

Planning Commission Meeting
June 12, 2014
Verbatim Excerpt

PA 2013-CW-3CP – COMPREHENSIVE PLAN AMENDMENT (THE GREEN BUILDING POLICY PLAN AMENDMENT)

Decision Only During Commission Matters
(Public Hearing held on May 7, 2014)

Commissioner Hart: Thank you Mr. Chairman. I have a decision only. On May 7, 2014, the Commission held a public hearing on proposed amendments to the Green Building component of the Policy Plan volume of the Comprehensive Plan. Fairfax County's Green Building policy was originally adopted in 2007, admittedly with some uncertainty as to how this might be implemented. Our recommendation was coupled with a follow-on motion to recommend to the Board of Supervisors that we revisit the topic in two years, after we had a little more experience applying the new policy to development applications. For a variety of reasons, that two-year review, beginning in November 2009, has taken longer than the initial policy did. But in that time we have, I believe, reached a general consensus between the committee, industry, citizen stakeholders, and staff as to what changes would improve the policy, which applies now to almost any land use application. Extraordinary outreach was done by staff, involving dozens of meetings and presentations, and workshops with the Commission. Many topics were carefully vetted and many potential objections addressed. I want to thank staff, particularly Maya Dhavale, Noel Kaplan, and Pam Nee – all three, of whom, are here tonight – for their diligent and patient handling of this enormous project. I cannot compliment them enough for their professional assistance with this important project. Every word and punctuation mark was carefully analyzed and vetted. I also want to thank all the DPWES staff, EQAC members, citizens, land use professionals, and community groups who participated in this dialogue over the last four-and-a-half years. A first strawman with proposed changes was completed in 2011 and comments from stakeholders solicited and analyzed with a detailed matrix. In 2012 the Commission finalized a second strawman for draft changes – which was forwarded to the Board of Supervisors – which in July 2013 authorized advertising of the amendment as a part of Fairfax Forward. Additional outreach was conducted by staff and the Environment Committee on several questions, culminating in a public hearing for which we had a grand total of one speaker and one letter. This unexpectedly smooth conclusion to the process was remarkable, given the potential for controversy when we started. Staff is to be commended for the thorough analysis and inclusive approach, which guided us to this point, and helped reassure citizens and industry that we are headed in the right direction. We deferred decision twice to allow some additional consideration of the topics raised by the citizens as well as members of the Commission. The citizen topics were ultimately deemed more pertinent to the Commission's ongoing review of the MITRE II report and do not affect tonight's amendment. Some more recent suggestions by two of my colleagues relating to landfill diversion and additional emphasis on construction demolition debris recycling were reviewed by staff. Ultimately, after consultation with staff, my recommendation is that no changes be made to the advertised text in that regard. We have construction – excuse me, construction demolition debris recycling already clearly addressed in the 2007 text. We were not proposing any changes to that language until very recently. We had countless committee meetings – discussions with staff and industry and citizens – on many

topics, but did not over the last few years suggest any substantive changes to the existing language on construction demolition debris. Neither in the two strawmen, both of which were circulated for comments, or in the advertising did we include any proposed changes to the existing text on that topic. While additional text changes relating to construction demolition debris, landfill diversion, and other topics under the Green Building umbrella may well deserve further consideration, I believe any changes to the policy in that regard should be fully and explicitly vetted through the Commission, including an outreach process inviting citizens and industry to comment rather than in the aftermath of a public hearing on one controversial application. The existing text, moreover, is fully supportive of recycling efforts and consistent with a robust case-by-case negotiation on these issues. We also need not amend the Policy Plan now on that topic to continue recycling discussions with applicants where applicable. I believe staff also concurs that the existing text is sufficient – that nothing in the adopted plan is inconsistent with a pro-recycling approach and that a case-by-case discussion allows flexibility to all parties. This amendment process emphasized transparency and deliberate consensus, but the landfill diversion topic was never front and center and I believe surfaced only after the recent public hearing on the ESI landfill. I recognize also that Fairfax County may not be finished with adjustments to the Green Building policy as technology and certification particulars continue to evolve and our experience grows. The Commission also can revisit this topic – at the direction of the Board – if necessary, now or later. The proposed amendment, as advertised, has staff's favorable recommendation, with which I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PLAN AMENDMENT 2013-CW-3CP, AS SHOWN ON PAGES 8 THROUGH 11 OF THE STAFF REPORT DATED APRIL 23, 2014.

Commissioners Hall, Hedetniemi, and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence, Ms. Hedetniemi, Ms. Hall. Is there a discussion of the motion? And Mr. Sargeant. Or did you want –

Commissioner Sargeant: Mr. Chairman, no I – for discussion.

Chairman Murphy: Okay, he just wants discussion. Go ahead.

Commissioner Sargeant: Thank you, Mr. Chairman. First of all, my compliments to Commissioner Hart and to staff for an incredibly thorough and detailed and extended review of this Green Building Policy Amendment. I certainly think it's very thorough in its outreach and I think the comments Mr. Hart provided, with regard to recycling, are appropriate. And indeed, this was not the complete focus of our efforts in this particular case. I certainly agree with that. I think what we have learned through recent applications is that times are changing. And by that, I mean we are seeing consideration of what to do next when it comes to construction and demolition debris – what's going to happen in the future. And one of the things that is likely to happen in the future is a greater emphasis on recycling of construction and demolition debris. So that is why the initiative was put forward to provide additional and more specific language – is it

possible? Having said that, I do think it's a thorough report would certainly consider some of the options that had been forwarded by staff as suggestions for additional language.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment 2013-CW-3CP, the Green Building Policy Plan Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And thank Mr. Hart – not an easy task, but that's why he's around. I mean, you know – and I want to echo his sentiments to Maya, Noel, and Pam for a job well done.

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

JLC