

WEBVTT

1

00:00:00.000 --> 00:00:09.839

We start to conduct this meeting wholly electronically and to effectuate both the emergency procedures authorized by 4 yet.

2

00:00:09.839 --> 00:00:21.089

And the emergency ordinance, the RC needs to make certain findings and determinations for the record. It's a bit cumbersome. So, I ask you in advance for your patients.

3

00:00:21.089 --> 00:00:31.019

1st, because each member of the inception review committee is participating in this meeting from a separate location, which must verify that a quorum.

4

00:00:31.019 --> 00:00:39.774

Of members is participating and that each member's voice is clear audible and add an appropriate volume for all the other members.

5

00:00:40.405 --> 00:00:47.244

So I'm going to conduct a roll call and ask each exception review committee member participating.

6

00:00:47.670 --> 00:00:54.539

Just state your name, the district, you you represent, and the city and state.

7

00:00:54.539 --> 00:00:58.079

What's your calling? And.

8

00:00:58.079 --> 00:01:08.939

Please pay close attention to ensure that you can hear each of your colleagues and after all will vote to establish that every member can hear every other.

9

00:01:08.939 --> 00:01:21.540

So, let's start with and Cantor I am an Cantor I am an at large representative to the commission committee, and I am in McLean, Virginia.

10

00:01:21.540 --> 00:01:32.159

Thank you and James. Jim, Leslie, I'm an at large member to the committee and I'm calling from Clifton, Virginia.

11

00:01:33.629 --> 00:01:41.129
Amy Amy is not here yet.

12

00:01:41.129 --> 00:01:44.790
Edward Monroe.

13

00:01:46.379 --> 00:01:59.849
It's not yet here. No, I'm here. I'm Ed Monroe. I am the trains Phil district representative, and I'm calling from MacLaine, Virginia.

14

00:01:59.849 --> 00:02:03.900
All right Alexis Dickerson.

15

00:02:08.789 --> 00:02:12.270
Okay, okay. This is not yet with us. Perhaps.

16

00:02:12.270 --> 00:02:19.949
I am Elizabeth Barton. I represent the Mount Vernon district, and I'm calling from Alexandria, Virginia.

17

00:02:19.949 --> 00:02:27.719
So, Schumann, you call that human representing Providence district and I'm in Virginia.

18

00:02:27.719 --> 00:02:32.729
Eva.

19

00:02:32.729 --> 00:02:38.099
David's share I represent Springfield district, and I'm in a state of confusion.

20

00:02:43.620 --> 00:02:48.930
I hope that doesn't invalidate this whole meeting Virginia.

21

00:02:48.930 --> 00:02:53.250
Okay, and last is Sam.

22

00:02:54.629 --> 00:03:00.449
Okay.

23

00:03:00.449 --> 00:03:07.169

Here, Sam, we're having trouble hearing your understanding, you.

24

00:03:07.169 --> 00:03:11.159

Some Gov, and there from suddenly this to.

25

00:03:11.159 --> 00:03:15.870

Yes, yes, I heard that.

26

00:03:15.870 --> 00:03:25.319

And Ken lamphier can land fear from the 100 mil district from Reston, Virginia.

27

00:03:25.319 --> 00:03:29.400

Okay, is Amy gold signed on yet?

28

00:03:31.650 --> 00:03:42.990

For Alexa sticker, Amy Gould contacted me just before this meeting and said she was not feeling well that she could call in if we needed her for quorum. But we do have a forum.

29

00:03:42.990 --> 00:03:47.610

So, okay, yeah. All right so.

30

00:03:47.610 --> 00:03:52.349

That's everybody.

31

00:03:53.400 --> 00:04:01.050

At this point I passed the virtual gavel to vice chairman Ed Monroe. So that I may be heard to make the requisite motion.

32

00:04:01.050 --> 00:04:08.819

I move that each member's voice may be adequately heard by each other member of the exception review committee.

33

00:04:08.819 --> 00:04:13.530

Are your 2nd seconds there?

34

00:04:13.530 --> 00:04:24.959

For a 2nd, thanks, I confirm that Ken land feared seconded the motion. The motion has moved and seconded. Is there any discussion.

35

00:04:26.579 --> 00:04:33.178

Hearing and seeing not all those in favor say aye. All right. Bye. Bye.

36

00:04:33.178 --> 00:04:39.209

Those opposed say nay and the motion carries.

37

00:04:39.983 --> 00:04:50.454

2nd, having to establish that each member's voice may be heard by every other member to establish the nature of the emergency that compels these emergency procedures.

38

00:04:50.843 --> 00:04:59.093

The fact that we're meeting electronically, what type of electronic communication is being used, and how we've arranged for public access to this meeting.

39

00:05:00.084 --> 00:05:00.774

Therefore,

40

00:05:00.803 --> 00:05:06.264

I moved that the state of emergency called button copen night caused by the coven 19 pandemic,

41

00:05:06.264 --> 00:05:16.194

makes it unsafe for the ear seat to physically assemble and unsafe for the public to physically attend any such meeting and that as such.

42

00:05:16.499 --> 00:05:16.858

Boy,

43

00:05:16.853 --> 00:05:18.264

as usual procedures,

44

00:05:18.264 --> 00:05:21.053

which require the physical assembly of the state,

45

00:05:21.053 --> 00:05:25.824

and the physical presence of the public cannot be implemented safely or practically,

46

00:05:26.153 --> 00:05:33.533

I further move that the May conduct this meeting electronically through a dedicated video conferencing platform,

47

00:05:33.923 --> 00:05:38.244

Cisco web X and the public may access this meeting by calling.

48

00:05:38.579 --> 00:05:43.619

18446213956.

49

00:05:43.619 --> 00:05:49.829

And entering access code, 1793320686.

50

00:05:49.829 --> 00:05:52.858

And I have a 2nd to all that.

51

00:05:52.858 --> 00:05:56.639

Hi, good.

52

00:05:56.639 --> 00:05:59.668

I confirm that David snare seconded the motion.

53

00:05:59.668 --> 00:06:09.988

Thank you any discussion hearing and seeing none all those in favor say, aye. Hi.

54

00:06:09.988 --> 00:06:15.538

Opposed say, nay, guys have it in the motion carries.

55

00:06:15.538 --> 00:06:24.718

Finally, it's next required, then all the matters addressed on today's agenda must address the emergency itself.

56

00:06:24.718 --> 00:06:28.468

Are necessary for continuity in Fairfax county government.

57

00:06:28.468 --> 00:06:40.259

And or our statutorily required or necessary to continue operations and the discharge of the exemption review committees, lawful purposes, duties and responsibilities.

58

00:06:40.259 --> 00:06:43.798

I so move here a 2nd.

59

00:06:43.798 --> 00:06:49.468

4th, thank you.

60

00:06:49.468 --> 00:06:56.668

I confirm that can lead fear a 2nd, the motion the motion is moved and seconded. Is there any discussion.

61

00:06:56.668 --> 00:07:02.459

Hearing and seeing not all those in favor say, aye aye. Aye.

62

00:07:02.459 --> 00:07:08.158

Those opposed say, nay, ayes have it as a motion carries.

63

00:07:08.158 --> 00:07:15.629

Next we moved to our 1st order of business.

64

00:07:15.629 --> 00:07:19.949

Which is to, uh.

65

00:07:19.949 --> 00:07:23.158

Approve the meeting minutes from December twentieth.

66

00:07:23.158 --> 00:07:30.088

2020 anybody have any corrections to the minutes? Yes, there's.

67

00:07:30.088 --> 00:07:36.358

This is and Cantor in a number of places, 3 or 4 in the minutes.

68

00:07:36.358 --> 00:07:42.569

My name is spelled incorrectly. Uh, it's K. A. N. T. E. R.

69

00:07:42.569 --> 00:07:53.459

Since and 3 or 4 other places over at the very 2nd pages. So it's K. A. N. T. E. R.

70

00:07:56.519 --> 00:08:03.209

Thank you for that correction. Apologies for the misspelling your name in the minutes.

71

00:08:03.209 --> 00:08:13.559

Or any other corrections. Okay. So could we have a motion to approve the minutes?

72

00:08:13.559 --> 00:08:16.588

So.

73

00:08:16.588 --> 00:08:21.809

Ken, hey, can approve moves. We approve the minutes.

74

00:08:21.809 --> 00:08:25.348

And the 2nd.

75

00:08:25.348 --> 00:08:29.999

Okay, and seconded all in favor.

76

00:08:29.999 --> 00:08:33.688

Hi, hi.

77

00:08:33.688 --> 00:08:38.129

All right the minutes are approved next.

78

00:08:38.129 --> 00:08:47.308

Moved to the public hearing. This is the case of RPA encouragement exception number 1, 2 9.

79

00:08:47.308 --> 00:08:56.759

Dash W RPA dash Series 5 dash 1 and 1 equality impact assessment number 1, 2 and 9. W. Q.

80

00:08:56.759 --> 00:09:06.178

That serious 1 dash 3 and before we start the presentation, do we have any written comments provided in advance?

81

00:09:06.178 --> 00:09:09.298

Staff.

82

00:09:09.298 --> 00:09:13.619

We're not going to alerted to any comments.

83

00:09:13.619 --> 00:09:18.749

I know there was somebody who called in just asking for details, but I don't believe anybody signed up.

84

00:09:18.749 --> 00:09:25.379

2 speaker make comments. Okay. So we don't have anybody online. Who wants to speak.

85

00:09:25.379 --> 00:09:28.889

So, I don't have to write down a Speaker's list.

86

00:09:28.889 --> 00:09:39.749

All right, during the public comment portion that that 1 slide that I sent you previously, you will might raise a hand to speak, but currently, we don't have anybody signed up to speed.

87

00:09:39.749 --> 00:09:45.028

Okay, and do we have any disclosures from members.

88

00:09:45.028 --> 00:09:50.609

Um, for any, and all conflicts of interest or any appearance of impropriety.

89

00:09:56.099 --> 00:10:00.808

Okay, so let's move right to the.

90

00:10:00.808 --> 00:10:14.038

Staff presentation section, request on to 9005 dashboard worked a quality impact assessment.

91

00:10:14.038 --> 00:10:19.168

On 2, 9 W, Q0 3.

92

00:10:19.168 --> 00:10:23.129

Or 6,630 on street, the plane.

93

00:10:23.129 --> 00:10:26.609

Virginia next slide.

94

00:10:26.609 --> 00:10:30.119

Silence.

95

00:10:30.119 --> 00:10:35.278

Summarize the issues what was created back in.

96

00:10:35.278 --> 00:10:41.308

June of 1951, there's a perennial stream at the back of the property.

97

00:10:41.308 --> 00:10:47.698

During the journey is about 32 acres in July of 2004.

98

00:10:47.698 --> 00:10:50.698

An exception philosophy build up an area was denied.

99

00:10:50.698 --> 00:10:59.609

In October of 2004, an exception was approved by staff for house, which did not encroach into the sea with 50 feet of the RPA.

100

00:11:02.068 --> 00:11:08.668

In December of 2000, for a grading plan was approved for the new house.

101

00:11:08.668 --> 00:11:11.698

There was revision actually in 2007.

102

00:11:11.698 --> 00:11:14.938

But there was a grading plan approved for the house.

103

00:11:14.938 --> 00:11:18.269

Have been subsequent changes to the lot.

104

00:11:18.269 --> 00:11:26.339

Since that grading plan was approved and that back in March of 2019, there was a violation issued.

105

00:11:26.339 --> 00:11:30.359

Which brings us to the point we are now with.

106

00:11:30.359 --> 00:11:36.989

The exception the applicant is proposing.

107

00:11:36.989 --> 00:11:43.528

To allow a 750 square foot patio to remain in the resource protection area.

108

00:11:43.528 --> 00:11:50.369

Part of the patio proposing to remain is the part that's not in the sea with 50 feet.

109

00:11:51.389 --> 00:11:58.379

The part that's actually currently encroach, which is about 300 square feet is to be removed.

110

00:11:58.379 --> 00:12:01.948

See in the image to the right that there is a.

111

00:12:01.948 --> 00:12:07.948

A grill 5 page, which is also to be removed.

112

00:12:07.948 --> 00:12:17.099

In the proposed, increasingly pervious area since 2004 is about 2458 square feet.

113

00:12:17.099 --> 00:12:24.839

And visually summarize what we we see here you look at the image there.

114

00:12:24.839 --> 00:12:34.438

In the top left, you'll see that. That is the existing house back in 2003 3 aerial imagery from 2003.

115

00:12:34.438 --> 00:12:39.808

The next image in the top row on the top row, in the center.

116

00:12:39.808 --> 00:12:44.458

That's the 2007 imagery you'll see that. The new house is that.

117

00:12:44.458 --> 00:12:49.499

Probably to insert on that, or I do.

118

00:12:49.499 --> 00:12:55.168

I apologize stop, stop back again the image down the, the top left.

119

00:12:55.168 --> 00:13:00.028

Um, in 2003, there that top row is the.

120

00:13:00.028 --> 00:13:06.298

Existing house before before the the new.

121

00:13:06.298 --> 00:13:10.619

House was actually permitted to be constructed.

122

00:13:10.619 --> 00:13:17.038

The 2nd, damage that on the top row is the image from 2007, the new house.

123

00:13:17.038 --> 00:13:30.389

A little inset that on that image where you'll see that that's taken from the approved grading plan and the proposed planting there to mitigate the encouragement into the RPA.

124

00:13:31.798 --> 00:13:38.009

The image on the, the top row down to the right that's the 2009 imagery.

125

00:13:38.009 --> 00:13:42.208

Sharing the new house, and you'll see that that the promptings.

126

00:13:42.208 --> 00:13:50.129

Some of them will be moved on the bottom row. You'll see the 2019 imagery.

127

00:13:50.129 --> 00:13:55.708

And you'll see that that I guess the has been installed.

128

00:13:55.708 --> 00:14:01.589

It looked back to the, the top road middle image over where some of the things were required to be.

129

00:14:01.589 --> 00:14:11.038

On the bottom row there, the middle they made, she got the 2019 imagery and you've got the grading plan is approved superimposed.

130

00:14:11.038 --> 00:14:21.599

On that imagery the bottom row bottom, right? You've got the 2019 image with the proposed conditions.

131

00:14:23.219 --> 00:14:29.339

That's attachment C1 a, if you wish to actually look at that.

132

00:14:29.339 --> 00:14:39.749

More closely that attachment is also available online those that are not a member of the committee and didn't get a printed copy.

133

00:14:50.038 --> 00:14:56.519

So this is the time for the applicant to the applicant representative.

134

00:14:56.519 --> 00:14:59.519

To make a statement in support.

135

00:15:00.688 --> 00:15:08.938

Of the application, let me go to slide.

136

00:15:10.649 --> 00:15:14.879

Thank you. No, no, no objections all.

137

00:15:14.879 --> 00:15:25.109

Get started and went through this presentation pretty quickly. It's not really anything earth shattering contained within here. If you can go to the next slide. Please.

138

00:15:25.109 --> 00:15:30.989

Again, just to summarize the.

139

00:15:30.989 --> 00:15:40.828

The energy that was received was for a 1042 of disturbance square view, worth a disturbance in the RPA associated with as Cameron mentioned, the permitted patio and masonry grill.

140

00:15:40.828 --> 00:15:45.328

The picture that's in the bottom right. Is almost a 90 degree term from.

141

00:15:45.328 --> 00:15:49.014

The image that Carolyn included in her presentation that we took,

142

00:15:50.153 --> 00:15:55.043

what we're proposing with this application is to remove about 331 square feet of that existing patio at various places,

143

00:15:55.043 --> 00:16:00.504

including what is within the existing seaward 50 of the RPA.

144

00:16:02.009 --> 00:16:13.948

And install 2 planter boxes, which will help to increase the water quality, leaving the site. And then at the end of it, approximately 750 square feet of the existing patio to include the masonry grill.

145

00:16:13.948 --> 00:16:22.528

Will be removed, and the fire pit, which is shown in the very bottom of this picture and in canvas picture will also be removed next slide. Please.

146

00:16:23.999 --> 00:16:33.298

If you can see that there is some convoluted and complex history to this property itself not.

147

00:16:33.298 --> 00:16:47.788

Due to anything that the current owners of the property did, but there is some history to be aware of that the 2004 exception did come with encouragement. Just outside of this year. 50.

148

00:16:47.788 --> 00:16:57.568

Feet of the RPA and that some of those planting and such have been removed by others over the course that years. If you can go to the next slide please.

149

00:17:01.859 --> 00:17:12.209

So, based on our calculations in a review of historic aerial imagery, we calculated just shy of 3450 square feet of vegetation, have been removed.

150

00:17:12.209 --> 00:17:17.159

From the RPA between 2007, 2009, it's it's our assumption.

151

00:17:17.159 --> 00:17:20.848

That that vegetation was.

152

00:17:20.848 --> 00:17:27.028

By and large what was planted as part of the 2004 exception that was approved for the property.

153

00:17:27.028 --> 00:17:35.878

We really don't have any way to confirm that, but it seems reasonable based on where that vegetation was located prior to 2007 and then where it was missing.

154

00:17:35.878 --> 00:17:41.999

In the 2009 aerial photographs at that is pretty much the same location and that was done.

155

00:17:41.999 --> 00:17:47.398

By the people that purchased the property back in 2006, and subsequently sold the piece of property.

156

00:17:47.398 --> 00:17:55.259

Next slide please the current applicants bought the property in 2016.

157

00:17:55.259 --> 00:18:01.199

And as you can see from the aerial imagery on the left and right hand side to the screen.

158

00:18:01.199 --> 00:18:04.769

Uh, showing the 2017 and 2019. aerials.

159

00:18:04.769 --> 00:18:15.568

There was an additional, approximately 2700 square feet of vegetation removal and the construction of the existing patio and masonry grill.

160

00:18:15.568 --> 00:18:18.929

That is associated with this note of notice of violation.

161

00:18:18.929 --> 00:18:31.648

Next slide, please included on this slide and the subsequent slide are strictly the impervious area calculations and tabulations based on.

162

00:18:31.648 --> 00:18:40.048

Our superposition of the 2002 conditions prior to RPA, or at RPA establishment on the lot.

163

00:18:40.048 --> 00:18:47.009

The 2004 approved plans, the 2019 conditions, as they existed in the field, then.

164

00:18:47.009 --> 00:18:51.148

And what is ultimately proposed with this application.

165

00:18:51.148 --> 00:18:55.199

And to keep things easy, so everybody can see.

166

00:18:55.199 --> 00:19:07.378

Where the lot was in 2002, versus where it would be, if this application gets approved the overall change in total, impervious lot area and that in the RPA.

167

00:19:07.378 --> 00:19:13.348

From 2002, at RPA creation to current next slide please.

168

00:19:14.459 --> 00:19:27.989

And this is the bottom half of that, that same table. I was just, it was too small to meet the requirements that we had to meet. So it had to get broken into 2 pieces into shown collectively exhibit as well. Next slide. Please.

169

00:19:32.153 --> 00:19:44.844

Contained within the staff report was a note of a potential wetland that was located along the North adjacent property boundary. We went out and took some data. There is no wetland over there.

170

00:19:44.874 --> 00:19:50.304

There's no dominance of of weapson vegetation. There's no hydrogen soils.

171

00:19:50.548 --> 00:20:04.229

And there's no indicators of I've included the longer sample of the upper and lower soil corps that we took out there along with a picture of the air. You can see very plainly to beach trees in the.

172

00:20:04.229 --> 00:20:13.888

The side of that picture there in the stream to the right hand side, this picture was taken at the North Eastern or the northern property corner. You can see the blue and pink iron pin.

173

00:20:13.888 --> 00:20:17.459

That represents the property corner it's the same.

174

00:20:17.459 --> 00:20:23.759

Location that is shown in the staff report there is not a 1 there. Nothing that would make the RPA.

175

00:20:23.759 --> 00:20:27.449

Any bigger whatsoever than what we have shown on our plans next slide please.

176

00:20:30.028 --> 00:20:39.298

I've included a couple of pictures showing small portions of the improvements that are going to be removed as part of this application. The.

177

00:20:39.298 --> 00:20:47.038

Semi circle area of the patio on the right hand. Side of the screen is going to be removed. It will be a long rectangle across.

178

00:20:47.038 --> 00:20:53.669

There so that will be removed and then portions of the existing patio will be removed as well.

179

00:20:53.669 --> 00:20:58.078

In some total of approximately 331 feet square feet next slide please.

180

00:21:01.138 --> 00:21:04.469

Okay.

181

00:21:04.469 --> 00:21:19.949

Silence.

182

00:21:22.199 --> 00:21:25.528

That's that's the end of the applicants presentation.

183

00:21:25.528 --> 00:21:32.548

I'm sorry, you were muted for part of that.

184

00:21:32.548 --> 00:21:39.298

All right, I just want to make sure that you finished your presentation before we move to.

185

00:21:39.298 --> 00:21:43.858

Statements from any other interested parties yes, no.

186

00:21:43.858 --> 00:21:51.058

Well, do we have any statements supporting this approval of this exception request?

187

00:21:53.818 --> 00:21:58.288

Do we have any statements opposing approval of this exception request?

188

00:22:02.459 --> 00:22:06.449

Okay, so I think we can move on to a rebuttal.

189

00:22:06.449 --> 00:22:11.398

By the applicant if he wants to, uh.

190

00:22:11.398 --> 00:22:15.628

Say anything further on on this application and then.

191

00:22:15.628 --> 00:22:22.979

Rebuttal by the staff. Sure up. Thank you. I.

192

00:22:22.979 --> 00:22:35.818

I know that the applicant has been trying to get on the call. They're having a little trouble with the connection. I've been getting a couple of emails back and forth with them currently. I'm not sure if they're on and want to say anything, if not then.

193

00:22:35.818 --> 00:22:39.328

Perhaps we could defer that to a little bit later.

194

00:22:45.659 --> 00:22:49.919

Um, when I believe Cameron, do you have more that you wanted to present?

195

00:22:49.919 --> 00:22:55.378

Yes, we have the position of the and the director often stand.

196

00:22:57.088 --> 00:23:08.338

Okay, so.

197

00:23:10.469 --> 00:23:17.368

So, it sounds like we have the applicant on the phone.

198

00:23:17.368 --> 00:23:23.159

Okay, yeah, sorry yes, we are and we have been hearing we were able to listen to the.

199

00:23:23.159 --> 00:23:29.638

To the presentation through through the computer and to the telephone at the same time because some.

200

00:23:29.638 --> 00:23:42.179

Some Portugal, so they'd be Patrick. Danielle do we want to hear from them now? Or after the this presentation of the position of the director.

201

00:23:43.469 --> 00:23:51.628

I believe they would be making statements during this, the public comment portion. Is that correct?

202

00:23:51.628 --> 00:23:56.969

That sounds right to me. Yeah. So right now it makes sense.

203

00:23:56.969 --> 00:24:01.828

Okay, so go ahead. Mr. and Mrs applicant please.

204

00:24:04.138 --> 00:24:08.669

Yes, thank you very much. Um, well.

205

00:24:08.669 --> 00:24:12.509

We discussed and we will be working with Abby and.

206

00:24:12.509 --> 00:24:17.548

And with Dan also from and try tech, and with these 2 companies.

207

00:24:17.548 --> 00:24:23.759

For almost 2 and a half years now and trying to.

208

00:24:23.759 --> 00:24:28.409

Make ride what? We eventually 3 wrong here.

209

00:24:28.409 --> 00:24:31.558

We are you to.

210

00:24:31.558 --> 00:24:34.858

So, I don't need to country due to the neighborhood and.

211

00:24:34.858 --> 00:24:39.808

And we thought we were doing the right thing. We tried to.

212

00:24:39.808 --> 00:24:44.788

To have some outdoor area here for us.

213

00:24:44.788 --> 00:24:48.269

And which you didn't have any and very long to so.

214

00:24:48.269 --> 00:24:51.298

When we.

215

00:24:51.298 --> 00:24:59.459

Where the neighborhood we show another neighborhood also doing Apache so we asked them for 42. so the contractor and that's how we.

216

00:24:59.459 --> 00:25:03.509

We, we designed the so doing some part of the deck.

217

00:25:03.509 --> 00:25:07.199

We already had some great.

218

00:25:07.199 --> 00:25:11.548

And some extension of the part, you know, how side of it.

219

00:25:11.548 --> 00:25:14.878

I don't know if you any of the members of the committee was able to.

220

00:25:14.878 --> 00:25:18.959

To visit the property, but.

221

00:25:18.959 --> 00:25:26.189

So, that's what was the, the plan and we thought that we were doing the right thing. My wife.

222

00:25:26.189 --> 00:25:29.429

Went to the county.

223

00:25:29.429 --> 00:25:34.469

To inquire about the need for a family to to grill.

224

00:25:34.469 --> 00:25:38.788

And think that was that we didn't we want to.

225

00:25:38.788 --> 00:25:45.298

Then, as you know, with all the information that you have, and at some point in the middle of the construction.

226

00:25:45.298 --> 00:25:49.138

We had an inspection.

227

00:25:49.138 --> 00:25:54.898

And the issue seem to be then about the height of the grill and.

228

00:25:54.898 --> 00:26:03.749

And then we prepare the all the information for the sign of thinking that that was going to be the issue. And then everything.

229

00:26:03.749 --> 00:26:08.249

You build up their way everybody know. So.

230

00:26:08.249 --> 00:26:13.288

We hold on. I'm sorry, I'm committed to trying to make.

231

00:26:13.288 --> 00:26:16.378

Right. What we didn't know it was.

232

00:26:16.378 --> 00:26:21.689

Being done wrongly we thought we did, we did the.

233

00:26:21.689 --> 00:26:27.929

Or, therefore, on our side to to if if I go back to where required that we will.

234

00:26:27.929 --> 00:26:31.709

We will get ups, but then.

235

00:26:32.788 --> 00:26:38.519

We thought that we didn't need it. Hopefully the work that was done by.

236

00:26:38.519 --> 00:26:42.058

But then by Abby, in conjunction with the county.

237

00:26:42.058 --> 00:26:49.798

Which was very extensive and so, and a lot of back and forth, and a lot of applications.

238

00:26:49.798 --> 00:26:54.058

Me to do mine.

239

00:26:55.739 --> 00:26:58.949

Well, thank you very much for your comment.

240

00:26:58.949 --> 00:27:05.219

We appreciate hearing from you and you certainly won't be the 1st or last.

241

00:27:05.219 --> 00:27:08.608

Homeowner who didn't fully appreciate the restrictions.

242

00:27:08.608 --> 00:27:13.409

And the resource protection area.

243

00:27:13.409 --> 00:27:20.788

Okay, so we move on now to cameron's presentation of the director's position.

244

00:27:20.788 --> 00:27:26.398

The position of the director.

245

00:27:26.398 --> 00:27:29.969

In regards to the required findings.

246

00:27:29.969 --> 00:27:37.229

The requested exception to the criteria is the minimum necessary to afford relief.

247

00:27:38.368 --> 00:27:46.259

Staff analyze the impervious areas on surrounding properties properties within 500 feet of the subject property.

248

00:27:47.368 --> 00:27:53.729

In the status report, the attachments attachments.

249

00:27:53.729 --> 00:27:57.328

You'll see this information presented.

250

00:27:57.328 --> 00:28:03.118

Attachments see to see is the picture on the image that you see there on the screen.

251

00:28:03.118 --> 00:28:07.709

And it shows visually the impervious areas for.

252

00:28:07.709 --> 00:28:15.298

Through the homes and the additions, and then attachment C to a is a tabular form of that.

253

00:28:16.949 --> 00:28:21.838

And if you look at me, the size of the house in comparison to the size of the lot.

254

00:28:21.838 --> 00:28:30.598

We know suddenly you can see it while on this image, but the yellow surrounding the particular lot is highlighting that subject lot.

255

00:28:30.598 --> 00:28:34.048

That 6,630, Holland street.

256

00:28:34.048 --> 00:28:39.719

If you look at the comparison of impervious areas on that, not including the areas within.

257

00:28:39.719 --> 00:28:45.479

You know, for properties within 500 feet, impervious within the RPA.

258

00:28:45.479 --> 00:28:51.778

You'll find that this 1 actually falls within the upper and lower limits of those properties.

259

00:28:51.778 --> 00:28:57.328

Therefore, it's the opinion of staff that this request is the minimum necessary.

260

00:28:57.328 --> 00:29:04.618

To afford you make next slide.

261

00:29:06.778 --> 00:29:14.939

Granting of exception will not confer upon the applicant any special privileges that are denied by this part to other property owners.

262

00:29:14.939 --> 00:29:19.259

Or subject to revisions and who are similarly situated.

263

00:29:22.169 --> 00:29:36.114

The Department of environmental quality dq guidance with regards to this finding is intended to make sure that an exception request would not give the applicant something that has been denied to others in similar

264

00:29:36.144 --> 00:29:37.253

situations.

265

00:29:38.578 --> 00:29:46.409

Gets to the equity in fairness, an arbitrary nature and increases aspects of any exception request in any decision.

266

00:29:47.699 --> 00:29:52.798

For instance, in the property owner request an exception to build a pool in the RPA.

267

00:29:52.798 --> 00:29:56.759

And neighbors have applied for the denied sooner requests.

268

00:29:56.759 --> 00:30:03.778

In this instance, if the exception is approved, a special privilege has been permitted for 1 neighbour, but not for the others.

269

00:30:06.358 --> 00:30:10.259

Like, to draw your attention, the committee approved.

270

00:30:10.259 --> 00:30:14.398

An exception for 58 to 5 river drive.

271

00:30:14.398 --> 00:30:18.868

Where there were 2 patios unassociated, retaining walls.

272

00:30:18.868 --> 00:30:22.409

The pacu is added to this.

273

00:30:22.409 --> 00:30:26.999

Added an additional form donating square feet to that property.

274

00:30:29.038 --> 00:30:35.159

In approving that exception, the committee did require additional RPA methods to be planted.

275

00:30:38.729 --> 00:30:44.068

Similar outdoor chimney, which was not attached to the house was approved by the committee.

276

00:30:44.068 --> 00:30:52.528

Not going to the details now, but you can look at the attachment c12 8 and see 12 D to see that. It was very similar to this. 1.

277

00:30:55.709 --> 00:30:59.909

The decision to approve, or deny this current requests should be based.

278

00:30:59.909 --> 00:31:08.788

On a decision that would have been made, had the request for the house patio and grill been made in its entirety back in 2004.

279

00:31:08.788 --> 00:31:14.669

And it should be consistent with similar cases, approval or denials.

280

00:31:16.318 --> 00:31:22.378

The question if the applicant had submitted a request for loss of baller glary back in 2004.

281

00:31:22.378 --> 00:31:27.538

Which included the house and the patio approaching into the sea 50 feet.

282

00:31:27.538 --> 00:31:31.499

The request would have been subject to the approval of the committee.

283

00:31:31.499 --> 00:31:37.769

And subject to the findings, and a 1 minute, 67 and woman 866 just as it is.

284

00:31:37.769 --> 00:31:45.719

With this request for more guidance on the approval policies are in the committee back to.

285

00:31:45.719 --> 00:31:51.568

Um, the, the okay policy statements, which are actually and C7 a.

286

00:31:51.568 --> 00:31:55.439

And the attachments C7 a, of the staff report.

287

00:31:58.199 --> 00:32:12.838

So, given the percentage of impervious area on the lot on the previous area, and the RPA in comparison to those properties within 500 feet is

the opinion of staff that granting this exception, but not confer special privilege.

288

00:32:14.189 --> 00:32:28.648

Next slide exception is in harmony with a purpose and intent of this chapter and it's not just substantial detriment to water quality.

289

00:32:31.019 --> 00:32:36.298

There are provisions to grant exceptions and do 1869, which this is submitted.

290

00:32:36.298 --> 00:32:39.388

The variety of call series of water quality benefit.

291

00:32:39.388 --> 00:32:46.528

The Virginia run off reduction method isn't accepted method to evaluate water quality.

292

00:32:47.939 --> 00:32:54.778

Water quality computations presented, indicate that this is small water quality benefit to change.

293

00:32:56.098 --> 00:32:59.878

Stuff would however a light to draw the Committee's attention.

294

00:32:59.878 --> 00:33:02.969

To the deficiencies which staff feel.

295

00:33:02.969 --> 00:33:08.098

All still present in the water quality impact assessment and should be addressed.

296

00:33:11.429 --> 00:33:16.288

Specifically dimensions for the to remain should be clarified.

297

00:33:16.288 --> 00:33:21.388

A reasonable maintenance area beyond impact you should be agreed.

298

00:33:21.388 --> 00:33:26.489

And subsequently any necessary revisions to the waterfall to computations.

299

00:33:26.489 --> 00:33:35.939

Would also be made staff would like to draw the Committee's attention to attachment a, for list recommended approval conditions.

300

00:33:35.939 --> 00:33:40.769

While the water quality impact assessment as well as approval conditions.

301

00:33:40.769 --> 00:33:45.838

For the exception to the committee, choose to prove it.

302

00:33:47.128 --> 00:34:01.378

Next slide exception request is not based on conditions of circumstances that himself created or self imposed.

303

00:34:02.729 --> 00:34:06.659

As a lot was created before the adoption of the RPA.

304

00:34:06.659 --> 00:34:11.398

The request is deemed to not be entirely so created a soft.

305

00:34:13.739 --> 00:34:17.728

Exceptions should be granted for the property.

306

00:34:20.429 --> 00:34:24.568

The basis for an exception should be the condition.

307

00:34:24.568 --> 00:34:30.268

That was there in 2000 for the approval back in 2004.

308

00:34:30.268 --> 00:34:34.469

Anything that's been added beyond that would need approval.

309

00:34:36.599 --> 00:34:40.559

We're considering a violation for an already constructed construct.

310

00:34:40.559 --> 00:34:46.018

Encroachment remediation of the violation of encroachment.

311

00:34:46.018 --> 00:34:49.829

We generate costs around a detriment to water quality.

312

00:34:49.829 --> 00:34:52.829
May also be a consideration.

313
00:34:52.829 --> 00:34:56.909
Game stuff would like to draw Committee's attention.

314
00:34:56.909 --> 00:35:05.458
To the proposed conditions, and for the water quality impact assessment and exception to the committee to to approve that.

315
00:35:08.548 --> 00:35:14.009
So, finally, the position of the director staff recommends approval of.

316
00:35:14.009 --> 00:35:20.849
The RPA encouragement, exception request 12905 dash 1.

317
00:35:20.849 --> 00:35:25.409
And the water quality impact assessment 1, 2 9 W. Q.

318
00:35:25.409 --> 00:35:32.699
Cashiers or 1 past 3 subject to the approval conditions, provided an attachment a staff report.

319
00:35:32.699 --> 00:35:41.128
Dated March 102,021 next slide.

320
00:35:52.588 --> 00:35:58.528
The, the next slide, maybe the time for the read before by the applicant.

321
00:36:03.478 --> 00:36:07.409
Okay, do we have anything from.

322
00:36:11.369 --> 00:36:18.268
No, ma'am, not at this time. Do we have questions from the committee members of either?

323
00:36:18.268 --> 00:36:23.128
On the staff or the applicants agent.

324
00:36:23.128 --> 00:36:28.858
How are you.

325

00:36:28.858 --> 00:36:33.329

I got last question, um.

326

00:36:33.329 --> 00:36:45.329

Okay, 1st of all the question is about attachment a, I'm afraid I lost track of, which was the 1 you sent to us and which 1 is the 1 that's.

327

00:36:45.329 --> 00:36:59.009

The 1 that superseded so the, we're working off the attachment aid, stated March, 10th, and is number 1 through 12 on page 1 and 2. is that correct?

328

00:37:02.998 --> 00:37:14.248

Yeah, that's correct. It's also it should be on your screen right now. Okay. And is there any difference from that? And the original 1 receipts other than the remembering.

329

00:37:14.248 --> 00:37:22.048

No, it all that changed was March. It said March 11st and became March. 10. is that number was just a typo.

330

00:37:22.048 --> 00:37:28.829

And then it said 2, a B and C and that was incorrect was supposed to be 2, 3, 4 5.

331

00:37:28.829 --> 00:37:37.228

Right, right okay. I just I just want to know that. Um, okay is there any proposal by the.

332

00:37:37.228 --> 00:37:45.239

Owners now to do what the old owners were supposed to do.

333

00:37:49.134 --> 00:37:56.693

In addition to removing the, the concrete intake fire pit I'd do more buffer planting.

334

00:37:57.833 --> 00:38:09.353

I, I can't tell there's, there's 1 with a lots of trees on it, but I didn't know if that was included in this proposal or if that was part of the old 1 that the Solomon's had.

335

00:38:09.688 --> 00:38:13.320

So question, Ari, and that.

336

00:38:13.320 --> 00:38:25.980

Uh, for that sure. And this is something we talked with staff about as well at this point. No, there is no plan to.

337

00:38:25.980 --> 00:38:29.489

Account for the the buffer that was removed.

338

00:38:29.489 --> 00:38:35.519

By the Solomon's many years ago, as part of this.

339

00:38:35.519 --> 00:38:47.429

Application it seems reasonable and appropriate to look at this application based on what it is, and what these owners have done and not hold them responsible for the actions.

340

00:38:47.429 --> 00:38:51.840

That are outside of their control and that are done by others.

341

00:38:51.840 --> 00:38:58.739

During prior years that would on themselves, be subject to their, its own notice violation had they been.

342

00:38:58.739 --> 00:39:02.610

Observed during that period of time of their homeownership.

343

00:39:02.610 --> 00:39:10.469

But wasn't there, I mean, doesn't doesn't what was granted to the Solomon somehow rather go on to.

344

00:39:10.469 --> 00:39:20.789

The the lands, I mean, the, the plaque and the statement, and shouldn't that have been discovered by either the realtor or the title company?

345

00:39:20.789 --> 00:39:28.679

And, I mean, this is a big this is a big this is a big question.

346

00:39:28.679 --> 00:39:38.489

We have to face is, do we just say, well, my, you know, we require this stuff and oh, they didn't do it and they sold the property and therefore.

347

00:39:38.489 --> 00:39:43.110

The new property, the new owner doesn't have any liability. I'm, I'm.

348

00:39:43.110 --> 00:39:53.369

I'm not happy with that. Sure. And I can, I can certainly understand and I don't necessarily disagree with that sentiment at all. Ms. Cantor.

349

00:39:53.369 --> 00:40:00.269

With regards to the disclosure statements, et cetera during a transaction of real property the common law of Virginia.

350

00:40:00.269 --> 00:40:06.030

Arcade aren't required disclosure statements flood planes are are not.

351

00:40:06.030 --> 00:40:17.219

You for a lot of reasons, the real estate industry, the realtors don't want them to be. They've spent a lot of money down enrichment to keep it.

352

00:40:17.219 --> 00:40:20.519

Out of out of those required disclosure statements.

353

00:40:20.784 --> 00:40:35.485

The prior approvals yes, they convey with the property they can be searched in the county records in terms of any approval that was granted for any given parcel of land throughout Fairfax County.

354

00:40:36.085 --> 00:40:37.554

That is that is certainly true.

355

00:40:37.860 --> 00:40:45.780

So, it does convey with the property. However, none of that would show up on a title report, because none of it is subject to.

356

00:40:45.780 --> 00:40:55.260

Any sort of easement or declaration of restriction or restrictive covenant. So though it just doesn't show up at all as part of that transaction.

357

00:40:56.429 --> 00:40:59.610

Right. Wrong or otherwise. That's that's just what happens.

358

00:41:04.980 --> 00:41:10.380

Thank you thank you.

359

00:41:14.340 --> 00:41:18.179

Other questions.

360

00:41:19.800 --> 00:41:27.804

Betsy, it's Amy. Can you hear me? Yes. Okay. Thank you. I just got promoted to be able to speak.

361

00:41:27.804 --> 00:41:41.184

So may I just make 1 observation as a realtor we do disclosing the residential property disclosure that there could be an RPA in there. So, it is part of the residential property disclosure.

362

00:41:41.364 --> 00:41:55.135

It is part of the due diligence by the owners. So, Ali is correct that the realtors fought very hard, and not having a separate disclosure for but it is in a disclosure statement called the residential property disclosure.

363

00:41:55.405 --> 00:41:59.215

So, I just want to put that as a point of correction on the process in real estate.

364

00:41:59.489 --> 00:42:05.940

Thank you.

365

00:42:09.000 --> 00:42:12.360

Their question was.

366

00:42:14.579 --> 00:42:19.559

So this is Ed Monroe.

367

00:42:19.559 --> 00:42:25.469

So, I just want to be clear on the square footage that would be planted. Re, vegetated.

368

00:42:25.469 --> 00:42:29.130

According to the proposed exception conditions.

369

00:42:29.130 --> 00:42:34.679

So, I'm reading down here, proposed exception condition number 4.

370

00:42:36.750 --> 00:42:41.820

There will be a combined area of at least 5,081 square feet.

371

00:42:41.820 --> 00:42:45.929

And then it goes on to say what type of plants.

372

00:42:45.929 --> 00:42:50.789

You know, including natives would be required.

373

00:42:50.789 --> 00:43:02.789

And could you ABI or the homeowner could you talk a little bit about how that fits on the property? Because I see.

374

00:43:02.789 --> 00:43:12.960

That kind of sets close that vegetation kind of sits closer to the house and then behind it is line. If I understand it correctly.

375

00:43:12.960 --> 00:43:18.300

So, I just I just want to be comfortable that that's something that homeowner.

376

00:43:18.300 --> 00:43:23.039

Is certainly interested in maintaining given some of the background.

377

00:43:23.039 --> 00:43:26.190

On the property prior to.

378

00:43:30.840 --> 00:43:36.030

I'm not sure Daniel, if you have a copy of the.

379

00:43:36.030 --> 00:43:41.550

Planting plan that was part of the water quality impact assessment that we submitted.

380

00:43:41.550 --> 00:43:49.199

That you might be able to pull up so that we can, we can look at it and discuss it to specifically address.

381

00:43:49.199 --> 00:43:54.960

The question here, I think it would be helpful to have that graphic in front of everybody's eyes.

382

00:43:54.960 --> 00:44:03.269

Sure, if it was 1 of the attachments of the staff report, if you can just point me to which attachment is it? This 1 planting overlay.

383

00:44:03.269 --> 00:44:11.190

Or, I guess, okay.

384

00:44:11.190 --> 00:44:14.639

Okay.

385

00:44:14.639 --> 00:44:17.789

There you go. Perfect, thank you. Yep.

386

00:44:17.789 --> 00:44:25.800

So, you can see all the Pre little circles are the overstory on the story trees and the, there's a little.

387

00:44:25.800 --> 00:44:31.440

It looks like little speckles at this scale, but if you zoom in, they've got little, uh.

388

00:44:31.440 --> 00:44:37.440

Little markings in there would be the shrub planting area within all of those planting zones.

389

00:44:37.440 --> 00:44:44.969

And it it occupies a similar footprint to.

390

00:44:44.969 --> 00:44:53.010

What should have been there before? If you look back at the early 2000? Aerials these are the areas that were.

391

00:44:53.010 --> 00:44:58.139

Previously vegetated and so we felt that it was most appropriate to do.

392

00:44:58.139 --> 00:45:03.510

This level of vegetation along with a bunch of invasive species removal.

393

00:45:03.510 --> 00:45:09.960

Within and around the existing forested portions of this property, which are, everything's.

394

00:45:09.960 --> 00:45:15.840

Kind of to the Northeast east of our planting areas.

395

00:45:15.840 --> 00:45:23.010

It's a mature forest that if we were to plant in these densities within that mature forest.

396

00:45:23.010 --> 00:45:31.739

Would be dog and tree roots left and right. And turn that into Swiss cheese with the number of holes that we'd have to dig in the ground to put us 3 gallon pot down there.

397

00:45:38.400 --> 00:45:44.639

So so there, so basically what I'm saying is.

398

00:45:44.639 --> 00:45:53.730

So, maybe there's another picture that would show this, but is this a continuation of the forested area that's along the stream bed?

399

00:45:53.730 --> 00:45:58.260

And then, basically, it would be sort of yes, that's exactly what it is.

400

00:45:58.260 --> 00:46:05.400

Okay, and then it looks to the rail on zoom in just a little bit on the right hand side of that image.

401

00:46:05.400 --> 00:46:12.929

You can see the existing tree line in there just on the right side would be great with the proposed conditions and vegetation are.

402

00:46:14.190 --> 00:46:25.769

So you can see the little scribbles in there for the tree line. Yep. She's kind of tracing it there with her mouse. So that's the existing tree line that's out there.

403

00:46:25.769 --> 00:46:32.489

And so we were, we're proposing to just tack on trees to the limits of the existing forest and fill in some of those gaps.

404

00:46:32.489 --> 00:46:38.280

Okay, thank you.

405

00:46:42.809 --> 00:46:46.650

And this is Ken, can I speak?

406

00:46:48.719 --> 00:46:52.590

Yes, I speak.

407

00:46:52.590 --> 00:47:00.210

Regarding whether a property owner should know they're in the RPA. I'll point out that I went on to our jade system.

408

00:47:00.210 --> 00:47:07.440

Then just really been an hour before this meeting, and I was able to pull up an environmental report.

409

00:47:07.440 --> 00:47:16.199

Indicating that the property was within the RPA. Now, I realized jade was not available when this property was purchased.

410

00:47:16.199 --> 00:47:22.650

A can see that, but even there, the realtor would have to be.

411

00:47:22.650 --> 00:47:25.920

Alert to the implications of an RPA.

412

00:47:25.920 --> 00:47:30.210

I don't think the county is doing a very good job of.

413

00:47:30.210 --> 00:47:35.579

Making sure anybody buying property is aware of the.

414

00:47:35.579 --> 00:47:39.869

Pretty serious restrictions that can be placed on the property.

415

00:47:39.869 --> 00:47:46.349

And that's something I think we'll have to talk about maybe maybe in the following discussion of this meeting.

416

00:47:47.369 --> 00:47:50.849

But so it gives me a little sympathy for.

417

00:47:50.849 --> 00:47:57.659

A homeowner who may not have been completely aware of what an RPA meant to at least.

418

00:47:58.710 --> 00:48:02.039

Right now the.

419

00:48:02.394 --> 00:48:16.195

Only concern I have, and I think Cameron is already covered it, is that the looking at the before, and after conditions, if after approval the bay comes out, no worse or better still ahead of things.

420

00:48:17.094 --> 00:48:28.494

I think this is probably the best we can do with this property. It's it's really a story of it is a, is a poster child for how not to manage and.

421

00:48:30.300 --> 00:48:37.829

Um, but, uh, that's not really the owner's falter anything, but I think we've gotta make the best of it.

422

00:48:39.925 --> 00:48:47.275

Could I say something? Yes please. Yeah I, I agree with what Ken just said. I'm really Amy.

423

00:48:47.275 --> 00:48:58.105

I understand the realtors saying some information, but they're not forthcoming with things like an RPA and I know in my own neighborhood, there are people who.

424

00:48:58.500 --> 00:49:02.219

I have no idea that they're in an RPA until they start.

425

00:49:02.219 --> 00:49:15.900

Trying to do something like this, put a patio. In fact, I want to bring up foreign things out that I'm looking at. The staff has proposed something a maintenance agreement for planting existing and proposed.

426

00:49:15.900 --> 00:49:25.409

Shall be executed and recorded in the land record to who has the authority to say that does not seem as if the, or the does.

427

00:49:25.409 --> 00:49:33.900

And is that now, is that now done for any properties? Because it seems to me that that could be.

428

00:49:33.900 --> 00:49:36.989

Detrimental to.

429

00:49:36.989 --> 00:49:47.489

If if it's part of it, RPA and that's part of it when, when is that?
Something that somebody who is a buyer will find out about.

430

00:49:47.489 --> 00:49:52.380

Is this a precedent? Has this been done before the staff know.

431

00:49:52.380 --> 00:50:01.980

Patrick false opposite of the county attorney I'll jump in here. These
sorts of maintenance agreements are fairly common in the general
development process.

432

00:50:01.980 --> 00:50:06.900

You'll have different items before the board that have.

433

00:50:06.900 --> 00:50:10.889

Vegetative maintenance agreements for buffers and things like this, which
are.

434

00:50:11.755 --> 00:50:15.114

Review the summary by the office and record in the land records,

435

00:50:15.355 --> 00:50:26.815

I think the purpose of them in this case would go back to what a camel
inset an original statement that the idea of this is that the exception
is granted to the land and any subsequent owner then.

436

00:50:27.090 --> 00:50:31.650

Is on notice in such a way as perhaps failed in this case through.

437

00:50:31.650 --> 00:50:43.679

Maybe just the just error or or or or any number of forgivable reasons,
but this would make it clear to any person buying the property. That this
would be an expectation.

438

00:50:43.679 --> 00:50:55.500

For maintaining the vegetation and his position, you said it development
thing. So, is this a common thing that is done? Because I don't think
it's.

439

00:50:55.500 --> 00:51:03.659

Am I right? It's in the space of development. Mostly it's used in commercial situations as I've seen it.

440

00:51:03.659 --> 00:51:06.900

It is applicable here and I think it is something which.

441

00:51:08.010 --> 00:51:13.170

Staff has included to address the circumstances in this case.

442

00:51:13.170 --> 00:51:23.730

So, as to perhaps put, you know, subsequent buyers on notice of the existence of the RPA of the responsibilities to it. So this exception can be carried forward.

443

00:51:23.730 --> 00:51:30.809

Thank you just to follow on this discussion. I had a question also about this, whether.

444

00:51:30.809 --> 00:51:34.380

How this maintenance agreement would get enforced.

445

00:51:34.380 --> 00:51:38.340

Silence.

446

00:51:38.340 --> 00:51:46.469

Patrick Patrick folds for the county attorney, the enforcement of an agreement like this.

447

00:51:46.469 --> 00:51:54.210

Really comes through the same process as you've seen it here. It would come probably through a notice of violation.

448

00:51:54.210 --> 00:52:04.349

It's really a unilateral promise by the property owner to maintain vegetation in a certain place. It would be used in a subsequent proceeding to this 1.

449

00:52:04.349 --> 00:52:11.460

To demonstrate that the responsibility to maintain this vegetation was a matter of public record and that.

450

00:52:11.460 --> 00:52:16.710

As we said here, perhaps the Realty disclosure requirements don't necessarily push.

451

00:52:16.710 --> 00:52:21.960

All buyers to a detailed, um, examination of the information in jade.

452

00:52:21.960 --> 00:52:25.050

In this situation, it would be held out as.

453

00:52:25.050 --> 00:52:30.719

Proof positive that the obligations with the property were known at the time.

454

00:52:35.250 --> 00:52:40.494

Thank you guys, this is an candor.

455

00:52:40.554 --> 00:52:50.425

I mean, this is where our problem is that we do make these decisions and we do sign these agreements and then it goes off into the.

456

00:52:50.730 --> 00:53:01.110

The ether and we don't know if anything happens and we don't know of subsequent land. Uh, purchasers have any idea. They're, they're.

457

00:53:01.434 --> 00:53:06.385

And whatever we fought for and asked for and have been grudgingly,

458

00:53:06.385 --> 00:53:07.074

granted,

459

00:53:08.364 --> 00:53:14.065

it goes away because they decide they want lot and I,

460

00:53:14.695 --> 00:53:17.094

it's a bigger problem than this property.

461

00:53:17.094 --> 00:53:19.644

But this property certainly brings up.

462

00:53:20.335 --> 00:53:34.614

What we fear happens is that we make a decision, and we get some grudging acceptance from the homeowner and partly because he's got to notice the

violation and he's got to get that lifted or resolved or something like that.

463

00:53:34.614 --> 00:53:34.824

I mean,

464

00:53:34.824 --> 00:53:49.675

I think he has more more need to do this and most of them do and and that's what's so frustrating about being on this commission is because we work real hard to try to

465

00:53:49.675 --> 00:53:50.425

get something done.

466

00:53:50.425 --> 00:53:51.894

But then it doesn't last.

467

00:53:57.599 --> 00:54:08.369

So, to follow on with the county attorney again, when I was a member of the wetlands board, um, we also sometimes required people to make restoration planting.

468

00:54:08.369 --> 00:54:12.630

And 1 of the staff then would.

469

00:54:12.630 --> 00:54:18.510

Require that they send in photographs every year to prove that the plants were still there.

470

00:54:18.510 --> 00:54:21.630

Is that something that the county could do?

471

00:54:21.630 --> 00:54:26.940

To we sort of keep keep tabs on how these.

472

00:54:26.940 --> 00:54:33.269

The agreements are being enforced, I mean, it seems very informal, but it seemed to be fairly effective.

473

00:54:33.269 --> 00:54:42.659

Pretty low Patrick Patrick falls for the county attorney. I would defer to staff on whether or not there is any person or a section.

474

00:54:42.659 --> 00:54:48.000

Which is responsible for sort of preemptive enforcement and monitoring.

475

00:54:48.000 --> 00:54:54.840

Of these particular kinds of agreements I can say that our office has no direct place and now we didn't do anything ourselves.

476

00:54:54.840 --> 00:55:04.559

Um, our responsibilities mainly to process the agreements, make sure that they're recorded and then pick them up later when they become a board item or a litigation.

477

00:55:04.559 --> 00:55:11.849

So this is all the staff. This is branding Mueller, staff, land development services. Can you all hear me? Okay.

478

00:55:13.650 --> 00:55:25.409

Yeah, okay. So to address that comment, I'm the branch chief, the enforcement group for land development services. Our team issued the violation on this property.

479

00:55:25.409 --> 00:55:36.054

So, as far as following up with that yearly requirement, it's, it's honestly partly a resource issue. We are complaint based, you know, as decided by the board of Supervisors.

480

00:55:36.445 --> 00:55:48.324

I think most of, you know, we're a group of 3 and so maintaining every year updated photos. That kind of program is most similarly done by M. S. M.

481

00:55:48.324 --> 00:56:02.304

D, regarding facility stormwater facilities, and they send that out to a contract, because there aren't a free forces for for county staff to maintain such a program. So that is that is part of the consideration and something.

482

00:56:02.304 --> 00:56:15.414

We haven't been able to support right now on, which is why we are complaint based and we follow up when we receive that and we try to make sure violations are properly abated and follow them through 1 season to make sure the plant's lasted.

483

00:56:15.900 --> 00:56:27.264

In the agreement, that doesn't change our enforcement like Patrick mentioned that's very helpful to ensure that the future of the property can be that restrictions from land records and address that issue.

484

00:56:27.565 --> 00:56:42.295

But it still is under the Chesapeake Bay preservation ordinance because that site has an approval. And so they are required to maintain that buffer and if it would be altered, if you receive a complaint, we would investigate and enforce where appropriate.

485

00:56:42.655 --> 00:56:45.775

So, hopefully that addresses your your concern on that issue.

486

00:56:46.199 --> 00:56:49.650

And I'm chairman and I speak as Davis there.

487

00:56:49.650 --> 00:56:59.789

Yes, please, do I have 2 concerns in this area? 1 is and it's specific to this particular application. I've seen it in others.

488

00:56:59.789 --> 00:57:08.190

It's the notion that planting boxes will be used to ameliorate and add to the benefit of mini. Right? The harm from.

489

00:57:08.190 --> 00:57:15.420

Uh, the exception and planning boxes simply aren't as durable.

490

00:57:15.420 --> 00:57:18.929

As a plan things on the ground itself.

491

00:57:18.929 --> 00:57:22.829

And so I find that, uh, a.

492

00:57:22.829 --> 00:57:27.480

In a, an approach that if 1 is shuts happening.

493

00:57:27.480 --> 00:57:30.989

Determine the benefits of.

494

00:57:30.989 --> 00:57:34.199

Land should be discounted in some way.

495

00:57:34.199 --> 00:57:38.639

Because over time they'll fail, they'll probably be removed out anyone's knowledge.

496

00:57:38.639 --> 00:57:42.480

The 2nd thought, and I offer this to brandy to think about.

497

00:57:44.340 --> 00:57:51.360

1 of the things that we've done at the federal level and enforcement chase for decades.

498

00:57:51.360 --> 00:57:54.809

Is a record keeping requirement.

499

00:57:54.809 --> 00:58:02.610

Such the property owner, or the business, whatever it might have been had a duty to keep the records to themselves.

500

00:58:02.610 --> 00:58:06.869

They don't have to be sent to the government and an investigation was done.

501

00:58:06.869 --> 00:58:12.239

They would be required to show not only they get the records, but what is indirectly.

502

00:58:12.239 --> 00:58:18.570

And as such a requirement that would have no resource impact on the county whatsoever.

503

00:58:18.570 --> 00:58:24.000

A wood on the homeowner that would be a requirement and on an annual basis.

504

00:58:24.000 --> 00:58:27.989

They take pictures though, or them is document.

505

00:58:27.989 --> 00:58:33.750

The plan things in their health and maintain those for the life of their ownership.

506

00:58:33.750 --> 00:58:43.590

And so doing when the county should there be a complaint about it goes to look they would have a, an annual.

507

00:58:43.590 --> 00:58:47.070

Baseline to observe what happened and when it happened.

508

00:58:47.070 --> 00:58:50.429

Be able to identify who is responsible for.

509

00:58:50.429 --> 00:58:55.050

Prior homeowner or current 1 and.

510

00:58:55.050 --> 00:59:00.389

Would also have the extra ability to say if you're failed to keep the record, you were required to keep.

511

00:59:00.389 --> 00:59:04.289

That too is a violation and you need to get on board on that.

512

00:59:04.289 --> 00:59:09.599

And so I don't know whether that would require more action for we could do it or whether we could include it.

513

00:59:09.599 --> 00:59:13.289

Specifically in a, in a.

514

00:59:13.289 --> 00:59:18.539

Then our requirements for this particular application.

515

00:59:18.539 --> 00:59:32.369

But it is a solution that would work. I appreciate, I do think to, for it to be enforceable. I don't know about being a condition of this approval, but for ongoing and outside of.

516

00:59:32.369 --> 00:59:36.750

It would have enforceable in in the code.

517

00:59:36.750 --> 00:59:51.025

And so in order, it'd have to be an associate regulation that we could thereby enforce. Otherwise it's an added regulation. I couldn't issue a violation on outside of this case. But for the regular property owner that's similar to what folks with chapter, 124 and the stormwater ordinance.

518

00:59:51.025 --> 01:00:02.394

And facility records, so right now that regulatory regulation doesn't exist in 118 to allow for that outside of this case for all other conditions that I'm aware of.

519

01:00:02.394 --> 01:00:13.465

But that's something you could share with your board, if you'd want for them to lobby such as suggestion during the legislative session to see if that can be accepted by the state. But right now we don't have that authority and the current ordinance.

520

01:00:15.690 --> 01:00:22.530

It sounds like a useful discussion, issued to bring up and perhaps recommend during the 2nd, part of our meeting.

521

01:00:22.530 --> 01:00:32.789

All right, this is Carolyn. I'd like to draw your attention to.

522

01:00:32.789 --> 01:00:37.320

On condition 8 in attachment a, of the staffing.

523

01:00:37.735 --> 01:00:38.695

Condition aid,

524

01:00:38.844 --> 01:00:50.275

or the exception removal and the suggestion there is that a maintenance agreement for the or for those planter boxes,

525

01:00:50.635 --> 01:00:53.364

and for the planting to be required.

526

01:00:53.514 --> 01:00:55.434

By the exception.

527

01:00:56.010 --> 01:01:00.329

So the planted boxes would also have a maintenance agreement.

528

01:01:00.329 --> 01:01:07.289

And that's the kind of an example.

529

01:01:07.289 --> 01:01:18.510

Of an ongoing duty by the applicant that I'm talking of. I mean, it's entirely if you can have our, we're authorized to do a maintenance agreement.

530

01:01:18.510 --> 01:01:28.829

As part of a condition, then I do not see why a maintenance agreement could not be interpreted as, or we could specify a main disagreement gallery include.

531

01:01:28.829 --> 01:01:32.969

Annual photographs of the planning or whatever.

532

01:01:32.969 --> 01:01:36.090

I see no reason why we couldn't do it now.

533

01:01:36.090 --> 01:01:41.099

The just Rosen example, the maintenance agreements.

534

01:01:41.099 --> 01:01:49.469

That all for the best management practices, which are under the state program to meet chapter 124 of the code.

535

01:01:49.469 --> 01:01:53.699

Those have an annual reporting requirement by.

536

01:01:53.699 --> 01:01:57.030

The, the, the person maintaining.

537

01:01:57.030 --> 01:02:03.780

The facility the homeowner, but they would send if you like a report to the county.

538

01:02:03.780 --> 01:02:08.699

And then, I guess this is the part that the county perhaps doesn't have staff for.

539

01:02:08.699 --> 01:02:12.539

Um, for this type of, like.

540

01:02:12.539 --> 01:02:21.090

Every 5 years they have to the county has to go and inspect the facility right now. We don't have staff resources for that.

541

01:02:21.090 --> 01:02:30.000

But, obviously, within a maintenance agreement, there are some possibilities as you just suggested that for.

542

01:02:30.000 --> 01:02:38.400

The homeowner to actually send in report and then if need be for maybe an inspection.

543

01:02:38.400 --> 01:02:41.789

On an, as needed basis by county.

544

01:02:42.840 --> 01:02:46.889

Well, a maintenance agreement that requires submission of records.

545

01:02:46.889 --> 01:02:51.570

Probably means that only certain records are submitted not necessarily.

546

01:02:51.570 --> 01:02:54.809

A complete.

547

01:02:54.809 --> 01:02:58.019

Articulation of what's been done on the.

548

01:02:58.019 --> 01:03:06.150

Oh, and which may be required in a maintenance agreement must you must do X Y, and Z and you must report to us about why.

549

01:03:06.150 --> 01:03:13.650

And so I still say this, a maintenance agreement and documents.

550

01:03:13.650 --> 01:03:17.219

The condition of of of these boxes.

551

01:03:17.219 --> 01:03:25.530

It also be applied as a maintenance agreement to the rest of it. I don't know we can get into the details on whether or not.

552

01:03:25.530 --> 01:03:29.429

You can have a maintenance agreement on re plannings but.

553

01:03:29.429 --> 01:03:32.670

I see no reason why that's not an answer and.

554

01:03:32.670 --> 01:03:36.210

Yeah, to my colleague and.

555

01:03:36.210 --> 01:03:41.309

This is something we probably should take up with the board as necessary.

556

01:03:42.929 --> 01:03:47.760

I think the staff's position, we don't have details of that.

557

01:03:47.760 --> 01:03:50.880

At this point in time, so we, we need to be.

558

01:03:50.880 --> 01:04:02.130

Flexible with regards to the type of any agreement, because obviously staff resources and and where those records would actually be submitted to recorded.

559

01:04:02.130 --> 01:04:05.909

We don't have like, a program underway for that.

560

01:04:05.909 --> 01:04:15.179

But thinking about the ability to to go back and inspect might be something that maybe a volume.

561

01:04:15.179 --> 01:04:20.369

Well, I think David makes an interesting proposal that even if.

562

01:04:20.369 --> 01:04:23.550

People aren't required required to submit.

563

01:04:23.550 --> 01:04:28.920

Reports or photos, or whatever, if they're required to keep them.

564

01:04:28.920 --> 01:04:33.659

It still involves a sort of an ongoing effort and documentation.

565

01:04:33.659 --> 01:04:40.440

And it's there, if you, if some issue comes up and the counts, you can go say.

566

01:04:40.440 --> 01:04:44.400

Okay, we have a complaint we'd like to see your.

567

01:04:44.400 --> 01:04:51.570

Your maintenance records that you've been keeping as per the requirements of the maintenance agreement.

568

01:04:51.570 --> 01:04:59.340

And it doesn't then add a lot to the staff Burton where they have to deal with these things every year for every property.

569

01:04:59.340 --> 01:05:03.599

It's, it's it's an interesting idea.

570

01:05:03.599 --> 01:05:07.530

But is certainly a concern, obviously stop resources.

571

01:05:07.530 --> 01:05:10.530

This is and I, I'm.

572

01:05:10.974 --> 01:05:20.815

You may not be aware everybody, but the county does a tree survey. I believe every 5 years based on photography it's pretty intensive.

573

01:05:21.534 --> 01:05:26.394

And what we lack is any indication that we've.

574

01:05:26.789 --> 01:05:32.010

We're adding these required planting areas to our database.

575

01:05:32.010 --> 01:05:37.650

So, without that, we can't compare it to the tree survey, but if we were to start.

576

01:05:37.650 --> 01:05:40.949

Marking these areas in our.

577

01:05:40.949 --> 01:05:46.590

Uh, we have more than enough resolution to match the to.

578

01:05:46.590 --> 01:05:53.940

Uh, match this against the tree survey and find out where there are no trees where there are supposed to be trees.

579

01:05:53.940 --> 01:05:57.809

So something for the future, this could, um.

580

01:05:57.809 --> 01:06:09.059

The could prove rather useful on on this application and maybe we should maybe I should talk to the folks which I will be on another matter.

581

01:06:10.380 --> 01:06:13.409

It it sounds like an interesting proposal. So.

582

01:06:15.989 --> 01:06:20.039

Books speak.

583

01:06:21.690 --> 01:06:24.989

You're muted him.

584

01:06:24.989 --> 01:06:28.255

I I hit a button and I was off someplace else. Okay.

585

01:06:28.405 --> 01:06:42.744

Um, I think this is an interesting discussion, but not getting us very far in this application and I suggest that we move on with completing the application process and talk about this later.

586

01:06:46.320 --> 01:06:51.210

Think we're at the point where we can if the, if the.

587

01:06:51.210 --> 01:06:54.840

Many members have asked all the questions they have for the staff.

588

01:06:54.840 --> 01:07:01.559

And the applicants that I think we're at the point where we close the public hearing and consider.

589

01:07:01.559 --> 01:07:07.559

What we want to do with this application so I will now close the public hearing.

590

01:07:09.840 --> 01:07:18.900

Sure, but I just state real quick. Betsy. I actually CC you on an email about.

591

01:07:18.900 --> 01:07:23.849

Alexis read and Amy gold being acknowledged as being on this meeting.

592

01:07:23.849 --> 01:07:29.699

There were some technical difficulties at the beginning, and in order for them to be able to vote, we need to.

593

01:07:29.699 --> 01:07:40.590

Do a motion before voting to amend the attendance that was stated at the beginning of the meeting and to have them acknowledge that they are in attendance right now.

594

01:07:40.590 --> 01:07:44.010

Okay, can I do that?

595

01:07:44.010 --> 01:07:52.289

Yes, go for it. Okay. I move that. We include Amy Gould and Alexa as.

596

01:07:52.289 --> 01:07:57.329

And present in the meeting, so try again.

597

01:07:57.329 --> 01:08:03.750

Could they also vocalize that they are on the call and state where they're calling from?

598

01:08:03.750 --> 01:08:07.199

Amy gold I'm in and do.

599

01:08:07.199 --> 01:08:12.210

Virginia Alexis Dickerson, Alexandria, Virginia.

600

01:08:12.210 --> 01:08:17.159

Okay, thank you. Both. Thank you.

601

01:08:20.819 --> 01:08:25.859

Hey.

602

01:08:25.859 --> 01:08:34.470

We have proposed conditions for the water quality impact assessment and for the exception.

603

01:08:34.470 --> 01:08:46.350

And I was, I would like to entertain a motion that we move those and then we can open it up to discussion.

604

01:08:46.350 --> 01:09:00.000

I don't know if anybody else is giving me feedback echoes. I wonder if we could.

605

01:09:00.000 --> 01:09:05.189

Mute ourselves, except when we're talking the meeting.

606

01:09:10.260 --> 01:09:16.800

This is Ken. Yes. For the sake of discussion I move that. We.

607

01:09:16.800 --> 01:09:20.939

Except the application and approve subject.

608

01:09:20.939 --> 01:09:26.069

To the staffed conditions mentioned in the staff report.

609

01:09:27.180 --> 01:09:33.239

Hey, do we have a 4th okay and cancer seconds? It.

610

01:09:33.239 --> 01:09:41.880

And so now, let's, let's discuss I have a question.

611

01:09:41.880 --> 01:09:47.670

The applicant kind of disputes that there is a wetland.

612

01:09:47.670 --> 01:09:51.840

And there's a condition here that says the wetland shall be evaluated.

613

01:09:51.840 --> 01:09:57.359

The RPA delineated as necessary and shall be shown on any future plan.

614

01:09:57.359 --> 01:10:01.020

The staffs still think there's a wetland back there.

615

01:10:06.659 --> 01:10:13.979

This is the calendars we had information from the stormwater planning division.

616

01:10:13.979 --> 01:10:25.050

About that potential wetland we haven't had any information submitted to the county to actually substantiate that. There isn't a wet.

617

01:10:25.050 --> 01:10:29.130

And that's why the conditions when the time of the staff report was.

618

01:10:29.130 --> 01:10:33.300

She written published, have that in that.

619

01:10:33.300 --> 01:10:36.359

That the, the weapon should be evaluated.

620

01:10:36.359 --> 01:10:39.869

Hello.

621

01:10:39.869 --> 01:10:47.819

This is Ken. I see with the lack of I mean, I, I was there just the other day on site visit.

622

01:10:47.819 --> 01:11:02.279

And I know that you can't always sell a wetland was having standing water in or anything. I know. Better than that. But I really did not see anything that indicated that area was.

623

01:11:02.279 --> 01:11:08.729

Any different than the rest of the property at that elevation and, um.

624

01:11:08.729 --> 01:11:20.310

Given that there are apparently no Hydro soils and that the species present are not typically wetland vegetation. I would not.

625

01:11:20.310 --> 01:11:25.739

Be in favor of, including that condition I would say it's.

626

01:11:25.739 --> 01:11:31.979

It's basically not a 1 I don't think I was also there with Ken and I concur.

627

01:11:48.600 --> 01:11:56.430

So, that if we let's see is that is the women mentioned in the conditions.

628

01:11:56.430 --> 01:12:04.229

It's it's number 3 number 3 number 6 on the water quality impact, assessment conditions.

629

01:12:11.880 --> 01:12:16.229

I would in that case.

630

01:12:16.229 --> 01:12:21.600

Like, to amend my motion to include approval.

631

01:12:21.600 --> 01:12:27.989

Um, with the, with all the staff recommendations, with the exception of number 6.

632

01:12:29.970 --> 01:12:36.359

Pertain into the wetland is that, um.

633

01:12:36.359 --> 01:12:44.310

Acceptable to my 2nd.

634

01:12:44.310 --> 01:12:48.000

Yes, yes. Okay.

635

01:12:49.649 --> 01:12:54.420

So, we have an amended motion, removing the wetland from the conditions.

636

01:13:00.420 --> 01:13:04.949

The staff want to say anything on this gambling.

637

01:13:08.699 --> 01:13:12.930

Staff happened to evaluate that, I guess.

638

01:13:12.930 --> 01:13:18.060

The material presented today is the 1st time we had that material.

639

01:13:18.060 --> 01:13:26.250

And wetlands we typically defer to as to what the planning division you are, our wetland specialist.

640

01:13:29.880 --> 01:13:34.050

So, Cameron, then we're not imposing.

641

01:13:34.050 --> 01:13:38.550

Necessarily any owners.

642

01:13:38.550 --> 01:13:42.510

Task on the applicant then for evaluating the wetland.

643

01:13:42.510 --> 01:13:46.890

It would be county going in on looking correct? Is that correct?

644

01:13:48.989 --> 01:13:53.279

With regard to the, the conditions.

645

01:13:53.279 --> 01:13:58.680

Also, there's a condition and in there about.

646

01:13:58.680 --> 01:14:04.260

And as built condition number 9.

647

01:14:04.260 --> 01:14:10.649

Post construction survey, Asheville plan is conducted submitted to LDS and approved.

648

01:14:10.649 --> 01:14:16.470

Which demonstrate the, that the project complies with the requirements of the exception.

649

01:14:16.470 --> 01:14:21.060

The details of the wetland a lot.

650

01:14:21.060 --> 01:14:29.430

Could actually be included with that plan. Okay so so, should I remove my.

651

01:14:29.430 --> 01:14:34.680

Change is my original motion or can we just leave it as changed?

652

01:14:34.680 --> 01:14:40.289

Yeah, this is this is that and I'm sure that.

653

01:14:40.289 --> 01:14:46.109

Might I mentioned something, but I don't know that we have enough information to take number 6.

654

01:14:46.109 --> 01:14:49.979

From the proposed water, quality, impact, assessment, conditions.

655

01:14:49.979 --> 01:14:58.470

Out so I would be reticent to change it without fully knowing.

656

01:14:58.470 --> 01:15:01.949

More about the wetlands or lack thereof.

657

01:15:03.060 --> 01:15:11.369

Okay, so let me remodify my modification in this.

658

01:15:11.369 --> 01:15:23.069

My motion is then to accept the proposal, the request with the, with all of the proposed conditions of March 10th by the staff.

659

01:15:24.810 --> 01:15:28.590

My secondary agree to that change.

660

01:15:28.590 --> 01:15:34.829

I make a comment with regards to with this. I don't see wait a minute. Wait a minute. We have.

661

01:15:34.829 --> 01:15:39.689

I've asked the secondary is that Alexis? You agree.

662

01:15:39.689 --> 01:15:47.010

Yeah, so I was saying, Alexa, stinker said I concur with your remodification of the modification. Okay.

663

01:15:47.010 --> 01:15:54.600

So, that's where it stands now. Now, I guess it's open for discussion and let Betsy handle the rest. Are.

664

01:15:54.600 --> 01:15:57.750
Yeah, so say, other proposals for.

665
01:15:57.750 --> 01:16:02.220
Oh, yeah, I have sorry about that. I have a question.

666
01:16:02.220 --> 01:16:07.260
Is it really is the 2 week time, period or number.

667
01:16:07.260 --> 01:16:14.699
8, the removal of parts of the patio and the vegetation of that area in 2 weeks is that realistic?

668
01:16:14.699 --> 01:16:24.689
I would say a month, I don't know, I'm just thinking about how long it might take the contact for people to do that this time of the year.

669
01:16:25.829 --> 01:16:29.369
Well, it is a pretty small area.

670
01:16:31.439 --> 01:16:40.649
When you see it, which I would have done had, I not ran into a bathtub they said, yes.

671
01:16:40.649 --> 01:16:45.810
Sue almost almost sacrificed your entire self for the.

672
01:16:45.810 --> 01:16:49.979
Opportunity to make a site visit to this property.

673
01:16:49.979 --> 01:17:03.000
Well, let's see, it doesn't say within 2 weeks from when it just says within 2 weeks.

674
01:17:03.000 --> 01:17:11.250
Means I assumed it meant from 2 weeks from whenever it starts sometime within the 6 months then. Okay.

675
01:17:14.760 --> 01:17:24.899
Any other comments or questions I had a comment with regards to item number 6. if I may.

676

01:17:24.899 --> 01:17:32.310
Oh, I'm sorry, I didn't hear you.

677
01:17:32.310 --> 01:17:35.430
Yes, go ahead. Yes, this is Bobby.

678
01:17:37.020 --> 01:17:44.220
Yep, so item number 6, this is an item that was in the staff report that was provided to us on the.

679
01:17:44.220 --> 01:17:48.149
26, I believe of March, so this is.

680
01:17:48.149 --> 01:17:54.479
This was new to us too, so when when we had a chance to digest the staff report and read through it.

681
01:17:54.479 --> 01:17:59.159
I immediately went to the site to collect the data in this area.

682
01:17:59.159 --> 01:18:03.569
Especially given the pictures and images that were shown in the staff report.

683
01:18:03.569 --> 01:18:12.270
As kind of alluded to it is, it's not even close to a 1. it would be 1 thing if 1 or 2 of the 3 parameters that are required.

684
01:18:12.270 --> 01:18:17.069
To consider an area wetland, we're present it's 0 out of the 3.

685
01:18:17.069 --> 01:18:22.050
I don't have any issue providing the data that we took to.

686
01:18:22.050 --> 01:18:26.130
County staff I have no no issue meeting them out there.

687
01:18:26.130 --> 01:18:36.510
My concern is solely the level of information that may be necessary to satisfy condition number 6 is because it doesn't specify.

688
01:18:36.510 --> 01:18:47.069

What level of data are necessary, whether we can simply provide the data point information that we take in accordance with the Army Corps of engineers regulations.

689

01:18:47.069 --> 01:18:55.590

Whether we have to furnish a formal report, or if we need to get a letter from the U. S Army Corps of engineers confirming that, that area.

690

01:18:55.590 --> 01:19:09.119

Is not a wetland there there are significant cost implications to those different levels of study and certainly a pretty big amount of time involved to get the Army Corps of engineers to write that letter.

691

01:19:09.119 --> 01:19:15.810

So, I would certainly appreciate staff for the clarifying what level of of investigation.

692

01:19:15.810 --> 01:19:19.020

Is going to be necessary for this area so that we can.

693

01:19:19.020 --> 01:19:22.800

Do you deal with it as as appropriate on her end?

694

01:19:22.800 --> 01:19:34.260

Did you clarify that the information regarding the data points the soils and the, the vegetation.

695

01:19:34.260 --> 01:19:40.859

I think that could be included with the, the, as built information.

696

01:19:40.859 --> 01:19:47.069

And obviously we would have also multiplying division actually, look at that information.

697

01:19:47.069 --> 01:19:56.039

Staff and our division in conjunction with the planning, reach out to them as necessary.

698

01:19:56.039 --> 01:20:04.199

Today, is that certainly that we already have all that that seems very reasonable.

699

01:20:04.199 --> 01:20:15.479

And if you don't mind modifying the modification 1 more time to to amend that, that would be clarify that. That would be wonderful for us. Sorry I can.

700

01:20:17.069 --> 01:20:24.630

So the wording would be the wetland on tax map shall be evaluated. The RPA delineated as necessary.

701

01:20:24.630 --> 01:20:32.039

My staff, and she'll be shown on any future plan. I think the wording might be that.

702

01:20:32.039 --> 01:20:36.840

The applicant will provide a map of soils and vegetation.

703

01:20:36.840 --> 01:20:47.670

To evaluate the wetland shown on tax map number 0, 2 1 22007.

704

01:20:47.670 --> 01:20:53.340

Does that sound right? It's not a map. It's a a data form.

705

01:20:53.340 --> 01:20:59.430

No, it's a data, I would say that you need to say that it's going to be a data form in.

706

01:20:59.430 --> 01:21:02.670

General conformance with army corps of engineers.

707

01:21:02.670 --> 01:21:05.670

Specifications and regulations.

708

01:21:06.779 --> 01:21:11.789

With regards to the proposed or potential wetland, you can't call it a wetland because.

709

01:21:11.789 --> 01:21:15.270

Currently, if the county doesn't know if it is or not.

710

01:21:15.270 --> 01:21:20.789

Good word yes, there's certainly some wordsmithing that needs to go in here.

711

01:21:24.239 --> 01:21:29.010

So we say the applicant should provide data on soils, vegetation.

712

01:21:29.010 --> 01:21:33.390

For the Hydro.

713

01:21:33.390 --> 01:21:39.569

And I draw this out okay to you, Cameron.

714

01:21:39.569 --> 01:21:47.579

That sounds acceptable, obviously the Army Corps of engineers data forms, which are typically used.

715

01:21:47.579 --> 01:21:53.069

That would be good. I think there may actually be a comment.

716

01:21:53.069 --> 01:21:57.329

Um, here from, I guess, the county Attorney's office.

717

01:21:59.609 --> 01:22:06.300

Every past to the county attorney, I have a I have a problem having potential to it unless we've established the exact.

718

01:22:07.439 --> 01:22:13.109

Status of that particular area have we identified the area with any specificity in the report?

719

01:22:14.850 --> 01:22:18.029

I think it is marked on the ground.

720

01:22:18.029 --> 01:22:23.130

Okay, and it's such that we could tell what it is within a document. Like, we could be marketed.

721

01:22:23.130 --> 01:22:27.630

With numbers, or some sort of area does that.

722

01:22:27.630 --> 01:22:34.439

It says it's shown on the tax map. There's an attachment in on the staff report.

723

01:22:34.439 --> 01:22:39.420

Which is provided by us to move to planning, which is.

724

01:22:39.420 --> 01:22:46.439

Basically, an exhibit showing the approximate location relation to the property boundaries.

725

01:22:47.579 --> 01:22:52.979

See, if I can find the attachment under attachment C somewhere.

726

01:22:52.979 --> 01:22:58.319

Oh, here it says, it's like it's page 49. C8.

727

01:23:06.239 --> 01:23:10.319

You see.

728

01:23:20.670 --> 01:23:26.819

And if you, if you look at this image, in that circle, you see the 3 letters that's iron pipe found.

729

01:23:26.819 --> 01:23:32.819

That is almost exactly where I took the data point and for those who made the site visit last week.

730

01:23:32.819 --> 01:23:36.420

You saw the orange flag that I had hung there.

731

01:23:36.420 --> 01:23:40.109

Uh, from where I took the data, and that is exactly where.

732

01:23:40.109 --> 01:23:46.770

Stormwater planning took the picture during their site visit a few weeks ago whenever that happened to be.

733

01:23:49.020 --> 01:23:54.239

I'm looking at see, I've got 2 images on the page. Which 1 am I looking at to find in this area?

734

01:23:56.369 --> 01:23:59.399

If you look at your screen, Daniel, pull it up.

735

01:23:59.399 --> 01:24:07.109

Right in the middle that's between 2 drawings. So if you if it continues.

736

01:24:07.109 --> 01:24:10.529
It continues unfortunately off.

737

01:24:10.529 --> 01:24:14.279
1, viewport into another that would put it in the middle of a road.

738

01:24:14.279 --> 01:24:18.239
But it's intended to demarcate an area located.

739

01:24:18.239 --> 01:24:21.329
North North East of the subject property.

740

01:24:21.329 --> 01:24:26.909
Roughly in the location of where the letters are located on this on the image.

741

01:24:26.909 --> 01:24:31.109
Which would be in the kind of right half of the circle that's in there.

742

01:24:35.460 --> 01:24:41.609
Yeah, Daniel, or it seems to be within the black dotted lines where the tree lines are.

743

01:24:44.880 --> 01:24:48.060
Is it current that designated on this tax map as a 1?

744

01:24:49.529 --> 01:24:53.069
No, sir no.

745

01:24:53.069 --> 01:25:00.779
Okay, then I would, this is an unsolicited suggestion maybe, but I would just refer to it as the, the affected area or the area in question.

746

01:25:00.779 --> 01:25:08.399
Calling it, a potential wetland seems a bit in us and I don't think you need to write that into the agreement. Just my 2 cents. I'm sorry to interrupt the.

747

01:25:08.399 --> 01:25:13.979
Okay, so no, I can say very reasonable.

748

01:25:13.979 --> 01:25:21.090

The area effected, or we could do the possible wetland. Okay.

749

01:25:21.090 --> 01:25:26.909

Somebody's got to write something, so I'm writing something.

750

01:25:26.909 --> 01:25:36.840

Okay, so I put in the possible wetland on tax map, whatever the number is. Do you want to put page number 8? Is that what the map is?

751

01:25:36.840 --> 01:25:50.220

The number is given there. Okay that to me, whatever that is, I'm going to write up Shelby, evaluated in accordance with the Army Corps of engineers document number, whatever.

752

01:25:50.220 --> 01:25:59.159

And then, and then go on and say and delete AVI. What's what's what's the.

753

01:25:59.159 --> 01:26:07.050

I mean, there's a Army Corps of engineers document, which you said will show that it's not a wetland.

754

01:26:08.430 --> 01:26:16.829

What numbers and, or we could say, according to army corps of engineer standards, we could say.

755

01:26:16.829 --> 01:26:21.449

And then go on, I think you referred to it as a data form.

756

01:26:21.449 --> 01:26:25.529

Okay, data form.

757

01:26:25.529 --> 01:26:36.984

And, and then go back to the wording and delineated as necessary, and shall be showing up in a future plan now. So it's as necessary.

758

01:26:36.984 --> 01:26:41.335

So, if the data form shows that it's not a wetland, it doesn't have to be delineated.

759

01:26:42.060 --> 01:26:48.420

If it just mentioned it, it needs to have report the data on soils, vegetation and.

760

01:26:49.859 --> 01:26:54.270

Well, is that on the form? Is that on the form? Okay is that.

761

01:26:54.270 --> 01:26:58.229

That designates.

762

01:26:59.640 --> 01:27:05.189

So, I was vegetation and ideology.

763

01:27:05.189 --> 01:27:10.380

Is that what you is that what you want to put in.

764

01:27:10.380 --> 01:27:23.340

Okay, a possible weapon on tax map number whatever wherever Shelby avail it shall be evaluated in accordance with the Army Corps.

765

01:27:23.340 --> 01:27:28.529

You go and that designates.

766

01:27:28.529 --> 01:27:33.659

That designates soils, vegetation and ideology.

767

01:27:33.659 --> 01:27:40.800

And then go back and delineated as necessary and shall be shown on any future plan.

768

01:27:44.760 --> 01:27:54.060

How's that? I just want to ask 1 not to not the nitpick, but I would say delineated if necessary.

769

01:27:54.060 --> 01:27:59.189

Delineate if necessary. Okay.

770

01:27:59.189 --> 01:28:02.520

Yes, ma'am. And so either lawyers happy with that.

771

01:28:04.619 --> 01:28:10.979

Patrick falls for the county attorney. I think that's good. Wording is is obviously happy with that.

772

01:28:14.880 --> 01:28:26.159

Is it the applicant Elizabeth? Are you happy with that? That's okay. I think I think since it's my motion, I'm happy with it.

773

01:28:26.159 --> 01:28:33.420

This change before, before before we vote on the motion, I think psalm had some input.

774

01:28:33.744 --> 01:28:46.765

Yeah, I just listen to the whole, but is there a wetland? There is any sort of evidence, even on maps or anything that is a wetland there that you have to worry about.

775

01:28:47.395 --> 01:28:50.545

Are we not sort of creating work where there's not.

776

01:28:53.220 --> 01:28:57.510

That way the answer is yes, there is a web on any map.

777

01:28:57.510 --> 01:29:05.399

That shows now, there's not, there's nothing on the national and inventory to suggest that there are weapons in this location.

778

01:29:05.399 --> 01:29:12.420

There's a wetland shown on text map number 0 21227.

779

01:29:13.680 --> 01:29:19.680

Well, it's just a penciled in Mark it's not officially on that.

780

01:29:19.680 --> 01:29:23.250

It's just it's a red circle.

781

01:29:23.250 --> 01:29:27.600

It's drawn on with the magic marker. Yeah.

782

01:29:27.600 --> 01:29:30.869

Yeah, okay. With text.

783

01:29:30.869 --> 01:29:33.960

It that's not an official.

784

01:29:35.100 --> 01:29:41.069

Um, which is, you know, it's time like, question, mark.

785

01:29:41.069 --> 01:29:45.180

Um, so that's why I would refer to it as the possible wetlands.

786

01:29:45.180 --> 01:29:50.460

I would actually want to use what's the map that it's on?

787

01:29:52.109 --> 01:30:02.460

What page is that on? It's a math number as part of the condition and yeah. What's the math number that it's in? The application.

788

01:30:02.460 --> 01:30:05.819

Or send the report.

789

01:30:05.819 --> 01:30:13.409

This math yeah. What is that? Attachment? C8 C.

790

01:30:14.965 --> 01:30:28.944

Attachment okay, that's actually it's so it's not really the tax. It's not really the tax methods shouldn't, but because the fact map officially has not been ordered to that. It's just an attachment. So we're better in the thing.

791

01:30:28.944 --> 01:30:40.135

Say the possible wetland on attachment. C8 C. Shelby shall be evaluated in accordance with the U. S. Army Corps of engineers.

792

01:30:41.550 --> 01:30:45.119

Diana.

793

01:30:45.119 --> 01:30:48.720

Uh, data data data.

794

01:30:48.720 --> 01:30:56.880

Form that designates soils, vegetation and Hydro allergy.

795

01:30:56.880 --> 01:31:00.600

Um.

796

01:31:00.600 --> 01:31:11.430

And Shelby is that the shall be delineated if necessary, and shall be shown on any future for.

797

01:31:12.899 --> 01:31:23.850

Hey, should we vote on that? Does anybody this? I guess this is still ken's motion. Okay, so I accept that change. And does Alexis accept that?

798

01:31:23.850 --> 01:31:26.880

My 2nd.

799

01:31:26.880 --> 01:31:31.890

I do okay, I think I think we should vote on that.

800

01:31:31.890 --> 01:31:36.539

Change and then go and vote on the.

801

01:31:36.539 --> 01:31:44.819

The original motion, the main motion, the point of order, the, the changes in promotion now.

802

01:31:44.819 --> 01:31:58.408

So, it's that's what we vote on. Okay. Okay. So that's going in the whole thing. Yeah, if somebody want me to write this out and send this to him at some point.

803

01:31:58.408 --> 01:32:02.488

Sure, that would be good time.

804

01:32:02.488 --> 01:32:10.559

If we and Danielle are you, are you the ones that sure no that one's bouncy, but actually probably send it to both of us.

805

01:32:10.559 --> 01:32:13.738

Betsy and Daniel. Yeah.

806

01:32:13.738 --> 01:32:20.878

Okay, I'll, I'll after this is over I'll send you an email with exactly the wording that I've asked. Okay.

807

01:32:20.878 --> 01:32:29.399

Thank you and before you guys vote, can you just make sure you read out any, any revisions? Exactly. As they're they've been revised.

808

01:32:29.399 --> 01:32:38.698

Okay, I think the do we have any other suggested revisions before we vote on the proposed water quality impact assessment conditions.

809

01:32:41.099 --> 01:32:51.059

So, this Martin, I had a question with regards to where anybody landed with the maintenance agreement because the maintenance agreement is part of the, the W, conditions.

810

01:32:51.059 --> 01:32:55.288

And if the or Fairfax County.

811

01:32:55.288 --> 01:32:58.798

Can't or won't or shouldn't I forget the words that were used.

812

01:32:58.798 --> 01:33:04.048

Include this in in the approval, it should be stricken from the conditions.

813

01:33:04.048 --> 01:33:10.948

I don't have any problem with including and I think it belongs there. Does anybody have a different opinion?

814

01:33:10.948 --> 01:33:19.708

Yes, I, I'm just thinking about the maintenance agreement so the maintenance agreement will only.

815

01:33:19.708 --> 01:33:23.849

Covered the new stuff, not the existing forest.

816

01:33:23.849 --> 01:33:32.698

All the trees, it only covers the boxes.

817

01:33:32.698 --> 01:33:40.229

Only the boxes. Okay, that's how it's supposed to come. I think it covers the planting too.

818

01:33:40.229 --> 01:33:45.658

No, yeah, it's well, it's States number 8, the way that it's written, it covers the.

819

01:33:46.679 --> 01:33:51.088

Existing and proposed plannings and the storm order management facility.

820

01:33:51.088 --> 01:33:54.958

Okay, all right. Covers it on. I think that was the heart of the.

821

01:33:54.958 --> 01:33:58.288

Passionate discussion you guys had before with regards to whether.

822

01:33:58.288 --> 01:34:01.738

You could, or could not require that maintenance agreement.

823

01:34:01.738 --> 01:34:06.149

Yeah, the issue with the existing trees that.

824

01:34:06.149 --> 01:34:13.769

I see is that the existing pharmacist in this region seem to be getting destroyed by.

825

01:34:13.769 --> 01:34:24.328

Either, you know, where the stuff that didn't get washed away constantly so he's going to base all those things. Every time they come off.

826

01:34:24.328 --> 01:34:32.519

So this is that I just.

827

01:34:32.519 --> 01:34:36.389

Follow up to the what you said it.

828

01:34:36.389 --> 01:34:40.738

So number a number item for condition number 10.

829

01:34:40.738 --> 01:34:45.509

I think addresses that it's this indigenous vegetation shall be preserved.

830

01:34:45.509 --> 01:34:49.679

So so I think that does address it.

831

01:34:49.679 --> 01:34:54.238

Okay. All right. Thank you.

832

01:34:54.238 --> 01:34:59.878

All right, so are we ready to vote on.

833

01:34:59.878 --> 01:35:05.849

The water quality impact, assessment conditions with the revision of item. 6.

834

01:35:05.849 --> 01:35:09.719

To say the possible wetland on tax map.

835

01:35:09.719 --> 01:35:14.099

Such attachment C. A. C.

836

01:35:14.099 --> 01:35:22.439

She'll be evaluated according to army corps of engineer.

837

01:35:22.439 --> 01:35:32.849

Uh, data for delineating data on soil and it'll be submitted.

838

01:35:32.849 --> 01:35:37.288

Um, with the as built plan.

839

01:35:39.988 --> 01:35:43.439

That may not be quite what and said, but it's pretty close.

840

01:35:43.439 --> 01:35:49.948

Yeah, it is if necessary and shall be shown on any future plans.

841

01:35:49.948 --> 01:35:53.639

Right, right? Okay.

842

01:35:54.929 --> 01:36:00.538

So, Eva, yes. All right all in favor.

843

01:36:01.618 --> 01:36:09.029

Hi, I think we actually have to do a kind of a, not a roll call, but we have to do it.

844

01:36:10.319 --> 01:36:17.399

You know, the, the law says we're supposed to be associated with our vote. So I think we need to know who votes. Yes.

845

01:36:18.988 --> 01:36:24.929

And we got to know and.

846

01:36:26.639 --> 01:36:30.149

I don't think we need to do go that far, but we could all raise their hands.

847

01:36:30.149 --> 01:36:36.208

This is.

848

01:36:37.529 --> 01:36:40.708

But we have to have our video on to raise their hands.

849

01:36:40.708 --> 01:36:45.479

Oh, okay.

850

01:36:45.479 --> 01:36:56.729

Right. Nobody opposed passed unanimous. Anybody.

851

01:36:58.073 --> 01:37:12.173

Can I, I just need to step in for 3rd we just need to confirm for the record which exact language we're using for the motion because I believe Betsy summarize the change to what? And wrote in number 6.

852

01:37:13.259 --> 01:37:24.719

Okay all right. Hold me to exact stuff. And can I get it to you in writing or you can make.

853

01:37:24.719 --> 01:37:29.338

Slowly as I read it.

854

01:37:29.338 --> 01:37:32.639

Yeah.

855

01:37:32.639 --> 01:37:43.073

Needs you to say it, so we can vote out. Exactly. Yeah, because it recorded version that you're going to send me has to match exactly what's spoken out.

856

01:37:43.104 --> 01:37:55.073

And right now we will try to do this the possible wetland on tax map 0 to 1 dash 2 days. 02 dash. Oh, 7.

857

01:37:56.099 --> 01:38:01.439
Shown on attachment C. H. C. A. C.

858

01:38:01.439 --> 01:38:08.609
Shall be evaluated in accordance with us Army Corps of engineer.

859

01:38:08.609 --> 01:38:17.158
I'm sorry in accordance with the U. S Army Corps of engineer data form.

860

01:38:17.158 --> 01:38:22.439
Delineating soil.

861

01:38:22.439 --> 01:38:27.359
Soils plural vegetation and hydraulic.

862

01:38:27.359 --> 01:38:31.439
Call the.

863

01:38:31.439 --> 01:38:37.618
Will be delineated if necessary.

864

01:38:37.618 --> 01:38:51.328
And Sean, or I'm sorry, the RPA will be the greed and shall be shown on any future plans.

865

01:38:51.328 --> 01:38:56.788
Can we.

866

01:38:56.788 --> 01:39:03.149
Sorry, just before we vote didn't to establish that it's not on the tax.

867

01:39:03.149 --> 01:39:06.779
No.

868

01:39:06.779 --> 01:39:18.238
Okay, if it's dead. All right there's a note on the tax map. Yeah, there's a note, but it's not an official note, right?

869

01:39:18.238 --> 01:39:24.029
So does that I don't know that. How do we know that.

870
01:39:26.908 --> 01:39:30.088
Check before putting this in.

871
01:39:30.088 --> 01:39:38.248
Well, we say a possible wetland on the text map. We evaluated.

872
01:39:39.838 --> 01:39:49.948
Yeah, maybe that that might be it might work better because if you say it's on that text, it's not this. Then this is void.

873
01:39:49.948 --> 01:39:57.838
Yeah, so and had.

874
01:39:57.838 --> 01:40:01.408
Definitely mentioned possible for that case.

875
01:40:02.849 --> 01:40:09.719
That's part of the wording that we're voting on the possible land.

876
01:40:09.719 --> 01:40:19.288
Okay, should I say it this way the possible wetland show attachment C8 C. or is that not official enough?

877
01:40:19.288 --> 01:40:23.908
Or you could say, noted attachment.

878
01:40:23.908 --> 01:40:29.069
Yeah, that's more noted it's noted because it's just a note.

879
01:40:29.069 --> 01:40:35.279
Okay, the possibly on on the possible.

880
01:40:35.279 --> 01:40:38.908
Wetland noted on attachment.

881
01:40:39.654 --> 01:40:52.884
Because what you're telling me is what we're saying, what we're putting us and what I write and send her is the written thing, have to be exactly

the same. So, I got to get it right to the possible noted on attachment.
C8 C.

882

01:40:52.884 --> 01:41:01.673

Shelby evaluated in accordance with the U. S. Army Corps of engineer data
form delineating.

883

01:41:03.658 --> 01:41:07.288

So, aisles vegetation.

884

01:41:07.288 --> 01:41:10.469

And period.

885

01:41:15.149 --> 01:41:21.269

Will be disseminated if necessary.

886

01:41:21.269 --> 01:41:26.128

Any future plan.

887

01:41:26.128 --> 01:41:30.118

Read delineated radio.

888

01:41:30.118 --> 01:41:36.988

Is really in RPA the RPA will be re, delineated if necessary and shown on
any.

889

01:41:36.988 --> 01:41:41.038

Future plan. Okay.

890

01:41:41.038 --> 01:41:45.238

Read the now, are you satisfied that we've got it.

891

01:41:45.238 --> 01:41:52.349

Let's vote on it. Okay.

892

01:41:52.349 --> 01:41:56.248

All right? All right so all in favor.

893

01:41:56.248 --> 01:41:59.248

Hi, hi.

894

01:42:00.809 --> 01:42:07.918
You post.

895
01:42:07.918 --> 01:42:12.988
Oh, no, no, no.

896
01:42:12.988 --> 01:42:24.838
Okay, so we have all it's unanimous in favor and no, no, 1 is opposed.
Correct do we have any abstentions?

897
01:42:26.279 --> 01:42:31.078
No.

898
01:42:31.078 --> 01:42:36.298
Now, let's take up the proposed exception conditions.

899
01:42:36.298 --> 01:42:41.219
Or have we just voted on them too? Did we vote on all of them? No.

900
01:42:41.219 --> 01:42:51.479
Okay, that's what I thought. So, let's have a motion to adopt a proposed
exception conditions from somebody.

901
01:42:51.479 --> 01:42:55.019
Thank you David.

902
01:42:55.019 --> 01:42:59.519
Anybody 4th.

903
01:43:01.288 --> 01:43:05.519
But I got questions or issues.

904
01:43:09.238 --> 01:43:12.569
I have 1 what's in the seed mix?

905
01:43:12.569 --> 01:43:18.118
Is it native.

906
01:43:21.958 --> 01:43:28.439
You don't want to.

907

01:43:28.439 --> 01:43:32.338
Comment on the.

908
01:43:32.338 --> 01:43:38.819
The seed mix will have to be specified by the count here. No. Okay.

909
01:43:38.819 --> 01:43:44.849
They've got a requirement to the, on the on 5.

910
01:43:44.849 --> 01:43:51.509
It's the Northern Virginia Piedmont, Raspberry index.

911
01:43:53.248 --> 01:43:59.488
Thank you.

912
01:43:59.488 --> 01:44:04.618
Other questions or issues, can we vote on this? 1?

913
01:44:04.618 --> 01:44:09.118
Everybody ready to vote we call the question.

914
01:44:09.118 --> 01:44:13.618
All in favor.

915
01:44:13.618 --> 01:44:18.719
Hi, hi. Opposed.

916
01:44:20.939 --> 01:44:24.088
All right it passes unanimously.

917
01:44:27.029 --> 01:44:33.418
And now, I believe we are done with this portion of our meeting.

918
01:44:33.418 --> 01:44:41.279
Thank you very much to the applicant. No, no, no. We've approved the conditions. We now have to approve the application.

919
01:44:42.448 --> 01:44:50.969
Oh, okay, well you want to introduce emotion.

920
01:44:50.969 --> 01:44:57.748

I move, we approve the application. Please. Someone provides the numbers.

921

01:44:57.748 --> 01:45:06.779

Went to 9. W. R. P. A. 005 gash 1 and 1. 2. 9. W2.

922

01:45:06.779 --> 01:45:17.639

001 dash 3 to allow encroachment in the resource protection area located at 6,630 Holland.

923

01:45:19.948 --> 01:45:26.009

And does it. Okay. Do we have a 2nd.

924

01:45:27.029 --> 01:45:31.109

2nd, a 2nd okay.

925

01:45:31.109 --> 01:45:36.269

All in favor, right? Hi. Hi.

926

01:45:36.269 --> 01:45:44.998

You post okay.

927

01:45:44.998 --> 01:45:53.189

This passes and I believe now we're done with this portion of our meeting.

928

01:46:02.189 --> 01:46:08.759

Refs, we might take a brief break since we've been here for some time.

929

01:46:08.759 --> 01:46:12.179

Does that sound okay to you? You Daniel.

930

01:46:14.338 --> 01:46:22.139

Yeah, we could maybe do a 5 minute break. Yeah and then we'll come back with the D presentation from Jerry.

931

01:46:22.139 --> 01:46:25.439

Yes. Okay. That's good.

932

01:46:25.439 --> 01:46:29.519

So, me back here at 353.

933

01:46:29.519 --> 01:46:33.719
Yep sounds good. Okay. Thanks.

934
01:46:44.429 --> 01:46:59.429
Hello.

935
01:47:02.724 --> 01:47:22.944
Eva.

936
01:47:25.828 --> 01:47:49.019
Silence.

937
01:48:03.743 --> 01:48:24.503
Eva.

938
01:48:33.809 --> 01:48:41.759
Eva.

939
01:49:32.844 --> 01:50:31.014
Silence.

940
01:51:33.863 --> 01:51:34.613
Are we ready to.

941
01:51:35.668 --> 01:51:46.378
With jerry's presentation yes, I believe so. I've got his presentation ready to share. I'm going to share my screen now.

942
01:52:00.748 --> 01:52:05.009
Jerry, are you able to join us and present.

943
01:52:05.009 --> 01:52:10.078
I am here, I was just waiting for the go ahead.

944
01:52:10.078 --> 01:52:21.538
Yep, alright, thank you. Numbers of committee. I'm curious. Don't feel with the land development services. Today's discussion is regarding amendments to the.

945
01:52:21.538 --> 01:52:27.899
States Chesapeake Bay, preservation area, designation and management regulations.

946

01:52:27.899 --> 01:52:32.609

That have been proposed by the Department of environmental quality.

947

01:52:32.609 --> 01:52:36.269

Oh, I'm sorry, you're breaking up. Can you just.

948

01:52:36.269 --> 01:52:42.779

I can't hear you, you're breaking up. I'm sorry can you hear me now?

949

01:52:42.779 --> 01:52:52.288

I hear you fine. Okay. But I suggest to everybody that you mute yourself and turn off your video and perhaps that will help.

950

01:52:52.288 --> 01:52:56.069

Except for Jerry stone field.

951

01:52:56.069 --> 01:53:08.038

I thought I was getting away with something. All right we are here at the direction of the board's land use policy committee made a presentation to them on March, 16.

952

01:53:08.038 --> 01:53:13.679

And the committee asked the staff to get feedback from the.

953

01:53:13.679 --> 01:53:16.679

Regarding the States, uh, proposed amendments.

954

01:53:16.679 --> 01:53:20.189

Next slide.

955

01:53:21.689 --> 01:53:28.048

And then 1, after that, I'm sorry, I should have told you by way of brief background.

956

01:53:28.048 --> 01:53:34.588

Uh, dq is proposed these amendments in response to legislation adopted during the 2020.

957

01:53:34.588 --> 01:53:46.828

Session the legislation directs the state order control board to adopt regulations that would add criteria regarding the reservation and mature trees.

958

01:53:46.828 --> 01:53:52.319

Postal resilience and adaptation to climate change.

959

01:53:52.319 --> 01:54:00.448

Q is proposed 2 separate dependents 1 regarding the tour trees and the other regarding climate change.

960

01:54:00.448 --> 01:54:04.019

With separate book concurrent comment period.

961

01:54:04.019 --> 01:54:11.069

Next the proposed tree amendment.

962

01:54:11.069 --> 01:54:14.819

Includes requirements to preserve and.

963

01:54:14.819 --> 01:54:18.838

Protect mature tree and it.

964

01:54:18.838 --> 01:54:24.748

Where vegetation is removed that and we plant and includes trees.

965

01:54:24.748 --> 01:54:33.359

And utilizes the establishment of vegetation a maximum extent practical.

966

01:54:33.359 --> 01:54:37.828

Delta provides that vegetation to buffers must be established.

967

01:54:37.828 --> 01:54:40.948

Planting the trees should be utilized.

968

01:54:40.948 --> 01:54:53.788

Where practical next slide this the 2nd is proposed amendments is to incorporate climate change provisions.

969

01:54:53.788 --> 01:54:57.899

During this new section of.

970

01:54:57.899 --> 01:55:02.038

Chesapeake Bay regulations with.

971

01:55:02.038 --> 01:55:10.168

They required the county to consider resiliency and impact of climate change people and sea level rise.

972

01:55:10.168 --> 01:55:19.048

In the review or developments, and provides Academy the authority to acquire modifications to the design based on the future impacts.

973

01:55:19.048 --> 01:55:23.038

Amendment would create a new.

974

01:55:23.038 --> 01:55:36.538

Allowed use in your for adaptive measures and activities those activities that are intended to address impacts such as sea level rise, recurrent flooding.

975

01:55:36.538 --> 01:55:43.769

Or the proposed regulations specified locality must adopt these.

976

01:55:43.769 --> 01:55:47.759

I'm a change revision in 3 years of the effective date.

977

01:55:47.759 --> 01:55:51.359

Next slide.

978

01:55:51.359 --> 01:55:58.198

There are 3 main considerations staffing to the board the.

979

01:55:58.198 --> 01:56:07.019

1st exceptions within 50 secret fee 2nd hits projects are based solely on fill.

980

01:56:07.019 --> 01:56:10.618

And the 3rd, it's model will meet those future.

981

01:56:10.618 --> 01:56:23.939

1st consideration is in the regulations as proposed would eliminate the current authority with the term county has for granting exceptions within the seaward, 50 of the appropriate buffer.

982

01:56:23.939 --> 01:56:30.389

As, you know, is there currently these exceptions are for Pre existing wants.

983

01:56:30.389 --> 01:56:34.469

That were adopted before the RPA was designated.

984

01:56:35.698 --> 01:56:40.588

And if there are, these are the ones that come to you as.

985

01:56:40.588 --> 01:56:45.059

The other is.

986

01:56:45.059 --> 01:56:48.238

Minor addition to existing home.

987

01:56:48.238 --> 01:56:52.708

These are administratively approved by staff.

988

01:56:52.708 --> 01:56:59.248

And apply to house was built before the RPA was designated.

989

01:56:59.248 --> 01:57:03.118

The 50 so, what's the criteria that's not.

990

01:57:03.118 --> 01:57:11.099

Apply to those additions next missing.

991

01:57:14.279 --> 01:57:20.038

The 2nd consideration is the prohibition of products based solely on film.

992

01:57:20.038 --> 01:57:25.498

Within the, or within 100 feet of the.

993

01:57:25.498 --> 01:57:29.488

It's the regulation of.

994

01:57:29.488 --> 01:57:41.698

Fill outside of where that's concerned with the staff, the regulations created paradox in that. It prohibits approval of an exception.

995

01:57:41.698 --> 01:57:47.668

But such an exception is not required for these type of projects within service management.

996

01:57:48.988 --> 01:58:00.328

Finally, the regulations require the counted considered future impacts of climate change or sea level, future development applications.

997

01:58:00.328 --> 01:58:05.248

Staff for the funding made available for the state.

998

01:58:05.248 --> 01:58:08.969

To help us with that study.

999

01:58:08.969 --> 01:58:17.939

Excellent. So we are coming seeking your feedback on these 4 points.

1000

01:58:17.939 --> 01:58:22.918

And then we'll jump to the next slide and then we'll come back to this 1.

1001

01:58:22.918 --> 01:58:25.918

As far as the next steps.

1002

01:58:25.918 --> 01:58:31.679

Staff is soliciting the feedback also from E.

1003

01:58:31.679 --> 01:58:38.429

Develop and finalize comments to submit to the, during the come up.

1004

01:58:38.429 --> 01:58:43.109

Public comment period, which closes me.

1005

01:58:43.109 --> 01:58:50.009

And then middle of May, the queue is going to be a stakeholder advisor committee to discuss those comments.

1006

01:58:50.009 --> 01:58:54.569

And did you anticipate going to the state water control board?

1007

01:58:54.569 --> 01:59:01.048

For final adoption at their June Thank you. So if we go back to.

1008

01:59:01.048 --> 01:59:10.048

Uh, slide 8, then these are the items that we're soliciting feedback on as for.

1009

01:59:10.048 --> 01:59:20.519

Uh, does the committee support the county asking for clarity on the definitions such as what? The 2 or 3 years.

1010

01:59:20.519 --> 01:59:24.118

And does the committee support.

1011

01:59:24.118 --> 01:59:30.059

Either retaining the current authority to grant exceptions among your fee 50 feet.

1012

01:59:30.059 --> 01:59:34.738

Or supporting the Lord's.

1013

01:59:34.738 --> 01:59:37.918

Environmental vision and the.

1014

01:59:37.918 --> 01:59:41.788

Climate adaptation resilience plan at the boards.

1015

01:59:41.788 --> 01:59:48.298

The 3rd 1 is.

1016

01:59:48.298 --> 01:59:53.788

But still new projects, and the 4th, 1, these.

1017

01:59:53.788 --> 01:59:58.168

In the modeling of climate change my brother.

1018

01:59:58.168 --> 02:00:02.279

Would be asking estate for funding.

1019

02:00:02.279 --> 02:00:06.538

And that is why we're here today.

1020

02:00:06.538 --> 02:00:16.948

Appreciate your feedback, thank you.

1021

02:00:16.948 --> 02:00:21.868

Before we move into our own our discussion of our recommendations.

1022

02:00:21.868 --> 02:00:26.519

Does anybody have questions or comments for Jerry?

1023

02:00:30.599 --> 02:00:35.698

I have 1 and number 3 there.

1024

02:00:35.698 --> 02:00:39.029

What is a fill only project.

1025

02:00:40.649 --> 02:00:46.259

We staffed are not exactly sure at the moment that they.

1026

02:00:46.259 --> 02:00:53.578

But the moment, I'm assuming that it's this is based on more on.

1027

02:00:53.578 --> 02:00:56.788

Postal areas.

1028

02:00:56.788 --> 02:01:03.208

It just brings in field elevate to the property above.

1029

02:01:03.208 --> 02:01:07.109

The title surge and current flooding.

1030

02:01:07.109 --> 02:01:10.288

Just to elevate.

1031

02:01:10.288 --> 02:01:13.889

Sea level rise.

1032

02:01:13.889 --> 02:01:17.878

But it's not defined that way. It's not defined at all.

1033

02:01:17.878 --> 02:01:27.418

In the proposed regulations, so that's 1 of the comments that we'll be asking for clarity and definitions of exactly what they need.

1034

02:01:27.418 --> 02:01:35.878

If Phil was involved with a bigger project or a.

1035

02:01:35.878 --> 02:01:39.509

Only of the project.

1036

02:01:39.509 --> 02:01:43.139

That deeper inhibited.

1037

02:01:43.139 --> 02:01:47.368

In this situation, if it was part of a mitigation.

1038

02:01:51.953 --> 02:02:04.644

This is an candor, I would this be perhaps something like they did that big harbor and port facility, which is pretty much, just dredge and fill in behind a break water.

1039

02:02:04.644 --> 02:02:14.963

And then suddenly you've got land to build to to use is, I mean, like all of Holland practically, but that, it it is something which wasn't.

1040

02:02:15.448 --> 02:02:19.618

Really there before, but the only reason is, there is because you filled it up.

1041

02:02:20.759 --> 02:02:27.389

Possibly, I'm not familiar with a specific project like that. If you are doing it. Exactly.

1042

02:02:27.389 --> 02:02:30.988

Specifically, for example.

1043

02:02:30.988 --> 02:02:39.088

Well, there's something down in the, in the harbor or something island. It's a, it's a, a port area.

1044

02:02:39.088 --> 02:02:46.198

And that's pretty much dredge. And Phil, I'm not familiar with the projects. I wouldn't be able to.

1045

02:02:46.198 --> 02:02:51.208

Comment if this was important to that market, I don't know the details, et cetera.

1046

02:02:55.078 --> 02:02:59.158

Amy, can you hear me.

1047

02:03:00.179 --> 02:03:06.628

Yeah. Okay great. Thank you. Is it possible to get somebody from and to talk to us about this.

1048

02:03:06.628 --> 02:03:09.689

So that we can ask these questions because.

1049

02:03:09.689 --> 02:03:21.113

It seems like there's people out, but it's hard to understand specifically what they're meaning if you don't understand what it means, it's harder for us to understand what it means.

1050

02:03:21.354 --> 02:03:26.363

But maybe they have some explanation or examples of what they're talking about. That would be helpful to us.

1051

02:03:26.548 --> 02:03:38.548

So, I asked, I raised this question with Mark gory and talking about this meeting about whether we could have somebody from. And I think I've discussed it with the staff, too.

1052

02:03:38.548 --> 02:03:43.679

Whether we could have somebody from the queue, explain things to us.

1053

02:03:43.974 --> 02:03:53.154

But he didn't advise it during the public comment, period, because he didn't think we really get answers during this phase of things.

1054

02:03:53.304 --> 02:04:06.113

Well, it's interesting because 1 of the things that the board of Supervisors raised during this presentation that Jerry made to them at the at the land use committee meeting was the concept of takings and how that would do that.

1055

02:04:06.113 --> 02:04:16.823

And when I spoke to somebody who attended a seminar on that, this specific thing, she's mentioned that the head of said, this is not taking thing, this is just limiting building.

1056

02:04:17.514 --> 02:04:30.713

Now, of course, the interpretation from the legal community is going to be different. But I think it would be helpful to us to comment based on what was thinking and they're looking at resiliency over the next 30 years. So they're not looking at.

1057

02:04:31.198 --> 02:04:36.689

You know, the drama of the county changing its policy locally, because.

1058

02:04:36.689 --> 02:04:41.309

In order for that, the wet the.

1059

02:04:41.309 --> 02:04:44.488

The, the coastal.

1060

02:04:44.488 --> 02:04:50.189

The coastal issues to be resolved in a way that's going to stay for the next 30 years.

1061

02:04:50.189 --> 02:04:54.389

The the also have to be involved in this. So that's what I understood.

1062

02:04:54.389 --> 02:05:01.048

And I just think it would be really helpful to have somebody from if you come up and act and explain to us what they're thinking on this.

1063

02:05:01.048 --> 02:05:04.708

To help us make our decision on what we want to recommend.

1064

02:05:06.538 --> 02:05:21.234

Well, he, when I spoke to mark Cory about it, he, he did not think they would answer us with any level of specificity at this stage of things.

1065

02:05:21.354 --> 02:05:26.993

I'd love to know what they meant by. It's not taking a thing. I'd really love to hear that from them.

1066

02:05:27.269 --> 02:05:39.238

Because I think it would clarify a lot for us. No, maybe but I don't think it's going to be clear. The video we saw skip styles said this is going to be a huge issue. Right? I understand.

1067

02:05:39.238 --> 02:05:43.078

I get I get it. Okay.

1068

02:05:43.078 --> 02:05:47.639

So any more comments or questions for jury stone field.

1069

02:05:49.738 --> 02:05:55.229

This is Ken. Jerry, this, this thing on mature trees.

1070

02:05:55.229 --> 02:05:59.819

They're talking of keeping mature trees.

1071

02:05:59.819 --> 02:06:04.408

Right up to the stream. No, I know Fairfax County.

1072

02:06:04.408 --> 02:06:12.809

As a pretty good stream restoration program we do almost 3 miles a year, which is actually a fairly small amount for the.

1073

02:06:12.809 --> 02:06:24.838

The county, but nevertheless, and restoring a stream you do typically remove the trees immediately alongside the stream. They're going to die anyway probably fall over.

1074

02:06:24.838 --> 02:06:31.738

But, um, it it doesn't sound like it recognizes that we're in Virginia where.

1075

02:06:31.738 --> 02:06:35.158

Streams down cutting is the big problem.

1076

02:06:35.158 --> 02:06:41.639

That is 1 of the clarifications that we will be submitting to the state.

1077

02:06:41.639 --> 02:06:44.819

Is a clarification of.

1078

02:06:44.819 --> 02:06:50.458

But the mature entry is and the issue of what is.

1079

02:06:50.458 --> 02:06:54.179

And who decides maximum extent practical.

1080

02:06:54.179 --> 02:06:58.469

It is a practical to save that tree.

1081

02:06:58.469 --> 02:07:04.708

Consideration of a project. Exactly. We're giving.

1082

02:07:04.708 --> 02:07:08.309

A student restoration project is.

1083

02:07:08.309 --> 02:07:13.948

I'm not the adverse to be able to tell you if it's dead dying.

1084

02:07:13.948 --> 02:07:24.298

And, of course, species makes a difference too. A silver maple is basically a weed, whereas a, a Whiteoak is a little more valuable.

1085

02:07:25.889 --> 02:07:35.578

Good afternoon. Everyone my name is Brian. Caitlin. I'm the director of urban forestry in the Department of public works and environmental services.

1086

02:07:35.578 --> 02:07:46.014

So the point that Kevin brought up is 1 of the issues with the mature tree language, it was put in the legislation rather vaguely.

1087

02:07:46.014 --> 02:07:58.913

I think we probably can all agree that the preservation mature trees is a good thing, but mature treaties come in different shapes and sizes the oak tree. And my backyard is 42 inches.

1088

02:07:59.759 --> 02:08:13.529

The American holiday, which is probably vendor about the same amount of time is only 8 inches. So what is a mature tree? And then these issues of risks so there's different.

1089

02:08:13.529 --> 02:08:17.099

Risk issues with mature Teresa, you're developing.

1090

02:08:17.099 --> 02:08:20.908

To a particular part of the RPA, right? You.

1091

02:08:20.908 --> 02:08:28.078

Say come up right to the RPA live the trees preserve, but 40% of the critical root zone has been.

1092

02:08:28.078 --> 02:08:33.809

Impacted by grading would it be appropriate to.

1093

02:08:33.809 --> 02:08:46.559

Save that mature tree at that point may or may not each trees evaluated individually but and then with the stream reservations.

1094

02:08:46.559 --> 02:08:46.944

You know,

1095

02:08:46.944 --> 02:08:47.604

we are,

1096

02:08:47.663 --> 02:08:54.144

we got a pretty extensive length to preserve trees that can be preserved,

1097

02:08:54.144 --> 02:08:55.884

but as Ken pointed out the undercutting,

1098

02:08:55.884 --> 02:08:56.814

and the streams,

1099

02:08:57.413 --> 02:09:05.304

a lot of the tulip poppers and whatnot that are down the stream valleys they're hanging on the edge and sometimes it's amazing that they're even standing.

1100

02:09:06.958 --> 02:09:13.439

So that's an issue too, and then also the issue of during our stream registrations, you know.

1101

02:09:13.439 --> 02:09:15.354

People being out there,

1102

02:09:15.594 --> 02:09:17.484
whether it's the construction,

1103

02:09:18.474 --> 02:09:23.663
our staff and engineers doing evaluations or post construction,

1104

02:09:24.054 --> 02:09:30.894
a lot of these stream valleys at least the 1 in my neighborhood and
Fairfax County has a nice path going along it.

1105

02:09:30.894 --> 02:09:42.594
Right? So we don't want to be introducing risk to recreational users so
there's a whole bunch of stuff. Unfortunately, that's the kind of stuff
that we need to get clarification from D. Q on.

1106

02:09:43.014 --> 02:09:49.373
And we'll push for the best interest. But in general, it's.

1107

02:09:49.649 --> 02:09:58.493
Great language, you know, we'd like to see mature trees, but then the
implementation of it, it starts the spur questions of how do we actually
do this?

1108

02:09:58.493 --> 02:10:05.573
And what what kind of risk are we introducing to the public or to our
construction crew? So.

1109

02:10:06.958 --> 02:10:11.399
Yeah, so it's, it's going to be interesting. I think it's.

1110

02:10:11.399 --> 02:10:16.918
It's in the right direction, but these are the kind of things that we
need to get clarification off.

1111

02:10:16.918 --> 02:10:29.368
It has little bearing on this committee, but for committee like equal, we
realize that stream restoration is the primary best management practice.
The county depends on.

1112

02:10:29.368 --> 02:10:35.759
In fact, very largely in the future that so we're going to meet our deals
for Chesapeake Bay.

1113

02:10:35.759 --> 02:10:47.729

It's amazing the amount of nutrients get flushed out to the bay by road.
So the native soil in the stream values are holding.

1114

02:10:47.729 --> 02:10:51.118

Enormous amounts of nitrogen and phosphorus.

1115

02:10:51.118 --> 02:10:55.979

So, yeah, it's and it's a key it's a key part of our.

1116

02:10:55.979 --> 02:11:00.929

Base strategy here in the county, it's 10 times more effective.

1117

02:11:00.929 --> 02:11:06.748

Dollar per dollar that any other 10 times.

1118

02:11:06.748 --> 02:11:15.599

Okay, so before we move on to our discussion, does anybody else have any
questions of Brian or.

1119

02:11:15.599 --> 02:11:22.828

Jerry stone field, or.

1120

02:11:22.828 --> 02:11:26.819

Yeah, the, the issue with management tree, right?

1121

02:11:26.819 --> 02:11:31.378

You're trying to preserve them then.

1122

02:11:31.378 --> 02:11:35.158

The trail that exists within.

1123

02:11:35.158 --> 02:11:40.349

The county parks go through these mature 3 areas.

1124

02:11:40.349 --> 02:11:51.809

And this recently come to our attention that there's a safety issues with
the trees falling on people and who's going to be Bibles for those
things.

1125

02:11:51.809 --> 02:11:55.828

So, do you, if you remove the trees.

1126

02:11:55.828 --> 02:12:01.769

Who replaces them do you have to replace them? Those sort of things that come up.

1127

02:12:01.769 --> 02:12:08.399

Uh, this should be addressed in these new regulations.

1128

02:12:09.599 --> 02:12:20.399

Okay, if this is and candor, I have a talk about removal of view trees. What is.

1129

02:12:20.399 --> 02:12:23.668

What is the proposed legislation? Is there a.

1130

02:12:23.668 --> 02:12:29.158

Does it say you can remove trees to improve the view?

1131

02:12:31.559 --> 02:12:39.748

It doesn't change that it it that's allowed now and it would be allowed under the proposal offered by.

1132

02:12:41.458 --> 02:12:46.078

This is very strong. The proposed amendments do not change that section.

1133

02:12:46.078 --> 02:12:50.908

System reservations Thank you.

1134

02:12:50.908 --> 02:12:59.248

Thank you Jerry and Brian.

1135

02:12:59.248 --> 02:13:05.338

And now, can we take up our own discussion? I don't know if you have Danielle do you have a.

1136

02:13:06.359 --> 02:13:10.229

Yeah, I have your presentation, I just need to close out of this 1, and then bring yourself.

1137

02:13:10.229 --> 02:13:14.849

Okay, so maybe while you're doing that oh.

1138

02:13:14.849 --> 02:13:19.649
Sort of introduce it a little bit.

1139

02:13:22.649 --> 02:13:28.828
We I had conversations with many of you not everybody, but I.

1140

02:13:28.828 --> 02:13:32.609
Really appreciate the ones I was able to have.

1141

02:13:32.609 --> 02:13:38.248
Most of you probably and based on the conversations.

1142

02:13:38.248 --> 02:13:42.059
I put together sort of draft recommendations.

1143

02:13:42.059 --> 02:13:48.269
And I really don't need these to be final. I really mean them to be kind of a starting point for discussion.

1144

02:13:48.269 --> 02:13:53.878
And I invite you to, you know, we're going to vote on them.

1145

02:13:53.878 --> 02:13:58.048
And or unless you well, we're going to vote on.

1146

02:13:58.048 --> 02:14:06.569
And we can accept them or modify them, or reject them. And you can introduce other recommendations that you think we should make.

1147

02:14:06.569 --> 02:14:13.229
In this thing that follows the draft recommendations are shown in both.

1148

02:14:13.229 --> 02:14:20.578
And whether part letter parts, I thought we should vote on those separately.

1149

02:14:20.578 --> 02:14:25.259
And I included your comments, sort of very selectively.

1150

02:14:25.259 --> 02:14:30.958
And the idea here would be that we will discuss and.

1151

02:14:30.958 --> 02:14:34.859

Vote on these recommendations and then I'll write a letter.

1152

02:14:34.859 --> 02:14:40.439

Incorporating them into to the board of Supervisors, incorporating the recommendations.

1153

02:14:40.439 --> 02:14:45.689

And I will share and take comments on that letter before it gets sent.

1154

02:14:45.689 --> 02:14:50.368

But the essential part of the letter would be the recommendations that we all vote on.

1155

02:14:50.368 --> 02:14:54.328

And I think it will be.

1156

02:14:54.328 --> 02:15:01.828

We will be more influential I believe if we are unanimous, but I don't think that means that we should.

1157

02:15:01.828 --> 02:15:07.408

Skate around disagreements, if we genuinely see things differently.

1158

02:15:07.408 --> 02:15:11.069

Then our letter to the board of supervisors should capture that.

1159

02:15:11.069 --> 02:15:15.298

So, I hope you will be.

1160

02:15:15.298 --> 02:15:22.349

You know, not be your usual shy selves about offering your opinions.

1161

02:15:22.349 --> 02:15:27.569

Oh, Betsy can I.

1162

02:15:27.569 --> 02:15:33.238

Make a comment course so once you've done a great job of.

1163

02:15:33.238 --> 02:15:46.198

Sort of bringing all these points together. My only concern would be timing because we've got 9 different points. And and I feel like our members have very good.

1164

02:15:46.198 --> 02:15:51.328

You know, they'll have very good considerations, but we could go kind of long.

1165

02:15:51.328 --> 02:15:58.529

In terms of talking about this, so do we want to kind of make a point of.

1166

02:15:58.529 --> 02:16:03.719

Sort of saying the recommendation, for example, this is mature trees a.

1167

02:16:03.719 --> 02:16:14.788

You know, if we, if we use the way that you recommend it, we would simply say the are generally supports this amendment all those in favor. Or do we want to handle it like a motion.

1168

02:16:14.788 --> 02:16:20.878

I mean, I'm just thinking of timing. Like, how, how can we sort of.

1169

02:16:20.878 --> 02:16:26.939

Make this flow relatively quickly and make sure that we get everybody's feedback.

1170

02:16:26.939 --> 02:16:31.948

Well, are you suggesting that we not vote on the lettered parts separately?

1171

02:16:33.478 --> 02:16:37.799

Yeah, we might not need to vote on every single 1.

1172

02:16:37.799 --> 02:16:42.509

Okay, we could just yeah.

1173

02:16:42.509 --> 02:16:46.408

So, for example, we could just we could just read through it and then take.

1174

02:16:46.408 --> 02:16:59.279

Discussion make amendments as necessary, and then make a motion to adopt it as written. Okay, that would be fine.

1175

02:16:59.279 --> 02:17:03.179

And then if there's some particular controversy or some.

1176

02:17:03.179 --> 02:17:06.959

Thing like, limiting it to native tree species. We can.

1177

02:17:06.959 --> 02:17:13.228

You know, that we don't agree on that, or we can just delete it or whatever.

1178

02:17:13.228 --> 02:17:18.568

So, I put this 2nd, because I thought this 1 probably was 1 of the easiest ones.

1179

02:17:18.568 --> 02:17:22.439

That we support mature trees, we might have some.

1180

02:17:22.439 --> 02:17:26.099

Reservations about some things.

1181

02:17:26.099 --> 02:17:32.369

So, it's written here, I don't know if you need me to read it, but.

1182

02:17:32.369 --> 02:17:42.179

I thank you, it's I think we support I would move that we support it and that we should limit it to native species.

1183

02:17:42.179 --> 02:17:49.019

That the regulations should allow for removal of and unhealthy trees or those immediately adjacent to a down cutting stream.

1184

02:17:49.019 --> 02:17:55.379

That should eliminate the allowance to remove trees and to provide Vestas.

1185

02:17:55.379 --> 02:18:03.148

And that the board of supervisors should seek clarification on the definition of mature tree and the meaning of maximum step practical.

1186

02:18:04.949 --> 02:18:09.539

Could somebody 2nd 3rd.

1187

02:18:09.539 --> 02:18:15.568

Okay, now some discussion.

1188

02:18:15.568 --> 02:18:21.808

Yeah, Betsy, I think this is a very good.

1189

02:18:21.808 --> 02:18:27.539

Good recommendation. I know E quick is meeting tomorrow.

1190

02:18:27.539 --> 02:18:33.179

And no, next week and I will.

1191

02:18:33.179 --> 02:18:37.558

Probably report this to equal which a member of.

1192

02:18:37.558 --> 02:18:43.648

This is what exactly I would like to see voting on.

1193

02:18:45.388 --> 02:18:50.189

And me, you're muted.

1194

02:18:57.683 --> 02:19:06.324

Okay, I'm sorry I have an extra mute button on my microphone. I apologize. I just have to go quick with 2 fingers.

1195

02:19:07.763 --> 02:19:20.004

So I have a question on the native species. Obviously, I'm very Pro, native species, but my question and I don't know enough detail entries.

1196

02:19:20.004 --> 02:19:34.283

I'm not a naturalist and I just don't know enough about them, but what something like a sycamore be considered a native species in in this in the mid Atlantic area, because that's really awkward and repair entry and that's it is.

1197

02:19:34.314 --> 02:19:45.863

Yes and that's that's a vital 1. so, I just want to make sure that we're not eliminating something that has those deep roots that really do hold the soil for the stream banks in particular.

1198

02:19:45.863 --> 02:19:59.994

So, the American sycamore is native to the world because I know I'm from Vermont. We also have up there. I wasn't species, but there's also a sycamore. That's native Europe.

1199

02:20:00.328 --> 02:20:05.129

So the staff say, no, they use that when you see the American.

1200

02:20:05.129 --> 02:20:11.189

Thank you other questions.

1201

02:20:11.189 --> 02:20:15.658

Just so we just vote on it.

1202

02:20:15.658 --> 02:20:20.218

Nobody is okay all in favor.

1203

02:20:23.099 --> 02:20:34.619

All right, you any opposed. Okay, so we fast that 1. well, this is going fast. Let's see. How are we doing the next 1? Can you put up the next slide?

1204

02:20:34.619 --> 02:20:44.099

Daniel, okay, now this 1 gets us into areas where I'm, I think there's not as much agreement on the.

1205

02:20:44.099 --> 02:20:47.369

On the committee.

1206

02:20:47.369 --> 02:20:54.898

This is the 1 about development and the seaward 50 feet and there are some of us who think it would be great to ban it.

1207

02:20:54.898 --> 02:20:59.248

And others who were very opposed to taking away local control.

1208

02:20:59.248 --> 02:21:03.808

And so I put 2 versions here 1 would be, would.

1209

02:21:03.808 --> 02:21:07.138

Reflect what I heard as a majority opinion.

1210

02:21:07.138 --> 02:21:16.164

Which, with the supervisor, seek to retain local control of decisions to grant exceptions for development within this 50 seaward feet of the RPA.

1211

02:21:16.884 --> 02:21:24.023

And then a modification would say, recommends that the board of Supervisors seek to retain local authority.

1212

02:21:24.449 --> 02:21:28.289

But set on higher standard for granting exceptions.

1213

02:21:28.289 --> 02:21:33.269

Than the current not of substantial detriment to water quality standard.

1214

02:21:33.269 --> 02:21:37.318

And if you go to the next page, Danielle.

1215

02:21:37.318 --> 02:21:45.808

The that we choose suggestions from members 1 is kind of a very strong standard.

1216

02:21:45.808 --> 02:21:54.509

Which would say you've got to do more than just barely, not harm water quality. You've got a.

1217

02:21:54.509 --> 02:22:00.689

Well, perhaps I should let can explain this since he's the, um, the proposal this.

1218

02:22:00.689 --> 02:22:04.828

Okay, this 1, I'm a little.

1219

02:22:04.828 --> 02:22:11.099

Maybe, I don't understand the Virginia regulations for calculating.

1220

02:22:11.099 --> 02:22:16.949

Um, nitrogen and phosphorus run off, for example, from different land uses.

1221

02:22:16.949 --> 02:22:24.179

But generally, when back in the days, when we did allow pollution trade offs.

1222

02:22:24.179 --> 02:22:30.029

We usually always made sure that the credits we gave, you.

1223

02:22:30.029 --> 02:22:38.099

Were kind of discounted so that if you promise if you looked at a method that was going to remove a 100 pounds of.

1224

02:22:38.099 --> 02:22:43.199

Fast for you only got credit for removing.

1225

02:22:43.199 --> 02:22:46.738

50 pounds or 33 pounds or something.

1226

02:22:46.738 --> 02:22:52.468

And that allowed for various problems and monitoring.

1227

02:22:52.468 --> 02:22:56.968

And the fact that there may be an error, or.

1228

02:22:56.968 --> 02:23:02.818

There's uncertainty about how good that best management practice would be.

1229

02:23:02.818 --> 02:23:11.668

And so this is kind of something that I would sort of like like to see on on this.

1230

02:23:14.789 --> 02:23:22.498

And I don't quite know how to put it in our our recommendations here. I'll be honest with that.

1231

02:23:22.498 --> 02:23:28.648

Because I'm afraid I can't defend the methodology. Well enough.

1232

02:23:28.648 --> 02:23:33.539

Huh so, um.

1233

02:23:33.539 --> 02:23:36.748

Maybe we better defer that caught me for a while.

1234

02:23:36.748 --> 02:23:43.588

Because, you know, the question I always ask on all of these applications is, is the bay coming out of him?

1235

02:23:43.588 --> 02:23:51.779

And that's really fundamentally what we're looking at and just on the last application we looked at.

1236

02:23:51.779 --> 02:23:56.189

Yes, the bay did come out ahead. Probably maybe.

1237

02:23:56.189 --> 02:24:00.568

Because we were trading 1 source for another.

1238

02:24:00.568 --> 02:24:04.078

And the trade off.

1239

02:24:04.078 --> 02:24:15.359

Could have been positive it could have been negative. I would like to see our calculations with a little more certainty that it would be a positive in terms of the bank.

1240

02:24:15.359 --> 02:24:20.189

So this is David share. Can I jump in on this?

1241

02:24:20.189 --> 02:24:25.619

Sure, um, I have the misfortune of.

1242

02:24:25.619 --> 02:24:29.189

Degrees in statistics.

1243

02:24:29.189 --> 02:24:33.629

And reality doesn't provide for.

1244

02:24:33.629 --> 02:24:37.799

Knowledge sufficient to meet a criteria that says.

1245

02:24:37.799 --> 02:24:45.808

We have any confidence in net, environmental benefit. We just, we just don't know. And I think.

1246

02:24:45.808 --> 02:24:49.109

Definitely presumptuous.

1247

02:24:49.109 --> 02:24:55.349

Assume that there is a bright line rule that says yeah, you've got this. This is the truth.

1248

02:24:55.349 --> 02:25:04.199

On the other hand, and we learn this in the law. If you do not have a bright line rule, you're you are applying rule of reason.

1249

02:25:04.199 --> 02:25:10.949

Which is what an exception review committee is all about it is our duty to make judgements.

1250

02:25:10.949 --> 02:25:21.209

And the judgment of not of substantial detriment is 1, we can make it's subjective. In many cases. It informed by whatever information there is.

1251

02:25:21.209 --> 02:25:26.218

But it is, in essence, a traditionally defensible.

1252

02:25:26.218 --> 02:25:32.908

Decision of a body of people who seriously considered what they knew and made a judgment.

1253

02:25:32.908 --> 02:25:39.418

And and well, not a substantial detriments suggested some detriment might be allowed.

1254

02:25:39.418 --> 02:25:46.978

Not a substantial amount would be allowed and we've been over the years and I've been here since day 1 for this group.

1255

02:25:46.978 --> 02:25:50.398

Not continuously, but I was at the beginning.

1256

02:25:50.398 --> 02:25:54.238

We have always aired on the side of.

1257

02:25:54.238 --> 02:25:57.779

Protection, I don't think there's a single case.

1258

02:25:57.779 --> 02:26:01.439

We approve something where we felt that that would really cause harm.

1259

02:26:01.439 --> 02:26:07.709

To a point where we have sent in some cases, you can't build there.

1260

02:26:07.709 --> 02:26:13.138

Knowing that we were really coming up against the toughest part of this.

1261

02:26:13.138 --> 02:26:16.859

Potential taking over the right of all.

1262

02:26:16.859 --> 02:26:20.129

So, I'm not convinced it's necessary.

1263

02:26:20.129 --> 02:26:23.488

But to go away from the standard we have now.

1264

02:26:23.488 --> 02:26:28.888

Despite the fact that I care about cumulative adverse impacts.

1265

02:26:28.888 --> 02:26:33.328

And I think the appropriate thing to examine.

1266

02:26:33.328 --> 02:26:38.429

The degree to which we would expect cumulative adverse impacts.

1267

02:26:38.429 --> 02:26:45.058

To arise and consider that in our understanding of what may be substantial.

1268

02:26:46.619 --> 02:26:51.599

Yeah, I, I.

1269

02:26:51.599 --> 02:26:58.049

Team, I think I would yield to that argument. The.

1270

02:26:58.049 --> 02:27:04.138

I'd like to have a hard number here, but I really don't think that at this point.

1271

02:27:04.138 --> 02:27:09.119

D, Q. is ready to define that hard number of.

1272

02:27:09.119 --> 02:27:21.838

How much we should be on 1 side of the other to get certainty I think I'm opening a whole can of worms if we go here. And so I would yield to David on that. 1.

1273

02:27:21.838 --> 02:27:24.988

And say, let's let's not do that.

1274

02:27:27.328 --> 02:27:30.359

So, I'd like to jump in here and say.

1275

02:27:30.359 --> 02:27:34.289

I think the current standard is too low.

1276

02:27:34.289 --> 02:27:43.228

Um, and I don't think it's that easy to judge either. You know, what's going to turn out to be a substantial detriment to water quality.

1277

02:27:43.228 --> 02:27:48.988

And especially when you have many, you know, there's sort of like death by a 1000 cuts, you know.

1278

02:27:48.988 --> 02:27:55.769

No single case may be substantial in the large scheme of things. Like, it's not gonna.

1279

02:27:55.769 --> 02:27:59.488

And make a measurable effect on the Chesapeake Bay.

1280

02:27:59.488 --> 02:28:04.049

But they all add up and.

1281

02:28:04.049 --> 02:28:07.379

So, they end up having a substantial detriment.

1282

02:28:07.379 --> 02:28:14.218

And I would like to see us apply our judgment to a.

1283

02:28:14.218 --> 02:28:23.279

It's your standard term that you used net environmental benefits.

1284

02:28:23.279 --> 02:28:32.968

Instead of not a substantial detriment. Well, it's kind of it, you know, went during the board of Supervisors discussion during the land policy committee.

1285

02:28:32.968 --> 02:28:37.709

He was looking for the staff to come up with the examples where.

1286

02:28:37.709 --> 02:28:47.099

There wasn't an environmental benefit, you know, we gave them an encroachment, but they compensated by putting planting center whatever. So, there was an expected.

1287

02:28:47.099 --> 02:28:51.838

That environmental benefit and so I started thinking, why couldn't we.

1288

02:28:51.838 --> 02:28:57.869

Why couldn't we ask that that be the case for any encroachment into the seaward 50 feet?

1289

02:28:59.488 --> 02:29:10.644

I I agree with you there, Betsy. I think that that's right that that we've been as I use the term nibble to death by ducks, which is the same as a 1000 cuts.

1290

02:29:10.674 --> 02:29:17.904

But, uh, I think that's really what we try to do. And I think that's also what staff tries to do, which is.

1291

02:29:18.414 --> 02:29:29.933

Uh, yeah, you can do this, although I am not in favor. I mean, I am in perfect agreement of nothing within 50 feet. I I think that would make our life so much easier.

1292

02:29:30.023 --> 02:29:31.584

Everybody's life so much easier,

1293

02:29:32.904 --> 02:29:34.914

but if you're going to do something,

1294

02:29:35.154 --> 02:29:35.634

you know,

1295

02:29:35.634 --> 02:29:36.623

do the planning,

1296

02:29:36.713 --> 02:29:46.884

do the buffers do the things that in the end we come up with better water or a better water quality coming off that property and a net improvement to the Bay.

1297

02:29:47.129 --> 02:29:50.218

Like, Ken said, I mean, I, I agree with what he said there.

1298

02:29:51.988 --> 02:29:55.408

Well.

1299

02:29:55.408 --> 02:30:00.179

Could we start with the if you'll go back Danielle to the.

1300

02:30:00.179 --> 02:30:04.619

Slide before I wonder if we could start with.

1301

02:30:04.619 --> 02:30:10.648

Just a sort of show of hands about this number 2, you know.

1302

02:30:10.648 --> 02:30:14.638

How many of us are opposed to.

1303

02:30:14.638 --> 02:30:20.998

Giving up local authority and saying don't do anything within the 60, 50 seaward feet.

1304

02:30:20.998 --> 02:30:28.049

And how many of us are support that? I don't know for sure because I only talked to some people.

1305

02:30:29.369 --> 02:30:37.289

So, let me this question. So, Betsy, you're asking those in favor of supporting local authority 1st.

1306

02:30:37.289 --> 02:30:40.439

Yeah. Okay. Okay. So.

1307

02:30:40.439 --> 02:30:44.308

You're you're, you're there. Okay. You Amy.

1308

02:30:44.308 --> 02:30:54.148

And and okay, so, 2, Jim and Sue and I can't see some.

1309

02:30:54.148 --> 02:30:58.648

Nina.

1310

02:30:58.648 --> 02:31:05.459

Yeah, I have a question appears to be a very strong.

1311

02:31:06.898 --> 02:31:10.709

It's up, it's going to finality to do it.

1312

02:31:10.709 --> 02:31:14.908

Yeah, so that's interesting to me. So we have.

1313

02:31:14.908 --> 02:31:24.269

I initially accounted myself as 1 of the ones who said sure, man, everything within 50 seaward feet. So we have and Betsy and Amy.

1314

02:31:26.638 --> 02:31:31.019

This day post, I'm opposed to an outright man.

1315

02:31:31.019 --> 02:31:35.488

I think the reason that they created us statewide, I might and.

1316

02:31:35.488 --> 02:31:44.068

Is that there needs to be government applied in that area? Well, you are in the majority here for sure.

1317

02:31:44.068 --> 02:31:48.838

And I didn't see Alexis. I didn't see, I can't see you.

1318

02:31:50.189 --> 02:31:54.269

Are you, which, which side or do you want on this particular? 1?

1319

02:31:54.269 --> 02:31:57.328

I support retaining local control.

1320

02:31:57.328 --> 02:32:03.959

Okay. All right so we will, I guess the next question is.

1321

02:32:03.959 --> 02:32:07.379

Do we want to recommend.

1322

02:32:07.379 --> 02:32:10.619

That the board set it up.

1323

02:32:10.619 --> 02:32:15.988

Asked the to set a higher standard for granting exceptions than the current.

1324

02:32:15.988 --> 02:32:19.224

Not a substantial detriment to water qualities.

1325

02:32:19.314 --> 02:32:30.144

So many people may I just speak to why I am for taking control away because,

1326

02:32:30.564 --> 02:32:31.824

because I feel like,

1327

02:32:31.824 --> 02:32:37.193

I think that that David snare and made a very good argument.

1328

02:32:37.224 --> 02:32:39.353

It's a very legitimate argument. And I.

1329

02:32:39.629 --> 02:32:49.199

I, I completely respect that my issue is, if you look at just the last, the last case that we just decided.

1330

02:32:49.199 --> 02:32:54.328

That house was a 4,000 square foot house back in 2004.

1331

02:32:54.328 --> 02:33:04.588

And a developer came in, and this is after the Chesapeake Bay ordinance was passed, and that was, RPA was established. 62% of that. Law is our RPA.

1332

02:33:04.588 --> 02:33:07.978
And then you look at the.

1333
02:33:07.978 --> 02:33:11.369
The developer literally built.

1334
02:33:11.369 --> 02:33:21.539
A 7,000 square foot home, and then took out all the mitigation plans that he had. And that has been that way for the last since then since 2007.

1335
02:33:22.043 --> 02:33:34.914
So, we've got 2007 and all of the mitigation efforts that were made, and under the best of intentions. Okay. We all everybody on this committee made the the right decision at the time but then we had a recalcitrant.

1336
02:33:37.019 --> 02:33:44.728
Owner who ripped out everything and put lawn in. There was no net benefit there for the last 20 years on that property.

1337
02:33:44.728 --> 02:33:48.238
And so what we have made these decisions in the past.

1338
02:33:48.238 --> 02:33:54.659
We cumulatively, cumulatively do have to consider how this impacts.

1339
02:33:54.659 --> 02:34:09.565
The bay and what we're trying to accomplish here, so I totally respected and if I had confidence that land development, and that the board of supervisors were making decisions, I might feel a little bit differently about this.

1340
02:34:09.565 --> 02:34:24.354
But since I've come on board, you know, we've had 40, or we've got 80 to 11, little river coming. We've got things that I've been involved in and know a little bit about. And so I am very concerned about.

1341
02:34:24.629 --> 02:34:29.340
These decisions that are being made now, I totally respect the other side of this and I.

1342
02:34:29.340 --> 02:34:41.250
We'll if I need to acquiesce to that, I will, but I just wanted the opportunity to state my opinion and the reasons for it, I've just seen too much.

1343

02:34:41.250 --> 02:34:45.180

Okay, thank you.

1344

02:34:45.180 --> 02:34:48.360

So, um.

1345

02:34:48.360 --> 02:34:51.809

Sam, did you want to say something.

1346

02:34:51.809 --> 02:34:57.090

Okay, so how many people.

1347

02:34:57.090 --> 02:35:04.379

Either sort of a straw vote would support sending a higher standard when.

1348

02:35:04.379 --> 02:35:07.770

Maybe with the specifics and would.

1349

02:35:07.770 --> 02:35:11.610

Who else I would.

1350

02:35:11.610 --> 02:35:18.659

Can I while you're counting cannot let me just ask this question.

1351

02:35:18.659 --> 02:35:24.450

Is this higher standard intended to be a bright line role like a number.

1352

02:35:24.450 --> 02:35:29.879

Or is it now to be charged metal? It's still judgmental. At least. That's what I mean.

1353

02:35:29.879 --> 02:35:34.110

In that case, in that case, it should include the word judgment such as.

1354

02:35:34.110 --> 02:35:38.340

Uh, that the community judges are.

1355

02:35:38.340 --> 02:35:42.239

That the.

1356

02:35:43.014 --> 02:35:55.795

Exception would improve, or would reach a higher quality of water or something like that. Well, I mean, here you can rephrase it here, David, but set a higher standard for gray exemptions.

1357

02:35:57.145 --> 02:35:58.194

Instead of.

1358

02:35:58.469 --> 02:36:08.399

Not of substantial detriment of water quality of net environmental benefit. Yeah. The problem is the word standard.

1359

02:36:09.629 --> 02:36:12.840

Because standard implies some kind of objective measure.

1360

02:36:12.840 --> 02:36:17.579

And so if we'd say make preps criterion.

1361

02:36:18.930 --> 02:36:27.510

Okay or something to me a standard doesn't imply something. It doesn't imply a bright line, but it doesn't apply.

1362

02:36:27.510 --> 02:36:31.110

I mean, it can incorporate judgment.

1363

02:36:33.090 --> 02:36:36.690

Well.

1364

02:36:36.690 --> 02:36:41.069

What I did for 37 years and so that's my perspective.

1365

02:36:41.069 --> 02:36:52.290

What can I propose that? We say the recommends that the seek to retain local authority.

1366

02:36:52.290 --> 02:36:58.260

But and apply the state, but apply net environmental benefits.

1367

02:36:58.260 --> 02:37:02.909

Instead of lack of substantial detriment.

1368

02:37:02.909 --> 02:37:09.540

Yeah, I agree. Putting that into a priority based on net, environmental benefits.

1369

02:37:09.540 --> 02:37:15.209

That's probably the way I would phrase it. We should say, perceived it.

1370

02:37:15.209 --> 02:37:20.520

That benefits you perceive sounds a little too. Loosey. Goosey.

1371

02:37:20.520 --> 02:37:29.760

Maybe or predicted, estimated, expected, estimated might be. Okay, this is a qualitative.

1372

02:37:29.760 --> 02:37:35.700

Description right yeah. Maybe that's the what do we should use it's qualitatively.

1373

02:37:35.700 --> 02:37:42.420

On net improvement. Well, it might be that there will get to be models that really can.

1374

02:37:42.420 --> 02:37:47.340

Calculate it on a more firm basis than just.

1375

02:37:47.340 --> 02:37:53.670

Um, I have dreams like that to.

1376

02:37:53.670 --> 02:37:57.239

I mean, it's just not, you know, maybe some day.

1377

02:37:57.239 --> 02:38:01.200

But I gotta tell ya and modeling has never proved.

1378

02:38:01.200 --> 02:38:06.899

To be particularly accurate, it's just our best effort in trying.

1379

02:38:06.899 --> 02:38:14.340

But the uncertainty bands around them are messed and that's just the way it is.

1380

02:38:14.340 --> 02:38:17.610

If you say it's loosey. Goosey I'd come back to.

1381

02:38:17.610 --> 02:38:20.940

Well, what's sauce for the ghost is for the gander.

1382

02:38:21.805 --> 02:38:32.155

Judgment is Lucy. Goosey, David I could give we could go on a lot about environmental modeling because I've worked with some of the best.

1383

02:38:32.545 --> 02:38:43.555

I agree that in any particular instance 1 particular parcel the variation is enormous based on predicted versus what happens. But which is what we do.

1384

02:38:43.889 --> 02:38:47.670

But in the cumulative.

1385

02:38:47.670 --> 02:38:51.420

Effect it actually gets a lot closer.

1386

02:38:51.420 --> 02:38:54.899

In fact, the modern Sparrow model that they're using.

1387

02:38:54.899 --> 02:39:02.370

Is actually quite accurate in the cumulative sense? What size and what size of land.

1388

02:39:02.370 --> 02:39:07.229

Basically major river basins? Yeah. Okay.

1389

02:39:07.229 --> 02:39:11.760

So, we got the whole Chesapeake Bay, which goes from the mountains all the way to the.

1390

02:39:11.760 --> 02:39:17.520

Yeah, but if you follow it, but the thing is, if you follow what the model is telling, you.

1391

02:39:17.520 --> 02:39:25.559

You're going to win some, you're going to lose some, but the average is going to come out ahead and that's fine. That's fine for the bay but we're not dealing with the.

1392

02:39:25.559 --> 02:39:35.129

We're dealing with a house on a piece of property, so they can just get a point of clarity here because I don't I don't fully understand.

1393

02:39:35.129 --> 02:39:41.760

Where which would go? So we have from the exceptions the guidance.

1394

02:39:41.760 --> 02:39:50.909

In determining whether these properties number 1, the request, the exception to the criteria is the minimum necessary to afford.

1395

02:39:50.909 --> 02:39:58.110

Right. Are we are we looking to change number 3? The exception request is in harmony with the purpose and intent of this.

1396

02:39:58.110 --> 02:40:07.799

Part 4, and it's not and is not of substantial detriment to water. Quality is that's basically what we want to change. Yes.

1397

02:40:07.799 --> 02:40:16.170

Yes, okay. And now the discussion is whether we want to use net environmental benefit.

1398

02:40:16.170 --> 02:40:22.319

Versus a, another, a qualitative description.

1399

02:40:22.319 --> 02:40:32.250

Well, I think that could be, I think, can kind of withdrew his suggestion, which was a strong standard standard, but.

1400

02:40:32.250 --> 02:40:44.850

You know, we're just 1 stakeholder going into the, the board of Supervisors been err. And so, I mean, it's so too modified said not a substantial.

1401

02:40:44.850 --> 02:40:55.344

Is it we don't like not a substantial detriment to water quality. We say we would prefer something such as net and our final benefit.

1402

02:40:55.524 --> 02:41:04.975

I mean, this is not like the stuff we did before or suddenly we kind of have a semi legal requirement here. We're just writing them, we're writing a letter of recommendation.

1403

02:41:05.309 --> 02:41:20.094

Exactly, we don't have to be quite as nitpicky as we had to be on that we can do things. If somebody says something. It, I mean, I not of success I think, as as a person who's gone through a lot of these.

1404

02:41:20.340 --> 02:41:25.620

Applications, I would feel much better if I could use.

1405

02:41:25.975 --> 02:41:40.284

As the basis of my decision net, environmental benefit and have to have the application applicant, actually saw me something rather than saying well, the best we can do is that a substantial detrimental water quality?

1406

02:41:40.555 --> 02:41:43.344

I mean, I would really much rather be working off the 2nd.

1407

02:41:43.649 --> 02:41:52.260

The 1st, 1, rather than the 2nd, 1. so I think we can, we don't have to fight over this and get in and do wordsmithing on this.

1408

02:41:52.260 --> 02:42:00.180

Can just add another sentence and another sentence and I can send it out individually to each and every 1 of you and you can.

1409

02:42:00.180 --> 02:42:07.709

You can Smith it and say, I don't like this. I want you to modify it in such and such a way.

1410

02:42:07.709 --> 02:42:11.850

So, but let's then it sounds to me, like.

1411

02:42:11.850 --> 02:42:15.629

We're agreed many of us are agreed on.

1412

02:42:15.629 --> 02:42:18.930

Some version of modified 2.

1413

02:42:18.930 --> 02:42:23.729

David doesn't like the word standard, but.

1414

02:42:23.729 --> 02:42:27.059

We would be applying a different.

1415

02:42:27.059 --> 02:42:36.719

We'd be making a different judgement. We would be judging whether it's expected to yield a net environmental benefit, rather than whether it's going to be.

1416

02:42:36.719 --> 02:42:39.899

A substantial detriment to water quality.

1417

02:42:39.899 --> 02:42:52.590

Exactly. Okay. And how many here's how I would change that. Okay recommends that the board of Supervisors sacred retain local authority.

1418

02:42:52.590 --> 02:42:56.700

But require applicants.

1419

02:42:56.700 --> 02:42:59.790

Uh.

1420

02:43:01.770 --> 02:43:05.489

Applications results in a.

1421

02:43:07.290 --> 02:43:13.229

And improved water quality in the stream.

1422

02:43:15.239 --> 02:43:23.069

Something like that wordsmith from there. The notion being that.

1423

02:43:23.069 --> 02:43:27.840

That that it gets away from the standard, but it, it basically says.

1424

02:43:27.840 --> 02:43:32.909

You know, 66 to ensure that the water quality is improved.

1425

02:43:36.420 --> 02:43:43.290

Okay, that's the real good change to use that to say improve and not just environmental benefit. Doesn't sound.

1426

02:43:43.290 --> 02:43:52.770

It puts the burden on the applicant, which is to improve it to show why it's better and yes.

1427

02:43:52.770 --> 02:44:02.459

I love. Mm. Okay. So, um, do we need to vote on this? Or can we just say yeah, we like something like this. Anybody want to.

1428

02:44:02.459 --> 02:44:12.780

That's good. We're beating it to this. Okay, so, let's move on to.

1429

02:44:12.780 --> 02:44:18.329

2 pages like that I think we're done with draft recommendation too.

1430

02:44:18.329 --> 02:44:22.229

Now, this is several things that have come up.

1431

02:44:22.229 --> 02:44:28.620

I mean, I think we all know that the whole issue of compliance and enforcement is like, really.

1432

02:44:28.620 --> 02:44:32.010

Problematic.

1433

02:44:32.010 --> 02:44:36.569

Yes.

1434

02:44:39.264 --> 02:44:51.295

I think we should make once that would be to ask the report is supervisors to assess whether additional tools, and are needed to address problems of compliance and enforcement.

1435

02:44:51.750 --> 02:44:56.940

And if so they should request the D to modify regulations to provide them.

1436

02:44:56.940 --> 02:45:05.250

And maybe that's too loose. Maybe that's maybe we should be more specific about the things that we think. Whereas some brothers should ask for.

1437

02:45:05.250 --> 02:45:14.010

I think 1 thing with something Amy mentioned earlier, which is that.

1438

02:45:14.010 --> 02:45:20.129

The staff should have the right to go on the property and to monitor it.

1439

02:45:20.129 --> 02:45:24.030

Which I gather is sort of problematic.

1440

02:45:27.120 --> 02:45:35.520

Well, Betsy, there may be ways to to do this in the future using better technology.

1441

02:45:35.995 --> 02:45:46.284

I mean, I mentioned earlier in the earlier discussion about the trees and yeah, that was a good 13 survey technically that is not a very hard thing to do.

1442

02:45:46.284 --> 02:45:53.635

And we do have a very, very skilled unit that could do that. If that were given as a priority.

1443

02:45:56.305 --> 02:46:05.184

Can they use drones? Are we supplying are are people with drones now that they can fly up and look down on property?

1444

02:46:05.395 --> 02:46:17.784

I mean, on the way to the Holland property, I drove, we drove the pass, the property and Mac all avenue that we would that we fought or last year or the year before.

1445

02:46:18.325 --> 02:46:32.424

And I tried to look into that property and see what they'd actually done and comply compared to what we told them they had to do. And I couldn't, I couldn't see in there is enough off from off the road. So.

1446

02:46:33.329 --> 02:46:46.440

I don't know if they did what they said they were going to. We told them they had to do. I have no idea and there's really no way for us to check up or for Ed because Janesville is his district. So.

1447

02:46:46.440 --> 02:46:56.280

You know, any kind of any kind of improvement about finding out if people are doing and continuing to do like the problem. We I mean, which we just saw today.

1448

02:46:56.280 --> 02:46:59.969

That would be my idea.

1449

02:46:59.969 --> 02:47:14.905

Well, I wouldn't get too specific here. I'd let the board of Supervisors and more importantly, the staff work out some recommendations here, but I think we do need to make it clear that we are not happy with the.

1450

02:47:15.299 --> 02:47:19.889

Enforcement God, that's been done on protecting our.

1451

02:47:19.889 --> 02:47:23.340

Amy.

1452

02:47:23.340 --> 02:47:28.260

And whether they want to charge 1 area or another.

1453

02:47:28.260 --> 02:47:35.309

We don't want to say, use drones or don't use drones I think no more than.

1454

02:47:35.309 --> 02:47:39.989

We want to deal with you can't you can't use drones and most of the county anyway.

1455

02:47:39.989 --> 02:47:47.010

Cafe doesn't allow, but I agree. We have an enforcement problem. I.

1456

02:47:48.299 --> 02:47:55.290

Favor of validating Amy sent her.

1457

02:47:55.290 --> 02:48:00.600

Can be said her hand up.

1458

02:48:02.159 --> 02:48:11.129

But we can hear you. I'm sorry, it's this other button. So I apologize. I thought I pushed it the.

1459

02:48:11.129 --> 02:48:11.639

So,

1460

02:48:11.635 --> 02:48:15.715

I'm wondering if on the staff recommendations,

1461

02:48:16.135 --> 02:48:17.065
they just gave to us,

1462
02:48:17.065 --> 02:48:21.204
and we went through and approve them for this applicant that we just
dealt with,

1463
02:48:21.655 --> 02:48:28.885
whether they could put at the applicant agrees that follow up visits by
the staff can be done periodically.

1464
02:48:28.885 --> 02:48:29.125
Like,

1465
02:48:29.125 --> 02:48:29.934
every other year,

1466
02:48:29.934 --> 02:48:30.924
or something like that,

1467
02:48:31.135 --> 02:48:35.454
just to make sure that those things are being maintained and that way
yes,

1468
02:48:35.454 --> 02:48:41.545
you can look on the overhead the but if there's a question on whether
they can't see something properly through the,

1469
02:48:42.385 --> 02:48:45.325
and I know those are very good to monitor.

1470
02:48:45.565 --> 02:48:48.864
I've seen a lot of those wrong believably intimate,

1471
02:48:49.524 --> 02:48:50.754
but the,

1472
02:48:51.715 --> 02:49:02.485
that if we can write that in on the front end of these things is just
part of the process that would give the staff the approval to just go and
take a look at the outside and see,

1473

02:49:02.485 --> 02:49:03.145
if anything.

1474

02:49:03.450 --> 02:49:06.569
Has is if they're maintaining it properly, that's all.

1475

02:49:06.569 --> 02:49:11.309
I don't know, I'm not a lawyer, so I don't know whether you can actually do that or not.

1476

02:49:13.764 --> 02:49:25.524
Well, I would, I would still favor just being fairly vague on this saying that we need better tools for better enforcement. The board should be thinking about this.

1477

02:49:25.764 --> 02:49:30.385
It really it actually doesn't have a whole lot to do with these.

1478

02:49:30.569 --> 02:49:34.350
These regulations that were commenting on.

1479

02:49:34.350 --> 02:49:37.829
But it's something that we need to make the board aware of.

1480

02:49:37.829 --> 02:49:45.510
Well, I think we do, and I think there's a problem with is is maybe it's sort of inherent and a complaint driven process.

1481

02:49:45.510 --> 02:49:51.360
You know, which is what Fairfax County has that these things are not going to come to their attention.

1482

02:49:51.360 --> 02:49:57.840
And, you know, so, I mean, this property we had today, you know, that.

1483

02:49:57.840 --> 02:50:10.799
The ball, so the homeowners who, as soon as the planting come off of the blonde, they rip them out. You know, that's not a matter of an ignorant homeowner. It's a matter of a.

1484

02:50:10.799 --> 02:50:22.885

Kind of a willful what fully neighbors are going to squeal you saw cross sort of that pool man of the stream practically fills the pool when it floods.

1485
02:50:24.204 --> 02:50:24.565
Now,

1486
02:50:24.594 --> 02:50:24.895
can,

1487
02:50:24.895 --> 02:50:32.905
I think that that that Josh and checked barbecue and that backyard a fire that up,

1488
02:50:32.905 --> 02:50:35.635
and probably roasted a pig and put,

1489
02:50:35.635 --> 02:50:40.014
like a steel mill and the neighbors probably went,

1490
02:50:40.045 --> 02:50:40.645
that's it.

1491
02:50:40.674 --> 02:50:53.965
I'm calling cafe, right? That's how I think that's what happened is the gigantic. Yeah. You're right. It looked like a snail mail.

1492
02:50:54.684 --> 02:51:06.084
Backyard bless from is done. We'd be happy greatly forward now. Let's not. Let's not bad. And author applicants here.

1493
02:51:11.094 --> 02:51:11.815
So,

1494
02:51:13.104 --> 02:51:15.895
we need to educate the board and,

1495
02:51:15.895 --> 02:51:16.284
you know,

1496
02:51:17.274 --> 02:51:19.014
that I was thinking when,

1497

02:51:20.065 --> 02:51:23.694

when chairman McKay was talking about the net environmental benefits,

1498

02:51:23.694 --> 02:51:24.295

I was thinking,

1499

02:51:24.295 --> 02:51:24.475

well,

1500

02:51:24.475 --> 02:51:24.924

gosh,

1501

02:51:24.924 --> 02:51:25.284

you know,

1502

02:51:25.645 --> 02:51:29.815

there would be more of them if people actually did what we asked them to do.

1503

02:51:30.270 --> 02:51:34.620

It might be possible to make a stronger argument for.

1504

02:51:34.620 --> 02:51:37.620

Environmental benefits.

1505

02:51:37.944 --> 02:51:51.594

What about okay, number 4 the state should require that real estate agents and sellers be required to disclose the presence of RPA on a property to prospective buyers. So I just, I just sent you the disclosure form that we have.

1506

02:51:52.194 --> 02:52:02.875

Yeah, so it's in your in basket, you can see it's under the page 3 items. E and it basically discloses that there could be an RPA and it's up to the.

1507

02:52:03.475 --> 02:52:09.594

So, Virginia is a buyer beware state and every, all the responsibility for purchasing property.

1508

02:52:09.840 --> 02:52:12.870

Falls falls to the.

1509

02:52:12.870 --> 02:52:21.360

Yeah, it does not. It does not let the seller have to disclose anything and so the, the.

1510

02:52:21.360 --> 02:52:32.760

Then that's the reason I sent you that disclosure form the reason that the state has never going to approve. The realtor is doing that is they don't want the realtors liable for something. And so they.

1511

02:52:32.760 --> 02:52:47.395

They we're conduits for them, understanding their obligations of due diligence and that's why we give them this disclosure form and then we can over each item with them and tell them where they can locate the information. Is it adequate? No, I don't think so.

1512

02:52:47.395 --> 02:52:54.174

I don't think a lot of real estate agents understand the difference between an RPA or a flood plain or any a mug paddle. I don't think they get it.

1513

02:52:54.420 --> 02:53:05.965

And so, actually, Carolyn, and I discussed trying to do a class for realtors, but we've, you know, there is a lack of education on this area in the real estate professional.

1514

02:53:05.965 --> 02:53:15.864

I'm not going to argue that point, but the lobby and I don't think we'll ever agree to doing that. Just. So you, we can try, but I don't think it's been brought up before.

1515

02:53:16.139 --> 02:53:20.940

So, what about I say if they developed a better form.

1516

02:53:20.940 --> 02:53:29.790

That was more informative and better communicates that when there is an present that there's gonna be restrictions on what you can do with your property.

1517

02:53:30.084 --> 02:53:44.665

That then realtors would replace this form, which I haven't looked at yet that you show that you're not going to be able to just to replace that disclosure form. There could be an information sheet given on what could be involved in rpng or not.

1518

02:53:45.475 --> 02:53:53.334

And so there could be something like that given, but I don't get lists and I spoke to the DPO or about this.

1519

02:53:53.399 --> 02:54:07.854

Specific issue, the DPO are the people who who who handle our licensing. Okay. Oh, okay. Yeah, and there's run by realtors for realtors. That's the way we do things in Virginia professionals, control professional boards.

1520

02:54:08.305 --> 02:54:21.444

So it is, when I asked her about what would happen, if may have a requirement that you disclose this, how would we go about making the forms changed? And her answer to me was well, who is D. Q.

1521

02:54:23.575 --> 02:54:26.965

point made. Okay. They do not know.

1522

02:54:27.114 --> 02:54:39.625

They do not care they don't want to know what they don't have to know period when companies changed hands, could we have something so that there's some sort of automatic mailing triggered.

1523

02:54:39.930 --> 02:54:51.985

That wouldn't obviously all the people who were grandfathered in but how do we, how do we establish that moving forward that we're not going to have new property owners who are going to build into an RPA?

1524

02:54:51.985 --> 02:54:58.704

Because they don't know, can we be but Alexis, the whole point is, is that developers are targeting our case.

1525

02:54:58.889 --> 02:55:02.370

Because there's nothing left to build everything is built.

1526

02:55:02.370 --> 02:55:12.239

So, yes, I hear I feel your pain it's agony for me as well, but I just don't see that happening and I don't see.

1527

02:55:12.239 --> 02:55:18.600

I don't see to that 1 of these reports.

1528

02:55:18.600 --> 02:55:22.860
Exists for every property in Fairfax County.

1529
02:55:22.860 --> 02:55:33.180
This is the 146630hollandthatwejust just talked about okay. I went on about an hour before this meeting. I went into jade.

1530
02:55:33.180 --> 02:55:37.110
I made a few clicks and there it is printed out.

1531
02:55:37.110 --> 02:55:40.680
What's telling me tells me it's a watershed.

1532
02:55:40.680 --> 02:55:44.340
And it tells me if it's in a flood plain, this is not.

1533
02:55:44.340 --> 02:55:54.479
It noted that this is in a resource protection area. There is a link on the online form to read what a resource protection area means.

1534
02:55:54.479 --> 02:56:02.790
It talks about a few other things, too. The type of soils, especially the soils and so on.

1535
02:56:02.790 --> 02:56:12.389
That's available for every parcel in Fairfax County doesn't wasn't available. Not very long ago. This is from Jay. The latest.

1536
02:56:12.389 --> 02:56:17.670
New system, but but does it does it tell you that there was.

1537
02:56:17.670 --> 02:56:30.750
A, a judgment or a decision on the land in 2007 that there had to be, you know, there had to be compliance with a research protection area.

1538
02:56:30.750 --> 02:56:42.329
Um, no, no, it doesn't, but it should start you asking questions about that? Yeah, actually know if this thing that we're going to require that it'd be part of the deed.

1539
02:56:42.329 --> 02:56:47.670
That will then become something that the homeowner is almost forced to notice, won't it?

1540

02:56:47.670 --> 02:56:53.069

Well, if they get the say, go get a title. Yeah.

1541

02:56:53.069 --> 02:56:57.569

They'll get that document.

1542

02:56:57.569 --> 02:57:07.379

We're talking about 2 different issues yet, existing properties that encroach or not has become a problem for us right? New properties that up.

1543

02:57:07.379 --> 02:57:13.530

Not developed a developer cannot get that approved through the county.

1544

02:57:15.209 --> 02:57:21.270

So, you know, that is left on the accounting to make a decision.

1545

02:57:21.270 --> 02:57:31.049

Are they going to allow these guys to build their, or it shouldn't get built in this current environment things shouldn't be put into the.

1546

02:57:31.049 --> 02:57:35.219

Well, good luck with, for tomorrow, for with Mark, then, because that's going to get built.

1547

02:57:36.629 --> 02:57:39.959

It's going to be out of the seaward 50 feet. If the guy ever.

1548

02:57:39.959 --> 02:57:43.739

Figures out, he's got to settle with the county.

1549

02:57:43.739 --> 02:57:51.360

But does he have an approved plan that allows them to boom? They're working on it right now and they're already doing work on the site.

1550

02:57:54.149 --> 02:57:57.389

I thought you couldn't build with that and approve plan.

1551

02:57:57.389 --> 02:58:00.510

Well, the land use is going to be approving the plan.

1552

02:58:04.079 --> 02:58:09.600

So much for our agony over 41 over 1.

1553

02:58:09.600 --> 02:58:14.610

Hey, it's not going to be in the seaward 50 at least.

1554

02:58:14.610 --> 02:58:19.469

Yeah, which is, I suppose something.

1555

02:58:19.469 --> 02:58:25.680

The northern, so you think number 4 is kind of.

1556

02:58:25.680 --> 02:58:38.430

It's never going to go anywhere not not with the lobby. The realtors have I don't see it. I don't see there's any reason why we shouldn't include it. We're just saying what we want.

1557

02:58:38.430 --> 02:58:42.750

To see, and and it might take.

1558

02:58:42.750 --> 02:58:55.254

Many times, but you keep saying over and over and over again. We want this. We need this. You might get somewhere. If you never bring it up. They've never. There's never a bacon.

1559

02:58:55.284 --> 02:59:08.575

I can actually talk to my government affairs guy over in India and ask him if we can add the link to that jade site on that form that we currently have that would at least steer them in the correct direction.

1560

02:59:08.575 --> 02:59:22.434

They've done that with megan's law and so there's a possibility that is something that might not find objectionable, but I'm not involved in any of this stuff, other than asking the question. So I could do that and see what they say.

1561

02:59:22.739 --> 02:59:29.399

Yeah, also we, we might want to mention the idea Alexis had, which is.

1562

02:59:29.399 --> 02:59:35.790

When properties change hands, it triggers some kind of a mailing of information.

1563

02:59:35.790 --> 02:59:39.000

And more explanation of what that means.

1564

02:59:39.000 --> 02:59:48.059

No, I agree. And I, I strongly feel that we need to do something whether it's real estate agent, the selling the title company, because there are cases.

1565

02:59:48.059 --> 02:59:52.020

Like, this, nobody knows what an RPA is. We're a select group.

1566

02:59:52.020 --> 03:00:05.424

If I would say, what is the resource protection area people in my neighborhood a really big area with a large rpm? They have no idea we need some kind of mechanism to just get people thinking about this. So, and it's right.

1567

03:00:05.454 --> 03:00:09.895

Keep it there may not be perfect, but the board might say oh, well.

1568

03:00:10.409 --> 03:00:24.510

We should do something, so we don't have this problem. Well, we may be able to also in to ask the for that and then they know who would dq. It's.

1569

03:00:24.510 --> 03:00:38.485

Yeah, job, it's our job to to identify a problem when we see it and 1 of the problems is buyers are not getting told that they're in an RPA. Now if we say realtors should be required.

1570

03:00:38.725 --> 03:00:44.215

Yes, it is probably gonna be rejected. But people also rejected the idea that women should vote.

1571

03:00:44.905 --> 03:00:58.315

But realtors don't all characteristics of Virginia to write letters. Don't always want to sell the land either. Sometimes the developer goes directly to the owner and goes through that process so there would still would be no disclosure.

1572

03:00:58.854 --> 03:01:11.245

Yeah, but we're looking at baby steps here. Right? I mean, it this is obviously the trench thing of people who want it makes the decision, but I'll certainly ask them.

1573

03:01:12.174 --> 03:01:18.385

No, I didn't want to mention another thing to you, which I only recently discovered. And you guys may know about this, but I didn't.

1574

03:01:18.629 --> 03:01:23.250

The county has recently developed a brochure.

1575

03:01:23.250 --> 03:01:33.780

That is about and about what you can and can't do of them, and it talks about restoring your buffer and planning native trees and how you could be landscaping to make.

1576

03:01:33.780 --> 03:01:35.364

Things best environmentally,

1577

03:01:35.575 --> 03:01:36.475

and it's really,

1578

03:01:36.504 --> 03:01:39.174

very nice and after we get off this call,

1579

03:01:39.504 --> 03:01:40.704

I'm gonna send it to you,

1580

03:01:40.704 --> 03:01:49.315

but it's a kind of thing that could also be part of public education efforts for not not in the process of selling a house maybe but.

1581

03:01:49.649 --> 03:01:52.829

More generally getting people to do.

1582

03:01:52.829 --> 03:02:00.030

Better maintenance and better treatment in their RPA properties.

1583

03:02:00.030 --> 03:02:04.200

And you, so you could go stricklin and everybody's mailbox.

1584

03:02:05.639 --> 03:02:13.350

You could, you could mail to every RPA owner. They have money. I mean, they're all junk mail.

1585

03:02:14.610 --> 03:02:23.215

It's not junk mail. It's very good. It was produced by the county. Som, and as well done junk mail. Yeah.

1586

03:02:23.844 --> 03:02:36.834

Well, you know, most of this sometimes, but maybe it's good stuff. I'm guilty of something.

1587

03:02:37.799 --> 03:02:43.920

My email, my regular email is filled with stuff that I don't need.

1588

03:02:43.920 --> 03:02:48.450

Well, I, I don't 1 place it's going to be used and that is.

1589

03:02:48.450 --> 03:02:53.729

You know, we have this program called the auto home program where we go out volunteers, go out.

1590

03:02:53.729 --> 03:02:58.530

Advise property owners on how they can create better habitat on their property.

1591

03:02:58.530 --> 03:03:08.489

And I think in future, we're going to take that brochure. If the homeowner has a RPA on their property, we're going to give them that brochure and say, Here's what you can do.

1592

03:03:08.489 --> 03:03:15.510

You know, so that that our, then brochure also could be brought to real estate offices.

1593

03:03:15.510 --> 03:03:25.649

To introduce to realtors at their staff meetings that they have every Tuesday and that is something that they that individual realtors could give to clients.

1594

03:03:25.649 --> 03:03:32.940

Who are going to be purchasing a property and that has an RPA on it. So that would be make them all a little bit more knowledgeable.

1595

03:03:35.184 --> 03:03:49.645

And we all have 1st things coming up, and we all have associations so just putting it out there on the website or a link or something to it. It's a small thing. But we certainly can do that just to get that idea.

1596

03:03:49.979 --> 03:03:53.639

Uh, what in our is because we don't.

1597

03:03:53.639 --> 03:03:59.459

Can we cannot assume that people know anything about this so yeah, Betsy send that along and we'll see what we can.

1598

03:04:00.864 --> 03:04:12.325

To speak to some point. I know people do throw away their their mail, but, you know, make it sound enticing instead of just getting a mail explaining and RPA. Congratulations. That always gets your attention.

1599

03:04:14.754 --> 03:04:27.715

You lucky person yeah. Marketing yeah. You're like now responsible for helping Fairfax County, maintain environmental stewardship, but something that gets people's eyes from fault.

1600

03:04:27.715 --> 03:04:33.504

I found out I was in, which should've been obvious to me. I'm across from a stream, but half my art is so.

1601

03:04:33.840 --> 03:04:37.170

I didn't know and we bought our house. Yeah.

1602

03:04:37.170 --> 03:04:52.079

That's exactly my point. People just don't know. So we have it's an education process. The county can can do with the screen, watch the green grow. I mean, we had this personal speaker association once, but we can just.

1603

03:04:52.079 --> 03:04:59.909

Suggest to them that she do RPA talks about this for the next couple of weeks zoom whatever.

1604

03:04:59.909 --> 03:05:04.920

Okay, let's move on since is getting.

1605

03:05:04.920 --> 03:05:15.989

Pretty late, so we, I draft something about combining all these ideas that really have to do with educating real estate agents and the public.

1606

03:05:15.989 --> 03:05:21.569

Property owners and everybody, and then you'll, you'll chime in and tell me what you think.

1607

03:05:21.569 --> 03:05:31.739

And change it and so on. So, this comes from David that and really skipped styles was so strong on the idea that this is going to really raise the.

1608

03:05:31.739 --> 03:05:35.940

The ugly prospect of takings.

1609

03:05:35.940 --> 03:05:41.069

And maybe you want to say more about this, David, this number 5.

1610

03:05:41.069 --> 03:05:44.549

Hopefully, I got it written down, right?

1611

03:05:44.549 --> 03:05:51.030

Well, the notion of banning.

1612

03:05:51.030 --> 03:05:56.219

Within the 50 fee.

1613

03:05:56.219 --> 03:06:04.530

The problem here is that we're going to run into pieces of property and it's going to happen more often because we're so fully built out.

1614

03:06:04.530 --> 03:06:08.790

That there's no place to put out. There's nowhere left.

1615

03:06:08.790 --> 03:06:13.979

And the whole argument, and Ian, and I have talked about this in the past.

1616

03:06:13.979 --> 03:06:18.719

Our job, and it's stated that our job is to find a way to allow them to build.

1617

03:06:18.719 --> 03:06:24.299

Not to say that he can't, but what happens when you find a piece of property where.

1618

03:06:24.299 --> 03:06:27.719

There's simply no way that they can do anything with the land.

1619

03:06:27.719 --> 03:06:32.040

Unless they build part of the house on that 50 foot.

1620

03:06:32.040 --> 03:06:38.190

The word side, and if there's a complete automatic ban on that.

1621

03:06:38.190 --> 03:06:43.079

Then, what you've got is, in essence, a complete taking of a.

1622

03:06:43.079 --> 03:06:47.819

Property if it's been zone residential, because you can't build a residence.

1623

03:06:47.819 --> 03:06:54.270

And the way the law is today, you have to have 100% taking to get.

1624

03:06:54.270 --> 03:06:58.500

Uh, the 5th Amendment protection, but that's 100% taking.

1625

03:06:58.500 --> 03:07:04.770

And what that happens the taker, which would be this county or the state, somebody.

1626

03:07:04.770 --> 03:07:08.340

Who's made that regulation put in place?

1627

03:07:08.340 --> 03:07:13.379

Has to pay and so the real question is.

1628

03:07:13.379 --> 03:07:19.530

Who is it that is saying, you can't do anything within 50 feet.

1629

03:07:19.530 --> 03:07:23.610

Is it the county or is it the state and is the state.

1630

03:07:23.610 --> 03:07:27.540
Fess up they're going to have to pay people not just Fairfax County.

1631
03:07:27.540 --> 03:07:30.780
It's statewide for these kinds of problems.

1632
03:07:30.780 --> 03:07:34.709
So that's the issue that we'd like to to get someone's you on.

1633
03:07:34.709 --> 03:07:38.610
And the present time, the only way to get an answer is to have.

1634
03:07:38.610 --> 03:07:42.030
Somebody typically a legislator asking attorney general.

1635
03:07:42.030 --> 03:07:45.450
For a letter, and the attorney general writes an opinion letter.

1636
03:07:45.450 --> 03:07:56.430
Yeah, I think this is the thing that a big thing I mean, the big land is something versus toggle. Lake Tahoe is the big taking decision. There's also.

1637
03:07:56.430 --> 03:08:02.430
1, in North Carolina about stolen and Nolan, especially Nolan.

1638
03:08:02.430 --> 03:08:06.600
No, no, and I should tell you, but this real quick.

1639
03:08:06.600 --> 03:08:10.829
About that case, the Supreme Court held, and it was a 100% taking.

1640
03:08:10.829 --> 03:08:14.370
And if the coastal South Carolina, coastal.

1641
03:08:14.370 --> 03:08:20.159
And to pay them, right? So they pay them. But the only way they can afford to pay them.

1642
03:08:20.159 --> 03:08:23.340
Was to sell the people, they took the piece of property.

1643

03:08:23.340 --> 03:08:27.840

And sell it to somebody else and that's somebody else build the outside.

1644

03:08:27.840 --> 03:08:34.350

No, yes so so that's what happens in these cases.

1645

03:08:34.350 --> 03:08:37.379

Is if the government doesn't have the money to pay.

1646

03:08:37.379 --> 03:08:41.729

They end up having to find someone, you know, it, it ends up being.

1647

03:08:41.729 --> 03:08:46.889

A situation that that leaves the land over honestly.

1648

03:08:46.889 --> 03:08:52.440

In a fair condition? Yeah, I have a I have a question David, so, is it.

1649

03:08:52.440 --> 03:08:59.010

Is this taking issue made worse when it's like a bright line rule like an absolute band.

1650

03:08:59.010 --> 03:09:03.629

Band versus a a judgement kind of a thing like we've got now.

1651

03:09:03.629 --> 03:09:08.819

Well, it's a regulatory decision and so if the, if the regulator.

1652

03:09:08.819 --> 03:09:15.090

Says you can't do it it doesn't matter whether it's banned by law or or just done that way.

1653

03:09:15.090 --> 03:09:20.129

So, a regulatory decision, it's just, it's question is, was there 100% taken.

1654

03:09:20.129 --> 03:09:24.750

But is it the same if we decide no, you can't.

1655

03:09:24.750 --> 03:09:33.719

You know, we go through our findings and we apply them and we say, no, you can't build in the 50 word feat. We're not going to grant you an exception.

1656

03:09:33.719 --> 03:09:38.940

Is that the question? The same? The question is, what can they do with the the.

1657

03:09:38.940 --> 03:09:42.719

To the property, if you've got a property and I've seen some.

1658

03:09:42.719 --> 03:09:46.229

Where a 100% of the properties within the 50 foot.

1659

03:09:46.229 --> 03:09:50.309

So just a long narrow piece of property that.

1660

03:09:50.309 --> 03:09:57.209

Everybody thought would always be trees when they developed, but now someone came in, but the property and said.

1661

03:09:57.209 --> 03:10:01.709

No, let's build something there. You have a real problem.

1662

03:10:01.709 --> 03:10:08.069

And the way we've gone around this is we've attempted, and this is the way the statute currently reads.

1663

03:10:08.069 --> 03:10:13.530

And do them in a mom to be allowed to build on, but to be allowed to build on.

1664

03:10:13.530 --> 03:10:19.829

And that's why we didn't judgment. It was necessary and we didn't have a.

1665

03:10:19.829 --> 03:10:23.010

A bright line rule that says you can't do any on 50 feet.

1666

03:10:23.010 --> 03:10:28.350

And that's why it would set up that way. So if someone's going to go out and.

1667

03:10:28.350 --> 03:10:34.079

So, 50 foot mark, then then we need an answer to okay who's going to pay the guy.

1668

03:10:34.079 --> 03:10:40.440

You can't do anything off with his land. That's the issue.

1669

03:10:41.610 --> 03:10:51.629

Okay, so I think it's a good idea to raise this issue with the board. I'm sure they're thinking about it was the very 1st issue that came up in their discussion.

1670

03:10:51.629 --> 03:10:55.680

And the land policy committee.

1671

03:10:55.680 --> 03:11:00.180

Pardon me? gary's don't build. Has his hand raised? I don't know if that's been addressed.

1672

03:11:00.180 --> 03:11:04.920

I can't even see him carry please speak.

1673

03:11:06.510 --> 03:11:18.780

Yes, I was just going to remind that the, at the landry's policy committee, the board did raise this question. Staff is already working on it. Just I was going to remind you that for the sake of moving the discussion.

1674

03:11:20.040 --> 03:11:31.229

Thank you are you suggesting we don't need to raise it or maybe we just don't need to talk about it anymore today. Yes. It's a it's a conversation for this evening.

1675

03:11:31.229 --> 03:11:40.469

Uh, the length of the meeting today, um, yeah, certainly the committee can raise the questions, but the board has already raised the question.

1676

03:11:40.469 --> 03:11:46.350

Uh, and we're already in motion. Okay, thank you. For that.

1677

03:11:46.350 --> 03:11:51.000

Um, and then, so let's move on to number 6.

1678

03:11:51.000 --> 03:11:54.209
I said this is kind of my.

1679

03:11:54.209 --> 03:12:02.819
Recommendation, you know, we know the seaward 50 feet is the more sensitive part of the RPA but Lambert, and the landlord to 50 feet.

1680

03:12:02.819 --> 03:12:09.780
Development can also be harmful and it's much more common and I wonder if we ought to.

1681

03:12:09.780 --> 03:12:13.829
Recommend some sort of evaluation of the impacts of.

1682

03:12:13.829 --> 03:12:17.549
Development it's much less visible. There's not.

1683

03:12:17.549 --> 03:12:21.090
Necessarily public hearings about it.

1684

03:12:21.090 --> 03:12:24.629
But there are a lot of cases as the.

1685

03:12:24.629 --> 03:12:30.180
The data that the staff provided us sort of shows.

1686

03:12:35.579 --> 03:12:40.079
Hi, this is that I don't know whether.

1687

03:12:40.079 --> 03:12:44.459
We should for the sake of keeping things.

1688

03:12:44.459 --> 03:12:51.719
To the point in simple is that I don't want to avoid talking about this, but, you know, they.

1689

03:12:51.719 --> 03:12:55.200
They kind of specifically asked for input.

1690

03:12:55.200 --> 03:13:00.270
And I think I feel like if we give too much.

1691

03:13:00.270 --> 03:13:05.250

And in terms of recommendations, we take away from the key points we want to make.

1692

03:13:05.250 --> 03:13:08.610

Okay, that's just my opinion.

1693

03:13:10.079 --> 03:13:13.469

Right. Others got an opinion on this.

1694

03:13:17.040 --> 03:13:22.709

Or, maybe we're just getting kind of tired.

1695

03:13:23.305 --> 03:13:31.225

All right, well, unless somebody says, no, we need to know this. I will just maybe skip it. I think, could we go?

1696

03:13:31.495 --> 03:13:44.034

I think the whole point is, is that what comes to the is in the 50 foot C word and so they're not really asking us are on the left side. Maybe that somebody's that, what they were trying to say. I don't know.

1697

03:13:44.340 --> 03:13:47.969

Yes, I think you're probably right.

1698

03:13:47.969 --> 03:13:57.540

That's never some of us are inclined to offer our opinions on other topics. So those we were asked about, but.

1699

03:13:57.540 --> 03:14:03.059

We already have quite a few. Okay so can we move to the next slide? Danielle?

1700

03:14:03.059 --> 03:14:08.850

I think we're oh, here now, this is a tough 1. I don't really understand what this is.

1701

03:14:11.399 --> 03:14:18.209

To me, this is a pretty, pretty mysterious.

1702

03:14:18.209 --> 03:14:22.799

1st of all, I don't know what a fill on like project is and.

1703

03:14:22.799 --> 03:14:29.850

Anybody want to comment on this 1.

1704

03:14:32.879 --> 03:14:46.979

It I think you're right, the Phil only is the real sticking point. What is what do they mean by that? I think they're referring to some specific problem. Not generally fulfill entirely.

1705

03:14:46.979 --> 03:14:57.299

So, I think I would stick to the fill only comment and forget the number 1. the number 1 originated with me and I.

1706

03:14:57.299 --> 03:15:00.510

Don't think it's particularly relevant to at the moment.

1707

03:15:00.510 --> 03:15:07.530

Yeah, I don't know, I think it seems like a very pertinent point. I found it persuasive.

1708

03:15:07.530 --> 03:15:15.719

Okay, well it relates to some 1 of the other recommendations about the.

1709

03:15:16.254 --> 03:15:30.325

The flood frequencies and the, like, but things are changing basically, in this area, there is good likelihood. I would say that the 100 ear flood is a lot bigger than we thought it was.

1710

03:15:31.139 --> 03:15:40.170

And that means the 100 year flood plain is no longer the 100 year flood plain. It's more like the 75 year flood plain.

1711

03:15:40.170 --> 03:15:44.159

For the 50 or flood plain, um.

1712

03:15:44.159 --> 03:15:51.360

Or sometimes, but twice a month left plane. Yeah, it changes. Yeah. And, um.

1713

03:15:51.360 --> 03:15:56.040

It is very, very hard to judge if sent where that.

1714

03:15:56.040 --> 03:16:01.590
If you get into arguments that you're putting fill too near the stream.

1715
03:16:01.590 --> 03:16:05.190
You were possibly changing the hydraulics of the stream.

1716
03:16:05.190 --> 03:16:09.750
And that is an impact that can be very serious.

1717
03:16:09.750 --> 03:16:15.389
I just wanted to add on this whole lot here.

1718
03:16:15.389 --> 03:16:20.309
If you fly plane, you're not allowed to fail to start with.

1719
03:16:20.309 --> 03:16:25.649
So, it's an established flat plane or keeping us to.

1720
03:16:25.649 --> 03:16:32.729
Verify your flat it means that somebody's aware of that. And if you're putting up the new, a new.

1721
03:16:32.729 --> 03:16:38.610
Does let's make it cannot fill for any reason at all.

1722
03:16:38.610 --> 03:16:43.799
I don't know, I don't know some, there was a case down here.

1723
03:16:43.799 --> 03:16:47.010
Which some of us got very involved in.

1724
03:16:47.010 --> 03:16:50.100
On enrichment highway where they were proposing.

1725
03:16:50.100 --> 03:16:53.610
To 43,000.

1726
03:16:53.610 --> 03:16:59.760
Square it's cubic yards of.

1727
03:16:59.760 --> 03:17:05.909

Fill in the flood plain and build a 36 townhouse on top of it.

1728

03:17:05.909 --> 03:17:09.030

And then had a good deal of momentum.

1729

03:17:09.030 --> 03:17:15.989

So, it can be scary. These things sort of emerged in.

1730

03:17:15.989 --> 03:17:22.200

So, they, they would have done a flood plain analysis and prove that.

1731

03:17:22.200 --> 03:17:27.209

That is possible without expecting the flood plane at all. It.

1732

03:17:28.229 --> 03:17:34.079

Well, actually, it depends on which flood frequency curve you use.

1733

03:17:34.079 --> 03:17:48.479

Yeah, certainly there, I mean, every every place in Virginia has a flood frequency curve, the engineers use them all the time, but there is increasing evidence that the flight frequency curves we're using a wrong.

1734

03:17:48.479 --> 03:17:55.350

At least climate change is changing them, not that they're they were wrong, but they are becoming wrong.

1735

03:17:55.350 --> 03:17:59.670

And there is some science to back that up.

1736

03:17:59.670 --> 03:18:08.100

Especially on peninsula, and the peninsula is close enough to the Piedmont that.

1737

03:18:08.100 --> 03:18:12.299

We should be working about which slide are you talking about?

1738

03:18:12.299 --> 03:18:16.680

Down in the Williamsburg area. Oh, okay.

1739

03:18:16.680 --> 03:18:24.120

The journal I used to edit the Journal of the American water resource Association, published a paper by hand.

1740

03:18:24.120 --> 03:18:28.829

Um, couple of researchers from Virginia Tech.

1741

03:18:28.829 --> 03:18:33.659

And, uh, they looked at the changing flood frequencies in that area.

1742

03:18:33.659 --> 03:18:38.399

And the changing precipitation frequencies, and it was a little.

1743

03:18:38.399 --> 03:18:51.299

Alarm it made maybe to save everybody, which would be setting a slightly different flat no longer 100 years.

1744

03:18:51.299 --> 03:19:00.715

I I think we're net picking here. I think the question is really, are we going to say number 7 is fine or are we going to include it or not really?

1745

03:19:01.405 --> 03:19:11.094

Do we, I mean, I don't feel I know enough about what this means and what they're trying to do and what the problem is to vote for it. So I would say this is something.

1746

03:19:11.430 --> 03:19:15.329

If it was me, this is something I don't think we need to include in our letter.

1747

03:19:15.329 --> 03:19:18.690

Because we don't know enough 1 way or another.

1748

03:19:18.690 --> 03:19:22.649

I would leave it out for now. I think you're right.

1749

03:19:22.649 --> 03:19:30.750

I would agree and leaving it out because I think as part of the climate resiliency plan, the county is going to be looking at.

1750

03:19:30.750 --> 03:19:36.090

How to handle flood planes and so forth so we might not need to say it. So.

1751

03:19:37.500 --> 03:19:42.270

Okay, I could go online with that. I don't feel like I understand enough.

1752

03:19:42.270 --> 03:19:46.170

About what it is, or how it would work.

1753

03:19:46.170 --> 03:19:53.100

But I do feel great reluctance. I feel I feel supportive of the idea of.

1754

03:19:53.100 --> 03:19:58.229

Being a lot more careful about filling in the, the flood plain and the RPA.

1755

03:19:58.229 --> 03:20:01.920

Then sometimes we're doing now.

1756

03:20:03.629 --> 03:20:08.940

Let's see, let's move onto the last. I think it's the last.

1757

03:20:08.940 --> 03:20:13.469

Thing here. Oh, no this is the next the last thing.

1758

03:20:13.469 --> 03:20:20.909

So, is there anybody is there any controversy here with these 2?

1759

03:20:23.399 --> 03:20:27.959

All right.

1760

03:20:27.959 --> 03:20:41.125

Straight up suggested the article that was me, that was me it's 20 pages of absolutely impenetrable graphs. Yeah, but go back to go to the end of it and read it.

1761

03:20:41.155 --> 03:20:50.034

And I copied. I copied the cover page and the conclusions that's all like everything else on between. I got an idea.

1762

03:20:51.295 --> 03:20:57.084

It has to be it has to be like that, because underwent very, very strict, peer review.

1763

03:20:57.690 --> 03:21:02.909

Reliable paper to travel the problem with trying to take.

1764

03:21:02.909 --> 03:21:08.790

Climate change into account and we talked about models before and this is a perfect example.

1765

03:21:08.790 --> 03:21:14.459

Is that there is no, I mean, I worked on this stuff at the agency any big.

1766

03:21:14.459 --> 03:21:18.329

We, we talk about regional effects.

1767

03:21:18.329 --> 03:21:21.750

But the models are completely unable to talk about.

1768

03:21:21.750 --> 03:21:25.170

The implications on specific areas is as.

1769

03:21:25.170 --> 03:21:29.670

Narrow has even Fairfax County, which is a pretty big land theory.

1770

03:21:29.670 --> 03:21:34.379

The disagreement, for example, about.

1771

03:21:34.379 --> 03:21:38.159

The degree to which the oceans, the speed with which agents are rising.

1772

03:21:38.159 --> 03:21:43.590

It's sufficient to make it impossible to honestly say.

1773

03:21:43.590 --> 03:21:50.309

How much to what degree the agents are going to rise, depending on the degree of temperature rise and the argument about.

1774

03:21:50.309 --> 03:21:53.790

The doubling of and the effect on temperature.

1775

03:21:53.790 --> 03:21:57.329

It's, it's massive to a point where the last report.

1776

03:21:57.329 --> 03:22:01.739
The, the GCC.

1777
03:22:01.739 --> 03:22:06.059
Refused to say how much they thought it was going to change.

1778
03:22:06.059 --> 03:22:09.540
I think it's lovely to have everybody have.

1779
03:22:09.540 --> 03:22:14.940
You know, some virtue signaling and climate change, but in reality, we well, we don't know enough.

1780
03:22:14.940 --> 03:22:24.360
To know what the impacts are much less consider David. You haven't read the paper. I, in fact have edited it.

1781
03:22:24.360 --> 03:22:29.010
And I worked with my associate editors who advised me on it.

1782
03:22:29.010 --> 03:22:32.610
The paper actually takes it an ensemble of models.

1783
03:22:32.610 --> 03:22:36.510
So is allowing for quite a bit of the variation.

1784
03:22:36.510 --> 03:22:40.559
That we recognize occurs in the modeling community.

1785
03:22:40.559 --> 03:22:43.649
And the paper it holds up.

1786
03:22:43.649 --> 03:22:47.819
If you look at what we are seeing in Virginia.

1787
03:22:47.819 --> 03:22:58.350
Is more extreme, dry periods and more extreme, wet rainfall the convective I'll have to go back and look at it, but digital back in 150 years.

1788
03:22:58.350 --> 03:23:06.360

As we have records at that are 200 years old David, he went back quite far.

1789

03:23:06.360 --> 03:23:15.145

I mean, this is a peer reviewed paper in a very good Journal. Well, I published and therapy and papers too.

1790

03:23:15.174 --> 03:23:28.645

I mean, okay, I'm sorry, how many people support putting in this recommendation and some discussion which will be open to comment from. Both of you as well as the rest of this.

1791

03:23:28.829 --> 03:23:33.420

These 2 recommendations, anybody want to say yes.

1792

03:23:33.420 --> 03:23:38.879

So these do yeah, no. Can you don't want to do it? Yeah. Yeah. Yeah.

1793

03:23:38.879 --> 03:23:42.870

Okay, just keep them both in. Okay. Yeah.

1794

03:23:42.870 --> 03:23:49.799

Okay, anybody not want to do it not want to people as opposed to it.

1795

03:23:49.799 --> 03:23:53.069

Okay, that was my supervisor.

1796

03:23:53.069 --> 03:23:57.780

He's not on a committee, I'm not killed his quote.

1797

03:23:57.780 --> 03:24:04.829

Yeah, I know they don't even let them talk anymore. I understand that. Freedom of speech died sometimes.

1798

03:24:08.280 --> 03:24:14.850

Okay, and now we are at the very end and I don't know if we want to do this or not, but.

1799

03:24:14.850 --> 03:24:18.479

At various times and.

1800

03:24:18.479 --> 03:24:22.709

Our, um, our hands are kind of.

1801

03:24:22.709 --> 03:24:31.829

We don't have exactly all the tools we need to do the best job we can, and 1 instance that bothered the heck out of me was.

1802

03:24:31.829 --> 03:24:36.510

When the appeal happened, you know, when the large, you know, the.

1803

03:24:36.510 --> 03:24:40.110

The applicant appeals our rejection of their.

1804

03:24:40.110 --> 03:24:49.889

Their request and so there's a, there's not even a, a process to find in the Chesapeake Bay preservation ordinance.

1805

03:24:49.889 --> 03:24:55.229

Um, for how this appeal happens, there's no place for us in it.

1806

03:24:55.229 --> 03:25:00.690

You know, we kind of took it to our bosses, the supervisors and explained to them.

1807

03:25:00.690 --> 03:25:03.719

Individually, why we did what we did.

1808

03:25:03.719 --> 03:25:08.459

But it seemed wrong to me that this is just seemed very flaky.

1809

03:25:08.459 --> 03:25:15.629

That there's no, it was like a completely ad hoc sort of a thing.

1810

03:25:15.629 --> 03:25:20.010

And I don't know if it's worth raising a couple of issues like this.

1811

03:25:20.010 --> 03:25:28.530

With the board supervisors are not I've sent a letter to Sharon. Well, I sent a letter to Sharon Bola about.

1812

03:25:28.530 --> 03:25:32.010

Uh, with Mark and and talked about that.

1813

03:25:32.010 --> 03:25:35.760

To her so that.

1814

03:25:35.760 --> 03:25:43.020

Um, I don't know if this is, I think this is a good thing to bring up. I don't know that this is the letter to bring it up in.

1815

03:25:43.020 --> 03:25:46.170

I think to the thing to send to them.

1816

03:25:46.170 --> 03:25:56.129

But I think I'm going with Ed, we gotta keep it a little bit shorter. Well, but if they're if they're gonna be making changes to the ordinance.

1817

03:25:56.129 --> 03:26:06.475

Based on those recommendations, I don't think it's a bad idea to enclose, like, additional things that we've discussed, like, the change of their ordinance.

1818

03:26:06.475 --> 03:26:15.565

This is this is talking about changes to the state that that is going to and it's giving that counts be 3 years to change their ordinance.

1819

03:26:15.809 --> 03:26:27.600

Oh, to comply with the new regs that's what this is about. This is about the county changing based on the D. that's why he was reaching out to the county now because and that's why.

1820

03:26:27.600 --> 03:26:37.915

Supervisor, I want to say, alcor asked for input from the stakeholders, and he felt the were important parts of this conversation.

1821

03:26:38.215 --> 03:26:45.805

And so eventually the county will have to write something eat 1 way or the other, depending on what ends up doing.

1822

03:26:46.434 --> 03:26:48.985

So, yes, there is going to be a change to the organ.

1823

03:26:48.985 --> 03:27:01.915

So, my question is, don't we want to include maybe it's out of this D to Reg specifically but should we also just the other areas of concerns that we have that could be addressed with a new ordinance.

1824

03:27:02.159 --> 03:27:06.690

To do it. Okay. Well, that that was kind of my thinking.

1825

03:27:06.690 --> 03:27:14.159

When I put this in here, and there may be the other thing that bothers me and it came up in the context of this.

1826

03:27:14.159 --> 03:27:17.760

This land use.

1827

03:27:17.760 --> 03:27:23.250

Uh, thing down enrichment highway, where they were going to put 43,000 cubic feet of.

1828

03:27:23.250 --> 03:27:32.850

Bill into the flood plain, and we would never have seen it at all because it evolved rezoning and the rezoning applications.

1829

03:27:32.850 --> 03:27:40.139

Uh, escape our scrutiny entirely, and to me, that seems wrong, you know, it seems wrong that.

1830

03:27:40.139 --> 03:27:47.760

We, we're giving all the scrutiny to little homeowner projects that involve a.

1831

03:27:47.760 --> 03:27:56.850

Fire if maybe a 100 or 50 square feet or something, and yet, you know, massive impact from.

1832

03:27:56.850 --> 03:28:05.700

Uh, projects that involve rezoning don't come in front of us at all. And I, I, I really that really bothers me a lot.

1833

03:28:05.700 --> 03:28:18.809

And, yes, they still have to prepare a water quality impact assessment, but it's being evaluated in the midst of all this other stuff. You know, it's not being evaluated by a committee like us.

1834

03:28:18.809 --> 03:28:26.639

Whose exclusive interest is in the RPA and the impacts and the Chesapeake Bay.

1835

03:28:26.639 --> 03:28:35.280

And so, I don't know if other people feel this way or not, but I sort of feel like we ought to ask them to change. So on so that we do see these.

1836

03:28:35.280 --> 03:28:39.420

These are very impactful.

1837

03:28:39.420 --> 03:28:42.809

Exception request.

1838

03:28:42.809 --> 03:28:46.559

So, fancy is.

1839

03:28:46.559 --> 03:28:50.280

So, I see your point in bringing this up.

1840

03:28:50.280 --> 03:28:54.450

You know, because this is an experience that happened recently, right?

1841

03:28:54.450 --> 03:28:58.860

Do you are you suggesting the put it.

1842

03:28:58.860 --> 03:29:06.870

Just at the bottom and, and just something in a letter and say, also consider and provide a little background. Is that what you're.

1843

03:29:06.870 --> 03:29:16.500

I was thinking, well, sort of like what Amy said, you know, that they're going to have to be revising the Chesapeake Bay preservation ordinance.

1844

03:29:16.500 --> 03:29:23.670

And that it might be worthwhile to bring to their attention things that we think are problematic.

1845

03:29:23.670 --> 03:29:27.149

Um, in terms of how we do our job.

1846

03:29:27.149 --> 03:29:31.229

And whether or not, we can improve the process.

1847

03:29:31.229 --> 03:29:37.950

And so that they can incorporate those recommendations as part of their thinking that was kind of what I was thinking.

1848

03:29:37.950 --> 03:29:42.239

And I take your point, you know, some of you have said, we should stick to the.

1849

03:29:42.239 --> 03:29:48.209

Specific tasks, you know, that that they want us to do.

1850

03:29:48.209 --> 03:29:51.239

Um, but I do think.

1851

03:29:51.239 --> 03:29:55.739

We've run into this before where.

1852

03:29:55.739 --> 03:30:01.020

Things don't seem to work quite the way they ought to from our point of view.

1853

03:30:01.020 --> 03:30:06.659

And we could either write it in a separate letter. And there may be other issues that you guys think about that.

1854

03:30:06.659 --> 03:30:14.040

Think of that I have it here or we could put it in this letter since they are going to be paying attention.

1855

03:30:14.040 --> 03:30:17.370

And they might not pay attention to a separate letter.

1856

03:30:19.379 --> 03:30:24.840

I think the 2nd point the 1st point.

1857

03:30:24.840 --> 03:30:34.315

Is is fine the 2nd point. I mean, these big decisions that's the supervisor gets to say yes. Or no.

1858

03:30:34.614 --> 03:30:47.575

And the supervisor get, that's his faith, and he deals with the developer and and the staff and he's the person who gets the, or she's the person that gets the political.

1859

03:30:48.059 --> 03:30:55.709

Power whatever it is to make these yes and no decisions and they frankly don't want us doing it.

1860

03:30:55.709 --> 03:30:59.909

We're, we're here to do the little jobs they don't want to bother with.

1861

03:31:00.235 --> 03:31:11.604

And that's exactly why I want to take that away. Yes. Yeah. Well, I think, but they're not going to give it to us. I mean, it's the 1st point.

1862

03:31:11.604 --> 03:31:24.715

Is that the 2nd point they're just going to say in what in what world are they and what world are they talking about? This? This is why we're here. We're here to do the big developing and and make the big decisions.

1863

03:31:24.715 --> 03:31:27.174

And we're not, we're not going.

1864

03:31:28.170 --> 03:31:37.979

Not to take anything away from your point, which I think is valid. It's not like they there wouldn't still be the deciders. I mean, there's still the guys who are deciding this.

1865

03:31:37.979 --> 03:31:41.754

But we would be have a role model,

1866

03:31:41.784 --> 03:31:43.735

it might have a review or like,

1867

03:31:43.795 --> 03:31:44.245

but,

1868

03:31:44.245 --> 03:31:49.495

but the zoning board and the zoning board of appeals and and the supervisors,

1869

03:31:49.524 --> 03:31:49.944

they,

1870

03:31:49.944 --> 03:31:54.234
this is their Bailey wick and they do they want to give anything to us?

1871
03:31:54.234 --> 03:31:54.625
No.

1872
03:31:54.989 --> 03:32:00.239
So, you can ask this 1, I think is an impossible dream.

1873
03:32:00.239 --> 03:32:03.840
Yeah.

1874
03:32:05.280 --> 03:32:11.549
I see you does that mean you want to speak? No, no, no I was just just checking in.

1875
03:32:11.549 --> 03:32:18.569
No, well, does anybody else have any opinions of these 2 things here?

1876
03:32:21.270 --> 03:32:27.809
In terms of this letter.

1877
03:32:29.340 --> 03:32:35.219
Don't everybody talk it once.

1878
03:32:35.219 --> 03:32:40.139
I just think this is reaching too much.

1879
03:32:40.139 --> 03:32:44.010
Say, we're not elected and and there are other things that.

1880
03:32:44.010 --> 03:32:52.200
That are not within our purview and I do agree. We should look at the overall larger picture, but they're not going to give that to us.

1881
03:32:52.200 --> 03:33:02.159
That's not what we're about. Okay, so I hear you that.

1882
03:33:02.159 --> 03:33:07.950
The 1st point here would be reasonable to include. Yeah.

1883

03:33:07.950 --> 03:33:18.989

I mean, we can certainly, I don't know where that would fit in right because we make a decision and we explain that decision.

1884

03:33:18.989 --> 03:33:24.750

But I think it's worth noting because we had an experience.

1885

03:33:24.750 --> 03:33:28.920

Right, yeah where yeah, so.

1886

03:33:30.239 --> 03:33:33.719

I think you could certainly include that 1.

1887

03:33:34.770 --> 03:33:41.579

Well, it does seem kind of weird to have a law that says it says there's an appeals process, but then it doesn't define.

1888

03:33:41.579 --> 03:33:51.329

How it works this is John Friedman with LDs. I'm sorry to interrupt. I can't figure out how to raise my hand.

1889

03:33:51.329 --> 03:33:54.899

That's okay. I don't know if I would figure out that you had done it.

1890

03:33:55.825 --> 03:34:04.344

So, go ahead just as a point point of information, there is an actual board adopted appeals procedure.

1891

03:34:04.375 --> 03:34:10.975

It's not in the ordinance, but there is a recognized appeals procedure, which I'll be happy to.

1892

03:34:12.055 --> 03:34:25.524

Send committee, it was adopted quite a long time ago and it's basically the same process that the board uses for appeals of zoning administrator decisions.

1893

03:34:27.264 --> 03:34:28.375

There's.

1894

03:34:28.709 --> 03:34:31.739

You're correct, there's no hearing.

1895

03:34:31.739 --> 03:34:41.129

The applicant isn't, it's purely like a staff presentation. There's no provisions in it for the applicant.

1896

03:34:41.129 --> 03:34:44.250

To speak.

1897

03:34:44.250 --> 03:34:48.600

Or, for anyone else, unless the.

1898

03:34:48.600 --> 03:34:58.290

A board member makes a motion seem to allow somebody to speak. So if you want to speak at it and a bill, you can.

1899

03:34:58.290 --> 03:35:07.530

Simply ask your board member or the board member and whose district the application and it is, but the.

1900

03:35:07.530 --> 03:35:12.059

Obviously you got to know in advance that you can do that.

1901

03:35:12.059 --> 03:35:21.090

Yeah, but typically they allow the Council to speed up the power of attorney, but.

1902

03:35:21.090 --> 03:35:25.770

As I say there is a board adopted process for.

1903

03:35:25.770 --> 03:35:32.610

For the, as you said, if you have all the information, I don't know that they would want to.

1904

03:35:32.610 --> 03:35:36.959

Lay all that out in the ordinance itself.

1905

03:35:36.959 --> 03:35:41.610

I say part of the reason for that, is that the.

1906

03:35:41.610 --> 03:35:47.549

State regulations don't have any specific information on appeals procedures.

1907

03:35:47.549 --> 03:35:50.549

It doesn't discuss appeals.

1908

03:35:50.549 --> 03:35:54.629

I just like I say, I.

1909

03:35:54.629 --> 03:35:58.620

There is a defined process, which I will forward.

1910

03:35:58.620 --> 03:36:04.559

To you or Danielle to forward to the entire committee, and I wanted you to know that.

1911

03:36:04.559 --> 03:36:08.670

Okay, thank you for bringing that to our attention. I didn't know that.

1912

03:36:08.670 --> 03:36:11.729

I don't know, I didn't know we could have a.

1913

03:36:11.729 --> 03:36:14.850

We asked our supervisor if we could speak.

1914

03:36:14.850 --> 03:36:24.690

I mean, in this case, we, we've made a different decision than the staff. And so the staff, when there was a penal of our decision.

1915

03:36:24.690 --> 03:36:28.950

The staff went before the board and.

1916

03:36:28.950 --> 03:36:40.889

Present it its opinion and so there was no forum where we were allowed to explain our reasoning for the decision we made.

1917

03:36:40.889 --> 03:36:48.659

And so we sort of adapted, you know, we, each individually went many of us, at least went and met with our own supervisors.

1918

03:36:48.659 --> 03:36:54.569

And the supervisors ended up upholding her decision, which we were glad.

1919

03:36:54.569 --> 03:36:58.110

But still, it seemed like a convoluted.

1920

03:36:58.110 --> 03:37:01.409

Process, you know, they didn't actually.

1921

03:37:01.409 --> 03:37:04.860

Save.

1922

03:37:04.860 --> 03:37:16.500

Yeah, maybe maybe given the new the new information about there being a process.

1923

03:37:16.500 --> 03:37:28.920

You know, we don't necessarily want to step further into this decision making process. I don't know. I'm just I'm just saying.

1924

03:37:28.920 --> 03:37:34.739

That maybe we don't want to extend our role to that.

1925

03:37:34.739 --> 03:37:41.340

Appeals process I would just leave it at that.

1926

03:37:41.340 --> 03:37:52.409

Because I don't know how involved we want to get in the overall process. I think maybe maybe we do want to make a decision and we've justified our decision already.

1927

03:37:52.409 --> 03:37:56.760

And then that might be as far as we need to go.

1928

03:37:56.760 --> 03:38:04.260

Well, I mean, there is no presentation of that justification in the appeal.

1929

03:38:04.260 --> 03:38:07.770

We're not represented.

1930

03:38:09.239 --> 03:38:16.290

And, you know, adopted what the staff recommended, you know, sort of in its entirety.

1931

03:38:16.290 --> 03:38:20.399

But, let me try to make it a comparison to the legal process.

1932

03:38:20.399 --> 03:38:23.819

If we think of ourselves like a judge.

1933

03:38:23.819 --> 03:38:26.909

In Virginia, in a circuit court.

1934

03:38:26.909 --> 03:38:30.450

And we and we look at it and try to be honest and fair.

1935

03:38:30.450 --> 03:38:35.280

And we balance the equities, and we get it all started out. We go okay.

1936

03:38:35.280 --> 03:38:38.850

Mr. A. you lose Mr. B you win.

1937

03:38:38.850 --> 03:38:43.950

And Mr egg was wait a minute. I don't like that to the appeals.

1938

03:38:43.950 --> 03:38:51.690

Well, as the judge, we don't have anything to say we've already said a, and B, get to make their arguments.

1939

03:38:51.690 --> 03:38:55.829

Nobody else, and in this case.

1940

03:38:55.829 --> 03:39:00.209

Hey, the B, is the applicant in the staff.

1941

03:39:00.209 --> 03:39:03.540

We're just to judges.

1942

03:39:03.540 --> 03:39:11.280

So, it's not unusual for the, the, the staff I don't think the staff is, is the.

1943

03:39:11.280 --> 03:39:21.120

They represent the government, but don't we don't we represent don't we represent the government when we make the decision?

1944

03:39:21.120 --> 03:39:32.010

Representing the board of Supervisors where they're kind of like their agents, aren't we? What they're going and appealing is, is saying this person they're appealing the decision.

1945

03:39:32.010 --> 03:39:36.809

They're not appealing the application, they're peeling the decision and so.

1946

03:39:36.809 --> 03:39:51.565

The board says a, and we said, B, and a gets to make its course about case why they made that decision and B doesn't get to get their make their case about why they made that decision. I think you can look at it that way too. Cause they're not appeal in the case or appealing a decision.

1947

03:39:51.899 --> 03:39:58.200

Well, look at it when the board of Supervisors makes its decision, and it actually goes to a court.

1948

03:39:58.200 --> 03:40:02.760

Who represents the board of Supervisors.

1949

03:40:02.760 --> 03:40:06.719

The board doesn't get up and say anything the county attorney does.

1950

03:40:06.719 --> 03:40:12.690

Yeah, but, yeah, but he's not, he's not representing his own independent.

1951

03:40:12.690 --> 03:40:19.920

Opinion as distinct from what the board thinks representing that.

1952

03:40:19.920 --> 03:40:23.399

It's, it's never a factual decision.

1953

03:40:23.399 --> 03:40:28.799

It's always a process decision and everybody go through the process properly.

1954

03:40:28.799 --> 03:40:38.280

If they did, then the board wins done, they they don't care, they want to know what something arbitrary or capricious. There was something taken out.

1955

03:40:38.280 --> 03:40:48.659

That facts that weren't considered that's arbitrary or capricious. The county representative, the county's attorney is not arguing.

1956

03:40:48.659 --> 03:40:53.760

That the facts they're arguing the process, so all they ever argue, and these things.

1957

03:40:53.760 --> 03:40:56.790

And that's essentially what happens with ours.

1958

03:40:56.790 --> 03:41:01.170

Staff comes up and the staff says we made this recommendation there this.

1959

03:41:01.170 --> 03:41:06.930

And they made this statement, and their judgement was characterized by the record.

1960

03:41:06.930 --> 03:41:13.379

And the record is available to you, it's recorded and so if you want to listen to the recording, go ahead, before you make your.

1961

03:41:13.379 --> 03:41:17.129

And, in fact, the board does listen to these recordings.

1962

03:41:17.129 --> 03:41:22.319

Make their decisions, and that's how we're represented by what we did out in the day.

1963

03:41:22.319 --> 03:41:29.219

Okay, and the applicant, the person that brought the suit doesn't get to make.

1964

03:41:29.219 --> 03:41:35.610

His case he only gets to make it is only case is they didn't do it right?

1965

03:41:35.610 --> 03:41:38.940

That's his only argument is, they didn't do it right?

1966

03:41:38.940 --> 03:41:46.079

I think that actually is in. That's what it says in the Chesapeake Bay preservation ordinances that.

1967

03:41:46.079 --> 03:41:53.280

If we did it wrong, if they could find something we did wrong, then they can overturn it. But otherwise they're not.

1968

03:41:53.280 --> 03:41:57.780

I I think they're not exactly 2nd, judging 2nd guessing or.

1969

03:41:57.780 --> 03:42:03.030

Okay all right, well, I think maybe I'll leave both these things out.

1970

03:42:03.030 --> 03:42:09.239

And I, thank you all very much for your.

1971

03:42:09.239 --> 03:42:14.520

Engagement and your thoughts and ideas in your.

1972

03:42:14.520 --> 03:42:19.829

Dedication to doing a good job as good a job as we can for the.

1973

03:42:19.829 --> 03:42:22.860

Streams of Fairfax County on their.

1974

03:42:22.860 --> 03:42:26.430

Right. Period areas in the Chesapeake Bay.

1975

03:42:26.430 --> 03:42:31.110

And I'd be happy to entertain any other thoughts that you have, that you're.

1976

03:42:31.110 --> 03:42:35.850

Noodling over things, and I'll work on a letter and I'll send it to, you.

1977

03:42:35.850 --> 03:42:40.229

And I'll try to represent our, our collective.

1978

03:42:43.770 --> 03:42:51.840

Motion to adjourn 2nd, thank you.

1979

03:42:51.840 --> 03:42:58.620

Okay, thank you. Everybody. Thank you. All. Thank you a job, Betty. It's
a.

1980

03:42:58.620 --> 03:43:04.290

You have to you and thanks for speaking up.

1981

03:43:04.290 --> 03:43:08.370

Bye bye.