

POSITION STATEMENT FORM

GENERAL SUBJECT AREA -- TITLE OF PROPOSAL

ZONING- ADEQUATE PUBLIC FACILITIES ORDINANCE

PROPOSAL:

Support legislation to give localities authority to adopt an adequate public facilities ordinance. Legislation should permit localities to adopt provisions in their subdivision ordinances for deferring the approval of subdivision plats or site plans when they determine that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. The legislation should also provide that an expressed purpose of zoning ordinances is to protect against an undue rate of development in relation to existing or available public facilities. Such legislation should not require the localities to construct the necessary infrastructure within a time frame established by the General Assembly.

SOURCE:

Environmental Quality Advisory Council, August 13, 2008

BACKGROUND:

In Virginia, local government lacks authority to manage the pace and timing of development that has been approved, even when there are inadequate public facilities to serve the new development. In recent legislative sessions, numerous attempts to authorize adequate public facilities ordinances have not been successful. See for example HB208 and HB 1297 in the 2008 Session. HB 1297 identifies this authority for localities such as Fairfax County that are subject to the provisions of the Chesapeake Bay Preservation Act.

The Board of Supervisors' Environmental Agenda commits to pursuing "state enabling legislation to ensure adequate infrastructure is in place for new developments".

RECOMMENDATION:

POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:

Members of the Virginia legislature who have sponsored or co-patroned adequate public facilities ordinance authorizing legislation include Delegates Cole and Frederick.

The Virginia Coalition of High Growth Communities (an organization comprised of at least 25 jurisdictions within Virginia, including Fairfax County) has in the past supported authorization for an adequate public facilities ordinance.

Numerous civic and environmental associations have in the past supported adequate public facilities legislation. Some of these organizations include the Virginia Conservation Network, The Virginia Chapter of the Sierra Club, the Virginia Municipal League, and the Virginia Association of Counties.

Opposition will probably come from certain segments of the business community, especially developers. The Fairfax Chamber of Commerce and the Northern Virginia Association of Realtors have opposed such types of legislation in the past.

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