
1 **2012 COMMUNITY & ECONOMIC DEVELOPMENT POLICY**
2 **STATEMENT**

3
4 Community and economic development are
5 essential to the continued vitality of the
6 Commonwealth of Virginia. VML urges the
7 state to partner with localities develop and
8 carry out the state economic development
9 strategic plan.

10 Realizing the importance of the sense of
11 community, VML also supports legislation
12 to encourage state and local cooperation
13 efforts that would deter crime, promote
14 maintenance of property in neighborhoods,
15 and improve the livability of Virginia's
16 cities, towns and counties.

17
18 VML supports local governments working
19 together in regional efforts to improve the
20 quality of life and economic development
21 opportunities.

22
23 Incentive programs, such as the Governor's
24 Development Opportunity Fund and the
25 Virginia Enterprise Zone Program are
26 important economic development tools,
27 particularly in a challenging economy. The
28 state should strive to fully fund programs
29 that strengthen local governments'
30 commercial and industrial tax bases to
31 reduce pressure on the residential real estate
32 tax base.

33
34 **HOUSING**

35 VML urges state and local governing bodies
36 to develop and maintain a balanced housing
37 mix, including affordable housing. Local
38 officials are in the best position to determine
39 that mixture. Local governments must be
40 fully involved in the decisions on the
41 placement of affordable housing in their
42 jurisdictions. Procedures involving the
43 granting of tax credits for projects must
44 involve local governing bodies. Any
45 locality that issues a Section 8 housing
46 certificate should have housing available in

47 the jurisdiction for the certificate's holder, to
48 prevent persons who are granted Section 8
49 certificates from having to leave their home
50 jurisdiction in order to find housing.
51 VML supports state funding for affordable
52 housing.

53
54 **BLIGHT AND NEIGHBORHOOD**
55 **PRESERVATION**

56 The General Assembly should broaden the
57 laws on dealing with blight and dealing with
58 building permits issued for repairs or
59 renovation to require timely completion of
60 the work or, failing a legitimate plan by the
61 owner, diligently pursued, to complete the
62 work, authorizing local government action
63 to correct the public safety problems created
64 by projects that are not completed and to
65 either seize available assets of the owner and
66 use them to fund corrective action, or
67 recover the locality's costs on a priority
68 basis in the same manner as unpaid taxes.
69 Further, the definition of derelict building
70 should be expanded to include buildings
71 which are never completed to a state that
72 would meet the definition in *Virginia Code*
73 Section 15-2.907.1

74
75 VML supports strengthening the minimum
76 housing maintenance code.

77
78 **ZONING INCENTIVES FOR IN-FILL**
79 **DEVELOPMENT AND**
80 **REDEVELOPMENT**

81 The state code provisions on zoning
82 authority should continue to ensure that
83 local governments have a full range of
84 authority to promote affordable housing,
85 including authority to facilitate in-fill
86 development, redevelopment and mixing of
87 uses in redevelopment projects. Therefore,
88 the code must not be changed to limit local
89 governments' authority to enact land use

1 regulations for the benefits of all citizens of
2 a locality.

3
4 **PLANNING AND LAND USE**

5 The Governor and General Assembly should
6 continually evaluate the limitations on local
7 authority and land use management tools
8 provided in the state code to ensure that the
9 policies of the Commonwealth encourage
10 and support healthy cities and towns. The
11 Commonwealth must end state laws that
12 encourage sprawl. Instead, the policies of
13 the Commonwealth should support
14 sustainable growth in and around urban
15 centers to help local governments create
16 more livable, environmentally responsible
17 communities, thus reducing the
18 environmental impact of growth. In
19 addition, the policies should alleviate
20 transportation funding problems for the
21 Commonwealth and should promote
22 transportation priorities to promote public
23 transportation modes as well as pedestrian
24 and bicycle transportation. Further, to make
25 movement into urban centers attractive, the
26 education policies and funding must
27 promote high quality educational facilities,
28 opportunities and services in urban centers.
29 Further the Commonwealth must provide
30 funding to help urban centers attract and
31 retain high quality jobs.

32
33 Planning and land use control are two of
34 local government's most important
35 functions. Localities should maintain
36 control of local land use decisions. Neither
37 the state nor federal government should
38 usurp a locality's power to make such
39 decisions. All localities should be guided by
40 their comprehensive plan for future
41 development. The General Assembly
42 should allow local governments to exercise
43 land use authority in the manner that the
44 local government deems appropriate for its
45 circumstances. Coordination of local land
46 use planning and transportation planning
47 improves the ability of all levels of

48 government to deal with and manage
49 growth-related issues the Commonwealth
50 faces in the long-term.

51
52 The General Assembly should enhance local
53 government's ability to implement their
54 comprehensive plans by authorizing a
55 complete spectrum of land use and growth
56 management tools and should allow and
57 provide localities more creative, locally
58 initiated planning and land use mechanisms.
59 However, sufficient fiscal capacity is
60 necessary to take advantage of more robust
61 planning and land use mechanisms. The
62 General Assembly should enact laws to
63 broaden impact fee authority to allow the
64 adequate assessment of the fees for all
65 public infrastructure, including school
66 construction costs, caused by growth. The
67 General Assembly should take all steps
68 needed to assist towns and cities to work
69 with the surrounding counties to promote
70 growth in patterns that help the vitality of
71 the municipalities. Any change must not
72 shift the burden of paying for new
73 infrastructure to existing citizens through
74 increased real estate taxes.

75
76 When a county's transfer of development
77 rights program includes lands adjacent to a
78 city or town, the General Assembly should
79 provide the municipality authority to fully
80 participate in the decisions on transferring
81 such rights when it is determined by the
82 municipality that the land-use change will
83 impact its citizens.

84
85 VML supports the state's exploration of
86 sustainable development, provided that there
87 is not an effort to supplant the authority of
88 local governments to determine their own
89 land use policies, and encourages the
90 consideration of incentives for localities to
91 implement sustainable development
92 approaches.

93

1 State agencies should be required to comply
2 with local comprehensive plans and local
3 land use regulations and policies, subject to
4 override by the governor.

5
6 VML supports enhanced redevelopment
7 opportunities through the adoption of an
8 urban policy for the commonwealth, and
9 implementation of growth management
10 policies that encourage growth and
11 economic development in urban areas.

12 VML supports the position that the vested
13 rights law is prospective only and that local
14 governments have the authority to amend
15 zoning ordinances in the future.

16
17 The law on nonconforming uses and
18 structures should be continued in its current
19 form and not weakened. The desires of a
20 single property owner should not outweigh
21 the interests of the neighbors, who benefit
22 from properties coming into conformance
23 with the zoning ordinance over time through
24 the effects of the law on nonconformity.

25
26 The General Assembly should not enact any
27 legislation, under the name of private
28 property protection law, that seeks to
29 weaken local powers to regulate land uses
30 and protect the community's health, safety
31 and welfare, or that requires additional
32 compensation beyond judicial interpretation
33 of the Fifth Amendment of the U.S.
34 Constitution and Article I, section II of the
35 Virginia Constitution.

36
37 VML opposes any additional legislation that
38 would exempt religious organizations from
39 neutral, generally applicable local
40 ordinances, and in particular, local zoning
41 and public safety ordinances.

42
43 VML supports multi-modal transportation
44 options for regions and localities.

45
46 **RESPONSIBLE GROWTH**
47 **MANAGEMENT**

48 Current state land use authority is often
49 inadequate to allow local governments to
50 provide for growth in a manner that protects
51 and improves the quality of life in our
52 communities. Therefore as expressed above,
53 the General Assembly should authorize local
54 governments to implement growth
55 management policies such as impact fees in
56 order to enable localities to facilitate
57 orderly, rational growth in a manner
58 appropriate to their communities. Until a
59 comprehensive impact fee system is
60 authorized, the code should extend to all
61 localities the same level of authority for
62 conditional zoning to address off and on-site
63 transportation issues as is granted to
64 Northern Virginia and the Eastern Shore.

65
66 **MANUFACTURED HOUSING BY**
67 **RIGHT**

68 Local governments should retain the
69 authority to plan for the appropriate mix of
70 residential structures in their communities,
71 and should retain full authority to regulate
72 the placement of manufactured homes,
73 without state intervention.

74
75 Localities should retain the right to tax
76 manufactured homes as personal property,
77 and not be forced to classify them as realty.

78
79 **SUBDIVISION STREET STANDARDS**

80 Local governments should have authority to
81 modify standards for street pavement and
82 right-of-way widths, including streets
83 brought into the system that do not meet
84 VDOT standards, that are beneficial to good
85 planning; public safety; and the well-being
86 of the residents, without diminishing state
87 funding for street maintenance payments.

88
89 **PRESERVATION OF RIGHTS-OF-**
90 **WAY**

91 Road projects take many years from the
92 planning stage to construction. Often
93 localities need to reserve miles of right-of-
94 way years in advance of any funding

1 availability for these projects, or risk
2 development in the path of these road
3 projects. Localities need tools to enable
4 them to reserve rights-of-way for longer
5 periods of time. The official map legislation
6 allows reservation but localities are often
7 unable to provide for the upfront funding
8 needed to purchase these rights-of-way in
9 the allotted timeframe.

10

20

11 **VARIANCES, SPECIAL EXCEPTIONS**
12 **& CONDITIONAL USE PERMITS**

13 VML maintains that the law on variances
14 should be retained in its current form.
15 Because land use is controlled at the local
16 level, the General Assembly should not
17 require any specific procedures for special
18 exceptions, conditional use permits or
19 similar land use decisions.