

**FAIRFAX COUNTY PLANNING COMMISSION ENVIRONMENT COMMITTEE /  
CHESAPEAKE BAY EXCEPTION REVIEW COMMITTEE /  
ENVIRONMENTAL QUALITY ADVISORY COUNCIL  
THURSDAY, SEPTEMBER 28, 2023**

**PRESENT:** Mary D. Cortina, Braddock District, Vice Chairwoman  
John C. Ulfelder, Dranesville District  
John A. Carter, Hunter Mill District  
Daren Shumate, Mason District  
Walter C. Clarke, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District  
Timothy J. Sargeant, Commissioner At-Large

**ABSENT:** Daniel G. Lagana, Franconia District

**OTHERS:** Matthew Hansen, Director, Site Development & Inspections Division (SDID),  
Land Development Services (LDS)  
Nicola Mutesi, Administrative Assistant III, SDID, LDS  
Steve Strackbein, Enforcement Administrator, Permitting & Code Administration  
Division, LDS  
Jerry Stonefield, Engineer IV, Site Code Research and Development Branch,  
SDID, LDS  
Katherine Hermann, Branch Chief, Environmental Policy & Plan Development  
Branch (EPPD), Department of Planning and Development (DPD)  
Joseph C. Gorney, Principal Environmental Planner, EPPD, DPD  
Corinne Bebek, Planner III, EPPD, DPD  
Matthew Myers, Division Manager, Office of Environmental and Energy  
Coordination (OEEC)  
Neely Law, Planner III, OEEC  
Kevin Jackson, Senior Deputy Clerk, Planning Commission  
Satabdi Samaddar, Deputy Clerk, Planning Commission  
Elizabeth Martin, Chair and Mount Vernon District Representative,  
Chesapeake Bay Exception Review Committee (ERC)  
Alexis Dickerson, Franconia District Representative, ERC  
David W. Schnare, Springfield District Representative, ERC  
Som Govender, Sully District Representative, ERC  
Kate Flynn, ERC  
Larry Zaragoza, Chair and Mount Vernon Representative,  
Environmental Quality Advisory Council (EQAC)  
Renee Grebe, Vice Chair and At-Large Representative, EQAC  
George W. Lamb, At-Large Representative, EQAC  
Eric Goplerud, At-Large Representative, EQAC  
Bryan Campbell, Braddock Representative, EQAC  
Kenneth Gubin, Dranesville Representative, EQAC  
Richard J. Healy, Mason Representative, EQAC  
Clyde Wilber, Springfield Representative, EQAC  
Rich Weisman, Sully Representative, EQAC

ATTACHMENTS:

- A. CHESAPEAKE KAY PRESERVATION ORDINANCE POWERPOINT PRESENTATION
- B. MEMORANDUM TO THE COMMISSION FROM THE CHESAPEAKE BAY EXCEPTION REVIEW COMMITTEE
- C. ENVIRONMENTAL QUALITY ADVISORY COUNCIL LAND USE PRIORITIES AND POSSIBLE COORDINATION OPPORTUNITIES POWERPOINT PRESENTATION
- D. POLICY PLAN UPDATE – ENVIRONMENTAL ELEMENT POWERPOINT PRESENTATION

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Vice Chairwoman Cortina called the Environment Committee to order at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Vice Chairwoman Cortina recognized Planning Commission Chairman Niedzielski-Eichner. Commissioner Niedzielski-Eichner announced the departure of Kevin Jackson, Senior Deputy Clerk to the Planning Commission. He thanked Mr. Jackson for his service and wished him well on behalf of the Commission. Then, Commissioner Niedzielski-Eichner commended Commissioner Cortina for convening the joint session and stated his eagerness to hear from and collaborate with both the Chesapeake Bay Exception Review Committee and the Environmental Quality Advisory Council.

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Vice Chairwoman Cortina stated the purpose of tonight's meeting and set the agenda for a joint meeting with the Chesapeake Bay Exception Review Committee to discuss Resource Protection Areas (RPA) exceptions, followed by a joint session with the Environmental Quality Advisory Council to discuss their priorities and potential collaboration on the Environmental Element of the Policy Plan Update effort.

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Vice Chairwoman Cortina announced that the minutes from the September 22, 2022 and October 6, 2022 meetings were before the Committee for consideration. Commissioner Cortina MOVED THAT THE ENVIRONMENT COMMITTEE APPROVE THE MINUTES FOR THE SEPTEMBER 22, 2022 AND OCTOBER 6, 2022 ENVIRONMENT COMMITTEE MEETINGS.

Commissioner Ulfelder seconded the motion. The motion was carried by a vote of 6-0. Commissioner Lagana was absent from the meeting. Commissioner Sargeant voted as an alternate.

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Elizabeth Martin, Chair and Mount Vernon District Representative, Chesapeake Bay Exception Review Committee (ERC) and David Schnare, Springfield District Representative, ERC gave remarks, which covered the following topics:

- Appreciation to the Commission for having convened this joint meeting;
- Introduction of ERC members who were present and overview of the ERC;
- Overview of the Chesapeake Bay Preservation Ordinance, ERC's role, and the current options to obtain an exception;
- Outlined the concerns the ERC had identified with the current RPA exception processes;
- Summary of ERC's proposed new process to collaborate with staff and the Commission to protect encroachment on RPAs through a memorandum on these rezoning applications that came before the Commission. ERC's proposal would involve a memorandum regarding rezoning applications that requested RPA exceptions being sent to both staff, the Commission, and the Board of Supervisors (BOS) summarizing ERC's evaluation of the requested exception and a recommendation;
- Background of this effort and the present opportunity to craft an efficient and equitable solution.

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Matthew Hansen, Site Development & Inspections Division (SDID), Land Development Services (LDS) gave a PowerPoint Presentation on the Chesapeake Bay Preservation Ordinance (CBPO), a copy of which is included in Attachment A, which covered the following topics:

- Overview of the types of development in Resource Protection Areas (RPA) including authorizing rules/statutes and across permitted uses, allowed uses, exempt uses, and the various exceptions;
- Explanation of the exception types to allow encroachment into an RPA including a graphic that demonstrated how encroachments looked;
- Explanation of Allowed Uses under Article 2 of the CBPO, which were permitted under an administrative process and regarded both water dependent uses and redevelopment;
- Explanation of Exceptions under Article 5 of the CBPO, which were permitted under an administrative process and regarded loss of buildable area and minor additions;
- Explanation of Exceptions under Article 6 of the CBPO, which were permitted through a public hearing process and regarded loss of buildable area, accessory structures, and general RPA encroachment exception;
- Explanation of the conditions needed to be met to secure an 118-6 exception;
- Explanation detailing which exception requests/applications were heard by the Commission, ERC, or staff;
- Overview of the proposal for collaboration between the Commission and ERC, detailed in the memo dated September 27, a copy of which is included in Attachment B;
- Posed the following questions for discussion:
  - Clarification on what subset of Commission cases should be forwarded to ERC for evaluation and recommendation; and
- Clarification regarding whether an applicant should be given an opportunity to review the draft ERC memo or participate in the ERC's public meeting.

There was a discussion between Mr. Hansen; Nicola Mutesi, SDID, LDS; Steve Strackbein, Permitting & Code Administration Division, LDS; Jerry Stonefield, Site Code Research and Development Branch, SDID, LDS; and multiple Committee members on the following issues:

- Clarification on the number of RPA exception applications that came before the Commission on an annual basis seeking an RPA exception;
- Clarification regarding the specific role for the Commission in this proposed collaboration;
- Explanation that there would be potential for disagreement between the various bodies (staff, BOS, PC, ERC) and it was important to articulate this during the exception review process;
- Noted that it was rare that the BOS rejected a recommendation advanced by the ERC;
- Explanation that the proposal called for the ERC recommendation memo to be circulated early in the process so that it would be included in both the staff report and PC/BOS evaluation of the application;
- Clarification on the definition of redevelopment in the context of RPA exceptions;
- Discussion on recent example applications that came before the Commission recently where input from ERC would have been valuable;
- Support for increased collaboration between the Commission and ERC, noting that it would be valuable to the Commission's consideration of these applications;
- Clarification on the frequency and breadth of the ERC meetings;
- Explanation that zoning staff evaluators are aware of Commission aversion to approving RPA encroachment redevelopment requests;
- Discussion that the County's aging development could make it prone to increasing redevelopment applications, which makes the timing for this proposal appropriate;
- Discussion on existing processes that were similar to the proposal, which included a recommendation from the Healthcare Advisory Board when a hospital or healthcare facility applicant submits a zoning/rezoning application;
- Discussion on whether current regulations permitted an excessive number and breadth of RPA exceptions;
- Comparison with other jurisdictions and their respective regulations on RPA exceptions;
- Concerns that the County should go further and assess the impact of RPA exceptions versus the status quo of measuring only the number of exceptions allowed;
- The Committee expressed support for moving forward with the proposal and to involve the Department of Planning and Development in this effort;
- Requested a copy of the Annual Report of Chesapeake Bay Local Program Implementation Report; and
- Emphasized the importance of citizen involvement and contributions in the land use and development process.

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Vice Chairwoman Cortina thanked the Chesapeake Bay Exception Review Committee for participating in the joint session to engage with the Commission on Resource Protection Area (RPA) exceptions and for charting a collaborative path forward. She also thanked staff from the

Land Development Services department for their presentations and efforts. Then, Vice Chairwoman Cortina recessed the meeting.

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Vice Chairwoman Cortina resumed the meeting at 8:15pm. She welcomed the Environmental Quality Advisory Council (EQAC) to the Environment Committee meeting and then introduced Larry Zaragoza, EQAC Chair.

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Larry Zaragoza, Chair and Mount Vernon Representative, Environmental Quality Advisory Council (EQAC) gave a PowerPoint Presentation on Environmental Quality Advisory Council's land use priorities and possible coordination opportunities, a copy of which is included in Attachment C, which covered the following topics:

- Appreciation to the Commission for having convened this joint meeting, purpose of the meeting, and eagerness to collaborate moving forward;
- Introduction of ERC members who were present, which included: Renee Grebe (Vice Chair) George W. Lamb, Eric Goplerud, Bryan Campbell, Kenneth Gubin, Richard J. Healy, Clyde Wilber, and Rich Weisman;
- Overview of the process to develop EQAC's priority recommendations and annual report;
- Summary of EQAC's priority recommendations for their 2023 Annual Report that related to the Planning Commission and land use planning;
- Timeline that guided EQAC's preparation for their annual report on the environment;
- Explanation of other circumstances under which EQAC provided recommendations, including to address time sensitive issues such as Parking Reimagined and data centers;
- Further discussion of how data centers would impact progress towards the County's goal of carbon neutrality;
- Stated EQAC's eagerness to collaboration with the Commission and Committee on the Environmental Element of the Policy Plan and how that could establish an opportunity to enhance coordination and collaboration efforts between the two bodies;
- Further stated that this process was appropriate to better integrate CECAP, Resilient Fairfax, and One Fairfax into countywide policies and strategies; and
- Stated how several factors played important roles in the success of a project and should be accounted for during the implementation process, similar to the Resilient Fairfax effort.

There was a discussion between EQAC members and multiple Committee members on the following issues:

- Discussion on current data center cooling methods and the harms they posed to the environment, and emerging data center cooling technologies and their associated impacts;
- Requested to provide EQAC's recommendation memos to the Commission;
- Discussion on the upcoming October 26, 2023, Land Use Process Review Committee meeting on data centers with DPD staff and how EQAC could participate in that work;

- Discussion on requesting staff review to involve recommended guidelines for specific data centers that could be developed in residential communities;
- Clarification on how EQAC priorities fit into the County's goals, plans, and objectives;
- Explanation that the EQAC Annual Report on the Environment aligned with the Board of Supervisors (BOS) environmental areas priorities;
- Discussion on the lack of environmental workers across the County's environmental workforce and how it impacted enforcement of environmental rules;
- Discussion on the Zero Waste Plan and how changed could be implemented to meet the County's goals;
- Discussion on Electric Vehicle (EV) charging stations; how the Commission has addressed the issue through application proffers with developers, and noted that the technology was evolving faster than the infrastructure that could support it;
- Concern by an HOA with installing EV charging stations in an existing multifamily building garage and the integrity of the concrete and clarification that this is not a concern if properly engineered; and
- Noted that salt and hazardous contaminants were on the upcoming EQAC meeting agenda.

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Joseph C. Gorney, Environmental Policy & Plan Development Branch (EPPD), Planning Division (PD), Department of Planning and Development (DPD) and Corinne Bebek, EPPD, PD, DPD gave a PowerPoint Presentation on the Environmental Element Policy Plan Update, a copy of which is included in Attachment D, which covered the following topics:

- Explanation that the Board of Supervisors (BOS) authorized a process to update the Policy Plan, including the goals and initial focus areas of Equity, Community Health, Land Use, Environment, and Transportation;
- Overview of the existing Comprehensive Plan, Environmental Element, and other pertinent environmental sections and supplements;
- Summary of the process for updating the Environmental Element of the Comprehensive Plan;
- Overview of the stakeholders currently engaged in this effort across the governmental and community sectors;
- Overview of staff research efforts including documents that would inform and guide the update process and research that staff planned to conduct;
- Identification of potential themes that could guide the revised Environmental Element;
- Next steps in the process, including the publication of the SOTPF report by August 31, 2023.

There was a discussion between Mr. Gorney; Ms. Bebek; Katherine Hermann, EPPD, PD, DPD; Matthew Myers, Office of Environmental and Energy Coordination (OEEC); Neely Law, OEEC; multiple EQAC members, and multiple Committee members on the following issues:

- Clarification as to why the County would adapt to meet its environmental goals in a space where most land was already developed and in use;

- Concerns regarding diminishment of existing environmental policies/components of the Comprehensive Plan in this update process
- Explanation of the net benefit concept and discussion on its impact on Resource Protection Areas (RPA);
- Discussion on the challenges faced by the Wetlands board as they balanced the differing aspects of their mandates when evaluating individual properties;
- Clarification regarding the BOS authorization and the scope of the update process;
- Discussion regarding how the plan would incorporate integration with and allow for collaboration efforts with other jurisdictions, utilities, and regional bodies on environmental efforts;
- Clarification regarding other jurisdictions engaging in similar update processes to their plans and priorities, their efforts/impacts, and whether they could be model examples for the County to follow;
- Clarification of the OEEC environmental work and organizational structure;
- Clarification of the timeline for this effort and scope of work to be delivered;
- Explanation that staff was in the process of producing a complete timeline and coordinating a kickoff effort;
- Discussion regarding regular “milestone” check-in meetings between EQAC and the Committee about environmental priorities and collaboration on the Environmental Element update effort as it evolved through the process;
- Discussion regarding collaboration between the Committee and EQAC during the annual Capital Improvement Program process;
- Clarification that the EQAC Annual Report provided a summary portion before the fuller, dense text of detailed recommendations;
- Discussion regarding what specific EQAC priorities the Committee was focused on and/or wanted to collaborate with EQAC on;
- Requested the EQAC Annual Reports and Score Reports to be shared with the Committee;
- Discussion on the Green Buildings initiative and how to further implement the exemplar models across the County;
- Discussion on importance of building energy efficiency and having a staff presentation at a future Committee meeting; and
- Clarification regarding the County’s assessment of progress towards meeting 2050 Carbon Neutrality and Green Building goals and the importance of available data.

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Vice Chairwoman Cortina thanked the Environmental Quality Advisory Council for participating in the joint session to engage with the Commission on these important issues. She also thanked staff from the Department of Planning and Development and the Office of Energy and Environmental Coordination for their presentations and efforts. Then, Vice Chairwoman Cortina adjourned the meeting.

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The meeting was adjourned at 9:32 p.m.  
Mary D. Cortina, Vice Chairwoman

An audio recording of this meeting is available in the Planning Commission Office,  
12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

Minutes by: Kevin Jackson

Approved: April 25, 2024

*Jacob Caporaletti*

Jacob Caporaletti, Clerk  
Fairfax County Planning Commission

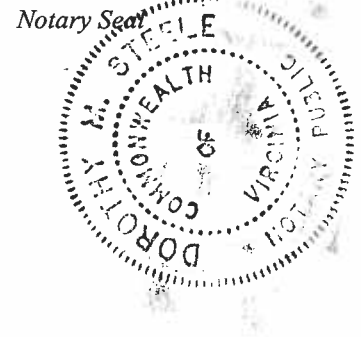
County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 7 day of May 2024, by Jacob Caporaletti

*Dorothy M. Steele*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2028







# Discussion of the Chesapeake Bay Preservation Ordinance (CBPO)

Presentation to the Planning Commission Environment Committee  
With the Exception Review Committee

Matthew Hansen, P.E.

Director, Site Development and Inspections Division

Dept. of Land Development Services

September 28, 2023



# Discussion Goals

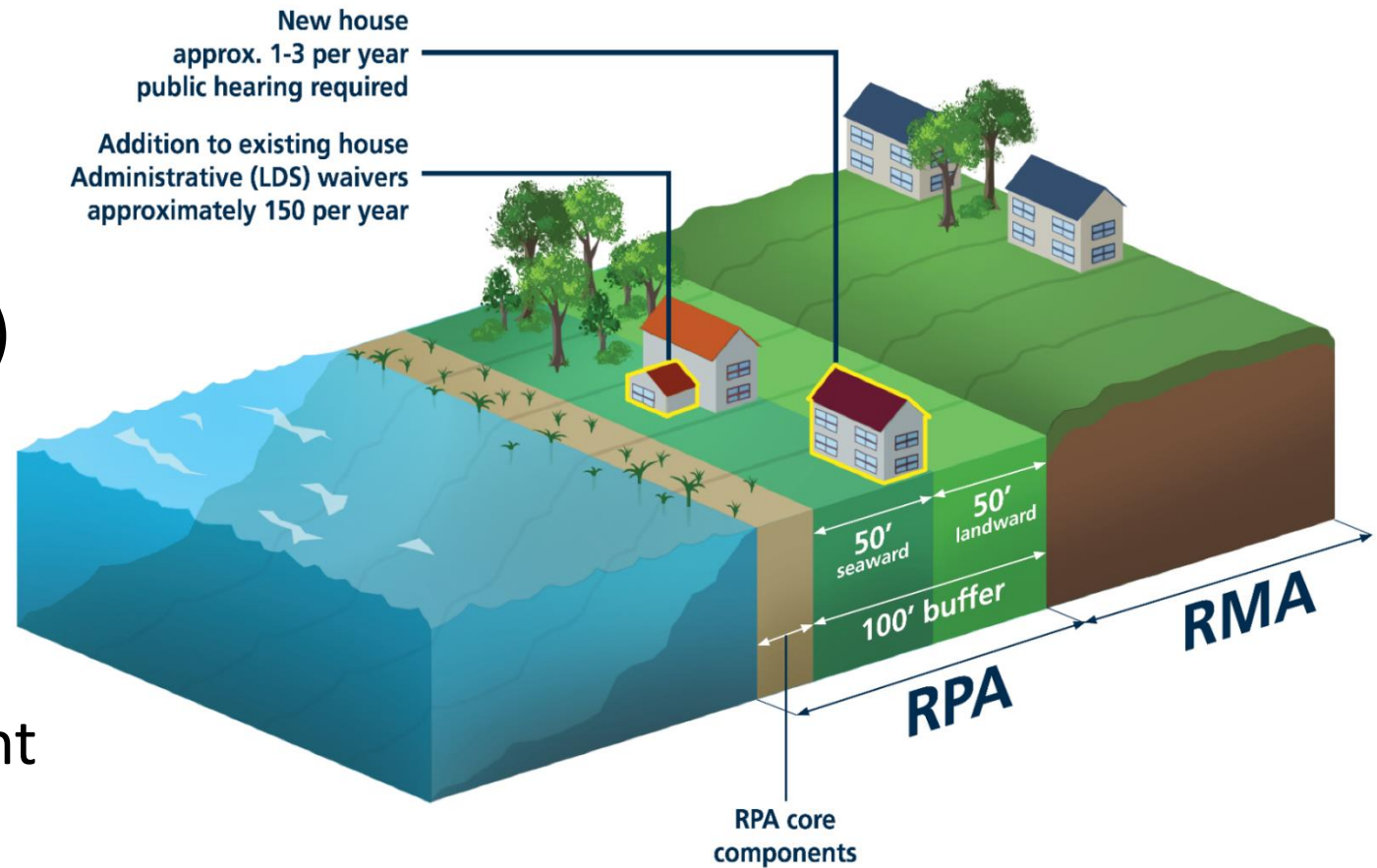
- General Overview and Purpose (ERC - Martin)
- RPA Exception and Administration Overview (Staff - Hansen)
  - Review the types of CBPO Exceptions issued
  - Understand roles of staff, BOS, ERC, and PC in those processes.
- Describe ERC-proposed process for PC/ERC collaboration (Hansen)
- Roundtable Discussion

# Types of Development in the RPA

DEQ term and State Regulation	County term and CBPO reference	Example/Most common application
<b>Permitted Uses</b> 9VAC25-830-140(1)	<b>Allowed Uses</b> CBPO §118-2-1	Water Dependent (e.g., storm sewer outfall, docks); <b>Redevelopment</b>
<b>Permitted Buffer Encroachments</b> 9VAC25-830-140(4) & (VAC25-830-150(A))	<b>Administrative <u>Exceptions</u></b> CBPO §118-5-4 & CBPO §118-5-5	Minor Additions (additions to pre-RPA house, including decks) Loss of Buildable Area (new house on pre-RPA lot, LCG outside 50' seaward)
<b>Permitted Buffer Modifications</b> 9VAC25-830-140(5)	<b>General Woodlot Management</b> CBPO §118-3-3(d)	Vegetation Removal (noxious weeds, or dead, dying, or diseased trees)
<b>Exemptions</b> 9VAC25-830-140(2) and 9VAC830-150(B)	<b>Exempt Uses</b> CBPO §118-5-2 and CBPO §118-5-3	Public utilities, Site Amenities for Passive recreation (e.g., trails)
<b>Encroachments in RPAs requiring formal Exception</b> 9VAC25-830-150(C)	<b>Public Hearing <u>Exceptions</u></b> CBPO §118-6-7, CBPO §118-6-8, CBPO §118-6-9	Loss of Buildable Area (new house on pre-RPA lot, work inside 50' seaward) Accessory Structures (pre-RPA house) General RPA Encroachment

# Exceptions to Encroach into RPA

- Administrative (LDS)
  - New House outside 50' seaward
  - Minor additions
- Public Hearing (ERC or BOS)
  - New house within 50' seaward
  - Detached accessory structures
  - General RPA encroachment



# Article 2 Allowed Uses (Administrative)

## ➤ **Water Dependent Uses (118-2-1(a))**

- Storm sewer outfalls, docks, or other features that must be within the RP

## ➤ **Redevelopment (118-2-1(b))**

- Must not increase impervious cover in the RPA
- May not be any nearer the RPA components than previous uses
- Allowed uses must
  - Comply with Performance Criteria of CBPO Article 3
  - Disturb no more land than necessary for the proposed use
  - Submit a Water Quality Impact Assessment
  - Establish riparian buffer areas and provide water quality treatment



# Article 5 Exceptions (Administrative)

## ➤ **Loss of Buildable Area** (new house on existing lot)

- [CBPO §118-5-4\(a\)\(1\)-\(8\) or §118-5-4\(b\)\(1\)-\(4\)](#) (depending on age of lot vs. date of RPA)
- Lot must have been recorded before RPA was designated
- Limits of Clearing and Grading (LCG) must be outside seaward 50 feet
- No more than 5000 sq ft impervious surfaces, 10,000 sq ft disturbance
- Minimum necessary, establish veg. buffer where practicable, etc.



## ➤ **Minor Additions** (attached to house that existed before RPA designated)

- CBPO [§118-5-5\(a\) or § 118-5-5\(b\)](#) (depending on age of house vs. date of RPA)
- House built before RPA designated on lot;
- No more than 1000 sq ft (or 2% of lot area) increase in impervious surfaces (cumulative). Decks are deemed pervious
- Also subject to findings in [CBPO §118-5-5\(c\)](#)



# Article 6 Exceptions (Public Hearing)

➤ **Loss of Buildable Area** [CBPO §118-6-7](#) (i.e., new house on existing lot)

- Lot must have been recorded before RPA was designated
- Limits of Clearing and Grading (LCG) is within seaward 50 feet
- No more than 5000 sq ft impervious surfaces, 10,000 sq ft disturbance
- Minimum necessary, establish veg. buffer where practicable, etc.



➤ **Accessory Structures** [CBPO §118-6-8\(a\) or \(b\)](#) (depending on age of house vs. date of RPA)

- House to which detached structure is accessory must have been built before RPA was designated
- No more than 1000 sq ft (or 2% of lot area) increase in impervious surfaces (cumulative)

➤ **General RPA Encroachment Exception** [CBPO §118-6-9](#) (if don't qualify for anything else)

- Additional finding: “water quality benefits exceed associated water quality detriments”

❖ *All Article 6 exceptions also subject to required findings in [CBPO §118-6-6](#)*



# Required Findings

- Exceptions may be granted under 118-6 only upon a finding that (118-6-6):
  - a) The requested exception to the criteria is the minimum necessary to afford relief;
  - b) Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;
  - c) The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;
  - d) The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
  - e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and
  - f) Other findings, as appropriate and required herein, are met.



# RPA Summary

- PC hears related zoning cases that may feature:
  - RPA exceptions under CBPO 118-6 to be heard by the BOS
  - May also show uses in the RPA that will be approved administratively
- ERC hears:
  - Exception requests under CBPO 118-6 without related zoning cases
- Staff administer:
  - Allowed uses under 118-2
  - Exceptions under 118-5
  - Woodlot Management under 118-3

# Potential PC/ERC Collaboration

## Proposed Process

- Based on September 27 memo from ERC Chair
- Proposal:
  - Cases submitted to DPD which require RPA Exception under 118-6 would be routed to ERC
  - ERC review would focus on required findings of the CBPO and form and advisory memo
  - ERC would discuss in public meetings of the Committee
  - Upon a vote of the ERC, an advisory memo will be sent to staff, PC, BOS

# Potential PC/ERC Collaboration

## Proposed Process – Questions for Discussion

- What subset of PC cases should be forwarded to the ERC?
  - Only 118-6 exceptions, or more, to include all cases involving RPA encroachments, including those that will require administrative RPA approvals (e.g., accessory structures, such as parking)?
- Should an applicant be given an opportunity to review the draft ERC memo or participate in the ERC's public meeting?

27 September 2023

MEMORANDUM FOR: Planning Commission Environment Committee

From: Betsy Martin (Chair, Chesapeake Bay Exception Review Committee)

Subject: Proposed Process for ERC to Review and Advise on Certain Planning Commission Cases Involving RPA Encroachments

### Background

Last February, two members of the ERC (David Schnare and I) wrote a memorandum for Board of Supervisors Chairman McKay raising issues and concerns about (among other things) the consistency of application of the Chesapeake Bay Preservation Ordinance. He directed committee members and staff to discuss how to better ensure that the county units approving exceptions under the CBPO apply the law consistently, to improve compliance with the law, and to suggest ways to track the cumulative impact of exceptions.

We asked to meet with the Planning Commission Environment Committee to discuss ways to ensure the CBPO is applied consistently. The need for the ERC to communicate with the Planning Commission is anticipated in our bylaws, which state: "As necessary to facilitate consistency in decision-making, the Committee may correspond or meet with the Planning Commission to discuss specific applications or general matters associated with implementation of the Chesapeake Bay Preservation Ordinance, such correspondence or meetings to be between designated representatives of each body or the bodies as a whole. All such correspondence or meetings are subject to the requirements of VFOIA." (From ERC Bylaws, Article 3, section 3-c)

### Proposed process for the ERC to review and provide input to staff and the PC on certain cases involving RPA encroachments

Based on discussions with staff, the following process is offered for consideration. (This draft may still need further discussion and revision by the Department of Planning and Development and others.)

1. DPD receives submission and forwards it to ERC for review if the application is accompanied by an RPA Exception request under 118-6 to be heard by the Board of Supervisors. ERC chair appoints a reviewing committee of two members (preferably the chair + the district rep).
  - a. The reviewing committee reviews the application and WQIA and drafts an advisory memo to be voted on by the ERC. The memo would focus entirely on evaluating whether the submission meets the six findings required under the CBPO, and making recommendations for how a noncompliant submission might be improved.
  - b. The reviewing committee is responsible for following the submission through the process to learn of any revisions made in response to staff feedback.
2. The ERC conducts a public meeting (not a public hearing) to discuss the reviewing committee's recommendations (and the application and WQIA as needed), and review and vote on the draft advisory memo.
  - a. If the meeting is held at the ERC's regular monthly meeting time (first Wednesday at 2 pm), then the agenda must "be published on a website dedicated to ERC proceedings in

a manner sufficiently timely as to permit participation at public hearings by interested members of the public.”

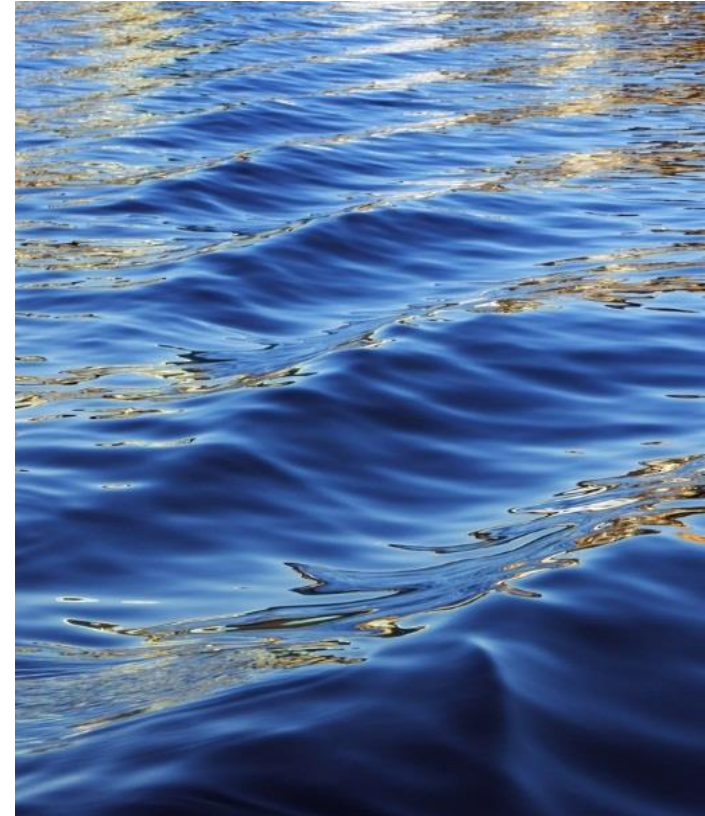
- b. The chair could call a special meeting for the purpose of discussing the reviewing committee’s recommendations, provided “at least 5 days’ notice of such meeting is delivered in writing” to each member and to staff.
3. If a majority of the ERC votes in support of the advisory memo, then it is sent to staff, the PC, and the BOS on behalf of the ERC.
4. As appropriate, the chair or other representative designated by the ERC may address public hearings before the PC and the BOS to present the ERC’s advice and recommendations.

Questions:

1. What subset of PC cases would be forwarded for review by ERC? Only cases requiring BOS approval for exceptions under 118-6, or all cases involving RPA encroachments, including those that will require administrative RPA approvals (e.g., accessory structures, such as parking)?
2. Should the applicant be given some opportunity to review the draft advisory memo and prepare a response, or participate in the ERC’s public meeting held to discuss its recommendations?

# EQAC Land Use Priorities and Possible Coordination Opportunities

Joint Meeting of the Planning Commission and EQAC,  
September 28, 2023





# Agenda

- Overall goal
- EQAC Priority Recommendations for the 2023 Annual Report on the Environment
- Other EQAC Recommendations
- EQAC Recommendation timetable and placement
- Opportunities for Coordination

# EQAC Priority Recommendations for the 2023 Annual Report on the Environment

- EQAC develops four groups of recommendations as part of the Annual Report on the Environment
  - Budgetary Recommendation to the Board
  - 3-5 Priority Recommendations that require coordination with staff
  - Recommendations that that EQAC thinks would benefit from coordination with the Planning Commission
  - Other recommendations

# EQAC Priority Recommendations for the 2023 Annual Report on the Environment

- 2023 Priorities to Focus on with Staff—PC/EC Possible Interest
  - Recommendations \_\_\_\_: Update employee compensation policy to attract and retain employees, especially for positions that have been difficult to fill and retain, such as solid waste, wastewater management,
  - Recommendation 1LU-2019.3: Improve Processes to Minimize Ecological Degradation from Development Pressure.
  - Recommendation \_\_\_\_: Budget and establish an accountable zero waste plan for the public and private sector.
  - Recommendation 6CE2022.2 Adopt a Climate Plan for public consumption that shows how CECAP, Resilient Fairfax and other Climate related efforts, such as VCEA, are being implemented and the progress being made towards achieving goals.
  - Recommendation 6CE-2021.5 Work with the MWCOG, Virginia Association of Counties and the Northern Virginia Regional Commission to explore, promote, and support state and federal funding for building EV charging infrastructures along major transportation corridors so that Fairfax County residents and others will have access to efficient (i.e., quick) charging for electric vehicles; provide the means for people in apartments or other housing (e.g., where there is no driveway to provide charging) to charge their vehicles; and to communicate to the public the available charging network and options to support EVs.

# Other 2023 ARE Recommendations

- Update the State of the Plan and Concept for Future Development Map
- Private Sector Green Building Standards
- Tidal Wetlands Outreach
- Continue and enhance protection of the Occoquan Reservoir
- Ensure Equitable Investment in Ecological Restorations and Corridors
- Invest in Authentic Community Connection to Achieve a Healthy, Tree Equitable Tree Canopy
- Collect energy consumption information on current and planned data centers in the county and determine the extent to which data centers obtain green energy in order to meet the county's carbon neutrality targets
- Encourage people to telework where possible, take public transit, and use alternative forms of transit
- Also continue investments in aerial photography, LiDAR, multispectral imagery on a business-driven cycle
- Establish yearly update cycle for Planimetric data

# Timeline for Preparation of Annual Report on the Environment



← Other Recommendations could be provided anytime →

# Other EQAC Recommendations

- EQAC also Prepares Letter/Memos to Address Time Sensitive Issues or Recommendations
- 2023 Recommendations include:
  - Recommendations on data centers supporting steps to mitigate impacts on populations living near the datacenters
  - Recommendations on Parking Reimagined that support consideration of net environmental benefits
  - Recommendations on the management of Streams, Lakes and Ponds

# EQAC Welcomes the Opportunity to Enhance Coordination with the PC/EC

- The Policy Plan review and other reviews provide an opportunity for enhancing coordination
  - This review is an opportunity to incorporate CECAP, Resilient Fairfax and One Fairfax



# In Summary

- Seeking to efficiently share information with the PC/EC on EQAC recommendations, provide helpful input to the Policy Plan or other documents

# Joint Planning Commission Environment Committee - Environmental Quality Advisory Council Meeting: Policy Plan Update - Environment Element

28 September, 2023



PLANNING & DEVELOPMENT



# Policy Plan Update

- Board of Supervisor's Authorization (6 December, 2022)
  - Goals
    - Review, update, and streamline existing Policy Plan elements;
    - Add new Policy Plan elements as needed: &
    - Ensure the Policy Plan is in alignment with the Countywide Strategic Plan, the One Fairfax Policy, and other recently adopted policies and initiatives, including Resilient Fairfax & CECAP
  - Initial Focus Areas (recognizing overlap)
    - Equity
    - Community Health
    - Land Use
    - Environment
    - Transportation

# Comprehensive Plan Overview

- Policy Plan - 11 elements\*
  - Land Use;
  - Transportation;
  - Housing;
  - Environment;
  - Economic Development;
  - Heritage Resources;
  - Public Facilities;
  - Human Services;
  - Parks & Recreation;
  - Revitalization; &
  - Visual & Performing Arts.
- Chesapeake Bay Supplement (2004)
- Area Plans (I-IV)
- Maps - Special Areas; Transportation, Trails, & Bicycle
- Glossary

\*Community Health & Equity are not currently elements

# Existing Environment Element Framework (Countywide objectives & policies)

- BOARD OF SUPERVISORS GOALS
  - Environmental Protection
  - Open Space
- ENVIRONMENTAL POLLUTION
  - Air Quality
  - Water Quality
  - Noise
  - Light Pollution
- ENVIRONMENTAL HAZARDS (soils; flooding; pipelines)
- ENVIRONMENTAL RESOURCES (EQC; trees; conservation easements)
- ENVIRONMENTAL COORDINATION (identification/mitigation of impacts; monitoring; enforcement)
- RESOURCE CONSERVATION & GREEN BUILDING PRACTICES (green building)
- APPENDIX 1: Guidelines for Tidal Shoreline Erosion Control Measures

# Environment Element Process



# Stakeholders (not exhaustive)

## Governmental

- Fairfax County departments and agencies (DPD, DPWES (Capital Facilities, Wastewater, Stormwater Planning, Solid Waste, Urban Forestry), LDS (SDID & FCON), OEEC, FCDOT, HCD, NCS, HD, DCC, DCCS, DPMM, DFM, DIT, DVS, FCPD, F&R)
- PC Environment Committee/Policy Plan Committee
- BOS Environment Committee
- Policy Plan team (Environment and larger group)
- FEEE, HEAL, LDS “Jimmie” inter-agency group, Green Building Verification Team
- MWCOG, NVRC
- Fairfax Water, UOSA, OWML
- FCPA, NOVA Parks
- FCPS
- State Agencies: VDOF, VDEQ, VDCR, VDWR, VDOT
- Federal Agencies: USFWS, NPS, ACE, FAA, NRCS (USDA), LBWID, USGS
- MWAA
- VCE, NVSWCD
- VMRC, VIMS (W&M), MARISA (RAND)
- ICPRB
- Fort Belvoir
- Adjacent jurisdictions

## Community

- EQAC
- District Land Use Committees (MVCCA, Mason District LUC, BLUE, etc.)
- NVBIA/NAIOP
- Viridiant, NGBS, USGBC, etc.
- Northern Virginia Conservation Trust, Potomac Conservancy
- Reston Association, MCA
- DCA South-of-Airport Subcommittee, Airports Advisory Committee
- Earth Sangha, Fairfax Master Naturalists, Virginia Native Plant Society (Potowmack Chapter), Audubon Society of Northern Virginia, Nature Forward, 350 Fairfax, Faith Alliance for Climate Solutions, Sierra Club, Friends of Dyke Marsh, Friends of Accotink Creek, Fairfax County Restoration Project, Fairfax Releaf, The Nature Conservancy, Plant NOVA Natives, Virginia Outdoors Foundation, Clean Fairfax, Alice Ferguson Foundation
- (And others)



# Staff Research

- Documents to Consider
  - Strategic Plan
  - One Fairfax
  - Resilient Fairfax
  - Community-Wide Energy & Climate Action Plan (CECAP)
  - Existing Comprehensive Plan Policies
  - Other County plans and initiatives (e.g., Tree Action Plan, Flood Risk Reduction Study, Operational Energy Strategy, FCPA Natural Resource Management Plan)
- Research (on selected topics)
  - Staff-generated
  - Source information, which may include:
    - Governmental reports (federal, state, local)
    - Planner Advisory Service (PAS) Reports (American Planning Association)
    - County plans

# Potential Themes

- Community Building - various scales
- The Built Environment - infrastructure; buildings
- Natural Resources - services provided; access; management
- Connectivity - corridors & nodes
- Design Process - make explicit

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