

Comparison of Four Bills Presented at 07-03-09 Joint Working Group Meeting of
Joint Subcommittee Studying Development and Land Use Tools in Virginia's Localities (HJR 178/SJR 70)

	Bill Presented at 06-18-09 Meeting	Conservation Groups	Home Builders Association of Virginia	Virginia Association of Counties	APA - VA Chapter
Name	Urban Development Area (contains provision allowing area to be referred to by another term)	Designated Growth Area (contains provision allowing area to be referred to by another term)	Urban Development Area (no provision allowing area to be referred to by another term)	Urban Development Area (contains provision allowing area to be referred to by another term)	Designated Growth Area (contains provision allowing area to be referred to by another term)
Definition of UDA/DGA	"Area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area, and (ii), to the extent feasible, to be used for redevelopment or infill development"	"Area designated by a locality that is appropriate for higher density development due to opportunities for redevelopment and infill development, its proximity to transportation facilities, the availability of a public or community water and sewer system, or its proximity to a developed area"	"Area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area, and (ii), to the extent feasible, to be used for redevelopment or infill development"	"Area designated by a locality in which the locality will direct future residential and commercial growth due to opportunities for redevelopment, its proximity to transportation facilities, the availability of a public or community water and sewer system, or its proximity to a developed area"	"Area or areas of the locality in which the locality will focus the bulk of its foreseeable growth in order to reduce the negative impacts of sprawling development on the environment, infrastructure, community facilities and state and local public investments, and which incorporate the requirements and applicable planning considerations set forth" in the statute
Statutory Density Requirements	Yes (Tiered By Population; <50K, 50K-100K, >100K)	Yes (Not Tiered By Population)	Yes (Tiered By Population; <50K, 50K-100K, 100K- 250K; >250K)	No	No

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Measuring Future Growth	1. Weldon Cooper Center (estimates) 2. VEC/U.S. Census Bureau (projections) 3. Planning District Commissions 4. Any combination of 1, 2, and 3 above	1. Weldon Cooper Center (estimates) 2. VEC/U.S. Census Bureau (projections) 3. Planning District Commissions 4. Any combination of 1, 2, and 3 above	1. Weldon Cooper Center (estimates) 2. VEC/U.S. Census Bureau (projections)	1. VEC/U.S. Census Bureau (projections) 2. Other official government sources (projections)	1. "Federal, state and/or local agencies and as verified and validated by the local planning district commission" (estimates)
Limitations on Developable Acreage within UDA/DGA	None	"Special flood hazard areas as shown on the community Flood Insurance Rate Maps published by the National Flood Insurance Program of the Federal Emergency Management Agency, Chesapeake Bay Resource Protection Areas, parks and other public open spaces, arterial and collector streets, schools, libraries and other public lands and facilities"	None	"Special flood hazard areas as shown on the community Flood Insurance Maps published by the National Flood Insurance Program, Chesapeake Bay Resource Protection Areas, parks and other public opens spaces, rights-of-way of arterial and collector streets, railways, and public utilities, and other public lands and facilities"	"Special flood hazard areas as shown on the community Flood Insurance Rate Maps published by the National Flood Insurance Program of the Federal Emergency Management Agency, Chesapeake Bay Resource Protection Areas, parks and other public open spaces, arterial and collector streets, schools, libraries and other public lands and facilities"

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Identification/ Display of UDA/DGA	N/A	N/A	Mandatory (Clear Display on Locality's Comprehensive Plan Map)	Mandatory (Boundaries identified in local comprehensive plans and shown on future land use maps contained in such plans) Permissive (Boundaries <u>may</u> be identified local zoning maps)	Mandatory (Boundaries identified in local comprehensive plans and shown on future land use maps contained in such plans)
Projected Growth Time Period	"At least 10 but not more than 20 years"	"At least 10 but not more than 20 years"	"At least 20 years"	"At least 20 years"	"At least 20 years"
Limitations in calculating UDA/DGA's sufficiency to meet growth	None	Subtract "a reasonable estimate of the percentage of residential growth that is likely to occur outside the designated growth areas on lots already in existence at the time the designated growth area is first established"	None	Subtract "a reasonable estimate of the percentage of that growth that is likely to occur outside the urban development areas during that time"	None

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Provision for Mix of Residential Housing Types	Permissive (Current Law)	Permissive (Current Law)	Mandatory	Permissive (Current Law)	Permitted as a matter of right within interim compact designated growth area
Design/Develop UDA/DGA according to principles of new urbanism/ traditional neighborhood development	Mandatory	Mandatory	Permissive	Mandatory	N/A (promotes form-based zoning to achieve certain characteristics)
Prohibition on localities from limiting development b/c property is outside UDA/DGA	Yes (Current Law)	Yes (Current Law)	No	Yes (Current Law)	N/A

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Directing state/local funding to UDA/DGA	Also directs funding to areas accommodating growth consistent with UDA statute if locality has no UDA	Also directs funding to areas accommodating growth consistent with DGA statute if locality has no DGA	Adds water and sewer facilities	Adds water and sewer facilities Adds other public infrastructure	Only provides for priority funding by CTB to new and expanded transportation and transit infrastructure from state and federal programs
Exempts locality from statute if locality self- certifies statutory compliance/ describes accommodation of designated/urban growth	Yes (if locality describes accommodation of urban growth and describes financial and other incentives for development in area designated for such urban growth)	Yes (if locality describes accommodation of designated growth and describes financial and other incentives for development in area designated for such growth)	No	Yes (if locality adopts resolution certifying compliance with statute)	No
Requires planning district commissions to provide planning assistance and data	Yes	Yes	Yes	No	No

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Expressly authorizes use of proffers, impact fees, etc. to encourage growth within UDA/DGA	No	No	No	Yes	Yes
Town/County Relationships in Establishing Size/Location o UDA/DGA	No changes to existing law	Requires counties' to consult (1) adjacent cities and (2) any incorporated town within the county	No changes to existing law	Requires agreement between county and town to comply with Voluntary Settlement of Annexation, Transition or Immunity Issues chapter; also prohibits double- counting	Requires counties' to consult (1) adjacent cities and (2) any incorporated town within the county
Relation to Transfer of Developments Rights (TDR) programs	N/A	Designated growth areas w/n <u>county</u> shall be designated as receiving areas for any <u>county</u> - established TDR program	N/A	N/A	Designated growth areas shall be designated as receiving areas for any transfer of development rights program in the <u>locality</u>

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Requires UDA/DGA to be complimented by use of policies, zoning provisions, ordinances, etc. that serve to protect open space, farmland and sensitive environmental habitat, etc.	No	No	No	Yes	Yes
Authorizes Commission on Local Government to modify/waive UDA/DGA statutory provisions	No	No	No	Yes (pursuant to Va. Code § 15.2-2903(5))	No
Extends deadline for compliance	No	No	No	Yes (Until July 1, 2013 - for all localities)	No

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Additional Principles/ Characteristics to be Used/Considered in Designing/ Developing UDA/DGA	No changes to existing law	<ol style="list-style-type: none"> 1. Bicycle-friendly road design 2. Reduction of off-street parking requirements 3. Mixed-use centers integrating residential, retail and office space, and incorporating recreation facilities, public spaces, parks and open spaces 	No changes to existing law	<ol style="list-style-type: none"> 1. Integration of residential, retail, office, and commercial development with recreation facilities, public spaces, parks, and open spaces; 2. A built environment that encourages and accommodates people living, shopping, visiting, enjoying, or spending time in the core area; 4. Design features that accommodate and prepare for an aging population within the community; 5. Accommodation of alternative transportation options reducing the dependency on automobiles, and ultimately reducing vehicle trips and/or vehicle miles traveled per day; 6. Use of high performance building design that incorporates sustainable energy sources such as solar, wind, or thermal energy; 7. Buildings, spaces, and infrastructure of human scale; 8. Encouragement of opportunities to redevelop existing unused and underutilized development; 9. Vehicular parking accommodated without dominating the streetscape or landscape; 10. Preservation of environmentally sensitive areas; 10. # 1 and 3 in the "Conservation Group" column 	<ol style="list-style-type: none"> 1. Densities that improve rates of walking, bicycling and transit use; 2. Proximity to public infrastructure including utilities, services, schools, parks and similar facilities; <p># 1, 2, 3, 4, 5, 6, 8, 9, 10 and 11 listed in the "Virginia Association of Counties" column</p>