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HOUSE BILL NO. 1225

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2223.1, relating to comprehensive plan; smart growth policies; state funding.*

Patron—Jones, D.C.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-2223.1 as follows:**

§ 15.2-2223.1. Statement of policy.

A. As a locality performs a periodic review of its comprehensive plan in accordance with § 15.2-2230, but no later than January 1, 2009, the locality shall amend its plan in order to incorporate the following policies:

- 1. Development shall be concentrated in suitable areas;*
- 2. Sensitive areas shall be protected;*
- 3. In rural areas, growth shall be directed to existing population centers, and resource areas shall be protected;*

4. Stewardship of the Chesapeake Bay and the land shall be a universal ethic;

5. Conservation of resources, including a reduction in resource consumption, shall be practiced;

6. To encourage the achievement of subdivisions 1 through 5 of this subsection, economic growth shall be encouraged and regulatory mechanisms shall be streamlined;

7. Adequate public facilities and infrastructure are available or planned in areas where growth is to occur; and

8. Funding mechanisms shall be addressed to achieve this policy.

B. 1. Except as provided in subdivision 2 of this subsection, with respect to a state public works, transportation, or major capital improvement project funded through state or federal funds, the Commonwealth may not provide state funding for the project if the project is not consistent with: (i) the policies established in subsection A, or (ii) the comprehensive plan of the locality in which the project is located.

2. The Commonwealth may provide state funding for a state public works, transportation, or major capital improvement project funded through state or federal funds which is not consistent with the policy or plan under subsection A if the Commonwealth determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

C. 1. Except as provided in subdivision B 2 with respect to a local construction project involving the use of state funds, grants, loans, loan guaranties, or insurance, a locality may not approve or construct the project unless the project is consistent with the local comprehensive plan.

2. A locality may approve and construct a local construction project which is inconsistent with the local plan under subdivision 1 if the locality determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

D. By December 1, 2008, the Governor shall establish procedures for review of state projects under subsection B, and each locality shall establish procedures for the review of local projects under subsection C, to (i) ensure that the projects are consistent with their respective policy and plans and (ii) evaluate extraordinary circumstances under subsections B 2 and C 2, respectively.

E. Beginning in 2010, each locality shall report on or before February 1 of each year to the Commission on Local Government on the number and type of projects approved under subsection C 2 during the preceding calendar year, including a description of the extraordinary circumstances existing and the alternatives considered, together with any additional information required by the Commission.

INTRODUCED

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