

Comments on Policy Plan Comprehensive Plan Amendment 2022-CW-2CP

The Joint Sully District Land Use and Transportation Committee submitted its comments on 2022-CW-2CP a month ago on 15 September and provided copies to the Planning Commission. Hard copies were additionally provided tonight

Our comments centered on four points:

- That this public hearing be postponed, not less than 120 days, to allow citizens and groups sufficient time to review and comment on the extensive plan changes.
- The Joint Committee opposes the amendment in its current form.
- The Joint Committee opposes the concept of “streamlining” to the extent that citizen input is further restricted or eliminated..
- The Joint Committee opposes facilitation of additional data centers in proximity to residential uses.

In response, your Chair indicated that rather than delay the public hearing, he would seek a two-week deferral of a decision following the public hearing, allowing the Joint Committee until October 29th to submit written testimony supplementing whatever might be said tonight.

An procedural question needs to be asked: If the new policy plan now follows the One Fairfax Policy and the Strategic Plan, does that mean that the BOS can skip over a public hearing requirement? If the BOS were amending the zoning ordinance or county code or comprehensive plan text, there are required procedures, including BOS authorization, advertising and public hearing requirements, with notice and an opportunity for citizens to speak. But with the One Fairfax Policy, the Strategic Plan, and the Park Authority PROSA strategy, the BOS or Park Authority just votes something in without any public hearing process, and announces their actions

Now, part of the justification for the policy plan do-over is that the comp plan needs to be brought **into alignment** with the One Fairfax Policy and the Strategic Plan. We apparently need to bring in this vague element of “equity” countywide, and make the comp plan more “flexible,” apparently to rectify past discrimination or economic wrongs, whatever that means, with intensity and density, a variety of housing types in new “vibrant” neighborhoods. It doesn’t really say how much added intensity or density is intended with this flexibility, and the locations that need this extra “equity.”

Neither the adoption of the One Fairfax Policy nor the Strategic Plan followed any procedures in the state code. Maybe that isn’t needed as a “policy” not an ordinance or statute or comprehensive plan provision, things the general assembly has defined. Presumably if the BOS has the “flexibility” to adopt a “policy” without allowing for citizen input, they also can amend that policy the same way, or add more policies along those lines.

So if the updated comp plan now tracks the “policy,” or the “Strategic Plan,” whatever they are, can the BOS amend the “policy” or the strategic plan by another vote (no

public hearing) and then the comp plan is also correspondingly amended, automatically, without regard for the public hearing procedures in the state code? What is the penalty for a violation of the One Fairfax Policy? Who decides? Is there an appeal procedure? To whom? It isn't mentioned in the state code, which may be why it never needed to be authorized or advertised, no public hearing necessary.

There is an apparent radical shift, if Fx Co is going to overlay these equitable policies on what was previously a combination of text and maps illustrating the intended development of the county, and environmental protection against overdevelopment. It is unclear to what extent these equity "policies" diminish or negate the existing site specific guidance. Are there particular areas or neighborhoods that warrant more "equitable" emphasis, and less reliance on the plan text? Which ones? Or is it everywhere, across the entire county? If equity is considered, can anything go anywhere? If we are increasing density and FAR in the name of equity, how much is too much?

Anyway this is a very radical shift if this means that basically anything can go anywhere in the name of equity and righting past wrongs, that the comprehensive plan now is going to be more "flexible" so that these equitable principles can be applied.

We are not sure the community has totally bought into this new direction. Or that the community is fully aware of the implications of this policy shift

This is not exhaustive, but for example pp. 6-7 of the staff report:

The Board directed staff to align the Policy Plan with the One Fairfax Policy as well as the Strategic Plan. While the existing Policy Plan does not directly reference equitable development, many policies within the Policy Plan support equitable development principles, such as affordable housing and multi-modal mobility and connectivity.

*Recognizing that equity is an overarching goal in the county, the initial direction was to create a standalone policy element. However, as text was developed, it was clear that each element of the Policy Plan plays a role in contributing to equity and equitable development. Therefore, staff proposed that an equity objective and associated policies be provided in each of the individual elements, rather than having a standalone equity element, **to ensure that equity is embedded throughout** the Policy Plan elements. See p. 25, for example:*

*These goals align with the Ten Community Outcome Areas in the **Countywide Strategic Plan**, which represent the issues of greatest importance to the Fairfax County community, and are tailored to support the long-range, land use planning vision for the natural and built environment. Although each goal corresponds with one or more Community Outcome Areas, together they reflect countywide land use goals. **The goals will be achieved** through specific objectives and **policies**, which align with, supplement, and elaborate on the **Strategic Plan's identified Strategies** to achieve the Ten Community Outcome Areas.*

So how exactly does this concept of equity get applied? Does this mean that density and intensity recommendations or environmental protection in the plan should be

downgraded or set aside, in order to right past discrimination or economic wrongs? Does this mean it is beneficial and equitable to put townhouses and apartments in lower density neighborhoods? Which comes first?

Staff report, p. 23:

*[M]odern construction methods, such as higher density townhouses, stacked townhouses, and wood-over-podium multifamily, often **require greater densities** to achieve an **economically viable product** than are recommended under the current Plan.*

Text, p. 25-6 of the staff report:

*Fairfax County's future land use and growth will be **oriented towards building** and connecting the community to opportunities and **supporting equitable development** by focusing on the specific needs of vulnerable communities. . . .*

*The county will have **flexible** comprehensive plan policies to **facilitate the development of diverse housing options and expand opportunities to increase housing supply throughout the county.***

Text on p. 24 of the staff report:

*Growth and continued investments in the region have brought prosperity, opportunity and a high quality of life to many, but not all members of the community. Data shows that across the county there is uneven access to education, jobs, real-estate investments and the services and cultural amenities that a prospering urbanizing area offers. Inequitable practices that have limited or restricted the property rights of minorities, especially African Americans, is part of the land use history of Fairfax County. These include previous federal programs that allowed mortgage brokers to deny loans to people based on their skin color or ethnicity and privately created racial covenants that prevented the sale of homes to individuals or families based on their ethnicity. These practices were widespread throughout Fairfax County throughout the Jim Crow era with lasting effects on the affected population today. **Equitable development concepts and policies must be considered during the development review process** and incorporated into the Comprehensive Plan.*

Is the intention that the comp plan now incorporate our Countywide Strategic Plan that can be amended without a public hearing?

See p. 32, bullet 4:

*Plan amendments should: . . .
Align with the goals of the county's **Strategic Plan, One Fairfax Policy, Communitywide Housing Strategic Plan, Economic Success Plan, or other Board adopted policies;***

Somehow this seems backwards. Shouldn't the Strategic Plan align with the (properly) adopted Comprehensive Plan, and suggest strategies for its implementation?

See p. 40:

Countywide Strategic Plan and Countywide Policy

Several overarching policies were adopted by the Board of Supervisors during this period. These include the **Countywide Strategic Plan**, the **One Fairfax Policy**, the Economic Success Plan, the Countywide Housing Strategic Plan, and environmental polies such as the Community-Wide Energy and Climate Action Plan, Resilient Fairfax, and the Tree Action Plan. In many cases, these policies have overlapping goals and objectives with regard to issues such as racial and social equity; creating a sense of place through communities where people want to be and designed with multimodal transportation features, parks, and cultural facilities that enable a diverse economy; an adequate supply of housing affordable to persons of all incomes, ages and abilities; and environmental goals that respond to changing climate conditions. **These overarching policies** have influenced the policies and priorities of the Comprehensive Plan and **are incorporated into how planning studies and development review are conducted.**

So if these “incorporated” policies are amended, or more policies adopted, does that obviate the need for a public hearing to amend the comp plan accordingly? Or is the intention to skip over that step?

See p. 42:

The goals of Plan Forward are: review, update, and **streamline** existing Policy Plan elements; add new policy elements as needed, such as **equity** and healthy communities; and **ensure the Policy Plan is aligned with other countywide policies such as One Fairfax and the Countywide Strategic Plan.**

Policy c., p. 47 of the staff report:

Support and **enhance residential neighborhoods** bordering mixed-use centers while designating transit-ready Suburban Village Centers along arterial roadways in Suburban Neighborhoods **to introduce new uses, such as mid-rise multifamily and townhouses**, employment uses, and local-serving retail uses as integrated community focal points.

Objective 3, p. 48:

Objective 3: Utilize the location and level of density/intensity as a means of achieving a broad range of county goals.

Objective 5, p. 50:

Objective 5: Encourage a diverse, innovative housing stock with a mixture of types and forms to provide residents with choices and allow them to live in the County throughout multiple stages of life.

Policy d., p. 50:

Policy d. Support the production of affordable and workforce housing through the use of additional densities/intensities.

See p. 51:

Objective 9: Advance **equitable community development** in the land use process with inclusive community engagement, strengthening community identity, honoring local history, and improving access to opportunity. . . .

Policy b. Align planning efforts with **community-identified priorities**, by engaging existing community networks, and leveraging data in order to **close gaps in access to housing**, transportation, parks, education, employment, and services.

Paragraph b., pp. 64-5:

Housing Development: **Flexibility** in the application of these residential development criteria, planned residential densities, and other Plan policies **may be considered for residential development** that is fully affordable or contains the majority of units that are affordable to low and moderate-income households, given the high cost of development or financing limitations. This flexibility may be evaluated on a **case-by-case basis** given the circumstances of the development, the development location, and the availability of existing or planned resources and amenities in the surrounding context. **Development proposals seeking the additional density should demonstrate that the proposed project is compatible with existing and planned surrounding development in accordance with the Objectives and Policies in the Policy Plan.**

See p. 63:

Residential development, redevelopment, and preservation projects should incorporate affordable housing commitments and **flexibilities**, per the Housing element of the Policy Plan and the Zoning Ordinance.

And pp. 63-64:

Housing Development: **Flexibility** in the application of these residential development criteria, **planned residential densities, and other Plan policies may be considered** for residential development that is fully affordable or contains the majority of units that are affordable to low and moderate-income households, given the high cost of development or financing limitations. **This flexibility** may be evaluated on a case-by-case basis given the circumstances of the development, the development location, and the availability of existing or planned resources and amenities in the surrounding context. Development proposals seeking the **additional density** should demonstrate that the proposed project is **compatible** with existing and planned surrounding development in accordance with the Objectives and **Policies** in the Policy Plan.

On p. 165, “equitable development” is defined (kind of doubletalk, a “word salad”):

EQUITABLE DEVELOPMENT: Fairfax County is a place where all people live in communities of opportunity with the ability to engage fully in decisions that affect their lives and neighborhoods.