



County of Fairfax, Virginia

February 26, 2015

**2015 Planning
Commission**

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Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

John McGranahan, Jr., Esquire
Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

**Re: RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
Mount Vernon District**

Dear Mr. McGranahan:

At its February 25, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Hurley and Sargeant were absent from the meeting) to **RECOMMEND APPROVAL** on the above-referenced application. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Gerald Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Nicholas Rogers, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
February 25, 2015 date file

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
February 25, 2015
Verbatim Excerpt

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER
AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, thank you, Mr. Chairman.

Chairman Murphy: Before you make your presentation – Mr. Flanagan is going to move on a couple items. I was not present for the public hearing. But for the record, I watched every word of it at home on television so I intend to vote. I wouldn't have missed it for the world.

Commissioner Flanagan: Very good. On February 12, we held a public hearing on applications RZ 2013-MV-015 and SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033. They would – they asked to permit the Vulcan Quarry to be enlarged in order to provide the Fairfax County Water Authority with a water reservoir in two stages. Testimony was given, primarily about two Special Exception issues – the quarry blasting limitations and the Occoquan Overlook trail. Tonight I am ready to recommend approval of the rezoning application 2013-MV-015, which will expand the National Resource Overlay District to include the proposed quarry. There was no opposition testimony from the public or from the Commissioners to the rezoning. Our recommendation is needed before the BZA can renew Vulcan's Special Permit, 82-V-091-06, to operate a quarry for the next five years following their public hearing on March 4. Tonight I am also moving the deferral of – the Special Exception 81-V-017-02 to March 18 for two reasons. First, the Occoquan Trail – Overlook Trail issue is still being negotiated and not ready for decision. As of now, it appears a proposed alternate trail will neither be an Occoquan Overlook trail that overlooks the Occoquan River, nor be more than a trail to nowhere based on land owners' upstream testimony that they are not willing to provide the easements needed unless the trail is built as in the Comprehensive Plan. Second, the Comprehensive Plan includes explicit guidance about mitigation of blasting in order to protect nearby residential buildings from noise and vibration. During the public hearing, testimony from two seismic blasting expert firms recommended changes to blasting limitations and studies of blasting techniques and monitoring that could better address land use conditions that have occurred over the past 40 years. The testimony asserted that the current power measure of a blast isn't the only criterion for effects and in certain circumstances should be accompanied by criteria related to wave energy impacts on structures, as well as the power and pulse. The expert seemed to say that although increasing distance diminishes effects, there are factors that can result in effects being transmitted over long distances. The BZA online minutes indicate there were no prescriptive blasting limitations for the Vulcan Quarry between 1941 and 1959. But in 1959, conditions based upon testimony of blasting experts were added to the Special Permit by the BZA for the first time – that limited any blast to 10,000 pounds of explosives with an average of 6,000 pounds. In 1977, again based on expert testimony, the prescriptive limit on Vulcan blasts was changed by BZA – by the BZA from a limitation of pounds of explosive to seismic monitor readings of 0.4 of peak particle velocity

RZ 2013-MV-015/PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02

and 130 decibels of air pressure. The expert noted that the limitation was ideal as there were no residential buildings within 1900 feet of the Vulcan quarry – located in 1977. It's been almost 40 years since 1977 and the 0.4 performance prescriptive blast limitation, even though many more – and the imposition of the 0.4 performance prescriptive blast limitation – even though many more existing and planned homes are now less than 1900 feet from the quarry and some are as little as 700 feet. We are told that the BZA will deal with the question of blasting on March 4 and any conditions about mitigation. I'm completely confident they'll do so. That – they have done so in the past when they extended a prior Special Permit while studies recommended by the experts were confirmed and implemented. Since the Comprehensive Plan text allows for blasting, but requires that such blasting protect nearby residential buildings from noise and vibration, I believe the Commission can't proceed until the BZA has completed its review. Then we will know that the application is in harmony with the plan, but not before. Therefore Mr. Chairman, I first move – do I need to have the rezoning – the reaffirm – the conditions reaffirmed?

Chairman Murphy: No. Just on the –

Commissioner Flanagan: Therefore, well okay. Then –

Chairman Murphy: But you're not going to go with the SE.

Commissioner Flanagan: Very good. Then, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-MV-015 FOR VULCAN CONSTRUCTION MATERIALS, LP TO PERMIT AN EXPANSION OF THE NATURAL RESOURCE OVERLAY DISTRICT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SEA 81-V-017-02 AND PCA 1998-MV-032 AND PCA 1998-MV-033 FOR THE FAIRFAX COUNTY WATER AUTHORITY TO A DATE CERTAIN OF MARCH 19, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. And that's the 19th of March?

Commissioner Flanagan: 19th, yes.

February 25, 2015

RZ 2013-MV-015/PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02

Chairman Murphy: Okay. All those in favor –

Commissioner Flanagan: My understanding is that there's no meeting on the 18th.

Chairman Murphy: Okay, I just want to make sure. All those in favor of the –

Commissioner Lawrence: Discussion?

Chairman Murphy: You have a discussion? I'm sorry, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I share Commissioner Flanagan's confidence that the BZA will, in fact, review the criterion for noise and effects. I'm also assured by information that each time in the future this thing is extended, another review will take place. So if the state-of-the-art of judging the effects of blasting changes, as the years go by, it will get caught. It may take a couple of years for it to get caught, but it will get caught – which means that, since this hole is going to be a public facility for us – for all of us – then Fairfax County has a dog in the fight. And I think our dog is well-looked after under the present circumstances. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Further discussion of the motion?

Commissioner de la Fe: No – nope.

Chairman Murphy: Okay. All those in favor of the motion to defer decision only on SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to a date certain of March 19th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: Mr. Flanagan, there is a Resource Protection Area Exception related to the RZ. Did you mean to approve that – recommend approval of that, as well as the rezoning? Or – how do you want to handle that?

Commissioner Flanagan: Staff didn't – didn't ask me to do that.

Commissioner de la Fe: According to what we have here, it says, "Staff recommends approval of Resource Protection Area Exception 7589-WRPA-01-1, subject to the proposed-"

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Yes, you're correct in that. We would – that's related to the Vulcan Construction Materials – related to the Special Permit application ultimately. So we would want it – a recommendation, ultimately –

February 25, 2015

RZ 2013-MV-015/PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02

it would be the Board's decision. Typically, when we have a case with an RPA exception, we go to the Planning Commission for their recommendation. And then we would also – the Board – have the final decision on that. That would be the time that the Board would do the – the natural resource rezoning so if you could make that recommendation, that'd be great.

Chairman Murphy: Mr. Flanagan.

Commissioner de la Fe: Mr. Flanagan-

Commissioner Flanagan: I would like to make a recommendation that he just quoted.

Commissioner de la Fe: Mr. Flanagan, DO YOU RECOMMEND APPROVAL OF RESOURCE PROTECTION AREA EXCEPTION 7589-WRPA-01-1, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 23, 2014 AND CONTAINED IN APPENDIX 8?

Commissioner Flanagan: YES.

Chairman Murphy: Say, "so moved."

Commissioner de la Fe: SO MOVED. Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries – carried.

Commissioner de la Fe: Thank you.

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(Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.)

JLC



County of Fairfax, Virginia

February 18, 2015

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Zoning Evaluation Division

**2015 Planning
Commission**

Peter F. Murphy
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Springfield District

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Vice Chairman
Hunter Mill District

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Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
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John Ulfelder
Dranesville District

Earl L. Flanagan
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John McGranahan, Jr., Esquire
Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

**Re: RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX
COUNTY WATER AUTHORITY
Mount Vernon District**

Dear Mr. McGranahan:

At its February 12, 2015 meeting, the Planning Commission voted 9-0 (Commissioners Hurley, Murphy, and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of February 25, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Gerald Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Nicholas Rogers, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
February 12, 2015 date file

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
February 12, 2015
Verbatim Excerpt

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER
AUTHORITY

After Close of the Public Hearing

Vice Chairman de la Fe: I will close the public hearing; Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I'd like to make a comment that there are several things that I didn't bring up because of the lateness that we received the text to the conditions, particularly the trail. And one of the things that has bothered me in there is the – is number 13, that calls for the trail to be built and paid for by the water authority upon the completion of any building that they do, which means that they could be – they could be required to build the trail – an alternate trail within, say two years if they build a building in the next two years, you know, then they would be obligated to build a trail. And this trail would lead to nowhere. It would lead just, you know, would be a dead end trail, and so I'm bothered by that feature of the conditions and so I – I – I just want to be sure that as long as Commissioner Hart brought up his concerns about that text that I, maybe, would like to let you know about my concerns on 13 as well.

William Mayland, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Commissioner Flanagan, Condition 11 speaks to the expansion of the filter building flocculation/sedimentation basins. That would be the trigger for the trail, not any particular building, but the expansion of the Griffith Water Treatment plant. But certainly we could look at that further with the applicant.

Commissioner Flanagan: Okay, anyway I haven't had the time. Anytime you go back and take a look at that whole

Nicholas Rogers, ZED, DPZ: And, and Commissioner Flanagan, I think – I think you are pointing out an important point, whereas the language that Mr. Mayland cited was in Condition 11, we – we did not, in an oversight on staff's part, we did not necessarily carry forth the specificity of that condition to Condition 13. So we're going to match that up so we have ultimate clarity on that for you and your colleagues.

Commissioner Flanagan: Okay. Are you going to be in tomorrow to discuss this?

Mr. Rogers: Tomorrow is a work day.

Commissioner Flanagan: Okay. Thank you.

Vice Chairman de la Fe: Tomorrow is Saturday. Today is Friday.

February 12, 2015

RZ 2013-MV-015/PCA 1998-MV-032/

PCA 1998-MV-033/SEA 81-V-017-02

Commissioner Flanagan: No – are you going to be in today? I take it you'll be late arriving. I take it you'll be late arriving today. Well, given that we've milked this thing drive, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 81-V-017-02 AND PCA 1998-MV-032 AND PCA 1998-MV-033 AND RZ 2013-MV-015 TO A DATE CERTAIN OF FEBRUARY 25 –

Commissioners Lawrence: Second.

Commissioner Flanagan: –WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Vice Chairman de la Fe: Seconded by Mr. Hart. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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(The motion carried by a vote of 9-0. Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.)

JN



County of Fairfax, Virginia

November 21, 2014

**2014 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

Janet R. Hall
Secretary
Mason District

James R. Hart
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

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At-Large

Ellen J. "Nell" Hurley
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Lee District

Timothy J. Sargeant
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Francis A. McDermott
Hunton & Williams, LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

Re: **RZ 2013-MV-015, PCA 1998-MV-032, PCA 1998-MV-033, and SEA 81-V-017-02 – VULCAN CONSTRUCTION MATERIALS, LP, FAIRFAX WATER AUTHORITY, and FAIRFAX COUNTY AUTHORITY Mount Vernon District**

Dear Mr. McDermott:

At its November 20, 2014 meeting, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to **DEFER THE PUBLIC HEARING** on the above referenced applications to a date certain of February 12, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: Gerald Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Nicholas Rogers, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
November 20, 2014 date file



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Planning Commission Meeting
November 20, 2014
Verbatim Excerpt

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
PCA 1998-MV-032 – FAIRFAX WATER AUTHORITY
PCA 1998-MV-033 – FAIRFAX WATER AUTHORITY
SEA 81-V-017-02 – FAIRFAX COUNTY AUTHORITY

During Commission Matters

Commissioner Flanagan: As I announced last night, Supervisor Hyland convened a Working Group on October 30th to consider a handful of Vulcan – Fairfax County Water for a Rezoning, Special Exception, and Proffered Condition Amendments issues that remain to be worked out before any public hearing. Supervisor Hyland's Working Group is made up of representatives from the staff, Park Authority, residential neighbors, the South County Federation, Vulcan, and the Fairfax County Water Authority. We have had two very productive meetings so far and a third is scheduled for December 1st. Further meetings may be necessary. Under such prospects, Supervisor Hyland has requested and the applicants agreed to postpone the public hearing scheduled for tonight. I feel quite confident that the Working Group will come to a consensus and make it possible for the South County Federation to be ready to testify by February 12, which is two days after the monthly federation meeting. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING SCHEDULED TONIGHT FOR RZ 2013-MV-015, PCA 1998-MV-032, PCA 1998-MV-033, AND SEA 81-V-017-02 TO A DATE CERTAIN OF FEBRUARY 12TH, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the applications from Vulcan Construction and Fairfax Water to a date certain of February 12th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

JLC