MINUTES OF
PLANNING COMMISSION MEETING
MARCH 4, 1993

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Robert v. L. Hartwell, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Carl L. Sell, Jr., Lee District
Henry E. Strickland, Mason District

ABSENT: Alvin L. Thomas, Commissioner At-Large

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Harsel MOVED FOR APPROVAL OF THE FOLLOWING MINUTES:

JULY 30, 1992	NOVEMBER 4, 1992
SEPTEMBER 10, 1992	NOVEMBER 11, 1992
SEPTEMBER 23, 1992	NOVEMBER 12, 1992
OCTOBER 1, 1992	DECEMBER 9, 1992
OCTOBER 14, 1992	DECEMBER 10, 1992
OCTOBER 21, 1992	DECEMBER 16, 1992
OCTOBER 29, 1992	

Commissioner Byers seconded the motion which carried 7-0-2 with Commissioners Downer and Hartwell abstaining; Commissioner Palatiello not present for the vote; Commissioner Thomas absent from the meeting.

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Chairman Murphy stated that a decision only was scheduled tonight on S92-III-P1, Out-of-Turn Plan Amendment; however, it required further review. He then MOVED THAT S92-III-P1, BE DEFERRED INDEFINITELY.

Commissioners Byers and Sell seconded the motion which carried unanimously with Commissioners Hanlon and Palatiello not present for the vote; Commissioner Thomas absent from the meeting.

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Due to audio problems with the cable broadcast, the Planning Commission recessed at 8:30 p.m. and reconvened at 8:40 p.m.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda:

1. ZOA - Minor Additions to Approved Rezonings, Special Exceptions & Special Permits
2. Chesapeake Bay Preservation Ordinance, Phase II (Public Hearing Continued from 2/17/93)
3. Chesapeake Bay Ordinance - Markup (Phases I & II)

Without objection, it was so ordered.

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ZONING ORDINANCE AMENDMENT - Minor additions to approved rezonings special exceptions & special permits - On the matter of an amendment to Chapt. 112, the Zoning Ord. of the 1976 Code of the County of Fairfax, VA, as follows: Amend Articles 6, 8, 9, 16, & 18 to revise the provisions regarding admin. approval of minor additions to approved special exceptions & special permits, & to require notification to adjacent property owners when a minor addition to an approved rezoning, special exception, or special permit is proposed for administrative approval. If approved, this amendment could apply retroactively to all previously approved rezonings, special exceptions, & special permits. PUBLIC HEARING.

Mr. Peter H. Braham, Zoning Evaluation Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. He stated that staff recommended approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption by the Board of Supervisors and that the amendment apply retroactively to all previously approved proffered rezonings, PDH and PDC District rezonings, special exceptions and special permits, as well as prospectively to future approvals.

There being no listed speakers and none from the audience, no questions, or comments, and no need for rebuttal, Chairman Murphy closed the public hearing and turned to Commissioner

Hartwell for action on this case. (A verbatim transcript may be found in the date file.)

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Commissioner Hartwell MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE ZONING ORDINANCE AMENDMENT, MINOR ADDITIONS TO APPROVED REZONINGS, SPECIAL EXCEPTIONS AND SPECIAL PERMITS, AS ADVERTISED AND EXPLAINED IN THE STAFF REPORT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Hanlon not present for the vote; Commissioner Thomas absent from the meeting.

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CHESAPEAKE BAY PRESERVATION ORDINANCE, PHASE II - On the matter of amend. to the Code of the County of Fairfax, VA (County Code), Chap. 101, Subdivision Provisions; Chap. 104, Erosion & Sedimentation Control Ord.; & Chap. 112, Zoning Ord., & to the Fairfax County Public Facilities Manual. The proposed amendments align existing ordinances & provisions w/proposed County Code Chap. 118, Chesapeake Bay Preservation Ord., the State Erosion & Sediment Control Law, & the State Erosion & Sediment Control Regulations. The amendments are proposed to incorporate measures to protect & improve the quality of State waters in Chesapeake Bay Preservation Areas pursuant to *VA Code* §10.1-2109 & the Chesapeake Bay Preservation Area Designation & Management Regulations.

The amend. also proposes to change fees which are charged under Chap. 101, 104, & 112 of the County Code for review of plats & plans, for site inspections of improvements, & for erosion & sedimentation control during land disturbing activities, pursuant to the authority granted by the *Code of Virginia* under Sec. 15.1-466(9), 10.1-562(E) & 15.1-491(f), respectively.

The proposed amendments to Chapters 101, 104, & 112 would impose the following fees:

CHAPTER 101, SUBDIVISION PROVISIONS

FEE TYPE	PROPOSED FEE
Water Quality Impact Assessment Filing Fee	$ 576
Resource Protection Area Boundary Delineation &	

Resource Mgt. Area Boundary Delineation Filing Fee	$ 150 plus $0.35 per linear ft. of baseline in excess of 150 linear ft.
Chesapeake Bay Preservation Ord. Exception Request Fee	$ 500

CHAPTER 104, EROSION & SEDIMENTATION CONTROL ORDINANCE

Water Quality Impact Assessment Fee	$ 150
Resource Protection Area Boundary Delineation & Resource Management Area Boundary Delineation Fee	$ 150
Chesapeake Bay Preservation Ord. Exception Request Fee	$ 100 per lot not to exceed $500

CHAPTER 112, ZONING ORDINANCE

Water Quality Impact Assessment Filing Fee	$ 576
Resource Protection Area Boundary Delineation & Resource Mgt. Area Boundary Delineation Filing Fee	$ 150 plus $0.35 per linear ft. of baseline in excess of 150 linear ft.
Chesapeake Bay Preservation Ord. Exception Request Fee	$ 500

PUBLIC HEARING CONTINUED FROM FEBRUARY 17, 1993.

Chairman Murphy noted that this was a continuation of the public hearing from February 17, 1993; noted that there were no listed speakers, called for speakers from the audience, and explained the rules and procedures for addressing the Planning Commission.

Mr. Hugh Dolan, 7409 Calamo Creek, Springfield, stated that he owned three lots adjacent to the floodplain of Calamo Creek and was concerned about the area. He asked the Planning Commission to protect the ecology of Fairfax County.

Commissioner Baldwin noted that he planned to defer the decision on this case in order to allow the Commission to review his comments and those of the previous speakers. He then read a memorandum dated March 4, 1993, from himself to the Planning Commission, with the subject, "Comments and Motions - Chesapeake Bay, Phase I and II". (A copy of that statement may be found in the date file.) Commissioner Baldwin then asked Mr. John Friedman, Division of Design Review, Department of Environmental Management (DEM), for comments on the issues which had been raised during the public hearing.

Mr. Friedman discussed recommendations made by Commissioners Baldwin, Downer, and Palatiello to the Phase II Amendments only. He referred to a memorandum dated March 3, 1993, to Mr. James Wyckoff, Executive Director, Fairfax County Planning Commission, from Mr. Irving Birmingham, Director, DEM. He stated that:

- Regarding Attachment 1 to that memorandum, Issue Number 8, a subject which had been brought up by the Northern Virginia Building Industries Association (NVBIA) and the National Association of Industrial Offices and Parks (NAIOP), he stated that staff had proposed amendments to four sections of the Public Facilities Manual (PFM) regarding the provision of evidence on wetlands permits to the County prior to the issuance of clearing or grading permits. He said staff believed it would be better to keep the clarifications of what constituted evidence in the PFM, rather than including them in the Subdivision Ordinance, the Site Plan Ordinance, and the Erosion and Sediment Control Ordinance.

- Staff had recommended deletion of the exemptions for septic field construction and single family home construction from Chapter 104, of the County Erosion and Sediment Control Ordinance.

Following general discussions on the issues shown above, Mr. Friedman stated that Commissioner Baldwin, in Attachment 2 to his statement, had proposed a change to Section 6-1703 of the PFM which discussed water quality impact assessments. He said staff was not prepared to recommend an amendment as proposed by Commissioner Baldwin because they had not prepared a document regarding this matter but would do so at a later time. Commissioner Baldwin stated that the intent of his recommendation was that it would serve as a guide regarding water quality.

Mr. Friedman noted the changes recommended by Commissioner Downer which added a sentence to Page 11 of the Staff Report, Section 101-2-3(c)(13) which described the elements to be contained on a preliminary subdivision plan. He stated that since a preliminary subdivision plan was not a constructible plan, the only procedures that would be described on a preliminary plan would refer back to the PFM requirements; therefore, this sentence would be unnecessary. Also, regarding Ms. Downer's recommended addition of the words "retention or detention" to page 22, of the Staff Report, Section 105-17-105(15), regarding grade of ditches, catch basins, pipes, and the like, he stated that those words were not necessary because it did not refer to a specific Code requirement.

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IT SHOULD BE NOTED THAT THE PUBLIC HEARING ON PHASE II <u>WAS NOT CLOSED</u> AT THIS POINT; THE MEETING CONTINUED WITH THE MARKUP OF PHASES I & II.

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CHESAPEAKE BAY ORDINANCE - MARKUP - The Planning Commission will hold a markup session for Phases I & II of the proposed Chesapeake Bay Ordinance with staff from the Office of Comprehensive Planning & the Department of Environmental Management.

Commissioner Byers referred to Attachment II, entitled “Phase II, Chesapeake Bay Preservation Ordinance, Discussion of Public Hearing Comments and Changes, Issue Number 2, regarding the Design Manual for BMPs”, and wanted to know if a manual had been completed. Mr. Friedman said that essentially the manual was complete but the usage depended on the adoption of the PFM Amendments contained in the Chesapeake Bay Ordinance, Phase II. Commissioner Byers then said that a manual was necessary in order to get the Chesapeake Bay Ordinance underway. He then asked if an errata sheet for Fairfax County requirements could be added to the handbook which would eliminate the necessity of changing a page in the manual. Mr. Friedman agreed that could be done.

Commissioner Byers then referred to Issue Number 5, Payment of Pro Rata Share Meeting the BMP Requirements for Regional Pond Programs, and asked who managed a regional pond program and did that office or agency get the money? If that office running the regional pond program got the money, what influence did an individual developer have over the program other than paying his pro rata share? Mr. Friedman stated that the pro rata share of a regional pond program was operated by the Department of Public Works and the uniform pro rata share, in addition to funding the regional pond program, also funded other types of drainage improvements. There continued a lengthy discussion between Mr. Friedman and the Commissioners on the subject of the pro rata share and it was concluded that this discussion should be further studied and returned to the Planning Commission at a later date.

Regarding Issue Number 7, Resource Protection Area (RPA) Definition, Commissioner Byers asked why the words ˜contiguous" or "touching" could not be used? Mr. Friedman stated that due to misunderstandings by developers, the use of those words were not desirable when dealing with non-tidal wetlands. Commissioner Byers then suggested that DEM rewrite the explanation of these words.

There being no further questions or comments, no need for rebuttal, Chairman Murphy stated that the public hearing on Phase II was closed and two motions were in order; one on Phase I to defer the Markup, and one on Phase II. With that comment, Chairman Murphy closed the public hearings and recognized Commissioner Baldwin for action on these cases. (A verbatim transcript of the action taken on these cases may be found in the date file.)

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Commissioner Baldwin MOVED THAT THE PLANNING COMMISSION DEFER THE MARKUP ON CHESAPEAKE BAY, PHASE I, UNTIL THURSDAY, MARCH 11, 1993.

Commissioners Hartwell and Strickland seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioner Thomas absent from the meeting.

Commissioner Baldwin then MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PHASE II, UNTIL MARCH 18, 1993.

Commissioner Hartwell seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioner Thomas 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

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes By: Dorothy E. Brittingham

Approved On: July 29, 1993

Mary A. Pascoe

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission