


**From:** WSB wsbarfield@cox.net   
**Subject:** RE: BOS decision-making on land use cases  
**Date:** 17 April 2020 at 13:27  
**To:** Chairman Chairman@fairfaxcounty.gov  
**Cc:** FedLandUseChr2020@fairfaxfederation.org, Jeffrey M. Parnes fedSullyRep2020@FairfaxFederation.org, Jim Hart jhart@harthoranlaw.com

BB

Dear Chairman McKay,

Thank you for your quick response and for clarifying the county's obligations regarding development and land use processes.

With that in mind and after watching Tuesday's virtual BOS meeting during which several development/land use cases were decided, I now believe the process you outlined in your response is sufficiently accommodating to allow citizens to actively participate in their cases.

With healthy sincerity,

. . . bill  
President  
FCFCA

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**From:** Chairman [mailto:Chairman@fairfaxcounty.gov]  
**Sent:** Friday, April 17, 2020 11:50 AM  
**To:** WSB <wsbarfield@cox.net>  
**Cc:** FedLandUseChr2020@fairfaxfederation.org; 'Jeffrey M. Parnes' <fedSullyRep2020@FairfaxFederation.org>; 'Jim Hart' <jhart@harthoranlaw.com>  
**Subject:** RE: BOS decision-making on land use cases

Dear Karen, Jeff, and William

Thank you for your email. I understand that you are concerned that the Board of Supervisors should defer economic development measures and land use cases until after the COVID-19 emergency, reasoning that community members may or may not have virtual access to the Board's meetings.

Please note, however, that the procedures we are employing offer multiple means of observing the Board's meetings in real time and participating in public hearings. One need not have a computer and internet access to watch and participate. Meetings are not only livestreamed, but also broadcast live on Channel 16. In addition, one need only have a phone to follow a live audio feed of the Board's meetings by calling (703) 324-5300. And anyone interested in testifying may do so in writing, by video, or in real time by telephone. In fact, these modified procedures may give *even more* citizens the ability to participate, as they will be able to testify without being physically present and without needing to travel to the Government Center.

Please also note that the Board of Supervisors operates under various statutory time constraints related to land use. For example, Virginia Code § 15.2-2286(A)(7) states that rezonings and proffered condition amendments "shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period." There is

months unless the applicant requests or consents to action beyond such period. There is nothing about the current COVID-19 emergency that automatically negates or otherwise suspends these time parameters.

Further, I disagree with the notion that economic development and land use cases should be deferred until some undetermined time when the COVID-19 emergency ends. Deferring economic development through even June 10, the current end date for the Governor's stay-at-home order, would undoubtedly impact the County's economy, which would seem to be contrary to continuity of government principles. In addition, the County Attorney indicates that the highest courts of our state and nation have long recognized that local government's zoning authority is one of its most fundamental powers and responsibilities. Further, in delegating the power to ensure continuity in government to localities, the General Assembly might very well have been considering, among other things, the way such decisions can cumulatively preserve or strengthen the economy of a locality, and ultimately the Commonwealth.

Against that background, the continuity in government ordinances adopted by the Board ensure that essential functions, including consideration of zoning applications and economic development measures, may be taken up in a timely and fully transparent manner, while at the same time protecting the health and safety of the numerous individual speakers, applicants, and County staff members who would have shown up for an in-person meeting. To do otherwise would risk exacerbating the dire circumstances caused by this pandemic—a prospect I trust that neither of us would want.

Sincerely,

Jeffrey C. McKay  
Chairman  
Fairfax County Board of Supervisors  
703-324-2321



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**From:** WSB <[wsbarfield@cox.net](mailto:wsbarfield@cox.net)>  
**Sent:** Tuesday, April 14, 2020 3:28 PM  
**To:** Chairman <[Chairman@fairfaxcounty.gov](mailto:Chairman@fairfaxcounty.gov)>  
**Cc:** [FedLandUseChr2020@fairfaxfederation.org](mailto:FedLandUseChr2020@fairfaxfederation.org); 'Jeffrey M. Parnes' <[fedSullyRep2020@FairfaxFederation.org](mailto:fedSullyRep2020@FairfaxFederation.org)>; 'Jim Hart' <[jhart@harthoranlaw.com](mailto:jhart@harthoranlaw.com)>  
**Subject:** BOS decision-making on land use cases

Chairman McKay,

The undersigned of the Fairfax County Federation of Citizens Associations recommends that BOS decisions concerning *county-wide* economic development and zoning during the Covid19 emergency be deferred until *in-person participation* by stake-holders and community members can be included in those decisions.

Our reasoning is that, with the BOS currently conducting virtual meetings, community members may or may not have virtual access to participate in the

community members may or may not have virtual access to participate in the decision process.

Karen Campblin  
Land Use Committee Chair

Jeff Parnes  
Sully District Representative to the Federation

William S. Barfield  
President  
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