

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 12, 2021**

PRESENT: Peter F. Murphy, Chairman, Springfield District
Timothy J. Sargeant, Secretary, Commissioner At-Large
Julie M. Strandlie, Parliamentarian, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Lee District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: John C. Ulfelder, Vice Chairman, Dranesville District

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The Planning Commission conducted a wholly electronic meeting using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or have the public present. The meeting was accessible to the public via Channel 16, live online video stream, and live audio. Testimony from the public could be provided through a phone call, recorded video, or submission of written testimony by mail or electronic means.

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The meeting was called to order at 7:30 p.m., by Chairman Peter F. Murphy.

The attending Commissioners attended the meeting from the following locations:

- Murphy Peter F. Murphy participated from Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035;
- Timothy J. Sargeant participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Julie M. Strandlie participated from her residence. Commissioner Strandlie logged in at 7:37 p.m. and was not present for the roll call;
- Mary D. Cortina participated from the Braddock District office, 9002 Burke Lake Road, Burke, VA 22015;
- John A. Carter participated from the Hunter Mill District office, 1801 Cameron Glen Drive, Reston, VA 20190;

- Daniel G. Lagana participated from the Lee District office, 6121 Franconia Road, Alexandria, VA 22310;
- Walter C. Clarke participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Phillip A. Niedzielski-Eichner participated from the Providence District office, 3001 Vaden Drive, 2nd Floor, Fairfax, VA 22031;
- Evelyn S. Spain participated from the Sully District office, 4900 Stonecroft Boulevard, Chantilly, VA 20151;
- Andres Jimenez participated from Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035; and
- Candice Bennett participated from the Lee District office, 6121 Franconia Road, Alexandria, VA 22310.

Upon verifying the attendance of each Commissioner from their respective location, the meeting proceeded with Commission matters.

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COMMISSION MATTERS

Chairman Murphy relinquished duties of the virtual Chair and the virtual gavel to Secretary Sargeant.

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PRELIMINARY MOTIONS FOR CONDUCTING ELECTRONIC MEETING

Commissioner Murphy MOVED THE FOLLOWING:

- THE PLANNING COMMISSION CERTIFY FOR THE RECORD THAT EACH MEMBER'S VOICE MAY BE ADEQUATELY HEARD BY EACH OTHER MEMBER OF THIS COMMISSION;
- THE PLANNING COMMISSION CERTIFY THAT THE STATE OF EMERGENCY CAUSED BY THE COVID-19 PANDEMIC, MAKES IT UNSAFE FOR THE PLANNING COMMISSION TO PHYSICALLY ASSEMBLE AND UNSAFE FOR APPLICANTS, STAFF, AND THE PUBLIC TO PHYSICALLY ATTEND ANY SUCH MEETING IN PERSON. AND THAT AS SUCH, AN IN-PERSON MEETING CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY;

- THE PLANNING COMMISSION CONDUCT THIS MEETING ELECTRONICALLY THROUGH THE COUNTY’S VIDEO CONFERENCING SYSTEM AND THAT THE PUBLIC MAY ACCESS THIS MEETING BY WATCHING CHANNEL 16, OR ITS LIVE STREAM, MAY LISTENING TO LIVE AUDIO OF THIS MEETING AT 703-324-5300, AND MAY PARTICIPATE IN PUBLIC HEARINGS BY TELEPHONE, BY YOUTUBE, BY VIDEO SUBMISSION, OR BY WITTEN TESTIMONY; AND
- THE PLANNING COMMISSION CERTIFY THAT ALL MATTERS ADDRESSED ON TODAY’S AGENDA CONCERNING THE EMERGENCY ITSELF AND ARE NECESSARY FOR THE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT UNDER THE ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS ON MAY 12, 2020, AND OR ARE WITHIN THE PREVUE OF AMENDMENT 28 TO HOUSE BILL 29, AS APPROVED BY THEGOVERNOR OF VIRGINIA ON APRIL 24, 2020.

Commissioner Niedzielski-Eichner seconded the motions, which carried by a vote of 10-0. Commissioner Strandlie was absent from the vote. Commissioner Ulfelder was absent from the meeting.

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Chairman Murphy resumed the duties of the virtual Chair and the virtual gavel.

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Commissioner Sargeant announced the withdrawal of application number PCA 78-D-060-02 CONCURRENT WITH SE 2020-DR-019/2232-D20-2, MILESTONE TOWER LIMITED PARTNERSHIP IV AND FAIRFAX COUNTY BOARD OF SUPERVISORS.

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. CODE AMENDMENT – PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) AND CHAPTER 12 (TREE PRESERVATION) OF THE PUBLIC FACILITIES MANUAL (PFM) RE: RESOURCE PROTECTION AREA (RPA) PLANTING REQUIREMENTS
2. ZONING ORDINANCE AMENDMENT – AGRITOURISM

This order was accepted without objection.

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CODE AMENDMENT – PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX,

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VIRGINIA (COUNTY CODE) AND CHAPTER 12 (TREE PRESERVATION) OF THE PUBLIC FACILITIES MANUAL (PFM) RE: RESOURCE PROTECTION AREA (RPA) PLANTING

REQUIREMENTS – The proposed amendments revise the current RPA planting requirements in the Chesapeake Bay Preservation Ordinance and PFM. The proposed amendment to the Chesapeake Bay Preservation Ordinance includes the following:

- 1) Delete the existing RPA planting requirements in § 118-3-3 and replace them with a requirement to comply with the requirements in the PFM.
- 2) Reduce the caliper (diameter) of replacement trees for trees illegally removed from RPAs in § 118-9-1 from 2 in. to 1.5 in.
- 3) Editorial and minor revisions including changing “shall” to “will” or “must” or “may” throughout the sections of the ordinance being amended.

The proposed amendment to the PFM includes the following:

- 1) Revise the definition of native tree species in §§ 12-0310.4 and 12-0401.1 to reference the Digital Atlas of Virginia Flora for native species.
- 2) Include in § 12-0310.4 a procedure for computing 10-year tree canopy for areas planted in accordance with RPA planting density requirements.
- 3) Delete the RPA planting density requirements in Table 12.13 and renumber the table to Table 12.13A.
- 4) Revise the RPA planting requirements in § 12-0316.4 to:
 - A. Require that all plants, except for temporary groundcover, must be native species.
 - B. Require use of the Digital Atlas of Virginia Flora for identifying native plant species.
 - C. Include requirements for each of the five planting components: i) overstory trees; ii) understory trees; iii) shrubs; iv) permanent groundcover; and v) temporary groundcover. The Board of

PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) AND CHAPTER 12 (TREE PRESERVATION) OF THE PUBLIC FACILITIES MANUAL (PFM) RE: RESOURCE PROTECTION AREA (RPA) PLANTING REQUIREMENTS

Supervisors may adopt planting densities for trees and shrubs that are greater or lesser than the advertised densities.

D. The proposed planting density options for overstory trees in plants per acre are 109 1.5-in. caliper (diameter) trees, 164 3/4-in. caliper (diameter) trees, 208 1-gal. pot sized trees, or 400 tubelings.

E. The proposed planting density options for understory trees in plants per acre are 218 3/4-in. caliper (diameter) trees, 435 1-gal. pot sized trees, or 800 tubelings.

F. The use of 1,200 bareroot seedlings per acre may be approved on a case-by-case basis in lieu of larger sized overstory and understory trees.

G. The proposed planting density for shrubs is 654 12-24-in. tall plants in 1-gal. pot sized containers per acre. Up to 25% of the shrub layer may be composed of other plant types that perform an ecological function equivalent to shrubs planted at a density of 2,616 plants in 1-qt. pot sized containers per acre.

H. The proposed planting density for permanent ground cover is 30 pounds of seed per acre.

I. The proposed planting density for temporary ground cover is 60 pounds of seed per acre.

5) Editorial and minor revisions including changing “shall” to “will” or “must” or “may” throughout the sections of the PFM being amended. COUNTYWIDE. PUBLIC HEARING.

There were no disclosures by Commission members.

John Friedman, Site Code Research & Development Branch, Land Development Services, presented the staff report, a copy is in the date file. He stated staff recommended adoption of the proposed amendment.

Commissioners Cortina and Carter thanked staff on their work on this proposal. Commissioner Carter addressed concerns of large trees extending outside of the resource protective areas.

There being no listed speakers, Chairman Murphy called for virtual speakers.

PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) AND CHAPTER 12 (TREE PRESERVATION) OF THE PUBLIC FACILITIES MANUAL (PFM) RE: RESOURCE PROTECTION AREA (RPA) PLANTING REQUIREMENTS

William Canis, 10207 Forest Lake Drive, Great Falls, stated that aligning the Zoning Ordinance with the Public Facilities Manual standards made sense. Mr. Canis addressed concerns in the reduction in the number of shrub requirements by 40%. The understory tree options that were provided under the amendment offered some of the most valuable protections for trees that were vulnerable to deer ravaging. Mr. Canis also addressed animals, particularly deer, that ate the bark of trees in areas where the County required an abundance of tree plantings. He suggested that a low plastic collar be placed on the trees in order to afford longer tree-life by providing protections from the wildlife.

There was a discussion between Mr. Friedman; Charles Smith, Stormwater Planning, Department of Public Works and Environmental Services; and multiple Commissioners regarding the following:

- The proposed reduction in tree shrubs by 40%;
- Protections for newly installed trees by the County;
- The Virginia Department of Forestry's manual versus the Fairfax County's recommendations for tree plantings;
- Whether the number of tree plantings in the County restoration effort was comparable; and
- Whether the County collected bonds for infill lot development plans.

The discussion resulted in no changes to the proposal.

There were no further speakers, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Jimenez for actions on the proposed code amendment.

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Commissioner Jimenez MOVED THAT THE PLANNING COMMISSION RECOMMENDED TO THE BOARD OF SUPERVISORS, ADOPTION OF THE PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE AND PUBLIC FACILITIES MANUAL, AS SET FORTH IN THE STAFF REPORT DATED APRIL 13, 2021.

Commissioner Bennett seconded the motion, which carried by a vote of 10-0-1. Commissioner Ulfelder was absent from the meeting. Commissioner Strandlie abstained from the vote.

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ZONING ORDINANCE AMENDMENT – AGRITOURISM

1. Modify/add following definitions in Section 9103.2, as follows:
 - A. Modify Agricultural Operation to clarify that such operation is devoted to bona fide production, harvesting and sale of crops and other agricultural products (a list to which dairy, viticultural, and silvicultural products are proposed to be added) and may include agritourism uses, farm worker housing and wayside stands as an accessory use. Clarifies the definition does not preclude keeping of livestock on two acres or more or gardening and composting as accessory use; and does not include a riding or boarding stable.
 - B. Define Farm Worker Housing as a dwelling unit accessory to an agricultural operation in which a farm worker(s) resides. A farm worker is a seasonal or full-time employee of the agricultural operation.
 - C. Delete existing Wayside Stand definition from accessory uses category and add new definition under Agricultural and Related Uses as a structure designed and used for display and sale of agricultural products and food products as allowed by state code.
 - D. Define Agritourism as any activity accessory to an agricultural operation that allows members of the general public to view or enjoy rural activities for recreational, entertainment, or educational purposes, regardless of whether the participant paid to participate in the activity. These activities may be permitted at a property with a farm winery, limited brewery, or limited distillery subject to the limits on attendees in subsection 4102.2.C, which limits apply collectively to public or private events and activities and agritourism uses on that property. Agritourism activities include but are not limited to the following:
 1. Farm tours, including educational or entertainment programs, workshops, or demonstrations;
 2. Harvest-your-own activities;
 3. Seasonal festivals and attractions, including crop mazes or hayrides;
 4. Events including, but not limited to, corporate picnics, family reunions, farm-to-table dinners, weddings, and similar uses;
 5. Hiking, horseback riding, and other natural activities;
 6. Historical and cultural activities; and
 7. Other activities as determined by the Zoning Administrator.
2. Amend Table 4101.1 in Sect. 4101.3 to 1) add Agritourism under Agricultural and Related Uses and permit as an A (accessory use), AP (Administrative Permit) and SE (Special Exception) in the R-A, R-C, R-E, and R-1 Districts subject to use specific standards, 2) revise permissions for bed and breakfast under Commercial Uses, Food and Lodging category to allow as a P (permitted use) in the R-A, R-C, R-E, and R-1 Districts subject to use specific standards, 3) delete wayside stand from Accessory Use category, and 4) revise permissions for food trucks under Temporary Uses Category to allow with administrative permit in R-A District.

3. Amend the use standards for agricultural operation in Section 4102.2 when permitted by right to:
 - A. Clarify that a minimum of 5 acres (**advertised to allow the Board to consider increasing the number of acres from 5 to 7**) must be dedicated to production of an agricultural product, as defined in Va. Code Sect. 3.2-6400, unless larger acreage required for a use related to an agricultural operation.
 - B. Permit retail sale of agricultural products from a wayside stand only on a lot containing an agricultural operation, limit size of wayside stand to not exceed 400 square feet when located on a lot of less than 20 acres; limit size to not exceed 600 square feet when located on a lot of 20 to less than 80 acres (**advertised to allow the Board to consider any number of square feet from 400 to 800**); limit size to not exceed 1,600 square feet when located on a lot of 80 acres or more (**advertised to allow the Board to consider any number of square feet from 800 to 1,600**); and expand products to be sold to agricultural products or agricultural- or silvicultural-related items incidental to the agricultural operation, and food products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130 of the Code of Va, as well as limited sales of agricultural- or silvicultural-related items produced off-site; require a wayside stand to be located at least 25 feet from any lot line and located to allow adequate off-street parking and safe ingress and egress to the adjacent street.
 - C. Establish standards to allow farm worker housing when located on a lot of 20 acres or more when accessory to an agricultural operation; allow in a single, detached structure, which must meet the applicable zoning district bulk regulations, not to exceed 2,000 square feet (**advertised allow the Board to consider any size from 1,500 to 5,000 square feet**) that may contain either a single dwelling unit or up to five dwelling units; limit occupancy of the structure whether as a single-family dwelling unit or up to five dwelling units to not exceed a total of ten occupants; and require the property owner to place notice in the land records that the structure is for farm worker housing.
 - D. Clarify that agritourism, and a farm winery, limited brewery, or limited distillery, are permitted in accordance with the standards in subsections 4102.2(B) and (C).
4. Establish standards for agritourism uses as Section 4102.2(B) as follows:
 - A. Add standards for all agritourism uses to require parking be located on the same lot as the agricultural operation, prohibit parking on the public right-of-way, and not require parking to be designated or located on a paved surface; limit the total number of attendees allowed by right per day by tier with Tier 1: five (**advertised for the Board to consider any size from five to seven acres**) to less than 10 acres limited to 75 total attendees per day, Tier 2: 10 to less than 20 acres limited to 150 total attendees per day, Tier 3: 20 to less than 80 acres limited to 300 total attendees per day, and Tier 4: 80 acres or more limited to 350 total attendees per day (**advertised to permit the Board to consider any number of total attendees per day from 50 up to 150 for Tier 1, 100 up to 200 for Tier 2, 250 up to 350 for Tier 3, and 300 up to 400 for Tier 4**); and exclude helicopter rides, fireworks displays, antique/flea markets, go-cart/all-terrain vehicle tracks, mechanized amusement park rides, hot air balloons, spa services, the operation of a commercial restaurant requiring approval by the Health Department, and any other similar use determined by the Zoning

Administrator to have a substantial impact on the health, safety, and welfare of the public from being considered agritourism.

- B. Allow Tier 4 agritourism activities that exceed 350 (advertised from 300-400) total attendees per day to exceed 150 days per year (**advertised for the Board to consider any number of days per year from 100 to 150**) to be allowed by administrative permit valid for a period of two years and renewed on a five-year basis with approval of the Zoning Administrator; require a description of sanitary arrangements and facilities for the public, and require a transportation management and parking plan to be submitted with the request for administrative permit that demonstrates adequate parking is provided on-site, details how attendees will enter and exit the property, and includes measures that will be taken to prevent traffic stacking on the public right-of-way.
 - C. Allow the Board to consider a special exception to exceed the total number of attendees per day for Tiers 1, 2, 3, and allow the Board to approve a special exception to exceed the number of days per year permitted by administrative permit for Tier 4. The special exception application would require a description of sanitary arrangements and facilities to be used by the public and employees and a transportation management and parking plan must be submitted with the application to demonstrate adequate parking is provided on-site, details how attendees will enter and exit the property, and includes measures that will be taken to prevent traffic stacking on the public right-of-way.
5. Remove lodging from the events or activities that are not permitted at a farm winery, limited brewery, or limited distillery and renumber.
 6. Revise and reorganize the use standards for bed and breakfasts in 4102.5 (D) to allow by right in conjunction with an agricultural operation located on 20 acres or more (in the R-A, R-C, R-E, and R-1 Districts, per proposed changes to Table 4101.1) and restrict events to only those permitted under the agritourism provisions (**advertised to allow the Board to consider an administrative permit with Health Department review for bed & breakfasts that are proposed as part of an agricultural operation**). Continue to allow bed and breakfast by Special Exception in the R-E, R-C, R-1, and R-2 Districts with special exception approval when not located in conjunction with an agricultural operation; and require all bed and breakfasts to be located within a single-family detached dwelling unit; prohibit alterations or improvements that alter the exterior appearance; prohibit the use of a restaurant as an accessory use but allow breakfast and other light fare to be provided to guests; and require all off-street parking and loading spaces to be located outside of a minimum side or rear setback when the setback abuts property zoned to a residential district or a residential area of a planned district.
 7. Amend Section 4102.8(E) to allow food trucks in conjunction with an agritourism use or a farm winery, limited brewery, or limited distillery; specify maximum hours of operation in any one day at any one location, including set up and break down based on acreage as follows: four hours on less than 20 acres; eight hours on 20 acres or more (**advertised to allow the Board to consider any number of hours from four to twelve**); and require all food trucks to be located 100 feet from all property lines.
 8. Add agritourism parking requirements to Table 6100.1 to establish no minimum requirement for agritourism when permitted by right; require parking subject to the

Zoning Administrator’s determination that a parking plan demonstrates adequate parking on-site when permitted by administrative permit; and base the parking rate on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking when permitted by special exception approval.

9. In accordance with Virginia Code 15.2-2286(A)(6), revise Table 8102.1 to (i) establish an application fee of up to \$205 and a renewal fee of \$50 for a five-year period for an Agritourism Tier 4 administrative permit; (ii) establish an application fee of \$4,090 for Agritourism uses requiring special exception (**Advertised to allow the Board to consider any application fee of \$4,090 to \$8,180**); (iii) allow the Board to consider establishing an application fee of \$205 (**advertised from \$205 up to \$435**) for a two-year administrative permit for a bed and breakfast use proposed as part of an agricultural operation; alternatively the Board could consider an administrative permit fee for that use of up to \$200 and a renewal fee of \$70 for a two-year period. COUNTYWIDE.

PUBLIC HEARING

Sara Morgan, Zoning Administration Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended adoption of the proposed amendment.

There was a discussion between Ms. Morgan; Leslie Johnson, Division Director, Zoning Administration Division, Department of Planning and Development; Lora Gori, Office of the County Attorney; Shannon Curtis, Stormwater Planning Public Works and Environmental Services; and multiple Commissioners regarding the following:

- How the establishment of the Agricultural and Forestal District and the Soil and Water Conservation Districts would interact with the Agritourism zoning provisions;
- Whether the conditions placed on the Agricultural and Forestal District superseded the Agritourism zoning provisions;
- Whether the paved parking was considered under the agricultural or the agritourism provisions, in terms of zoning and the enabling legislation;
- Whether it was possible to limit the paved parking in residential districts;
- Regulations in the Zoning Ordinance that impacted or influenced what an agricultural property owner could accomplish in relation to the number of impervious surfaces;
- Exploring technology standards that promoted imperviousness in agricultural units;
- The *Virginia State Code* requirements for by-right agritourism activities versus what was being proposed;
- Whether there were accepted uses that extended what was currently allowed in the Zoning Ordinance;

- Staff’s proposed limit of 350 attendees per day in the Tier 4 category for agritourism activities;
- Elements of the agritourism tiers that would distinguish between use calculations per day versus that of an intense use;
- The County’s plan for enforcement of parking under the proposed Tier 1 through Tier 4 system for the proposed amendment;
- Staff’s definition of an agricultural operation for a five-acre minimum requirement for the production of agriculture, and the Board of Supervisors’ request that the proposed amendment include an option to increase the minimum acreage requirement from five to seven acres;
- The staff’s recommendation for the five-acre requirement for the production of agriculture versus the increased seven acres;
- Locations within the County where agricultural operations were allowed;
- Stormwater Best Management Practices effectiveness and failure rates for erosion and sediment;
- The percentage rate at which there were noticeable impacts in the biological integrity, ecological quality, and physical condition of streams in watersheds; and
- A letter received from Philip W. Allin, Chairman of the Fairfax County Water Authority, dated May 7, 2021, that requested the County consider the impact on the water quality in the Occoquan Reservoir during the Zoning Ordinance Amendment process for Agritourism.

The discussion resulted in staff’s consideration for language that would address parking exclusive to the agritourism or agricultural uses.

Chairman Murphy called the first listed speaker.

Adrienne Whyte, 6704 W Falls Way, Falls Church, representing Reclaim Fairfax County opposed the proposed amendment and addressed the following concerns:

- The proposed item would deviate from Fairfax County’s 39-years of stewardship of the Occoquan Watershed;
- The proposed items were a threat to the health, safety, and welfare, and factors precluded by State code;
- Concurred with the concerns articulated in former Commissioner James Hart’s letter to the Planning Commission, dated May 5, 2021, the Sully District Council of Citizens

Associations joint resolution, dated April 19, 2021, and the Western Fairfax County Citizens Association's letter dated May 12, 2021;

- The water quality in the Occoquan Watershed should be preserved and the plants and animals should be protected;
- Restrictions on paved parking lots were essential to the protections of the Watershed;
- A number of the area's collector roads remained undisturbed and unincumbered by impervious surfaces, and the proposal threatened the success factor by allowing by-right paved or clear cut commercial parking lots for corporate events, weddings, and other party gatherings of up to 350 people in various districts;
- The proposed item would shift bed and breakfast uses on septic from a controlled special exception to a by-right use on agricultural land; and
- Impervious surfaces were a single biggest threat to water quality in the county because they reduced the infiltration of water into the ground, caused high stormwater and toxic run-off, sedimentation, and flooding.

Adil Godrej, 9408 Prince William Street, Manassas, representing Virginia Tech's Occoquan Watershed Monitoring Laboratory, addressed concerns regarding these proposed items. A copy of Mr. Godrej's statement is in the date file.

James Hart, 6504 Trillium House Lane, Centreville, opposed the proposal. A copy of Mr. Hart's statement is in the date file.

There was a discussion with Mr. Hart and Commissioner Niedzielski-Eichner regarding current uses versus proposed agritourism uses and the preservation of local farms at various locations within the County.

Stephen Chulick, 5608 Virginia Chase Drive, Centreville, representing Western Fairfax County Citizens Association opposed the proposal as written. A copy of Mr. Chulick's statement is in the date file.

Gregory Prelewicz, 8560 Arlington Boulevard, representing Fairfax County Water Authority, supported the proposal and requested the Fairfax County consider the impact of the water quality in Occoquan Watershed. A copy of Mr. Prelewicz's statement is in the date file.

Sheila Dunheimer, 10505 William Terry Drive, Vienna, opposed the proposed amendment and stated the following:

- The Virginia Association of Counties Capitol Contact Alert dated February 1, 2019, stated their opposition to House Bill 2365 introduced by Delegate Barry D. Knight, which added weddings as a definition of agritourism activity;

- The staff’s recommendation for the reclassification of certain categories of activities to become a permitted accessory use that would be authorized by-right;
- The reclassification of certain uses would eliminate the public’s ability to receive notice and participate in a collaborate process with the County leadership that determined whether various agritourism activities were appropriate land uses within the residential zoning categories; and
- The impact of agritourism on neighboring property, access, parking, noise, sanitary issues, public safety, and fire prevention.

William Canis, 10207 Forest Lake Drive, Great Falls, representing Great Falls Citizens Association addressed concerns with the proposed amendment. A copy of Mr. Canis’ statement is in the date file.

Chris Koerner, 3273 Fox Mill Rd, Oakton, offered recommendations to improve the proposal. A copy of Mr. Koerner’s statement is in the date file.

Jeff Parnes, 3153 Ramesses Court, Oak Hill, representing the Joint Sully District Land Use and Transportation Committee supported the proposed amendment. A copy of Mr. Parnes’ statement is in the date file.

Ann Bennett, 3901 Sandalwood Court, Fairfax, representing Great Falls Group of Sierra Club, opposed this amendment and stated the following:

- Opposition to efforts to streamline approvals that expanded by-right developments that would impact environmentally sensitive land by increasing impervious surface parking and traffic where transit did not exist;
- The amendment would streamline approvals that removed residents from public involvement in the review process;
- Downzoning of the Occoquan River and its special designation in preserving water quality in the southwest portion of the County and the Chesapeake Bay;
- The residential conservation zoning was intended to minimize impervious surface and to protect the quality of water in public water supply watersheds;
- The County would rely on the downzoned non-urban tree covered areas to meet its targets for air quality and greenhouse gas emission reductions;
- Impervious surfaces contributed to the flooding and erosion of streams, stormwater runoff, and reduced water quality; and
- The expansion of agritourism to include a by-right commercial party venue use with surface parking lots, would negatively impact water quality in nearby streams.

Joseph William Johnston, 15355 Wetherburn Court, Centreville, representing Virginia Run Homeowner's Association opposed this amendment and stated the following:

- The absence of broad-based citizen input and open forum testimony would undermine the process to address the concerns those immediately impacted by the amendment;
- There was no immediate need within the County for agritourism establishments;
- An explanation of the County's immediate need for Sully District and western Fairfax County to review and potentially include agritourism during the time of the pandemic, without widespread citizen discussion and input;
- The County's proposed timeline for reviewing the agritourism amendment, when and how will citizen input be accepted, and for how long the period for input would be open;
- The County's plan to establish traffic controls and pedestrian safety for agritourism venues;
- Whether staff and Planning Commission would recommend approval and whether the Board of Supervisors would approve a waiver for minimum acreage for agritourism;
- Whether the park land would be used for agritourism activities in corporation with a public/private partnership;
- The County's consideration for well septic if Fairfax County water sources were not available; and
- Whether the County considered waiving tree cover, screening, and buffering requirements.

Johanne Arslan, 11000 Carter Cooper Way, Oakton, Representing the ACT 4 Fairfax, opposed this amendment and stated the following:

- The amendment would undermine the County's 40-year effort to protect the public water supply;
- The amendment placed residents of Fairfax County and neighboring jurisdictions who rely on drinking water from Occoquan in jeopardy;
- Opening up the County's watersheds to party venues that accommodated 350 attendees required paved parking;
- Paved parking would remove land from agriculture or environmental buffers, would add petroleum based pollutants and sedimentation to the watershed, and would impact water quality, by-right corridor, tree canopy, and area flooding;

- The proposed amendment would severely impact traffic and public safety, specifically in rural areas;
- The proposed amendment would adversely affect the character of nearby neighborhoods;
- The County’s plan to protect travelers and the safety of area residents on rural roads from drunk drivers who attended agritourism events;
- The proposed amendment would not suit areas with smaller parcels, would increase noise levels, and would cause harm to the environment; and
- Approval of the amendment without adequate study during the COVID-19 pandemic emergency did not meet the criteria for accountability, collaboration, and transparency.

Jody Bennett, 1458 Hunter View Farms, Vienna, opposed this amendment and stated the following:

- There were a number of parcels greater than five acres that were eligible for by-right agritourism;
- The staff report was silent on criteria that addressed the impact on the health, safety, and welfare of the public;
- Concurred with testimony that addressed substantial impacts on the environment, water resources, and the placement of commercial uses in low density residential areas; and
- Requested that staff visit sites with farm buildings and identify fire, safety hazards, and structural issues that accommodated agritourism events with up to 350 attendees.

There was a discussion between Ms. Morgan and multiple Commissioners regarding the following:

- The County’s public outreach process and the number of meetings conducted for the proposed amendment;
- The input received from various associations, working groups, and committees for the proposed amendment and whether staff implemented any of the feedback received;
- The types of activities included in the proposed amendment;
- Whether the proposed changes complied with the State’s statute, codified current practice, and standardized the criteria to be applied at the discretion of the Zoning Administrator;
- The potential impacts to stormwater, water quality, impervious surfaces, and traffic as a result of agritourism activities;
- The scope of the proposed amendment, its limitations, and its allowable provisions; and

- The percentage of private parcels from Tier 1 to Tier 4 that participated in agricultural productions in each of the zoning districts throughout the County.

The discussion resulted in staff reviewing the proposed amendment to include language that addressed the types of pavements allowed on sites for agritourism uses.

There being no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Jimenez for actions on the proposed amendment.

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Commissioner Jimenez MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION FOR THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING AGRITOURISM AND RELATED CHANGES TO A DATE CERTAIN OF MAY 19, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Bennett seconded the motion, which carried by a vote of 11-0. Commissioner Ulfelder was absent from the meeting.

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CLOSING

May 12, 2021

The meeting was adjourned at 10:48 p.m.
Peter F. Murphy, Chairman
Timothy J. Sargeant, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: November 3, 2021

Jacob Caporaletti

Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 5 day of November 2021, by
Jacob Caporaletti.

[Handwritten Signature]

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

Notary Seal

