



## Where Is the Growth Going to Go in Fairfax County?

Almost all of LWVFA’s positions on Land Use are incorporated in the Policy section of the Fairfax County Comprehensive Plan. Should we declare victory and remove them, relying on an expanded over-arching position to keep them usable? What’s changed in land use and where is the growth going to go? This month’s study, led by Land Use Committee chair Anne Kanter, provides some clues as to how we might answer these questions. Another question: should we consider a program update in our Land Use position?

### Calendar

#### May

- 1 LWVNCA Board meeting
- 2 LWVNCA Convention
- 2 Briefing and At-Large meeting**
- 4 VOTER deadline
- 4 Student holiday
- 5 Virginia cities & towns elections (Vienna)
- 11-14 Unit meetings**
- 16 McLean Community Center election
- 18 Last day to register to vote in June primary (if held)
- 20 Local board meeting**
- 25 Memorial Day/School holiday
- 29 Burgundy Village Community elections
- 29 LWV-VA Board meeting
- 30-31 LWV-VA Convention

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## Presidents' Message



Happy May! Spring is all around us with greener landscape and colorful blooms. Sunny skies and warmer temperatures draw us outside to enjoy activities that we couldn't even contemplate in the cold of winter. Enjoy!

We feel fortunate to live in Fairfax County because there are so many interesting things to do. And because we also care about voting and election procedures, we have another reason to be grateful. In early April, the Department of Elections issued a report saying that outdated WINVote machines were not secure and that they might not register all votes accurately. Last year, the Fairfax County Board of Supervisors budgeted money to replace all our outdated machines with optical scanners in time for the 2014 election. At least here, we know that the new machines will accurately record our vote and provide a paper trail in case a recount is necessary. This is why in our budget testimony on April 9 we thanked our Supervisors for their foresight. If you are interested in reading the full testimony, you can find it on page 5 of this *VOTER*.

2015 will be a busy election year with so many candidates on the ballot. We've already started planning the Meets and Greets. We also hope you'll tell your friends and neighbors about the Meet & Greet in your own supervisor district and volunteer to work at these events and any voter registration drives planned for your area. As soon as we know the details, we'll share them with you.

While this League year is winding down, we'd also like to thank you for all you did to make it such a success. You help us do what we do best. We couldn't do it without you.

In the meantime, we plan to enjoy this spring and everything it has to offer. We hope you'll enjoy your favorite outdoor activity too, whether it's walking, golf, tennis, gardening or playing with your grandkids. And to all you Moms, we wish you a Happy Mother's Day.

*Julie and Helen*

## Johnson and Hoffman Interviewed by Delegate Ken Plum on TV

FAIRFAX AREA hosted a Firearm Safety Forum in March which elicited a mention in Delegate Ken Plum's weekly newsletter and an interview of the two League committee members, Sidney Johnson and Ruth Hoffman, on a local public access TV show: "Virginia Report on Comcast Channel 28." Tune in to Ken's weekly television program, Virginia Report, on Reston Comcast Channel 28 for public service programming (Verizon Channel 1981). Ken interviews state and local leaders who are making news by making a difference.

"Delegate Plum talks with about results of a recent study by the League of Women Voters of the Fairfax Area (LWVFA) on "Firearms in Fairfax County." This program on Firearm Safety can be seen to at: <https://vimeo.com/album/1650266/video/123415839> "Virginia Report is also available online at <https://vimeo.com/album/1650266> for viewing on your computer or iPad.

**Domestic Violence Hotline**  
**(703) 360-7273**

### LWVFA Fairfax VOTER 2014 - 2015

This newsletter, partially funded by the League of Women Voters of Fairfax Area Education Fund, is published 10 times each year from September to June by:

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# Fairfax Studies on Human Trafficking Coincide With Responsive Legislation

By Karole McKalip and Judith Helein

LWVFA published two studies on Human Trafficking in the past few months, one on the national situation and one in March on the need for new state legislation. After our second study appeared in March --to our delight and amazement-- both houses of Virginia General Assembly approved bills that covered some of the issues we had discussed and recommended. Local legislator Tim Hugo played a significant role in the passage. Leaguers should feel free to take credit for affecting some of this legislation!

This law creates new felonies for trafficking of persons for commercial sexual activity. It provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable things or to assist another in receiving money or other valuable things from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if such behavior is done by an adult and the person solicited is a minor (Class 3 felony) and if force, intimidation, or deception is used against the person solicited (Class 4 felony). The new crime was added to the definition of violent felony for the purpose of sentencing guidelines, predicate criminal acts for street gangs, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdictional grand jury, and asset forfeiture if a minor is solicited, the Sex Offender registry. The law also amends two existing Code sections on receiving money for procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution to increase penalties if the crime involves a minor.

Unit discussions commenced with members considering why our area is thought to be a “hot spot” of sex trafficking. We are a large metropolitan area with three major airports along with the multiple interstate highways allowing for easy access. Both the affluence and poverty in this area create a market for such activities. People need money while others have money. Several units mentioned the presence of military installations with their young, transient populations.

In addition, there are immigrant and homeless people, needing money and looking for work. The prevalence of gangs also is a contributing factor.

Who are the participants in this trafficking? Members felt there are many different kinds of buyers, sellers, and victims. One unit remarked that it was “self-evident.” Another identified “buyers” as mostly men with money and who feel entitled. “Sellers” could include those who are in gangs, internet users and those pimping others for money. One unit called them “greedy people with no ethics.” Several units identified employers as part of the sellers market because they want low-wage workers without having to pay reasonable wages and benefits. “Victims” quite often were described as young, non-confident females who need money. They may be kids who see the affluence around them and want to be part of

it. Naïve, lonely, low self-esteem, runaways, and the need to be loved were also used to describe victims.

Virginia’s low ratings with regard to human trafficking legislation as identified by Polaris and Shared Hope International was somewhat mitigated by the passage of the stand-alone bill identified above. However, units had a number of suggestions that also needed to be considered. Services for victims should be a high priority. Additional attention must be paid to them, such as establishing Safe Harbor laws, services addressing physical well-being and health issues, and mentoring programs. Other ideas included: increased penalties for buyers and sellers, establishment of appropriate training of law enforcement and prosecutorial personnel, greater enforcement of existing laws.

Members examined the effectiveness of the current education/awareness/prevention activities and suggested some other activities and interventions that might be implemented. Because we may not have specific knowledge of curriculum content, gauging the effectiveness of programs can be difficult. But fifth and sixth grades may not be too early to begin educating students with age-appropriate information about human trafficking. Other suggestions included public school and PTA visits by law enforcement



personnel or county officials, showing films in classrooms about trafficking, helping parents and teachers begin conversations with their students and children, and involving children in after school activities. Increasing the general public awareness of human trafficking can be accomplished in part by posting signs at various public places such as malls, public restrooms, and gas stations. Some of these things are being done, but members felt more was needed.

Finally units considered what our League or individual members might do to publicize or address issues related to human sex trafficking. Articles such as the one under discussion this month are a start. Individual communication with friends and neighbors is important. Ask political candidates about what they think can be done. Find relevant organizations to see if they need volunteer mentors. Lobby and advocate for additional legislation and funding. Partner with different organizations responsible for addressing different aspects of human trafficking and support programs sponsored by other groups. We can invite Fairfax County officials to speak at League events. Finally, we should become more aware, learn the language, and just ask.

At several of the unit meetings, members had questions for clarification and, perhaps, for future information articles.

- Has there been a change in the funding for the Polaris Project? (Fairfax Station)

- If someone were to report something that appeared to involve human trafficking, would they be guaranteed anonymity? (Fairfax Station)
- What is the sex trafficking curriculum in the schools? (Centreville/Chantilly)
- What is included in the schools' government/civic studies curriculum? (Briefing)
- Could LWVFA survey all units to compile a list of organizations already in existence and determine if they need volunteer mentors? (Reston Day)
- How effective are the current school activities on the issue of trafficking? (Springfield)

Units appreciated the timeliness of the topic and contributed substantively toward the discussions of issues related to Human Sex Trafficking. In addition, members presented many ideas for current and future actions.

- The need for educating both themselves and others
- Community volunteering
- Sponsoring programs to include partnering with others on this issue
- Writing legislators about the need to strengthen the rights and support for victims
- Supporting groups such as Polaris, Shared Hope International, Youth For Tomorrow, and Courtney's House

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## Redistricting Around the Country

New legislative sessions have brought a flurry of redistricting bills from both Democrats and Republicans around the country in 2015 — no fewer than 87 as of April 7, according to a new Brennan Center analysis. Although reforming redistricting by legislation historically has been hard, these bills show a robust bipartisan debate over ways to improve democratic processes and a dissatisfaction with current redistricting practices.

### Redistricting Bill Roundup 2015

The next round of redistricting is still more than five years away, but, with an eye toward the clock, legislatures around the country are already busy considering a variety of the proposals that would tweak — or in some cases make wholesale changes to — how redistricting is done in 2021. In fact, since January of this year, state lawmakers have filed no fewer than 87 redistricting-related bills.

- 7 states with bills that would count incarcerated persons at their last known address instead of within the district where they are incarcerated for census purposes;
- 23 states with bills that would articulate standards to be

applied to the redistricting process, such as requiring compact district shapes and preservation of communities of interest;

- 23 states with bills that would establish requirements for transparency or public engagement in the redistricting process;
- 20 states with bills to create or amend the structure of a redistricting commission.

The diversity of the approaches taken by these bills is exemplified by the more than 20 proposals for redistricting commissions. Some bills provide for selection of commission members by legislators but others would give a governor or the state supreme court exclusive power to appoint members. Still others would require commission membership of former judges and one proposal would limit membership exclusively to public university professors. Some commissions would have final authority to enact district maps while others would require approval of commission-drawn maps by the state legislature. Some commissions, likewise, would require a majority to enact a redistricting plan while others would require a supermajority. Not all of these bills will pass, of course.

# Where Is the Growth Going to Go in Fairfax County?

By Anne Kanter, Land Use Committee Chair

*“After the end of this session of Parliament, no person shall within this realm of England make, built, or erect...any manner of cottage for habitation or dwelling...unless the same person assign and lay to the same cottage or building four acres of ground at the least.”* From the reign of Elizabeth I, 1558-1603

## PART 1: Land Use Issues

### Background

In 2003, Fairfax County had only 11.1 percent of its nearly 400 square miles of land available for new development, either residential, commercial or industrial. By 2014, this number was 6.6 percent, a 40 percent decline in little more than a decade. In another 10 years the County population is projected to grow by over 100,000. There are projected to be another 45,000 housing units. Where is this growth going to go? Into increased density, revitalization, infill, reuse and redevelopment.

At the Annual Meeting in April 2014, LWVFA members approved a study to review our Land Use positions. Many of our positions were predicated on the idea that most development would be on “greenfields,” farm fields and tree lots, or land without much development or structures, such as car dealerships, or plant nurseries. Most residential growth would in subdivisions, where economies of scale would result from the construction of dozens of units at a time.

In the 1980’s, about 1/6 of our land area was downzoned to 5-acre+ lots, and after decades of lawsuits, the rezoning stuck. The southwestern border of our county, from Mason Neck on the Potomac to Sudley Springs, the far western corner, is now low-density development, parks and private recreational areas. Up-zoning to provide additional land for development is not currently on any politician’s agenda.

And the fields are gone. Now much of our single-family residential growth is in teardowns and on in-fill lots. Teardowns can be seen throughout the county, often done “by right,” which means the larger structures are within the zoning and building code for that lot, and do not need a special exception. Infills are often a second lot bought at the time of first development, for addition yard space, or because the placement of a house on the lot would be difficult due to terrain or stream proximity. These lots often have engineering costs or need a special exception because of encroachment on a resource protection area for a feeder stream of the Chesapeake Bay. This requires the builder to put a house on the lot that justifies the added costs of development.

Another way to increase density is to adapt existing buildings to new uses. A version of this is Baileys School for the Arts and Sciences (Upper), re-engineered into a 5-story former office building. Another is The Firehouse, a teen center in the

old McLean fire house. If there is environmental remediation needed for the site or structure this is called grayfields or brownfields development. This is usually reuse of former industrial buildings. Sometimes the reuse is stymied by poor construction or impossible environmental hazards (asbestos). Not many abandoned industrial buildings are available in Fairfax County, and officials want them to house new industrial use, not residential or commercial.

So, increasing property density is the name of the game for large-scale development in the County. And Metro is going to provide the mass transit for the new densities of employment and multi-unit housing now being built around the stations. (Transit-oriented development: TOD)

### The Comprehensive Plan: Fairfax Forward Replaces the North-South Plan

Since 1993, Fairfax County had been using the North-South Review of Area Plans for its mandated Comprehensive Plan Review Process. On a North-South County basis, in alternate years, the County considered nominations for amendments to the adopted Comprehensive Plan by Magisterial District (Mason, Sully, etc.) The last North County Planning Review was in 2008 and the last South County in 2009. State law requires that the Comprehensive Plan be reviewed at least once every five years.

The public was invited to nominate Plan amendments for review. These could not be amendments to the policy section of the Plan. They were essentially rezoning requests. They were considered in accordance with certain policy guidelines: a substantial reason for Plan modification had to be present, such as a proposal that better achieved the Plan objectives than what was currently in the Plan; or oversights or land-use related inequities were contained in the Plan as they affected the area of concern. In addition

Plan nominations were reviewed for their reasonableness and consistency within the overall framework and intent of the Plan.

These nominations were heard by various magisterial district boards, the Planning Commission, and the Board of Supervisors. LWVFA had a chance to appear before these bodies and encourage those that meet our policy, and oppose those that did not. Somewhat impeding this process was difficulty in reviewing the hundreds of proposed amendments, and the continuing problem that Virginia Commonwealth roads and public facilities are exempted from this process.

Changing the Comprehensive Plan objectives and underlying policies was a different process. Generally staff initially proposed changes to policy, which went through public meetings, Planning Commission hearings, and BOS approval. The 2013 Comprehensive Plan is online on the County website at [www.fairfaxcounty.gov/dpz/comprehensiveplan/](http://www.fairfaxcounty.gov/dpz/comprehensiveplan/). (See page EF-7, Figure 2 - Concept Map for Future Development.)

### Fairfax Forward

In July 2013 the Board of Supervisors adopted a new way to regularly review and update its Comprehensive Plan - **Fairfax Forward** - which establishes an ongoing review process. It should allow officials and communities to look countywide, as well as at specific planning areas. It should allow a quicker response to imminent development or changes in federal or state laws. It should allow a more balanced review of high-density areas such as Tysons as well as lower-density suburban neighborhoods. During the first two-year pilot, Fairfax Forward would continue working on 16 land use studies, most of which are now completed, and 22 new ones. Studies of the Fairfax Center Area, the Dulles Suburban Center and the Flint Hill Suburban Area are now completed. A full list of the projects is found under Ongoing Fairfax Forward Area Studies on the Fairfax Forward homepage. The preliminary report on the pilot project is due this fall, with the final staff report due in February 2016.

A new three-year plan will be formulated in summer 2016. Proposals for change are being accepted now through spring 2016. These proposals **can** include changes to the Policy section of the Comprehensive Plan. For a step-by-step guide how to make nominations to the Comprehensive Plan, see the end of this study.

### Fairfax Forward Criteria

The order and timing of new studies were established through extensive public outreach and applying a new set

of criteria. They seek to:

- Address emerging community concerns;
- Respond to actions of others, such as Federal, State, or adjacent jurisdictions;
- Advance major policy objectives, such as promoting environmental protection, fostering revitalization of designated areas, supporting economic development, preserving open space, providing affordable housing, or balancing transportation infrastructure and public facilities with growth and development;
- Better implement the Concept for Future Development;
- Reflect implementation of Comprehensive Plan guidance through zoning approvals; and/or
- Respond to or incorporate research derived from technical planning or transportation studies.

County staff members work with individual Supervisors to engage the public at every stage of individual land use reviews—from design to implementation to recommendations.

### Transportation

Washington D.C. has one of the lowest uses of cars for commuting in the country, second only to New York City. More than 55 percent of commuters use some way other than cars to get to work. However, this situation does not extend to the surrounding jurisdictions. Although use of mass transit by Fairfax County commuters did increase by over 40 percent from 2000 to 2011, about 73 percent of commuters in Fairfax County use a single occupancy vehicle. Given that we have about 600,000 workers in the County, that leads to 440,000 commuter trips twice a day. Two commuting flows in the Washington area with the greatest growth in the preceding decade were **within Fairfax Co, and from Loudon to Fairfax**. Much of the latter is thru-flow to D.C.

A question going forward is how much more mass transit will be feasible. No mass transit is self-funding, and there is little political will for more taxpayer-supported mass transit in the area after the Metro Silver Line to Loudoun County is completed and the soon-to-be operational streetcar on H Street in D.C. is finally operating. But the streetcar proposed for Columbia Pike and the Crystal City/Potomac Yards corridor in Arlington was cancelled. As Arlington Board Chair Jay Fisette said, “We must deal with political realities. It is a fact that on November 4, voters convincingly re-elected the candidate who made opposition to the streetcar a centerpiece of his campaign.”

Newly-elected Maryland Gov. Hogan and his Director of Transportation are expressing strong reservations about the proposed Purple Line light rail in Prince Georges and Montgomery counties. Smart Growth advocates would like to see mass transit extending from Tysons to the Springfield area, but when I-495 was rebuilt to include HOT lanes, and no room was left for light rail in the right-of-way, this dream withered away.

Light or heavy rail mass transit requires high population density and/or large employment centers within a ¼ mile of stations to generate the ridership that would make even a subsidized operation financially feasible. Without these two density requirements, these projects will never be reinvigorated. What about mass transit demand for riders more than a ¼ mile from stations? These mass transit users will be forced to make a “many-legged” commute, usually with bus feeder lines, which often don’t live up to their hoped-for usage.

Each segment of a commute is a leg. For examples, a 2-block+ walk, a single transit use, or a car commute are all single legs. So, a commuter who gets in her car in her home garage and drives to the parking lot next her office has a 1-legged commute. A commuter who walks 3 blocks (1) to a bus (2), takes the Silver Line (3) to Metro Center, transfers to the Red Line (4) and walks a quarter mile (5) to her office at the National Park Service has a 5-legged commute. The 5-legged commute probably takes longer and isn’t much cheaper. The mass transit commuter saves neither time nor enough money. Experience shows that most people will tolerate no more than a 3-legged commute if a car commute is feasible. Appeals on behalf of the environment, the general welfare, etc. are unlikely to induce them to ignore their car and get out to a bus stop.

One way to encourage higher mass transit use is to eliminate “legs.” The easiest is to eliminate the use of feeder buses. The only way to achieve this with current land use patterns is to increase parking at Metro stations. Ironically, more parking lots will encourage more Metro use by existing residents and employees.

But there is the question of whether mass transit can ever be made financially acceptable when it is imposed over development that was built for another transportation mode. Fairfax County was developed for the automobile. As impossible as New York City becomes during a transit strike, so the County would be if there were the requirement that most residents, with the existing land use patterns, would have to use mass transit. They were designed with different

criteria. Mass transit is very useful for development that was built to use it. Further development in Fairfax County has to occur at densities and proximities that do not exist, by design, in most of the County. **The Metro system is built for the population growth that is yet to come, not for the existing citizens.** Those who want to have easy access to mass transit will have to move to where it is easy. Mass transit will not come to them.

### Financing Public Facilities

Payments for public facilities by developers are legally called extractions. They can be done by construction of infrastructure (dedications), payment of cash, usually based on use (impact fees), and offers negotiated by local developers and officials (proffers). Extractions have to meet the dual rational nexus test to be legal. This means that they 1) are not in excess of the costs incurred in the new development and 2) are not used for needs not created by the new development. (*Jordan v. the Village of Menominee Falls.*)

Impact fees are usually scheduled fees. They are based on bedroom number, or value of construction. Water and sewer hook-up fees are an impact fees,

Dedications are restricted in Virginia, the only required dedications are that are allowed are those that provide road improvements, or in some cases, property for schools or parks or monetary donations for them. Fairfax County tried to stop development by refusing to build the public facilities, or require developers to do so. But it lost many Virginia Supreme Court cases such as *Board of Supervisors v. Carper (1959)*, and *Board of Supervisors of Fairfax County v. Williams (1975)*.

However, the 2013 Comprehensive Plan Land Use Section, Appendix 9, page 28, has this seemingly contradictory paragraph:

*“All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.”*

What remains is that elusive “may” in the second sentence of the paragraph above. That “may” is proffers. These are an ambiguous dance, usually brokered by the Magisterial District Supervisor, with County staff and the developer, to ameliorate concerns, often from neighbors, about the development. They are an exchange of development rights for extractions the County is unable by law to demand, but which are desirable. This is sometimes done within hours of the approval hearings.

## PART 2: Review of LWVFA Land Use Positions

A great deal of the LWVFA Land Use Policy is contained, often in exact wording, in two parts of the 2013 Fairfax County Comprehensive plan.

1. The Countywide Policy Element of the Comprehensive Plan for Fairfax County, Virginia, 2013 Edition, and
2. The Land Use section of the Comprehensive Plan for Fairfax County, Virginia, 2013 Edition.

Below is an annotated version of our positions. The existing positions are in regular type. *The italics show the location of that position in the online version of the Comprehensive Plan. PE means Policy Element and LU means Land Use section. Positions for which no regulation could be found are bold-faced.* They are lettered and numbered for ease of discussion.

### Land Use Planning

(Overarching statement)

Support for well-coordinated and environmentally sound comprehensive land use planning in Fairfax County/City, efforts to ensure that growth is balanced and orderly, preservation of historic and archaeological sites and areas, coordinated revitalization and redevelopment, and coordination of land use and transportation planning. **(Should we add: Support for the Fairfax County and City of Fairfax Comprehensive Plans Policy statements? Should we add: Support for the wide-ranging use of citizen input into all land use changes to the Comprehensive Plans?)**

A. The LWVFA supports:

1. A general master plan for Fairfax County and its effective implementation to ensure that growth is balanced and orderly. (1986) *PE, p. 5*
2. Emphatically, the position that the Board of Supervisors should determine and adopt a set of objectives and criteria for judgment to guide future development in the County and a set of policies to achieve these

objectives to provide more stability in the County’s zoning and planning process. *PE, p. 5, see criteria under Fairfax Forward section of this study.*

3. The adoption of a conservation policy in the County. *PE, p.6*
  4. Conservation planning by the County for streams valleys and the broadening and strengthening ordinances to protect stream valleys from erosion. *Chesapeake Bay Supplement to the PE, 2002*
  5. Reasonable, fair and appropriate means to preserve adequate amounts of open space in Fairfax Count, with special emphasis on outright acquisition by public agencies. *PE, p 7.*
  6. The development of cluster subdivisions as a means of preserving small open areas of open space within a community. *LU, p. 10,18*
  7. Development of neighborhood parks. *LU, p.7*
  8. Timely planning for the preservation of historic and/or archaeological sites and areas. (1984) *PE, p.7*
  9. The coordination of land use and transportation planning, and especially urges that land use planning take into account those factors and elements required for an efficient transportation system and decreased reliance on individual automobile use. *PE, p. 6; LU, p.2*
  10. Measures that will improve communications among the decision-making officials, the planning agency, and the general public with wider dissemination of planning and zoning information. *PE, p.14*
- B. The LWVFA believes that:  
In order to ensure balanced community, and in planning for non-residential growth:
1. Public policies should be developed to reserve land suitable for office/commercial centers and major industrial parks surrounding selected Metro stops. *LU, p. 4,11*
  2. Provision should be made for adequate highway access to designated commercial industrial centers. *LU, p.15*
  3. Adequate buffer zones must be required between residential and non-residential usages. *LU, p.10*
  4. Direct access to non-residential streets must be provided. *The Transportation section of the Comprehensive Plan, Objective 3, Policy c. states: Encourages the use of context sensitive solutions in roadway design to improve integration of roads into the physical environment and community. p. 7*



5. Guidelines should be established to avoid over-saturation of commercial development. *LU, p. 4*
6. Planning by local governments should allow for concentrations of higher density in selected areas such as projected Metro stations, for the purposes of more cost-efficient public transportation services and energy conservation. Such areas should provide for a combination of uses, including employment centers and residential, commercial and recreational activities with efficient public transportation services. *LU, p. 4,8,10,11*

C. The LWVFA believes there should be a timing link between a developer and the provision of public facilities needed to serve that development, to include roads, schools, public safety facilities and park and recreation facilities. The following implementation mechanisms should be utilized.

1. **Public facilities should be scheduled in the Capital Improvement Programs (CIP) for completion within a reasonable time.**
2. Developers should be required to assume a share of the cost of providing new or expanded public facilities necessitated by their developments. *See discussion of this position in the study section, Financing Public Utilities. By law developers cannot be "required," but they "may." LU, p.28*
3. New developments should be channeled to areas that are served, or soon to be served, by public facilities. *LU, p.1*

D. The LWVFA supports a major effort by the County government to revitalize older areas that are deteriorated to beginning to deteriorate. *PE, p. 6*

1. We consider the creation of affordable housing and affordable commercial space to be a necessary part of revitalization and in-fill programs. *LU, p. 5, 22*
2. The County's updating of its developmental regulation for infill and residential development should include attention to neighborhood compatibility and site design, storm water management and erosion and sediment control, transportation impacts and tree preservation. *LU, p. 6, 10, 26.*
3. Open space and community-building spaces should be accommodated where that is feasible. *LU, p.12*
4. **The County should work in partnership in this effort with its local citizens and businesses.** *This is often mentioned in all policies, but not specifically in the sections on redevelopment.*

**E. The LWVFA believes that practicing smart growth and creating suitable communities are essential for the future of Fairfax County and the City of Fairfax.**

#### Powers and Tools

1. **In order to achieve these goals the County must make more use of the growth control measures available to it. It also must be granted strengthened powers by the state to manage growth.**
2. **We favor stronger regional planning and would be willing to give up some local authority to advance a regional plan and program. (2000)**
3. **The LWVFA supports the preservation of Fairfax County's ability to be flexible in negotiating with developers for the cost of providing new, expanded public facilities and for the resolution of other development issues.** *For negotiating proffers, see the Financing Public Facilities section of this study. Also see LU, p. 28*

F. The City of Fairfax

*The City of Fairfax passed an amended Comprehensive Plan in 2014, with few amendments to its 2002 plan.*

The LWVFA supports:

1. Funding for maintenance and development of areas for recreational use, balancing open space with equipped play areas. *Comprehensive Plan, Parks Recreation, and Open Space, p. 93, 94*
2. Recreational facilities and programs designed for the use of all citizens as determined cooperatively by citizens and appropriate governmental bodies. *Comprehensive Plan, Parks, Recreation and Open Space, p. 93,94*
3. The concept of a downtown central area with facilities oriented to the needs of the citizens.

#### Part 3: News in Land Use

There are two additional ongoing changes in the land use system:

1. On Dec. 14, 2014, the BOS authorized a 20 percent increase on most permit fees and land development processing. Because of the uptick in development in Reston and around the Tysons Corner Metro, there have been long turnaround times in processing development plans. This increases the costs for the developers. These mega-developments have pushed the limits in Land Use, Zoning, and Planning staff capacities. This "booster shot," was agreed to by the major development interests in the County. It allows for the hiring of 28 additional staff reviewers and site

inspectors. It is estimated to generate \$5.1 million a year, which should cover 90-100 percent of the staff costs. Since LWVFA does not have positions on this issue, other than our general over-arching position on efficiency in government, following hearings, this should not be in conflict with any of our Land Use positions.

- About \$300,000 of the fore-mentioned funds are earmarked for a contract with Gartner Consulting to update the County's Land Use "enterprise." This essentially means the way land development, from comprehensive planning to bond release, is done on a day-to-day basis. It involves a review of best practices in other localities and an attempt to find a "sweet spot" where developers, through increased fees, can fund increased County employees to process submissions. The County wants to maintain consistency, thorough review, and thorough vetting of submissions. A report is due in summer 2015. There is a plan for community input on this redesign, and the LWVFA has a representative for that purpose.

#### **PART 4: What to Do?**

The major consideration in reviewing and reassessing our Land Use Positions is: how much we want to have beyond an over-arching position, and how many more specific positions that we want to hold under a certain heading. The question then is, does LWVFA remove positions that have been achieved, or keep them as statements of intent for future land use actions by the County?

Some of our positions are negative. "Don't change what we have. Just serve it better." As the study shows, additional land use actions will not be about maintaining the status quo; they will be about increasing density in mass transit-served areas (TOD) to fit in our inevitable population growth and our desired commercial and industrial growth. (We desire this in order to reduce the tax burden for running the County from such a heavy dependence on real estate property taxes.)

Almost all of our positions are covered in the existing Comprehensive Plan (sometimes in our exact wording. We stand on the shoulders of giants, LWVFA members.). Do we declare victory and remove them? Or do we keep them, just in case the Comprehensive Plan is somehow overturned?

The E. section, Powers and Tools, should be left intact: E.1., E.2., and E.3. are Planning and Land Use issues outside of the scope of the Comprehensive plans. We should eliminate C.2 even if we retain our other positions. Requiring developers to provide public facilities has been overturned by the Virginia Supreme Court. It is replaced by E.3., which mentions support for proffers.

The Fairfax City positions F.1. and F.2. are covered in the over-arching statement, and the City Comprehensive Plan. Position F.3. is very vague and could not be used for testimony, because some citizens may want more commercial development to reduce the tax burden on homeowners, and other might want any further construction in the downtown area to be halted.

#### **Note: How to Nominate Changes in the Comprehensive Plan.**

To find out how to have input into nominations to change the Comprehensive Plan, go to the Fairfax County website **Home Page**, drop down to the **Topics** section and select **Land Use**. The fourth Major heading in Land Use is Comprehensive Planning. Below that is **Fairfax Forward Process**. Select that and you will be on the **Fairfax Forward Home** page. At the bottom is a small map icon which leads you to the **Interactive Map of the Fairfax Forward Study Areas**. This will give you the name and number of the studies and proposals. In the center of the page are three drop-down lists: Ongoing Fairfax Forward Area Studies, Other Proposed Comprehensive Plan Amendments, and Completed Fairfax Forward Area Studies and Comprehensive Plan Amendments. The first two show the proposals and amendments. The third links you to information on completed work.

#### **Sources:**

- Callies, Freilich and Roberts, **Cases and Materials on Land Use**, 3<sup>rd</sup> edition, West Group, 1999.
- City of Fairfax, **Comprehensive Plan for the City of Fairfax**, Amended August 2014.
- Fairfax County, **The Countywide Policy Element of The Comprehensive Plan for Fairfax County, Virginia**, 2013 Ed.
- Fairfax County, **Chesapeake Bay Supplement (2004) to The Comprehensive Plan for Fairfax County**, Virginia, 2013 Ed.
- Fairfax County, **2001 North County Cycle Area Plans Review**, Dranesville
- Robert Griffiths, 2011 Technical Services Director, National Capital Regional Transportation Planning Board, **Changes in Regional Commuter Patterns 2000- 2025**
- Gordon Jarratt, Fairfax County Department of Information Technology, January 2015
- Anne Kanter, *Financing Public Facilities*, August 2001 independent study, UVA School of Architecture and Planning
- Meaghan Kiefer, Regulatory Initiatives Coordinator, Fairfax County March 2015
- Luz Lazo, *Washington Post*, March 31, 2015, *Study: Potomac Yard Metro station would drive growth*, p. B4
- Luke Mullins, *The Washingtonian*, April 2015, *Here Comes the Neighborhood*, p.92
- Katherine Shaver and Mark Turque, *Washington Post*, March 30, 2015, *Suburbs such as Montgomery County rethink transit to court millennials* p.A1.
- Megan VanDam, Chief, Policy and Plan Development Branch, Fairfax County Planning Division, March 2015

# Discussion Questions

## Background:

1. Of increasing density in new construction, infill, and/or repurposing of underutilized structures, which one seem most likely to meet the needs of our increasing population?
2. Does anyone know of other reuses of underutilized buildings in Fairfax County, like the Bailey School? In other places?
3. What are some of the problems and rewards in building on in-fill lots (new houses in old neighborhoods)? How about tear-downs and replacements with houses that push the zoning and building code envelopes? Has anyone ever called Code Enforcement about construction that exceeds the law?
4. What do you think of revitalized areas like downtown City of Fairfax?
5. What are the differences in the North-South Comprehensive Plan criteria and the Fairfax Forward criteria?

## Transportation:

1. How many of you live within daily walking distance of Metro (1/2 mile)? Yes \_\_\_ No \_\_\_
2. How many could/would ride a bike to Metro? (2 miles) ? Yes \_\_\_ No \_\_\_
3. Where in Northern Virginia do you think there are areas that will have sufficient density to support:
  - a. Heavy rail (train and Metro)?
  - b. Light rail (trams)?
  - c. Express buses and dedicated bus lanes?
4. How many legs would it you have to use to get from your house to the LWVUS offices in DC on Connecticut and M St., N.W.?

1 \_\_\_ 2 \_\_\_ 3 \_\_\_ 4 \_\_\_ 5+ \_\_\_  
 Couldn't be done \_\_\_\_\_

5. Do you agree or disagree with the statement: "The Metro system is built for the population growth that is yet to come, not for the existing citizens." Why or why not?

## Financing Public Facilities:

1. Proffer has a definition only as a verb. It means a making a prior offer. Synonyms: extend, give, offer, tender, or (my favorite) trot out. However proffers (now a noun) are the name of the game in Virginia in getting approval for land development. Given the Virginia Supreme Court decisions, how else could public facilities money be extracted from developers?

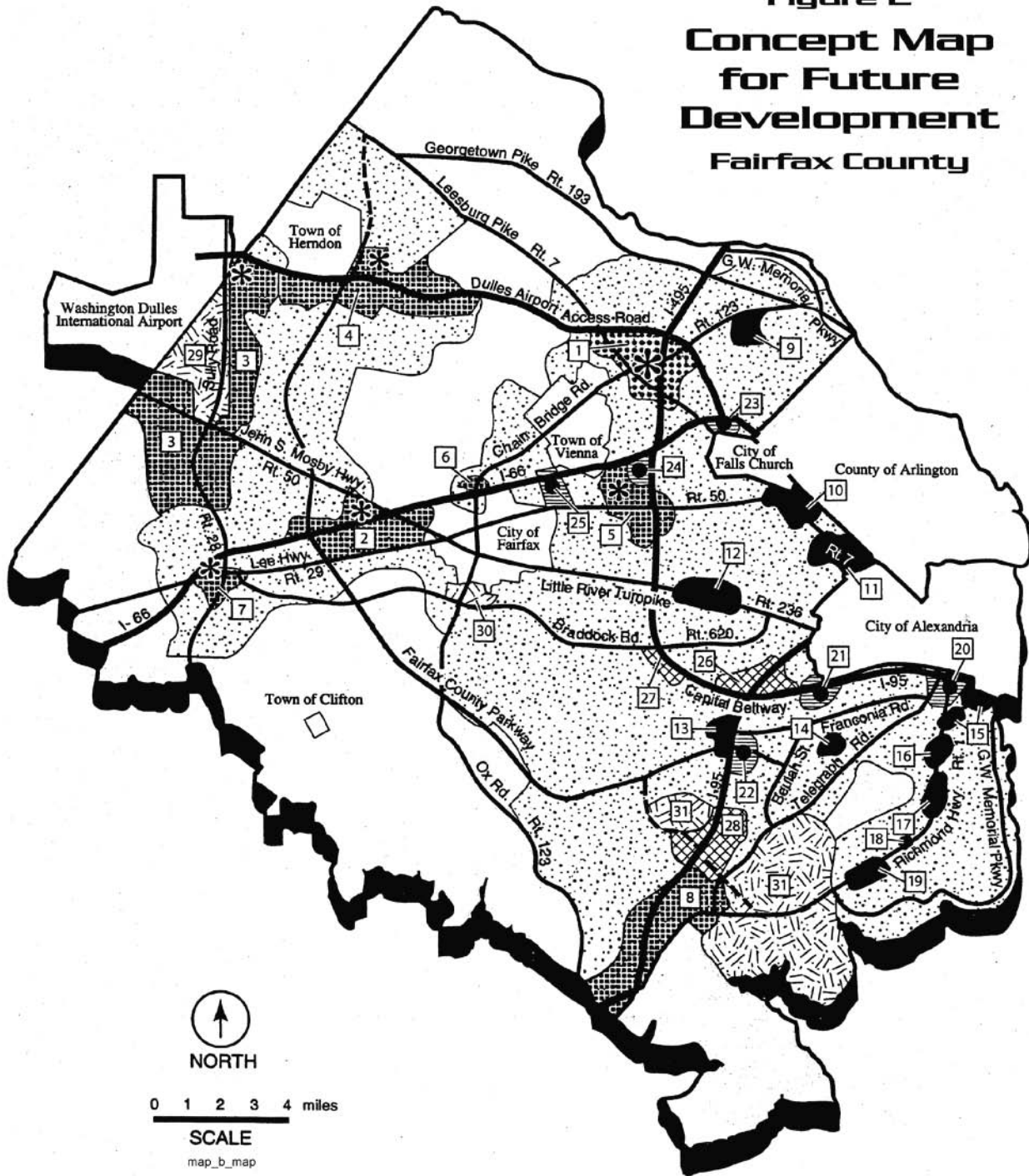
## LWVFA Land Use Positions:

1. If you have a laptop, download the Comprehensive Plan Policy Element and Land Use section for use during the meeting. Or meet somewhere that has wifi. Bring it to the meeting for reference.
2. Are there any objections to removing position C.2.? It will not stand up in court. It is replaced by position E.3.
3. The BIG QUESTION: Should LWVFA simply retain positions C.1, and E. 1, 2, and 3, which are larger issues than just the Comprehensive Plan?
4. Should we then expand the overarching position at the beginning of the topic to include :
5. Support for the Fairfax County and City of Fairfax Comprehensive Plan Policy Statements?
6. Support for the wide-ranging use of citizen input into all land use changes to the Comprehensive Plan?
7. Finally, Position B.4 is difficult. It's sort of covered by a position in the Comprehensive Plan Transportation section. The Virginia Technology Park in Vienna is a great example. A huge office development is accessible only by going down blocks of residential roads (Follin Lane and Electric Ave.) Should it be added to transportation or left in Land Use?

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition  
Chesapeake Bay Supplement, Adopted 11-15-2004

POLICY PLAN

Figure 2  
Concept Map  
for Future  
Development  
Fairfax County



**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition**  
**Chesapeake Bay Supplement, Adopted 11-15-2004**

**POLICY PLAN**

**Legend**

(For Figure 2)

**LOCATIONS OF MIXED-USE CENTERS**

**Urban Center**

- 1. Tysons Corner Urban Center

**Suburban Centers**

- 2. Fairfax Center
- 3. Dulles (Route 28 Corridor)
- 4. Reston-Herndon
- 5. Merrifield
- 6. Flint Hill
- 7. Centreville
- 8. Lorton-South Route 1

**Community Business Centers**

- 9. McLean
- 10. Seven Corners
- 11. Baileys Crossroads
- 12. Annandale
- 13. Springfield (West)
- 14. Kingstowne
- 15. North Gateway and Penn Daw
- 16. Beacon/Groveton
- 17. Hybla Valley/Gum Springs
- 18. South County Center
- 19. Woodlawn

**Transit Station Areas**

- 20. Huntington Metro Station
- 21. Van Dom Metro Station
- 22. Franconia/Springfield Metro Station
- 23. West Falls Church Metro Station
- 24. Dunn Loring Metro Station
- 25. Vienna Metro Station

**LOCATIONS OF LARGE INSTITUTIONAL AND INDUSTRIAL AREAS**

**Industrial Areas**

- 26. Beltway South
- 27. Ravensworth
- 28. I-95 Corridor

**Large Institutional Land Areas**

- 29. Washington Dulles International Airport
- 30. George Mason University
- 31. Fort Belvoir (Main Post and Engineer Proving Ground)



**Suburban Neighborhoods**  
 (Residential density ranges defined in Area Plans; 0.15-0.25 FAR\* for neighborhood-serving non-residential use)



**Low Density Residential Areas**  
 (Residential density of 0.1 to 0.5 du/ac \*\*, specific density ranges in Area Plan; Non-residential use intensity 0.05 to 0.1 FAR)



**Tysons Corner Urban Center Core** (1.0-1.65 FAR; 35-60 du/ac)  
**Non-Core** (0.25-1.0 FAR; 8-45 du/ac)



**Suburban Centers Core** (0.3-0.8 FAR; 15-35 du/ac)  
**Non-Core** (0.15-0.30 FAR; 5-25 du/ac)



**Community Business Centers** (0.20-0.50 FAR; 5-25 du/ac; if a core is designated, intensities of up to 0.70 FAR may be allowed)



**Transit Station Areas** (0.30-1.00 FAR; 8-45 du/ac)



**Industrial Areas** (0.25-0.50 FAR for Industrial Uses)



**Large Institutional Land Areas**

\* FAR - floor area ratio  
 \*\* du/ac - dwelling units per acre

map\_b\_legend

Source: *The Comprehensive Plan for Fairfax County*, 2003 Edition, February 10, 2003.

# League Urges BOS to Fund Originally Proposed Election Officer Training and In-Person Absentee Voting

## LWVFA 2016 Advertised Budget Testimony to the Board of Supervisors April 9, 2015

Good afternoon, Chairman Bulova and members of the Board of Supervisors. I am Helen Kelly, Co-President of the League of Women Voters, speaking on behalf of our members in Fairfax County. Thank you for the opportunity to speak today.

Recent findings that our old voting machines were not secure validated your decision to replace them with new equipment in time for last fall's election. As voters, we are grateful for this move.

We support the following items that you have funded in the 2016 Advertised Budget:

- Two additional positions in the Office of Elections to help keep up with the increasing demands of technology, registration and candidate services. We are also pleased to see that additional money is proposed for FY 2017 to fund the increased cost of the 2016 Presidential election;
- New positions in the Commonwealth Attorney's office;
- Domestic Violence Action Center positions formerly paid for by grants.

We appreciate your community budget presentations. However, they focus almost entirely on the General Fund, which accounts for only 20% of the budget. We'd like to know more about the funds that contribute to the costs and services covered in the other 80% of the budget, including the critical area of transportation.

And we are concerned about these budget categories:

- **Election Officer training and in-person absentee voting hours at satellite locations** - We believe these services are necessary to ensure that all election officers are properly trained, and in this year with so many candidates on the ballot, that voters don't have to wait in long lines, as they did in the 2012 Presidential election;
- **Salary Supplements for Public Defenders** - High turnover in the Office of the Public Defender is due to low salaries and a heavy workload. If public defenders try the same cases in the same courts as the Prosecutors, we believe they should be paid the same salary.

- **Full Funding for the Market Rate Adjustment and Parity in Salary and Benefits** - We ask that you provide this funding for County employees. And we urge you to work to provide parity in compensation and benefits for all County employees, whether they work in the schools, in public safety or in general government.
- **Meals Tax** - We still support this tax as a means to diversify County revenue sources. It could provide up to \$90,000 additional money for property tax relief, school funding and reserves necessary to preserve the County's bond rating. And at least one-third of this tax would be paid by non-county residents

Again, we urge you to fund the originally proposed Election Officer training and in-person absentee voting hours at satellite locations. We hope you will consider salary supplements for public defenders. We encourage you to fully fund the market rate adjustment, and to work toward parity in salary and benefits for all County employees. And we support a meals tax as a means to diversify County revenue. Thank you.

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## LWVUS President Mentions Virginia in Her Weekly News Update

LWVUS President Elisabeth MacNamara has highlighted legislative action in Virginia in her letter to local Leagues about keeping elections accessible. She stated "[In Virginia](#), Governor Terry McAuliffe honored his promise to citizens of his state and protected voting rights by vetoing a bill that would have imposed voter photo ID requirements on absentee voters. The Virginia League actively opposed the legislation and sent a letter to the governor urging the veto.

"For 95 years, the League has fought for free, fair and accessible elections. Over the past 10 years as the assault on voting rights has accelerated, the League has been there to meet the challenge. In statehouses and courthouses, we have defeated or delayed numerous efforts to suppress the vote. And in every state, in every election, we work to engage underserved communities by registering voters and providing a trusted source of election information both online and through other media."

## This Month's Unit Meeting Locations

### Topic: Where Is the Growth Going to Go in Fairfax County?

Members and visitors are encouraged to attend any meeting convenient for them, including the "At Large Meeting" and briefing on Saturdays when a briefing is listed. As of April 1, 2015, the locations were correct; please use phone numbers to verify sites and advise of your intent to attend. Some meetings at restaurants may need reservations.

#### Thursday, May 14

##### **9 a.m. Reston Day (RD)**

Sidney's Home  
1949 Weybridge Lane  
Reston, VA 20191  
Contact: Sidney 703-476-0581

##### **9:30 a.m. Springfield (SPF) Packard Center. (inside Annandale Community Park)**

4026 Hummer Road  
Annandale 22003  
Contact: Nancy 703-256-6570  
or Peg 703-256-9420

##### **1 p.m. Fairfax/Vienna (FX-V)**

Oakton Regional Library  
10304 Lynhaven Pl.  
Oakton 22124  
Contact: Bobby, 703-938-1486 or  
Liz, 703-281-3380

##### **7:45 p.m. Mt. Vernon Evening (MVE)**

Paul Spring Retirement  
Community  
Mt. Vernon Room  
7116 Fort Hunt Road  
Alexandria 22307  
Contact: Jane, 703-960-6820

#### Wednesday, May 13

##### **9:30 a.m. Mt. Vernon Day (MVD)**

Mt. Vernon Dist. Government  
Center  
2511 Parkers Lane  
Alexandria 22306  
Contact: Gail, 703-360-6561

##### **9:30 a.m. McLean Day (McL)**

Star Nut Café  
1445 Laughlin Ave.  
McLean 22101  
Contact: Sharone 703-734-1048  
or Adarsh 703-356-8368

##### **10 a.m. Fairfax Station (FXS)**

8739 Cuttermill Pl.  
Springfield 22153-1526  
Contact: Kathleen 703-644-1555

##### **7:30 p.m. Reston Evening (RE) \*\*NEW LOCATION\*\***

Hunter Mill District Community  
Room B  
1801 Cameron Glen Drive  
Reston, VA 20190  
Contact: Lucy, 703-757-5893

#### Saturday, May 2

##### **10 a.m. At-Large Unit and Briefing**

Packard Center  
4026 Hummer Road  
Annandale 22003  
Contact: Judy, 703-725-9401

#### Monday, May 11

##### **1:30 p.m. Greenspring (GSP)**

Hunters Crossing Classroom  
Spring Village Drive  
Springfield 22150  
Contact: Kay, 703-644-2670

#### Tuesday, May 12

##### **10 a.m. Centreville-Chantilly (CCD)**

Sully District Gov. Center  
4900 Stonecroft Blvd.  
Chantilly 20151  
Contact: Leslie, 571-213-6384

## June Meetings: Affordable Housing



The League of Women Voters of the Fairfax Area (LWVFA)  
 4026-B Hummer Road, Annandale, VA 22003-2403  
 703-658-9150. Web address: www.lwv-fairfax.org

Non-Profit Org.  
 U.S. Postage Paid  
 Merrifield, VA  
 Permit No. 1202

**The LWVFA Fairfax VOTER ©  
 May, 2015  
 Julie Jones, Co-President  
 Helen Kelly, Co-President  
 Ron Page, Editor  
 Liz Brooke, Coordinator**

The League of Women Voters is a nonpartisan political organization that encourages the public to play an informed and active role in government. At the local, state, regional and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a member.

The League of Women Voters never supports or opposes candidates for office, or political parties, and any use of the League of Women Voters name in campaign advertising or literature has not been authorized by the League.

**LWVFA MEMBERSHIP APPLICATION**

(Dues year is July 1 through June 30. Current dues year ends June 30, 2015.)

**Membership Category:** Individual \$65 \_\_\_\_ ; Household (2 persons-1 VOTER) \$90 \_\_\_\_ ; Donation \$ \_\_\_\_  
 Student \$32.50 \_\_\_\_ ; (Coll. Attending \_\_\_\_\_)

**Membership is:** New \_\_\_\_ ; Renewal \_\_\_\_ ; Reinstate \_\_\_\_ ; Subsidy Requested \_\_\_\_

**We value membership. A subsidy fund is available, check block above and include whatever you can afford.**

**Dues are not tax deductible. Tax-deductible donations must be written on a separate check payable to LWVFA Ed. Fund.**

**Please Print Clearly!**

**Name** \_\_\_\_\_ **Unit** \_\_\_\_\_

**Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip + 4** \_\_\_\_\_

**Phone (H)** \_\_\_\_\_ **(M)** \_\_\_\_\_ **E-Mail** \_\_\_\_\_

**Thank you for checking off your interests:**

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> County Govt      | <input type="checkbox"/> Voting Procedures     | <input type="checkbox"/> Health Care       | <input type="checkbox"/> Schools            |
| <input type="checkbox"/> Fiscal           | <input type="checkbox"/> Environmental Quality | <input type="checkbox"/> Human Services    | <input type="checkbox"/> Other (Specify)    |
| <input type="checkbox"/> Public Libraries | <input type="checkbox"/> Land Use Planning     | <input type="checkbox"/> Judicial Systems  | <input type="checkbox"/> Affordable Housing |
| <input type="checkbox"/> Transportation   | <input type="checkbox"/> Water                 | <input type="checkbox"/> Juvenile Problems | <input type="checkbox"/> Domestic Violence  |

Mail to: LWVFA, 4026-B Hummer Road, Annandale, VA 22003-2403