

*Bylaws
&
Procedures*



**Fairfax County
Planning Commission**

~~October 27, 2021~~ NEW
DATE

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ARTICLE 1 - OBJECTIVES

1-101 ESTABLISHMENT

The Planning Commission was established in conformance with a resolution adopted by the Fairfax County Board of Supervisors on July 6, 1938.

1-102 TITLE

The official title of this Commission will be the "Fairfax County Planning Commission."

1-103 PURPOSE

The Commission has adopted the following articles in order to exercise its powers and duties in accordance with the provisions of Chapter 22, Title 15.2 of the *Code of Virginia*.

1-104 VIRGINIA FREEDOM OF INFORMATION ACT

The Fairfax County Planning Commission is a public body. As such, public access to all meetings and records are governed by the *Virginia Freedom of Information Act*. Virginia Code Section 2.2-3700 – 3715.

ARTICLE 2 - MEMBERSHIP

2-101 COMPOSITION & APPOINTMENT

1. The Planning Commission will consist of not less than five nor more than 15 members, appointed by the Board of Supervisors, all of whom are residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the appointed members must be Fairfax County landowners, and there must be one member from each District.
2. Members will be appointed for four years, or until a successor takes office, and terms of appointment will be staggered.
3. Any vacancy in membership will be filled by Board appointment. It will be for an unexpired term only.
4. Any appointed member may be removed by the Board of Supervisors for malfeasance in office.

ARTICLE 3 - ELECTION AND TERMS OF OFFICERS

3-101 OFFICERS

The officers of the Planning Commission will consist of:

Chairman
Vice Chairman
Secretary
Parliamentarian

3-102 ELECTION

1. The officers of the Planning Commission will be elected from the members for a one-year term by the Commission at the ~~third~~second regular meeting of the calendar year after the newly constituted Commission convenes with a quorum present.
2. The election will be announced at the last meeting of the prior calendar year and at the first meeting of the calendar year in which the election is held. ~~two consecutive meetings prior to the meeting at which the election is held.~~
3. The member receiving a majority vote of the entire membership of the Commission those present and voting will be declared elected. That member will take office immediately ~~and serve for one year or until a successor takes office.~~

- 3-103 ORDER OF SUCCESSION**
1. The order of succession in the temporary absence of or the inability to act by the Chairman will be Vice Chairman, Secretary, and Parliamentarian.
 2. Permanent vacancies in office will be filled immediately by the election procedures specified in Section 3-102 of these *Bylaws*.

- 3-104 TERMS AND TERM LIMITS**
1. Each officer takes office immediately upon election and serves for a one-year term or until a successor takes office.
 2. Commissioners may serve as Chairman, Vice Chairman, Secretary, and Parliamentarian for no more than four consecutive years.

ARTICLE 4 - DUTIES OF OFFICERS

- 4-101 DUTIES OF CHAIRMAN**
1. Preside at all meetings.
 - A. Maintain decorum as set forth in Sections 7-101 and 7-103 of the *Bylaws*.
 - B. Ensure that the public hearing procedures and time limitations, as set forth in Section 7-102 of the *Bylaws*, are met.
 2. Appoint standing and special committees, subject to approval by a majority vote of the Commission ~~membership~~members present and voting.
 3. Exercise general supervision over the Planning Commission staff and assign such duties to the staff as the Commission directs.
 4. Approve the agenda for Commission hearings in the absence of the Secretary.
 5. Represent the Commission at official functions and ceremonial events.
 6. Forward to the Board of Supervisors an annual report, and other reports as deemed necessary, concerning the operation of the Commission and the status of land use planning within the County.
 7. Perform other duties as assigned.

- 4-102 DUTIES OF VICE CHAIRMAN**
1. Assume the duties of the Chairman in cases of the Chairman's inability to act or absence.
 2. Oversee activities of the Commission's standing and special committees.

- 4-103 DUTIES OF SECRETARY**
1. Perform such duties as required by Section 10-101 of the Bylaws, pertaining to Minutes of the Commission.
 2. Perform such duties as required by Section 8-101 of the Bylaws, pertaining to Commission agendas.
 3. Set the order of substantive business for each Commission meeting.
 4. Notify Commission members of special meetings in accord with the provisions of Section 6-102 of the *Bylaws*.
 5. Act in the absence of or inability to perform by other officers.

- 4-104 DUTIES OF PARLIAMENTARIAN**
1. Advise on all questions relating to rules and parliamentary procedures.
 - A. Parliamentary procedure in Commission meetings will be governed by the current edition of Robert's Rules of Order, newly revised, to the extent they are not inconsistent with these Bylaws.
 - B. The rules of the Commission will not be suspended except for a specific purpose and by a

two-thirds vote of those members present and voting.

2. Act in the absence or inability of the other officers to act.

ARTICLE 5 - COMMITTEES

Committees will be established at the fourth regular Planning Commission meeting of each calendar year. Committee membership will be established by a majority vote of the Commission members present and voting. Each committee will also be constituted at the fourth regular Planning Commission meeting, during which a Chairman and, if designated, a Vice Chairman will be elected by committee membership to serve for a term of two years.

5-101 STANDING COMMITTEES

1. The Standing Committees will be appointed by the Chairman for one year, subject to approval by a majority vote of the Commission membership.

A. Personnel and Budget Committee

The Personnel and Budget Committee will consist of not less than three nor more than five primary members. It will review the duty, status, performance and workload of the Commission staff; annually review the resources that support the work of the Planning Commission; review annually the budget of the Planning Commission; and recommend to the Commission appropriate actions concerning budget and personnel matters.

B. Policy and Procedures Committee

The Policy and Procedures Committee will consist of not less than three nor more than five primary members. It will analyze and recommend Commission positions on County policies and procedures affecting land use issues; propose such *Bylaws* amendments as may be appropriate; and analyze issues recommended by the Commission or those undertaken on its own initiative.

2. Alternates may be appointed to each standing committee to serve during the temporary absence of primary committee members.
3. ~~A chairman and vice chairman, if desired, will be chosen by the committee membership at the initial committee meeting held subsequent to its annual constitution, except that e~~lected Commission officers will be ineligible to serve as chairman or vice chairman of the standing committees for these offices.
4. Should a vacancy occur in Committee leadership or membership prior to the completion of their two-year term, the Chairman will appoint a replacement at her/his discretion.
- ~~4.5.~~ All committee meetings will be announced and will be open to any interested Commissioner.
- ~~5-6.~~ All committee meetings will be open to the public to the extent required by the *Virginia Freedom of Information Act*.
- ~~6-7.~~ Committees will provide a report of activities for inclusion in the Commission's Annual Report to the Board of Supervisors, and as appropriate, status reports to the Commission during each calendar year.

5-102 SPECIAL COMMITTEES

Special committee members and alternates may be appointed by the Chairman for the purposes approved by a majority vote of the Commission members present and voting. Any Commission member may serve as chairman of a designated special committee, regardless of other offices held.

- ~~1.~~ ~~A chairman and vice chairman, if desired, will be chosen by the committee membership at the initial committee meeting held subsequent to its annual constitution.~~
- ~~2-1.~~ All special committee meetings will be announced and will be open to any interested Commissioner.
- ~~3-2.~~ All special committee meetings will be open to the public to the extent required by the *Virginia Freedom of Information Act*.
- ~~4-3.~~ All special committees will provide a report of activities for inclusion in the Commission's Annual Report to the Board of Supervisors, and as appropriate, status reports to the Commission during the calendar year.

ARTICLE 6 – MEETINGS

6-101 Virginia Freedom of Information Act

All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq., as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The Planning Commission may hold public hearings and report its findings to the Board of Supervisors on Planning Commission issues that affect the public interest.

6-1016-102 REGULAR MEETINGS

1. Regular meetings of the Planning Commission will be held on Wednesday and/or Thursday of each week as the work of the Commission may require, except on legal holidays, and at such other times as the Commission may determine.

2. Meetings will be held in the Board Auditorium of the Government Center at 7:30 p.m., or at a time and place designated by the Chairman. If allowed by law, an electronic meeting may be called at the request of the Chairman. Electronic meetings will be conducted through a dedicated video conference line or equivalent technology as allowed by law.
3. The usual order of business at a regular meeting, upon determination of a quorum, will be:
 - A. Call to order by the Chairman
 - B. Reports and Commission business
 - C. Public hearings
 - D. Adjournment.
4. Absent a motion and majority vote of those members present to adjourn at midnight (12:00 a.m.), the Commission meetings will continue until adjourned by the Chairman after consideration of all scheduled agenda items.
5. All meetings will be open except as provided for in the *Virginia Freedom of Information Act*.

6-1026-103 SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the Chairman or by two members upon written request to the Secretary.

1. The Secretary will cause to be mailed to all members, at least five days in advance of a special meeting, a written notice fixing the time, place, and purpose of the meeting.
2. Written notice of a special meeting will not be required if the time of the special meeting has been fixed at a previous regular meeting or if members have filed a written waiver of the required notice.

6-1036-104 CLOSED SESSIONS

Closed Sessions may be held for the purposes and in accordance with the processes provided for in the *Virginia Freedom of Information Act*.

1. A meeting will not become a Closed Session unless there has been recorded an affirmative vote to that effect by the Commission.
2. Immediately subsequent to each Closed Session, the Planning Commission will certify, in open session that only matters specifically identified for convening the Closed Session were discussed or considered.
3. No action agreed upon in a Closed Session will become effective unless confirmed by the Commission in an open meeting.
4. At a Closed Session, the Chairman, with the approval of the Commission membership, may invite attendance by any person(s) the Commission believes will contribute to discussion of the matter.

6-1046-105 QUORUMS AND ACTIONS

1. A majority of the members~~hip~~ of the Commission or its standing and special committees will constitute a quorum.
 - A. Whenever circumstances prevent a member from attending a Commission or committee meeting, ~~that~~said member will notify ~~Planning Commission Office staff~~the Chairman and the Executive Director as early as possible on or before the day of the meeting.
 - B. The temporary absence from the meeting room of members sufficient to constitute a quorum will not be deemed to prevent the hearing of presentations or the discussion of matters.

2. In the absence of a quorum, no official actions will be taken by the Commission or its standing and special committees.
3. No action of the Commission or its standing and special committees will be valid unless authorized by a majority vote of those present and voting.
 - A. At the request of any Commissioner, the Chairman will restate the motion or ask another Commissioner to do so.
 - B. An action may be reconsidered only upon a motion by a member who voted with the prevailing side on the original vote. A motion to reconsider must be made at the same or immediately subsequent regular meeting.
 - C. If a motion to reconsider passes, the substantive matter to be reconsidered will be scheduled for a date certain and notice will be given in accordance with any applicable standing resolution of the Commission or special resolution of the Commission adopted at the time of reconsideration.

ARTICLE 7 - PUBLIC HEARINGS

7-101 DECORUM

Decorum during a Commission public hearing will be maintained by the Chairman, who may request such assistance as necessary in maintaining order.

7-102 PROCEDURES

It will be the Chairman's responsibility to enforce the procedures and time limitations set forth below.

The procedures normally followed for a public hearing, on any matter other than the consideration of the Comprehensive Plan or section or part thereof, will be:

1. Call of the agenda item(s)

The Chairman will inform those present of the procedures to be followed, to include time limitations.

 - A. The Chairman will ask any citizen with a written statement to present it to the Clerk before any speakers are called to allow review time by Commission members.
 - B. The Chairman will encourage organizations to have only one representative speak, with others standing to demonstrate their support.
2. Reaffirmation of the affidavit

Prior to each public hearing, the applicant or authorized agent will make an oral statement that the new or reaffirmed affidavit is correct and accurate as of the date of that hearing. Following the reaffirmation, the Chairman will query Commission members to ascertain the need for any disclosures based on provided information.
3. Call for the staff presentation
 - A. Staff will describe the application or amendment at issue and explain its findings.
 - B. The staff presentation or any part thereof may be waived, or a time limit thereon established, by majority vote of the Commission members present and voting.
4. Call for the applicant's presentation
 - A. An applicant may appear on the applicant's own behalf or be represented by an agent.
 - B. The time limit for the applicant's presentation will ordinarily be ten minutes. The Chairman may allow additional time for the applicant's opening presentation in complex cases.

5. Commission questions for staff and/or applicant
6. Call for testimony from the public

Public testimony may be provided in-person (unless the meeting is an electronic meeting), or by telephone, or via video submission during the public hearing unless designated otherwise by the Chairman. Written testimony may also be submitted. The order of methods of testimony may be changed at the Chairman's discretion. Limits for public testimony will be as follows:

 - A. ~~Five (5)~~Four (4) minutes for individuals appearing on their own behalf, or on behalf of a business entity, if signed up on the *Speakers List* by 1:00 p.m. on the scheduled date of the public hearing.
 - B. ~~Ten (10)~~Seven (7) minutes for individuals representing a civic association, homeowners association, business or professional association, or other similar organization or group, if signed up on the *Speakers List* by 1:00 p.m. on the scheduled date of the public hearing. Each such organization or group is entitled to one ~~ten (10)~~seven (7) minute presentation, which may be presented by one or several speakers, as the organization or group may elect.
 - C. Three (3) minutes for individuals, who have not signed up on the *Speakers List* by 1:00 p.m. on the scheduled date of the public hearing, regardless of whom they may represent.
 - D. Speakers who wish to submit video testimony must do so by 9:00 a.m. on the day before the meeting in order for the submission to be included.
 - E. Members of the public who wish to submit written testimony may do so until the public hearing is closed, but in order to ensure the distribution of their testimony to the Commissioners by the start of the public hearing, written testimony must be submitted by 1:00 p.m. on the day of the public hearing.
7. Rebuttal

Call for rebuttal testimony by the applicant/ agent. There will be a ten (10) minute time limit on such testimony, although additional time may be permitted at the discretion of the Chairman.
8. Closing staff and/or Commission comments

Call for closing comments and recommendations from the staff. There will be a five (5) minute time limit on such comments and recommendations.

Time limits provided in this Section may be extended at the discretion of the Chairman.

9. Closure of the public hearing

Announce closure of the public hearing and call for action on the application.

 - A. The Commissioner handling the application will comment on the application and introduce a motion for consideration. The Planning Commission may defer any action to a future date.
 - B. Other members of the Commission may, prior to the vote, comment on the application and/or the motion.

7-103 **COMPREHENSIVE PLAN REVIEW**

It will be the Chairman's responsibility to enforce the procedures and time limitations set forth below for all hearings on proposed amendments to the Comprehensive Plan.

1. Call of the public hearing by the Chairman.
2. Description of the area under study, together with a presentation by staff and/or Commission members of recommendations for development of the designated area. For Plan amendments that include a nominator and task force, the nominator and task force representative will present following staff.

3. Call by the Chairman for names of interested parties who wish to speak to the proposed Plan amendment.
4. Presentation by interested parties on the proposed Plan amendment with the following times allotted. Public testimony may be provided in-person (unless the meeting is an electronic meeting), or by telephone, or via video submission during the public hearing unless designated otherwise by the Chairman. Written testimony may also be submitted.

Anyone not designated on the *Speaker List*: 3 minutes

For individuals signed up on the Speaker List by 1:00 p.m. on the scheduled date of the public hearing:

~~45~~ Minutes

~~740~~ Minutes

10 Minutes

Individuals

Homeowners Associations/Civic Associations
/Countywide Associations

Nominators

Speakers who wish to submit video testimony must do so by 9:00 a.m. on the day before the meeting in order for the submission to be included.

Members of the public who wish to submit written testimony may do so until the public hearing is closed, but in order to ensure the distribution of their testimony to the Commissioners by the start of the public hearing, written testimony must be submitted by 1:00 p.m.

5. Staff/Commission discussion.
6. Commission action. (At the Commission's discretion, a separate markup session may be scheduled for action.)

7-104

CONDUCT

1. A person must be recognized by the Chairman to speak
 - A. Except as provided in Section 7-102, speakers will speak once unless recognized at the request of a Commissioner.
 - B. A person whose allotted time to speak has expired (as outlined in Section 7-102) will be notified by the Chairman to conclude.
 - C. After the public hearing is closed, no person will be recognized to address the Commission with the exception of staff, unless recognized at the request of a Commissioner.
2. Questions posed by Commissioners will be reserved, insofar as possible, until the end of an applicant's presentation or speaker's allotted time, to avoid interrupting the speaker, interfering with the time-keeping process, or duplicating testimony that a speaker may eventually cover.
 - A. Discussion and debate by Commissioners will be conducted following presentation of testimony on the pending item.
 - B. A member who has spoken to the item will not be again recognized until each member desiring to speak will have had an opportunity to do so.
3. Upon a majority vote of the Commission members present and voting, the record of any public hearing may be held open for the receipt of written statements until such time as specified prior to the final determination.

ARTICLE 8 - AGENDA

8-101

APPROVAL OF AGENDA

1. The Planning Commission, through its Secretary and in conjunction with the Planning Commission

staff, will develop and approve agendas for all Commission meetings.

2. In addition to those hearings required by law, the Commission at its discretion may hold public hearings or special meetings.
3. Notice of public hearings and publication thereof in a newspaper of general circulation will be made as required by Chapter 22, Title 15.2 of the *Code of Virginia* and by ordinances enacted by the Fairfax County Board of Supervisors.

ARTICLE 9 - BOARD OF ZONING APPEALS APPLICATIONS

Under the provisions of Article 8 of the Zoning Ordinance (Chapter 112.1 of the County Code, effective July 1, 2021), the Planning Commission may review and make recommendations to the Board of Zoning Appeals (BZA) on appeals of the Zoning Administrator's decisions and on applications for special permits and variances deemed to have significant land use implications. The Commission may elect to consider said applications in the forum of an administrative review or a public hearing.

9-101 NOTIFICATION

1. The Commission will notify by certified mail, return receipt requested, the applicant or representative of the date of the scheduled administrative review or public hearing.
2. The Planning Commission will fix a reasonable time for considering the pending application, indicating if said consideration should be an administrative review only or a public hearing.
3. In the event the Commission elects to consider the pending application in the forum of a public hearing, notice requirements will apply.
4. The Commission will make every effort to render a decision prior to the scheduled BZA hearing date, unless otherwise agreed upon by the Planning Commission, the BZA, and the applicant.
5. Upon completion of the Commission's action on the pending application, a recommendation will be forwarded to the BZA for its consideration and final action.
6. The Commission will notify the applicant or representative in writing of the action taken by the Planning Commission.

9-102 PROCEDURES

It will be the Chairman's responsibility to enforce the procedures and time limits set forth below.

1. Administrative Review

In the event that the Planning Commission votes to hold an administrative review on a BZA application, the following procedures will apply:

- A. Call of the agenda item
The Chairman will inform those present of the procedures to be followed, to include time limitations.
- B. Call for the staff presentation
 - (1) Staff will describe the application and explain its recommendations.
 - (2) The staff presentation or any part thereof may be waived, or a time limit thereupon established, by a majority vote of the Commission members present and voting.
- C. Call for the applicant/appellant's presentation
 - (1) The applicant/appellant may appear on the applicant/appellant's own behalf or be otherwise represented.

(2) The time limit for the applicant/ appellant's presentation will be ten (10) minutes.

D. Closure of the administrative review and call for action

(1) The Commissioner from the District involved will comment on the case and introduce a motion for consideration.

(2) Other members of the Commission may, prior to the vote, comment on the application and/or the motion.

2. *Public Hearing*

In the event the Planning Commission votes to hold a public hearing on a pending application before the BZA, hearing procedures as outlined in Section 7-102 of these *Bylaws* will apply.

ARTICLE 10 - OFFICIAL RECORDS

10-101 MINUTES

1. ~~The Planning Commission will maintain audio and video records of all public hearings and audio records of all Committee regular and committee meetings will be maintained by Fairfax County.~~ Video recordings will be bookmarked at the beginning of each agenda item and the beginning of any motions.

2. The Planning Commission will maintain and keep minutes in conformance with the *Virginia Freedom of Information Act* of all proceedings showing:

- A. The names and, if ~~provided known~~, the addresses of all witnesses giving testimony.
- B. Evidence presented.
- C. Findings of fact by the Commission.
- D. The vote of each member upon each question or, if absent or failing to vote, such fact.
- E. The date, time and location of the meeting.
- F. The members present and absent.
- G. A summary of the discussion on matters proposed, deliberated or decided.

Minutes for electronic meetings or meetings in which one or more members participate through electronic means, will be in conformance with the requirements listed in the *Virginia Freedom of Information Act* and *The Fairfax County Planning Commission Policy for Participation in Meetings by Electronic Communications*.

3. The Secretary will present Minutes of preceding meetings to the Commission for approval no later than four months from any meeting date.

4. The Clerk to the Commission will sign all Minutes after their approval by the Commission.

5. The Clerk to the Commission will seal all approved Minutes with the official seal of the Planning Commission.

~~10-102~~ **PUBLIC RECORD**

~~Copies of Minutes after closure of the public hearing will be made available by the Clerk to the Commission to any person pursuant to the *Virginia Freedom of Information Act*.~~

~~10-103~~ **10-102 REPORTS AND CORRESPONDENCE**

1. The Commission will transmit a report on all actions taken to the Board of Supervisors.

A. A minority of the Commission will have the right to file a separate report to accompany the report embodying the recommendations or actions of the majority.

B. All official papers representing the Planning Commission will bear the signature of the Chairman or Vice Chairman, or that of the Executive Director, or designee, to include the Clerk to the Planning Commission.

2. It will be the duty of the Chairman to draft and sign all correspondence necessary for the execution of the duties and functions of the Commission, except that the Chairman may authorize delegation of this duty to the Executive Director, or designee, as appropriate.

ARTICLE 11 -- INCLEMENT WEATHER POLICY

11-101

INCLEMENT WEATHER POLICY

In the event of inclement weather, the County Executive may close all County offices or may grant unscheduled leave to County employees. In the case of a County closure, all Planning Commission meetings and public hearings scheduled for that day will be cancelled and the applications rescheduled for the next available meeting date which can accommodate the hearings and allows sufficient time for re-advertising. In the case of unscheduled leave, or in the case of inclement weather regardless of County operating status, the Chairman may cancel or hold meetings at the Chairman's discretion. This determination will be made by 1:00 pm on the day of the hearing or meeting.

ARTICLE 12 - AMENDMENTS AND VALIDATION

12-101

AMENDMENTS

1. These bylaws may be amended or modified by a recorded two-thirds vote of the Commission membership after two weeks advance notice of intent to change has been given in writing to each Commission member.
2. Any proposed amendment will be subject to further amendments at the meeting at which the vote is taken.

12-102

VALIDATION

1. Nothing in the foregoing *Bylaws and Procedures* will be deemed as invalidating any official business transacted by the Commission prior to the adoption of these *Bylaws and Procedures*.
2. The foregoing *Bylaws and Procedures* will become effective upon a vote of two-thirds of the Commission at a regular meeting.
3. Date approved: ~~October 27, 2021~~NEW DATE