

Board of Supervisors Land Use Policy Committee

July 20, 2021

Government Center Board Auditorium

Board of Supervisors (Board) Members present:

Jeff McKay, Chairman
James Walkinshaw, Braddock District
John Foust, Dranesville District
Walter Alcorn, Hunter Mill District
Pat Herrity, Springfield District
Kathy Smith, Sully District (Committee Chair)

Dan Storck, Mount Vernon District, participated remotely in this Committee meeting for the first time under the Committee's newly adopted remote participation policy, joining the meeting from a family trip out of town, which qualifies as a personal reason under such policy.

Dalia Palchik, Providence District, participated remotely in this Committee meeting from her residence in the Providence District for a medical reason.

Penelope Gross, Mason District and Rodney Lusk, Lee District were absent from the meeting.

The Land Use Policy Committee (Committee) meeting was called to order at 1:34 p.m.

Chairman McKay moved adoption of the Land Use Policy Committee's Policy for Participation in Meetings by Electronic Communication. Committee Chair Smith seconded the motion and it carried by a vote of six, with Supervisors Gross and Lusk absent from the meeting. Supervisors Palchik and Storck did not participate in the vote on this motion.

Chairman McKay asked Supervisor Palchik and Supervisor Storck to confirm that they are connected to the meeting remotely, and the Chairman verified that their voices were clear, audible and at an appropriate volume to be heard by the Committee in the meeting room.

Chairman McKay moved the Committee certify that the voices of the remotely participating members could be heard and further moved that the remote participation by Supervisors Storck and Palchik conform with the policy for electronic participation. Committee Chair Smith seconded the motion and it carried by a vote of six, with Supervisors Gross and Lusk absent from the meeting and Supervisors Palchik and Storck not participating in the vote on this motion.

Committee Chair Smith requested acceptance of the summary of the May 25, 2021, Committee meeting. The summary was accepted without change.

EnCode Demonstration:

Barbara Byron, Director Department of Planning and Development (DPD), Carmen Bishop, Assistant Zoning Administrator, Zoning Administration Division (ZAD), DPD, Casey Judge, Senior Planner, ZAD, DPD, and Danielle Badra, Management Analyst II, Land Development Services presented EnCode, the online portal for the Zoning Ordinance and the Public Facilities Manual (PFM). Barbara Byron provided a brief background and introduced the team. Carmen Bishop presented an overview of the Zoning Ordinance on the EnCode platform, including the tabs, search functions, archives, links and tables. Casey Judge provided a live walk-through of the Zoning Ordinance demonstrating the features of the EnCode on-line platform. Danielle Badra presented the PFM on the EnCode platform, including using tabs, tables, plates and hyperlinks.

Discussion ensued regarding the search features and future updates. Chairman McKay asked about the keyword search function, and the results if a similar, but not the exact term was used. Staff described the search function and the EnCode reports of terms that have been used, which can then be added to various terms in the ordinance to improve future search results. Chairman McKay suggested a proactive effort to improve the system, rather than waiting for search results, to avoid frustrating users. Supervisor Smith asked about future amendments. Ms. Judge described the ability to draft to the amendments using the EnCode software during the public outreach and hearing process, so that the amendment can be published with less delay after Board adoption.

Planning and Land Use System (PLUS) Demonstration:

Daniel Creed, Senior Planner II, DPD, Steve Malo, Business Systems Manager, DPD and Sara Mattie, Environmental Health, Health Department presented the Planning and Land Use System. Barbara Byron described the background and scope of the PLUS effort. Daniel Creed presented an overview of the PLUS development, and a description of the previous and scheduled phased releases. PLUS is a multi-year project to upgrade and replace multiple existing siloed systems and provide a single, user-friendly interface to the application system. Release two launched July 1 to coincide with the effective date of the new Zoning Ordinance and includes migration of legacy data. Sara Mattie described the environmental health temporary food event applications included in PLUS. Mr. Creed proceeded with a live demonstration of the PLUS system zoning module, including search, application submission and report functions.

Discussion ensued concerning the search and notification capabilities. Chairman McKay asked about the search function, and if all the criteria must be completed or if only one term is required to conduct a search. Staff indicated that only term is required but will generate a longer list of results. Supervisor McKay suggested adding explanations to the page would benefit new users. Supervisor Foust asked about the capability to provide notices to surrounding community of when an Infill plan is submitted to the county. Bill Hicks, Director, Department of Land Development Services, explained that the capability is still under development and will be

implemented with Phase 4, with the modules that include the associated Infill projects. Supervisor Alcorn expressed a desire for the functionality to search for Site and Subdivision plans. Supervisor Alcorn and Chairman McKay asked about format and sensitivity for the search criteria, such as tax map number, case number and street name type, and ways to improve search results. Staff stated that PLUS is a work in progress and will be making improvements.

Shopping Cart Ordinance:

Matt Mertz, Code Specialist III, Department of Code Compliance presented the draft Abandoned Shopping Cart Ordinance. Mr. Mertz described the discussion at the December 2020 Committee meeting, the provisions and limitations of the current enabling legislation, and the positives and negatives if the County was to adopt an Ordinance.

Discussion ensued regarding outreach, the process and limitations of the existing enabling legislation. Committee Chair Smith noted that outreach to shopping center owners has yet to be done.

Chairman McKay asked about the limitations of the 15-day timeline during which the County would not be allowed to remove the abandoned cart, even if it was blocking a sidewalk and creating a safety hazard. Cherie Halyard, office of the County Attorney, said that she would investigate the issue.

Supervisor Herrity commented that there is no penalty to discourage theft of shopping carts.

Supervisor Walkinshaw commented about the process that would be necessary and the need to manage expectations that the ordinance may not solve the problems.

Supervisor Stork expressed the frustration with the shopping carts in streams and stated that hundreds of carts that have been pulled out of streams over the decades. *[During the conversation, Supervisor Storck's remote connection experienced intermittent continuity issues. Supervisor Storck turned off the video to improve audio clarity]*. Supervisor Stork suggested that members of the community be able to submit photographs which could be used as the basis for initiating the process. Ms. Halyard indicated that could be considered for inclusion in the procedures. Supervisor Stork pointed out that legislation appears to include a requirement that the shopping carts must be identified with name, address and phone number of owners. Mr. Mertz indicated that there were not any teeth for enforcement.

Supervisor Smith asked about stream cleanup projects, and if the cart would have to be left in the creek in order to wait the required 15-day timeframe.

Supervisor Foust commented that the process is very labor intensive and there should be better options.

Chairman McKay the existing legislation and the corresponding draft ordinance does not solve the problem. He suggested the legislative committee work on proposed amendments.

It was the consensus of the Committee to not pursue adoption of the abandoned shopping cart ordinance at this time. The Committee supports having the Legislative Committee seek a change to the enabling legislation, and in the meantime, supports outreach and education to businesses, property owners, and other stakeholders to work as partners with the County to prevent the abandonment of shopping carts.

The Committee meeting adjourned at 3:05 p.m.

The next Committee meeting is scheduled for September 28, 2021, at 1:30 p.m.