

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
THURSDAY, OCTOBER 11, 2007**

COMMITTEE MEMBERS PRESENT:

Walter L. Alcorn, At-Large
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, At-Large
Kenneth Lawrence, Providence District

COMMITTEE MEMBERS ABSENT:

Nancy Hopkins, Dranesville District
Rodney Lusk, Lee District

OTHER PLANNING COMMISSIONERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Timothy J. Sargeant, At-Large

STAFF PRESENT:

Marianne Gardner, Chief, Policy and Plan Development Branch, Planning Division (PD),
Department of Planning and Zoning (DPZ)
Clara Quintero Johnson, Planner III, PD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Sara Robin Hardy, Assistant Director, Planning Commission Office
Kara A. DeArrastia, Deputy Clerk, Planning Commission Office

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Chairman Janet R. Hall called the meeting to order at 7:03 p.m. in the Board Conference Room at 12000 Government Center Parkway, Fairfax, Virginia. She noted that the first order of business was review of the draft Guide to the 2008-2009 North County Area Plans Review (APR) dated October 4, 2007, a copy of which is in the date file.

Sara Robin Hardy, Assistant Director, Planning Commission Office, asked if the Committee would object to adding a sentence under the "Cable Channel 16, also on the Internet" bullet on page 2 of the guide informing the public that copies of any APR public hearing were available from Cable Programming for a nominal fee. She said staff would apply the standard language used in other publications. The Committee did not object to this proposal.

Clara Quintero Johnson, Planner III, Planning Division (PD), Department of Planning and Zoning (DPZ), stated that staff proposed adding the language depicted in paragraph a on the agenda to the "Screening" section in the guide on pages 3 through 4. She said the proposed language explained the nomination screening process.

Chairman Hall recommended that the second sentence in the first paragraph of the proposed “Screening” language be revised to read: “The Commission will decide if a nomination is or is not to be included in the APR process...” She further recommended that the title of the guide be renamed to “The 2008-2009 North County Area Plans Review Guide.” Ms. Johnson and Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ, agreed with these recommendations.

Commissioner Sargeant said the guide was directed to the citizens of Fairfax County. Chairman Hall replied that the guide was actually directed to anyone who wanted to participate in the APR process and not just County citizens. Commissioner Sargeant replied that the word “citizen” had meaning, especially to first-time participants who might not be familiar with the County planning process. Chairman Hall pointed out that the APR process was open to everyone and not just the citizens, residents, or landowners of the County. Ms. Johnson and Ms. Gardner concurred with her remarks.

Commissioner Harsel noted a simple and straight-forward definition should replace “built and natural environment” found at the end of the first paragraph under “The Area Plans Review Process” heading on page 3. Commissioner Hart suggested removing “about the County’s built and natural environment” and ending the sentence with “land use decisions.” He further suggested changing “guidance” to “nominations” in the second sentence of the second paragraph under the same heading.

Commissioner Hart pointed out that a dash was missing between “At” and “Large” next to his name on the inside cover of the guide.

In response to a question from Commissioner Harsel, Ms. Hardy explained that Planning Commission staff performed a preliminary review of the submitted nominations to ensure they met the submission requirements and forwarded those that met the requirements to DPZ staff for review.

Chairman Hall suggested that the “How the process works” section be rearranged to first include the definition of a nomination, next describe the nomination submission process and its purpose, and then detail the actions by staff. She pointed out that the items listed under the APR Schedule should coincide with the text beginning on page 3; for example, “Section III - Submitting a Nomination” should be changed to “Nomination Submission Period.” Ms. Johnson said she could insert this section in “Section II - The Area Plans Review Process: How the Process Works.”

Chairman Hall commented that the current order of the guide did not allow the text to flow from one topic to the next. She proposed that staff first provide an introductory paragraph, then follow with a fundamental explanation of how to submit a nomination, what to include in a nomination, the nomination submission deadline, and the next steps in the process. Ms. Johnson noted the development of a nomination was missing from the beginning of the process and the description of a nomination was limited. Chairman Hall recommended that a nomination be explicitly defined one time only at the beginning of Section II to avoid ambiguity.

Commissioner Sargeant called attention to the phrase “Fairfax County community” in the first sentence of the first paragraph under “The Area Plans Review Process” heading on page 3 and asked whether the APR process was strictly limited to the County community. Ms. Hardy suggested removing “for the Fairfax County community” from this sentence and “the community” from the following sentence. Commissioner Harsel and Chairman Hall agreed with this suggestion.

Responding to a question from Commissioner Flanagan, Ms. Gardner noted there were two types of screening: 1) technical screening that Planning Commission and DPZ staff performed to ensure correct information on the nomination form and 2) qualitative screening that the Commission performed to determine if the nomination met the parameters for inclusion in the APR.

Chairman Hall asked if Committee members had any further changes to the proposed “Screening” language on the agenda.

Commissioner Hart pointed out that “forwarded” should be changed to “forward” in the first sentence of the first paragraph. Ms. Johnson acknowledged this grammatical error.

Ms. Hardy suggested that “staff” be changed to “County staff” in the first sentence of the first paragraph. Chairman Hall concurred with this suggestion.

Commissioner Hart recommended changing “Planning Commission office” to “Planning Commission staff” in the last sentence of the second paragraph. Chairman Hall also recommended changing “will notify” to “notifies” in the same sentence.

Chairman Hall suggested that the beginning of the first sentence of the second paragraph be changed to “A nomination is included in APR if it is consistent with....”

In response to a question from Commissioner Flanagan, Ms. Johnson explained that during the nomination submission period, staff would send a letter to nominators requesting them to provide clarification on any missing information within 10 business days of receipt of the request and if a nominator failed to do so, the nomination would be rejected.

Responding to a question from Commissioner Hart, Chairman Hall said if the Commission decided that a nomination would not be included in the APR process during screening, the nominator would not be allowed to present it to the task force.

Commissioner Sargeant recommended that the second paragraph be revised to focus on the criteria by which the Commission screened nominations, as referenced in the first paragraph. Chairman Hall concurred with this recommendation. Ms. Hardy pointed out that Commissioner Sargeant’s recommendation would be satisfied if the language that had been removed from the “Screening” section in the previous draft was reinstated. Chairman Hall agreed, noting that this missing language had stated specifically the criteria a nomination needed to meet in order to be included in the APR process.

Commissioner Sargeant expressed concern that the second paragraph left the Commission vulnerable to suggestions that its decision-making was arbitrary and without public input and that the Commission was making decisions regarding the liability and value of a nomination. Commissioner Harsel also expressed concerns about using the phrases “adequate justification” and “adopted County policy.”

In response to a question from Commissioner Sargeant, Ms. Johnson said during the screening process the Commission would specifically evaluate the validity of the justification provided by the nominator. She explained that this part required the nominator to check the appropriate box and provide an explanation of how the nomination demonstrated that particular criterion. Ms. Johnson indicated that the first checkbox asked if the proposal would better achieve the Plan objectives than the adopted Plan and the second checkbox asked if there were oversights or land use-related inequities in the adopted Plan that affected the area of concern. Chairman Hall suggested underlining the phrase “provide a written justification that explains why your nomination should be considered” under this part of the nomination form.

Responding to a question from Commissioner Hart, Ms. Johnson stated that the Commission could remove a nomination from the process if it requested a significant increase in intensity in the R-C District, even though the nominator provided justification, due to County policy regarding conservation areas. Commissioner Alcorn agreed and explained that during the screening process if the Commission decided to remove a nomination, it had to coordinate with staff and the County Attorney’s Office to make sure to provide the right justifications and identify the policies to affirm the nomination was not consistent with the Plan.

In response to a question from Commissioner Alcorn, Ms. Gardner said the Commission was not under any legal obligation to change the Comprehensive Plan, but was required only to review it every five years.

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Chairman Hall called attention to paragraph b on the agenda and requested Committee members provide their comments regarding whether a nominator should be able to change his or her nomination during the APR process.

Commissioner Sargeant explained that based on his experience on the Mount Vernon APR District Task Force, nominations that changed mid-course in the process either lessened or even nullified a staff report and, therefore, left the task force members with less accurate information on which to base their decision. He suggested that the County prohibit nominators from changing their nominations mid-course during the process to ensure nominations were in their final form when presented to the task force.

Commissioner Hart recommended that after a certain date, a nomination could only be changed with the concurrence of the Commission based on the analysis that the proposed modification would improve the nomination.

Responding to a question from Commissioner Harsel, Commissioner Sargeant explained that after the Mount Vernon District APR Task Force took its preliminary vote on a nomination, there had been sufficient time for the task force to work with staff and the nominator to amend the nomination for its final vote. He noted, however, when a nomination had been changed mid-course in the process, staff did not have sufficient time to conduct another analysis and provide the task force with accurate information before its final vote.

Commissioner Flanagan commented that nominators should be prohibited from modifying their nominations after the preliminary screening process.

Commissioner Lawrence acknowledged that a potentially beneficial nomination might not be heard by the Commission if changes to nominations were disallowed during the process. He concurred with Commissioner Sargeant's remarks, noting that based on his experience in previous APR cycles, a nominator who changed his or her nomination during the process to make it more appealing caused the task force and citizens to scramble for accurate information.

Chairman Hall commented that a nominator should not be allowed to change his or her nomination just to receive a favorable recommendation from the task force. She stated that the task force could decide, based on its evaluation of staff's preliminary findings and discussions with staff and the nominator, that its recommendation would be different from that of staff or the nominator.

Commissioner Harsel pointed out that the final task force vote should be held closer to time the staff report was finalized to prevent any major discrepancies between the task force recommendation and the staff evaluation.

In response to a question from Chairman Hall, Ms. Gardner explained that staff presented preliminary recommendations to the task force and took into consideration the final task force vote when the final staff report was published a few months later.

Responding to a question from Commissioner de la Fe, Ms. Gardner noted that after a certain deadline, requests for withdrawals would only be accepted by formal vote of the Planning Commission; however, requests for deferrals always required concurrence of the Commission.

Commissioner de la Fe said the task force would be able to make its recommendation based on what it had heard, staff would develop its final report based on those comments, and the Commission would make its decision based on remarks received at the public hearing and the staff and task force recommendations. Ms. Gardner agreed with this assessment.

Chairman Hall said once staff had prepared its preliminary staff report, nominators should not be allowed to change their nomination. Commissioners Harsel and de la Fe concurred.

Chairman Hall commented that the nomination presented to the task force should be the same proposal that had been evaluated by staff. She recommended that after staff performed a preliminary evaluation of the nomination, staff would be involved in discussions with the task

force and nominator, conduct a final analysis on the proposed changes resulting from the discussions, and provide recommendations in the final staff report. Ms. Gardner replied that as long as the task force was on schedule with its meetings, staff should have enough time to conduct an alternative analysis, especially if the proposed changes resulted in lesser intensity, and make a recommendation based on the task force's evaluation.

In response to a question from Commissioner Harsel, Ms. Gardner said the task force and staff rarely disagreed on their recommendations.

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Commissioner Alcorn MOVED THAT THE MINUTES OF THE OCTOBER 3, 2007 POLICY AND PROCEDURES COMMITTEE MEETING BE APPROVED.

Commissioner Sargeant seconded the motion which carried unanimously.

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Chairman Hall requested that DPZ staff e-mail Committee members the APR guide as a Word document for possible future edits. She announced that the Committee would meet on Wednesday, November 7, at 7:00 p.m. to take final action on the guide and "APR Community Outreach, 2007-2010" document.

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The meeting was adjourned at 8:12 p.m.
Janet R. Hall, Chairman

For a verbatim record of this meeting, reference may be made to the audio recording which can be found in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: November 7, 2007

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission