

HJR 178 / SJR 70: Joint Subcommittee Studying Development and Land Use Tools in Virginia's Localities

June 18, 2009

The joint subcommittee held its second meeting of 2009 at the General Assembly Building in Richmond. Legislative members in attendance were Chairman Athey, Vice-Chairman Vogel, Delegates Orrock, Oder, Miller, and Toscano and Senators Lucas and Herring. Members who serve ex officio in attendance were Pierce Homer, Secretary of Transportation, and Alex Daniel, Assistant Secretary of Commerce and Trade and designee for the Secretary of Commerce.

Prior to the full subcommittee meeting, the workgroups met at the General Assembly Building. Workgroup # 1 discussed the proposed draft legislation relating to conditional zoning and impact fees while Workgroups # 2 and 3 met together to discuss the proposed draft legislation relating to urban development areas.

Delegate Athey opened the meeting by stating that the purpose of this meeting was to hear concerns with the proposed draft legislation and recommendations on how to improve the legislation. A representative from each workgroup presented what was discussed in the earlier workgroup meetings to the full subcommittee and a comment period was open to the public.

Eric Lawrence
Director, Department of Planning and Development
Frederick County

Mr. Lawrence talked to the subcommittee about the urban development area Frederick County has had for about 20 years and how the proposed legislation would affect the county. The urban development area in the county is 15,000 acres and provides for 10-20 years of growth. The area provides for a density of four residential units per acre. To meet the proposed legislation, Frederick County would have to shrink its urban development area by 5,000 acres.

Mary Ann Curtin
Director, Intergovernmental Relations
Chesterfield County

Ms. Curtin provided the report of Workgroup # 1, the group charged with discussing the legislation relating to conditional zoning and impact fees. The general consensus of the members of Workgroup # 1 was that the proposed legislation does not accomplish the intended goal and needs to be completely reworked. According to some members of the workgroup, new legislation needs to reflect the true cost of growth, while others, including Mike Toalson, representing the Home Builders Association of Virginia, argued that one industry should not be responsible for carrying the cost of all growth. Likewise, Philip F. Abraham, representing the Virginia Association for Commercial Real Estate, emphasized that the commercial real estate industry should not be burdened with paying for services such as schools. The members of the workgroup strongly indicated their willingness to continue working together, and Jeryl Phillips,

President of the American Planning Association's Virginia Chapter, conveyed her group's interest in assisting the subcommittee in any way possible.

Lisa Guthrie
Executive Director,
VA League of Conservation Voters

Ms. Guthrie provided a detailed report of the work done by Workgroups # 2 and 3. These workgroups went through the proposed legislation line by line to propose changes. The first concern of the workgroups was that, for consistency sake, only the term "urban development area," or another agreed upon term, should be used rather than what is currently proposed in lines 13 and 14 of the draft legislation relating to urban development areas and presented at the meeting. Secondly, workgroup members voiced concern that the population numbers of towns were being double-counted and agreed that towns and the counties in which the towns are located need to work together in projecting growth. Workgroup members proposed removing the term "new urbanism" on line 63, altogether, and having subdivision B 4 of § 15.2-2223.1 of the draft legislation state that, "4. Each urban development area shall, to the extent the locality deems practicable, include (i) pedestrian-friendly road design . . . and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections."

Ms. Guthrie reported that the workgroup members agreed that the language used in lines 25-45 of the proposed legislation is too prescriptive and should instead be written as performance standards. Ms. Phillips stated that members of her Association are ready and willing to provide assistance with the language and any standards that may be proposed. A number of speakers from the public stated that density should be used as classification rather than population. However, it was agreed that if populations continue to be used, localities with larger populations e.g., localities having a population of 250,000 or more, need to be addressed in the legislation.

Another concern voiced by members of the workgroups was the notion that the proposed legislation limited localities to 20 years when projecting future growth in urban development areas. Both M. Barrett Hardiman, also representing the Home Builders Association of Virginia, and Ted McCormack, Virginia Association of Counties Director of Governmental Affairs, voiced this concern to the full subcommittee and both stated that 20-year time period was not sufficient. According to them, this limitation does not take into account a variety of factors, including the new transfer of development rights legislation.

Next Meeting

The next meeting of the joint subcommittee is scheduled for August 19, 2009. The workgroups will meet on July 30, 2009, prior to the next joint meeting.

Chairman:
The Hon. Clifford Athey

For information, contact:
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