

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 19, 2006**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Nancy Hopkins, Dranesville District

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Murphy announced that former Hunter Mill District Planning Commissioner David Bobzien, Fairfax County Attorney, and former Providence District Planning Commissioner, Rosemarie Annunziata, Fairfax County Civil Service Commission Chair, were being inducted into the Virginia Law Foundation's 2006 Class of Fellows tonight during the Virginia Bar Association's annual meeting in Williamsburg. He congratulated them on their accomplishment.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-M05-39, FOR NINE ANTENNAS TO BE ADDED TO AN EXISTING 150-FOOT SIMULATED EVERGREEN TREE MONOPOLE, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. PCA 85-S-061-04 – COPT PARKSTONE, LLC
2. RZ 2005-LE-027 – OLIVET EPISCOPAL CHURCH
3. PUBLIC FACILITIES MANUAL & ZONING ORDINANCE AMENDMENTS (NATURAL DRAINAGE DIVIDES, ADEQUATE OUTFALL, AND NOTIFICATION REQUIREMENTS) (Continuation of public hearing)

This order was accepted without objection.

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PCA 85-S-061-04 - COPT PARKSTONE, LLC - Appl. to amend the proffers for RZ 85-S-061 previously approved for industrial development to permit site modifications with an overall Floor Area Ratio (FAR) of .21. Located on the W. side of Parkstone Dr., S. of Conference Center Dr. and N. of Braddock Rd. on approx. 14.77 ac. of land zoned I-3 and WS. Comp. Plan Rec: Office/Industrial mix with an overall FAR of .50. Tax Map 43-4 ((6)) 27 pt. and 37A. SULLY DISTRICT. PUBLIC HEARING.

David Houston, Esquire, with Pillsbury Winthrop Shaw Pittman LLP, reaffirmed the affidavit dated January 10, 2006. There were no disclosures by Commission members.

John-David Moss, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Wilson commented that the Commission had received numerous applications that proposed waiving loading space requirements and suggested that the standards might need to be reviewed. Mr. Moss said the Department of Transportation and DPZ staff found the waiver appropriate in this case.

Mr. Houston said the application involved amending the proffers of a previously-approved rezoning application to relocate one building nearer to Conference Center Drive rather than the two shown on the Generalized Development Plan. Mr. Houston explained that the applicant had met with adjoining residential owners and had added additional screening to address their concerns. Addressing Commissioner Wilson's remark, he said that the parcel was zoned I-3; however, since the proposed use was office which generally needed less loading area than industrial, the applicant was requesting a waiver. Mr. Houston noted that the West Fairfax County Citizens Association supported the application.

Chairman Murphy called for speakers from the audience but received no response; therefore, he noted that a rebuttal statement was not necessary.

There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 85-S-061-04, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 3, 2006.

Commissioners Byers and Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION TO THE REQUIRED NUMBER OF LOADING SPACES.

Commissioners Byers and Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE ADJACENT TO BRADDOCK ROAD.

Commissioners Byers and Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE ADJACENT TO BRADDOCK ROAD.

Commissioners Byers and Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE REQUIREMENT TO CONSTRUCT THE EXPANSION OF BRADDOCK ROAD PER THE COMPREHENSIVE PLAN.

Commissioners Byers and Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

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RZ 2005-LE-027 - OLIVET EPISCOPAL CHURCH - Appl. to rezone from R-1, R-2, C-5, and HC to C-2 and HC to permit a place of worship with an overall Floor Area Ratio (FAR) of 0.18. Located in the S.W. quadrant of the intersection of Franconia Rd. and Beulah St. on approx. 2.23 ac. of land. Comp. Plan Rec: Gov./Inst. Tax Map 81-3 ((5)) 1B. LEE DISTRICT. PUBLIC HEARING.

William Higham, reaffirmed the affidavit dated November 7, 2005. There were no disclosures by Commission members.

John-David Moss, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Higham said approval of the application would allow the construction of a new handicapped-accessible 256 seat sanctuary. He said the applicant was currently occupying a 165 seat sanctuary in a 2-story building built in the 1950s. Mr. Higham noted that a paved parking lot would be removed to enable construction and therefore add to the pervious surface area. He said that an agreement between the applicant and the neighboring Franconia Fire Department would allow the applicant the use of an adjacent parking lot. Mr. Higham explained that the design of the new building would be compatible with the historic chapel.

Chairman Murphy called for speakers from the audience but received no response; therefore, he noted that a rebuttal statement was not necessary.

There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2005-LE-027, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 19, 2006.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN AND EASTERN BOUNDARIES OF THE SITE.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

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PUBLIC FACILITIES MANUAL & ZONING ORDINANCE AMENDMENTS (NATURAL DRAINAGE DIVIDES, ADEQUATE OUTFALL, AND NOTIFICATION REQUIREMENTS) (continuation of public hearing from December 8, 2005) - The proposed amendments addresses issues related to natural drainage divides, stormwater outfall, and expanded public notification requirements. Pursuant to the authority granted by *Virginia Code* Section 15.2-2241 and 10.1-562, the amendments revise Chapter 6 of the Public Facilities Manual (PFM) and Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code). The drainage divides amendment revises Sect. 6-0202 of the PFM. The proposed amendment allows the Director of the Department of Public Works and Environmental Services to approve a diversion of surface drainage in certain instances subject to the engineering requirements set forth in the amendment that require no adverse impact on adjacent or downstream properties. Two options are proposed. One option would not permit a diversion across a Watershed boundary depicted on the County Map of Watersheds. The other option would permit a diversion across a Watershed boundary depicted on the County Map of Watersheds under certain circumstances. The stormwater outfall amendment revises Chapter 6 of the PFM regarding stormwater outfall requirements, including clarification of the required extent of downstream review and the addition of options that require demonstration of no adverse impact with an incremental improvement of an outfall. The expanded public notification amendments address issues related to notification requirements for subdivision plats, plans, and site plans. The proposed amendments to the Subdivision Ordinance increase the number and extent of adjoining property owners required to be notified, add a requirement for notification of civic associations, require additional descriptive information and a reduction of the plan for the proposed development be included in notices, and change the timing of notification of adjoining property owners for proposed subdivisions subject to a proffered generalized development plan, proffered or approved final development plan, or approved special exception plat for a cluster subdivision or waiver of minimum lot size by requiring that notification of adjoining property owners be provided with the subdivision construction plan instead of the final plat. The proposed amendments to the Zoning Ordinance increase the number and extent of adjoining property owners required to be notified, add a requirement for notification of civic

associations, and require additional descriptive information and a reduction of the plan for the proposed development be included in notices. Copies of the full text of the aforementioned proposed amendments and staff report are on file and may be inspected at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035. For the convenience of the public, copies of the full text will also be available for inspection at the County's Regional and Community Public Libraries. COUNTYWIDE. PUBLIC HEARING.

Commissioner Wilson said that the Commission had a revised drainage divide amendment dated today; however, staff had follow-up comments and as a result, there would be additional changes made. She said there was not an updated version of the adequate outfalls amendment but since there were a number of additional changes being proposed, a bulleted list of the proposed revisions had been distributed. Commissioner Wilson explained that she was working with staff and the County Attorney on the scope of advertisement issues concerning the revisions.

James Patteson, Director of Land Development Services, Department of Public Works and Environmental Services (DPWES), responding to a question from Commissioner Hart, said that the Office of the County Attorney had requested clarification of the drainage divide section of the Public Facilities Manual (PFM) but had not directed DPWES to cease approving applications until the amendments were passed; therefore, DPWES would continue their current procedures.

Chairman Murphy called the first listed speaker.

Becky Cate, 8119 West Chester Drive, Vienna, said that she had worked with a group of interested citizens and had forwarded their comments to Commissioner Wilson which stated that they supported most of the language changes proposed. She said regarding the adequate outfall amendment, language should be inserted to cover infill developments in Section 6-0201 and what was considered adverse impacts in Section 6-0202-6B; add language defining what was necessary prior to discharging water into private ponds; add a requirement for new developments to share the long term impact costs for use and maintenance of private stormwater facilities; replace the phrase "incremental improvement" with "proportional improvement"; clearly define land development activities, structures, and the phrase "good forested condition"; and delete Section 6-0203.4D in its entirety. Regarding the public notifications amendment, Ms. Cate suggested that all property owners impacted by the diversion of water that crossed a drainage divide should be notified and not limited to only those within a 500 foot area. She added that the Fairfax County Office of Public Affairs (OPA) should maintain a listing of civic associations, including those not registered with the State Corporation Commission, and put a prominent reminder on the County website for citizens to register their associations with OPA. Ms. Cate said that her recommendation concerning the drainage divide amendment was that staff honor all major drainage divides within a watershed; however, if the Commission were to change the current PFM, her recommendation would be that proposed option number 2 be approved. At Commissioner Alcorn's request, Ms. Cate said she would forward a copy of her testimony the following day. (A copy of her remarks is in the January 26, 2006 date file.)

Commissioner de la Fe commented that Fairfax County had not been fully forested or "good forested" since the Civil War and requested that staff work on a definition of this phrase.

Deborah Reyher, 8628 Redwood Drive, Vienna, representing Oakdale Park Civic Association, said she was an environmental attorney, founder of the new Friends of Accotink group, and the spokesperson for a neighbor. She said that although everyone had made changes in good faith and there had been numerous deferrals, a poorly-drafted Ordinance would promote controversies, misunderstandings, and disputes as shown by the stream declassification hearings for the Wedderburn property. Ms. Reyher said that definitions used in the proposed amendments were inconsistently formatted or unclear and certain words and phrases were undefined. She said that a carefully drafted, numbered definition section was needed at the beginning of a good statute since that guided all the subsequent sections and provided the example of adverse impact referenced in Section 6-0201.2 and defined later. She stated that scientific tables should be referenced, where appropriate, and noted the lack of cross-references. Ms. Reyher said that the County Attorney should review this thoroughly to avoid misinterpretation.

At Chairman Murphy's request, Ms. Reyher said that she would e-mail her testimony to the Commission. (A copy of her remarks is in the January 26, 2006 date file.)

Teresa Champion, 8100 Backlash Court, Springfield, representing the Middle Valley Civic Association, questioned damage that resulted from previous waiver recommendations and said that staff had been asked to forward waiver documentation to the Board of Supervisors for review and analysis. She said that the proposed drainage divide amendment lacked a definition of a divide, lessened the scope of protection, eased restrictions on infill development, and that minimizing the number of onsite stormwater facilities should not be a sole justification to cross a divide. Regarding the adequate outfall amendment, Ms. Champion opposed the provision for overland relief and said that downstream review should require an engineer's certification. She suggested that staff model language from codes available in other jurisdictions.

Commissioner Wilson explained that the State Code allowed appropriately certified land surveyors and landscape architects licensed by the State to submit plans, as well; therefore, Fairfax County could not limit certification to solely engineers.

Frank Crandall, 900 Turkey Run Road, McLean, representing the Environmental Quality Advisory Council and the McLean Citizens Association Environment Committee, said that staff had done a very significant job technically and although the proposal was not perfect, staff should be commended; however, he expressed concern that the language was not as precise as it should be. He said that when crossing a divide, all land owners in the engineering study area should be notified to identify potential problems. Mr. Crandall noted in the adequate outfall amendment, land development activities, proportional improvement, good forested condition, and adverse impact needed to be further defined. He thought that anyone who used a privately-owned pond should contribute to its maintenance.

Commissioner Hart said he agreed that definitions to some key terms should be added, but asked if the application would have to be readvertised if definitions were added at this point.

Commissioner Wilson said that the County Attorney might consider some of the proposed revisions outside the scope of the advertisement. She said that there was a meeting planned with the County Attorney and staff to address those issues. Commissioner Hart suggested that the application be readvertised allowing extra time to incorporate the appropriate changes.

Responding to a question from Commissioner Alcorn, Mr. Patteson said that the case had been deferred over 20 times. Mr. Crandall said that this was the 23rd time. Commissioner Wilson said that the adequate outfall amendment had first been advertised in November 2005. Commissioner Alcorn commented that two public hearings and a public workshop had been held and questioned if the amendments should be deferred any longer.

Fran Wallingford, 3311 Mantua Drive, Fairfax, said she agreed with Commissioner Wilson's changes but said further definitions were needed. She stated that notifications should be sent to all property owners within a study boundary area and suggested that the Board of Supervisors remind citizen associations to send current information to the Office of Public Affairs.

Commissioner Byers expressed concern that no specific definition of a natural drainage divide had been provided.

Cate Jenkins, 3029 Mission Square Drive, Fairfax, said she concurred with Ms. Reyher's statement regarding definitions. She said phrases, such as adverse impact, had been inconsistently defined throughout the proposed amendment and that "structures, dwellings, and buildings" had been used interchangeably for the word "property." She said that the proposed amendments did not adhere to Virginia State law regarding adequate outfalls, violated criteria for consideration of downstream impacts, and excluded important criteria such as the protection of human health and safety.

Cathy Saunders, 1350 Beverly Road, Suites 115-194, McLean, said in addition to previous speakers' comments, there were issues of trust and suggested that the County begin compiling drainage divide waiver information so that any implementation of regulations could be tracked and accessible to the public. She noted that there was good scientific process modeling from the engineering consultants on the Middle Potomac Planning Committee in determining affected areas with adequate outfall. She said there was a mixed message regarding implementation of adequate outfall regulations and the use of rip rap which destroyed habitat and the outfall area and suggested that developers pay more towards stream restoration. Ms. Saunders stated that the proposed notification radius would not be appropriate and data should be gathered from potentially affected property owners early in the process. She indicated that the proposed amendments were moving in the right direction.

Pete Rigby, 13705 Stonehunt Court, Clifton, addressing outfall improvements, said he was a practicing engineer and urged the Commission to create a public policy to use pro rata shared funds to target stream restorations and to use existing or establish new fund sources to create a

solution to erosions. He said that the major problem was the cumulative effect of progress that was taxing stream capacity, pipe capacity, and stream stability. Mr. Rigby said that the Virginia Department of Transportation should provide adequate maintenance to roadside ditches, culverts, and stormwater sewers and provide adequate funding for Fairfax County to do the same. He noted that the PFM was a guide, not legislation and that definitions were important but could be overdone. Mr. Rigby said the County had an adequate notification process and qualified staff who knew what to review.

In response to a question from Commissioner Alcorn, Mr. Rigby said that an engineer checked capacity and erosion by calculations and visiting the site to determine if the outfall was adequate downstream and to prepare stormwater management plans for the County. He added that his firm checked with the County for any downstream drainage complaints on every project.

Mike Albright, 603 Plum Street SW, Vienna, said he was a civil engineer and a member of the Fairfax County Adequate Outfall Subcommittee and believed that the amendment benefited the community. He said plan requirements were well defined in the proposed adequate outfall amendment which would result in better plans with more information; therefore, making it easier to establish the level of acceptance by the County staff. Mr. Albright said he had not been familiar with the drainage divide issue but he had read and supported the proposed regulations. Regarding the notification amendments, he said that he had issues with notifying people within a 500 foot radius of a project because of density and suggested that might require notifying hundreds of people in a condominium but not necessarily notifying the people at the outfall point. Mr. Albright said to confirm that all people had been notified properly, would be a tremendous task. Mr. Albright suggested one solution would be to inform the District Supervisor's office of projects and they could keep a record of citizen associations and concerned citizens for notification purposes.

Mike Rolband, 14088 Sully Field Circle, Chantilly, representing the National Association of Industrial & Office Properties, thanked the Commission and staff for their hard work. He said that enough time had been devoted to this issue and that the PFM was an engineering reference manual and a guide to site design. Mr. Rolband stated that too much time was being devoted to little details and suggested that the Commission approve the modifications proposed by Commissioner Wilson. Mr. Rolband said he did not agree with everything in the proposal but that it was a good compromise on the varying points of view. He explained that private ponds were impoundments and the United States and the Commonwealth considered water public. He said that the PFM suggested using the Sentinel Community Surveillance (SCS) methodology for calculations and that methodology defined good forest in terms of engineering criteria.

James Patteson, Director of Land Development Services, DPWES, said that the proposed amendments were a step in the right direction and provided additional tools to ensure that submitted plans took into consideration a better environmental design. He said important elements were included in the proposed drainage divides amendment that would define the

public benefit in terms of saving green space, avoiding negative impacts of steep slopes, and saving trees. Mr. Patteson explained that previously staff had only looked at the negative impacts. He noted that many requests to cross a divide had been initiated by either a citizen's request or a Commissioner to save tree space. Mr. Patteson stated that the proposed adequate outfall amendment was an improvement in terms of extent and clarity of analysis. He said it also allowed for an onsite solution to adequate outfall. In response to Ms. Saunders, he said that one option in the proposed adequate outfall amendment was a detention method to prevent destroying existing habitat or installing rip rap. Regarding public notice, Mr. Patteson said that it extended the number of people required to be notified and provided additional information. He said that before a developer could get bonded for a project, he was required to come to agreement with the owner to use a private pond for either BMP or detention. Mr. Patteson explained that the proposed amendments had been forwarded to the State for review and that negative comments had not been received.

Judy Cronauer, DPWES, explained that the phrase "good forested" was a term referred to by Natural Resource Conservation Service (NRCS), formerly the SCS method, for determining runoff and hydrologic conditions.

Michelle Brickner, DPWES, explained drainage divides as the ridge line that defined which direction waters would flow. She said that PFM regulations would go into effect when a divide was changed such that the drainage area was to a point offsite and then a justification would be needed and proposed provisions would have to be met.

In response to a question from Commissioner Byers, Ms. Brickner said the proposed amendment included two options regarding major divides. She explained that one option required a developer to honor the major divides depicted on the County Map of Watersheds and the other would permit a diversion after meeting certain justifications. Mr. Patteson said the change to the proposed amendment was a clarification of the regulation point and that previously DPWES had used the 30 major watersheds as the regulation point but with the proposed amendment the regulation point would be if water came off the site and flowed in a different direction.

In response to questions from Commissioner Hart, Ms. Brickner said that the present submission requirements in the Zoning Ordinance did not require enough data for DPWES to analyze the effects of adequate outfall and drainage diversion before the rezoning process but that information was reviewed in great detail when site plans were submitted.

In response to a question from Commissioner Alcorn, Mr. Patteson estimated that approximately 20 percent of the applications DPWES received provided detailed stormwater data at the rezoning stage; however, if an application was controversial, that percentage increased. Commissioner Alcorn commented that it would be necessary in the future to reevaluate the rezoning process due to the increased confluence of engineering and rezoning matters.

Commissioner Wilson relayed that she had been discussing with staff an internal policy where stormwater and diversion issues could be reviewed at the time of rezoning. She

suggested that if an application had a drainage diversion issue, a member of DPWES staff could be present at the public hearing to address any concerns. She also suggested that proffer language should require plans to be returned as a proffer condition amendment or a final development plan amendment if a diversion required approval by the Director of DPWES.

Responding to a question from Commissioner Wilson, Ms. Brickner said that although there was not a specific definition of land development activity, the adequate outfall provisions of the PFM applied anytime land disturbing activity was proposed and that was defined in Chapter 104 of the County Code.

John Friedman, DPWES, in response to a question from Commissioner Wilson, said that the decision to expand the extent of general notification came after consultation with Commissioner Wilson and Providence District Supervisor Linda Smyth. He explained that inserting vague language such as "notify all people who might be affected by drainage diversion" would be inappropriate since every land development project increased the amount of runoff which could potentially affect downstream property owners and that might lead to notification oversights. Mr. Friedman said that the proposed language was a compromise between citizen and developer comments.

Responding to a question from Commissioner Wilson, Ms. Cronauer said staff had concerns about defining specific adverse impacts because any given situation was unique. She said it was the intent of staff to consider more than the examples listed in the proposed amendment so that any adverse impact that staff deemed possible could be avoided.

Responding to a question from Commissioner Wilson, Mr. Friedman said proportional improvement was determined mathematically; therefore, the inclusion of the calculation procedure was sufficient and a verbal description was unnecessary.

Commissioner Wilson read Sections 1-0100 and 1-0100.6 of the PFM to demonstrate that the PFM was a guideline and not a mandate of law. She stated that to add a definition section might not be appropriate and would be outside the scope of the advertisement.

Ms. Brickner, responding to a question from Commissioner Wilson, said that the two options in the proposed natural drainage divides amendment had been included to address the state of development in the County and to arrive at a fair outcome making developers do proportional improvements to enhance an area but not holding them responsible for problems created by past development. She said that the options provided an onsite solution to the concerns of rip rapping and destroying streams.

Commissioner Alcorn agreed that the PFM was a guide and suggested that the Commission put forth their best recommendation to the Board of Supervisors and if there were issues that fell outside the scope of advertising, they could be dealt with at that time.

In response to a question from Commissioner Lawrence, Mr. Friedman said that once land cover changed from a good forested condition and started urbanizing, a stream went through an adjustment process. He said once that process started, the stream would not go back to its original cross section but further degradation could be stopped and the proposed amendments would enable that to happen.

Commissioner Wilson, responding to previous comments, said that she would be meeting with staff and the Office of Public Affairs to discuss obtaining and maintaining updates to homeowner and civic associations.

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THE AMENDMENTS TO THE PUBLIC FACILITIES MANUAL ON DRAINAGE DIVIDES AND ADEQUATE OUTFALL AND THE AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE ON NOTIFICATION REQUIREMENTS TO A DATE CERTAIN OF JANUARY 26, 2006, WITH THE RECORD TO REMAIN OPEN FOR ALL WRITTEN AND ELECTRONIC COPIES.

The Planning Commissioners seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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The meeting was adjourned at 10:25 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: October 4, 2007

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission