FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE/
ENVIRONMENTAL QUALITY ADVISORY COUNCIL
RIPARIAN BUFFER STAKEHOLDERS MEETING
WEDNESDAY, JULY 23, 2008

COMMITTEE MEMBERS PRESENT:
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large, Chairman
Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBER ABSENT:
Walter L. Alcorn, At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Rodney L. Lusk, Lee District

ENVIRONMENTAL QUALITY ADVISORY COUNCIL MEMBERS PRESENT
Linda Burchfiel, At-Large
Frank Crandall, Dranesville District
Johna Gagnon, Lee District
Stella Koch, At-Large, Chairman

PLANNING COMMISSION STAFF PRESENT:
Sara Robin Hardy, Assistant Director, Planning Commission Office
Linda B. Rodeffer, Clerk to the Planning Commission

OTHERS PRESENT:
See Attachment A

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On behalf of Chairman James R. Hart, the meeting was convened by Judith Cronauer, Code Analysis, Land Development Services, Department of Public Works and Environmental Services (DPWES), at 7:04 p.m., in Rooms 106/107 of the Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia 22035.

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Ms. Cronauer explained that the Board of Supervisors had directed the Planning Commission's Environment Committee, in partnership with the Environmental Quality Advisory Council (EQAC), to evaluate a regulatory approach to extending riparian buffers upstream of Resource Protection Areas (RPAs). She said the following steps would be taken to accommodate the Board's request:

- Two stakeholder meetings to gather information regarding concerns and considerations.
- Workgroup meetings, in September and October, comprised of members of the Environment Committee and EQAC, to develop criteria for a possible regulatory approach to extending riparian buffers.
- Results of workgroup meetings presented to stakeholders in November.
- Recommendation presented to the BOS.
- If the BOS chooses to proceed with a regulatory approach, BOS authorization of an amendment to extend riparian buffers and subsequent Planning Commission and BOS public hearings.

Ms. Cronauer presented an overview of riparian buffers:

- Definition and functions.
- Minimum recommended buffer widths for different functions.
- Current riparian buffers.
- Stream classifications.
- Challenges to requiring buffers on ephemeral and intermittent streams.
- Sample study.
- Tax map examples.

Ms. Cronauer explained that the participants would break out into groups to discuss the top five concerns/considerations that the Environment Committee and EQAC should take into account when evaluating the following issues: (1) how far upstream the buffers should extend and (2) minimum buffer width.

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SUMMARY OF BREAK OUT GROUPS

TABLE 1

<u>How far upstream?</u>

- What is the goal in terms of ecological function? Based on the goal, how far upstream do we go?
- Technical complexities (identifying type of stream), cutoff (where one ends and another begins). Make a definitive map.
- Cost and benefits including number of properties affected.
- Vary requirements with different situations (density, FAR, use).
- Notify impacted property.
- Fix our resources by restoration versus taking property when stream is already degraded.

Minimum buffer width

- What is the goal?
- Are there alternatives to the buffer that would meet/satisfy goal?
- Economic effect of width – consider and evaluate cost and benefit including number of properties affected and tax revenue lost (if affected property values).
- Change adequate outfall requirements to improve function of the buffer.
- Consider less restrictions and/or different than currently allowed in RPAs, more flexibility in restrictions.
- Look at existing conditions when determining width (trees, etc.).

TABLE 2

How far upstream?

- Protection allows stream to perform natural function (pollutant removal, resisting erosion, protection from impervious surfaces).
- Slopes – the steeper the slope the more protection is needed.
- Soils – the poorer soils need more protection.
- Protection of Chesapeake Bay, water comes from streams in our neighborhoods.
- Should we start at top of hill and work downstream – depending on existing surfaces (natural vs. already improved).

Minimum buffer width

- Protection of water quality (limited benefit in already developed areas).
- Habitat preservation.
- Existing character (e.g. steep slopes) flexible width (not necessarily set at a specific width).
- Enforcement.
- Density/use of development should be considered (more developed areas should get wider buffer?) or (less developed areas should get wider buffer?).
- Higher density should have higher protection (wider buffer) because more impervious area.

TABLE 3

How far upstream?

- What is the benefit to perennial streams of going upstream?
- What impact will it be on private property (existing structures versus vacant land)?
- How enforceable will going upstream be?
- Education and awareness about RPAs and buffers (non-regulatory approach).
- Federal and state definitions differ, will this add a third County definition of what ephemeral and intermittent are?

Minimum buffer width

- Feasibility of variable width for different land uses.
- Consider defining allowed uses or exceptions in the buffer.
- Impact on private property with structure versus vacant.
- What incentives could be offered to homeowners for volunteering to create buffers?
- How enforceable is this given the limited County resources?

TABLE 4

How far upstream?

- Private property/property impacts.
- Aerial versus field survey.
- Classifying/type – who is the defining authority?
- Flow calculations – Drainage area in relation to buffer area.
- Enforcement/Waivers (LID as an alternative).

Minimum buffer width

- Buffer width variable due to amount of runoff – due to amount capture on site.
- Comprehensive approach needed.
- Will wetlands and slopes be incorporated?
- Buffer width versus drainage area (larger area – bigger buffer, smaller area – smaller buffer).
- Enforcement of regulators and regulation.

TABLE 5

How far upstream?

- Case by case evaluation based on existing stream conditions and other tools, homeowner versus commercial, physical characteristics of streams (e.g. slopes, soils, habitats).
- Impact to adjacent properties on possible land uses (property rights).
- Definition of protected area with precision.
- Direct notification to impacted property owners.
- What is the goal (quality, quantity, location of buffers, wildlife habitat)?
- Develop system to prioritize stream functions and values.

Minimum buffer width

- Optimization of buffer based on site conditions for incremental improvement.
- Need to educate public, particularly homeowners.
- Case by case evaluation. What is there now? What is practical?

- Consider site constraints and site design needs.
- Property rights and values.

TABLE 6

How far upstream?

- Delineation between intermittent and perennial – Delineation Methodology; more detailed description for stream classification.
- Enforcement on private property.
- Grandfather existing land rights.
- Cost benefit analysis used to determine extent of upstream protection
- Financial impact.

Minimum buffer width

- Map versus non-map.
- Identify main goals of the program.
- Public education.
- Consistent with RPA practice.
- Cost benefit analysis.

TABLE 7

How far upstream?

- Effectiveness in protecting water quantity and quality.
- Impact on private property.
- Protection of habitat types associated with ephemeral and intermittent streams.
- What can be done to protect and preserve existing trees and vegetation along streams?
- Relative effectiveness as we move upstream.

Minimum buffer width

- The widest possible width is desirable to meet all USDA Forest Service functions.
- Greater the width – greater the impact on private property and use of private property.
- Habitat in a larger buffer would function better than in a smaller buffer.
- Greater the width – greater the protection of the stream.
- Of the jurisdictions that have implemented ephemeral/intermittent buffers, how effective have they been and how wide were the buffers?

TABLE 8

How far upstream?

- Protect as much, as large, all the way to ephemeral. Compensation for owners who have land taken to RPA and additions.
- Financial impact to land owners.
- Targeted to gain the most beneficial gains and environmental protection (approach site specific).
- Different regulations for developed and undeveloped land (sensitivity) and different with ephemeral and intermittent, rules weighted by stream type.
- Extend to ephemeral to help moderate downstream flooding, curb runoff.
- Mitigation methods, flexibility in offset, enforcement.

Minimum buffer width

- 100 foot buffer for both ephemeral and intermittent streams.
- Far as possible (100 feet) with flexibility with existing structures with considerations for financial and creative solutions.
- No more than 25 feet, but dependent on topography (site specific).
- Financial Impacts.
- 50 feet for ephemeral and 100 feet for intermittent. Consideration of effective date?

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The meeting was adjourned at 9:00 p.m.
James R. Hart, Chairman

An audio recording of part 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: September 18, 2008

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Linda B. Rodeffer, Clerk
Fairfax County Planning Commission

ATTACHMENT A

RIPARIAN BUFFER STAKEHOLDERS
WEDNESDAY, JULY 23, 2008
ATTENDEES

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