MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 16, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
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: John R. Byers, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District

//

The meeting was called to order at 8:16 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.

//

COMMISSION MATTERS

Commissioner de la Fe noted that the Transportation Committee would meet on Tuesday, June 28, 2005, at 7:30 p.m., to receive an update from staff on the Transportation Section of the Policy Plan

//

Commissioner Alcorn announced that there would be a public information workshop regarding the Chesapeake Bay Code Amendments on Thursday, June 23, 2005, at 7:30 p.m., in Conference Rooms 9 and 10.

//

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARINGS ON RZ 2004-LE-021 AND FDP 2004-LE-021, IN THE NAME OF LANDMARK PROPERTY DEVELOPMENT, LLC, TO A DATE CERTAIN OF JULY 21, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

Commissioner Murphy MOVED THAT THE PUBLIC HEARING ON 2232-V04-16, AN APPLICATION BY THE FAIRFAX COUNTY PARK AUTHORITY, BE DEFERRED TO A DATE CERTAIN OF JULY 14, 2005.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON PCA 87-P-052-02, FDPA 87-P-052-02, PCA 84-P-007-03, AND FDPA 84-P-007-03, EYA DEVELOPMENT, INC, TO A DATE CERTAIN OF JULY 13, 2005.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

Commissioner Koch MOVED THAT APR-04-III-1FC BE DEFERRED INDEFINITELY.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

SE 2005-LE-001 - SAUL HOLDINGS LIMITED PARTNERSHIP BY: SAUL CENTERS, INC., GENERAL PARTNER (Decision Only)
(The public hearing on this application was held on May 19, 2005. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2005-LE-001, SUBJECT TO THE DEVELOPMENT CONDITIONS WHICH ARE NOW DATED JUNE 16, 2005, AS HANDED OUT THIS EVENING.

Commissioner Lawrence seconded the motion which carried by a vote of 7-0-1 with Commissioner Alcorn abstaining; Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY LINE BE MODIFIED TO THE EXISTING VEGETATION AND FENCE.

Commissioner Lawrence seconded the motion which carried by a vote of 7-0-1 with Commissioner Alcorn abstaining; Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy established the following order of the agenda:

1. 2232-Y05-7 - FAIRFAX COUNTY PARK AUTHORITY
2. CODE AMENDMENTS (CHESAPEAKE BAY MAPS)

This order was accepted without objection.

//

2232-Y05-7 - FAIRFAX COUNTY PARK AUTHORITY - Appl. for the interim-use of a portion of Quinn Farm Park, located at 15150 Old Lee Rd., Chantilly, for an off-leash dog area. Tax Map 43-2 ((5)) A. Area III. SULLY DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal by the Fairfax County Park Authority to be substantially in accord with provisions of the adopted Comprehensive Plan.

Kelly Davis, Special Projects, Fairfax County Park Authority (FCPA), said that Quinn Farm Park in the Sully Woodlands area, a 101.7 acre park owned by the FCPA, was determined to be the best location for a dog park in the Sully District. She said that it was unlikely that the proposed uses master planned in 2003 for rectangular field development would occur in the near future due to the extent of road improvements that would be required. Ms. Davis explained the parcel was currently being used on an interim basis as a practice field for the Chantilly Youth Association and that Centreville Dogs, a local dog group, would like to use the parcel on an interim basis, as well, with a one and one-half acre parcel allotted for large dogs, one-half acre for smaller dogs, and 30 gravel parking spaces added to accommodate the increase of car traffic.

In response to a question from Chairman Murphy, Ms. Davis said that the FCPA would post a sign, also requested by the Western Fairfax County Citizen's Association, stating that the off-leash dog park was an interim use.

Chairman Murphy called for speakers from the audience and recited rules for testimony before the Commission.

Commissioners de la Fe and Hall commented that dog parks had been approved several years ago in both the Hunter Mill and Mason Districts and, in spite of initial community concerns, the parks had worked out well.

Katherine Sims, 14622 Battery Ridge Lane, Centreville, representing Centreville Dogs, expressed support of the proposed use and said that dog parks provided safe, legal, enclosed

areas for dogs to exercise and socialize off-leash while being monitored by their owners. She said that exercise and socialization of dogs could reduce incidents of barking and aggression and would provide the owners a community network, as well. Ms. Sims said that there were 6,500 registered dogs in Western Fairfax County and that the February 2004 Park Authority Needs Assessment Report found that dog parks were the second greatest desired unmet recreational facility. She said that Centreville Dogs had committed to keep the dog park safe and clean.

Commissioner Koch commended Centreville Dogs for identifying a need in the area and taking action to see it come to fruition. In response to a statement from Commissioner Koch, Ms. Sims said that Sully District Supervisor Michael Frey was in full support of their request.

Erik Mojica, 14011D Grumble Jones Court, Centreville, expressed the need for an off-leash dog park in the Centreville area and said that many of his neighbors felt the same way.

Jamie Brooks, 5852 Orchard Hill Court, Clifton, said she worked as a naturalist for FCPA in the Resource Management Division at Ellanor C. Lawrence Park and felt that this park fulfilled a need in providing space for dogs to exercise.

In response to a question from Commissioner Wilson, Ms. Davis said the dog park would only consist of three acres due to limited funding for fencing.

There were no further 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.)

//

Commissioner Koch MOVED THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY FOR THE INTERIM USE OF A PORTION OF THE QUINN FARM SITE LOCATED AT 15150 OLD LEE ROAD, CHANTILLY, FOR THE OFF-LEASH DOG AREA, SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Hall, Lusk, and Wilson seconded the motion which carried unanimously with Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

CODE AMENDMENTS (CHESAPEAKE BAY MAPS) - Amendments to the map of Chesapeake Bay Preservation areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code). The Chesapeake Bay Preservation Ordinance requires that Resource Protection Areas (RPAs) be designated around all water bodies with perennial flow depicted on the map of Chesapeake Bay Preservation Areas. Perennial flow means that water always flows in the stream or other

water body except during periods of drought. The proposed amendments revise the RPA boundaries and perennial streams depicted on the adopted map of Chesapeake Bay Preservation Areas. The proposed changes will result in approximately 14.0 miles of perennial streams and associated RPAs being added to the map and approximately 5.0 miles of perennial streams and associated RPAs being deleted from the map. In addition, the proposed changes modify RPA boundaries for some perennial streams currently depicted on the map. The map depicts the general locations of RPA boundaries for planning purposes and the actual limits may be further refined by detailed field studies conducted at the time a plan is submitted to obtain a permit to develop a property. There are no proposed amendments to the text of the Chesapeake Bay Preservation Ordinance. COUNTYWIDE. PUBLIC HEARING.

John Friedman, Director, Code Analysis Group, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application. Mr. Friedman introduced DPWES staff James Patteson, Director of Land Development Services, Carl Bouchard, Director of Stormwater Planning Division, Matt Meyers, Ecologist, and Shannon Curtis, Ecologist.

Chairman Murphy noted that the Code Amendments to the Chesapeake Bay Maps was a Countywide item being handled by Commissioner Alcorn.

Mr. Meyers stated that the proposed amendments were the result of a Quality Assurance/Quality Control Study (QA/QC) conducted from March to October 2004. He noted that stream Resource Protection Area (RPA) had been increased by 63 percent and land RPA by 31 percent. He said that the major components of the QA/QC study consisted of surveying approximately 10 percent of the sites Countywide; looking at data provided by citizens; and reviewing maps of data collected in 2002 and 2003. Mr. Meyers said of the 124 randomly selected sites to evaluate the quality of the maps, 76 percent had no change in the stream classification; 20 percent had been extended; and 4 percent had been retracted. He pointed out that field surveys of the randomly selected and targeted sites had resulted in approximately 7.7 miles of streams being reclassified as perennial and 2.2 miles of streams being reclassified as intermittent, a net change of 5.5 miles. He said of a total of 850 miles of perennial streams, this net change represented less than a 1 percent change in the maps.

Mr. Friedman recommended that the Board of Supervisors adopt a policy for the treatment of approved and pending plans of development affected by the 2005 revisions to the Map of the Chesapeake Bay Preservation Areas, as shown in an attachment to the staff report. He noted that this had been done when amendments had been adopted in 2003. He said challenges to perennial stream designations, raised at public hearings and at other times, would be handled in accordance with the procedures outlined in his memorandum to the Planning Commission dated June 16, 2005, a copy of which is in the date file.

Commissioner Alcorn indicated that a public information workshop regarding the Chesapeake Bay Code Amendments would be held on Thursday, June 23, 2005, at 7:30 p.m., in Conference Rooms 9 and 10, and that comments, feedback, and issues raised at the public hearing could be discussed at that time. He noted that he would be deferring the decision after the close of tonight's public hearing.

In response to a question from Commissioner Alcorn, Mr. Friedman said that, although not part of this evening's discussion, DPWES was considering proposing amendments to the Public Facilities Manual (PFM) to more clearly define the requirements for collection and documentation of observational data of stream flow; to revise existing language in the PFM that may be inconsistent with the adopted definition of perennial streams; and to establish administrative procedures to notify the Board of Supervisors of reclassification requests.

Chairman Murphy called the first listed speaker.

David Spenser, 827 Nethercliffe Hall Road, Great Falls, representing himself and two neighbors, Mr. and Mrs. Steven Skancke and Mrs. George Weston, said that according to DPWES, perennial flow meant that water always flowed in the stream except during periods of drought and by that definition the stream bed on their property was not perennial but intermittent. He pointed out that the tests had been conducted in May 2004 and that the recommended period, according to DPWES guidelines, was July through September. Mr. Spenser recommended that surveys be conducted when the water table was at a normal level and during the recommended dry season; DPWES perennial stream field identification protocol be revised to focus exclusively on perennial stream flow and not on wetlands; property owners be notified when a survey was to be conducted and be provided with a copy of the written survey results and a plat defining the boundaries of the land that DPWES proposed as appropriate. (A copy of his statement is in the date file.)

In response to a question from Commissioner Wilson, Mr. Meyers said that surveys were available for review at the DPWES office, or if requested, they could be mailed to the homeowners.

A statement of Deborah Reyher, 8628 Redwood Drive, Vienna, representing the Oakdale Park Civic Association, was read by Barry Zulauf. Her statement said that the procedures the County had used to take environmental protection from the Wedderburn stream conflicted with the laws that required the stream to be protected originally; that it had been done without public input, based solely on a one time observation of no stream flow; that the Perennial Stream Field Identification Protocol of May 2003 stated that "generally the water table is located above the streambed for most of the year" and that the protocol cautioned that visually perceptible flow may stop and begin again some distance downstream. Submitted with Ms. Reyher's statement, were letters from the Chesapeake Bay Foundation dated June 8, 2005 and June 15, 2005 to the State Department of Conservation and Recreation stating that it was inconceivable that the same set of criteria not be used to both establish perennial flow or to declassify it. (Copies of her remarks and letters are in the date file.)

Responding to a question from Commissioner Alcorn, Mr. Meyers said the land area affected by the change in classification on the Wedderburn property was approximately 200 linear feet.

In response to a question from Commissioner Alcorn, Mr. Zulauf said that, in addition to no water flow during a non-drought period, there were 25 other elements of the protocol to address when declassifying a stream.

Responding to a question from Commissioner Hall, Mr. Meyers pointed out on a map of the Wedderburn property the previous intermittent area and the recently declassified intermittent area.

In response to a question from Commissioner Hall, Jimmie Jenkins, Director, DPWES, said that a registered professional engineer and wetlands scientist had provided weather data, several photos of the stream, and a sworn affidavit stating personal observation of the stream without flow during a non-drought period. He said based on that information, the County had declassified the stream. Commissioner Hall commented that she felt that it was important for the County to verify information submitted by outside resources. Mr. Jenkins responded that although current procedures did not require County verification, this issue would be addressed in the upcoming proposed PFM amendments.

Commissioner Alcorn commented that by definition a stream could not be considered perennial if there was no water flowing during a non-drought period. Commissioner Hall expressed concern that there might be reasons the stream was not flowing such as blockage upstream.

In response to a question from Commissioner Wilson, Mr. Meyers explained the process used to determine the distance of RPA along a perennial stream.

William Carr III, 6456 Overbrook Street, Falls Church, representing the Overbrook Neighborhood Association, spoke in opposition to the proposed Chesapeake Bay Map Amendments and the change in status from non-perennial to perennial for the Crimmins Lane creek. He submitted for the record a letter from Anna and Andrew Smith, dated June 16, 2005, and a letter from Bruce MacPherson, [undated], neighbors of Mr. Carr, expressing their opposition, as well. Mr. Carr said that he had not received written notification of the June 2, 2005 public hearing, had not received adequate notification of tonight's hearing, and had not received documentation requested from the County in time to review it appropriately. He said that the 2004 survey results used for the proposed reclassification were inconsistent with previous determinations, observations of residents who lived in the area, and the County's evaluation of adjacent portions of the same creek. (Copies of his remarks and the letters are in the date file.)

In response to a question from Commissioner Alcorn, Mr. Friedman reiterated the process DPWES would use to address challenges to perennial stream designations that might come up during the Board of Supervisors and Planning Commission public hearings on the Code Amendments. He said that while the record remained open, anyone could contact DPWES to

arrange a site visit with the property owner and representatives of the Planning Commission and Board of Supervisors.

Michael Rolband, 14088-M Sullyfield Circle, Chantilly, representing the National Association of Industrial and Office Parks (NAIOP), said that his company had submitted an RPA plan stating the Crimmins Lane stream was perennial and the Wedderburn property stream was intermittent. He noted that Ms. Reyher's statement did not mention a letter from the Chesapeake Bay Foundation recanting the statement she cited and that the Foundation had stated that direct observation was the only method in the State guidance that could definitively determine whether a stream was intermittent in a non-drought period. Mr. Rolband recommended that staff provide the public a copy of the memo outlining appropriate steps to be taken when challenging reclassifications; approve the proposed maps and policy; not accept the proposed revisions for reclassification of streams which would cause an undue burden on homeowners; and update maps periodically to physically show the approved RPA boundaries.

In response to questions from Commissioner Hall, Mr. Rolband said that he and his staff had visited the Wedderburn property on several occasions and had seen no water flow during half of the visits. He noted that County regulations had required him to submit affidavits from the land owners, direct observational data in the form of photographs, precipitation data, the U.S. Drought Indicator scores, and the Palmer Classification System scores, in addition to his written report, before the stream had been declassified.

Steve Bannister, 2432 Sunny Meadow Lane, Vienna, said he owned property impacted by the change in the classification of the Crimmins Lane creek. He commented that because neighbors were concerned that he might develop the land, they had requested a restudy of the classification. Mr. Bannister said that the stream did not have perennial flow and noted that the inconsistencies in the scores from the 2003 and 2004 studies showed their subjective quality. He said observational data was an important method for correcting judgment calls, citizen testimony should be part of a determination, and that there should be an opportunity to make corrections to classifications, if necessary.

Reading a statement from Charles Lydeard, 309 Ayito Road, SE, Vienna, Penelope Firth voiced Mr. Lydeard's opinion that rigorous criteria should have been used to declassify the Wedderburn stream but only one criterion had been used; the recently declassified section was the sensitive headwaters portion of the stream which contained wetland plants and soils that removed pollutants from water and would ordinarily impact downstream segments; and that the segment below the declassified section contained organisms such as fish, aquatic vegetation, and insect larvae which would indicate a healthy stream.

T. C. Yang**,** 9222 Hidden Creek Drive, Great Falls, stated that the stream on his property had been dry only a few times in the years he had owned his house and that because stormwater drainage was poor, the sediment runoff could cause damage to the Chesapeake Bay Protection Area.

Commissioner Alcorn suggested that Mr. Yang meet with DPWES to discuss this particular problem.

Joshua Johnson, 6450 Overbrook Street, Falls Church, said that three-quarters of his property was in the proposed RPA and he requested that this be reevaluated due to inconsistencies in the studies. He said that although the same pictures had been used in both the 2003 and 2004 studies, two different classifications had been made. Mr. Johnson said that his homeowners association submitted a Freedom of Information Act (FOIA) request to DPWES this past February for results of the 2004 study but the information had not been received until two weeks ago.

//

The Commission went into recess at 10:37 p.m. and reconvened in the Board Auditorium at 10:50 p.m.

//

Penelope Firth, 2328 Malraux Drive, Vienna, said that the declassification of the Wedderburn stream should be reversed since a flawed process allowed the stream protections to be removed solely on the basis of lack of flow above the streambed but the lack of visible flow was not determinative. She said the observation was performed by a party with a financial stake in the outcome, no citizen involvement was allowed, and no appeal was possible. Ms. Firth explained that she was a stream ecologist and her determination was that the stream met the definition of perennial since it supported aquatic life. Ms. Firth said the stream needed to be protected because it was a headwater stream and since the Accotink Creek, into which this stream flowed, was located entirely within Fairfax County, the County needed to take responsibility for its protection.

In response to a question from Commissioner Alcorn, Ms. Firth said that a stream with flowing water, even if the water was burrowed down a centimeter below the streambed, should be protected and that there were times during the year when the flow might be underground. Commissioner Alcorn requested that staff determine if an interpretation of perennial flow included subsurface flow and if that definition fit in with State regulations, then report back to the Commission.

Richard Kuhlthau, 2333 Augustus Court, Vienna, said that his property was immediately adjacent to the Wedderburn property and although the newly established RPA offered additional buffer, he was concerned that the 2003 stream survey did not accurately represent the hydrological characteristics of the stream since it had been performed during rainfall. He said he had practiced for over 25 years as a consulting ground water hydrologist and over the past 8 years he had observed the stream go dry on numerous occasions. Mr. Kuhlthau said that last summer the stream stopped flowing even though all indexes and monitors showed that drought conditions did not exist at that time. He pointed out the fact that the stream went dry under such conditions was compelling evidence that this portion of the stream was clearly intermittent.

In response to a question from Commissioner Alcorn, Mr. Kuhlthau said he would benefit from a perennial classification because the land abutting his property would then be preserved and houses could not be erected, but from his observations and professional background, he had to agree with the current intermittent classification.

Bill Frazer, 1403 Pathfinder Lane, McLean, President of the McLean Broyhill Estates Homeowners Association, explained that homeowners had not been notified of the 2003 changes in the RPA and wetlands designations which affected their property. He expressed concern about the subjective nature of the criteria used to evaluate the stream in the area and requested that its classification be reevaluated by the County. He also requested that the wetlands designation, which had been based on an old soil analysis, be reevaluated.

Dr. Barry Zulauf, 8600 Otis Court, Vienna, said his property was located downstream from the Wedderburn property and that his portion of the stream was considered perennial; therefore, he questioned how the stream above his property could be considered intermittent.

Beth Blazek, 8608 Aponi Road, Vienna, said she lived near the Wedderburn property and whenever she had walked by the stream she had observed water flow. She expressed concern about the reclassification process if it could be initiated by someone who stood to benefit from it financially.

Elaine Komarow, 2327 Malraux Drive, Vienna, pointed out the Chesapeake Bay was in poor condition and could only be saved if the streams were saved. She said that if the declassification process was based on observational data submitted by people who stood to gain from declassification, the process could be fraudulent.

Gerald Van Antwerp, 5624 Overly Drive, Alexandria, representing Winslow Home Owners Association, expressed opposition to the proposed change to the RPA by eliminating the designation of the stream located behind his house. He said the studies in 2002 and 2003 were flawed because they failed to account for the newly constructed homes adjacent to the stream which created additional water run-off. He stated that the developer of the new homes was ruining the ecology of the stream because the floodplain had been destroyed. As a homeowner of the property located downstream, he said he was worried about the possibilities of future flooding.

Commissioner Alcorn suggested that Mr. Van Antwerp contact staff to follow-up on his issues.

Frank Crandall, 900 Turkey Run Road, McLean, said that the mapping process had improved but the process for classification was imperfect and needed to be reevaluated. He said that dye tests were appropriate as part of the classification process and should not be ruled out.

George Lampman, 8531 Aponi Road, Vienna, expressed concern about stormwater management and the classification of the stream on the Wedderburn property. He said Aponi Road had been under water four times in the 25 years he had lived in his home which was located near the stream.

Dotty Walsh, 2329 Addison Street, Vienna, said she walked past the Wedderburn stream daily and saw clean water flowing and that it should be preserved.

Rob Walker, William H. Gordon Associates, 4501 Daly Drive, Chantilly, said he was appearing on behalf of the owner of the Parkridge Corporate Office Park in the Hunter Mill District. He explained that the proposed RPA delineation on the property was around a manmade stormwater management pond which his firm had designed in the 1980s. He said there was no perennial stream upstream, only underground storm pipes which drained to and from the pond. He said given more time he could prove that the pond outfall structure went dry on many occasions. He requested that County staff look at the 200 feet that existed between the pond and the downstream ditch to prove that the pond did not meet the definition or intent of an RPA. He noted that WMATA was looking for sites to provide stormwater management for the future Metro extension in this area and pointed out that when RPA restrictions were imposed on an existing facility, it could not be considered for expansion for that type of use.

Mark Goetzman, Esquire, Walsh, Colucci, Lubeley, Emrich & Terpak PC, 2200 Clarendon Boulevard, Arlington, said he represented numerous clients who had relied on the 2003 amended maps as they pursued development of property in the County. He asked that the policy, with regard to vesting, be allowed to continue for those individuals who had submitted preliminary plans and subdivision plats and were in the review and evaluation process.

Christiane Guirguis, 13503 Portage Place, Centreville, expressed concerns that the change in the classification of a segment of a stream on her property had not been based on the protocol of the County, was inconsistent with the results found in 2002 and 2003, and would negatively affect the value of her home. She said notification had not been received timely and not enough time had been allotted to handle disputes. (A copy of her remarks is in the date file.)

In response to a question from Commissioner Wilson, Mr. Friedman said that all citizens who submitted written comments while the public record remained open, as well as those who spoke at the public hearing, would be allowed to participate in the process to address challenges to perennial stream designations.

Reading a statement from David Knapp, 2328 Malraux Drive, Vienna, Barry Zuluaf, voiced Mr. Knapp's opinion that the decision to remove the RPA protection from the Wedderburn tract was flawed; that the stream should be protected from the affects of increased development because it was ultimately part of the Chesapeake Bay Watershed and covered by various ordinances designed to protect the Bay; the manner in which the stream had been declassified was beginning to reek of political pay-offs and it had been done at the behest of a wealthy interested party using non-scientific, behind closed doors, administrative actions.

Chairman Murphy asked Mr. Zulauf to convey the message to Mr. Knapp that he took umbrage with Mr. Knapp's reference to political payoffs while the Commission was listening to the citizens, trying to devise the best solution possible, and making sure the process was fair.

Commissioner de la Fe said he would like clarification from staff during the workshop on how a drainage ditch could become part of an RPA and perennial stream classification.

In response to a question from Commissioner Hall, Mr. Meyers explained that water could be subsurface when it traveled through alluvium or gravel in the stream bed and reappeared farther down stream.

Responding to a question from Commissioner Wilson, Mr. Meyers said that if the Commission had questions concerning the maps, changes, determinations, or revisions, they should contact DPWES where all the original field data was on file.

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON CODE AMENDMENTS RELATING TO CHESAPEAKE BAY MAPS FOR TWO WEEKS TO A DATE CERTAIN OF JUNE 30, 2005.

Commissioners de la Fe and Lawrence seconded the motion which carried unanimously with Commissioners Byers, Harsel, Hart, and Hopkins absent from the meeting.

//

The meeting was adjourned at 12:00 a.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: July 19, 2007

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