

September 30, 2021

Fairfax County Delegation to the 2022 Virginia General Assembly
Fairfax County Board of Supervisors

Dear Fairfax Delegation Member and Board Supervisor,

Greetings! The Fairfax County Federation of Citizens Associations forwards to you its 2022 package of Legislative Issues for your consideration and action. We are available to discuss them with you as well as assist you on any of these matters.

Each Issue in the package pertains to a Commonwealth-wide or County-specific issue and is well researched by a Federation Committee. Please note that the second box of each Issue directs that Issue either to the Fairfax Delegation to the General Assembly, to the Fairfax Board of Supervisors, or to both.

All issues are approved by the Federation Board and by the Federation Members who speak for their community associations and households throughout Fairfax County.

We appreciate you representing our Fairfax communities. We know you understand our concerns about these issues and will give them your qualified attention while communicating their status back to the Federation.

Queries regarding a specific Issue may be emailed to the respective preparer listed on the bottom of each Issue page or to the Legislative Committee at Legislation@FairfaxFederation.org.

Respectively submitted,



William S. Barfield
Legislative Committee Co-Chair
Past President



Sridhar Ganesan
President

Enclosures:

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2022 Legislative Issues

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Issue ID: 22C01 – Stormwater
This Issue is for: <input checked="" type="checkbox"/> Fairfax County Delegation to the General Assembly <input checked="" type="checkbox"/> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Funding for the Stormwater Local Assistance Fund (SLAF) should be increased by \$80 million. Fairfax County should require that infill developments install stormwater improvements to ensure that this new stormwater retention be sufficient to meet expected stormwater retention requirements due to climate change.
Background: Suburban growth of urban and suburban areas is the main reason many of our urban streams are impaired. By-right infill construction is particularly a problem since the County has the least ability to control this development. The SLAF has been used by local governments to fund \$95 million in grants for 216 projects across Virginia (VCN 2022, pg. 5). Demand for this program is only growing and will be important source of funding for stormwater retention projects. In Fairfax County, stormwater runoff from infill developments are particularly problematic since these developments usually lead to significant increases in impervious surfaces.
Existing Conditions/Impacts: Over 45% of Fairfax County’s streams have Poor or Very Poor water quality (https://www.fairfaxcounty.gov/publicworks/stormwater/stream-quality-assessment-program). This is a considerable improvement from the 70% of streams that were rated Poor or Very Poor in 2004, but show that there is still a lot of work to be done. As the County is mostly fully developed, it is clear that further progress will not be possible without addressing the infill development issues. The SLAF can be used to fund stormwater retention projects on infill developments.
Preferred Position: The Legislature to appropriate more funds to the Stormwater Local Assistance Fund. Fairfax County to develop ordinances that charge a stormwater management fee and/or to require developers utilize the SLAF to ensure that infill developments at least maintain the stormwater retention prior to development.
Benefits: With climate change storm intensities are likely to continue to increase adding to the erosion and the deterioration of our streams. At the same time the County is nearly entirely developed and most of the new development is infill development which are difficult for the County to require controls on. By requiring new developers to apply for SLAF funding for infill developments to ensure that stormwater runoff will not be impaired by the new development will minimize the impacts of increased storm intensities.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): The League of Conservation Voters has proposed the increased funding for the SLAF and the MVCCA has been studying the issue of increased runoff from infill development.
Lead Federation Committee: Environment
Prepared by & Federation email: Flint Webb, Environment@FairfaxFederation.org



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Issue ID: 22C02 - Lawn-care Company Regulatory Authority
This Issue is for: <input checked="" type="checkbox"/> Fairfax County Delegation to the General Assembly <input checked="" type="checkbox"/> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: The County needs to be able to regulate the use of (1) leaf blowers and similar loud equipment, and (2) the application of fertilizers, pesticides, and herbicides by landscape and lawn-care firms.
Background: Leaf-blowers are: 1. Loud: From fifty feet away, the noise from leaf-blowers is typically over 65 decibels. 2. Polluting: Gasoline engines emit carbon dioxide, fine particulates, carbon monoxide, ozone-pollution-causing volatile organic compounds and hazardous air pollutants, including 1-3 butadiene, benzene, acetaldehyde, and formaldehyde. 3. Unsafe for workers: Pollution emissions from gas-powered equipment will lead to various health impacts to the workers including cancer and all loud equipment pose a risk of deafness. 4. Destroys the habitat of butterflies, bees, moths and similar creatures that lay their eggs or make their homes in leaf-litter. Other lawn care equipment such as lawn mowers have similar loud-volume issues. Additionally, landscape and lawn-care firms are typically responsible for the (over-) application of fertilizers, pesticides, and herbicides which cause additional environmental harm.
Existing Conditions/Impacts: The County does not have the legislative authority to regulate landscaping and lawn-care firms. The County does have noise ordinances designed to limit the use of noisy equipment such as leaf-blowers, but only limit the time of day usage and don't address the combined impact from large commercial firms.
Preferred Position: The Legislature should give Counties the authority to license landscaping and lawn-care firms so they can locally enforce noise ordinances and regulate the application of fertilizers, pesticides and herbicides by these firms. The Fairfax County Board of Supervisors should regulate these industries once they have been given authority to do so by the Legislature.
Benefits: Regulating landscaping and lawn-care firms will: <ul style="list-style-type: none"> • Reduce the noise from leaf-blowers and other landscaping equipment, • Reduce the pollution from leaf-blowers and other landscaping equipment, • Reduce the run-off of fertilizers, pesticides and herbicides that pollute our streams
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Quiet and Clean NOVA, Virginia League of Conservation Voters.
Lead Federation Committee: Environment
Prepared by & Federation email: Flint Webb, Environment@FairfaxFederation.org .



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Issue ID: 22C03 – Renewable Distributed Energy
This Issue is for: <u> X </u> Fairfax County Delegation to the General Assembly <u> </u> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Virginia needs a comprehensive policy on distributed energy.
Background: Virginia faces an immense challenge to transition to clean energy while ensuring electricity reliability. To do this Virginia will need to deploy renewable energy in all its forms.
Existing Conditions/Impacts: The traditional power generation model involves long-distance transmission and shorter distance distribution of electricity. With distributed generation of roof-top solar and distributing long-term battery storage projects we can transform the distribution model to a micro-grid model where local generation can be used to maintain service even if there is a major transmission interruption.
Preferred Position: <ul style="list-style-type: none"> • Expand the Dominion Energy shared solar program to all customers. • Prohibit utilities from charging unreasonably high minimum bills for shared solar customers. • Support solar-plus-storage for buildings that can serve as resiliency hubs for communities. • Increase the renewable portfolio distributed energy set-aside from 1% to 10%, and allocate new funds for clean energy projects in low income neighborhoods and for state grants for clean energy projects at schools. • Create a 25% investment tax credit for state customer-owned renewable power generation. • Prohibit standby or demand charges that apply only to distributed generation customers.
Benefits: A healthier and more reliable electricity grid.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Virginia League of Conservation Voters, Appalachian Voices, Lynnhaven River NOW, Southern Environmental Law Center
Lead Federation Committee: Environment
Prepared by & Federation email: Flint Webb, Environment@FairfaxFederation.org



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Issue ID: 22E01 - Fighting the Effects of Poverty on Education
This Issue is for: <input checked="" type="checkbox"/> Fairfax County Delegation to the General Assembly <input type="checkbox"/> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Providing educational funding from the Commonwealth to help defray the higher costs associated with educating students who live at or near the poverty level, traditionally identified as those who receive Free and Reduced-Price Meals (FRM).
Background: Students who live at or near the poverty line are among those who are most at risk of educational failure. Low-income students often require additional instruction and remediation, and their lack of at-home resources and support place them at a well-documented disadvantage when they enter the classroom. Data show that these disadvantages grow into an achievement gap which has proven difficult to narrow, let alone close. Meeting these children’s needs requires schools to spend extra time, attention, and other resources above and beyond what is needed for children with a higher socioeconomic background. (ref 21E01, 20E01, 19E02, 18E02, 17E02)
Existing Conditions/Impacts: Fairfax County Public Schools (FCPS) serve a diverse student population, in which approximately 34% of the total student population are eligible for FRM. This percentage has grown significantly since the most recent recession, while overall state funding levels for K-12 education have declined in real terms. Title I federal funds (for children in poverty) make up little of the difference between children’s needs and the funding required to meet those needs.
Preferred Position: The Federation should support legislation to create educational funding that addresses the higher needs of students who live at or near the poverty level. Per-student funding can help provide these children with the resources they need to be successful, and would help similarly situated children throughout the Commonwealth.
Benefits: Targeting educational funding for students in poverty will help address the achievement gap that has long existed among students whose demographic characteristics vary. In addition, by basing funding on a per-student basis, we direct these funds to at-risk children in all communities.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Educational organizations and county governments, particularly in areas with high poverty rates.
Lead Federation Committee: Education education@fairfaxfederation.org
Prepared by & Federation email: Nancy Trainer and Annmarie Swope, Co-chairs



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Issue ID: 22E02 - Admission to Governor’s Schools
This Issue is for: <input checked="" type="checkbox"/> Fairfax County Delegation to the General Assembly <input type="checkbox"/> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Potential changes in admission processes at Governor’s Schools to promote access for historically underserved students.
Background: During the 2021 session, the House of Delegates passed HB 2305, backed by Virginia Secretary of Education Atif Qarni. This legislation proposed providing new guidance to Governor’s Schools, focusing on “increasing access... for historically underserved students.” Due in part to community reaction following FCPS’ recent changes in the admission policy for the Thomas Jefferson High School for Science and Technology, Senators Saslaw and Petersen opposed this legislation and it was rejected in Senate committee.
Existing Conditions/Impacts: According to the Department of Education, Governor’s Schools were created to “provide some of the state’s most able students academically... challenging programs beyond those offered in their home schools.” They form an “important component” of Virginia’s mandate to “provide differentiated instructional opportunities for gifted students.” The racial and socioeconomic composition of these schools has remained unrepresentative of their surrounding communities for many years, despite efforts to ensure equitable access to gifted education.
Preferred Position: Regardless of the particular methodology, admissions processes for Governor’s Schools must maintain robust standards that evaluate students on an individual basis, identifying students based on their suitability for the high-level academic challenges and benefits offered by that particular school. While diversity can be a relevant consideration, admissions standards must primarily be designed to identify the “small population of students whose learning levels are remarkably different from their age-level peers,” which is the language describing the purpose of the Governor’s School Programs. State legislation aimed at improving the diversity of the student body at Governor’s Schools should focus on improving the identification and ongoing support of gifted children in elementary and middle schools, particularly those who live in underserved communities.
Benefits: Governor’s Schools are a valuable asset to the communities in which they sit, providing a nurturing environment not only to gifted students themselves but an investment in tomorrow’s leaders. When these schools are successful, they help retain and attract business investment as well. Local businesses and industries are designed to play an important role in Governor’s Schools, providing mentors, equipment and supplies, facilities, and expert advice.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Regional and local Economic Development Authorities, gifted organizations, county governments
Lead Federation Committee: Education, education@fairfaxfederation.org
Prepared by & Federation email: Nancy Trainer and Annmarie Swope, Co-chairs



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Issue ID: 22H01 – Community Input into Zoning
This Issue is for: <u> X </u> Fairfax County Delegation to the General Assembly <u> </u> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Over the objections of the Federation and many home owners and civic associations, Fairfax County Board voted to ratify its zMOD proposal updating county zoning ordinances. As part of this change, the County has abandoned its long established process of public notification and comment that afforded affected neighbors input and consideration in zoning board decisions to permit construction of auxiliary living units. The new zMOD regulation would replace the former decision making process by the Zoning Board with an administrative process making the construction of auxiliary living units a home owner’s right as long as county construction specifications are met. This change threatens to undermine the intent and integrity of single family zoning process and possesses a threat to single family the zoning code goals.
Background: On March 23, 2021, the Fairfax Board voted to adopt its zMOD proposals updating and modernizing its zoning codes which had not been updated for nearly 40 years. The original intent was to streamline and update, not to make major substantive changes to zoning policy through this process. However, zMOD did significantly alter single family zoning requirements by allowing the addition of auxiliary dwelling units to single family zoned homes by right if meeting construction code requirements rather than weighing such alterations after public notification and comment giving affected neighbors the opportunity for their views to be part of the decision making process. Auxiliary living units contain additional kitchen and bathrooms effectively creating duplex housing units.
Existing Conditions/Impacts: The new zMOD requirements for auxiliary dwelling affectively undermines single family zoning code by allowing the additional housing units on single family zoned property. While well intended to help provide additional affordable housing units within the County, there are no provisions that would ensure that outcome. Additionally, it fundamentally breaks the zoning requirement for single family homes and the assurances afforded existing homeowners who acquired their homes with expectations that such single family home conditions would be honored, unless exceptions were granted with community input. It is imprudent to attempt to solve one problem by creating another problem and voiding existing agreements with homeowners that can alter neighborhood settings and conditions.
Preferred Position: The State Legislature shall amend the Virginia Code to ensure that urban form of county government communities and neighbors maintain input into decisions that alter the intent of single family home zoning requirements and affect their neighborhoods when auxiliary living units are desired to be added to an individual property. Such alterations shall remain a decision to be rendered by the Fairfax County Zoning Commission.
Benefits: The proposal would maintain faith with existing homeowners who acquire homes in single family home zones and provide flexibility to make adjustments with neighborhood community consent.
Potential Supporters: Fairfax County home owners and civic associations, citizens wanting to maintain tranquil and less crowded neighborhood settings.
Lead Federation Committee: Human Services; Land Use
Prepared by & Federation email: Doug Birnie, humanservices@fairfaxfederation.org



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Issue ID: 22H04 - Mandatory Public Notice
This Issue is for: <input checked="" type="checkbox"/> Fairfax County Delegation to the General Assembly <input type="checkbox"/> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Mandatory Advance Public Notice for State Road or Building Construction in Local Jurisdictions The construction of State roads and buildings in local jurisdictions is frequently not advertised with enough advance notice, if at all, for residents to accommodate or comment.
Background: In Virginia, State organizations such as VDOT, DMV, DRPT, and Universities are not required to notify the public of their intended construction plans and impacts on local communities. In some cases, this can result in impositions on local residents, designs that do not consider local impacts (on traffic, the environment, and safety), inequitable decisions, and conflicts with local land use planning.
Existing Conditions/Impacts: In 2012, Virginia passed an amendment to the Code of Virginia that required public notice for a specific type of State impact on a local community - Universities that want to implement a safety or congestion related highway project. This was in response to the Northern Virginia Community college plans to install a traffic light on a residential road. The amendment stated, <i>“Before any safety-related or congestion management-related highway project requested by any college, university, or other institution of higher education is undertaken in the Commonwealth, the college, university, or other institution of higher education shall conduct at least one public hearing to afford owners of property in the vicinity of the project and users of highways in the vicinity of or likely to be affected by the project an opportunity to submit comments and make their views known regarding the project.</i>
Preferred Position: Recommend the State Legislature amend the Virginia Code to extend the requirement for advance (at least 90 days) public notice and comment for <i>all</i> proposed and planned construction projects on State property in local jurisdictions. Recommend that the State shall also provide at least 90 day advance notice to local elected officials of construction or maintenance plans. Recommend public comments be submitted and documented online for all public access. Recommend the response of the State to the comments be publicized and documented online.
Benefits: State-provided information about construction projects within impacted communities will help assure that residents can be aware of and provide their views on the impacts of the proposed designs on their jurisdiction and neighborhoods. Local land use planning commissions will benefit from knowing how State construction could impact local land use. Public feedback information will help the State to be more conscientious about its proposed construction plans.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Land use planning commissions, HOAs, community associations, residents, local governments.
Lead Federation Committee: Human Services; Land Use
Prepared by & Federation email: Michael Perel, HumanServices@FairfaxFederation.org



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Issue ID: 22P01 - Age Restrictions on the Purchase of Ammunition
This Issue is for: <input checked="" type="checkbox"/> Fairfax County Delegation to the General Assembly <input type="checkbox"/> Fairfax County Board of Supervisors
Date Approved by Federation: 23 September 2021
Issue: Virginia law does not address age requirements for the purchase of ammunition. Federal law requires an individual to be at least 21 years of age to purchase handgun ammunition and at least 18 years old to purchase rifle or shotgun ammunition.
Background: Prospective purchasers of firearms must present a valid photo-ID form issued by a governmental agency of the Commonwealth of Virginia that denotes the individual's name, sex, and date of birth. A related Federation Legislative Issue, 21P01 Background Checks on Firearms and Ammunition Purchased, was submitted 2 October 2020.
Existing Conditions/Impacts: Virginia's approach to firearms records checks does not infringe on an individual's Constitutional Rights (via 2 nd Amendment), that is, an individual's ability to legally purchase or possess a firearm is guaranteed while individuals who are prohibited by State or Federal law are denied legal access to firearms.
Preferred Position: Virginia law should reflect the Federal requirements that an individual be at least 21 years of age to purchase handgun ammunition and be at least 18 years old to purchase rifle or shotgun ammunition.
Benefits: Virginia law would now be consistent Federal law in requiring an individual to be at least 21 years of age to purchase handgun ammunition, and at least 18 years of age to purchase rifle or shotgun ammunition.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Gun Violence Prevention Caucus, Safe Virginia Initiative, Virginia State Police, Fairfax County Police Department, Fairfax County Public Schools, League of Women Voters, local religious organizations
Lead Federation Committee: Public Safety, Legislation
Prepared by: Patrick Smaldore, Chair, Public Safety; Tim Thompson, Co-Chair, Legislation, FedPublicSafetyChr2020@fairfaxfederation.org , FedLegislationChr2020@fairfaxfederation.org