



January 19, 2024

Re: Senate Bill 304 - Adverse Implications for Fairfax County

Sent via Email

Dear Fairfax County Delegation to the State Senate and House of Delegates,

I am writing to express concerns of the McLean Citizens Association (MCA) regarding Senate Bill 304 (see attached), which addresses Accessory Dwelling Units (ADUs). According to the online Virginia Legislative Information System, this bill has been introduced by Senator Saddam Salim, and has no co-patrons. As proposed, it would take effect on January 1, 2025.

A very substantial effort was devoted from 2017 through 2021 to preparing a new Fairfax County Zoning Ordinance under the label "Zoning Modernization Project", to replace the old Zoning Ordinance of 1978. The Zoning Ordinance was approved by the BoS on March 23, 2021.

The MCA believes that Senate Bill No. 304, Sections B and E.4 would nullify important provisions of the Fairfax County Zoning Ordinance that were supported by MCA in the Board approved Resolution dated January 6, 2021, and other community groups and County residents. At issue are:

1. Section B states in part, "*...no locality shall require a special use permit for an ADU or compliance with any other requirements except as provided in this section.*" Section B would limit Fairfax County's ability to administer important provisions in the overhauled Zoning Ordinance such as the number of bedrooms, occupants, parking spaces, and acreage requirement for detached auxiliary living units, to name a few.
2. Section E.4 specifically prohibits localities from requiring owner occupancy of either the auxiliary unit or primary dwelling. This would negate Fairfax Zoning Ordinance Article 4, Section 4102.7B(6) "*Either the accessory living unit or the principal dwelling unit must be owner-occupied*", **a requirement which has existed for decades in successive Fairfax County Zoning Ordinances, and which we view as essential for this type of property.**

The MCA urges that Senate Bill 304 either be withdrawn (the simplest option), or else amended to achieve conformity with Section 4102.7B Accessory Living Unit of the Fairfax County Zoning Ordinance. MCA urges that Senate Bill 304 as it currently exists be opposed by you.

Sincerely,

Linda A Walsh

Linda Walsh
President
McLean Citizens Association

Cc: The Chair and Members of the Fairfax County Board of Supervisors

Ms. Tracy Strunk
Director
Fairfax County Department of Planning and Development

Mr. Benjamin Wiles
Dranesville District Office