

On September 11, 2008, the joint subcommittee studying development and land use tools in Virginia's localities (House Joint Resolution 178/Senate Joint Resolution 70 - 2008) held its first meeting at 10:00 am in House Room C of the General Assembly Building in Richmond, VA.

According to House Joint Resolution 178 and Senate Joint Resolution 70, the joint subcommittee is charged with examining and monitoring "the transition to channeling development into Urban Development Areas, and" determining "if additional legislation is needed to help localities as they transition to Urban Development Areas." Moreover, the aforementioned resolutions require the joint subcommittee to "make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate." The relevant statutory provision of the Code of Virginia governing urban development is § 15.2-2223; also, the tenth enactment of Chapter 896 (2007)/House Bill 3202, as reenrolled, prescribes a deadline by which counties must adopt urban development areas.

Legislative members of the joint subcommittee in attendance were Delegates Athey, Oder, Miller, and Toscano and Senators Vogel and Lucas. Members who serve ex officio in attendance were Secretary Homer and Alex Daniel, a designee for the Secretary of Commerce.

Members of the joint subcommittee elected Delegate Athey and Senator Vogel, who successfully introduced House Joint Resolution 178 and Senate Joint Resolution 70, respectively, as chairman and vice-chairman of the joint subcommittee, respectively. Delegate Athey and Senator Vogel then called delivered opening remarks.

Matthew G. Bolster, AICP, Senior Policy Analyst,  
Commission on Local Government  
Virginia Department of Housing and Community Development.

Mr. Bolster delivered the first presentation to the joint subcommittee; the purpose of his presentation was to describe, generally, land use planning in the commonwealth and how planning and tools available in planning relate to urban development areas. To begin, Mr. Bolster described the statutory purpose and mandates of the statutes governing comprehensive plans. He, however, explained that planning by localities is affected by regional and state public entities, such as the Virginia Department of Transportation, park authorities, and metropolitan planning organizations, which plan independent of localities. Also, Mr. Bolster suggested that the lack of a mandate requiring localities to follow their comprehensive plans or adopt zoning ordinances to match their plans limit the effectiveness of localities' comprehensive plans. After discussing attributes of an effective comprehensive plan, Mr. Bolster discussed "land use regulation and infrastructure financing," including the requirements and purposes of subdivision and zoning ordinances, proffers, bonded debt, and impact fees. Finally, Mr. Bolster explained the relevance of his earlier discussion to urban development areas.

Ted McCormack, AICP  
Director of Governmental Affairs,  
Virginia Association of Counties

Mr. McCormack delivered a presentation that discussed Virginia counties' views towards the statute governing urban development, statutorily authorized infrastructure financing, and "areas for further investigation." First, Mr. McCormack explained the statutory policy behind and requirements of the statute governing urban development areas. He then detailed the different reactions counties have expressed towards the statute. After noting potential conflicts between the statute regulating urban development areas and state regulations, Mr. McCormack suggested that there must be incentives to developers to direct growth in urban development areas, e.g., fast development approval process for developers who develop according to prescribed densities in urban development areas. Likewise, incentives (e.g., financing mechanisms) must exist for counties to direct growth in urban development areas in order for such areas to thrive. Mr. McCormack transitioned from the idea of financing mechanisms incenting counties to direct growth in urban development areas to the current means by which Virginia counties fund infrastructure caused by growth (e.g., real property taxes, proffers, road impact fees, bonds).

Lisa M. Guthrie, Executive Director, Virginia League of Conservation Voters;  
Chris Miller, President, Piedmont Environmental Council;  
Oliver A. "Trip" Pollard III, Senior Attorney, Southern Environmental Law Center;  
Stewart Schwartz, Executive Director, Coalition for Smarter Growth

Ms. Guthrie first outlined the presentations to be delivered by Mr. Chris Miller, *President*, Piedmont Environment Council, Mr. Oliver A. "Trip" Pollard III, *Senior Attorney*, Southern Environmental Law Center, and Mr. Stewart Schwartz, *Executive Director*, Coalition for Smarter Growth. Mr. Miller illustrated the large increase in planned growth in Northern Virginia through the use of the 1967 Regional Plan for Northern Virginia and the 1994 Northern Virginia Planning District Commission composite general land use plan. In addition, Mr. Pollard discussed legislative measures that tied together transportation and land use planning, including urban development areas, impact fees, urban transportation service districts, expanded proffer authority, mandatory clustering ordinances, etc. He suggested the General Assembly "promote revitalization of cities, towns and older suburbs where" infrastructure currently exists, "promote investments in existing infrastructure," and provide "incentives for regional cooperation." Finally, Mr. Schwartz shared case studies that demonstrate planning by Albemarle, Arlington, Fauquier, Frederick, and Loudoun Counties "for growth and efforts to design development within designated growth areas."

Representatives from the Virginia Municipal League and the Home Builders Association of Virginia, who were originally scheduled to present at the meeting, will deliver presentations at the next meeting, which is scheduled for October 9, 2008 at 10 am.