

# Board of Supervisors Development Process Committee

January 29, 2019

Government Center Conference Room 11

## ***Board of Supervisors (Board) Members Present:***

Sharon Bulova, Chairman  
Penelope Gross, Mason District (Vice Chairman)  
John Cook, Braddock District  
John Foust, Dranesville District  
Pat Herrity, Springfield District  
Jeff McKay, Lee District  
Catherine Hudgins, Hunter Mill District  
Kathy Smith, Sully District (Committee Chair)  
Linda Smyth, Providence District  
Dan Storck, Mount Vernon District

The Development Process Committee (Committee) meeting was called to order at 11:11 a.m.

Before the Committee presentations, Chairman Bulova announced that the Joint Meeting with INOVA will be held as scheduled, but the Health, Housing and Human Services Committee meeting, scheduled for 3:00 p.m., is cancelled due to the weather.

## **Zoning Ordinance Amendment Regarding Community Gardens and Farmers Markets:**

Jennifer Josiah, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ) presented an update to the proposed Community Gardens and Farmers Markets Zoning Ordinance Amendment relating to community and communal gardens, farmers markets, and residential gardening. Staff also in attendance were Fred Selden, Director, DPZ, Leslie Johnson, Zoning Administrator, DPZ, Donna Pesto, Deputy Zoning Administrator, DPZ, Laura Gori, Senior Assistant County Attorney, OCA, and Eleanor Ku Coddling, P.E., Director, Code Development and Compliance Division (CDCD), LDS.

Ms. Josiah presented an update on the staff proposals for regulating community gardens, farmers markets, and residential gardening that had been brought before the Committee in March, 2018, and sought direction from the Committee Members. Ms. Josiah identified the extensive outreach that has been performed in the formulation of this amendment, as previously requested by the Committee Members. Ms. Josiah explained that the proposal would allow community gardens as accessory uses by right with use standards. The proposal would also allow community gardens as principal uses on vacant lots, with up to two acres of garden space to be permitted by Temporary Special Permit and between two and five acres of garden space to be permitted by Special Permit. Ms. Josiah indicated that many of the existing regulations for temporary farmers markets were no longer relevant and proposed to delete them. In addition, Ms. Josiah presented a recommendation to

permit residential gardening in the front yard, with use standards that limit the amount of area, setbacks and height for the gardens. Several Committee Members indicated that the proposed fees for the administrative permits for community gardens and farmers markets may be too high for some operators and asked that appropriate ranges and options be included in the proposal. Some Committee Members also expressed concern regarding the limitations for residential gardening in the front yard and indicated a desire to expand the use with less stringent standards. Ms. Josiah stated that authorization by the Board of Supervisors for the proposed amendment was scheduled for March 19, 2019 and public hearings before the Planning Commission and Board of Supervisors were scheduled for April 24, 2019 and June 25, 2019, respectively.

**Tree Conservation Ordinance Amendment:**

Eleanor Ku Coddling, Director, CDCD, LDS, presented proposed changes to the Tree Conservation Ordinance, Chapter 122 of the Code of the County of Fairfax: add an option for civil penalties while retaining the right for criminal penalties, and adding language to simplify charging the contractor or design professional who directed the unlawful removal of trees. Chapter 122 applies after a site-related plan for development has been submitted. In the 2018 cases, trees were removed after submittal of a plan but prior to approval. Discussion included the request from the Board to ensure that the penalty was enough, monetary or criminal, to deter the illegal tree removal. The Board also clarified that Chapter 122 enforcement authority provides enforcement in addition to county authority available under Erosion and Sedimentation Control (Chapter 104), the Chesapeake Bay Preservation Ordinance (Chapter 118) for Resource Protection Areas, and the Stormwater Management Ordinance (Chapter 124). The Board supported the proposed changes. The proposed amendments will be presented at the April 9, 2019 Board meeting for Authorization, with public hearings before the Planning Commission in May and before the Board in June.

The Committee meeting adjourned at 11:58 a.m.

The next Development Process Committee meeting is March 12, 2019, at 9:30 a.m.