

On November 15, 2010, the Joint Subcommittee Studying Development and Land Use Tools in Virginia's Localities (House Joint Resolution 135/Senate Joint Resolution 89 - 2010) held its first meeting at 9:30 a.m. in House Room D of the General Assembly Building in Richmond, Virginia.

According to House Joint Resolution 135 and Senate Joint Resolution 89, the joint subcommittee is charged to continue examining and monitoring the transition to channeling development into Urban Development Areas (UDAs), and determining if additional legislation is needed to help localities as they transition to UDAs. 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 § 15.2-2223.1; also, House Bill 2322 (2009), which amends the tenth enactment of Chapter 896 (2007)/House Bill 3202, prescribes deadlines by which localities must adopt UDAs.

Legislative members of the joint subcommittee in attendance were Delegates Athey, Oder, and Miller and Senators Herring and Lucas. Members who serve ex officio in attendance were Deputy Secretary of Commerce and Trade Carrie Cantrell and Assistant Secretary of Transportation Matt Strader.

Members of the joint subcommittee elected Delegate Athey and Senator Vogel, who successfully introduced House Joint Resolution 135 and Senate Joint Resolution 89, respectively, as chairman and vice-chairman of the joint subcommittee, respectively. Delegate Athey and Senator Vogel served in these respective roles with respect to the joint subcommittee established by their respective joint resolutions agreed upon in 2008, i.e., House Joint Resolution 178 and Senate Joint Resolution 70.

Delegate Athey then delivered opening remarks.

Bill Ernst  
*Policy Manager*  
Department of Housing and Community Development

On behalf of the Commission on Local Government, Mr. Ernst presented the Commission's findings contained in the "Interim Report on the Progress of Counties, Cities, and Towns Toward Designating UDAs." Mr. Ernst first noted that House Bill 1071 (2010) and Senate Bill 420 (2010) "directed localities to provide the Commission on Local Government with key documents addressing local compliance" with § 15.2-2223.1 (the statute governing urban development areas). He further noted that these bills (companion bills) "also required the Commission on Local Government to report to the Governor and General Assembly on overall compliance with UDA requirements." Next, Mr. Ernst discussed the procedure by which the survey (which formed the basis of the report) was conducted, the response rate to the questions the Commission on Local Government posed to localities, and the questions and response categories contained in the survey. Then, Mr. Ernst described a locality's compliance with § 15.2-2223.1 based upon local government type, population type, and fiscal stress. Mr. Ernst

concluded his presentation by summarizing that "more populous, less fiscally stressed counties and cities appear to have made or are making the most progress toward designating UDAs in accordance with current statutory requirements" and that "smaller, more fiscally stressed localities--especially towns--are less likely to have made significant progress on adopting UDAs into comprehensive plans."

The Honorable Richard H. Stuart, *Senator*, Senate of Virginia  
Cord A. Sterling, *Supervisor*, Stafford County Board of Supervisors  
Susan B. Stimpson, *Supervisor*, Stafford County Board of Supervisors

Senator Stuart and Stafford County Supervisors Sterling and Stimpson (the Stafford delegation) gave a joint presentation to the joint subcommittee. The Stafford delegation first discussed the principles by which Stafford County will implement UDAs, such as "balancing the legal requirement against fiscal realities" and ensuring urban development areas "meet community standards for education, parks, and other public facilities." Next, the Stafford delegation discussed an economic analysis of UDAs conducted by Dr. Stephen Fuller. According to the analysis, "residential development does not pay for itself" and "commercial development is essential to offset cost of residential" development; accordingly, Stafford County's UDAs "balance residential and commercial growth to achieve fiscal neutrality." To address the Virginia Department of Transportation's "concerns regarding [the] impact of larger urban development areas on major transportation nodes," Stafford County (1) designated urban development areas that "distribute density across major transportation nodes to minimize impact;" and "incorporate [a] mix of units together with commercial and public facilities to minimize vehicle trips;" and (2) "identifie[d] new/upgraded road segments to serve urban developments ([which are] to be funded by proffers)." Finally, the Stafford delegation suggested that the statutory definition of "developable acreage" should exclude wetlands, green space, rights of way, etc.

Ray Utz  
*Long Range Planning Division Chief*  
Prince William County

Mr. Utz began his presentation by giving an overview of Prince William County's planning initiatives over the past decade. He next discussed the acreage of, and density in, the urban, suburban, semi-rural, and rural areas of Prince William County. Then, Mr. Utz spoke about the 2010 amendment to § 15.2-2223.1 that limits a locality to basing its population growth on estimates other than the Census, Virginia Employment Commission, or Weldon Cooper Center. After stating that the statutorily prescribed density requirements may not be appropriate for Prince William County, Mr. Utz suggested that the General Assembly amend § 15.2-2223.1 to (1) "allow count(ies) to utilize (metropolitan planning organizations') estimates when projecting population and employment growth;" (2) make the "same density/intensity standards for all jurisdictions;" and (3) "extend date of compliance to July 1, 2013."

Following the presentations, the joint subcommittee received public comment from persons representing environmental coalitions, homebuilders, and localities.

Chairman Athey charged the work group established by the joint subcommittee to meet and recommend to the joint subcommittee any legislative changes to which consensus was reached.

**Next Meeting**

The next meeting of the joint subcommittee is tentatively scheduled for January 11, 2011, assuming the work group established by the joint subcommittee reaches, prior to January 11, 2011, consensus on legislative changes to the law governing urban development areas.

Chairman:

The Hon. Clifford Athey

For information, contact:

Kevin Stokes, Jeff Sharp, Rebecca Young, DLS Staff