

**Document Title**

Development and Land Use Tools in Virginia's Localities

**Author**

Joint Subcommittee

**Enabling Authority**

HJR 178/SJR70 (2008)

**Executive Summary**

Joint Subcommittee Studying Development and Land Use Tools in Virginia's Localities  
(HJR 178/SJR70 (2008))

During the 2008 Session of the General Assembly, the General Assembly passed both HJR 178 and SJR 70, which established a joint subcommittee to study development and land use tools in Virginia's localities.

Delegate Athey, the patron of HJR 178, served as chairman of the joint subcommittee, and Senator Vogel, the patron of SJR 70, served as vice-chairman of the joint subcommittee. Other legislative members of the joint subcommittee were Delegates Orrock, Oder, Miller, and Toscano and Senators Lucas and Herring. The Secretary of Transportation, Pierce R. Homer, or his designee, and the Secretary of Commerce and Trade, Patrick O. Gottschalk, or his designee also served as the ex officio members of the joint subcommittee. The joint subcommittee met three times during 2008 on September 11, October 9, and November 12. The joint subcommittee will also meet on January 13, 2009.

The joint subcommittee was instructed to "examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas."

In addition, the joint subcommittee was requested to "make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate."

In furtherance of the resolutions' aims, the joint subcommittee studied "development and land use tools in Virginia's localities." To that end, the joint subcommittee heard testimony on September 11, 2008, from Matthew G. Bolster, AICP, *Senior Policy Analyst*, Commission on Local Government, Virginia Department of Housing and Community Development, who described, generally, land use planning in the Commonwealth and how planning and tools available in planning relate to urban development areas. Also, Ted McCormack, AICP, *Director of Governmental Affairs*, Virginia Association of Counties, delivered a presentation that discussed Virginia counties' views toward the statute governing urban development, statutorily authorized infrastructure financing, and "areas for further investigation." Additionally, 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; and Stewart Schwartz,

*Executive Director*, Coalition for Smarter Growth all gave presentations to the joint subcommittee on September 11, 2008.

On, October 9, 2008, the joint subcommittee heard reports from the three workgroups established by the joint subcommittee. Work Group # 1 is charged with answering how can the legislative goals intended by the UDA statute be furthered through amendment to the statutes governing proffers and impact fees. Work Group # 2 is charged with answering what is necessary legislatively to better promote cooperation between a locality establishing an urban development area and those public and private entities necessary to the establishment of a successful urban development area (e.g., state agencies, utility companies serving that locality, redevelopment and housing authorities, incorporated towns within or neighboring the locality). Work Group # 3 is charged with answering how the statute governing urban development areas can be enforceable and less prone to differing interpretations. Michael L. Toalson, *Executive Vice-President*, Home Builders Association of Virginia, delivered a presentation to the joint subcommittee, sharing the reaction of the Home Builders Association of Virginia to the legislative prescription of urban development areas, suggested amendments to § 15.2-2223.1 of the Code of Virginia, and listed principles relating to conditional zoning (proffers) that the Home Builders Association of Virginia believe should guide infrastructure financing. Peter M. Stephenson, *Town Manager*, Town of Smithfield, delivered a presentation that centered on a discussion of conditional zoning and impact fees and how cash proffers, quantitatively, help furnish capital improvements undertaken by localities.

On November 12, 2008, the joint subcommittee heard testimony from William Lecos, *Member (Mason District)*, Tysons Land Use Task Force, who discussed planning and urban design for Tysons Corner and how the task force carried out its mission to transform Tysons Corner "from suburbia to a truly urban place" that is "built for people, not for cars." Dr. Sheryl Bailey, *Executive Director*, Virginia Resources Authority, delivered a presentation to the joint subcommittee on how existing Virginia Resources Authority tools can augment development by either establishing a Virginia Resources Authority revolving loan fund for local infrastructure or combining initial capital investment with the existing Virginia Resources Authority Pooled Financing Program to maximize impact, provided the General Assembly first defines loan eligibility criteria. Nick Donohue, *Assistant Secretary of Transportation*, Office of the Secretary of Transportation, delivered a presentation to the joint subcommittee relating to new secondary street acceptance requirements and noted how pedestrian accommodations required in the secondary street acceptance requirements are generally based on density and specifically stated what types of accommodations, if any, are required depending on the lot size. Mr. Alan Pollock, *Water Quality Program Manager*, Virginia Department of Environmental Quality delivered a presentation relating point source nutrient load caps to urban development areas, by noting that "nutrient loads discharged from treatment plants are capped [but] growth is not," and "lots of creative possibilities [are] provided through the Nutrient Credit Exchange Program." Finally, Mr. Jack Frye, *Director, Division of Soil and Water Conservation*, Virginia Department of Conservation and Recreation, testified to the key areas of compatibility that exist between the statutory requirements for urban development area (e.g., "satisfaction requirements for stormwater management...and reduction of subdivision street widths...") and the proposed stormwater management regulatory requirements (e.g., reduction of impervious cover, such as narrower streets, reducing best management practice requirements).

On January 13, 2009, the joint subcommittee will hear reports from the workgroups described above. The joint subcommittee will also likely discuss and adopt a plan of action for the remaining 2009 meetings.

No formal report embodying any legislative recommendations of the joint subcommittee will be submitted as a House or Senate Document to the 2009 Session. The joint subcommittee will meet, as authorized, in 2009 after the adjournment of the 2009 Session.

The joint subcommittee's Internet website can be found at: <http://dls.virginia.gov/DLUT.htm>.