

**FAIRFAX COUNTY PLANNING COMMISSION
LAND USE PROCESS COMMITTEE
WEDNESDAY, MARCH 29, 2017**

PRESENT: James T. Migliaccio, Lee District, Chairman
Ellen J. Hurley, Braddock District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Peter F. Murphy, Springfield District
Karen A. Keys-Gamarra, Sully District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: John C. Ulfelder, Dranesville District

OTHERS: Frank A. de la Fe, Hunter Mill District
Jill G. Cooper, Director, Planning Commission
Aaron Klibaner, Planning Division (PD),
Department of Planning and Zoning (DPZ)
Marianne Gardner, PD, DPZ
Bernard Suchicital, PD, DPZ
Meghan Van Dam, PD, DPZ
David Schneider, Holland & Knight

ATTACHMENTS:

- A. Map - Areas of Fairfax County where Nominations may be Submitted for the 2017-2018 North County Site-Specific Plan Amendment Process
- B. Memorandum – Outreach Summary – Proposed Modifications the Comprehensive Planning Process
- C. Chart - Eligibility Site-Specific Amendments

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Chairman James T. Migliaccio called the meeting to order at 7:00 p.m. in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia, 22035.

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Marianne Gardner, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the outreach summary on proposed changes to the Comprehensive Plan amendment process Fairfax Forward, which included a new site-specific plan amendment component.

Meghan Van Dam PD, DPZ, said that staff held meetings with the Board of Supervisors, community groups, the Environmental Quality Advisor Committee, industry groups, and a focus group of land-use attorneys and agents. (Comments and questions received from the meetings are included in Attachment B). She added comments regarding the program schedule, screening and implementation process.

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The meeting was adjourned at 8:09 p.m.
James T. Migliaccio, Chairman

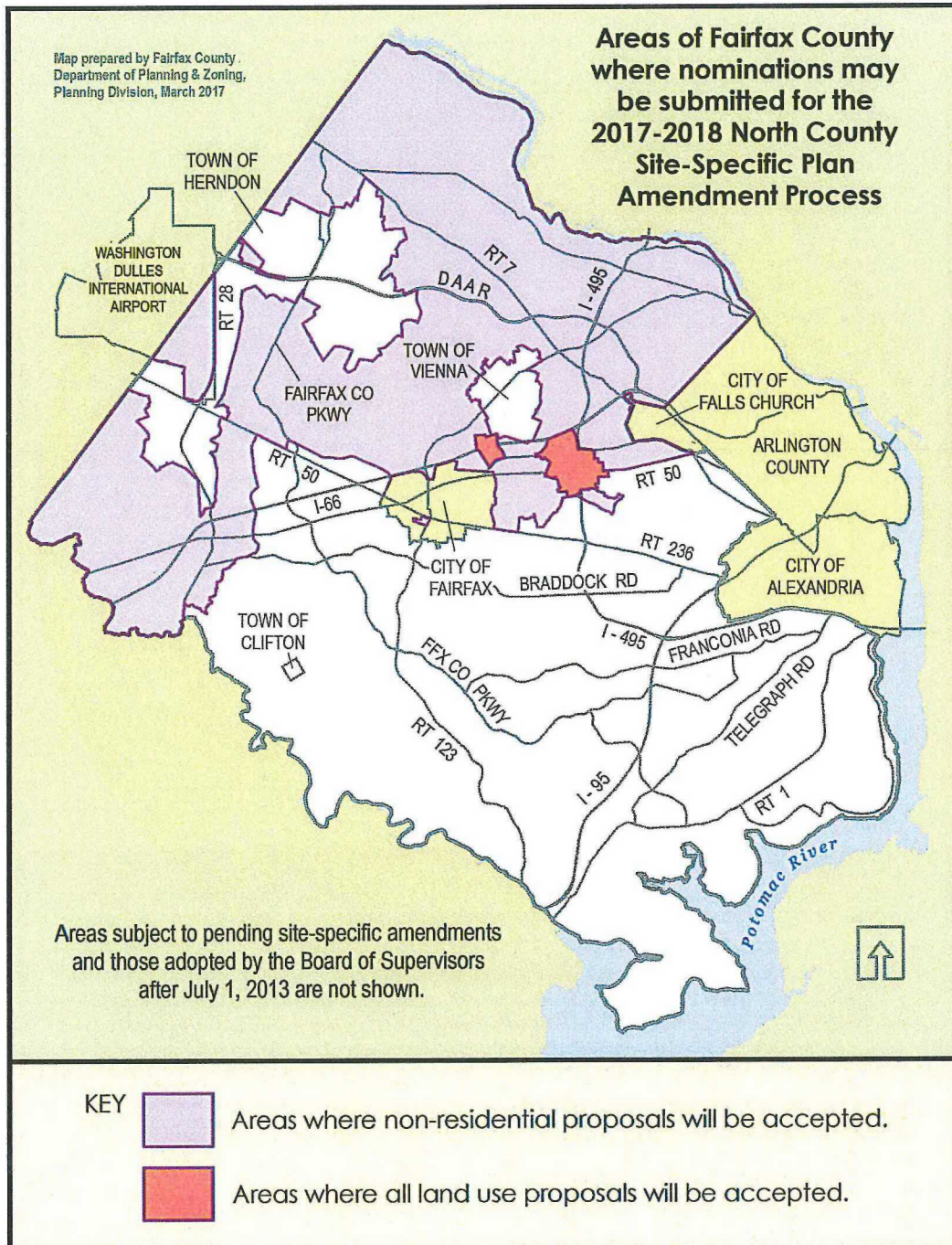
An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Inna Kangarloo

Approved: December 7, 2017



John W. Cooper, Clerk to the
Fairfax County Planning Commission





County of Fairfax, Virginia

MEMORANDUM

DATE: March 23, 2017

TO: Fairfax County Planning Commission

FROM: Meghan Van Dam
Chief, Policy and Plan Development Branch
Department of Planning and Zoning, Planning Division (DPZ-PD)

SUBJECT: Outreach Summary - Proposed Modifications to the Comprehensive Planning Process

Following discussion with the Planning Commission Land Use Process Review Committee in September 2016, staff from the Department of Planning and Zoning has been conducting outreach on proposed changes to the Comprehensive Plan amendment process Fairfax Forward, which includes a new site-specific plan amendment component. Attachment I summarizes the new component. Staff attended twenty-two (22) meetings with members of the Board of Supervisors, community groups, the Environmental Quality Advisory Committee, industry groups, and a focus group of land use attorneys and agents. Information about the changes were posted to the Fairfax Forward website as well as announced on the county's Facebook Land Use Planning webpage. Staff is using the feedback in the development of recommendations about the changes to the process and its implementation. Overall, the feedback was positive in terms of improving community involvement. Attachment II provides a table of the frequently asked questions and substantive comments and concerns expressed during the outreach. Staff responses are also given.

Staff is scheduled to return to the Planning Commission Land Use Process Review Committee on March 29, 2017 to discuss the feedback in preparation for the Planning Commission public hearing on the proposed changes to Fairfax Forward on April 19, 2017 and an updated work program to remove amendments that have been deferred indefinitely, superseded, or are no longer warranted. Staff would like to focus the March 29 discussion on the following significant comments and questions:

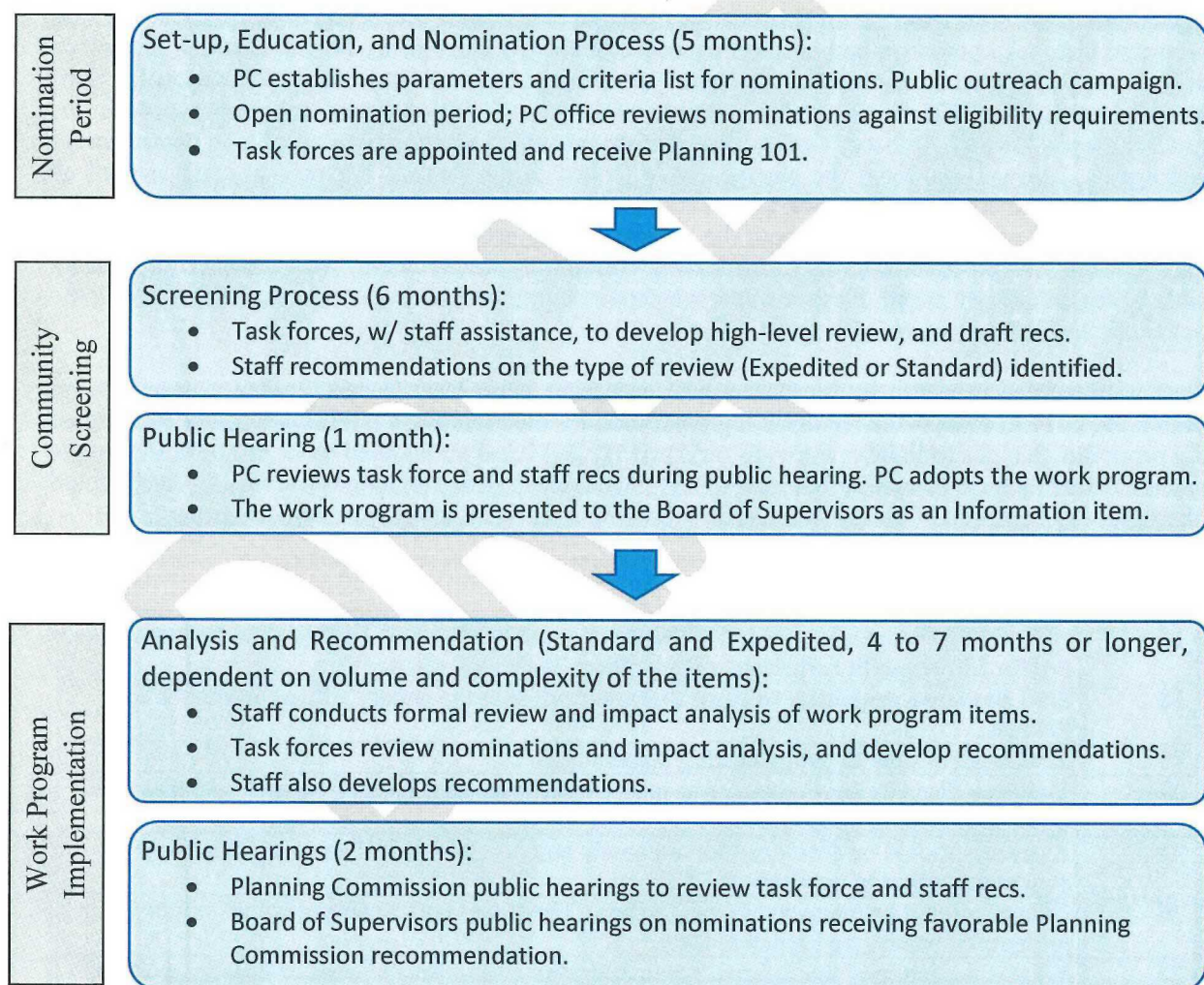
Item # (Att. II)	Comment or Question
15	How would someone who wants a change to a non-exempt area be able to participate? The Proffer Bill eligibility criterion, among others, seems too restrictive.
18	Staff should be responsive to items that could advance the county's Plan for Economic Success.
19	The length of time to public hearing seems long.
23	The Area Plans Review process was problematic because it focused on spot planning. Will this issue repeat in this process?
24	A process should be developed for automatic authorization of a Plan amendment with a concurrent rezoning application.
26	Clients will not be interested in this process. The Board authorizations would still be preferred if results are needed quickly.
27	What is the future of the deferred nominations for Plan changes received in January 2016?

Cc: Jill G. Cooper
Fred R. Selden, Director, DPZ
Marianne Gardner, Director, DPZ-PD

Bernard S. Suchicital, Planner III, DPZ-PD
Aaron Klibaner, Planner II, DPZ-PD

Proposed Modification to the Comprehensive Plan Amendment Work Program: **Site-Specific Plan Amendments**

The suggested modifications draw from components of the Area Plans Review (APR) process, Fairfax Forward, as well as suggestions by the Planning Commission (PC) and public. The process remains structured on a Comprehensive Plan Amendment Work Program that schedules county-wide, area-wide, and site-specific amendments including Board-authorized amendments. The proposed modifications would incorporate a new 4-year review cycle, now known as the *Site-Specific Plan Amendment Process*. Districts in the North County (Providence, Dranesville, Hunter Mill and Sully) would be reviewed in the first two years, followed by districts in the South County (Mount Vernon, Lee, Mason, Springfield, and Braddock) in the second two years. The general timeline would be:



Do you have comments or questions? Contact:

Fairfax County Dept. of Planning & Zoning – Planning Division
Phone | 703-324-1380 Email | DPZMail@fairfaxcounty.gov



Fairfax County

Draft March 23, 2017

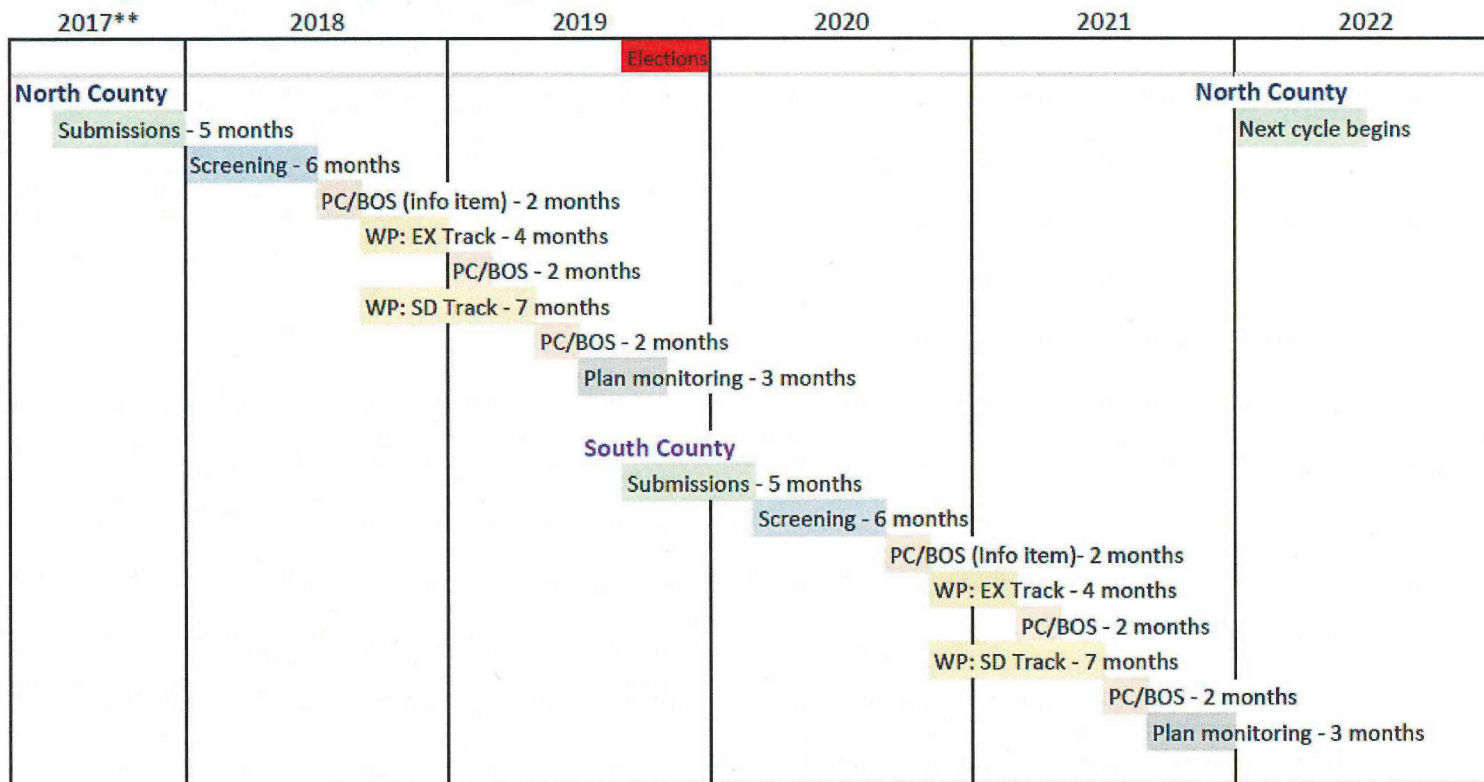
Proposed Plan Amendment Work Program Schedule

Draft: January 11, 2017

General 4-Year Timeline for Expedited/Standard Track*

Work Program: Expedited Track (WP: EX Track)

Work Program: Standard Track (WP: SD Track)



* Assumes Policy Review Year as part of Areawide/Policy Amendment Process.

** Assumes a start date of June 2017

Proposed Changes to the Fairfax Forward Process – Comment and Question Matrix

March 23, 2017

Item	Topic	Question	Source	Staff Response
1	Public Participation	How can existing community groups or standing land use committees participate?	Board members; McLean Citizens Association (MCA)	There are a number of opportunities for community groups to participate. Groups can submit a nomination or speak to a Supervisor about appointment to a task forces. Task forces may allow public comment from groups, if not already part of the task forces, on a nomination at their meeting, if desired. Planning Commission and Board of Supervisors' public hearings also will be a mechanism for public comment on nominations.
2	Public Participation	When and how will the review schedule be communicated to the public?	MCA; Great Falls Citizens Association (GFCA)	The Planning Commission will establish the review schedule at the beginning of each cycle. The schedule will be available online and within a printed Guide to the Site-Specific Plan Amendment Process. The Comprehensive Plan listserv and social media also could be used to announce the schedule.
3	Public Participation	The proposed site-specific process seems like a great opportunity for staff to discuss the nominations with the community.	Board members	Noted.
4	Public Participation	How can the public follow the status of (track) nominations?	Hunter Mill District; GFCA	Similar to the Area Plans Review process, a website for the process and individual websites for each nomination will be established. Community members can sign up for the Comprehensive Plan amendment listserv or follow the Facebook Land Use Planning page to receive notifications about the process.
5	Education	Planning jargon is like speaking in a different language. Conceptual ideas are difficult to comprehend.	Board member	A Planning 101 is planned at the beginning of the task force process to explain the planning process and the planning terms. Coordination efforts with the Office of Public Affairs to distribute information about amendments and studies and to eliminate jargon will continue.
6	Task Forces	Who will comprise the task force? Will community groups and standing land use committees be a part of the task forces?	Hunter Mill/MCA/ Board members	The task forces will be established at a district-level by the Board member.
7	Procedures	What will happen to nominations that are not added to the work program? Do they have to wait to resubmit?	NVBIA/NAIOP; Board member; GFCA	Yes, the review of any nomination that is not added to the work program would end after the Planning Commission decision not to add an item to the work program. The nomination would be eligible to resubmit in the following cycle.

Item	Topic	Question	Source	Staff Response
8	Procedures	How will community members find information about the process and how to submit a nomination?	Board member; GFCA	A Guide to the Site-Specific Process will be published that outlines these details. As with the Area Plans Review process, staff will be available to answer questions about the nomination process.
9	Procedures	Who will decide whether a nomination should be reviewed through the expedited or standard track?	Board member	The Planning Commission will decide whether nominations will be reviewed through an expedited or standard track, when the work program is adopted.
10	Procedures	Can nominations change during the screening process?	Board member	Nominations can change to a certain extent during the screening and review process. Density and intensity can be reduced, and land uses can be altered without significant changes to the character of the proposal.
11	Procedures	What would happen to nominations that miss the nomination period deadline?	Mount Vernon Council of Citizens' Association (MVCCA)	Nominations that miss the deadline would need wait until the next cycle to submit. The Board retains the ability to authorize an amendment and direct it to be reviewed in the task force process.
12	Procedures	Will nominations be allowed to withdraw for the process?	Board member	Yes, nominations will be allowed to withdraw prior to public hearings.
13	Procedures	Why are there no restrictions on who could submit a nomination? Only property owners should be able to submit nominations.	Providence District Council	The process is designed to encourage community members and groups to participate in planning the future of their community. Restricting nominators to property owners would work against this goal. Adding restrictions may unnecessarily complicate the process.
14	Eligibility Criteria - Proffer Reform Bill	Would nominations that result in additional areas being exempt from the proffer reform bill be eligible for the nomination process, e.g., expand an exempt area?	NVBIA/NAIOP; GFCA	Any nomination that proposes residential use or mixed-use with a residential component and is located in non-exempt areas is ineligible for the site-specific amendment process; however, the Board of Supervisors could authorize the review of an amendment which would result in a modification to a boundary of an exempt area.
15	Eligibility Criteria - Proffer Reform Bill	How would someone who wants a change to a non-exempt area be able to participate? The Proffer Bill eligibility criteria among others seem too restrictive.	Mason District Land Use Committee/ NVBIA/ NAIOP/ Attorney/Agent	A nomination for a non-residential use would be accepted in a non-exempt area. Further, the eligibility criteria are based on the eligibility criteria that evolved through the previous Area Plans Review Process.
16	Eligibility	Nominations must be realistic and cannot be submitted with a wide range of options.	Board member	One of the eligibility criteria states that any nominator can submit only one nomination per property.

Item	Topic	Question	Source	Staff Response
17	Eligibility	Nominators should provide more detail in their justifications. For example, how does this nomination solve or address existing problems or implement existing policies or recommendations, for example, lack of pedestrian connectivity?	Board member	<p>As part of the nomination form, a nominator would need to provide a justification based on one or more of the following criteria:</p> <ul style="list-style-type: none"> • Addresses an emerging community concern(s); • Better implements the Concept for Future Development, and is not contrary to long-standing policies established in the Concept for Future Development; • Advances major policy objectives, such as promoting environmental protection, fostering revitalization of designated areas, supporting economic development, preserving open space, providing affordable housing, or balancing transportation infrastructure and public facilities with growth and development. • Responds to actions by others, such as Federal, State, or adjacent jurisdictions; • Reflects implementation of Comprehensive Plan guidance through zoning approvals; and/or • Responds to or incorporates research derived from technical planning or transportation studies;
18	Eligibility	Staff should be responsive to items that could advance the county's Plan for Economic Success.	Board member/ Hunter Mill District	<p>The proposed site-specific planning process would augment a number of efforts that are already underway related to Goal 3 (Improve the Speed, Consistency, and Predictability of the Development Review Process) and Goal 2 of the Strategic Plan to Facilitate Economic Success of Fairfax County (Create Places Where People Want to Be). The relevant recommendation in Goal 3 suggests streamlining the process for amending the Plan. The proposed site-specific process would address this recommendation by creating a regular and predictable process for nominating and reviewing amendments, including community engagement. Moreover, the continued emphasis on areawide and countywide policy amendments as part of the larger planning process is intended to reduce the need to amend the Plan on a site-specific basis. Goal 2 recommends such efforts as supporting higher density mixed-use development in revitalization areas, enlivening public spaces, repurposing vacant commercial spaces, and preserving industrial areas. These goals complement the adopted objectives within the Comprehensive Plan and the justification criteria for the nomination process, and it is anticipated the site-specific nominations that demonstrate the greatest alignment with the goals of the Economic</p>

Item	Topic	Question	Source	Staff Response
				Success Strategy and the Comprehensive Plan would be prioritized when considering changes to the work program.
19	Timing	The length of time to public hearing seems long.	NVBIA/NAIOP	Noted. Once the nomination period closes, the staff and task force screening process, leading to Planning Commission public hearing on the work program, is anticipated to take approximately 6 months. The review process may take an additional 6-9 months depending on the level of complexity and public outreach needs.
20	Ongoing Studies	How will studies that are underway be affected by this process?	MVCCA	It is not anticipated that the schedule for ongoing studies will be affected by the site-specific process assuming that a low number of site-specific plan amendments are added to the work program.
21	Staff Resources	Seems like this will create a staffing shortage. Will new staff be added?	Board members, MVCCA, Attorney/Agent; GFCA	No new staff positions will be created for this process; however, it is expected that the review can be managed through existing staff positions assuming that a low number of site-specific plan amendments are added to the work program.
22	Miscellaneous	Should a fee be imposed on nominations the new process?	Providence	A fee may discourage community member or civic associations from participating in the process and submitting a nomination.
23	Miscellaneous	The Area Plans Review process was problematic because it focused on spot planning. Will this issue repeat in this process?	Lee District Land Use Committee	Area-wide studies will continue in addition to the site-specific planning process, and the needs of areawide studies will be considered with any changes to the work program. If nominations are concentrated in an area, they may be grouped into a special study of the area.
24	Miscellaneous	A process should be developed for automatic authorization of a Plan amendment with a concurrent rezoning application.	Attorney/Agent focus group	This approach would eliminate much of the Board's ability to decide whether or not to institute review of the Comprehensive Plan. The current policy provides Board oversight and screening for conformance with overarching Plan policies as well as acknowledgement of local viewpoints. The experience has been that Board-authorized PAs have been a successful mechanism to move these certain proposed amendments forward when needed. Even in the case of properties within revitalization districts, where authorization of concurrent Plan amendments and rezoning application is specifically encouraged, the Board still retains this oversight authority. Understanding the expectations about community notification and involvement with the regular processing of amendments through APR or this new site-specific processing and the demands on staff resources, staff continues to believe that an authorization from the Board for concurrent processing is the most effective way to formally begin the public processing of the amendment and balance staff resource.

Item	Topic	Question	Source	Staff Response
25	Miscellaneous	Want to know why the reintroduction of APR-like process if the problem was lack of understanding and education about the process.	Attorney/Agent focus group	While the evaluation of the process found a lack of understanding of the Fairfax Forward the process, the evaluation also revealed a need for a more predictable means to evaluate site-specific amendments, due to the increased number of site-specific authorizations from the Board.
26	Miscellaneous	Clients will not be interested in this process. The Board authorizations would still be preferred if results are needed quickly.	Attorney/Agent focus group	Noted. The Board will retain the ability to authorize amendments outside of the regular process, based on current policy.
27	Miscellaneous	What is the future of the deferred nominations for Plan changes received in January 2016?	Board member	Eligible nominations may be submitted in the new site-specific plan amendment process.

Eligibility - Site-specific Amendments

