

2020 General Assembly: Legislative Priorities of the Board of Supervisors

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Successful Board Priorities from the 2019 General Assembly

- **HB 2239** made necessary changes to State law to enable the **County courts project** (Bell)
- **HB 1698** amended the requirements for notice regarding zoning decisions, determinations, and orders to allow it to be mailed by either **certified** or registered mail (Fariss)



Overview of the Board's 2020 Legislative Priorities

- In-kind resources for volunteer firefighting and emergency service providers ➤ New
 - Carrying specified loaded weapons in public areas* ➤ Similar bills failed in 2018 and 2019
 - Monuments and memorials* ➤ Similar bills failed in 2018 and 2019
 - Impact fees** ➤ Similar bills failed in 2019
 - Equal taxing authority for counties ➤ Similar bills failed in 2019
 - Increasing the minimum tree canopy to be preserved during development** ➤ New
- * The Board is still weighing the bill's likelihood of success
- **Supporting statewide initiative by localities

In-kind resources to volunteer firefighting and emergency service providers

- Current Virginia Code § 15.2-953 enables localities to donate property and money to volunteer firefighting and emergency service providers
- A 2007 amendment to Virginia Code § 15.2-953 enables localities to donate **in-kind resources for “events”** sponsored by a donee
- **Request:** Amend Virginia Code § 15.2-953(B) to enable localities to provide in-kind resources to volunteer firefighting and emergency service providers
- The authority, if granted, would allow:
 - Localities to **better support local volunteer** firefighting and emergency service organizations
 - Localities’ charitable contributions to be **more efficiently applied**
- Examples: Contract management services for capital projects, assisting in preparing proposals, budgeting services, insurance coverage

Local control over monuments and war memorials; authority to prohibit carrying certain firearms in public places

- **Conditional request:** Amend Virginia Code § 15.2-1812 to give localities **control over war memorials and monuments** on public property
- **Conditional request:** Amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which **carrying specified loaded weapons in public areas is prohibited**
- These initiatives failed in committees in 2018 and 2019
- The Board is still weighing the bills' likelihood of success in 2020



Impact fees

- **Request:** Support legislation to enable localities to impose impact fees on residential development and eliminate cash proffers
 - **Fees imposed on all residential development**, not only those subject to rezoning
 - **Eliminates the disincentive for localities to proactively rezone land** to fulfill the goals and objectives of the Comprehensive Plan
 - **Eliminates the incentive for developers to pursue by-right development** in zoning districts that may be 40 to 50 years old and inconsistent with the Comprehensive Plan
- Similar legislation failed in 2019
- Will be a multi-year statewide initiative pursued by localities

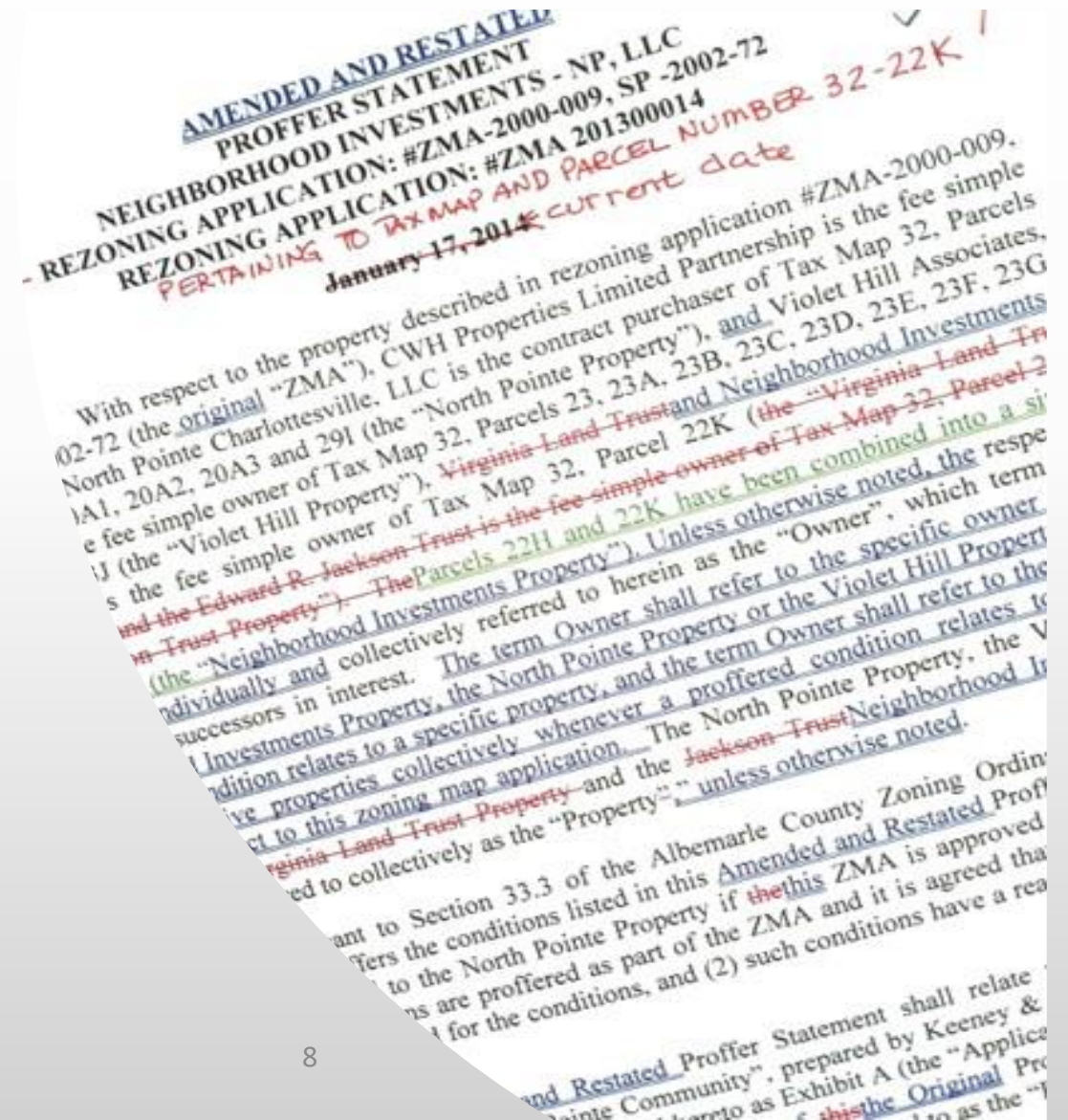


What Albemarle County would seek in an impact fee program

- Impact fees would be **imposed on all new residential development**, not only that which has gone through the rezoning process
- Localities would have the ability to determine the **range of capital facilities** to be supported by impact fees
- Impact fees would be supported by one or more **economic and other studies** that meet reasonable minimum standards, be adopted by the locality's governing body following a public hearing, and be subject to periodic review and adjustments
- Localities would have the flexibility to **establish and implement the impact fee program the community desires** to meet its planning and infrastructure needs
- The enabling authority would not be so prescriptive that it is impossible or undesirable for any locality to adopt a program and implement it

The current proffer system compared

- It applies only to rezonings, so each dwelling unit approved as a result bears a higher per unit cost to address the impacts from development
- There are three sources of base enabling authority with different criteria:
 - Virginia Code §§ 15.2-2297, 15.2-2298, 15.2-2303
- Virginia Code § 15.2-2303.4 is complicated:
 - Applies only to residential rezonings
 - Different rules apply depending on when application filed
 - ❑ Before July 1, 2016; between July 1, 2016 and June 30, 2019; on and after July 1, 2019, with an opt in provision for those filed between July 1, 2016 and June 30, 2019



Equal taxing authority with cities

- Objective is to enable urban counties to have the same taxing powers as those granted to cities
- **Request**: Support statewide initiatives to grant counties equal taxing authority as cities have:
 - Cigarette tax
 - Admissions tax
 - Remove cap on transient occupancy tax
 - Remove cap and referendum requirement on food and beverage tax
- Not pursuing County-specific, limited focus enabling authority (*e.g.*, raising of cap on transient occupancy tax with new revenues applied for specific purpose) until the new tourism bureau's executive director, the new chamber of commerce director, and other new regional interests have an opportunity to consider and provide feedback

Increasing the minimum tree canopy to be preserved during development

- **Request:** Support legislation to amend Virginia Code § 15.2-961 or other sections to:
 - Study tree preservation and planting as either a land cover type or a stormwater best management practice, with the intent of providing an additional tool for stormwater compliance
 - Allow localities greater flexibility in the reforestation, preservation, and management of urban forests



Financial support for Biscuit Run Park

- The State acquired the 1200 acre property in 2009 and developed a master plan for a state park
- State park development cost: \$42M (2017); not funded
- The County entered into a 99-year lease of the Biscuit Run property on January 4, 2018 to develop a County and regional park
- The Governor's January 4, 2018 press release stated: "This new partnership will allow for the park to open sooner than expected and will provide high-quality recreational opportunities for Albemarle County and the surrounding communities."



Financial support for Biscuit Run Park

- The Board adopted the Biscuit Run Park Master Plan on December 15, 2018
- Biscuit Run County Park development cost for three phases: \$31M to \$34M
- State funding proposed through the Atlantic Coast Pipeline mitigation fund: County share would be \$5M
 - The Atlantic Coast Pipeline project is in jeopardy
- **Request:** A State commitment to provide \$15M in park funding, spaced out over three years

