

2004 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 170

Continuing the Commission on Growth and Economic Development. Report.

Agreed to by the House of Delegates, March 10, 2004

Agreed to by the Senate, March 9, 2004

WHEREAS, House Joint Resolution No. 671 (2001) established the Commission on Growth and Economic Development and the Commission was continued by House Joint Resolution No. 156 (2002); and

WHEREAS, the Commission made progress on many of the issues specified in HJR No. 156 and made a number of legislative recommendations for the 2003 Session; and

WHEREAS, the Commission also agreed to examine proposals from the 2003 Session related to local authority to enact adequate public facility ordinances (APFO); and

WHEREAS, the Commission appointed a subcommittee to study APFO proposals and attempted to craft compromise legislation; and

WHEREAS, although the subcommittee was successful in bringing numerous interested parties to the table for meaningful dialogue and in narrowing the areas of disagreement, the subcommittee was ultimately unable to agree on an APFO proposal for the 2004 Session; and

WHEREAS, §§ 15.2-2296 through 15.2-2303 of the Code of Virginia grant certain localities the authority to enact a zoning ordinance that includes a provision for the voluntary proffering in writing, by the owner, of reasonable conditions, in addition to the regulations provided for the zoning district or zone by ordinance; and

WHEREAS, the purpose of conditional zoning is to provide more flexible and adaptable zoning methods to facilitate the orderly development of land and permit differing land uses and at the same time recognize the effects of change; and

WHEREAS, conditional zoning has evolved in many localities across the state into the development of local guidelines or policies that create an implied expectation of the volunteering of substantial conditions or the payment of cash proffers in conjunction with zoning or rezoning applications; and

WHEREAS, conditional zoning was enacted in 1978 and its effects have not been studied in the subsequent 25 years; and

WHEREAS, due to the need to examine the effects of conditional zoning and the numerous legislative proposals related to the APFO issue introduced during the 2004 Session, the work of the Commission should be continued for one additional year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Growth and Economic Development be continued. In conducting its study, the Commission shall continue its work from the 2003 interim related to the study of APFO authority and shall further consider any related measures introduced during the 2004 Session with the objective of reaching a compromise position for introduction during the 2005 Session. In addition, the Commission shall include in its deliberations a review of conditional zoning to determine its effect on residential development patterns, the availability and cost of housing in the Commonwealth, and the construction and improvements of public infrastructure. Specifically, the Commission shall examine the guidelines, policies or implied expectations of those localities that have created the same to determine (i) the accuracy of the methodology; (ii) the effect of the methodology on the cost of new and existing housing, the annual real estate tax obligation associated with homeownership, and the residential development patterns in the state; and (iii) the timeliness of the expenditure of cash proffered for the construction or improvement of public infrastructure for which they were contributed.

The Commission shall consist of eight members that include six legislative members and two nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and one nonlegislative citizen member to be appointed by the Speaker of the House of Delegates. Current members appointed by the Senate Committee on Privileges and Elections, including two members of the Senate and one nonlegislative member, shall continue to serve. Vacancies shall be filled by the original appointing authority, except that vacancies occurring in Senate appointments shall be filled by the Senate Committee on Rules. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

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The Commission shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the Commission shall continue to be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall be limited to four meetings for the 2004 interim, and the direct costs of this study shall not exceed \$4,400 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the Commission and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

The Commission shall complete its meetings by November 30, 2004, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2004 interim.