

**POLICY COMMITTEE MEETING**

June 16, 2011

7:00 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Reese Peck, Chair

Mr. Al Woods

Mr. Jack Fraley

Mr. Tim O'Connor

**Staff Present**

Mr. Allen Murphy

Ms. Tammy Rosario

Mr. Scott Whyte

Mr. Luke Vinciguerra

Mr. Brian Elmore

Mr. Reese Peck called the meeting to order at 7:00 p.m.

**2) New Business**

**A) Tree Preservation**

Mr. Jack Fraley requested moving the Tree Preservation and Landscaping topics to the beginning of the agenda to accommodate members of the public.

Mr. Scott Whyte stated that staff moved the tree preservation ordinances into the landscaping ordinance due to technical issues related to numbering and order.

Mr. Al Woods asked why staff did not bring forward tree canopy percentage regulations.

Mr. Whyte stated tree canopy regulations, using the Fairfax County ordinance as a guide, fall short of current ordinance requirements. He stated single-family lot landscaping has never been regulated, and staff did not feel there was Board support to make such a major change at this time.

Mr. Fraley stated Fairfax was the first county to implement tree canopy ordinances after the state gave localities the authority to adopt them.

Mr. Tim O'Connor asked if the ordinance could allow latitude on general standards, including changing the ratio of five average trees replacing one specimen tree.

Mr. Whyte stated the ordinance allows flexibility. He stated applicants get five credits for saving an outstanding specimen tree, for example, to use elsewhere on the property to remove other trees.

Mr. Allen Murphy stated the ordinance also allows latitude when the applicant exceeds the minimum tree preservation requirements.

Mr. Fraley asked staff to review language on site balance achieved by moving dirt excavated onsite to fill other parts of the development.

Mr. Murphy stated that type of language should be included.

Mr. Fraley questioned the ordinance's 25-acre threshold for clear cutting regulations.

Mr. Murphy stated staff views 25 acres as the correct threshold.

Mr. Whyte stated during his research, the only similar ordinance he found included a 30-acre threshold.

Mr. Fraley stated agreement with public comments he had heard, that the ordinance should address impacts on neighboring properties. He stated site work could harm trees on adjacent property.

Mr. Woods stated roots lie nearer the surface in local soil conditions. He stated heavy equipment could cause root compression, killing the tree in a few years. It could prove difficult to determine exactly how the tree died. He asked how staff would establish cause of tree death and enforce this type of ordinance.

Mr. Whyte stated disputes between developers and adjacent properties are normally civil cases. He stated if tree preservation measures are taken correctly, that situation should not happen.

Mr. Fraley stated the language's goal was to put developers on notice regarding adjacent property impacts rather than providing enforcement.

Mr. Murphy stated the ordinance narrative could be amended in Section 24-88(7) to require developers to list in their tree preservation and clearing plan how adjacent property landscaping and buffers will be protected.

Mr. Whyte stated staff would review the plans with an eye for potential adjacent property impacts, including those areas with heavy grading near the property line.

Ms. Tammy Rosario stated staff may suggest the developer install additional fencing to more clearly delineate clearing limits.

Mr. Peck asked staff to address the concerns stated in the public comments attachment in the packet. He asked staff to send a response to the Committee on how they addressed citizen comments.

Mr. Murphy stated staff could provide responses to citizen comments if they were received early enough. He stated Mr. Whyte would meet with the citizens after the meeting.

Mr. Whyte stated most of the comments received had already been addressed by staff.

Mr. Fraley asked about the 10-acre threshold for waiving tree tagging in Section 24-92. He stated a site like Courthouse Commons, just under 10 acres, should be tagged.

Mr. Murphy stated staff was comfortable with the 10-acre waiver threshold. He stated as Planning Director, he can waive the requirement for sites under 10-acres, depending on the circumstances.

Mr. Fraley stated he dislikes ordinances being written with modifications and waivers. He stated the public doesn't like the practice either.

Mr. Murphy stated there are circumstances where a waiver makes sense, including sites with no trees, a development parcel so small the trees must be removed, or an urban corridor parcel where staff wants the building closer to the road. He stated a universal standard is difficult to apply.

Mr. Peck stated when waivers are granted, a letter citing reasons for the waiver should be included.

Mr. Fraley stated he would be comfortable with the 10-acre threshold if staff included illustrations of waivers in the ordinance. He stated there should be some flexibility in the ordinance.

Mr. Fraley asked about specimen trees being visible from "publically accessible locations".

Mr. Whyte stated if the county was giving tree credit for saved specimen trees, it would preferable for them to be seen. He stated if not, the environmental benefits would still exist.

Mr. Fraley stated saving specimen trees was more about environmental and stormwater benefits than aesthetics.

Mr. Whyte stated the phrase on public locations could be removed.

Mr. Murphy stated the preserved specimen tree could be viewed and appreciated. He stated environmental benefits would occur regardless of the age of trees onsite. Developers should be credited for their efforts and expenses to preserve specimen trees.

Ms. Sarah Kadec, representing the J4C, stated she preferred Landscaping and Tree Preservation as separate ordinances, due to trees' differences and additional benefits. She stated the J4C did not like the waiver system, as it gives developers bonuses to continue. Developers can cause tree damage and loss to adjacent property owners, and construction can block public views of preserved trees. The J4C would also like language included in the tree preservation ordinance describing the value of trees.

Mr. Peck stated he was fine with that statement in the beginning of the ordinance. He asked staff to draft a response to submitted J4C comments.

## **B) Community Character Buffers**

Mr. Fraley stated he was pleased with staff's progress on the Urban/Suburban, Wooded, and Open/Agricultural Community Character Corridor buffers work.

Mr. Whyte stated Chris Basic with Greensprings Landscape Architecture had recently drawn illustrations *pro bono* for the County, which will be included in future versions.

Mr. Peck asked if the buffer guidelines would be classified as ordinances, guidelines, or policies.

Mr. Murphy stated they will have the status of an endorsed policy cross-referenced in the ordinance.

Mr. Fraley stated the Planning Commission will consider at its July meeting four options for timbering in areas with open/agricultural corridor buffering: no buffers, buffers with forms submitted, forms and buffers, and Mr. Peck's suggestion of buffering everywhere.

Mr. Whyte stated the open/agricultural corridors designation would only apply to existing agricultural areas.

Mr. O'Connor stated he wanted to ensure consistency and avoid conflict within the ordinance.

### **C) Private Streets**

Mr. Luke Vinciguerra stated although there have been no problems with the private street ordinance, it lacks clarity regarding when private streets are permitted and the related approval process. The new ordinance section shows when and where they are permitted and their approval process.

Mr. Peck asked staff to number handout items and assemble Committee materials to always include the topic memo first.

Mr. Vinciguerra stated the ordinance language has not been changed, but clarified. He stated a chart has been added for additional clarity. A standardized waiver provision based on the waiver language in the R-4 and Mixed Use districts has been added. The new language also clarifies that the County will enforce VDOT's geometric standards for private street construction.

Mr. Rich Costello stated even if private streets are constructed to VDOT standards initially, they become more unacceptable as potential public roads over time, due to VDOT constantly evolving standards.

Mr. Fraley stated he was pleased with staff work on the topic.

#### **D) Highways, Streets, Parking, and Loading**

Mr. Vinciguerra stated the updated language gives the Planning Director discretion to allow a minimum parking standards waiver if the applicant demonstrates the minimum standards are too high. He stated a parking cap of 120% of the minimum requirement has been drafted, with waiver requests going to the Planning Director and appeals going to the Development Review Committee (DRC). Certain uses currently rated as high-demand parking have been redesignated as moderate-demand parking. The draft ordinance incentivizes side and rear parking for Urban/Suburban Community Character Corridors.

Mr. Fraley asked why there were different parking standards for outlet malls versus other shopping centers. He asked why the Pottery was not classified as an outlet mall.

Mr. Woods stated the data supports different requirements since traffic counts at outlet malls are greater than regular shopping centers.

Mr. Costello stated the Pottery is not defined as an outlet mall because it doesn't sell the goods of a single manufacturer, overstock, discontinued, or similar goods.

Mr. Murphy stated it was difficult to apply a universal standard to parking requirements. Generally, there has been too much parking in general shopping centers, which has led to staff designing the parking cap. The parking standard is acceptable for most outlet malls, with the exception being Premium Outlets.

Mr. Fraley asked staff about any major uses being reclassified from high-demand to medium-demand parking.

Ms. Rosario stated retail parking was the biggest change.

Mr. Woods asked if side and rear parking incentives had been successful in communities where they were tested.

Ms. Rosario stated the concept was new to the County and specially crafted for our circumstances. She stated the county was experimenting with using incentives instead of requirements for this matter.

Mr. Woods asked if the Community Character Corridors were mostly developed.

Ms. Rosario stated Community Character Areas such as Norge and Toano could be redeveloped and put this provision to use.

Mr. Woods asked whether the County would allow frontal parking for a new Community Character Corridor development.

Mr. O'Connor stated new developments in those corridors could have front parking if the lot had enough depth.

Mr. Woods asked why the County would not simply require side and rear parking, where practical.

Mr. Murphy stated the County is in an evolutionary stage, moving incrementally toward various sustainability items.

**E) Sound Walls**

Mr. Woods stated that even with someone from the County attempting to influence it, VDOT would still do what it wants.

Mr. Whyte stated the sound wall design guidelines are based on the federal sound wall standards, which VDOT should be following already.

Mr. Murphy stated the County cannot regulate state agencies. He stated VDOT does listen to communities, has participated in Board meetings, and tries to cooperate with County standards.

Mr. Fraley stated he liked the sound wall illustrations.

**F) Lighting**

Mr. Costello requested changing the ordinance language in Section 24-57(C)3 to replace "public right of way" with "pavement in public right of way" in the first sentence to allow light to reach sidewalks. He stated sidewalks along the roads that would be safer with some light spilling onto them.

Mr. Peck asked staff to try to incorporate those comments.

**3) Adjournment**

Mr. Fraley moved to adjourn. The meeting was adjourned at 8:50 p.m.

  
Reese Peck, Chair of the Policy Committee