

## 2010 New Kent County Legislative Requests

### Issues of Specific Importance to New Kent County

1. Allow mandatory connection to water and sewer systems by New Kent County. New Kent County is making a large investment in its public utilities system and needs to be in a position to require new developments to connect to the system. This authority already exists for another county.

Amend § 15.2-2110.C to read as follows:

“Buckingham County **and New Kent County** may require connection to its their water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing or correctable domestic supply or source of potable water and a then-existing or correctable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious and dangerous diseases. Such **county counties** may not charge a fee for connection its their water and sewer systems until such time as connection is required.”

2. Allow local regulation of well construction and well water quality by New Kent County. New Kent needs this authority in order to preserve and protect both groundwater and the public health of its community.

**Request:** Amend § 32.1-176.4A to read as follows:

“The Board shall adopt regulations pertaining to the location and construction of private wells in the Commonwealth. The Department shall enforce the provisions of this article and any rules and regulations adopted pursuant thereto. However, for private wells located in the Counties of Fairfax, Goochland, James City, Loudoun, **New Kent**, Powhatan, and Prince William and the City of Suffolk, the governing body of such county or city may, by ordinance, establish standards which are consistent with Board standards pertaining to location and testing of water therefrom and more stringent than those adopted by the Board pertaining to construction and abandonment...”

**Also,** amend § 32.1-176.5B to read as follows:

“The local governing bodies of the Counties of Albemarle, Chesterfield, Clarke, Culpeper, Fairfax, Fauquier, Goochland, James City, Loudoun, **New Kent**, Orange, Powhatan, Prince William, Rappahannock, Stafford, Warren, and York, and the Cities of Manassas, Manassas Park, Suffolk, and Virginia Beach may by ordinance establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits...”

3. Allow a lien for water and sewer charges and taxes imposed by New Kent County. New Kent County requests the same authority enjoyed by certain other counties to attach a lien for water and sewer charges to the property that is the subject of the charges.

Amend § 15.2-2118 to read as follows:

“§ 15.2-2118. Lien for water and sewer charges and taxes imposed by localities.

The governing body of any county adjoining a city lying wholly within the Commonwealth and which has a population of more than 75,000 according to the 1970 or any subsequent census and any county having a density of population of more than 600 per square mile according to the 1960 or any subsequent census, Botetourt, Culpeper, Cumberland, Franklin, Gloucester, Goochland, Hanover, Isle of Wight, **New Kent**, Orange and any town located therein, Rockingham, Spotsylvania, Stafford, and York Counties, the Cities of Fairfax, Manassas Park, Newport News, Petersburg, Richmond, and Roanoke, and the Towns of Blacksburg, Front Royal, and Kenbridge may by ordinance provide that taxes or charges hereafter made, imposed, or incurred for water or sewers or use thereof within or outside such locality shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.”

4. Remove the minimum acreage required for a development agreement by New Kent County. The County of New Kent has found this tool significantly useful in the past. However, only a handful of parcels of 1,000 acres or more remain, so this tool will soon be of little use. New development in New Kent is increasingly limited to smaller parcels. Eliminating the minimum size requirement for development agreements will enable New Kent to maximize the use of this authority and continue to serve its citizenry. Any PUD would be able to enter a development agreement.

Amend § 15.2-2303.1.A to read as follows:

“In order to promote the public health, safety and welfare and to encourage economic development consistent with careful planning, New Kent County may include in its zoning ordinance provisions for the governing body to enter into binding development agreements with any persons owning legal or equitable interests in real property in the county ~~if the property to be developed contains at least one thousand acres.~~”

#### Issues supported by New Kent County

Encourage the use of non-potable and recycled water in industrial processes wherever possible. Initiate a fund or authorize tax credits to assist that portion of Virginia east of the fall line in converting existing industrial processes and land irrigation that currently use potable water sources to non-potable and recycled water resources. Additionally, this fund or these tax credits should assist in developing the infrastructure necessary to convey non-potable and recycled water from source to user. The largest users of water for industrial process and land irrigation should have the highest priority.

Grant authority to a governing body to limit the duration of a special use permit. Va. Code § 15.2-2286 currently grants the governing body of a locality the authority to reserve unto itself the right to issue special exceptions (special use permits) to zoning ordinances. However, when the governing body delegates that authority to the Board of Zoning Appeals (“BZA”), the BZA can limit the duration of that special use permit using its authority under Va. Code 15.2-2309 (6).

When these two code sections operate together, the elected governing body (Board of Supervisors) has less authority with respect to special use permits than the quasi-judicial body (BZA) to which they delegated the decision. In effect, the agent now has more power than the

principal, a condition that flies in the face of logic and the usual reading of the law of agency.

Amend § 15.2-2286.A(3) to read as follows:

“For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue, **and limit the duration of,** such special exceptions.”

Provide incentives for Low Impact Development (LID) Tax incentives would encourage developers to be more likely to use Low Impact Development practices, providing an economically sustainable approach to storm water management and incorporating environmentally sound technology to enhance natural wildlife habitats, protect public health, and improve community livability.

Provide incentives for the development of brownfield sites Provide state tax credits or allow localities to provide for the partial exemption from taxation of real estate on which any improvements have been made on a property which was formerly known as a “brownfields,”

Provide tax credits for the construction of green buildings or green development Provide state tax credits or allow localities to provide for the partial exemption from taxation of real estate on which any improvements are constructed as a green building (LEED [Leadership in Energy and Environmental Design] certified by US Green Buildings Council) or which is part of a green developments (LEED-ND [Neighborhood Development] certified by the United States Congress for the New Urbanism)

Provide tax incentives for reuse of abandoned buildings Provide tax incentives or allow localities to provide tax incentives for the reuse of abandoned commercial and industrial buildings in areas designated for commercial and industrial development.

Postpone implementation of any proposed stormwater program to allow state and local policy makers to consider funding levels, economic impacts, and unintended consequences. Support High-Speed rail Extension from Washington, DC to the Richmond Region. Virginia has applied for federal stimulus funding to extend the Northeast High Speed Rail Corridor from its terminus in Washington to the Richmond Region.

Add a third urban at-large seat to the Commonwealth Transportation Board to be filled by a representative of the Richmond-Petersburg Metropolitan area. Currently the 2 urban at-large seats are filled with citizens residing in the Northern Virginia and Hampton Roads areas.

Support local government's authority to require new development to cover the costs of expanding public infrastructure through tools such as impact fees and cash proffers.

Oppose any action to establish state-mandated caps on development fees, impact fees, proffers, water fees and sewer fees.

Oppose any effort to diminish alternative on-site sewer system notice requirements. Support requirements for the annual inspection of alternative onsite sewage systems.

Provide local jurisdictions with the option to fill a vacancy in an elected office through a timely

special election. Currently, if a vacancy occurs less than 120 days before an election, the county must wait until the following general election to elect a replacement (see Va. Code Ann. § 24.2-226), which could result in an unelected appointee serving for up to 16 months.

Support amendments to the Virginia Freedom of Information Act to allow electronic meetings by regional authorities, boards, bureaus, districts, political subdivisions, commissions or agencies of local governments under the same provisions as state public bodies, and in the event of an emergency.

Oppose any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing roads.

Support wagering on Historic Horse Racing.