some of these have been completed (extended HOV hours), some have been approved and are being implemented now (Monument and Stringfellow slip ramp use outside of HOV hours), and some are in process (the EIS for a long term I-66 solution). One that I have been moving forward with VDOT and Board of Supervisors support is the use of the shoulder lanes on I-66 whenever there is reduced speed due to congestion. At the Board of Supervisors meeting of September 14<sup>th</sup>, I had this project added to our list of our projects for which we are seeking federal and state funds.

VDOT has supported this project since 2008 and has been moving it forward but has not had the budget to implement it. The bare bones version of the project is expected to cost approximately \$8M. Essentially adding two lanes in this congested corridor is a bargain at \$8M and a commonsense solution for one of our most congested corridors. VDOT has also applied for a

TIGER Grant called the I-66 Active Traffic Management Project. Both Chairman Bulova and I have sent letters in support of this grant request.

I have also been working closely with the Secretary of Transportation on this project. The Board also added this project to its list of projects to be funded with the \$1.5B in unspent transportation funding uncovered during Governor McDonnell and Secretary Connaughton's audit of VDOT. I hope this project will be funded soon so we can provide some short term relief to the corridor until we can provide a long term fix.

Once completed this project will allow expanded use of the shoulder lanes during periods of congestion. Currently they are only used during fixed periods of time – rush hours. As anyone who drives on I-66 knows, it is continually congested outside of rush hours. This project will safely allow the shoulders to be used to reduce congestion. In essence the project will provide another two lanes (one in each direction) during periods of congestion and will provide these lanes very economically. It is a commonsense approach to reducing congestion in this corridor.

### **Protecting our Boarding and Riding Stables**

At our September 28 meeting, the Board of Supervisors unanimously passed an amendment to our Zoning Ordinance changing the setback requirements for horse boarding and riding stables. I requested the Zoning Ordinance amendment to help several riding and boarding stables in the Springfield District that likely would have been forced to close under the old ordinance. In making the amendment, we acknowledged their considerable contribution to the social and economic health of our County and the need to provide zoning flexibility to ensure Fairfax County remains a home to these farms. Many of these stables are in the Springfield District, in our down-zoned area, and have been operating for many years. Preserving these facilities is part and parcel of our long-standing policy to maintain the County as a mix of urban, suburban and rural settings.

Unfortunately in the face of growing urbanization and restrictive regulations, the number of stables is shrinking. Changing our setback requirements helps us maintain and preserve existing operations. The new requirements will not set the stage for unmitigated development nor will it alter the essential character of the locality. All Special Permits will continue to get a comprehensive review by the County's Department of Planning and Zoning and any concerns voiced by neighbors or the community can be addressed in the process and development conditions could be imposed.

Several people testified and submitted comments in support of the amendment representing individual stables, the Clifton Horse Society, and also Fairfax4Horses. They spoke about the loss of stables and the need for flexibility in the permitting process to ensure the preservation and growth of the equestrian community in Fairfax County. I am proud of this success and hope that we will continue to work with and assist these small businesses and those that they serve.

The adopted Zoning Ordinance amendment text is available here:

<http://www.fairfaxcounty.gov/dpz/zoningordinance/adopted/> . Click on the link for **ZO-10-425 - Riding and Boarding Stables Setbacks**. If you would like further information or have any questions about this issue, please contact my legislative aide, Marlae Schnare, at 703-451-8873.

### **Fairfax County Plans to Amend Tree Ordinance**

In October of 2008, the Board of Supervisors adopted the “Tree Conservation Ordinance.” This Ordinance added 43 pages to the Code. It established canopy, preservation and planting requirements, preservation and planting fund, a monitoring and inspections program and an appeals process for violations of these various regulations.

As *Herrity Report* readers know, I have argued we need to ask fundamental questions about our regulatory program, especially when we are considering additional requirements on our homeowners and businesses, like the Tree Conservation Ordinance. We need to do a better job of analyzing whether the regulations produce a benefit equal to the cost to the County, the cost to our homeowners and businesses. We have added many new regulations and requirements over the years which have cost everyone more time and money. This comes at a time when we are seeking to expand our commercial base and encourage economic development. We should not be creating additional burdens upon those very businesses that can help us achieve our goals.

I am happy to report that County staff has listened and is assessing how the Tree Conservation Ordinance is being implemented, the costs to homeowners and businesses, and the County resources needed for compliance. As a result they have prepared several amendments that are expected to lessen the cost and time needed to prepare tree inventories for proposed site and grading plans. A public hearing is scheduled for these proposed amendments on November 16<sup>th</sup> at 4:00 PM. These amendments will make it easier for homeowners and businesses to qualify for modifications to our stringent 10-year tree canopy requirements while still preserving our tree canopy and environment.

The number and complexity of regulations this County has produced has grown at an alarming rate. I will continue to push for more efforts like these to bring commonsense financial and regulatory relief to our homeowners and businesses without sacrificing needed health, safety and environmental protections.

### **Board Considers Policy Change Regarding Funding of Sewer Extension and Improvement (E & I) Projects**

The Board of Supervisors is considering a policy change regarding the funding of sewer extensions to residential properties with irreparable septic systems. Under the current policy, the total cost of these sewer extensions is paid by all of the rate payers of the sewer system through the County’s Sewer Fund. The proposed change to the policy will result in partial

recovery of the cost of extending public sewers from the property owners requesting and ultimately benefiting from these E & I projects through the creation of Sanitary Districts.

The inability of the Sewer Fund to continue funding the E & I projects was brought to the Board's attention as part of the Line of Business exercise in 2008. This issue was further discussed by the Board several times in 2009. Under the current Policy, after receiving a petition from residential property owners with irreparable septic system failures in an Approved Sewer Service Area, County staff initiates the process of extending public sewer to the area. The total cost of a project's management, design, and construction of these E & I projects is covered by the County's Sewer Fund which is supported by the rate payers of the sewer system, not by tax dollars. The average cost of E & I projects per property has been approximately \$46,000 for the last several years, but has been as high as \$105,000 due to design and construction challenges associated with some projects. Once the sanitary sewers are extended to an area, the property owners are responsible for the cost of connecting their property's plumbing systems to the sewer lateral stub at their property lien and paying the County's Availability, Connection and Lateral Spur (ACLS) charges, which are currently at a maximum of \$8,950. However, there is no requirement that all properties benefitting from the E & I project must connect to the extended sewer.

The change to this policy — that the construction cost of E & I projects be reimbursed by the property owners who will benefit from such projects — will minimize the financial burden on our existing rate payers and maintain equity among the existing and future customers. Staff is recommending that these construction costs be amortized over a 20-year period at no interest for each property owner in the newly created sanitary district. At an average cost of connection of \$46,000, the cost to the property owner will be about \$1,852.50 for 20 years.

At the September 14 Board Meeting I requested that a public hearing be held, although not required by law, so that we can hear from our current rate payers and from those who have existing septic systems. My fellow Board members did not agree that a public hearing was necessary, but asked for staff to consider holding several public information meetings on this subject. Additional questions were raised at the October Environmental Committee meeting and staff will be responding to those questions at the January Committee meeting.

The proposed changes raise a whole host of questions and is an area where I would really like public input. I will be holding a public information meeting in the future. Some of the questions that it raises are:

- Should all rate payers be paying for some, all or none of these expansions?
- Should those with properly functioning septic systems be required to pay for the expansion even if they are not connecting?
- Will those with failing septic systems (especially the first in an area) be able to get enough people to agree to pay the increased fees (\$1,800 per year for 20 years) in order to get an expansion?

Please keep an eye out for the notice on this public information meeting or send me your questions or comments. Please also forward to those you know with septic systems.

**Groundbreaking and Information Meeting on Fair Lakes and Fairfax County Parkway Construction**

Today I participated in the groundbreaking ceremony for the interchange project planned for the Fairfax County Parkway at Fair Lakes Parkway/Monument Drive. I am pleased that construction is finally underway on this project. After taking office in 2008, this was one of the first project with which I became involved in as an elected leader. By working with VDOT to resolve dam-related issues and Dominion Virginia Power to relocate power lines, we were able to shave a year or more of construction time off of the project. The \$69.5 million project widens Fairfax County Parkway from four to six lanes for three miles, from I-66 to Rugby Road. Signals will be eliminated and entrance and exit ramps will be constructed to and from the Fairfax County Parkway, Fair Lakes Parkway and Monument Drive. Shared-use paths and sidewalks will enhance pedestrian access at the interchange and to the Rocky Run Stream Valley Park trail system. Improved traffic flow on all three of these roads will save daily commuters time on their trips to work, school and shopping.

If you would like to learn more about the project please join me at the Construction Information meeting. Details are below:

**WEDNESDAY, October 27**

**6-9 p.m.**

**Fairfax County Government Center**

**Board Auditorium**

**12000 Government Center Parkway**

**Fairfax, VA 22035**

Representatives from the Virginia Department of Transportation will discuss:

- Information on the Fair Lakes Circle Detour
- Near-term construction activities
- What to expect and when
- How VDOT will minimize delays during construction
- How to stay informed during construction

The meeting includes a question and answer period.

The official meeting notice is available online here:

[http://www.virginiadot.org/projects/resources/NorthernVirginia/FLAKES\\_Pardon\\_Our\\_Dust\\_Flier.pdf](http://www.virginiadot.org/projects/resources/NorthernVirginia/FLAKES_Pardon_Our_Dust_Flier.pdf)

For more information on this project, visit VDOT's website at [http://www.virginia-dot.org/projects/northernvirginia/fairfax\\_county\\_parkway-fair\\_lakes.asp](http://www.virginia-dot.org/projects/northernvirginia/fairfax_county_parkway-fair_lakes.asp) or call at 703-383-2690.

### **New Online News Site Covering Burke - Burke Patch**

Subscribers of the Herrity Report will know that I am a big fan of communication and information, and like to keep in touch with all of you at least once a month to let you know what is going on in the Springfield District. Email and the internet has played a large role in advancing communication over the last two decades, and there are a wealth of resources online that we can tap in to at any given time to check the weather, connect with old friends or read up on the news.

Recently I sat down with a new online community oriented website called the Burke Patch and talked with them about a number of issues. I encourage you to check out the Burke Patch as it has a lot of great news stories as well as event listings, restaurant reviews, and more.

To read my interview with the Burke Patch please follow this link -

<http://burke.patch.com/articles/there-is-a-place-for-common-sense-conservative-elected-officials-in-fairfax-county>

### **2010 Operation Medicine Cabinet Cleanout – last day is October 23, 2010**

Help our community by monitoring and properly disposing of your unused or expired medications. Doing this prevents accidental poisoning or abuse by others, and protects the environment. Disposal is free, convenient and confidential.

Until October 23, 2010, drop off unused medications (only medications in liquid or pill form may be dropped off – no needles or pressurized canisters will be accepted) at eight local police stations anytime:

#### **Fair Oaks District Station**

12300 Lee Jackson Memorial Highway  
Fairfax, VA 22033

#### **Franconia District Station**

6121 Franconia Road  
Alexandria, VA 22310

#### **Mason District Station**

6507 Columbia Pike  
Annandale, VA 22003

#### **McLean District Station**

1437 Balls Hill Road  
McLean, VA 22101



Mount Vernon District Station  
2511 Parkers Lane  
Alexandria, VA 22306

Reston District Station  
12000 Bowman Towne Drive  
Reston, VA 20190

Sully District Station  
4900 Stonecroft Boulevard  
Chantilly, VA 20151

West Springfield District Station  
6140 Rolling Road  
Springfield, VA 22152

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The ***Herrity Report*** is a monthly publication from the Office of Supervisor Pat Herrity to keep citizens informed on the issues facing Fairfax County. Communication is important to Supervisor Herrity and he encourages your feedback on the items in the ***Report*** or other issues that concern you. Past issues of the ***Herrity Report*** can be found at <http://www.fairfaxcounty.gov/springfield/herrity-report-newsletter.htm>. To sign up for the Herrity Report please go to <http://www.fairfaxcounty.gov/springfield>. If you no longer wish to receive the ***Herrity Report***, please send an e-mail to [springfield@fairfaxcounty.gov](mailto:springfield@fairfaxcounty.gov) with "Unsubscribe" in the subject line or call us at 703-451-8873.