

House Bill 1858 (2007) and other recent legislation


A Presentation to the Joint Subcommittee
Studying Long-Term Funding Sources for
the Purchase of Development Rights to
Preserve Open-Space Land and
Farmlands



Introduction

- House Bill 1858 (2007) was one of several bills last year that related to both the preservation of open space land and the management of development/growth

Recent Legislative Changes

- Transfer of Development Rights
 - Impact fees
 - Conditional zoning (expansion)
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Transfer of Development Rights

- **SB 373 (2006)** - Allowed localities to provide for the transfer of development rights from a parcel of property located in the locality (sending area) to another parcel of property located elsewhere in the locality (receiving area).

Transfer of Development Rights, cont.

- **SB 869 (2007) / HB 2503 (2007)** - Provided that any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county.

Impact Fees

- **House Bill 3202 (2007)** – Allows counties with a population over 90,000 at the time of the 2000 Census that currently do not maintain their own roads to have the authority to establish Urban Transportation Service Districts (i.e., districts within counties where such counties would take over road maintenance from VDOT).
- Counties that create an Urban Transportation Service District are allowed to impose broad impact fees on by-right development on agriculturally zoned land outside of the District. These impact fees can be assessed for public facilities, including:
 - Parks, open space and recreation areas and related facilities

Conditional Zoning (expansion)

- **House Bill 2500 (2007)** - Allows "high-growth" localities to use the "Northern Virginia" form of conditional zoning. This will give high-growth localities greater flexibility including the ability to accept proffers, the need for which is not generated solely by the rezoning.
- Proffers (voluntary contributions to offset any negative impacts resulting from rezoning) can include the dedication of real property of substantial value

House Bill 1858 (2007)

- Provides that a locality that has established a purchase of development rights program may accept proffers which shall include the payment of cash to the locality for local purchase of development rights that will be dedicated as easements for conservation, open space, or other purposes pursuant to the Open-Space Land Act

House Bill 1858 (2007), cont.

- Would apply to all localities that have established a purchase of development rights program and not simply high growth or Northern Virginia localities whose powers are found in sections 15.2-2298 and 15.2-3203
- Expressed authority

House Bill 1858 (2007), cont.

- 01/03/07 House: Prefiled
- 01/03/07 House: Referred to Committee on Counties, Cities and Towns
- 01/22/07 House: Assigned CC & T sub: #2 (Dudley)
- 2/06/07 House: Left in Counties, Cities and Towns by voice vote

House Bill 1858 (2007), cont.

➤ Considerations?

- Should there be a requirement that the locality purchase development rights on a certain number of acres in relation to the number of acres developed?

