

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, September 19, 2013**

PRESENT: James R. Hart, At-Large, Chairman
Janyce N. Hedetniemi, At-Large
Ellen J. Hurley, Braddock District

ABSENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Kenneth Lawrence, Providence District
Tim Sargent, At-Large

ATTACHMENTS:

- A. Fairfax County Stormwater Management Ordinance Presentation – September 19, 2013
- B. Stormwater Detention Comparison Exhibit, Walter L. Phillips Inc.

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Chairman James R. Hart called the meeting to order at 7:01 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Paul Shirey, Code Development and Compliance Division, Land Development Service (LDS), Department of Public Works and Environmental Services (DPWES), navigated the committee through a presentation on the proposed Stormwater Ordinance. Mr. Shirey detailed the timeline and milestone actions, anticipating the Board of Supervisors approval in early March. He noted that April 1, 2014 was the ordinance deadline with the State of Virginia with an effective date of July 1, 2014. The requirements from the State included the development of internal procedures and training programs for staff. The proposed ordinance was developed following numerous discussions with industry, environmental groups, and citizens.

Mr. Shirey highlighted the top concerns raised through the outreach efforts which included the Single Family Dwelling Exemption, Grandfathering Provisions, and Adequate Outfall Provisions. John Friedman, LDS, DPWES responded to a discussion regarding the various options and limitations in developing the Single Family Dwelling exemption.

Commissioner Hurley requested clarification of the difference between the definitions of disturbed areas and impervious areas. Mr. Friedman and Mr. Shirey discussed the various conditions that would influence the definition of disturbed area and impervious area and the various exemptions that enable or restrict stormwater management controls.

Commissioner Hart asked staff if the County Attorney had approved the proposed amendment, specifically related to the percentage recommended for the SFD exemption. Mr. Shirey confirmed that the County Attorney approved the recommendations. Commissioner Hart also

questioned how staff determined the percentage distinction for the SFD exemption. Mr. Friedman stated that the recommended 18% was the requirement in the Chesapeake Bay Ordinance.

Commissioner Hedetniemi questioned if the proposed ordinance was better for the county, the environment, and the citizens, despite the increased costs associated. Mr. Shirey responded that he felt that the proposed ordinance was a step in the right direction. Commissioner Hart interjected to remind the committee that the proposed amendment was a State requirement.

Commissioner Hurley sought clarification on the downstream adequate outfall provisions. Mr. Shirey confirmed that this provision was for new construction and was not a requirement for structures previously constructed. Commissioner Hurley also questioned if this proposed ordinance held any provisions for flooding to existing structures. Mr. Shirey responded that the proposed ordinance offered additional protection to infill development.

Commissioner Hurley further requested clarification on a statement made during the presentation that the proposed ordinance will provide a cost savings to the county in staff time and enforcement. Mr. Shirey explained that the State does not currently offer an enforcement provision, the proposed ordinance allows for additional fines and stronger enforcement capability.

A discussion ensued between Commissioner Lawrence, Commissioner Hart, and Commissioner Hurley regarding enforcement capability. Mr. Shirey noted that there was greater control when the county maintained the stormwater facility. Mr. Patteson further noted that as the stormwater facilities continued to become more sophisticated, many homeowners associations struggle with maintenance and it then becomes more necessary for the county to assume the maintenance requirements.

Chris Spahr, Stanley Martin Homes, Bill Prodo, Walter L. Phillips, Inc., and Helman Castro, Northern Virginia Building Industry Association (NVBIA) presented some examples to the committee on how the proposed amendment would impact industry. Mr. Castro provided three examples of a fictitious church expansion project, drafted from Walter Phillips, Inc. The drawing highlighted the stormwater facilities required under the current County ordinance, under the proposed County ordinance, and an example should the County adopt the States regulations with no changes.

Commissioner Hart thanked the representatives from NVBIA, and noted that the public hearing for the proposed ordinance was scheduled for October 9, 2013 and requested that committee members forward any questions to staff in advance of the meeting.

The next meetings are scheduled for the following:

November 6, 2013 – EV Charging Stations

December 4, 2013 - TBD

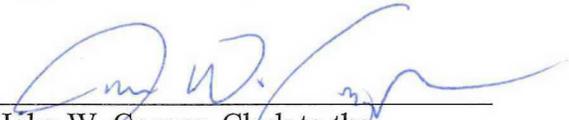
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The meeting was adjourned at 8:15 p.m.
James R. Hart, Chairman

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

Minutes by: John W. Cooper

Approved: January 14, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission