

Board of Supervisors Development Process Committee

March 13, 2018

Government Center Conference Room 11

Board of Supervisors (Board) Members Present:

Sharon Bulova, Chairman
Penelope Gross, Mason District (Vice Chairman)
John Cook, Braddock District
John Foust, Dranesville District
Pat Herrity, Springfield District
Jeff McKay, Lee District
Catherine Hudgins, Hunter Mill District
Kathy Smith, Sully District (Committee Chair)
Linda Smyth, Providence District
Dan Storck, Mount Vernon District

The Development Process Committee (Committee) meeting was called to order at 1:36 p.m.

Zoning Ordinance Modernization project Signs Amendment:

Drew Hushour, Deputy Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ) presented an update of the proposed amendments to the sign regulations of the Zoning Ordinance that staff has developed in response to comments from the committee at the December 12, 2017, meeting.

Drew Hushour presented three topics: temporary (minor) signs, yard signs on residential lots, and the height of permanent signs in residential districts. Due to challenges with establishing different standards for separate groups and/or areas of the county, and with enforcing a time limit, staff recommends a “one-size fits all” approach for what are now proposed to be classified as “minor” signs. Staff is also proposing a limit on the maximum total size of the signs allowed per lot, which the owner could divide into multiple smaller signs, but no regulation on the length of time the signs could be displayed, in order to avoid a requirement for permits to be issued for each. Staff has also clarified language that yard signs are only for residential uses, and with a smaller total size per lot. Finally, there have been changes to the proposed a maximum heights for permanent signs for non-residential uses that are located in residential districts.

Discussion ensued regarding the need for maintenance of signs, such as fabric banners that are obsolete; the maximum total size limit, on a per lot basis, may be too limiting if there is one large parcel, such as regional malls; permitting requirements and costs for public uses, e.g., schools and

parks, and whether it could the issue be handled via an adopted policy, such as was done with the Noise Ordinance.

The consensus of the committee was for staff to continue as directed, and provide the requested additional information.

Zoning Ordinance Amendment Regarding Community Gardens and Sales of Garden/Farm Products:

Jennifer Josiah, Senior Assistant to the Zoning Administrator, DPZ, presented an introduction to the proposed Community Gardens and Sales of Garden/Farm Products Zoning Ordinance Amendment relating to community and communal gardens, farmers' markets, wayside stands and mobile markets. Staff also in attendance were Fred Selden, Director, DPZ and Donna Pesto, Deputy Zoning Administrator, DPZ.

Ms. Josiah presented background information and staff proposals for regulating community and communal gardens, farmers' markets, wayside stands and mobile markets and sought direction from the Committee Members. Ms. Josiah explained that the proposal would allow community and communal gardens as principal uses on vacant lots, with small-scale gardens to be permitted by Temporary Special Permit and large-scale gardens to be permitted by Special Permit. Ms. Josiah requested guidance on whether the existing wayside stand provisions should be expanded to permit sales of garden products on any size lot in any zoning district. There was general consensus from the Committee to only amend the existing regulations to permit wayside stands in commercial areas with no other revisions. Committee Members indicated that staff should draft regulations that place use limitations on community and communal gardens and farmers' markets, without enacting burdensome regulations as these uses are desired in the community. There was no consensus among Committee Members as to whether a minimal amount of accessory structures should be permitted within community and communal gardens, but staff will propose options for the Board's consideration. Staff was encouraged to determine whether grading permits would be required and was directed to reach out to community groups, including citizen groups and faith communities, as well as other county agencies. Committee Members also voiced concern over placing burdensome regulations on school gardens and were assured that gardens that are for educational purposes would be exempt from any regulations.

Status Update for LDS Board Auditor Tasks:

William Hicks, Director, Land Development Services (LDS) presented a report of the efforts LDS staff have taken in response to the Board Auditor of certain old escrow accounts held by LDS. Also in attendance were Ellie Codding, Director, Code Development and Compliance Division, LDS, Lori Ramsey, Site and Technical Services, LDS, and Chris Costs, Assistant County Attorney, Office of the County Attorney (OCA).

Mr. Hicks described that the Auditor conducted an audit of three categories of escrows held by LDS: conservation escrows, cash proffers, and future construction escrows.

Conservation escrows are posted by developers and held by LDS to ensure proper erosion and sediment (E&S) controls for the duration of construction. LDS has reviewed the existing escrows, and have implemented a process going forward, to review existing escrows to ensure the timely release of the money.

Cash proffers are voluntary commitments made by developers at the time of a rezoning for specified cash contributions. LDS has reviewed and released the majority of the proffers held, and implemented a process to ensure the proffered money is spent or reallocated. Discussion ensued regarding the Board approval process and criteria for reallocation of cash proffers.

Future construction escrows are collected for a specific required public improvement that could not be built at the time of the original development, and grantors sign an agreement specifying that the County would use the amount to construct the specific project at a later time. For example, future construction escrows are granted for sidewalks, roads, stormwater facilities, streetlights, and recreation facilities. LDS proposes to release aged future construction escrows under \$5,000 for all such projects except those granted for trees and landscaping, streetlight conversions, and construction of Chapter 2 roads. Discussion ensued regarding Chapter 2 roads and the need to revisit the entire policy at a later time. LDS requested Committee input regarding the proposed policy to release aged future construction escrows. At some amount there is a diminishing return, such that the staff time to required research the validity of the aged escrow project exceeds the value of the individual escrow. Staff recommended Option 1 is to release 584 future construction escrows valued below \$5,000, and Option 2 would be to release 763 future construction escrows below \$10,000. Discussion ensued regarding the circumstances for the original escrow, the specific limiting nature of the agreements under which the future construction escrow was deposited, and the inability to use the escrow for any other project or purpose. It was the consensus of the committee for staff to implement Option 1.

The Committee meeting adjourned at 3:13 p.m.

The next scheduled Development Process Committee meeting is April 3, 2018, at 9:30 a.m.