



County of Fairfax, Virginia

MEMORANDUM

TO: Board of Supervisors

SUBJECT: Summary Notes from the **June 9, 2015** Development Process Committee Meeting

DATE: July 23, 2015

The following Board Members attended the meeting: Development Process Committee Chair Michael R. Frey, Sully District; Chair of Board of Supervisors Sharon Bulova; Supervisor John C. Cook, Braddock District; Supervisor John W. Foust, Dranesville District; Supervisor Catherine M. Hudgins, Hunter Mill District; Supervisor Jeffrey C. McKay, Lee District; Supervisor Linda Q. Smyth, Providence District; and Supervisor Pat Herrity, Springfield District.

The following is a summary of the highlights of the discussion at the June 9, 2015, meeting.

Improving the Regulatory Process:

James Patteson, Director, DPWES, and Meghan Kiefer, Office of the County Executive, provided an update of the Land Use and Development Services Strategic Assessment (Gartner Study). This evaluation is to support the County's Strategic Plan to Facilitate Economic Success, specifically Goals 2, 3, and 6. The evaluation is assessing our current processes and identifying strengths, challenges and opportunities for improvement to develop potential modifications to the development review process in fulfillment of Goal 3. Bill Hicks, Director, Land Development Services, DPWES, provided information of various metrics for measuring land development in the County, such as permit issuance, plan approval, review time and inventory, and crane counts, and included updates of the Booster Shot implementation. Mr. Hicks also described the top initiatives of LDS, DPZ and the Fire Marshal's Office (FMO) to improve the speed, consistency and predictability of the development review process. Discussion ensued, regarding FMO inspections, VDOT street acceptance, E-plan review and availability, parking reductions, plan review times, and urban standards in the Comprehensive Plan. With the Committee's concurrence, staff will continue with the Assessment and implementation of process improvements, and return for further discussion at a future Development Process Committee meeting.

Sign in the Right of Way:

Jeff Blackford, Director of the Department of Code Compliance as well as Sergeant James Tully of the Sheriff's Community Labor Force (CLF) provided an update following completion of the second year of operations to remove illegally placed signs within the Rights-of-Way (ROW) on

designated VDOT roadways within the County. Staff advised the Committee that the CLF removed 14,000 signs in the first year of operations and is on pace to remove over 22,000 signs within the second year. Staff advised the Committee that the current CLF crew is working at capacity, and with State limitations for sign collection days, is without ability to increase collections. Staff proposed the potential to expand the program by adding a second crew in the third year, and explained that the Sheriff's Office believes that there are sufficient year-end funds to resource the equipment required for a second crew and to support that crew through FY2016. Staff further suggested that a RoboCall-type system has been effective in other Virginia jurisdictions, and may be helpful in Fairfax County to advise frequent sign violators of the State laws prohibiting placing advertising in the State's ROWs. Discussion ensued regarding the second crew expansion of frequency and/or locations of the ROW sign collections program, the sustainability of funding, possible script wording for the RoboCalls, and enforcement of repeat offenders. With the Committee's concurrence, staff will prepare a portfolio response to be sent to the Committee to further addressing these matters.

2015 Zoning Ordinance Work Program:

Ms. Johnson presented the 2015 Priority 1 Zoning Ordinance Amendment Work Program to the Committee and reviewed the various attachments that comprise the Work Program. The following items were highlighted:

Alternative Lending Institutions (ALI): Ms. Johnson noted that this item was added to the Priority 2 list in 2014 with the understanding that staff would bring the item forward for discussion at a future Development Process Committee meeting. Ms. Johnson reviewed the one page handout provided to the Committee on staff's proposal to define Alternative Lending Institutions to include pay day lenders and car title lenders as a specific use in the Zoning Ordinance and to only allow these uses in the C-7 and C-8 Districts, subject to use limitations and to prohibit these uses from locating in Commercial Revitalization Districts (CRD). It was the consensus of the Committee to have staff bring this amendment forward for authorization in the fall, with careful attention paid to how the proposal will be advertised. Supervisor Smyth also asked staff to look into whether the proposal could also prohibit ALI's in the Commercial Revitalization Areas (Merrifield and Lake Anne). Supervisors Foust and McKay asked staff to review the extent to which another alternative lender might have the right to move into any space that was vacated by an alternative lender after the passage of a more restrictive Zoning Ordinance amendment.

Adult Day Health Care Centers: Ms. Johnson noted that this item was added to the Priority 2 list in 2014 and is now on the 2015 Priority 1 Work Program. Ms. Johnson noted that meetings had been held with Health Department, Area Agency on Aging and Human Services staff to discuss adult day care facilities, including adult day health centers, both from a land use and licensing perspective. Ms. Johnson advised the Committee that staff was working on a proposal and

would be facilitating another meeting with staff before forwarding a proposal to the full Board for review at an upcoming Development Process Committee meeting.

Signs: Ms. Johnson discussed moving forward with a comprehensive review of the Sign Ordinance. She acknowledged that this process will be staff intensive and will be a multi-year process. Supervisor McKay requested that the initial focus of the amendment should be on looking at ways to prohibit the proliferation of the large fluttering flag style signs that are popping up everywhere. Emphasis should be on ensuring that we can enforce our existing regulations.

Agricultural Uses and Districts: Ms. Johnson noted that in response to the recent Board Matter presented by Supervisors Herrity and Frey on the establishment of Farm Breweries in the county, the item previously identified as Agri-Recreation on the 2014 Work Program was expanded to include a review of zoning districts which permit agricultural activities in light of amendments to the State Code limiting local regulation of agricultural activities including farm wineries, farm breweries, farm distilleries and agri-tourism/recreational activities. Ms. Johnson noted that this amendment will require considerable study and evaluation. Supervisor Frey stated that there were a couple of existing agri-recreation uses that staff has been reviewing that perhaps may not be able to wait for a long term fix to address certain issues.

Supervisor Foust requested that a clarification of the definition of public use be added to the 2015 Priority 1 Work Program. Mr. Foust noted that the current definition of public use does not specifically address uses sponsored by other local jurisdictions and that based on interpretation these types of uses such as schools, libraries, parks are considered public uses and other than a 2232 Review, no Board approval is required. After a brief discussion, Ms. Johnson noted that this item would be added to the 2015 Priority 1 Work Program. Ms. Johnson stated that the 2015 Priority 1 Zoning Ordinance Amendment Work Program would be presented to the full Board for approval on July 28, 2015.

Noise Ordinance:

Lorrie Kirst, Senior Deputy Zoning Administrator, provided an update of the proposed Noise Ordinance by summarizing the major issues that were presented at the May 12, 2015, Board public hearing and noted that the Board decision on the amendment was deferred until June 23, 2015. Ms. Kirst distributed and discussed revised proposed text, dated June 5, 2015, that would potentially address some of the issues raised by speakers at the public hearing. In response to the previous Board's request for information on the site selection and approval process for off leash dog parks, staff from the Fairfax County Park Authority prepared a dog park informational item that was distributed. William Curran, Director of Student Activities and Athletics, Fairfax County Public Schools, also provided input on FCPS efforts and policies on minimizing noise from athletic activities on school property. It was the consensus of the Committee that additional time was needed to address the issues and that the Board's decision

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would be deferred on June 23, 2015. The Committee also requested that the Noise Ordinance be discussed at the next Committee meeting in September.

The Fairfax County Board of Supervisors' next Development Process Committee meeting will be the Workshop on the Noise Ordinance on September 11, 2015, at 10:00 AM at the Fairfax County Government Center, Conference Rooms 9 & 10. Please note that the Workshop on the Noise Ordinance will be the only item on the meeting agenda.