

McLean Citizens Association

Resolution Regarding the Environment and Quality of Life in McLean

September 7, 2005

Whereas, the McLean Citizens Association (MCA) strongly supports the intent of the environmental protections provided by the Chesapeake Bay Preservation Ordinance (CBPO), the Floodplain Ordinance and related legislation and has worked diligently for their enactment; and

Whereas, the MCA decries the administrative removal of land and watercourses from legislated protected status, a process that benefits development interests at the expense of the environment and existing communities in Fairfax County; and

Whereas, the Board of Supervisors has recently adopted An Environmental Vision for Fairfax County that is commendable in concept and requires adequate implementing legislation; and

Whereas, there have been determinations by Fairfax County officials that do not reflect the intent of the Zoning Ordinance, the Chesapeake Bay Protection Ordinance (CBPO), the Floodplain Ordinance, the regulations codified in the Public Facilities Manual (PFM), or best practices and that appear contrary to the stated intent of the Board's Environmental Vision; now therefore

Be it resolved, that the McLean Citizens Association calls on the Board of Supervisors to take immediate steps to clarify the letter and intent of the County Code, the PFM, and other regulatory provisions as enumerated in the initiatives below; and

Be it further resolved, that the MCA calls on the Board of Supervisors to promptly undertake these initiatives in order to demonstrate to the citizens of Fairfax County that the Board's legislative enactments are consistent with, and in furtherance of, its Environmental Vision.

These initiatives include the following:

1. Implement an expedited rule to require that all of the steps taken to classify streams as perennial (with associated Resource Protection Areas) in Fairfax County be required to declassify streams from perennial status. Such a rule should affirm that since only action of the legislative body can designate a stream to be perennial, only an action of the legislative body can remove a stream from

- perennial status. The rule should include a requirement that petitioners be required to provide public notice to abutting landowners and civic associations, with an opportunity to comment in public hearing any time a stream with existing RPAs is being considered, or has been petitioned, for declassification.
2. Implement an expedited rule to change the definition of perennial streams to acknowledge the realities of stream ecology, including the fact that stream flow is not always above the surface of the stream bed but in periods of low flow may be flowing through gravel and sand deposits within the stream bed.
 3. Implement an expedited rule(s) that provides new clarity to the administration of environmental, ecological, and zoning laws and regulations that should not be, and were not intended to be, arbitrary in nature or flawed in their application, examples being the incompatibility between conservation easements and floodplain easements that results in the lesser floodplain protections being afforded our riparian buffers; the requirement that Best Management Practices (BMP) credit cannot be applied to conservation easements that are located on individually owned lots; and standards for stream restoration to ensure that restoration projects do not adversely affect riparian buffers.
 4. Implement expedited rules that require developers to provide site plan level data on storm- water management and adequate outfall as part of rezoning, special exception, and special permit processes. These data are essential to careful consideration of the impact of development on surrounding properties and the environment.
 5. Place an immediate moratorium on all stream declassifications in Fairfax County until the procedures used for declassification can be comprehensively reviewed and revised, with the input of the public, in order to better protect our watersheds, rivers, estuaries, and the Chesapeake Bay.
 6. Convene a stakeholders meeting to be called among representatives of the County, the Virginia Department of Conservation and Recreation, the Virginia Department of Environmental Quality, the United States Environmental Protection Agency, organizations concerned with protecting Chesapeake Bay watersheds such as the Chesapeake Bay Foundation, the Potomac Conservancy, Fairfax Trails and Streams (FTAS), and the Potomac River Greenways Coalition, other counties, and the public, to address how stream classification and declassification procedures under the CBPO, state guidance, and the PFM should intersect in order to protect water quality in Fairfax County in keeping with the letter and spirit of federal, state, and local laws. While we appreciate the enormous effort the County has made in the development and implementation of the CBPO, we believe that its application has identified areas for continued improvement, and we urge the County to conduct an open and widely inclusive process to identify and resolve outstanding issues.

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