



County of Fairfax, Virginia

March 27, 2015

**2015 Planning
Commission**

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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: 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 March 26, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to **RECOMMEND APPROVAL** on the above-referenced applications. 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
March 26, 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
March 26, 2015
Verbatim Excerpt

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, Mr. Chairman. I request that the representative for the Fairfax County Water Authority confirm, on the record, their agreement to the proposed Special Exception Amendment development conditions dated March 10, 2015.

John McGranahan, Jr., Esquire, Applicant's Agent, Hunton & Williams, LLP: Thank you, Mr. Flanagan. For the record, my name is John McGranahan with the law firm of Hunton & Williams and I do confirm the applicant's agreement with the conditions dated March 10.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hurley: I was not here for the public hearing, but I did read all the letters that were sent to me and I did watch the video of the public hearing and I do intend to vote on this matter.

Chairman Murphy: Okay thank you.

Mr. McGranahan: Thank you.

Chairman Murphy: Thank you, Mr. McGranahan. Mr. Flanagan, please.

Commissioner Flanagan: Thank you, Mr. Chairman. On March 19, we deferred the decisions on applications SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to tonight in order to facilitate a closed session discussion of security issues. Public hearing testimony was previously given on February 12th, primarily about two issues:

- One, the quarry blasting limitations needed to, "Protect nearby residential buildings from noise and vibration," and required in the Comprehensive Plan – as required in the Comprehensive Plan; and
- Two, a proposed alternative to the Overlook – Occoquan Overlook Trail, a long standing recommendation in the Comprehensive Plan.

It is my intention tonight to recommend approval of the Water Authority Special Exception and Proffered Condition applications with a follow-on motion about blasting. As to the blasting issue, the Comprehensive Plan text allows for blasting, but requires the Planning Commission to be satisfied that such blasting will “Protect nearby residential buildings from noise and vibration.” Blasting limits, however, are now set by the Board of Zoning Appeals. Last week, you received testimony I presented to the Board of Zoning Appeals on March 4th, which I believe adequately addresses February 12 testimony we heard about updating current blasting limits. The BZA, however, has deferred a decision on blasting limits until May 4. My follow-on motion responds to the BZA’s March – May 4 deferral decision since the General Requirement 3 for approving a Special Exception by the Board of Supervisors requires that the quarry use for creating the future Water Authority Reservoir, “Shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan.” As to the trail issue, no doubt you have been inundated (pardon the pun) with visits, phone calls, and emails that prefer the Occoquan Overlook Trail location in the Comprehensive Plan that would require a southern easement along the Occoquan River from the Water Authority. Staff in the staff report and Park and Transportation appendices also prefers the planned location. In addition, testimony by the public overwhelmingly not only prefers the Occoquan Overlook Trail location, but provides assurances that the entire missing link between the Sandy Run and Occoquan Regional Parks could be constructed immediately upon approval of the pending Special Exception. The Water Authority has instead voluntarily proposed an alternate to the planned southern easement with a Northern Trail easement across Water Authority property, but defers assurance of a connection to the Sandy Run Regional Park upstream to an indefinite future and thereby creates a trail to nowhere and possible trespass across private property by trail users at the dead end. The Water Authority has generally indicated that the southern alignment of the trail raises security concerns and they more specifically detailed those concerns in a closed session discussion that we had on March 19, as permitted by *Virginia Code* Section 2.2-3711(19). I would like to thank Mr. McGranahan, the applicant’s agent, for proposing an additional Condition 19 since March 19 to assure that the trail proposed by the Water Authority is not a trail to nowhere, but constructed when easements are available that will assure connection to Sandy Run Regional Park upstream. I would have supported such a condition, but staff prefers not to support for enforcement reasons. I THEREFORE MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 81-V-017-02 FOR THE FAIRFAX COUNTY WATER AUTHORITY, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MARCH 10, 2015 AND APPROVE PCA 1998-MV-032 AND PCA 1998-MV-033, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 4, 2014.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? I think we should each application individually. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 81-V-017-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Chairman Murphy: All those who – in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-MV-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I further move that the –

Chairman Murphy: Wait a minute – one more.

Commissioner Flanagan: Oh you got one more?

Chairman Murphy: Yes – move that the Planning Commission recommend to the Board of Supervisors to approve PCA 1988 – 1998-MV-033, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I FURTHER MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF SECTION 13-303 AND SECTION 13-304 OF THE ZONING ORDINANCE IN FAVOR OF THE TRANSITIONAL SCREENING AND BARRIERS, AS SHOWN ON THE SEA PLAT; AND
- A MODIFICATION OF SECT. 17-201, REQUIRING TRAILS ALONG THE OCCOQUAN RIVER AND ALONG OX ROAD ARE GENERALLY – AS GENERALLY DEPICTED ON THE COUNTYWIDE TRAILS PLAN IN FAVOR OF THE TRAIL SHOWN ON THE SEA PLAT AND DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER THAT THE PLANNING COMMISSION MOTIONS REGARDING SEA 81-V-017-02 ARE BASED ON TESTIMONY REGARDING BLASTING LIMITATIONS PROVIDED TO THE PLANNING

COMMISSION ON FEBRUARY 12 AND THE BOARD OF ZONING APPEALS ON MARCH 4.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. That's all, Mr. Chairman. But I would like to say one thing about this.

Chairman Murphy: Please do.

Commissioner Flanagan: As you can imagine, this has been going on for two or three years. And I would like to compliment Nick Rogers, in particular, for the outstanding work that he's done.

Chairman Murphy: Yes. Here here.

Commissioner Flanagan: You know – giving me all the – hearing all – taking all my calls every – almost every day, I think – also, Bill Mayland, who has been most helpful in that regard. So I really do appreciate the – your guidance, you know, in coming to this conclusion tonight.

Chairman Murphy: Thank you. And thank Mr. Flanagan for doing a great job. He told me that after this application, all he wants to do is Agricultural and Forestal District so – I mean, that just shows you where we're going. And I don't blame him. I think he needs a little vacation. Great job, Earl. Yes, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I just wanted to add that at the public hearing I had raised concerns about being faced with making a decision with – based on the information that was available at that time in the public forum. And I very much appreciate the fact that we were able to have the – the security briefing and executive session in order to go over the concerns. And I just wanted to add that this approach is permitted as an exception to the open meetings law – I want people to understand that – under Code Section 2.2-3711(19). And it allows us as members of a public body to hear and consider in a confidential setting plans to protect public safety, as it relates to terrorist activities or a related threat to public safety – as well as detailed discussions or reports or plans, relating to the security of governmental facilities, buildings, or structures. And in enacting the exemption, the General Assembly implicitly found that individuals like us who are appointed to public bodies occupy a position of trust and should be permitted to factor what is heard in this confidential setting into their decisions. I think, in this case, the applicant meticulously described in the closed session the specific threats that are posed by a publicly accessible southern alignment of the trail, as recommend in the Comprehensive Plan. But I believe that, in accordance with that statute, that I have a duty – as do the other

March 26, 2015

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

members of the Planning Commission – as part of the public trust invested in us to consider this information in casting our votes and that’s what I did in this case.

Chairman Murphy: A good statement. Thank you very much. I think as we travel down this uncertain road, we’re going to see a lot more applications that come in that we have to take security – security issues into consideration as we look at the infrastructure of facilities in our County. The phrase, “It’ll never happen here,” does not apply anymore anywhere.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: I’d just like to observe that a fundamental function of government is public safety. Public safety can take on many dimension in these days. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Thank you very much.

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

JLC



County of Fairfax, Virginia

March 20, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
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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: 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 March 19, 2015 meeting, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced applications to a date certain of March 26, 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
March 19, 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
March 19, 2015
Verbatim Excerpt

PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

During Commission Matters

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. On February 25th, we deferred a decision about amending the Fairfax County Water Authority Special Exception and Proffered Condition Applications to tonight in order to consider testimony given primarily about two issues – one, the quarry blasting limitations needed to protect nearby residential buildings from noise and vibration – and two, a proposed alternative to the Occoquan Overlook Trail called for in the Comprehensive Plan. You now have testimony I presented to the Board of Zoning Appeals on March 4th, which I believe adequately addresses prior testimony about the quarry. Since then, I have been working closely with Fairfax County Water Authority agent Mr. McGranahan to accommodate prior and recent written trail testimony and which I believe can be supported. Among my and other Commissioner’s concerns, however, is a need for a better understanding of the vague testimony about security reasons for an alternate to the Occoquan Trail – Overlook Trail. The Water Authority has agreed to brief the Planning Commission this evening in closed session so that I may hereafter have your subsequent counsel in that regard. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 81-V- 017-02, PCA 1998-MV-032, PCA 1998-MV-033 APPLICATIONS OF THE FAIRFAX COUNTY WATER AUTHORITY FOR ONE WEEK TO A DATE CERTAIN OF MARCH 26, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Lawrence and Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Lawrence and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to continue to defer decision only on those items articulated by Mr. Flanagan to a date certain of March 26th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC



County of Fairfax, Virginia

February 26, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
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John McGranahan, Jr., Esquire
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1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

**Re: 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 25, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Hurley and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced applications to a date certain of March 19, 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 25, 2015 date file

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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

RECEIVED
Department of Planning & Zoning

FEB 19 2015

Zoning Evaluation Division

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
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**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

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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

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Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

Janet R. Hall
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John L. Litzenberger
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Kenneth A. Lawrence
Providence District

James Migliaccio
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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