



# COMMUNITY COUNCIL ON LAND USE ENGAGEMENT

FINAL REPORT

May 15, 2017

*Fairfax County has changed dramatically since I joined the Board of Supervisors as the Braddock District Supervisor in 1988. But before that, change was already occurring rapidly. During the 1950s and 1960s, Fairfax County experienced rapid suburbanization as the post-War boom hit the region. In the two decades that followed, the County established itself as a major employer in the National Capital Region by attracting major corporate headquarters like Mobil Oil along with federal agencies and contractors. The County has for the past 15 years been focusing on revitalization and redevelopment of the older commercial areas built during these periods of growth. Adding mixed use and transit-oriented development and focusing growth in these areas helps us to accommodate a growing population while protecting our older, suburban neighborhoods and continuing to grow our thriving business community.*

*During each of these periods of growth, Fairfax County has benefitted from having an informed and engaged citizenry at the table. The challenges of engagement have changed as the County has grown, just as the work and family demands on residents have changed. But the need for civic engagement on local and countywide decisions remains just as important. We now have new technologies that have made information much more readily available, and have made engagement on different levels possible. While they remain valuable tools, we are no longer reliant solely on letters and in-person meetings.*

*With these new tools come new challenges. With the volume and complexity of information County residents receive in multiple ways, a message can be lost or the amount of information received can be overwhelming. I have heard from residents that they were unaware or felt uninformed about a pending decision before the Board which could have an impact on their community, despite the County doing what we thought was our best to communicate and engage with the affected community.*

*I established the Community Council on Land Use Engagement to address these challenges. The recommendations in this report will assist Fairfax County in improving our engagement with residents on land use. Some recommendations are high level and conceptual while others are practical and specific.*

*The work of this Council, I believe, will transcend beyond land use to other subject areas where there is a need to have the community at the table to impact the decision making process. I want to thank Council members for their hard work and dedication, and I look forward to working with County staff and my colleagues on the Board to implement these recommendations.*

*Sincerely,*

A handwritten signature in cursive script that reads "Sharon Bulova".

Sharon Bulova

# Community Council on Land Use Engagement

## FINAL REPORT

### EXECUTIVE SUMMARY

The Community Council on Land Use Engagement was created by Chairman Sharon Bulova in January 2017. The goal of the Council was to produce a set of recommendations that would improve Fairfax County's public outreach – providing information to indirectly and directly affected residents – and community engagement – the process by which residents are informed and given the ability to influence County decisions – in the land use and development process.

The Council was chaired by former Planning Commissioner Walter Alcorn, and its 25 members included new and long-time Fairfax County residents, district land use committee members, citizen association representatives, developer representatives, and County staff from the Office of Public Affairs, Department of Information Technology, and the Office of the Deputy County Executive. The Community Council met six times between February and May of 2017, and heard presentations from County planning and zoning staff, Planning Commissioners, Sup. Linda Smyth, a civic association leader, a land use committee chair, and a land use attorney.

The Council recognizes that many existing citizen engagement processes, particularly those where there are active civic associations, homeowner associations and/or land use committees, have worked well because of this strong community civic infrastructure. In areas with such associations, or with mostly multi-family or condominium housing without a single point of contact, engagement often has often not worked as well. Improving engagement in both these areas will require renewed effort from the Board of Supervisors, the Planning Commission, County staff, developers, civic and homeowner associations, property management companies and individuals. County officials – the Board, Planning Commission and staff – must actively seek and be responsive to resident input. Developers must also respect the role of residents in the process. While the County and applicants should conduct outreach in a timely manner, civic and homeowner associations must be vigilant in relaying important information to their members. Finally, individuals participating in the civic infrastructure should actively communicate with the County in order to help the County provide the most accurate and timely information to them.

Furthermore, the Council believes that current legal requirements for notification (e.g., notification of 25 adjacent landowners prior to a land use change public hearing) is insufficient for a properly engaged citizenry. While many existing outreach practices go

beyond these legal minimums, mandatory notice requirements should be reviewed so that notice can be expanded as appropriate.

The Council also discussed overall challenges to increasing citizen engagement, including competing demands on County citizens' time and attention, the emphasis on technical expertise for most County staff involved in land use matters (as opposed to an emphasis on communications), the sheer size of the County and supervisor districts which can limit engagement opportunities geographically and with land use decision makers, legal restrictions on community outreach and engagement such as those resulting from the recently enacted "proffer bill" in Richmond, and the variation of existing engagement processes across the County with regards to land use councils, citizen's associations, HOAs, etc.

The Council also recognizes that some land use changes can trigger a substantial amount of controversy in the community for a variety of reasons. Some of the controversy may be unavoidable, but some could be minimized through greater county staff and applicant intervention, education, and consensus-building early in the process. That idea underlies most of the recommendations of the Council.

This report contains 21 recommendations on which the Council reached consensus. The recommendations fall into three main categories: communication, engagement and education. Additionally, this report includes a link to the complete set of ideas discussed by Council members during breakout sessions, not all of which are part of the recommendations made by the Council. These unfiltered ideas do not represent the views of the Council as a whole but help illustrate the breadth of depth of the issues explored during this process.

The Council has not prioritized its recommendations. To the extent possible, they should be implemented in conjunction with other ongoing County efforts. Once implemented, County residents should be better able to understand the land use process via the education efforts, receive timely and understandable information regarding decisions that affect or interest them, and have multiple opportunities to fully engage with the County, applicants, other interested citizens and those proposing changes on land use matters.

## TOOLS AND STRATEGIES FOR COMMUNICATION AND ENGAGEMENT

Fairfax County needs to better utilize all forms of communication, traditional, non-traditional, and new or emerging. Utilizing a mix of traditional and non-traditional forms will help the County retain engagement by residents who prefer traditional mediums while also reaching a wider, more diverse audience. No matter the medium, the message must be direct, succinct, actionable and targeted.

Traditional forms of communication, including direct mail, newspaper ads and articles, newsletters, and legal postings (the yellow signs), can be better utilized if they are more targeted in placement and distribution and more clearly written. These forms, particularly the legally required notices, rely too heavily on technical language. The County should take the opportunity to inject clarity and brevity in these communications.

Other forms of communication, including email, the website, Channel 16, and third-party services like NextDoor, provide great opportunity to continue and broaden participation. Acknowledging the amount of information people already receive digitally should be central to the County's pursuit of more and better digital communications; but emphasis should be on sending better, not necessarily more, information. Better utilizing digital forms of engagement will assist the County in reaching residents with busy schedules and a younger demographic regardless of the state of a community's civic infrastructure.

Residents receive a high volume of information, through both traditional and new forms of communication. The County should focus on targeting its communications in terms of geography and use clear, succinct and direct language. The recipient should be able to understand the issue at hand, be aware of its potential impact on his or her neighborhood, and know how and when to get involved if he or she so chooses.

### **Communication Recommendations:**

1. In all forms of communication, use plain language, be accurate, be succinct, and describe the land use proposal being made to the recipient of the communication.
2. The County and applicants should encourage a culture to communicate with a broad group of citizens even when not required.
3. Communicate early in the process.
  - a. The Planning Commission and County staff should evaluate their current processes to identify opportunities to communicate earlier.
  - b. For example, for rezonings and special exceptions, notices and letters of justification could be posted online between filing and acceptance.
  - c. Communications should go beyond major applications or changes to ordinances to include changes with very localized impact.
4. Use multiple channels to communicate throughout the process including media which serves non-English speaking populations.
5. The County should continue to explore opportunities for facilitating communication of information about by-right development when possible.

- a. Even when there is no public input in the decision process (e.g., engineering approvals of site plans) staff should encourage property developers to provide a courtesy notification of neighbors prior to development initiation.
  - b. The County should identify better ways for citizens to know what development has already been approved through a previous rezoning, or is called for in the Comprehensive Plan, for every privately owned property in the County. What is already allowed or planned is one of the most critical pieces of information for citizens to know when evaluating any proposed land use change.
6. Identify opportunities to improve the legally required notices within the confines of existing law and expand them
- a. Yellow signs should be more legible, eye-catching and uniform and be placed appropriately
  - b. Summary information should be provided when feasible (such as through the use of QR codes or similar technology)

### **Engagement Recommendations:**

7. Create a geographically targeted system through which residents can sign up to receive land use information specific the addresses they enter when signing up.
  - a. This system should include the following options:
    - i. Notification at time of application acceptance for cases with geographically limited impact (e.g. rezonings, special exceptions, Comprehensive Plan amendments targeting small areas, permits, etc.).
    - ii. Provide option to receive information on proposals with regional or countywide impact (e.g. Zoning Ordinance and Comprehensive Plan amendments, projects within nearby revitalization areas, etc.).
    - iii. Communications should adhere to Recommendation 1.
    - iv. Unsubscribe
8. In addition to the system in Recommendation 7, identify other technological opportunities to geo-target communications for land use decisions with geographically limited impact.
  - a. The County should create a presence and strategy for use of NextDoor and similar services with an established user base.
  - b. Find tools and social media people are already using.
  - c. Civic and homeowner associations should be encouraged to use private databases to communicate land use decisions.
9. Applicants should be required to show they have notified potentially impacted neighbors and provide that information to the Planning Commission and Board of Supervisors at the public hearings.
  - a. The County should create guidance for applicants on ways to communicate early in the process with citizens, including traditional means such as flyers and mailings and non-traditional (e.g., social media).

- b. The County should create guidance for applicants specifically for multi-family and high density transit-oriented development to ensure adequate notification.
- 10. Identify opportunities to deliver information about proposed land use changes through non-County channels
  - a. Public postings in conspicuous places like coffee shops
  - b. Non-County newsletters
- 11. Explore technology solutions and enhance the public's knowledge of current capabilities to allow residents to access and engage in meetings remotely like webinars (such as GoToMeeting, Facebook Live, YouTube) as well as offer comments offline
- 12. Improve efforts to go into the community rather than holding meetings at the Government Center
  - a. Meetings being held by outside groups such as schools or places of worship
  - b. The Planning Commission, where appropriate, could hold meetings in locations in the affected area
- 13. Update and maintain information on FairfaxCounty.gov in a way that allows residents to quickly and easily find information relevant to them and to engage
  - a. Allow users to search by location
  - b. Provide ability to submit comments beyond filling out a survey
  - c. Process and timeline of a particular case should be clear and include:
    - v. All decision points
    - vi. Current stage
    - vii. Opportunities for engagement
- 14. Develop a program to capture feedback from residents who attend meetings, public hearings, and other public engagement events, online and offline, and to capture how the feedback was addressed in final decision
- 15. Civic and homeowner associations should continue to be utilized, but without overreliance, and the County should better maintain the list of interested citizens in order to facilitate outreach
- 16. Encourage HOAs and citizen associations to designate a representative to check County land use information periodically that may affect their neighborhood or just sign-up to receive County alerts and report to their community
- 17. Supervisors should actively promote engagement through their usual means of communication and maintain the processes they use that best serve their residents, but use these recommendations as they collaborate to establish a baseline of expectations countywide
  - a. Countywide, regional or cases with cross-jurisdictional impact occur frequently
  - b. Affected residents should be able to rely on a consistent process for engagement, understanding there will continue to be variations between magisterial districts
  - c. All County-sponsored land use meetings and public hearings should be as convenient as possible, and those that carry on past midnight should be continued to a subsequent date.

- d. Supervisors and the Planning Commission should consider deferring final vote when they receive extensive testimony
18. The County should identify opportunities to cross-promote land use information using existing communication channels
19. Many of these recommendations are applicable to the Board of Zoning Appeals and they should be encouraged to review and consider those

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## EDUCATION

Fairfax County and applicants need to be more strategic, accountable and focused in their engagement efforts to attract a more broad demographic. The most involved citizens tend to be older and more educated on the land use development process. While experience and knowledge of history is important and must be captured, engaging with a wider, more diverse group of citizens is critical to guiding the County into the future. To do so, the County should create educational tools to help residents and business owners understand the County's policies and practices, thereby empowering them to engage with the County and applicants on these complicated issues. Fairfax County is successfully engaging its residents on land use in many areas, but existing engagement systems may attract only a limited subset of County residents such as retirees, those with a vested interest or are directly impacted, and property owners.

However, in order to more effectively reach the whole community potentially directly or indirectly impacted by land use changes, Fairfax County should expand its reach by targeting: new residents, small business owners, parents of young children, homeowners and tenants, young adults, people who primarily do not speak English at home, residents who do not have an active civic association, and those residents who are indirectly impacted by a land use policy or project. Examples of indirect impacts on nearby residents include potential increases in demand on public facilities (e.g., roads, schools, and safety), movement towards urban and transit-oriented communities in designated growth areas of the County, and new residential infill that would likely lead to proposed school boundary changes.

Land use processes are complicated and constantly evolving, and it can be challenging for residents to understand. In order to improve understanding, Fairfax County should recognize this challenge and address it through various educational and informational programs.

### **Recommendations:**

20. Establish an ongoing Land Use 101 Academy
  - a. A citizens course, offered in the neighborhoods rather than at the Government Center. An online, interactive version should also be made available on the County website.
  - b. The County should offer the Academy in multiple languages
  - c. The County should track participants in the Academy who are interested in remaining involved in land use decisions.
  - d. Leaders of civic and homeowners associations should be encouraged to participate, but the County should not limit outreach on the Academy to these groups
  - e. Explore a certificate program placed on the website where a citizen could "graduate" from land use curriculum that is taken at their leisure
  - f. Establish a separate page on County website that is easy to locate that contains the information above, as well as links to basic information such as

land use definitions, that are necessary to understand applications and/or staff reports

21. The County should sponsor community briefings and/or charrettes for major applications, such as those that require changes to the Comprehensive Plan
22. For land use changes still early in the process, develop a broadly accessible communications medium for applicants to create short videos or presentations for major projects early or even prior to the development review process.
  - a. Developers are encouraged to engage with citizens as early as possible, i.e., when they have a conceptual plan that is ready to be presented to the supervisor.
  - b. The County should also utilize this communication tool to provide similar information about major Zoning Ordinance and Comprehensive Plan amendments not initiated by landowners/developers
  - c. These online products could be static/purely informational or follow a webinar format and give a short, high-level overview of a project or countywide change with links to more detailed information.
  - d. Applicants would be encouraged to provide materials given to stakeholders off line, but posting online expands the reach of such presentations.
  - e. Presentations should be able to be accessed based on geographic location to enable citizens to find proposals of interest more easily.
  - f. A responsible party should be clearly identified to make changes to the proposed application when necessary
23. The County should be committed to deliver clear and concise information to empower residents to effectively engage on land use cases, community planning activities and countywide amendments
  - a. While people can contact County staff now, new resources and guidance would provide greater capacity for County staff to communicate the complexities of a particular case or a countywide amendment.
  - b. Staff coordinators and/or public information officers could be empowered to deliver such information.
  - c. Provide basic information in other prominent languages such as Spanish and Korean
  - d. Place links to educational land use materials on Board members websites
  - e. Use established programs, such as PC Roundtable, BOS programs, and County Magazine, to present educational various land use topics and advertise availability of educational materials

**Community Council on Land Use Engagement Members:**

Walter Alcorn, Chairman, Hunter Mill District, former Planning Commissioner,  
Consumer Technology Association

Scott Adams/Lori Greenlief, McGuirreWoods (Land Use Attorney/Planner)

Matt Bell, Mt. Vernon District

Robert Cain, Braddock District

Karen Campblin, Sully District

Bill Canis, Dranesville District

Mike Carlin, Springfield District

Michael DeLoose, Springfield District

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<http://www.fairfaxcounty.gov/chairman/communitycouncil.htm>

This document is the complete set of ideas discussed by Council members during the breakout sessions on April 17, not all of which are part of the recommendations made by the Council. These ideas do not represent the views of the Council as a whole.

<http://www.fairfaxcounty.gov/chairman/pdf/commcouncil-breakout-notes-4.17.17.pdf>

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