

**FAIRFAX COUNTY PLANNING COMMISSION  
ENVIRONMENT COMMITTEE/  
ENVIRONMENTAL QUALITY ADVISORY COUNCIL MEETING  
THURSDAY, APRIL 16, 2009**

**COMMITTEE MEMBERS PRESENT:**

Walter L. Alcorn, At-Large  
Jay P. Donahue, Dranesville District  
Earl L. Flanagan, Mount Vernon District  
James R. Hart, Commissioner At-Large, Chairman  
Kenneth A. Lawrence, Providence District

**COMMITTEE MEMBERS ABSENT:**

Frank A. de la Fe, Hunter Mill District  
Timothy J. Sargeant, At-Large

**OTHER COMMISSIONER PRESENT:**

John L. Litzenberger, Jr., Sully District

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL MEMBER PRESENT:**

Frank Crandall, Dranesville District

**STAFF PRESENT:**

Noel Kaplan, Planning Division (PD), Department of Planning and Zoning (DPZ)  
Pam Nee, PD, DPZ  
S. Robin Ransom, Assistant Director, Planning Commission Office  
Kara A. DeArrastia, Deputy Clerk to the Planning Commission

**OTHERS PRESENT:**

Michael Rolband, President, Wetland Studies and Solutions, Inc. (WSSI)  
Ben Rosner, WSSI

**ATTACHMENTS:**

- (1) EQC Encroachments Policy Review – Draft Timeline
- (2) EQC Encroachments Policy Review – Draft Stakeholder/Notification List
- (3) Table 1 – Potential EQC Functions/Values (Draft)
- (4) Table 2 – Potential Existing Adverse Impacts to EQC Functions (Draft)
- (5) Table 3 – Consideration Factors (Draft)

//

Chairman James R. Hart called the meeting to order at 7:08 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

Chairman Hart said the first item on the agenda was approval of minutes.

Commissioner Lawrence MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF FEBRUARY 26, 2009, BE APPROVED.

Commissioner Alcorn seconded the motion which carried unanimously.

//

### **ENVIRONMENTAL QUALITY CORRIDOR ENCROACHMENTS REVIEW**

Noel Kaplan, Planning Division (PD), Department of Planning and Zoning (DPZ), noted that the Environmental Quality Corridor (EQC) encroachments issue was referred by the Board of Supervisors (BOS) to staff for review in conjunction with the Planning Commission, Environmental Quality Advisory Council (EQAC) and other stakeholders. He noted that the BOS direction was to ensure that the EQC policy "remain both functional and true to the spirit of environmental preservation and restoration."

Mr. Kaplan stated that the Planning Commission's Environment Committee discussed this issue briefly at its February 26th meeting and that there was general support for the following: 1) approaches that would significantly increase the potential for EQC encroachments should not be considered; 2) consideration of EQC tradeoffs should be limited to extraordinary circumstances; 3) the ecological services that EQCs provide should be considered as they related to proposed encroachments and tradeoffs; and 4) ways to establish a quantifiable approach dealing with EQC encroachments and tradeoffs should be explored. He noted that the latter view was shared by most Committee members but there was not unanimity on this point. He added that the Committee concurred with his suggestion that the scope of the review be limited to a consideration of conditions under which EQC encroachments/tradeoffs could be considered, as opposed to a broader review of the EQC policy.

Mr. Kaplan noted that he provided a brief summary of the February 26 discussion at the March 6th BOS Environmental Committee meeting. He indicated that the Committee recognized the focus of the study as being limited to the issue of encroachments and tradeoffs.

Mr. Kaplan responded to the following questions that had been raised by the Committee during its meeting on February 26:

- Were there any pending cases that could be impacted by a possible change to the EQC policy? Mr. Kaplan indicated that the only pending case that could be potentially impacted was Fairfax Memorial Park, which was scheduled for a Board of Zoning Appeals hearing on May 19, and that, in his view, the circumstances of this case differed significantly from those of the Aerospace case (which generated the request for this review). He explained that this case concerned delineation of the EQC borders on the property but no encroachment was being proposed in exchange for a greater environmental benefit in another area on the property.
- Aside from the Aerospace site, were there other properties in the County where staff had been prevented from mapping the perennial streams on-site? Mr. Kaplan said that this situation had occurred at Fort Belvoir and Dulles Airport, but he noted that those

properties were not subject to the County's review processes since they were owned by the Federal Government. He said this issue might have also occurred on one golf course site in Reston and another property on Great Falls but that it was not widespread.

- What was the estimated amount of staff hours needed and available to complete the EQC policy review? Mr. Kaplan stated that the staff effort would depend in part on the requests of the Committee but that he had laid out a process that, while ambitious, would allow for completion by this fall. He stressed a desire to focus on getting to an endpoint sooner rather than later, noting that he could accommodate this review along with his other responsibilities over the next few months but that the FY 2010 budget cuts to be implemented this July could impact staff resource availability. He also noted that both staff and the Committee would have other business to address later in the year (the two-year review of the green building policy).

Mr. Kaplan said the options available to the Committee were to amend the Comprehensive Plan, develop an informal assessment tool with a memorandum to the BOS, or take no action. He indicated that he had distributed to the Committee the following documents: a draft timeline; a draft stakeholder/notification list; and draft tables outlining the potential EQC functions/values, potential existing adverse impacts to EQC functions, and consideration factors. (The documents are attached and copies are in the date file).

Mr. Kaplan reviewed the draft timeline for the EQC encroachments policy review, as shown in Attachment (1).

Chairman Hart pointed out that the Committee would meet on the following dates at 7 p.m. in the Board Conference Room: April 30, to continue discussions on riparian buffers, and May 28, to discuss a Zoning Ordinance Amendment regarding residential structure height and fill. After consulting with Robin Ransom, Assistant Director, Planning Commission Office, Chairman Hart said the next Committee meeting on the EQC encroachments policy review would be on May 14. (*Note: This meeting was subsequently rescheduled to June 11, due to a Planning Commission briefing on telecommunications scheduled for the same date at 7:15 p.m.*) Mr. Kaplan requested that Committee members review the documents in the meantime and contact him if they had any questions or suggestions.

Following further review of the draft timeline, Chairman Hart noted that the consensus from the Committee was that the timeline was reasonable.

Mr. Kaplan presented a list of potential stakeholders, as shown in Attachment (2). He asked that Committee members review this list and provide him with additional names of stakeholders if they felt that anyone might have been missed. Discussion about the list of stakeholders ensued with input from Chairman Hart, Commissioner Donahue, and Frank Crandall, Dranesville District representative on EQAC.

Mr. Kaplan asked for guidance on the Committee's preference relating to stakeholder involvement in the process, noting that, once invitations were sent out to a broad group of stakeholders, considerable resources would probably need to be devoted to responding to

inquiries regarding the EQC policy. Mr. Kaplan noted that he would provide a comprehensive background on the EQC policy within the strawman policy document that would be prepared. Mr. Kaplan expressed his perception that there was a Committee consensus to continue its joint meetings with EQAC for a few months and to send out notifications when the stakeholder meetings were scheduled. Chairman Hart concurred.

Mr. Kaplan suggested that the Committee develop a set of questions to serve as a framework for the development of its recommendation. He highlighted three categories of questions that could be pursued: (1) The potential functions and values of EQCs; (2) Potential adverse impacts to these functions; and (3) Overall factors for consideration. He stated that the three draft tables he had prepared are meant to facilitate the Committee's consideration of these categories.

Mr. Kaplan then commented on Table 1: Potential EQC Functions/Values, as shown in Attachment (3), noting that the table identified the benefits that might be lost as a result of EQC encroachments or gained in exchange for tradeoffs. He requested that Committee members review this table and provide to him additional items or questions to help him refine the list. Mr. Kaplan also suggested that the Committee reassess this table at its future meetings.

Commissioner Alcorn commented that this table was very helpful in explaining the purpose of this review, the EQC policy, and the value of the EQC.

Michael Rolband, President, Wetland Studies and Solutions, Inc. (WSSI), expressed concern that a policy relying on quantification of proposed EQC encroachments and tradeoffs would encourage people to offer tradeoffs in exchange for allowing encroachments into the EQC, noting that this should be a difficult, qualitative process for extraordinary circumstances only. Commissioner Alcorn said he was unsure how a tradeoff would be permissible unless it had a quantifiable value attached to it.

Commissioner Donahue commented that he did not believe that qualitative and quantitative measures were mutually exclusive. He said a given situation could be measured quantifiably to determine if it was extraordinary. Mr. Rolband reiterated his concern that quantification of tradeoffs proposed to offset encroachments would encourage people to impact the EQC.

In reply to a question from Commissioner Alcorn, Mr. Rolband explained that in a qualitative approach, value judgments were made on what was important in the particular project but in a quantifiable approach, value judgments were made based on a given formula. Commissioner Alcorn pointed out that the evaluation process itself was also a value judgment.

Mr. Crandall commented that determining the environmental benefits of proposed tradeoffs would be a subjective process and there was no practical, pragmatic method of assigning specific numerical values to the benefits. He proposed that approximations of the benefits be made instead of strict quantification.

Commissioner Flanagan recommended that staff identify applications over the last three years that had required the Planning Commission to make a value judgment on EQC encroachments.

Mr. Kaplan asked that Pam Nee, PD, DPZ, research this matter. He pointed out that the EQC policy recognized that certain encroachments were necessary, such as for sewer lines, stormwater management ponds, and access to developable portions of a site.

Answering a question from Commissioner Flanagan, Mr. Kaplan noted that limitations on options for site access associated with Virginia Department of Transportation (VDOT) guidelines were more of a regulatory issue with the Chesapeake Bay Preservation Ordinance than the EQC policy. He explained that the issues presented in the Aerospace case were how to cross an EQC in the least damaging way possible and if it was appropriate to sacrifice entirely one area of an EQC to provide significant environmental benefit in another. Commissioner Litzenberger pointed out that the mitigation efforts proposed by Aerospace exceeded the environmental requirements of the Chesapeake Bay Preservation Ordinance.

Commissioner Litzenberger questioned why it was acceptable for the Tysons East Metrorail station, rail track, and kiss-and-ride parking lot to be located within an Resource Protection Area (RPA) with the condition that the developer only strive to meet the requirements of the Chesapeake Bay Preservation Ordinance. Commissioner Alcorn said that since this was a State project it was not subject to the County's regulatory programs and policies. Mr. Kaplan noted that he had not been involved in the recent zoning case but that it was his recollection that an older zoning case had identified the specific area in question to be dedicated for use by a transit facility without the benefit of a facility design. He also noted that it was his recollection from Environmental Impact Statement information from several years ago that the parking lot would encroach into a portion of the RPA that was already largely or entirely cleared and that the support posts for the aerial track alignment would be located outside of the RPA.

In response to a question from Chairman Hart, Mr. Kaplan explained that railroads and public roads were exempt from the provisions of the Chesapeake Bay Preservation Ordinance but not the EQC policy, although the policy recognized the need to support unavoidable infrastructure encroachments into EQC areas.

Mr. Rolband reported that of the 1,076 projects that WSSI had conducted in Fairfax County, approximately a dozen of them involved EQC encroachments. He said, therefore, this issue was insignificant and did not require a change to the EQC policy. Addressing the concern expressed by Commissioner Litzenberger about the location of the Tysons East Metrorail station, Mr. Rolband said the property had no value and could not be developed with a use other than the station. Commissioner Alcorn pointed out that the Fairfax County Government Center was constructed on property that contained an EQC due to the property value and the availability of land for a facility of that size.

Commissioner Alcorn suggested that this issue be explored further, noting that the Committee could decide to prohibit tradeoffs or not to amend the EQC policy.

Commissioner Lawrence recommended that a threshold tool be developed to answer the following three questions on a case-by-case basis:

- 1) Would the encroachment into the EQC be allowed, such as if there was an extraordinary circumstance or enforced measure by the State?
- 2) Would the EQC encroachment be allowed with some tradeoff to be determined, which would require staff analysis of the given situation?
- 3) Would the EQC encroachment be allowed with the tradeoff proposed by the applicant?

Chairman Hart agreed with Commissioner Lawrence's recommendation. He explained that the purpose of this review was to develop an approach to examine the given circumstances of a case and determine whether the proposed EQC encroachment was appropriate based on specific measurements, such as if degradation or other problems already existed in the EQC, and if the benefits of the proposed mitigation efforts were sufficient enough to offset the impact of the encroachment.

Commissioner Lawrence said tradeoffs should not be considered in a given case unless they were triggered by specific extraordinary circumstances, such as a VDOT road requirement. He noted that in this situation, the environmental benefits of the tradeoffs must be evaluated to determine if they adequately compensate for the adverse environmental impacts of the encroachments. Chairman Hart said that establishing this guidance would make it easier for the Planning Commission to remain consistent in its examination of these individual cases.

Commissioner Flanagan contemplated whether the Zoning Ordinance should be amended to authorize the Planning Commission to exercise value judgment, on behalf of the community, regarding cases that involved intrusions into a RPA or EQC. Mr. Crandall said that the Planning Commission and BOS were given preliminary powers under State law to exercise their good judgment and that they had been careful not to modify or waive environmental regulations frequently.

Mr. Crandall explained that the Chesapeake Bay Preservation Ordinance Exception Review Committee evaluated cases based upon six criteria to determine whether land disturbing activities in a RPA should be allowed. He noted that out of the few cases heard by this body, only a small fraction had been approved. He said he believed that the Committee was considering how to identify the expected desirability of a particular course of action and a mathematical approach could be used to evaluate subjective data and determine how to maximize the probability of making the most appropriate decision.

Mr. Rolband commented that a quantifiable approach might also consider non-environmental tradeoffs, such as affordable housing or athletic fields. Commissioner Lawrence suggested developing a set of criteria for determining desirable efforts, such as affordable housing, although he expressed concern that they might not sufficiently offset the adverse environmental impact. Mr. Rolband concurred.

Commissioner Alcorn said it was important to perform the analytics necessary to support good judgment. He recommended that the Committee examine the three criteria questions proposed by Commissioner Lawrence and determine if there was a threshold for considering mitigation and tradeoff efforts. Chairman Hart said the three questions provided the basis for a threshold.

Responding to a question from Commissioner Litzenberger, Commissioner Alcorn noted that stream restoration efforts as part of the Tysons Corner Master Plan had yet to be determined.

Chairman Hart requested that Committee members review Table 2: Potential Existing Adverse Impacts to EQC Functions, as shown in Attachment (4), and Table 3: Consideration Factors, as shown in Attachment (5), and submit to Mr. Kaplan their questions or suggestions regarding these tables.

Chairman Hart announced that the Committee would continue discussion of this agenda item at the next meeting on May 14 (subsequently changed to June 11), at 7 p.m., in the Board Conference Room. Mr. Kaplan noted that he would present findings from his research on other area jurisdictions and would consider the additional suggestions and questions in formulating thoughts about possible policy directions.

//

The meeting was adjourned at 8:13 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: Kara A. DeArrastia

Approved: May 28, 2009

---

Linda B. Rodeffer, Clerk  
Fairfax County Planning Commission

**EQC Encroachments Policy Review—Draft Time Line**  
(All dates are 2009)

February 26: Initial discussion with PC Environment Committee (done)

March 6: Initial report to BOS Environmental Committee (done)

April 16: PC Environment Committee meeting. Review of draft time line and tables addressing EQC values, impacts and considerations. Initial review of stakeholder list. Identification of stakeholder role(s) in the discussion.

April-May: Staff review of encroachment policies/considerations in other Washington, DC area jurisdictions. Finalization of stakeholder list based on April meeting discussion.

May: PC Environment Committee meeting. Identification of approaches in other area jurisdictions, and continuation of April discussion. Direction from Committee on additional information needed for policy review. Finalization of stakeholder list.

June: PC Environment Committee meeting. Continuation of discussion and formulation of a draft conceptual recommendation.

June-July: Drafting of a strawman policy document by staff based on Committee direction from the June meeting. Determination of whether a stakeholder meeting should be held in late July or early September.

Mid July: PC Environment Committee meeting. Discussion of strawman document.

Late July or early September: Stakeholder meeting to solicit comment on the strawman document and related issues.

Mid September: PC Environment Committee meeting: Discussion of stakeholder input and development of a process/time line to complete the review.

## **EQC Encroachments Policy Review—Stakeholder/Notification List**

### **Government Groups and Appointed Groups**

EQAC  
Engineering Standards Review Committee  
Fairfax County Chesapeake Bay Ordinance Exceptions Review Committee  
Fairfax County Park Authority  
Fairfax County Wetlands Board  
Magisterial District Land Use Representatives (Supervisors' Offices)  
Northern Virginia Regional Commission  
Northern Virginia Soil and Water Conservation District  
Tree Commission  
Virginia Department of Environmental Quality  
Virginia Department of Forestry  
County staff

### **District/Regional Councils/Citizens Groups**

Braddock District Council  
Clifton Betterment Association  
Great Falls Citizens Association  
Greater Herndon Citizens Association  
Greater Oakton Citizens Association  
Hunter Mill District Council  
Lee District Land Use Advisory Committee  
Mason District Council  
Mason Neck Civic Association  
McLean Citizens Association  
Mount Vernon Council  
Providence District Council  
Reston Association  
South County Federation  
Springfield District Council  
Sully District Council  
Western Fairfax County Citizens Association

### **Countywide Citizens Groups**

Fairfax County Federation of Citizens Associations  
League of Women Voters

### **Watershed Planning Groups**

Watershed Plan Steering Committees—contact through DPWES

EQC Encroachments/Trade-Offs Review  
Stakeholder/Notification List  
Continued

**Environmental Groups**

Audubon Naturalist Society  
Audubon Society of Northern Virginia  
City of Falls Church Stream Stewards  
Coalition for Smarter Growth  
Difficult Run Community Conservancy  
Ecostewards Alliance  
Fairfax Trails and Streams  
Fairfax Watershed Network  
Friends of Accotink Creek  
Friends of Belle Haven Marina  
Friends of Burke's Spring Branch  
Friends of Dyke Marsh  
Friends of Hidden Pond Nature Center/Pohick Stream Valley Park  
Friends of Huntley Meadows Park  
Friends of Little Hunting Creek  
Friends of Little Rocky Run  
Friends of Mason Neck  
Friends of the Potomac  
Friends of the Occoquan  
Friends of Runnymede Park  
Friends of Sugarland Run  
Green Breakfast Group  
Hunter Mill Defense League  
Master Naturalists of Virginia  
Northern Virginia Conservation Trust  
Northern Virginia Trout Unlimited  
Occoquan Watershed Coalition  
Potomac Conservancy  
Potomac River Greenways Coalition  
Reston Watershed Action Group  
Sierra Club  
Stream Monitors  
Tree Canopy Partners

**Chambers of Commerce**

Annandale  
Central Fairfax  
Greater McLean  
Greater Reston  
Greater Springfield  
Dulles Regional Chamber  
Mt. Vernon-Lee  
Vienna-Tysons Regional

EQC Encroachments/Trade-Offs Review  
Stakeholder/Notification List  
Continued

**Land Development Industry**

Associated Builders and Contractors  
Engineers and Surveyors Institute (ESI)  
Fairfax Bar Association (Land Use Attorneys)  
National Association of Industrial and Office Properties (NAIOP)  
Northern Virginia Association of Realtors  
Northern Virginia Building Industry Association (NVBIA)  
Society of Professional Engineers  
Southeast Fairfax Development Corporation  
Virginia Association of Surveyors  
Wetland Studies and Solutions, Inc.  
Peter Rosen  
Charlene Parker, Christopher Consultants

**Miscellaneous**

George Mason University

**Other Citizens Who Often Participate in These Types of Projects**

Residents and other stakeholders who often participate in environmental policy reviews, including participants in the headwater stream/buffer regulatory protection public meetings

EQC Encroachments/Trade-Offs Review  
Stakeholder/Notification List  
Continued

Mike Albright—Christopher Consultants  
Bruce Bennett  
Keith Bonney  
Susan Bonney  
Angela Booker  
Paul Brazier—BC Consultants  
William Brown  
Steven Bruckner  
Michael B. Cook  
Pat Flaherty  
Jessica Fleming—Bowman Consulting  
Gary Gepford  
John Greenhaugh (Greenbaugh?)  
Beth Hazuda  
Judy Heisinger, Bull Run Civic Assn.  
Jerry Jasper, Rock Hill Civic Assn.  
Robert Jordan  
David Knapp  
Brian Knode—Duke Realty  
Chris Koerner  
Hang T. Kooc—Duke Realty  
Mark Liberati—BC Consultants  
Carey Majeski  
Heather Montgomery, Potomac Conservancy  
Cyrena Movitz--Aerospace  
Mary Nightlinger  
Lloyd Ntuk—Patton Harris Rust  
Charlene Parker—Christopher Consultants  
Stephanie Perez—Dewberry  
David Plummer  
Deborah Reyher  
George Rhodes  
Pete Rigby  
Cathy Saunders  
Jim Scanlon—BC Consultants  
Stephanie Schank  
Cindy Smith  
Inda Stagg—Walsh Colucci  
Dennis Thomas—Burgess and Niple  
Rob Walker  
Fran Wallingford, stormwater activist  
Eileen Watson—Williamsburg Environmental Group  
Flint Webb  
Lori Whitacre  
Phillip Zellner

<b>Table 1</b>
<b>Potential EQC Functions/Values</b>
<b><u>Habitat Values</u></b>
Corridor for movement of wildlife
Conservation of biodiversity (e.g., corridors of sufficient width to allow for intermixing of breeding individuals from different core habitat areas, thereby facilitating transfer of genetic material among these core areas)
General habitat quality (including habitat even provided by narrow corridors)
Habitat for interior forest dwelling species/protection of core areas from edge species
Habitat for rare/threatened/endangered species or community type
High quality tree cover/support for tree canopy goal
High quality wetland habitat
High quality aquatic habitat
Fallen leaves/debris as a food source and cover for aquatic organisms
Presence of vernal pools (habitat for amphibians) and supporting forest habitat
<b><u>Hydrologic Values</u></b>
Flood control through temporary storage of flood waters and dissipation of stream energy
Storage of water in soil (resulting from high soil organic content, porosity and water-holding capacity)
Retention and evapotranspiration of water by vegetation
Groundwater recharge
Enhancement of base flow of streams
Retention of pervious cover
Moderation of sheet flow stormwater runoff velocities and volumes
Reduced site imperviousness (through concentration of development)
Accommodation of stream channel evolution/migration
<b><u>Water Quality Values</u></b>
Trapping of nutrients, sediment and other pollutants from runoff from adjacent areas
Trapping of nutrients, sediment and other pollutants from flood waters
Vegetative stabilization of stream banks
Shading of stream (stream temperature regulation—supports aquatic habitat)
Protection of highly erodible soils/steep slopes from denudation
Separation of potential pollution sources from streams

**Table 1 (continued)**

**Potential EQC Functions/Values**

<b><u>Air Quality &amp; Climate Values</u></b>
Carbon sequestration
Removal/absorption of air pollutants by trees
Temperature reduction in summer and associated air quality benefits
<b><u>Land Use and Other Values</u></b>
Aesthetic benefits
Passive recreation
Separation of incompatible land uses
Where adjacent to highways, buffering of noise-sensitive uses from noise sources
Provision of open space/greenways
Property value enhancement for adjacent areas?
Avoidance of adverse flooding impacts to structures/property
Avoidance of potential drainage complaints
Environmental Education

DRAFT - 16-09






DRAFT-4-16-09