



# Albemarle County

## Legislation Text

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**File #:** 18-486, **Version:** 1

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**AGENDA DATE:** 9/12/2018

**TITLE:**

Proposed 2019 Legislative Priorities

**SUBJECT/PROPOSAL/REQUEST:** Consideration and approval of the Proposed 2019 Legislative Priorities

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Kamptner, and Blount

**PRESENTER (S):** Greg Kamptner

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** Each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session.

**STRATEGIC PLAN:** Mission: to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:** Seven legislative priorities are proposed and discussed below.

**Impact Fees**

**Priority:** Support legislation that would repeal current Virginia Code §15.2-2328, which limits impact fees to only those localities that had established an urban transportation service district and adopted an impact fee ordinance on or before December 1, 2008, and enable impact fees to be available to all localities. Support legislation that would grant localities the authority to develop impact fee programs to meet the capital needs attributable to new development as specified in §15.2-2329. Staff anticipates that impact fees would be in lieu of any cash proffers.

**Rationale:** Under the current State law, the financial burden of addressing the impacts on public facilities resulting from new residential development falls on those projects that go through the rezoning process for which cash proffers are accepted, or by current residents and businesses, through taxes. A proper impact fee program would replace the cash proffer program. An impact fee could have at least four positive effects: (i) it would be more fair by spreading the cost of addressing the impacts to all new development, including by-right development; (ii) the per unit cost to address impacts should be reduced because the impact fee draws from a base that is much larger than those residential development for which proffers are accepted; (iii) it would eliminate the disincentive to rezone land in the development area because of cash proffers; and (iv) developers may be incentivized to rezone their land for residential development in a way that is consistent with

the Comprehensive Plan.

### **Courts**

**Priority:** Initiate legislation to amend Virginia Code §§ 15.2-1638 and 16.1-69.35 to enable certain options identified for the Courts project.

**Rationale:** State law requires the General District Court to be located in the County's "courthouse," which is Court Square. For certain options for the Courts project to be possible, State law must be amended to allow the General District Court to be located outside of the County courthouse and in the City. State law also requires that the fee simple ownership of the land and buildings for the courts be in the name of the County. Option 1 (Downtown Levy) proposes to locate the County's General District Court sets, as well as a City General District Court set, to the Levy property. State law must be amended because the Levy property is jointly owned by the County and the City. The current State law is unclear as to whether jointly owned land and buildings satisfy the requirements of the statute.

### **Stormwater Management**

**Priority:** Initiate legislation that would cause State stormwater regulations to be amended to authorize the Department of Environmental Quality ("DEQ") to accept stream restoration as a stormwater management ("SWM") best management practice ("BMP"), and add stream restoration to Virginia's SWM BMP clearinghouse for non-proprietary BMPs.

**Rationale:** Currently, stream restoration projects can be used by localities to achieve pollutant discharge reductions to meet Total Maximum Daily Load (TMDL) mandates. DEQ publishes methods to determine the amount of pollution reduction resulting from a stream restoration project. However, DEQ does not currently allow stream restoration to be used as a water quality BMP for new development or redevelopment. While stream restorations are recognized to reduce pollutant discharges they can't be used by developers to meet water quality requirements that call for the same pollutant discharge reductions.

### **Zoning: Mailing Notices of Violation and Orders**

**Priority:** Initiate legislation to amend Virginia Code §15.2-2311(A) to allow certified mail to be used instead of registered mail to send notices of violation of the Zoning Ordinance or written orders of the Zoning Administrator.

**Rationale:** Virginia Code § 15.2-2311(A) was amended in 2017 to prohibit the use of certified mail and to require the use of registered mail. Certified mail serves functionally the same purpose for verification of mailing and receipt as registered mail but costs substantially less.

### **Broadband**

**Priority:** Support continued and increased funding for the Virginia Telecommunications Initiative (VATI).

**Rationale:** VATI provides supplementary funding for broadband infrastructure construction to projects in underserved areas. Continued and increased funding for VATI will help the Albemarle Broadband Authority's efforts to extend broadband service to underserved areas of the County.

### **Environmental**

**Priorities:** Initiate legislation what would prohibit businesses from using disposable plastic bags and plastic straws. Initiate legislation that would require businesses selling bottled beverages to collect a deposit from the purchaser at the time of sale.

**Rationale:** Plastic bags and plastic straws have been identified as causing environmental harm and harm to wildlife. Bottles can be recycled and reused for various purposes and a deposit program may discourage them being from being discarded as litter or in landfills.

### **Public Safety**

**Priority:** Initiate legislation to 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. This was a priority of the Board last year as well, its patrons were Delegate Toscano and Senator Deeds, but the respective bills failed in committee.

**Rationale:** The current State law makes it unlawful for any person to carry specified semi-automatic weapons and shotguns on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public. The authority, if granted, would improve public safety in public areas where many people may be present.

### **Other Initiatives for Further Discussion**

**Animals:** Initiate enabling authority to expand the subject matter in which localities' regulations may be more stringent.

**Homestays:** If the Board proceeds with the homestay zoning text amendment, initiate legislation to require homestay platforms to report all homestay businesses operating in each locality each year.

**Public Safety Volunteers:** Consider tax deduction incentives for public safety volunteers similar to those available for volunteers with other entities (further research required).

**BUDGET IMPACT:** The County's legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

### **RECOMMENDATION:**

Staff recommends that the Board review the 2019 Proposed Legislative Priorities and recommend any additions it determines to be appropriate, to be brought back at a later date so desired by the Board for submission to the TJPDC, VACo and VML.

**ATTACHMENTS:** None