

Board of Supervisors Land Use Policy Committee

September 28, 2021

Government Center Board Auditorium

Board of Supervisors (Board) Members present:

Jeff McKay, Chairman
Penelope Gross, Mason District (Vice Chairman)
James Walkinshaw, Braddock District
John Foust, Dranesville District
Walter Alcorn, Hunter Mill District
Rodney Lusk, Lee District
Dan Storck, Mount Vernon District
Dalia Palchik, Providence District
Pat Herrity, Springfield District
Kathy Smith, Sully District (Committee Chair)

The Land Use Policy Committee (Committee) meeting was called to order at 1:32 p.m.

Committee Chair Smith requested acceptance of the summary of the July 20, 2021, Committee meeting. The summary was accepted without change.

Zoning Ordinance Work Program:

Leslie Johnson, Zoning Administrator, Department of Planning and Development (DPD) presented the 2022/2023 Zoning Ordinance Work Program (ZOWP) which establishes the priorities for Zoning Ordinance amendments and efforts for the next two years. Staff returns to the Board on an annual basis for a status update and any needed re-prioritization. Ms. Johnson mentioned that Wellington Historic Overlay District (HOD) had to be added after they had started the ZOWP.

Ms. Johnson highlighted the accomplishments of the past year, in particular the adoption of the new Zoning Ordinance. She also noted that in addition to the new Zoning Ordinance, ten additional items were completed and four items are in progress. Staff has received very good feedback on the new zoning ordinance and its new web platform, enCode Plus, particularly its searchability. Ms. Johnson noted that staff is continuing to add to the list of searchable topics to make it easier to find information.

Other accomplishments that Ms. Johnson highlighted included establishment of the Wellington Historic Overlay District and the recently adopted companion amendment requiring Architectural Review Board approval for subdivisions within the Wellington HOD. She referenced the Agritourism amendment and noted that Cox Farms recently submitted an administrative permit for their Fall Festival.

Ms. Johnson further noted that status updates were provided to the Board on the Short-Term Lodging amendment, the Community Garden amendments, and most recently the Sign Ordinance that was adopted in 2019.

The 2022/2023 Work Program includes 11 main initiatives, covering 16 individual topics. They will bring some of these initiatives back to the Board for discussion in 2022, and others will be monitored, like the Affordable Housing Initiatives, the Green Initiatives, and the Zoning Ordinance Modernization (zMOD) implementation. While specific text changes for these initiatives may not be on the near term horizon, staff resources are required for researching, gathering data and meeting with stakeholders.

Ms. Johnson highlighted the Parking amendments is ready to be kicked-off this Fall and they are going to coming back to the Board on October 12 for the joint meeting of the Board and Planning Commission to present the background and goals of this amendment. This is a collaborative effort lead by Land Development Services (LDS) and DPD using consultant services.

She also mentioned that staff is moving forward with Part 2 of the Sign Ordinance update. Initially staff will be coordinating with the Department of Code Compliance (DCC) on an education and outreach campaign on the existing Sign provisions and use this outreach to gather information from various groups on the sign provisions. The Signs Part 2 will also focus more on the Comprehensive Sign Plan Provisions, Mixed-Used Developments, and some Multi-Family Signage.

She mentioned that establishing a Dark Skies Overlay District around the Turner Park Observatory is moving forward and that staff will be coming back to the Board in the Spring for discussion and direction on the Cannabis Legislation adopted by the General Assembly, which allows for the retail sales of cannabis products and provides local authority for establishing regulations on the location of those retail operations.

She also commented that they continue to look for opportunities to enhance the outreach on amendment topics including online engagement, public meetings (virtual and in-person), and the use of stakeholder groups. She also showed a bar chart to outline where they are going to put their efforts over the next two years.

Ms. Johnson talked about the Priority 2 Amendments. She noted that 53 topics from the 2020 Work Program list were addressed through zMOD and an additional five topics were removed. The Priority 2 list has been annotated for transparency. Staff will continue to review the Priority 2 list and do additional research on the remainder of the items to determine if those items are still relevant and will bring them to the Board next year. One of the Priority 2 items discussed during the Agritourism Amendment and recommended to be placed on the ZOWP was the 2003 Millennial Occoquan Task Force recommendation (Item #28) to establish an advisory committee to look at the Special Exception and Special Permit uses that are permitted in the R-C District

and look at the comprehensive plan language. Ms. Johnson explained that staff conducted a preliminary review of zoning applications in the R-C District and found that the county has indeed been good stewards of the Occoquan Watershed. DPD is also participating on the Resilient Fairfax Audit in conjunction with the Office of Environmental and Energy Coordination (OEEC), which is looking at some of the same topics, and OEEC will be making recommendations to the Board. She recommended to keep this item on the Priority 2 list for now, wait until the audit is finished to see what the recommendations are and then staff can coordinate and collaborate. She will bring back this topic to the Board next year. There was no objection from the Committee on this approach.

Ms. Johnson concluded her presentation by outlining the next steps, including a meeting with the Planning Commission Land Use Process Review Committee on September 30, 2021 leading to a Board Item asking for endorsement and approval of the Work Program for the next two years.

Committee Chair Smith commented that the ZOWP is a great program.

Supervisor Stork commented on the Wellington River Farm HOD, which American Horticultural Society Board decided not to move forward with NOVA Parks at this time. He also reminded the Hollin Hills residents that there is a poll right now and they should register their views on whether that there should be a Hollin Hills HOD created. Supervisor Storck thanked staff for their efforts.

There were no other comments from the Committee.

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) – Proposed Revisions and Adoption Process:

Craig Carinci, Director, Stormwater Planning Division, Department of Public Works and Environmental Services (DPWES) introduced Dipmani Kumar, DPWES, to give an update on FEMA's work on updating the county's digital flood insurance rate maps.

Mr. Kumar started by noting that Fairfax County has been participating in FEMA's National Flood Insurance Program since 1972. The program provides affordable flood insurance for residence in the county and in turn FEMA expects us to adopt flood insurance rate maps and any updates to these maps, and to enforce a certain minimum standard for floodplain management within the county.

Mr. Kumar then showed a picture to show where there is a FEMA designated floodplain on the northeast section of the Government Center campus. The county has about 812 stream miles of regulated floodplains and FEMA has designated 402 of those as special flood hazard areas. The special flood hazard areas have been updated with new data, and show increases in some areas and decreases in others. FEMA has also adopted a new vertical datum, which is the reference level to measure elevations.

He explained that from the 2000 structures that are in the FEMA designated floodplains, there is a net 10% decrease with an estimated 724 structures now mapped within the floodplain and the majority of these are in five watersheds.

Mr. Kumar said that on August 5, 2021, county staff met with FEMA, who gave us expectations in terms of milestones and timeline. Any appeals of the floodplain studies must come through the county. DPWES is setting out the process for reviewing appeals and forwarding valid appeals to FEMA. DPWES is in the process of generating notification letters for everyone impacted by the changes. The notifications will include maps that highlight changes identifying the parcel that has been impacted and showing the existing flood boundary and the new flood boundary. They will also schedule and publicize meetings that will describe the map changes.

Mr. Kumar concluded his presentation by outlining the next steps. They are in the process of mailing notifications and anticipate holding virtual public meetings in the winter. They will start with the appeal process in the spring 2022. Regarding the ordinance, they are working with LDS to determine what changes would be necessary and adopt them, which they expect to have ready sometime in 2023, depending on how long FEMA takes to resolve any appeals.

Supervisor Gross commented on the impacts pointing out that there are more structures that are being taken out than put in compared with what we have in the past (ten years ago), to which Mr. Kumar agreed and said that they were a result of correcting past mapping errors.

Supervisor Gross asked if FEMA mapping considers the more frequent and intense storms that we have been having over the last several years. Mr. Kumar said it did not. Supervisor Gross commented that it may or may not be helpful for some of our residents, who have been having consistently repeated flooding.

Supervisor Gross asked if we could include tools and links, like the National Oceanic and Atmospheric Administration in the letters, since this may be helpful for owners to understand what we are doing. Mr. Kumar answered that could be done, but that they are focusing on providing them with links that FEMA has provided us. Supervisor Gross suggested that the letters that come out should be written in plain language, so people don't need to call our offices with questions.

Supervisor Gross asked for an outline for each district showing what we have lost and what we have gained. It would be helpful to respond to her constituents.

Supervisor Storck asked if they could share a draft of the letter with the board, to which Mr. Kumar answered that they will be sending the letters to the board.

Framework for Inclusive Community Engagement in Fairfax County:

Karla Bruce, Chief Equity Officer, Office of the County Executive, and Lloyd Tucker, Director of Neighborhood and Community Services (NCS) presented the Framework for Inclusive Community Engagement.

Ms. Bruce began by acknowledging that community engagement and public participation are very important in Fairfax County, and our community can participate and influence the decisions that affect their communities. She said that this already happening, but they want to improve and expand it to ensure that the county is actively working to connect to populations that are not actively engaging in the public processes that could impact their communities. She mentioned that the county government alone cannot always solve challenges and the community can become a part of identifying problems and informing, participating, and giving solutions. Her team developed a framework and recognized that to be fully inclusive they needed to utilize mechanisms that had not traditionally been used. They wanted a more predictable, consistent, and sustainable way of doing inclusive community engagement moving forward.

She talked about Power and how this affects participation. She said that Power is “your ability to influence decisions and the ability to have your voice heard.” They want to make sure that people have a broader access and ability to participate in civic life and therefore have the power to influence the life they live in. There is an imbalance in terms of who is participating, so they want to expand power to be more inclusive of a broader representation of our community.

Ms. Bruce stated that they are moving away from a certain condition to a more inclusive equitable community by establishing a dialogue that is not one-sided. The goal is to focus on how we can make community engagement more accessible.

She commented that with the pandemic they learned different ways that we can engage our community, and they want to use them as resources. She said that engagement is more than just a survey it is more than one direction, it is an opportunity to build relationship with the community and we should involve them not just in problem identification but also in solutions.

Ms. Bruce highlighted the importance of ownership, and that people should own and feel a sense of responsibility for their community. She mentioned that this relates to something that was a part of the One Fairfax policy, which includes 17 areas of focus and outlines a process. One of the key elements of that process is meaningful community engagement, the idea of civil discourse and dialogue reflecting the breadth of interests, ideas, and values that are in our community, making sure that diverse races, cultures, ages, and other social statuses are reflected in who participates.

Ms. Bruce stated that this is about how we as a government might need to change what we do to be more transparent, to listen, and to be more flexible and adaptable, so this is as much about

reaching people as it is about looking at internally what we might be doing that might be hindering peoples' ability to participate.

Ms. Bruce turned the presentation over to Mr. Lloyd Tucker, who talked about the framework.

Mr. Tucker explained that the framework consists of three elements, the first being the Core Principles, which are related to ensuring that we are acknowledging our inequities through our process and that the process is honest and transparent. It also involves equipping our staff with the best data and using real time information to inform our decisions and collaborating with the community to make sure that they have access to the government.

Mr. Tucker continued with the second element, the Community Engagement Spectrum. He said that they have developed a new engagement spectrum that can help establish the county's commitment to the community and to be clear about the level of engagement.

He continued with the third element, the Operational Considerations and explained that they have identified that there is a need for additional resources to build capacity and infrastructure, like language access, Americans with Disabilities Act (ADA) accessibility, and digital equity.

Mr. Tucker stated that we need to ensure that our community members are provided translated materials, translators and we are investing in meetings that are facilitated in different languages. He added that our ADA accessibility needs to be addressed to make sure we are making meaningful and concerned efforts to accommodate our community members with disabilities, and that we have the skills, the digital tools, and the resources to make sure that we are accommodating them. We need to ensure that we are meeting the community where they are and show them that they have access in their living rooms or in their homes.

Mr. Tucker concluded his presentation by outlining the next steps, which includes the developing of an implementation plan and the developing of metrics that show the impact of the work that they are doing with this inclusive engagement framework, as well as making sure that they are budgeted. They are making requests to support centralized engagement functions managed by NCS, Office of Public Affairs, and the One Fairfax office and available to all county departments, that will include tools such as a county-wide online engagement platform and language access support. They have started to pilot this process with the Lee District community center, and the county-wide strategic planning process. They noted that some departments are implementing and operationalizing this through their equity plans, that they are developing a county wide training, and that they are leveraging GIS systems to establish other tools for the community as well as our county staff and partners to access.

Discussion ensued with several comments and questions. Committee Chair Smith commented that one of the things that come out of Covid is that we have realized that we can use virtual

tools, and there are a lot of areas where we need to capture people so that we can hear from them and hear their voices because it makes us do our work better.

Chairman McKay agreed that making things automatic and language access are important pieces. He stated that he hopes that those tools that were productive become part of our normal operating procedure moving forward. Phone call and video testimony should be built into our normalcy of operations. He mentioned his concern about communities that have not been engaged, and there are important voices to be heard. He also commented on people who engage with the county for one thing specifically. Supervisor McKay stated that they need to focus on how we channel the energy of that specific issue into interest in so many of the other things that they are doing as county government, because he wants them to come back.

Supervisor Gross commented on the use of the word “power” in the presentation. She said that the words “authority” and “responsibility” were left out. She found some negative comments on the presentation and said that we must be careful in using terminology and how we are going to present it because it gives the wrong idea of what they are trying to do with One Fairfax and what already exists. She noted that on slide four of the presentation, one side could be interpreted as negative and the other as positive. She commented on the slide nine of the presentation, the engagement level “decide” of the county engagement spectrum “strategically delegate decision-making as appropriate with the BACs [Boards, Authorities and Commissions]” and clarified that the BACs make recommendations to the board but they don’t make the decisions themselves. She stated that there is a significant government piece in our structure and asked not to ignore it because the governance is an important piece and that we don’t want a lack of governance in Fairfax County.

Supervisor Lusk acknowledged that it is important to establish and maintain trust and commented that core principle number six is important because so many members in our community feel marginalized because they don’t know what’s happening and that they are going to feel like they are outside the process when they can’t understand what is being expressed. Mr. Lusk said that we want to promote and create accessible government and we all have a responsibility to try to engage with members of our community. He asked about the next steps how do you see the development of this implementation plan and how are we going to evaluate the efficacy in the efforts that we are proposing here today.

Ms. Bruce said that community engagement and public participation happens in different ways across the county. She said that they have shifted into a phase of operationalizing, so they will take the framework and work with each department to figure out how they will implement it. Some departments have included more inclusive community engagement as part of their departmental equity plans so they are supporting them in that way. Other departments are identifying where they have community engagement, and evaluating how these principles, levels and various considerations aligned with their existing plans, and then they will develop inclusive

community engagement plans. She added that based on those plans they can then begin to develop a more standard set of metrics to begin to see if they are being more inclusive in their community engagement as a result of following these principles and utilizing considerations.

Supervisor Lusk added that they could also ask members of our community to assess how effective we have been and tell us what they think we have been able to do effectively or not.

Supervisor Palchik commented about building long-term relationships. She said that engagement is more than a survey and that it is important that the relationship and the trust are already there when we want the engagement and feedback from the community members. She also said that being honest about what we do and what we need to improve. Ms. Palchik also agreed with Supervisor Gross regarding that governance is very important.

Supervisor Storck said that the framework for community engagement is the essence of what we want to be, and that we are looking for ways to bring people, that have not engaged yet, in the process.

Supervisor Herrity agreed with Supervisor Gross's comments on the language of the presentation and stated that local government is closest to the people, and we should focus in making sure that our residents are being informed.

Supervisor Walkinshaw said that our greatest strength in terms of community engagement also creates our biggest challenge. Our greatest strength in Fairfax County is the incredible number of older adults who participate in so much of what we do. There are people who actively engage, and we benefit from their talents, but also are missing people because of time. We should get them the opportunity to be engaged. We can figure out some strategies to add time and flexibility, so people can participate.

Supervisor Alcorn appreciates the emphasis of clarity. He encouraged people to work with the board, and not to be afraid to listen to people who have different perspectives.

Supervisor Foust expressed his disappointment in page number four of the presentation. He added that we need to reach populations that historically have not been vocal, but we also need to be more responsive to people if we want them to participate. He suggested the use of statistically valid surveys.

Committee Chair Smith commented there might be some other connection points if we connect with the schools to get people involved in government, specifically with the parent liaisons, which is one of the strong positions of the school.

The Committee meeting adjourned at 3:02 p.m.

The next scheduled Committee meeting is October 26, 2021, at 1:30 p.m.