

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 23, 2014**

PRESENT: Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large
John C. Ulfelder, Dranesville District

ABSENT: Frank A. de la Fe, Hunter Mill District
Janyce N. Hedetniemi, Commissioner At-Large
James T. Migliaccio, Lee District

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Commission, Chairman Murphy thanked John Cooper, Clerk to the Planning Commission; Jeanette Nord, Assistant Clerk to the Planning Commission; and Jacob Caporaletti, Associate Clerk to the Planning Commission, in recognition of Administrative Professionals Appreciation Day for their work.

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FS-Y13-99 – CELLCO PARTNERSHIP/VERIZON WIRELESS, 14650 Old Lee Road

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON “FEATURE SHOWN” FS-Y13-99, WHICH PERTAINED TO AN ADDITION OF 12 ANTENNAS AND A STANDBY GENERATOR TO AN EXISTING TOWER IN AN INDUSTRIAL AREA AT 14650 OLD LEE HIGHWAY IN CHANTILLY.

Commissioner Flanagan seconded the motion which carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Migliaccio were absent from the meeting.

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PCA/FDPA 2010-PR-021 – CAPITAL ONE BANK (USA) NA (Decisions Only)

(The public hearing on these applications was held on April 3, 2014. A complete verbatim transcript of the decisions made is in the date file.)

In response to questions from Commissioner Lawrence, Antonio Calabrese, Attorney/Agent, Colley LLP, stated that the applicant agreed to the editorial changes made by staff in the revised set of proffers dated April 11, 2014. In addition, he said that the applicant agreed to delete Proffer Number 35G, which involved a possible sewer pipe that might be installed under the future Jones Branch Connector

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2010-PR-021, SUBJECT TO PROFFERS DATED APRIL 11, 2014, AND AS AMENDED PER DISCUSSIONS BETWEEN THE COMMISSION AND APPLICANT.

Commissioner Flanagan seconded the motion which carried by a vote of 7-0-2. Commissioners Hall and Litzenberger abstained. Commissioners de la Fe, Hedetniemi, and Migliaccio were absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2010-PR-021, SUBJECT TO DEVELOPMENT CONDITIONS DATED APRIL 3, 2014, AND THE BOARD OF SUPERVISORS' APPROVAL OF PCA 2010-PR-021.

Commissioner Flanagan seconded the motion which carried by a vote of 7-0-2. Commissioners Hall and Litzenberger abstained. Commissioners de la Fe, Hedetniemi, and Migliaccio were absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A WAIVER OF SECTION 2-505 OF THE ZONING ORDINANCE TO PERMIT STRUCTURES AND VEGETATION ON A CORNER LOT AS SHOWN ON THE CDPA AND FDPA;
- A MODIFICATION OF SECTION 2-414(B) OF THE ZONING ORDINANCE REQUIRING A 75-FOOT SETBACK OF COMMERCIAL BUILDINGS FROM INTERSTATE 495;
- A DEVIATION FROM TREE PRESERVATION TARGET TO ALLOW TREE CANOPY TO BE PROVIDED THROUGH NEW TREE PLANTING INCLUDING IN THE RIGHT OF WAY;
- A WAIVER OF UNDERGROUND STORMWATER MANAGEMENT DETENTION IN A RESIDENTIAL AREA, PURSUANT TO THE CONDITIONS FOUND IN ATTACHMENT A TO APPENDIX 10 OF THE STAFF REPORT;

- A MODIFICATION OF THE PUBLIC FACILITIES MANUAL (PFM) TO REDUCE PLANTING WIDTH FROM 8 FEET TO 4 FEET WITH STRUCTURAL PLANTING CELLS;
- A WAIVER OF THE COUNTYWIDE TRAILS PLAN REQUIREMENT IN LIEU OF THE SIDEWALKS SHOWN ON THE CDPA/FDPA;
- A WAIVER OF PARAGRAPH 2 OF SECTION 6-505 TO PERMIT A SITE PLAN FOR PUBLIC IMPROVEMENTS PLANS ASSOCIATED WITH PUBLIC ROADWAY, INFRASTRUCTURE, METRO IMPROVEMENTS OR OTHER PARK SPACES TO BE FILED WITHOUT AN APPROVED FDP; AND
- A MODIFICATION OF PFM SECTION 12-0505.6B TO ALLOW FOR TREES LOCATED ABOVE ANY PROPOSED PERCOLATION TRENCH OR BIO-RETENTION AREA TO COUNT TOWARD THE 10-YEAR TREE CANOPY REQUIREMENT.

Commissioner Flanagan seconded the motion which carried by a vote of 7-0-2. Commissioners Hall and Litzenberger abstained. Commissioners de la Fe, Hedetniemi, and Migliaccio were absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DIRECT STAFF TO CONSIDER WHETHER A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO DESIGNATE BUILDING 3 AS AN ICONIC GATEWAY BUILDING FOR TYSONS CORNER IS APPROPRIATE FOR INCLUSION IN THE CURRENT SERIES OF TYSONS COMPREHENSIVE PLAN AMENDMENTS.

Commissioners Flanagan and Ulfelder seconded the motion which carried by a vote of 7-0-2. Commissioners Hall and Litzenberger abstained. Commissioners de la Fe, Hedetniemi, and Migliaccio were absent from the meeting.

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ORDER OF THE AGENDA

On behalf of Secretary Hall, Chairman Murphy established the following order of the agenda:

1. S13-IV-LP1 – COMPREHENSIVE PLAN AMENDMENT (VULCAN QUARRY)

This order was accepted without objection.

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S13-IV-LP1 – COMPREHENSIVE PLAN AMENDMENT
(VULCAN QUARRY) – To consider proposed revisions to the Comprehensive Plan for Fairfax County in accordance with the

Code of Virginia, Title 15.2, Chapter 22. The Amendment concerns approximately 527 acres located at 10000 Ox Road, Lorton, VA, 22079 (Tax Map Parcel 112-2((1))12); 9600 Ox Road, Lorton, VA, 22079 (Tax Map Parcel 106-4((1))56A (pt.)) and 9800 Ox Road, Lorton, VA, 22079 (Tax Map Parcel 112-2((1))8). In addition, Tax Map Parcels 106-3((1))4B, 9 and Tax Map Parcel 106-4((1))20B(pt.) and Tax Map Parcels 112-2((1))9,11 and 14, none of which have assigned addresses, and a portion of right-of-way located south of Peniwill Drive proposed to be vacated/abandoned are also within the subject area. The subject area is located in the LP1 Laurel Hill and P5 Dominion Community Planning Sectors, within the Mount Vernon Supervisor District. The subject area is planned for public facilities, public parks, private recreation and industrial uses. The Plan Amendment considers the reconfiguration and re-use of Vulcan Quarry for public facilities use as a future water supply storage facility. Recommendations to the transportation network may also be modified. MOUNT VERNON DISTRICT. PUBLIC HEARING

Aaron Klibaner, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of Comprehensive Plan Amendment S13-IV-LP1.

In response to Commissioner Flanagan, Mr. Klibaner identified the existing quarry operations on Figure 2 on page 3 of the staff report.

Answering questions from Commissioner Flanagan, Mr. Klibaner explained the following:

- The northwest portion of the subject property was located near Peniwill Drive;
- The boundary of the subject property extended beyond areas being quarried;
- There was land located on the other side of Peniwill Drive owned by the owner of the subject property and Peniwell Drive crossed through one of the parcels;
- There were residential developments located along Peniwill Drive and the condition of this road needed to be maintained;
- There could be no modifications to Peniwill Drive without the County's approval because it was a public road;
- The land bay identified as Subunit 5A in Figure 2 on Page 3 of the staff report would accommodate additional quarry operations; and

- The land bay located on the southeast corner of the site near Route 123 (Ox Road) was the site of a previous quarry and currently served as a water and sludge retention basin.

A discussion ensued between Commissioner Flanagan and Mr. Klibaner regarding the shift in operation of the existing water and sludge retention basin to the northwest portion of the site currently being utilized for quarry operations.

Commissioner Flanagan pointed out that when quarry operations were relocated from their existing location on the subject property to Subunit 5A, these operations would be closer to Ox Road. When he asked whether such operations would be screened from public view, Mr. Klibaner confirmed that the proposed Amendment recommended the installation of sufficient screening.

Referring to the second bullet on page 7 of the handout entitled, “Planning Commission Recommended Plan Text/Plan Amendment S13-IV-LP1,” dated April 23, 2014, Commissioner Hart expressed concern about the text stating that Fairfax Water would acquire the subject property from the owner by approximately 2085. He pointed out the numerous revisions made to the Comprehensive Plan over the course of 71 years, adding that the existing Plan text did not contain references to dates as distant as 2085. Commissioner Hart also expressed concern that revising the text to state, “no later than 2085” could be construed as a deadline, which was not consistent with the general nature of the Comprehensive Plan. He then asked staff to provide rationale for including this date in the proposed Amendment. Mr. Klibaner explained that the year 2085 was determined on the basis of the anticipated market for stone quarried at the site, adding that this year was an estimate made by the owner of the site. In addition, he said that this date was also based on estimates made by the owner on the expected lifespan of the quarry and the ability of the applicant to reach the necessary depth to accommodate a water supply storage reservoir. Mr. Klibaner stated that staff recommended utilizing the phrase, “no later than 2085,” to provide certainty to the community that the quarry would close, noting that this language had been determined after numerous meetings with the community. (A copy of this handout is in the date file.)

Addressing Commissioner Hart’s concerns, Commissioner Flanagan stated that the issue of a projected closure date for the quarry had been discussed at the Mount Vernon District Land Use Committee. He pointed out that questions had arisen regarding the possibility of an economic downturn, which would delay achieving the depth necessary for a water supply storage reservoir by 2085, and he had been informed that these projected dates were agreed upon by Fairfax Water and the owner of the site. Commissioner Flanagan added that the County would not be involved in the enforcement of these dates and the proposed Plan text would only recognize this agreed-upon date. In addition, he said that if the subject property did not have the necessary volume to accommodate the volume of water anticipated by Fairfax Water, then another date could be negotiated. When Commissioner Flanagan asked staff to confirm this understanding, Mr. Klibaner did not object to his statement, but deferred to a representative of the property owner and Fairfax Water for additional information on this issue.

Commissioner Sargeant pointed out that previous issues had arisen in other cases regarding a lack of certainty for future uses at a property. He then stated that the anticipated use for the site

as a water supply storage reservoir was intended to address the expected water supply demands from the surrounding region, adding that the dates determined at the Mount Vernon Land Use Committee meeting and articulated in the proposed Amendment, were consistent with projected demands. Mr. Klibaner concurred, stating that the proposed Amendment cited the regional water resources plan that Fairfax Water crafted in conjunction with other providers. He added that this plan included an expected regional water shortage by 2040 and the anticipated use for the subject property as a water supply storage reservoir would help address this issue. In addition, Commissioner Sargeant said that the stated dates provided greater certainty for both the community and the surrounding region.

Referring to Figure 3 on page 5 of the staff report, Commissioner Ulfelder asked for more information on the location of Elk Horn Run. Mr. Klibaner pointed out the course of this stream, adding that it traversed a channel before emptying into the Occoquan River. Commissioner Ulfelder then expressed concern about the potential impact the proposed use would have on Elk Horn Run, which he noted was identified in the staff report as being a high-quality, healthy stream with a vibrant aquatic habitat. He said that there was language in the proposed Amendment that outlined steps to preserve the environmental quality of Elk Horn Run, but he noted the challenges associated with these efforts. In addition, he stated that addressing this and other issues could impact the cost of the proposed development for the site.

When Commissioner Ulfelder asked whether water supply demand could be met if only the northern portion of the site were used as a water supply storage reservoir, Mr. Klibaner indicated that this capacity would not be sufficient. Commissioner Ulfelder then acknowledged that both portions of the site would be necessary to meet the expected water demand. A discussion ensued between Commissioner Ulfelder and Mr. Klibaner regarding alternative means of meeting the expected water demand.

In response to questions from Commissioner Lawrence, Mr. Klibaner confirmed that the owner of the subject property was a private party and that Fairfax Water was a public agency. Commissioner Lawrence then noted the factors to consider in crafting agreements between these parties. He added that the Plan text for this area would be subject to regular review, but suggested that additional language be added to ensure that such agreements were achieved through a public process and that the public was aware of the need to revise these agreements. Commissioner Lawrence acknowledged the community's demand for certainty regarding the closure of the quarry, but noted the importance of ensuring a public process for the agreements.

Responding to questions from Commissioner Flanagan, Mr. Klibaner confirmed that an approval from the Planning Commission would be required to continue quarry operations on the site beyond 2085, which would include a public hearing, even though articulating an expected closure date of 2085 was not enforceable under the Comprehensive Plan.

Referring to the proposed Plan text outlined on pages 7 and 8 of the handout entitled, "Planning Commission Recommended Plan Text/Plan Amendment S13-IV-LP1," dated April 23, 2014, Commissioner Sargeant asked how the criteria for determining the need to address short, medium, and long-term water supply needs would be applied to the review of this Plan text. He also asked what the appropriate public forum would be to address this issue. Noel Kaplan,

Environment and Development Review Branch, PD, DPZ, explained that the referenced text was intended to recognize the complexity of the environmental issues associated with the site and encouraged that these issues be addressed while accounting for the possibility that some would remain unresolved. He noted the importance of meeting water supply demand, adding that the proposed Plan text would consider the potential impact of these unresolved issues and possible alternatives to address these issues. A discussion ensued between Commissioner Sargeant and Mr. Kaplan regarding the application of the proposed Plan text in the rezoning process for the site.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Nick Firth, 9344 Occoquan Overlook Drive, Lorton, representing the South County Federation (SCF), indicated that his community was located near the subject property. He acknowledged the difficulties associated with the proposed Amendment, noting the long timeframe necessary for the planned development of the site. In addition, he noted that the subject property would be subject to frequent Special Exception (SE) renewals during this timeframe. Mr. Firth stated that the community preferred that the existing quarry on the site be converted into a reservoir. He also indicated that the impact of truck traffic along Lorton Road was another community concern, adding that this road would be expanded in June 2014. In addition, he said that there were ongoing concerns about the amount of blasting conducted on the site, noting that the community preferred that these levels not be increased. Mr. Firth then stated that he favored extending the renewal period for the SE to reduce the need for renewals due to the site's unique circumstances.

In reply to questions from Commissioner Flanagan, Mr. Firth indicated that the SCF voted 32-2-5 to support the proposed Amendment. He also confirmed that he had seen the revised language for the proposed Amendment articulated in the handout entitled, "Planning Commission Recommended Plan Text/Plan Amendment S13-IV-LP1," which incorporated the recommended revisions prescribed by the SCF. Mr. Firth then indicated that he supported this text, adding that the SCF's resolution for the proposed Amendment had been submitted to the record. (A copy of the SCF's resolution is in the date file.)

Ronald Pontius, 9316 Occoquan Overlook Drive, Lorton, representing the Occoquan Overlook Community Association, described his community, noting that it was accessed through Peniwill Drive. He explained that the residents of his community had purchased their properties with the understanding that there was an active quarry on the subject property, but noted that there was also an expectation that the Lorton area would be redeveloped from its traditional industrial character to accommodate more residential and commercial uses. Mr. Pontius stated that the community favored limits on the frequency of blasting on the site, which was not currently articulated in the proposed Plan text. In addition, he said that the community recognized the demand for water, but favored an earlier ceasing of quarry operations at the site.

Commissioner Flanagan asked for more information on the location of his community. Mr. Pontius then identified his community on Figure 1 on page 2 of the staff report and pointed out the locations of the dwelling units closest to the quarry. A discussion ensued between Commissioner Flanagan and Mr. Pontius regarding the extent to which quarry operations had expanded towards his community.

When Commissioner Flanagan asked about the original ownership of the subject property, Mr. Klibaner indicated that the Fairfax County Park Authority had initially owned a portion of the land.

Martin Rizer, 8822 Lake Hill Drive, Lorton, spoke in favor of the proposed Amendment. He commended staff for coordinating with the community to finalize the language for the proposed Amendment. He echoed previous remarks regarding the challenges associated with the subject property, but acknowledged the benefits of the recommended use. Mr. Rizer said that the proposed Plan text had sufficiently addressed the issues raised by the community, adding that additional provisions could be added when the permits for the site were reviewed by the Fairfax County Board of Zoning Appeals (BZA). He indicated that the community would continue to work with the owner of the property to address concerns regarding blast noise, possible expansion of quarry operations, and timelines for ceasing quarry operations.

Charles Murray, 8570 Executive Park Avenue, Fairfax, representing Fairfax Water, described the history of Fairfax Water, which provided drinking water to approximately two million customers in the Northern Virginia region. He pointed out the importance of maintaining a robust water system and planning for necessary improvements to meet future demand, noting the need for sufficient time to implement such plans. Mr. Murray said that a study conducted by the Metropolitan Washington Council of Governments concluded that the population served by Fairfax Water would increase by approximately 30 percent over the next 30 years. He explained that a portion of this increased demand would be met by efforts to reduce per capita water consumption, but a study conducted by the Interstate Commission on the Potomac River Basin (ICPRB) concluded that additional sources of supply would be needed by approximately 2035. In addition, Mr. Murray stated that the State of Virginia required all jurisdictions provide the Virginia Department of Environmental Quality with their plans to meet the demand for water. He then said that in accordance with this requirement, the Board of Supervisors adopted the Northern Virginia Regional Water Supply Plan in 2012, which was compiled as part of a joint effort with neighboring jurisdictions. He explained that the proposal to redevelop the existing quarry on the subject property as a water supply reservoir, which was located between another reservoir and a water treatment plant, was consistent with this plan. Mr. Murray also indicated that Fairfax Water had conducted four studies over a 12-year period to determine the benefits of redeveloping the site as a water supply reservoir, adding that formal comments regarding the importance of this proposal had been provided to the South County Area Plan Review Task Force in 2009 and 2010. He stated that redeveloping the subject property as a water supply reservoir would provide a sustainable, cost-effective means of supplementing the water supply for the region. In addition, he said the proposed redevelopment would have fewer environmental impacts and construction requirements than alternative proposals. In addition, he indicated that redeveloping the site would improve the reliability and flexibility of the overall water supply system. Mr. Murray explained that the proposed Amendment would allow Fairfax Water to develop a reservoir on the subject property by 2035 and another expanded reservoir by 2085, adding that the proposed Amendment would permit a reconfiguration of quarry operations at the site in preparation for these reservoirs. In conclusion, he supported adoption of the proposed amendment because redeveloping the subject property would help meet future water supply demand. (A copy of Mr. Murray's statement is in the date file.)

Commissioner Lawrence reiterated his concerns regarding unexpected changes in conditions or circumstances around the subject property. He then indicated that he did not object to Fairfax Water's plan to develop a water supply reservoir at the site, but he suggested that additional text be included to provide additional flexibility to account for such changes. Mr. Murray acknowledged the uncertainty inherent in water supply planning. He then indicated that the Washington Metropolitan Regional Water Utilities (WMRWU) had crafted an agreement to jointly utilize local rivers and under this agreement, 20-year projections for water demand were compiled every 5 years. He stated that these regular projections helped reduce the uncertainty in water supply planning. In addition, Mr. Murray said that the effects of climate change on water supply projections had not yet been determined, but noted that these regular studies attempted to account for potential changes in climate. He then indicated that the projected 2035 date for implementing the water supply reservoir on the site was appropriate. Commissioner Lawrence clarified that he did not object to the 2035 date, but said that he favored additional provisions to account for unexpected changes beyond this date.

A discussion ensued between Commissioner Litzenberger and Mr. Murray regarding the amount of people that Fairfax Water would serve by 2035 and the ability of the County and the region to meet demand in the event of a water shortage wherein Mr. Murray explained that the use of local rivers to supply water was coordinated by the ICPRB.

Commissioner Ulfelder commended Mr. Murray for addressing some of his concerns in his testimony, but noted that he still had concerns regarding the environmental impact of the proposed redevelopment.

Replying to questions from Commissioner Sargeant, Mr. Murray indicated that Fairfax Water had compiled information on regional water tables and water levels, adding that Fairfax Water used a drought recorded in 1930 and 1931 as a benchmark. He reiterated that climate change could change this benchmark. Mr. Murray then explained that Fairfax Water utilized data other than drought levels to monitor water levels. A discussion ensued between Commissioner Sargeant and Mr. Murray regarding the extent to which historical data was utilized by Fairfax Water in forecasting demand wherein Mr. Murray stated that Fairfax Water had compiled approximately 80 years of data.

Answering questions from Commissioner Flanagan, Mr. Murray explained that water was distributed throughout the region through three sources and during drought conditions, the distribution source would shift accordingly to accommodate the flow or harvest water from a weather event. He also noted that there was no single source that supplied the County's water. In addition, he stated that Fairfax Water, in conjunction with the organizations included in the WMRWU agreement, served multiple regions in the Washington DC Metropolitan area, including counties in Maryland and the District of Columbia. Mr. Murray also confirmed that the Occoquan River watershed encompassed areas outside the County. He then indicated that Fairfax Water was the only provider that accessed the Occoquan as a source and additional supply could be distributed to other providers in the event of a shortage.

When Commissioner Flanagan asked about a formalized agreement between Fairfax Water and the owner of the subject property regarding the 2035 and 2085 dates, Mr. Murray indicated that

such an agreement would be sought by Fairfax Water if the proposed redevelopment were pursued. In addition, he pointed out that Fairfax Water was a public agency and their actions and deliberations were available to the public. A discussion ensued between Commissioner Flanagan and Mr. Murray regarding Fairfax Water's ability to acquire the subject property under the proposed Amendment in 2085 and the economic factors that would guide the use on the site.

Commissioner Hart pointed out that quarry operations at the site could cease before 2085 due to economic factors. He added that quarry operations were not a by-right use and a Special Permit (SP) was required to allow this use, which was subject to renewal every five years. He said that there were no guarantees that future renewals of the SP would be approved, citing concerns from citizens or regulatory changes as possible obstacles. Commissioner Hart then asked whether the ceasing of quarry operations would affect Fairfax Water plans for the site. Mr. Murray stated that this would not affect Fairfax Water's intent to acquire the site and convert it into a water supply reservoir.

Michael Grogan, 9330 Davis Drive, Lorton, representing the Southpointe Estates Homeowners Association, said that he opposed the existing quarry operations on the subject property, noting that his neighborhood was significantly impacted by these operations. He noted that he opposed renewing the SP for quarry operations on the site at the BZA public hearing in 2006. He also indicated that his efforts to end quarry operations had the support of Mount Vernon District Supervisor Gerald Hyland, Commissioner Flanagan, and Commissioner Sargeant. Mr. Grogan pointed out that the property owner had stated during the BZA public hearing in 2006 that quarry operations on the site would cease around 2036. He described the history and location of quarry operations on the subject property, noting that a previous quarry on the site was currently utilized as a sludge pit by Fairfax Water, which was expected to be full by 2035. Mr. Grogan then stated that the planned reservoir for the existing quarry on the northern portion of the site would be utilized as a sludge pit once the existing pit was full. He expressed concern that a sludge pit was inconsistent with Fairfax Water's plan to utilize the site as a water storage reservoir because it would limit the amount of water that could be stored. He said that he favored ending quarry operations on the entire site, which would provide additional space for water storage. Mr. Grogan also expressed concern that the proposed Amendment contained no provisions to maintain the current operating conditions for the quarry on the subject property, adding that the current Plan text would justify further extension of quarry operations by the BZA. He stated that the owner of the site had attempted to modify the existing operating conditions, but were not permitted to do so due to concerns from the surrounding community and the County. Mr. Grogan said that he favored articulating these existing operating conditions in the Comprehensive Plan. (A copy of Mr. Grogan's statement is in the date file.)

David Liab, 9291 Davis Drive, Lorton, voiced opposition to the proposed amendment, echoing remarks from previous speakers regarding the expansion of quarry operations on the site towards nearby residential communities. Referring to his written statement, he pointed out the current limitations on blasting at the site, as prescribed by the existing SP. He then described the methods of measuring the blasting impact from the site. Referring to his written statement, he stated that the Virginia Department of Mines and Minerals (DMM) were responsible for regulating the blasting at quarries. Mr. Liab indicated that under these standards, his community was adversely affected by blasting at the subject property. He also compared the blasting at the site with

blasting at other quarries. He stated that the impact of the blasting could be felt from his residence and this impact had become greater as quarry operations on the site expanded. Mr. Liab then said that he favored additional restrictions on blasting. (A copy of Mr. Liab's statement is in the date file.)

Commissioner Hart informed Mr. Liab that a portion of his statement included materials associated with the previous BZA public hearing for renewing the SP at the site, including language for a motion and development conditions. Mr. Liab acknowledged that he had obtained these materials from this BZA public hearing, adding that he had not included all the materials associated with this case and his intent was to use these materials as a reference. Commissioner Hart then pointed out that his statement did not include a complete list of the development conditions for the existing SP at the subject property. Commissioner Hart also said that the BZA had addressed issues regarding blasting at the site, explaining that analysis by staff and the Fire Marshal was used to make appropriate determinations. A discussion ensued between Commissioner Hart and Mr. Liab regarding the existing restrictions on the subject property under the current SP and the purpose of including these materials in Mr. Liab's statement.

Commissioner Hart also informed Mr. Liab that restrictions regarding blasting at the subject property were appropriate for an SP, but not for a Comprehensive Plan Amendment. He added that the Comprehensive Plan was a general guide and the proposed Amendment would only revise the Plan text for the subject property. He then indicated that it would be more appropriate to incorporate additional restrictions on blasting in future applications for the site, such as a rezoning or an SP renewal. Mr. Liab concurred with Commissioner Hart's statement, but aligned himself with Mr. Grogan in his preference to articulate blasting restrictions on the site more clearly within the Comprehensive Plan. Commissioner Hart said that this issue could be addressed on a case-by-case basis by staff to determine whether additional flexibility regarding blasting limits was needed.

Responding to questions from Commissioner Flanagan, Mr. Liab confirmed that his concerns pertained to DMM possibly permitting more intense blasting at the subject property. He also confirmed that the owner of the property could request increasing the amount of blasting on the site from the BZA. Mr. Liab then reiterated that he favored including language in the Comprehensive Plan that would prevent increased blasting from being permitted at the site.

Commissioner Flanagan echoed remarks from Commissioner Hart regarding the general nature of the Comprehensive Plan, adding that the SCF supported the language for the proposed Amendment. He also pointed out that the proposed Plan text acknowledged the community's preference to oppose increasing the amount of blasting at the site, which the BZA would take into consideration when reviewing an SP for the site.

In response to questions from Commissioner Sargeant, Mr. Liab reiterated that he supported including language within the proposed Amendment that precluded increasing the amount of blasting on the subject property. He then confirmed that he favored utilizing similar language to that of the development condition for the previously-approved SP for the site that restricted blasting, which was cited by the SCF in their resolution.

Commissioner Sargeant echoed remarks from Commissioner Hart and Commissioner Flanagan regarding the general nature of the Comprehensive Plan, saying that specific language regarding blasting limitations at the site was not appropriate. He added that additional restrictions could be included in the rezoning process for the site and Mr. Liab indicated that he would support such restrictions.

Commissioner Sargeant pointed out that the Southpointe Estates community opposed the proposed Amendment, but noted that there had been confusion regarding the language pertaining to blasting at the site. He reiterated that there were more appropriate avenues to incorporate such language to restrict blasting at the site. Mr. Liab noted his intention to raise awareness of this issue and reiterated his request to incorporate such language into the proposed Amendment.

When Commissioner Lawrence reiterated that specific restrictions on blasting were inappropriate for the Comprehensive Plan, Mr. Liab indicated that he understood this. Commissioner Lawrence then pointed out the difficulty of utilizing specific language within the Comprehensive Plan while maintaining its general nature. He also noted that the standards for mitigating the impacts of blasting at quarries might change in the future. In addition, he stated that the technology involved in blasting could change, which would further mitigate the impact. A discussion ensued between Commissioner Lawrence and Mr. Liab regarding the extent to which the Comprehensive Plan could address the issue of blasting at the subject property.

Dean Rutley, 9211 Wrights Hollow Lane, Lorton, echoed remarks from previous speakers regarding the expansion of quarry operations towards residential neighborhoods, citing a figure in his handout that illustrated this expansion. He indicated that blasting operations on the subject property significantly affected his residence, adding that there was no suitable berm to mitigate this impact. Mr. Rutley stated that his community opposed the proposed Amendment. He pointed out the volume of truck traffic incurred by the quarry operations at the subject property, adding that such traffic made Lorton Road unsafe. He then cited an incident where a truck had driven into a ditch. He said he favored language that would redirect the truck traffic to utilize Ox Road instead of Lorton Road. Mr. Rutley also expressed concern about the sludge that would be dumped onto the site once quarry operations had ceased and pointed out the route that the sludge would be directed to the site. He then aligned himself with Mr. Grogan, saying he favored ending quarry operations on the site by 2035. (A copy of Mr. Rutley's statement is in the date file.)

Commissioner Hart described his experience living near a quarry, noting that there had been similar issues with this site. He then pointed out that the effects he experienced at his residence might not be the same as those experienced at the subject property. He also suggested to Mr. Rutley that he should contact Zoning Enforcement to address blasting impacts that were greater than the limits prescribed by the SP for the site and to consult with the Fire Marshal to verify that the quarry at the site was responsible for this impact. Mr. Rutley described the impact he experienced at his residence and the factors that could affect the impact of the blasting at the site, reiterating that quarry operations on the site had been expanding towards his neighborhood. He also noted the changing nature of the surrounding area, pointing out that additional residential communities had been constructed since the quarry began operating on the subject property.

When Commissioner Flanagan asked whether Mr. Rutley or Mr. Liab had submitted the information in their written statements to the Mount Vernon Land Use Committee or the SCF, Mr. Rutley indicated that it had not. A discussion ensued between Commissioner Flanagan and Mr. Rutley regarding the notices provided by the owner of the site for when blasting would occur and the schedule for when blasting was conducted wherein Mr. Rutley said that he did not receive notices regarding blasting schedules.

Commissioner Litzenberger said that he lived in close proximity to a quarry. When he asked about the prevalence of dust or asbestos, Mr. Rutley indicated that he did not receive significant dust on his property from the site.

Chairman Murphy called for speakers from the audience.

Jean Liab, 9291 Davis Drive, Lorton, echoed remarks from Mr. Liab regarding the negative impact of the blasting frequency and intensity the site had on her residence. Commissioner Flanagan echoed remarks from Mr. Grogan regarding the owner's intent to end quarry operations on the subject property by 2035. In addition, he informed Mrs. Liab that the blasting in the northwest portion of the site would end in 2035, which would reduce the impact of the blasting on her property. Mrs. Liab reiterated the effect of blasting at the site on her residence.

There being no more speakers, Chairman Murphy called for concluding staff remarks from Mr. Klibaner, who declined.

When Commissioner Flanagan asked staff about the possibility of including text in the proposed Amendment that would outline a periodic review of the subject property, Marianne Gardner, Director, PD, DPZ, clarified that it had been suggested that the Plan text for the subject property be reviewed more frequently than the current five-year timeframe to provide additional flexibility. However, she noted that under the Policy Plan, the Board of Supervisors could authorize a Comprehensive Plan Amendment if deemed necessary, which provided the necessary flexibility for the site.

Referring to page 10 of the handout entitled, "Planning Commission Recommended Plan Text/Plan Amendment S13-IV-LP1," which pertained to oversight and appropriate commitments to protect nearby residential areas from the impact of quarry operations and truck traffic at the site, Commissioner Sargeant asked whether this language could be strengthened. A discussion ensued between Commissioner Sargeant, Mr. Klibaner, and Ms. Gardner regarding this text and its appropriateness wherein Mr. Klibaner explained that this text was intended to address concerns regarding the impact of truck traffic and Ms. Gardner stated that this proposed language had been submitted by Commissioner Flanagan to address concerns raised by the SCF, adding that staff had concluded that the amount of concern raised warranted text that addressed the impact of the activities at the site on the surrounding neighborhoods.

Commissioner Sargeant also pointed out that the issues incurred by quarry operations at the subject property were uncommon in other parts of the County.

Commissioner Flanagan reiterated that the text referred to by Commissioner Sargeant had been added at his request and that of the SCF. He explained that he favored adding this text to articulate the issues that would be addressed during a future rezoning application for the site.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATIONS FOR COMPREHENSIVE PLAN AMENDMENT S13-IV-LP1 WITH THE FOLLOWING MODIFICATIONS:

- PROVIDE LANGUAGE THAT STATES THAT USES OTHER THAN A WATER SUPPLY STORAGE FACILITY ARE NOT PLANNED FOR THE QUARRY;
- PROVIDE CLARIFICATION THAT THE PREVIOUSLY-MENTIONED ENVIRONMENTAL IMPACTS BE CONSIDERED;
- PROVIDE LANGUAGE TO INDICATE THAT SCREENING BETWEEN THE WORKHOUSE AND VULCAN’S OPERATION BE ADDED;
- MODIFY THE TEXT REFERRING TO TWO PHASES OF QUARRY CONVERSION STATE “NO LATER THAN” INSTEAD OF “APPROXIMATELY” OR “AROUND” WITH REFERENCES TO DATES OF 2035 AND 2085;
- PROVIDE LANGUAGE TO ARTICULATE THAT THE CURRENT OPERATING CONDITIONS OF THE QUARRY BE MAINTAINED TO PROTECT NEARBY RESIDENTIAL COMMUNITIES FROM ANY ADVERSE NOISE AND VIBRATION IMPACTS; AND
- PROVIDE LANGUAGE TO ARTICULATE THAT MEASURES ARE UTILIZED TO ENSURE THAT TRUCK TRAFFIC TO AND FROM THE QUARRY ACCESSES I-95 VIA ROUTE 123.

Commissioners Litzenberger and Sargeant seconded the motion which carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Migliaccio were absent from the meeting.

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The meeting was adjourned at 10:17 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, 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: Jacob Caporaletti

Approved on: October 22, 2014



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