

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, MARCH 27, 2008**

COMMITTEE MEMBERS PRESENT:

Walter L. Alcorn, At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-large
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:

None

PLANNING COMMISSION STAFF PRESENT:

Sara Robin Hardy, Assistant Director, Planning Commission Office
Linda B. Rodeffer, Clerk to the Planning Commission

DEPARTMENT OF PLANNING AND ZONING STAFF PRESENT:

Noel Kaplan, Senior Environmental Planner, Planning Division (PD)
Pamela Nee, Chief, Environment and Development Review Branch, PD
Dawn Dhavale, Planner, Environment and Development Review Branch, PD
Mary Ann Welton, Environmental Planner, PD

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENT SERVICES STAFF PRESENT:

James Patteson, Director, Land Development Services
Judith Cronauer, Engineer IV, Code Analysis, Land Development Services
Chris McArtor, Deputy Director, Building Plan Review
John Friedman, Director, Code Analysis, Land Development Services.
Eta Davis, Business Process Manager, Land Development Services
Shahram Mohsenin, Waste Water Planning and Monitoring Division

OTHER COUNTY STAFF PRESENT:

Sue L. Smith, Management Analyst, Real Estate Division
Department of Tax Administration

OTHERS PRESENT:

Peter Rosen, JPI
Michael Rolband, President, Wetland Studies and Solutions Incorporated (WSSI)
Pamela Vosburg, Virginia Sustainable Building Network (VSBN)

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Planning Commission Vice Chairman Walter A. Alcorn, constituted the committee at 7:30 p.m. in the Board Conference Room, at 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Section 4-102 of the Commission's *Bylaws & Procedures* and indicated that the first order of business was to elect a committee chair.

Commissioner Lawrence MOVED TO ELECT JAMES R. HART AS CHAIRPERSON FOR 2008.

Commissioner Flanagan seconded the motion which carried unanimously.

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Chairman Hart said the said the first item on the agenda was approval of minutes, followed by a discussion of green building incentives and protection of riparian buffers.

Commissioner Lawrence MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF JANUARY 16, 2008, BE APPROVED.

Commissioner Flanagan seconded the motion which carried unanimously.

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GREEN BUILDING INCENTIVES

James Patteson, Director, Land Development Services (LDS), Department of Public Works and Environment Services (DPWES), discussed the pros and cons of the following green building incentives as shown in his handout dated March 27, 2008, a copy of which is in the date file:

- Expedited Permit Processing
 - Modified Processing (commercial projects only)
 - Expedited Building Permit Process
 - Expedited Site Plan Review Process
- Reduced Permit Fees
 - Reduced permit fees for LEED buildings
 - Solar energy permit fee credit
- Tax Incentives
 - Local
 - State
 - Federal
- Utility Incentives (fee/rebates)
 - Water connection fee
 - Water use rate
 - Sewer connection fee

Sewer rate

Electric connection fees and rates

Gas use – connection and rates

Grants

Rebate of fees or award of dollars in excess of original contribution

Density Bonuses

Marketing materials/publicity

Noel Kaplan, Senior Environmental Planner, Planning Division, Department of Planning and Zoning, explained that the concept of a Green Fund was to have developers contribute a certain amount into a fund, with the contribution to be refunded upon demonstration of attainment of a certain level of green building performance. He said money not refunded could either go into a separate fund or an existing County fund that supported environmental initiatives. Mr. Kaplan commented that it did not appear that the County had the authority to require contributions; therefore, it would not apply to by-right development. He said contributions could be pursued through proffers, but he stressed that proffers were voluntary, and that the establishment of expectations for contributions could be problematic. He also noted that a green fund approach that simply refunded developers' contributions would be more of a disincentive than an incentive, in that there would be no financial gain associated with green building performance. He stated that another approach would be to allow developers to recoup more than their contributions if they attained a certain level of performance and discussed implications of this idea relating to the following: seeding of the fund; ongoing maintenance of the fund (e.g., ensuring that the fund would never be depleted or run a negative balance); equitability (e.g., fairness issues if one developer received a benefit from the fund while another did not simply because of bad timing); and management (e.g., the need to have someone oversee contributions, refunds, payouts, and potential refund obligations).

Mr. Kaplan noted that there was a need to consider what might be a meaningful level of fund contribution and payout; he noted Arlington County's contribution level of three cents per square foot, which would not seem to provide that much of an incentive (e.g., a \$15,000 contribution for a 500,000 square foot structure). He noted that he was only aware of a small number of localities with green funds and discussed a fund that had been established by Eagle County, Colorado for residential development. He noted that Eagle County required developers to meet a certain point threshold on a checklist, but that the county allowed a contribution to the fund in lieu of that level of performance. He also noted that building permit fees could be rebated, in part, if the point threshold was exceeded, up to \$5,000.

Mr. Kaplan said that, if a fund would be used to support green building program activities, someone would be needed to administer these activities. He noted that there was not currently a green building program or dedicated staff.

Mr. Kaplan stated that staff had met with representatives of the National Association of Industrial and Office Properties on incentives ideas and that the NAIOP representatives were going to seek guidance from their membership on the green fund idea and provide feedback.

Responding to a question from Commissioner Flanagan, Mr. Kaplan said density bonuses for green building could be higher than the ranges recommended in the Comprehensive Plan or they could be structured such that they would be built into Plan recommendations directly.

Responding to a question from Commissioner Sargeant, Eta Davis, LDS, DPWES, said that legislation had been enacted by the General Assembly in 2007 to promote cost-effective conservation of energy, which could include activities by electric utilities and public and private organizations. She said if it was the desire of the Planning Commission and the BOS, staff could assist with setting up meetings with industry contacts, utility companies, and the State Corporation Commission to obtain industry feedback on potential incentives. In response to another question from Commissioner Sargeant, she said the pilot programs recently established by Dominion Power focused mostly on demand management for residential and small-scale commercial customers whereas the County's focus was on establishing incentives to encourage the broader goal of green building. Commissioner Sargeant said that perhaps demand side management could be included in the incentives.

In response to a question from Commissioner Sargeant about impact of tax incentives on revenue, Sue Smith, Real Estate Division, Department of Tax Administration, said legislation allowing a lower tax rate for energy efficient buildings would be difficult to implement because the County did not value land and buildings separately. She said DTA was not in favor of adopting an Ordinance to implement the legislation because it would require modification of the current appraisal process.

Commissioner Lawrence commented that in a briefing given to the committee, JPI had pointed out that the need for incentives was going to be temporary because in a few years the market would demand green building. He suggested increasing fees for non-green construction instead of reducing fees for green construction.

Commissioner de la Fe questioned the need for incentives since many green building features were now being incorporated into regular building practices. He said recently a developer had indicated to him that he was going to build a silver LEED certified building due to market demand.

PROTECTION OF RIPARIAN BUFFERS

Judith Cronauer, Code Analysis, Land Development Services, DPWES, explained that the Board of Supervisors (BOS) had adopted a Policy Plan amendment addressing stream and buffer protection on February 25, 2008. She said staff had made presentations on this subject to the Board's Environmental Committee on November 26, 2007 and March 17, 2008, copies of which are in the date file. She said, at staff's request, the BOS had requested the Planning Commission's Environment Committee, in partnership with the Environmental Quality Advisory Council, to address the challenges involved in establishing a regulatory approach, including stakeholder input. Ms. Cronauer said staff would like feedback from the committee on how to proceed.

In response to a question from Chairman Hart, Ms. Cronauer said the BOS had not established a timeframe for completion of this project.

Commissioner Lawrence said public outreach was of utmost importance since it would impact property owners. He said another challenge was getting the necessary buffers because the County was becoming more and more built out.

Commissioner Alcorn said public outreach was also a component of watershed planning and that he would like to know the status of that effort.

Chairman Hart suggested that one approach could be to require compliance with the new regulations when a request for a building permit was submitted. Commissioner Lawrence said owners should know beforehand that they could be encumbered by this new policy.

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Committee meetings were scheduled on April 17 and May 1, 2008 to continue discussion on these two topics.

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The meeting was adjourned at 8:15 p.m.
James R. Hart, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Linda B. Rodeffer

Approved: April 17, 2008

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission