The Legislative Process: or “How I Learned To Love My Policies”

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Planners

- Primary obligation – serve the public interest
- Principles
  - The rights of others
  - Timely, adequate, clear, and accurate information
  - Opportunity to have a meaningful impact on the development of plans & programs
  - Social justice
  - Fairness with all participants
  - Long-range consequences of present actions
  - Interrelatedness of decisions
  - Excellence of design – conserve & preserve the integrity and heritage of the natural and built environment
First Things First: Policy Development

- Developed through community input
- Reviewed by the Planning Commission
- Adopted by the Board of Supervisors

16-101 General Standards

A rezoning application or development plan amendment application **may only be approved** for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development **shall substantially conform to the adopted comprehensive plan** with respect to type, character, intensity of use and public facilities …
2. The planned development shall efficiently utilize the available land, and shall **protect and preserve to the extent possible all scenic assets and natural features** such as trees, streams and topographic features.
3. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not **hinder, deter or impede development of surrounding undeveloped properties** in accordance with the adopted comprehensive plan.
9-006 General Standards

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

Environmental Protection

- Respect environmental constraints
- Preserve natural resources
- Meet or exceed water & air quality standards
- Be sensitive to the natural setting

Open Space

- Conserve land areas in a natural state
- Protect and enhance stream valleys, meadows, woodlands, wetlands, farmland, & plant and animal life
- Preserve small open spaces in developed areas
Environmental Objectives

- 10: Conserve and restore tree cover (good silvicultural practices; tree plantings)
- 11: Use open space/conservation easements to preserve environmental resources
- 12: Identify and mitigate environmental impacts; monitor land disturbing activities
- 13: Design and construct buildings and landscapes to use energy and water resources efficiently (environmentally sensitive siting; low impact development practices; minimization of impervious cover)

Balancing Act

- People are part of the environment and need places to live, work, socialize, and play
- All natural areas are influenced by people
Guidance

- Each application is an exercise in design and community-building.
- Design is a process – think outside of your soil/tree box; design with people in mind (ask some questions):
  - Road widths, turning lanes (necessity for and length), driveway widths, radius of curve (fast right turn w/ no stop)
  - Sidewalks, trails
  - Planting areas
  - Fire truck turnarounds
  - Public; transition; & private spaces (esp. residential)
  - Tree preservation areas and stream valleys (protect, enhance)
  - Personal safety
  - Streetscape
  - Circulation - multiple routes & modes of travel
  - Sight lines
  - Exposure to the seasons & natural processes – foster understanding
  - Overall - make it coherent and legible

Tools

- Tools at your disposal:
  - Site visit with the applicant (do your homework, know what matters to you)
  - Meetings
  - Proffers (rezonings)
  - Development Conditions (special exceptions)
- Forestry-Related elements to include:
  - Landscape & Preservation Plans
  - Preservation Fencing and Signage
  - Invasives Removal Plan
  - Restoration Plan
    - Seedling density; fringe plantings; seeding; deer browse provisions
  - Walk-Through
  - Root Pruning
  - Monitoring
  - Mulching
  - Plants indigenous to Middle Atlantic
  - Soil Remediation
    - Removal of paving and sub-base materials
    - Soil ripping, tillng, or air excavation (12 or 18 inches) – create void spaces for air & water
    - Organic matter (12 inches) - incorporated into soil
Examples

- **Electrical Substation – frontage**
  - VDOT agreed to not widen road
  - Remove gravel, install (relocated) trail connection, plantings

- **School – removal of berm and meadow planting**
  - Assistance from biologist (FCPA)
  - Soil preparation, planting mix & method

- **Retail Center – street frontage**
  - Preserved willow oaks, removed white pines

- **Residential subdivision – adjacent to stream**
  - Property monuments, seat wall (rear lot line), trail loop, seating area, soil improvement, steep slope protection

- **Residential subdivision**
  - Central Open Space - preserved mature ornamentals, created seating area (quality open space)
  - Preservation Area - eliminated Virginia pine, replanted with seedlings (stormwater credit)

Lessons Learned

- All the easy sites are gone
- **Provide policy feedback early**
  - Changes late in the process translate into increased costs for the applicant (time, money, aggravation)
- Have you met the basic land use/density question? If yes, then you’re trying to improve the project.
  - Applicant – don’t expect to get the maximum density (see 1st bullet)
  - Staff – something will be built; help make it the best it can be
- **Build trust**
  - Staff – state the basic parameters/policies/concerns
  - Applicant – respond with a design
  - Repeat
- Staff doesn’t have all the answers; neither does the applicant
- Criticize in private (discussion/negotiation); praise in public (provided you recommend approval)
“The last word in ignorance is the man who says of an animal or plant, "What good is it?" If the land mechanism as a whole is good, then every part is good, whether we understand it or not. If the biota, in the course of aeons, has built something we like but do not understand, then who but a fool would discard seemingly useless parts? To keep every cog and wheel is the first precaution of intelligent tinkering.”

― Aldo Leopold, *Round River: From the Journals of Aldo Leopold*
Community Resources

“A country with no respect for its past will do little worth remembering in the future.”

- Abraham Lincoln

Thank You

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