

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE/
ENVIRONMENTAL QUALITY ADVISORY COUNCIL
RIPARIAN BUFFER STAKEHOLDERS MEETING
WEDNESDAY, JULY 30, 2008**

COMMITTEE MEMBERS PRESENT:

Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large, Chairman
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee 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

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

//

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 7:07 p.m., in Conference Rooms 9/10 of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

Ms. Cronauer said this was the second of two meetings to obtain stakeholder input about establishing a regulatory approach to extending riparian buffers upstream of Resource Protection Areas (RPAs). She reviewed the information presented at the first meeting held on July 23, 2008:

- Board of Supervisors' request regarding extension of riparian buffers.
- Overview of riparian buffers.

- County's current regulations regarding riparian buffers.
- Types of streams.
- Challenges to extending riparian buffers.
- County sample study of intermittent and ephemeral streams.
- Break out groups to discuss how far upstream buffers should extend and minimum buffer width.

Ms. Cronauer requested that feedback on all of the issues and possible alternatives to establishing a riparian buffer be emailed to her at Judith.Cronauer@fairfaxcounty.gov. She said she would provide this information as well as results of the stakeholder meetings to the Environment Committee and EQAC in September.

Ms. Cronauer narrated a PowerPoint presentation of the two issues to be discussed tonight: reforestation of non-forested buffer areas and preservation of forested buffers and allowed uses in a buffer area. Copies of the presentation and Issue Papers Numbers 3 and 4 are in the date file.

Following comments from Michael Rolband, Wetlands Studies and Solutions, Inc., about specific allowable uses in an RPA under the provisions of the Chesapeake Bay Preservation Ordinance, John Friedman, DPWES, said the purpose of the meeting was to broadly discuss examples of allowable uses in extended headwaters buffers, not to get into details of each.

In response to a question from James Patteson, DPWES, Ms. Cronauer explained the difference between an allowed use and an exemption. She responded to another question from Mr. Patteson about what would trigger the need for reforestation.

Following a brief question and answer period, break out groups discussed the top five concerns and considerations that the Environment Committee and EQAC should take into account when evaluating Issue 3, reforestation of non-forested buffer areas and preservation of forested buffers, and Issue 4, allowed uses in a buffer area.

//

SUMMARY OF BREAK OUT GROUPS

TABLE 1

Preservation/Reforestation

- Identify actions that would trigger requirements for reforestation/preservation.
- Implement and enforce a regulation or requirement fairly.
- Consider impact to landowners.
- Consider loss of economic value and tax base.
- Provide economic support to accomplish reforestation.
- Allow an owner to build on part of his parcel if another part with high quality environmental resources is preserved.

- Develop a list of mitigation criteria.
- Provide financial incentives for reforestation.

Allowed Uses

- Consider density and economic impacts.
- Consider other environmental attributes, such as LEED certification.

TABLE 2

Preservation/Reforestation

- Evaluate benefits of reforestation/preservation as services to the County and provide commensurate financial incentives, such as tax credits.
- Evaluate quality of the stream and existing buffer, including soil quality and the hyporheic of the stream.
- Provide guidelines for reforestation and identify the most restorable sites.
- Consider an option for reforestation within the watershed but offsite.
- Support efforts of non-profit and homeowners' associations to maintain plantings.

Allowed Uses

- Maintain allowed uses in existing RPAs and do not go beyond them.
- Consider creative ideas such as low impact development techniques and carefully thought out additions.
- Expand list of noxious and invasive species.
- Allow permeable surface that could service one place or another.
- Identify who would enforce preservation and determine how the citizenry would be educated.

TABLE 3

Preservation/Reforestation

- Ensure species are appropriate.
- Provide outreach to areas with a regulatory event, including education and technical assistance.
- Ensure diversity of vegetation, including trees, shrubs, and ground cover.
- Provide technical assistance for plant selection, installation procedures, and funding sources.
- Use taxes to support initiatives so property owners do not have to bear burden alone.

Allowed Uses

- Prohibit uses for a certain amount of time to preserve growth in formative states.
- Initiate study to investigate impact of allowed use on water quality goals.
- Allow development in a buffer as a tradeoff for another portion of the site.

- Allow fences and other explicitly defined minor structures that would not impact drainage.
- Allow more disturbance in a buffer area if a feature with better site design or LID practices is used on another portion of the site.

TABLE 4

Preservation/Reforestation

- Identify initiating event.
- Put regulations in Public Facilities Manual.
- Determine enforcement mechanisms.
- Preserve existing forested areas before reforesting non-forested areas.
- Ensure flexibility of regulations to take into account site variations.

Allowed Uses

- Existing RPA uses.
- Supporting residential structures; i.e., fences, decks, pools, etc.
- Individual septic fields.
- Recreational uses such as trails.
- Management of existing vegetation, noxious weeds, and invasive plants.
- Stormwater management facilities or other LID structures, including wetland creation.
- Prohibit use of herbicides and fertilizers that would negatively affect headwaters areas.

TABLE 5

Preservation/Reforestation

- Educate public by explaining why restoration is a good idea and provide help to do it.
- Identify native plants and determine where trees should be planted, with the assistance of homeowners' associations.
- Recognize that reforestation/preservation should be site specific.
- Consider wide range of acceptable alternative approaches, such as LID practices and the usual range of approaches to stormwater management and water quality control.
- Consider property rights and balance ecological value of stream with financial value of property.
- Determine what would trigger mechanisms; i.e., variance, site plan, rezoning, and what would have to be done in exchange for them.
- Ensure enforcement and inspection.
- Consider commercial and residential properties separately.
- Evaluate cumulative impact of all exceptions, variances, and waivers in effect before approving proposed use.
- Develop rational protocol which would trigger protection and determine how to implement it.

Allowed Uses

- Allow ancillary uses such as swing sets, garden sheds, and vegetable gardens (balanced with the affect of the sun on a stream) in an extended riparian buffer area:
- Provide demonstration plots showing landscaping that could be achieved using native plants.
- Consider water detention to return perennality to a stream.

TABLE 6Preservation/Reforestation

- Determine triggering event.
- Use existing RPA rules.
- Provide incentives for reforestation.
- Consider the nexus for the reasons County approval is being sought.
- Establish a minimum yard size to allow the reasonable use of a backyard.

Allowed Uses

- Evaluate current list of allowable uses in RPAs and consider extending them to “junior” RPAs.
- Allow uses which implemented LID techniques to offset water quality functions provided by buffers.
- Allow water dependent uses; wetland mitigation; stream and buffer restoration.

TABLE 7Preservation/Reforestation

- Consider the wisdom of removing existing vegetation to plant trees.
- Compare reforestation vs. existing forestation.
- Determine the value of seeking conservation easements in buffer areas.
- Identify triggers for buffer consideration and the proximity to disturbed areas.
- Do not require reforestation of unforested buffer areas.
- Require use of native species.

Allowed Uses

- Prohibit disturbance in a buffer area that would materially change topography.
- Require use of permeable material for construction of private roads.
- Prohibit silvicultural activities in buffer areas.
- Discourage removal of dead or dying trees unless a safety hazard.
- Encourage use of native species when reforesting.

TABLE 8

Preservation/Reforestation

- Identify preferred alternatives to reforestation.
- Reforest with preferred species.
- Consider existing uses.
- Consider funding sources and costs to property owners and homeowners associations.
- Encourage voluntary action of owners to improve their property through better education and outreach.

Allowed Uses

- Remove stormwater outfalls in intermittent areas, potentially going higher in the sheds where possible.
- Reduce runoff energy for different practices.
- Prevent downstream flooding.
- Restore/stabilize outfalls.
- Remove non-native invasive plant species.
- Encourage natural landscaping of certified landscapes within buffers.
- Allow detention facilities in special circumstances.
- Allow options for loss of buildable area.
- Treat all cases consistently.
- Provide incentives to property owners for increasing buffers, such as tax offsets.

//

Ms. Cronauer said the Environment Committee/EQAC workgroup would meet in September and October to develop criteria for a possible regulatory approach to extending riparian buffers. She said she would contact stakeholders about an information sharing meeting to let them know the results of the workgroup.

//

The meeting was adjourned at 9:08 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: September 18, 2008

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission

ATTACHMENT A

RIPARIAN BUFFER STAKEHOLDERS
WEDNESDAY, JULY 30, 2008
ATTENDEES

	NAME	ORGANIZATION	EMAIL ADDRESS
1.	Abrahams, Erin	DPWES	erin.abrahams@fairfaxcounty.gov
2.	Agazi, Kambiz	County Executive's Office	kambiz.agazi@fairfaxcounty.gov
3.	Alan Pen	Timmons Group	571-232-7902
4.	Albright, Mike	Christopher Consultants	mikealbright@ccl-eng.com
5.	Astin, LeAnne	DPWES	leanne.astin@fairfaxcounty.gov
6.	Bennett, Kate	DPWES	kate.bennett@fairfaxcounty.gov
7.	Brazier, Paul	B. C. Consultants	PBrazier@bccon.com
8.	Brickner, Michelle	DPWES	michelle.brickner@fairfaxcounty.gov
9.	Brown, Valda	Department of Family Services	valda.brown@fairfaxcounty.gov
10.	Bruckner, Stephen	Sierra Club	sbruckner@cox.net
11.	Burchfiel, Linda	EQAC	larva@attglobal.net
12.	Cabrera, Sara	Human Rights Commission	sara.cabrera@fairfaxcounty.gov
13.	Carinci, Craig	DPWES	craig.carinci@fairfaxcounty.gov
14.	Crandall, Frank	EQAC	CRANDALF@si.edu
15.	Cronauer, Judith	DPWES	judith.cronauer@fairfaxcounty.gov
16.	Curtis, Shannon	DPWES	curtis.shannon@fairfaxcounty.gov
17.	Firth, Penny	Friends of Accotink Creek	pfirth@cox.net
18.	Firth, Robin	citizen	703-876-0725
19.	Flaherty, Pat	Fairfax Station HOA	wpflaherty@msn.com
20.	Flanagan, Earl	Planning Commissioner	earlflanagan@verizon.net
21.	Forbes, Beth	DPWES	beth.Forbes@fairfaxcounty.gov
22.	Franklin, Elaine	Audobon Society of Northern Va.	elaine@audubonva.org
23.	Friedman, John	DPWES	john.friedman@fairfaxcounty.gov
24.	Gagnon, Johna	EQAC	gojo1776@cox.net
25.	Glasgow, Harry	FCPA/Ches Bay En	aglasgow@cox.net
26.	Gould, Amy	Citizen	
27.	Greenhaugh, John	Swift Run Trails Homes Assn.	
28.	Hardy, Robin	Planning Commission Office	sara.hardy@fairfaxcounty.gov
29.	Hart, James	Planning Commissioner	jhart@tidalwave.net
30.	Headly, Mark	Wetlands Studies	MHeadly@wetlandstudies.com
31.	Hoffman, Diane		diane.hoffman@fairfaxcounty.gov
32.	Jenkins, Jimmie	DPWES	jimmie.jenkins@fairfaxcounty.gov
33.	Jordan, Robert	PRGC	robertj1944@yahoo.com
34.	Kaplan, Noel	DPZ	noel.kaplan@fairfaxcounty.gov
35.	Knapp, David	citizen	dknapp1117@cox.net
36.	Knode, Brian	Duke Realty	brian.knode@dukerealty.com
37.	Koch, Stella	EQAC	smkoch@aol.com
38.	Kooc, Hang	Duke Realty Corp.	hang.kooc@dukerealty.com
39.	Lamborn, Carol	DPWES	carol.lamborn@fairfaxcounty.gov
40.	Lawrence, Ken	Planning Commission	mining@verizon.net
41.	Leavitt, Jan	DPWES	jan.leavitt@fairfaxcounty.gov

42.	Liberati, Mark	BC Consultants	MLiberati@bccon.com
43.	Lusk, Rodney	Planning Commissioner	usk@fceda.org
44.	Mariska, Sara	Walsh Colucci	703-528-4700
45.	May, Lisa	NVAR	lmay@nvar.com
46.	Movitz, Cyrena	DRI Development	cyrena.movitz@transwestern.net
47.	Murphy, Duane	Friends of Accotink Creek	703-614-9754
48.	Ntuk, Lloyd	Patton, Harris, Rust & Assoc.	Lloyd.Ntuk@phra.com
49.	Ormsby, Sally	Soil and Water Conservation/CCLUT	sally.ormsby@cox.net
50.	Parker, Charlene	Christopher Consultants	charleneparker@ccl-eng.com
51.	Patteson, James	DPWES	james.patteson@fairfaxcounty.gov
52.	Perez, Stephanie	Dewberry	703-915-0976
53.	Pete Rigby	Paciulli, Simmons	prigby@
54.	Phelps, Paul	MVCCA	pbphelps1@verizon.net
55.	Plummer, David	Chair, MVCCA E&R Committee	heyitsdave@cox.net
56.	Rawlings, Nicole	Human Rights Commission	Nicole.rawlings@fairfaxcounty.gov
57.	Rhodes, George	WEG	grhodes@wegnet.com
58.	Rodeffer, Linda	Planning Commission Office	linda.rodeffer@fairfaxcounty.gov
59.	Rolband, Michael	Wetlands Studies	MRolband@wetlandstudies.com
60.	Sargeant, Timothy	Planning Commission	Tim.J.Sargeant@dom.com
61.	Scanlon, Jim	BC Consultants	jhsanlon@bccon.com
62.	Schank, Stephanie		svschank@yahoo.com
63.	Siegel, Paul	Friends of Little Hunting Creek	lhwc@zzapp.org
64.	Sizer, Scott	FCPA	Scott.Sizer@fairfaxcounty.gov
65.	Smith, Charles		Charles.Smith@fairfaxcounty.gov
66.	Smith, Melanie	DPWES	melanie.smith@fairfaxcounty.gov
67.	Strother, Jessica G.	UFMD, DPWES	jessica.strother@fairfaxcounty.gov
68.	Thomas, Dennis	Burgess & Niple	dthomas@burnip.com
69.	Tucker, Valerie	DPWES	valerie.tucker@fairfaxcounty.gov
70.	Turner, Susan	MCA	susant@mapwizards.com
71.	Watson, Eileen	Williamsburg Environmental	ewatson@wegnet.com
72.	Webb, Flint	Federation	FHWebb@aol.com
73.	Welton, Mary Ann	PD, DPZ	mary.welton@fairfaxcounty.gov
74.	Whitacre, Lori	Burgess & Niple	lwhitacre@burnip.com
75.	Whitehead, Hugh	UFMD, DPWES	hugh.whitehead@fairfaxcounty.gov