



Albemarle County

Legislation Text

File #: 16-593, **Version:** 1

AGENDA DATE: 10/5/2016

TITLE:

Residential Development Impact Work Group Charter

SUBJECT/PROPOSAL/REQUEST: Charge Statement, Membership, and Organization of the Residential Development Impact Work Group

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Foley, Walker, Kamptner, Blair, Graham, Fritz, Kilroy

PRESENTER (S): Doug Walker, Deputy County Executive

LEGAL REVIEW: Yes

REVIEWED BY: Thomas C. Foley

BACKGROUND: During the 2016 session of the Virginia General Assembly, proffer authority granted to local governments in Virginia changed significantly. Because of the July 1, 2016 effective date of the new legislation, the Board took action on June 8, 2016 to repeal the County's Cash Proffer Policy so that the County would be in compliance with the Code of Virginia as of July 1. The amendment to the Code of Virginia also invalidated the use of the Cost Revenue Impact Model (CRIM) for determining impacts of residential development and brought into question the future role, if any, for the County's Fiscal Impact Advisory Committee (FIAC).

STRATEGIC PLAN:

Development Areas: Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

Critical Infrastructure: Prioritize, plan and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs.

DISCUSSION: As part of the Board discussion regarding changes to State law and the resulting repeal of the County's Cash Proffer Policy, there were questions raised about how the County could continue to receive proffers as part of rezonings and the means and methods by which such determinations would be made. Also raised was the prospect of moving away from rezonings with proffers altogether, relying instead on by-right entitlement created through proactive, comprehensive rezoning of property in the Development Areas that better matches the land use goals of the Comprehensive Plan.

The recent changes in enabling legislation related to proffers and resulting repeal of the County's Cash Proffer Policy, combined with the growing prospect of facilitating desired by-right development in the Development Areas through comprehensive rezoning, and the growing challenge of paying for needed public infrastructure driven by additional residential development, has prompted staff to bring forward a process by which these issues can be explored and then brought back to the Board for discussion and direction in a relatively short timeframe. The attached Charter creating the Residential Development Impact Work Group ("Work Group")

seeks to balance contributions from multiple sources, including the FIAC, development and environmental stakeholders, the Board of Supervisors, the Planning Commission, and County staff.

The Charge proposed is specific to four outcomes:

1. Understand the recent changes in State law regarding proffers and what is/is not allowable
2. Identify and evaluate alternatives for aligning land use and growth management goals regarding by-right residential development and residential development created through rezoning
3. Develop a recommendation for how to best achieve #2 above
4. Develop a recommendation for how to address fiscal impacts associated with all residential development

It is anticipated that this Work Group can develop initial findings and present an interim report to the Board within 4 to 6 months of its appointment. This is an ambitious timeframe, but staff thinks the relatively narrow nature of the Charge will help maintain focus. Staff acknowledges that additional work may be generated by the Work Group's recommendation.

Community Development and the County Attorney will share lead staff support responsibility for the Work Group.

BUDGET IMPACT: There is no direct budget impact associated with the activity of this Work Group at this time. Current County staff will devote time as needed and as available to support the Charge of the group. Should outside technical assistance be determined to be necessary, staff will bring that to the Board for consideration and action. It is acknowledged that recommendations from the Work Group may have future budget implications.

RECOMMENDATION:

Staff recommends that the Board approve the attached Charter (Charge, Membership and Organization) for the Residential Development Impact Work Group as presented or modified.

A - Charter - Residential Development Impact Work Group