

**REPORT OF THE LAND USE POLICIES STUDY COMMITTEE
TO
THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL**



House Document No. 36

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1976**

RECOMMENDATIONS

A. That legislation be enacted to amend Chapter 34 of Title 15.1, § 15.1-1400 et. seq. of the Code of Virginia, relating to the Virginia Area Development Act.

B. That Article 3 of Chapter 34, Title 15.1, § 15.1-1420 et seq. of the Code of Virginia relating to Service Districts be repealed.

C. That legislation be enacted establishing a State Planning Advisory Committee.

D. That legislation be enacted amending § 2.1-63.1 of the Code of Virginia relating to the qualifications of the Director of the Division of State Planning and Community Affairs.

E. That broad legislation on critical environmental areas not be enacted.

F. That legislation be enacted to create the Virginia Agricultural and Forestal Districts Act.

MEMBERS OF COMMITTEE

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REPORT OF THE LAND USE POLICIES STUDY COMMITTEE

TO

THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia

TO: The Virginia Advisory Legislative Council

February, 1976

NOTE: The Virginia Advisory Legislative Council releases this report without any action by the Council. The Council did not have time to adequately examine this complex report, but hereby releases the report for the information of the General Assembly and the general public.

INTRODUCTION

A report was made by the Land Use Policies Study Committee to the Council in October, 1973 (HD-26,1974). The Council released the report for the information of the General Assembly and the general public. The result of the report was the recognition of the need for further study, and the passage of the following resolution by the General Assembly in 1974.

HOUSE JOINT RESOLUTION NO. 24

Directing the Virginia Advisory Legislative Council to continue study of land use policies.

Whereas, the Virginia Advisory Legislative Council, pursuant to House Joint Resolution No. 44, of the 1972 Session of the General Assembly, has been directed to study all problems relating to land use in Virginia; and

Whereas, the Virginia Advisory Legislative Council has undertaken such a study and has made its report to the Governor and General Assembly and determined that there is a need for further study of the problems related to land use; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring, That the Virginia Advisory Legislative Council is directed to continue its study initiated pursuant to the direction of House Joint Resolution No. 44, of the 1972 Session of the General Assembly.

All officers and agencies of the Commonwealth and of its political subdivisions shall assist the Council in these studies upon

request.

The Council shall complete its study and submit its report to the Governor and General Assembly not later than September one, nineteen hundred seventy-five and shall provide an interim report to the Governor and the General Assembly not later than November one, nineteen hundred seventy-four.

House Joint Resolution No. 44, is set out in Appendix I.

The Council appointed Delegate Jerry H. Geisler, from Hillsville, who is a member of the Council, to act as Chairman of the Committee. Senator David F. Thornton of Salem was elected Vice Chairman by the Committee. Delegate Geisler appointed the following individuals to serve on the Committee: Mr. Alfred G. Adams of Richmond, who subsequently resigned and was replaced by Delegate Edwin H. Ragsdale; Delegate Garry G. DeBruhl of Stuart; Senator Virgil H. Goode, Jr. of Rocky Mount; Delegate Charles W. Gunn, Jr., of Lexington; Mr. John T. Hazel, Jr., of Fairfax; Delegate Joseph A. Leafe of Norfolk; Delegate George N. McMath of Accomac; Mr. Marvin M. Parr of Chesapeake; Mr. Rosser H. Payne, Jr. of Warrenton; Delegate Thomas J. Rothrock of Fairfax; Delegate Eva Scott of Dinwiddie; Delegate Frank M. Slayton of South Boston; Delegate W. Ward Teel of Christiansburg; Delegate Robert E. Washington of Norfolk; and Mr. Hiram Zigler of Richmond. Jonathan Murdoch-Kitt and Susan T. Gill of the Division of Legislative Services served as staff to the Committee.

DEVELOPMENT OF THE STUDY

The Committee made a number of decisions about the conduct and development of the Study. First, the Committee decided that during the initial part of the study (1974) it would act together and not divide into Subcommittees until public hearings were held. Second, the committee was of the opinion that they had adequate information to proceed with their work; therefore, no new studies were initiated and consultants were not hired.

Third, the Committee decided to hold four public hearings (Harrisonburg, Dublin, Warrenton and Williamsburg) to learn the current opinions of Virginians regarding prime agricultural districts; critical environmental areas; model subdivision control ordinances; comprehensive planning and citizen involvement; and other land use related issues. The Committee heard from a cross-section of citizens including land owners, developers, farmers, planners, industrialists, environmentalists, builders and local elected officials.

Fourth, after the Committee received an additional directive from the Virginia Advisory Legislative Council (House Joint Resolution No. 216, 1975) to study the Virginia Area Development Act, three subcommittees were created to study (i) the Virginia Area Development Act, § 15.1-1400 et. seq., (ii) critical environmental areas, and (iii) agricultural districts legislation.

The subcommittees diligently examined their areas of responsibility, received additional public input at open meetings, deliberated and reported to the full Committee. As a result of its deliberations and findings, the Committee offers the following recommendations.

RECOMMENDATIONS

A. That legislation be enacted to amend Chapter 34 of Title 15.1, § 15.1-1400 et. seq. of the Code of Virginia, relating to the Virginia Area Development Act. See proposed legislation in Appendix II of this report.

B. That Article 3 of Chapter 34, Title 15.1, § 15.1-1420 et seq. of the Code of Virginia relating to Service Districts be repealed.

C. That legislation be enacted establishing a State Planning Advisory Committee. See proposed legislation in Appendix III of this report.

D. That legislation be enacted amending § 2.1-63.1 of the Code of Virginia relating to the qualifications of the Director of the Division of State Planning and Community Affairs. See proposed legislation in Appendix IV of this report.

E. That broad legislation on critical environmental areas not be enacted. However, localities should be permitted to identify and protect areas of historic, scenic, industrial, economic, and cultural significance as well as areas that have significant natural resources, like air and water, through specific enabling legislation as the need for the enabling legislation arises in the future.

F. That legislation be enacted to create the Virginia Agricultural and Forestal Districts Act. See proposed legislation in Appendix V of this report.

REASONS FOR RECOMMENDATIONS

A. Virginia Area Development Act.

The Virginia Advisory Legislative Council was directed to study the Virginia Area Development Act, and the Council in turn assigned this study to its Land Use Policies Study Committee.

HOUSE JOINT RESOLUTION NO. 216, 1975

Directing the Virginia Advisory Legislative Council to study and report on the Virginia Area Development Act.

WHEREAS, the Virginia Area Development Act, which

provided for the creation of planning districts and planning district commissions throughout the Commonwealth, was enacted seven years ago; and

WHEREAS, it seems most practical that, after such a period of experience, this important body of laws that vitally affects local governmental planning throughout the Commonwealth should be reviewed and reevaluated by an element of the General Assembly; now, therefore, be it

RESOLVED, by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to study the Virginia Area Development Act. The Council shall review such Act and the ways it is currently being administered to determine whether the legislative intent in enacting that measure is being fulfilled.

The Council shall complete its study and submit its report to the Governor and the General Assembly not later than October one, nineteen hundred seventy-five.

In an effort to receive comments from key people in local government regarding the proposed amendments to the Virginia Area Development Act, over two hundred questionnaires were sent out. These questionnaires went to County Boards of Supervisors, city managers, county administrators, planning district commissions, mayors, The Virginia Association of Counties, city planners, the Division of State Planning and Community Affairs, and certain members of the General Assembly. Once a draft of the proposed legislation was ready, the recipients of the original questionnaire were sent a copy of the legislation and were asked to comment. All comments that were returned were considered by the Committee in its deliberations.

The General Assembly set a precedent in 1972 by allowing LENOWISCO Planning District Commission, through special legislation, (Acts of Assembly, 1972, Chapter 814; amending § 15.1-1405 of the Code of Virginia) service implementation authority for stream clearance and solid waste removal. In 1975 this precedent was followed when the Cumberland Plateau Planning District Commission, through special legislation, (Acts of Assembly, 1975, Chapter 381; amending § 15.1-1405 of the Code of Virginia) was granted authority to implement stream maintenance, public land site preparation, solid waste removal, and certain other functions. Special legislation of this type is not practical because it clutters the calendar of the General Assembly especially in light of the number of legislative proposals the General Assembly must consider each session. The Virginia Area Development Act was designed to eliminate fragmentation, confusion and the inherent difficulties caused by administering public services through special legislation for each project. The special legislation that has amended the Virginia Area Development Act is causing what the Act was intended to eliminate: fragmentation, confusion, and special legislation on a project by project basis.

With these original legislative purposes in mind, coupled with

the comments solicited from people in local government, the Committee drafted amendments to the Virginia Area Development Act. The Act is intended to promote the efficient performance of governmental functions and services on a regional basis and to deter the fragmentation of local governmental units and services so that quality services may be provided upon favorable economic terms.

To insure responsiveness by the planning district commissions to local governments and citizens, to promote better communications between planning district commissions and participating local governments, and to provide local governments with more control and broader options, several recommendations are offered in the draft amendments (See Appendix II of this report):

1. Local governing bodies should have the authority to determine how many elected members of their governing body, over a majority, should be members of the Planning District Commission. This would allow for as many elected officials to serve as members of a planning district commission as the local governments desire;
2. It is clearly spelled out in the section on organization that planning district commissions are instrumentalities of the local governments that compose the commissions;
3. Public services available through the planning district commissions can be implemented only in jurisdictions where the governing body has specifically requested the service; and
4. Express prior approval by two-thirds of the governing bodies of the political subdivisions that are members of the planning district is necessary before public services can be implemented.

The implementation authority previously granted to planning district commissions one and two in special legislation should be repealed, provided that any function assumed or implementation performed under this special legislation prior to the effective date of the draft legislation should not be affected.

Planning district commissions may finance the public services that they provide through contracts with the governing bodies of the political subdivisions that request the specific service or services. The planning district commissions may also provide for the payment of service costs by establishing fees, rents or charges. However, no taxing or borrowing authority is granted to the planning district commissions. The planning district commissions that furnish public services on contract must set up separate budgets and separate divisions of operations. This should serve to separate adequately the planning district commissions' planning responsibilities from the responsibilities of implementing services that have been contracted for by localities.

The proposed method by which localities contract with planning district commissions for the delivery of services has several advantages.

“First, rural areas would be afforded a simple, voluntary, and inexpensive means of providing a limited number of services. [Second,] the flexibility of the mechanism also could accommodate continuing growth of an area. [Third,] major flaws should be eliminated in the process of having two or more governments develop and agree to a proposal for area-wide services, of obtaining the approval of the planning district commission, and of having the proposal reviewed by the Division of State Planning and Community Affairs. [And fourth,] ...uniform area-wide programs... [should] avoid the abrupt economic consequences which are generated when the lack of a service reaches a critical point and requires a crash program to meet the need.” “Report of the Governor’s Ad Hoc Committee to Review the Virginia Area Development Act,” December, 1972.

This completes the Committee’s recommendations that pertain to the Virginia Area Development Act. House Joint Resolution No. 216, 1975 also directed that the Virginia Advisory Legislative Council examine the ways the Virginia Area Development Act is being administered and determine if the legislative intent in enacting that measure is being fulfilled. This directive is identical to that of House Resoution No. 40, 1975, (See Appendix VI) which directs the House of Delegates Committee on Counties, Cities and Towns to examine the same aspects of the Virginia Area Development Act. The Land Use Policies Study Committee has created a subcommittee to work with a subcommittee of Counties, Cities and Towns to carry out this directive. Public hearings have been scheduled for August and September 1975 with a report to follow.

Another subcommittee is examining the problems that surround relationships between local governing bodies in Virginia as they relate to solid waste disposal (Acts of Assembly, 1975, Chapter 600) and water impoundments (Acts of Assembly, 1975, Chapter 573). This subcommittee is continuing its study in cooperation with other study groups that are examining key facilities siting and developments of regional impact.

B. Service District Legislation.

The service district legislation of the Virginia Area Development Act, Article 3 of Chapter 34, Title 15.1, §§ 15.1-1420 through 15.1-1441 of the Code of Virginia, should be repealed. If the amendments to the Virginia Area Development Act in section A. above are adopted, the service district legislation would be unnecessary. Public services could be delivered through the implementation authority granted to planning district commissions, through the vehicle of contracts with two or more local governments. The service district legislation would not be needed.

A major reason for repealing the service district legislation is substantial local opposition to the legislation. The overwhelming response received by the Committee in answer to questionnaires and requests for comment was local desire to repeal the service district legislation. This local desire is caused primarily by the fear

that the establishment of service districts would mean the creation of a regional government that would preempt the localities. The fear is reflected in the fact that although the service district legislation has been in effect since 1968, no service district commission has been initiated. For these reasons, it is recommended that the service district legislation be repealed.

C. State Planning Advisory Committee.

Legislation should be enacted to establish a State Planning Advisory Committee. This Committee would act in an advisory capacity to the Division of State Planning and Community Affairs (hereafter the Division) with respect to State planning, the Virginia Area Development Act and its application, and the relationships and coordination between federal, State and local governments, their agencies and programs.

There are a number of reasons for establishing a State Planning Advisory Committee. First, a formal method is necessary to advise the Division on the way large sums of money, like federal program funds and grants, are handled and spent. Second, public comment regarding Division activities should be encouraged and carefully considered to provide local input to State policy. Third, coordinative procedures are needed to address conflicts among State agencies. Fourth, it is necessary to establish better coordination and cooperation between the State and local governments.

An additional factor to support the creation of an Advisory Committee on a formal basis is the fact that an ad hoc advisory committee was established some time ago by State officials for the same purposes set out above. This recommendation would broaden and statutorially authorize the existing advisory committee.

A number of members of the Land Use Policies Study Committee wanted to create a State Planning Commission to set policy and direction for the Division rather than merely be advisory. But a compromise was agreed upon with the understanding that if the Advisory Committee did not work as intended, adjustments could be made in the future. For the above reasons, a State Planning Advisory Committee is strongly recommended.

D. Qualifications of the Director of the Division of State Planning and Community Affairs.

Legislation is recommended to amend § 2.1-63.1 of the Code of Virginia by deleting the qualification that the Director of the Division of State Planning and Community Affairs be a qualified and experienced planner. This is recommended because the Governor makes this key appointment and should be entrusted and empowered to make the appointment in his own best judgment.

E. Critical Environmental Areas.

Broad legislation on Critical Environmental Areas should not be enacted. The Committee, after examining numerous alternatives, decided for the following reasons not to recommend legislation in

the Critical Environmental Area.

The most effective way to deal with Critical Environmental Areas is on a local level. In this light, the Committee concluded that problems must be dealt with specifically and individually whether they are air, water, scenic or historic issues. By dealing with particular subjects individually, like historic or scenic areas, local input would be more easily insured. Critical Environmental Areas legislation is much too broad and too difficult to address because of its broad scope either from a State legislative or local land-owner point of view.

Present State laws are considered to be adequate to control development at this time and therefore are also considered to be adequate to control critical environmental areas of the State without broad Critical Environmental Areas legislation. The following are a few of the State agencies that are enabled by State law to control and permit activities that may affect the environment. The State Air Pollution Control Board; in § 10-17.18 of the Code of Virginia is empowered to formulate, adopt and promulgate rules and regulations to abate, control and prohibit air pollution throughout the State. The State Water Control Board in § 62.1-44.15 of the Code of Virginia has the authority to supervise and control the quality of all State waters including the issuance of certificates for discharges into State waters. The State Board of Health in § 32-9 of the Code of Virginia also regulates sewage disposal (along with the Water Control Board) to the extent that no locality may issue a building permit without proper sewage treatment being insured as certified by the local health official. The State Board of Health through its Bureau of Solid Waste and Vector Control in § 32-9.1 of the Code of Virginia regulates and prescribes methods of disposal of solid wastes. The Marine Resources Commission in § 62.1-3 of the Code of Virginia is authorized to issue permits for any uses of State owned submerged lands. The Commission is also empowered in § 62.1-13.1 et seq. of the Code of Virginia relating to wetlands, to review decisions of local wetlands boards to insure uniformity, and where a local board does not exist, the Commission is empowered to process applications to alter wetlands, pursuant to the Wetlands Act.

The Committee is of the opinion that specific legislation is needed to deal with individual problems such as historic, scenic, and cultural areas and areas that are significant to a particular region or to the entire State because of air and water resource considerations. Such legislation should be initiated at the local level and should come from the State level only under compelling circumstances. Areas of the State should be considered as significant State or regional areas and not as Critical Environmental Areas because significant areas are larger in scope than just environmental and include significant areas of the State where industrial growth and economic development can be channelled and encouraged.

For the above reasons, coupled with the massive and broad nature of Critical Environmental Areas legislation, such legislation is not recommended. However, as the need arises, specific legislation to deal with historic, scenic, industrial development, and

economic development areas as well as areas of significant natural resource considerations, like air and water, should be enacted.

F. Agricultural and Forestal Districts Act.

The Committee recommends that an Agricultural and Forestal Districts Act be enacted.

In many parts of the Commonwealth, agricultural and forest lands have come under considerable pressure from expanding metropolitan areas. This pressure takes the form of scattered development in wide belts around urban areas and along major travel corridors, which creates conflicting land uses, increases costs for public services and stimulates land speculation. When scattered development extends into good farm lands, ordinances that tend to inhibit farming usually follow, farm taxes rise, investments in farm and forest improvements are discouraged, and land speculation occurs. Thus, many of the agricultural and forestal lands of Virginia are in danger of being lost for any agriculturally productive purpose.

A case in point is Virginia's "urban corridor" which has been delineated by Professor A. E. Dick Howard of the University of Virginia as an arc-shaped area from Northern Virginia and the Washington, D. C. Metropolitan area through Richmond and eastward through the Tidewater to the Hampton Roads and Norfolk area. It is predicted that by the year 2000 this area will contain half of the population of the Commonwealth and about 14% of the land area and 21% of all the Class I and Class II soils of the Commonwealth. According to the United States Soil Conservation Service, these soils are best adapted for growing row crops, small grains and vegetables. Crops grown in this area produce the highest yields at the lowest costs. Owners of this land cannot survive as producers of these agricultural products that are essential in domestic and foreign trade unless some method can be found to make it more practicable to continue their present operations.

Agricultural production is important for more than local reasons. In 1974, according to the Virginia Department of Agriculture and Commerce, Virginia exported \$191,000,000 in agricultural products. This is a significant contribution to the favorable U. S. balance of trade. The U. S. Department of Commerce figures indicate that industrial exports in 1974 incurred a deficit of more than \$9 billion, which was offset by a favorable agricultural balance of slightly over \$12 billion. These facts should be taken into consideration in establishing State policy and enacting State legislation.

The Constitution of Virginia, in Article XI, states, in part, that:

"...it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources...Further, it shall be the Commonwealth's policy to protect its atmosphere, lands and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth...In the furtherance of such policy, the General Assembly may undertake the conservation, development, or

utilization of the lands or natural resources of the Commonwealth..."

In furtherance of the Constitutional pronouncement, the General Assembly, in § 58-769.4 of the Code of Virginia stated that:

"An expanding population and reduction in the quantity and quality of real estate devoted to agricultural, horticultural, forest and open space uses makes the preservation of such real estate a matter vital to the public interest. It is, therefore, in the public interest (A) to encourage the preservation and proper use of such real estate in order to assure a readily available source of agricultural, horticultural, and forest products and of open spaces within reach of concentrations of population, to conserve natural resources in forms which will prevent erosion, to protect safe water supplies, to preserve scenic natural beauty...and (B) to promote a balanced economy..."

The Agricultural and Forestal Districts legislation, in the opinion of the Committee, meets all the Constitutional tests and all of the salient points quoted from the Code of Virginia and furthers a policy that has been clearly established.

Virginia has over 22 million acres of land in private ownership. About 10 million acres of this is in soil Classes I, II, and III. Another 3 million acres are in soil Class IV and about 8 million are in soil Classes V through VIII. Soil classes I, II and III are the most productive, the most easily worked and the most vulnerable to be used for other purposes. About 3% of our total land inventory is presently being used for highways, airports, waste disposal and man-made lakes which totals nearly 665,000 acres. Three thousand acres are added annually. The Urban Land Institute indicates that urban land areas will increase, nationwide, from 6.6% of total land area in 1960, to about 16.4% by the year 2000. Urban areas are growing faster in Virginia than in the nation. Virginia's urban areas will increase from 1.5 million acres to 3.65 million acres by the year 2000, with most of the growth occurring in the eastern "urban corridor" where the finest and most productive cropland is located.

The Commonwealth must have a policy and a program for encouraging significant farm and forest lands to remain in production. The proposed Agricultural District legislation will accomplish this without using the police power of the State since the program provides for voluntary participation by landowners.

The process of setting up the districts is set out in the proposed legislation. The landowners make application to the local planning commission. That body then refers the application to an Agricultural Districts Advisory Committee, required under the act. These bodies then report on the proposal to the governing body. If the proposed district is found to meet legal requirements and is otherwise feasible, the governing body may approve the district for an eight year period. Near the end of that period the district would be subject to review for alternation, renewal or dissolution.

The proposed legislation has the following effects:

1. Encourages continued and expanded investment in farming;
2. Reduces the pressures to develop good farm and forest lands close to urban areas;
3. Restricts or inhibits the use of eminent domain proceedings in the district;
4. Restricts the development of special service districts within agricultural districts and the ensuing ad valorem taxes to pay for special services not needed by farmers;
5. Discourages local and State regulations that restrict farming;
6. Makes land within the district eligible for special use value tax considerations under the Special Assessments Act, § 58-769.4 et seq. of the Code of Virginia;
7. Insulates farm land from speculative non-farm markets for eight years;
8. Puts the State squarely on record as having a policy of encouraging productive agriculture as a viable part of the economy of the State that must be taken into consideration by all State agencies; and
9. Encourages individual landowners to participate in the local planning process by proposing and justifying the formation of agricultural and forestal districts to the local governing body and the local planning commission.

For all these reasons, the proposed Agricultural and Forestal Districts Act is strongly recommended.

CONCLUSION

The Committee recommends affirmative action on five of its six recommendations: amendments to the Virginia Area Development Act, § 15.1-1400 et seq. of the Code of Virginia; repeal of the Service District legislation of the Virginia Area Development Act, § 15.1-1420 et seq. of the Code of Virginia; establishment of a State Planning Advisory Committee; amendment to § 2.1-63.1 of the Code of Virginia relating to the qualifications of the Director of the Division of State Planning and Community Affairs; and enactment of an Agricultural and Forestal Districts Act. Proposed legislation to carry out these recommendations is set out in the appendices. The Committee also recommends that broad Critical Environmental Area legislation not be enacted.

Respectively submitted,

Jerry H. Geisler, Chairman

David F. Thornton*

Garry G. DeBruhl*

Virgil H. Goode, Jr.

Elmon T. Gray

Charles W. Gunn, Jr.

John T. Hazel, Jr.

Joseph A. Leafe*

George N. McMath

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Eva Scott*

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Frank M. Slayton*

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W. Ward Teel

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Robert E. Washington*

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Hiram Zigler*

***See the following Comments and Dissents**

COMMENTS

A. SENATOR DAVID F. THORNTON.

I approve generally of the report of the Land Use Policies Study Committee to the Virginia Advisory Legislative Council.

I wish to comment specifically on Recommendation E, in reference to legislation on critical environmental areas. I concur with the general thrust of this statement, that broad legislation on critical environmental areas should not be enacted because it is both impractical and almost impossible to define and regulate. I am convinced that those problems which are generally thought of as critically environmental be approached on a problem by problem basis (such as historic, scenic, key facilities, industrial, etc.) rather than under an umbrella piece of legislation.

Furthermore, I feel that localities should not only be permitted to identify these areas as stated in the report, but also encouraged and assisted.

With regard to Recommendation A, relating to the Virginia Area Development Act, I concur with the general thrust of the recommended legislation, but reserve my conclusions on specific items until further information has been obtained by committees or commissions now studying the problems.

B. HIRAM ZIGLER.

I am happy to associate myself with those who approve the draft copy of the report of the Land Use Policies Study Committee. Membership on this Study Committee has been a most pleasant experience and, I think, the type of opportunity that ought to be afforded many private citizens. I hope my contribution has been constructive.

I would like to observe that while I willingly join in approving the report that there are several comments that ought to be made.

First, regarding establishing a State Planning Advisory Committee, I am of the firm opinion that the function of the committee ought to be more than advisory. Virginia's experience with citizens board and commissions, is, I think outstanding and one of the reasons that the quality of State Government in the Old Dominion is the envy of the citizens of many other states. The Committee, in my thinking, ought to be a policy making commission. I did, however, vote with the majority to establish the committee when it became evident that the Study Committee could not agree on the commission.

Second, I agree with the majority of the Study Committee that comprehensive Critical Areas legislation is not vitally needed at this time. I also agree that local governments, under existing legislation

have most of the authority needed in this area. It seems to me that the General Assembly ought to continue the present committee to study concrete legislation to make it easier for localities to address themselves to such problems as scenic, historic or other significant problem areas at the local level.

And, third, there is one area that the study committee did not address. I refer to the problem that is arising where developments of various kinds are being located near the borders of a number of political jurisdictions that impact severely on adjacent jurisdictions. At present there is no way that conflicts arising under such conditions can be ameliorated short of court action. Certainly it ought to be possible to find ways to permit the citizens of one jurisdiction to have status in the deliberations of planning commissions and governing bodies in jurisdictions in which they do not reside. Serious consideration should be given to this problem, I feel.

Let me say, again, it was a real pleasure to be associated with the other members of the study committee and to work under our distinguished Chairman, Delegate Geisler. The leadership he exhibited was exceptional.

DISSENTS

A. DELEGATE GARRY G. DeBRUHL.

1. I oppose strongly the creation of the State Planning Advisory Committee as proposed in Appendix III. We already have too many Commissions, Boards, and Study Groups operating in the State. Most of the information that these groups eventually come up with is already available from other State sources. Also, we are being inundated with a mass of material emanating from the dozens of groups similar to the one proposed, that are operating throughout the State government.

2. I seriously question the need for Planning District Commissions to finance public services that they may provide through contracts with the governing bodies of the political subdivisions that request the specific service or services. I am not aware of any public services that could be performed by a Planning District Commission that should not be performed by the local jurisdiction concerned; also if this provision is included, it will open the way for Planning District Commissions to prevail upon weak or non-responsive local governments to allow them to move in and take over local governmental service functions that are the duty and responsibility of local governments to perform.

3. I generally concur with the remainder of the recommendations contained in this report.

B. SENATOR VIRGIL H. GOODE, JR.

1. I agree that State Critical Environmental Area legislation

need not be enacted because existing legislation should cover any problem.

2. I agree with the repeal of the Service District legislation.

3. I am opposed to the granting of implementation powers to planning district commissions under the Virginia Area Development Act.

4. I am opposed to a State Planning Advisory Committee unless something else is cut out in its place. Proliferation of committees (and agencies) is not good and is costly.

5. I agree with the amendment to § 2.1-63.1 relating to the qualifications of the Director of the Division of State Planning.

C. DELEGATE THOMAS J. ROTHROCK dissented from the report without comment.

D. DELEGATE EVA SCOTT.

I agree with the recommendation for the State Planning Advisory Committee, but I would prefer that it be in the form of a Board. I agree with the Critical Environmental Areas report and the recommendations for a proposed Agricultural and Forestal Districts Act.

While I strongly agree with some of the recommendations as being improvements to the Virginia Area Development Act, and I feel the subcommittee did a commendable job, nevertheless I have reservations about the creation of Operational Divisions within Planning District Commissions with implementation powers, even though protections to local government have been built into the proposed legislation.

At the time the subcommittee was meeting and studying the Area Development Act, my overriding interest was to strengthen local government participation and control of PDCs and to prevent any activity which might lead toward regional government. As with many others, I was particularly concerned over the proliferation of special legislation for limited implementation powers to additional PDCs. With the removal of the provisions authorizing creation of service districts, defined as a unit of government, from the Act, I then felt perhaps consideration might be given to locally controlled implementations as being an acceptable substitute for these localities wishing to jointly contract for services. Therefore, I did agree verbally to the report at our meeting on July 7, 1975.

After tours, public hearings, and further deliberations, I have found little desire on the part of local planning commissions to take on the responsibility of implementation or for local governing bodies to have them do so. Appreciation for the planning function (the original intent for PDCs) was repeatedly expressed and should not be complicated with implementation responsibility. Our PDCs would become very complex with expanded operations resulting in greater influence over our localities. The use of the private

enterprise method of service delivery would probably be gradually eroded. For these reasons I feel we should not give implementation powers to PDCs. Local governments now have other alternatives for joint service delivery.

D. DELEGATE FRANK M. SLAYTON.

The Committee has worked long and hard in an effort to carry out its assignment and I regret that I cannot concur in the conclusion of the majority, but I am compelled to dissent for the following reasons.

1. There is genuine concern throughout the Commonwealth that PDCs will ultimately lead to the establishment of Regional governments and at this time I would not recommend any changes to Title 15.1.

The success of the PDCs has been "spotty" and until we are able to get a better grasp of the roles and functions the PDCs will play and their relationships to local governments, the General Assembly should not make it easier for the PDCs to begin rendering services.

The role of the State Division of Planning and Community Affairs and its relationship to the PDCs remains confused and this area needs considerable clarification before the functions of the PDCs are expanded.

I am fully aware of the recent actions of the General Assembly with regard to the powers conferred on PDCs 1 and 2 and approve of that action. The uniqueness of that area of Virginia and the particular problems which confronted those local governments were such that they were able to make a case for the special treatment they were accorded in the last session of the legislature.

The contrary is true in certain areas of the State and we are witnessing some local governments withdrawing from PDCs after having participated for a number of years.

I doubt that the committee has examined the complete picture of the successes and failures of the PDCs to recommend sweeping changes at this time. Serious consideration to changing the composition of the areas in some of the PDCs in an effort to achieve a greater community of interests in some of the planning districts should be further explored.

2. I concur with the comments of Delegate Washington in his dissent with regard to the recommendation of the majority concerning the repeal of Section 15.1-1420 et. seq relating to Service Districts and oppose that recommendation by the majority.

3. The establishment of an Advisory Committee to the State Division of Planning and Community Affairs is a positive step in the right direction, but does not go far enough in addressing the problem of that office making policy decisions without adequate checks and balances.

Whether the entire structure ought to be changed, and a member of the Governor's Cabinet given direct supervisory jurisdiction over this office or what other administrative changes are necessary have probably been addressed by other legislative studies, but suffice it to say that there should either be direct cabinet control or a policy making board responsible for the policy decisions of that office.

4. The Committee has failed to face the issues on critical environmental areas. If we mean what the majority says, and we believe it is a valid concept, then we should amend Section 10.190 of the Code of Virginia and the other appropriate sections to permit local governments to designate those areas within their jurisdictions that are worthy of preservation.

Further, the mechanism must be provided for two or more jurisdictions to join together to preserve and protect those areas of special and significant importance to be protected.

The critical environmental areas concept remains a valid concept if we are to preserve and protect the natural beauty of the State and its great natural resources.

As time passes and pressures increase because of a growing and demanding population, it will become more difficult for us to react to those pressures on a State level rather than to prepare now to meet across the State those same problems now being dealt with in the urban corridor between Northern Virginia and Tidewater.

I support the Agricultural Districts legislation.

F. DELEGATE JOSEPH A. LEAFE and DELEGATE ROBERT E. WASHINGTON

We have reviewed the draft copy of the VALC Land Use Policies Study Committee Report, and while we agree with much of the Committee's findings, we do not agree completely with the proposed legislation. Accordingly, we are filing the following dissenting comment.

1. Virginia Area Development Act.

While approving of the general thrust of the proposed revisions to the Virginia Area Development Act, we do not believe that all of the proposed changes are in keeping with the findings of the committee, nor that the proposed changes will necessarily improve the Act to promote intergovernmental cooperation.

In general, we do not agree that the concept of the service district should be stricken from the statutes without offering a meaningful substitute.

The majority correctly points out that the existing service district provisions have not been utilized. It is generally agreed that the present provisions are virtually impossible to implement. However, we believe that the majority is in error to assume that the

granting of service delivery or implementation powers to the Planning District Commissions will obviate the need for the service district or some similar institution at some time in the future.

The financial mechanisms available to the service district as an operating authority are not available to the PDC even with the proposed expanded powers. In our judgement this will serve to limit the effectiveness of the service delivery capabilities of the PDC and will continue to promote the fragmentation of governmental agencies through the creation of single purpose authorities with full and independent powers and status. In short, the time will come when we must recreate the service district concept, and to this end it would be preferable to retain the concept and revise the existing statutes to remove the present obstacles to implementation.

As an interim measure, we would approve the granting of implementation powers to the Planning District Commissions within very restricted guidelines, and with the unanimous approval of the member jurisdictions. This can be useful within the inherent financial limitations. Acting on a contract or third party basis, the PDC's can become tools for areawide service delivery and intergovernmental cooperation. However, neither the PDC's nor local governments should be ham-strung in their efforts to utilize such powers by overly burdensome requirements for approval. Accordingly, we do not approve of the provisions of § 15.1-1405 which require the approval of two-thirds of the governing bodies of the political subdivision that are members of the PDC for each and every action. Once the basic policy decision is made to grant implementation authority, the working decision should be made by the Commission as provided by the charter agreement. The PDC could thus carry out any of the functions permitted upon the vote of the Planning District Commission members, provided that such action is in response to a request of the governing bodies within which such services would be rendered.

A third objection related to § 15.1-1404 in which it is proposed to confine the planning activities of the PDC to "regional" planning by insertion of the word "district".

Local planning assistance is an extremely important function of the PDC, particularly in areas of the State with rural or sparsely populated member jurisdictions. It may be argued that the funding level for such assistance is inadequate, but the solution is not the withdrawal of such assistance, nor does it lie with an increased planning staff in the Division of State Planning and Community Affairs in Richmond. A more rational approach would increase State support for the PDC's.

With the above exceptions, we approve in general of the proposed amendments to the Virginia Area Development Act, most of which are clarifying in nature and result in measurable improvements.

2. State Planning Advisory Committee.

We do not concur with the recommendation for the creation of

a State Planning Advisory Committee as proposed. Firstly, we have reservations as to the imposition of such a group between the DSPCA and the Governor and his cabinet. Sound arguments can be made for responsible citizen review and advice concerning activities of the department, and it may be that a responsible Commission with oversight responsibilities should be considered. This should, however, be undertaken within the context of overall governmental management decisions. Further, even if such an advisory committee should be created it should not include Legislator members whose duties are separate and apart from the executive branch. Lastly, to suppose that a group of the size proposed could function without a provision for funding ignores reality.

3. Director of the Division of State Planning and Community Affairs.

While concurring in general with the majority's comments with respect to the present director, we are of the opinion that the position calls for someone with a background in planning activities as well as public administration. The functions of the department are such that it should not be otherwise. This will become increasingly important as the department begins to exercise its statutory responsibilities in areas of state planning heretofore neglected.

4. Critical Environmental Areas.

We do not concur with the committee statement on critical environmental areas. The statement that present state laws are adequate to control development and are also adequate to control critical environmental areas is in our opinion inaccurate.

The present state system of regulation and control of development is essentially reactive in nature, i.e. there is no procedure for identifying unique or critical areas and for establishing goals and policies for preservation. This is particularly true for those areas that lie within the bounds of more than one local jurisdiction. The simple enumeration of certain regulatory agencies and an almost total reliance on local zoning within the provisions for historical or cultural districts avoids the basic question as to State responsibility in areas of Statewide environmental significance. Additionally, the committee has failed to consider the impact of the June 13, 1975, Virginia Supreme Court decision in the case of Board of Supervisors of James City County vs. Rowe and the resulting effect on the ability of local governments to adequately protect critical areas through the zoning statutes. This would appear to be of immediate priority, as would the need for specific legislation to "deal with historic, service, industrial development and economic developments as well as areas of significant natural resource considerations...", which the majority recognizes but does not deal with.

5. Agricultural and Forestal Districts Act.

We support the proposed Agricultural and Forestal Districts Act in principal.

APPENDIX I

HOUSE JOINT RESOLUTION NO. 44, 1972

Directing the Virginia Advisory Legislative Council to study land use policies, economic and population growth and changing population patterns of the Commonwealth.

Whereas, the use of land and other natural resources are primary factors in determining economic development and environmental quality; and

Whereas, Virginia needs to increase the acreage of land devoted to parks and open space areas, schools, housing, transportation, industrial location, and sites for dams to provide flood control, water storage, and generation of hydroelectric power while preserving prime agricultural land; and

Whereas, conflicts in land use arise when major shifts in population settlement patterns occur and policies should be developed to determine the manner of making decisions as to where and under what circumstances certain kinds of land uses and developments are beneficial; and

Whereas, policies should be developed as to the nature and extent of authority, if any, to be vested in appropriate governmental units for the influencing or control of the changing character of many communities and changing population settlement patterns; and

Whereas, the rights of the owners of the property must be considered and fairly protected in a legal manner; and

Whereas, important ecological, historic, and aesthetic values of critical environmental concern are being irretrievably lost through conversions of land use; and

Whereas, certain key facilities such as major airports, highway interchanges, and recreational facilities have widespread impact on the land use of the surrounding region; and

Whereas, all of the foregoing matters affect the public interest, and

Whereas, there is a need to determine the role of the State or its political subdivisions in enacting legislation and assuming responsibilities for land use and development in general and particularly in relation to its impact upon the policies and considerations stated above; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring, That the Virginia Advisory Legislative Council is directed to make a study and report on land use policies, economic

and population growth, and changing population patterns in the Commonwealth

The Council shall consider the most appropriate means and policies for the State and its political subdivisions in fulfilling their proper responsibilities in promoting and governing the wisest and most beneficial use and development of land and shall review all legislation pertaining to land use and development including relevant laws concerning transportation, utilities, zoning, taxation, building codes, and shall recommend such legislation as it deems advisable in connection therewith.

It shall consider the effect of land use and development and the requirements of law applicable thereto in relation to its influence or control upon changing population settlement patterns, the changing character of communities and the appropriate roles of any governmental authority with relation to these matters.

It shall take into account considerations of public interest and the rights of the owners of property and the means considered most desirable for the protection of such rights.

It shall consider the feasibility and desirability of legislation or policies to provide for the balanced and harmonious development of rapidly changing areas, the preservation and protection of the quality of the natural environment, preservation of prime agricultural land, the location of major facilities of substantial regional or Statewide significance, the desirable distributions of population settlement patterns and the fostering of a desirable urban-rural population balance. The Commission may also consider procedures for protecting the proper use of critical land areas deemed to be of irreplaceable value.

It may consider the long-range requirements for land in meeting future needs for housing, transportation, agricultural production, industrial sites, commercial facilities, open space and recreation.

It may further consider such other matters in connection with the policies and considerations mentioned above as it may consider pertinent.

All officers and agencies of the Commonwealth and of its political subdivisions shall assist the Council in this study upon request.

The Council shall complete its study and report to the Governor and the General Assembly not later than September one, nineteen hundred seventy-three.

APPENDIX II

VIRGINIA AREA DEVELOPMENT ACT

A BILL to amend and reenact §§ 2.1-63.4, 15.1-1401 through 15.1-1405, 15.1-1407, 15.1-1408, 15.1-1410 and 15.1-1411, as severally amended, of the Code of Virginia; to amend the Code of Virginia by adding §§ 15.1-1405.1 through 15.1-1405.5; and to repeal §§ 15.1-1414, and 15.1-1420 through 15.1-1441, the amended, added and repealed sections relating to the Virginia Area Development Act.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-63.4, 15.1-1401 through 15.1-1405, 15.1-1407, 15.1-1408, 15.1-1410 and 15.1-1411 as severally amended, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding §§ 15.1-1405.1 through 15.1-1405.5 as follows:

2.1-63.4. Duties of Division with respect to community affairs.—The Division shall have the following duties with respect to community affairs:

(a) Collecting from the governmental subdivisions of the State information relevant to boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as it may deem necessary.

(b) Making information available to planning district commissions, ~~service districts~~ and governmental subdivisions of the State.

(c) Providing professional and technical assistance to any planning agency and to any planning district commission, ~~service districts~~, and governmental subdivisions engaged in the preparation of a ~~service district plan or~~ consolidation agreement. The Division may provide professional and technical assistance to political subdivisions of the State.

§ 15.1-1401. Purpose of chapter.—This chapter is enacted:

(a) To improve public health, safety, convenience and welfare, and to provide for the social, economic and physical development of communities and metropolitan areas of the State on a sound and orderly basis, within a *local* governmental framework and economic environment which will foster constructive growth and efficient administration.

(b) To provide a means of coherent articulation for community needs, problems, and potential for service in relation to State government.

(c) To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the State.

~~(d) To make provision for the creation of a unit of government-capable of efficiently performing~~ *To promote the efficient performance of governmental functions and services on a regional basis, the cost of which can be borne equitably by those receiving the benefits thereof and to insure that the growth of the community will be consistent with the efficient and economic use of public funds.*

(e) To deter the fragmentation of local governmental units and services *in order that quality services be provided upon favorable economic terms.*

§ 15.1-1402. Definitions.—For the purposes of this chapter:

(a) “Planning district” shall mean a contiguous area within the boundaries established by the Division of State Planning and Community Affairs.

~~(b) “Service district” shall mean a unit of government created as provided in this chapter.~~

(c) “Governmental subdivision” shall mean the counties, cities and towns of this State.

(d) “Political subdivisions” shall include the governmental subdivisions, sanitary, sanitation and transportation districts, authorities and other such public bodies created under the laws of this State.

(e) “Governing body” shall include the board of supervisors of a county, the council of a city or town, the board of commissioners or other board or body in which the powers of a political subdivision are vested by law.

(f) “Population,” unless a different census is clearly set forth, shall mean the number of inhabitants according to the United States census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available an annual estimate of population prepared by the ~~Bureau of Population and Economic Research, Tayloe Murphy Institute of the University of Virginia, which has been filed with the Division of State Planning and Community Affairs,~~ in which event the estimate shall govern.

§ 15.1-1403. Organization of planning district commission.—(a) At any time after the establishment of the geographic boundaries of a planning district, pursuant to § 2.1-63.5 of the Code, the governmental subdivisions embracing at least forty-five percent of the population within the district acting by the governing body may organize a planning district commission by written agreement among them. Any governmental subdivision not a party to such charter agreement shall continue as a part of the planning district but, until such time as such governmental subdivision elects to become a part of the planning district commission as hereinafter

provided, shall not be represented in the composition of the membership of the planning district commission. Provided, however, whenever a planning district is created which contains only two counties, the governing body of either county may organize a planning district commission in accordance with the provisions of this chapter if the governing body of the other county does not agree to organize such a planning district commission.

(b) The charter agreement shall set forth:

(1) The name of the planning district.

(2) The governmental subdivision in which its principal office shall be situated.

(3) The effective date of the organization of the planning district commission.

(4) The composition of the membership of the planning district commission; provided, however, that at least a majority, ~~but not substantially more than a majority~~, of its members shall be elected ~~officials—members~~ of the governing bodies of the governmental subdivisions within the district with each county, city and town of more than three thousand five hundred population having at least one representative, and the other members, *if any*, being qualified voters and residents of the district, ~~who hold no office elected by the people~~; and provided further, however, should the charter agreement, as adopted, so provide, an alternate may serve ~~in lieu of one of the elected officials for any of the elected members~~ of each of the governing bodies of the participating governmental subdivisions.

(5) The term of office of the members, their method of selection or removal and the method for the selection and the term of office of a chairman.

(6) The voting rights of members, and such voting rights need not be equal and may be weighed on the basis of the population of the governmental subdivision represented by the member, the aggregation of the voting rights of members representing one governmental subdivision, or otherwise.

(7) The procedure for amendment, for addition of other governmental subdivisions within the planning district which are not parties to the original charter agreement, and the withdrawal from the charter agreement by governmental subdivisions within the planning district electing to do so.

(c) The governing body of any governmental subdivision which is a member of the planning district commission may provide for compensation to be paid by it for its commission members, except for any full-time salaried employees of the subdivision; provided that the amount of such compensation shall not exceed the amount fixed by the planning district commission.

(d) Any planning district commission shall be an instrumentality of the political subdivisions which are members thereof.

§ 15.1-1404. Powers of commission generally.—(a) Upon organization of a planning district commission, pursuant to charter agreement, it shall be a public body corporate and politic, the purposes of which shall be to perform the *district* planning and other functions provided by this chapter, and it shall have the power to perform such functions and all other powers incidental thereto.

(b) Without in any manner limiting or restricting the general powers conferred by this chapter, the planning district commission shall have power:

(1) To adopt and have a common seal and to alter the same at pleasure.

(2) To sue and be sued.

(3) To adopt bylaws and make rules and regulations for the conduct of its business; provided, however, a planning district commission shall not amend its budget once adopted during the applicable fiscal year except pursuant to an affirmative vote of the same number of the entire membership of the planning district commission required to adopt the budget.

(4) To make and enter into all contracts or agreements, as it may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter.

(5) To make application for and to accept loans and grants of money or materials or property at any time from any private or charitable source or the United States of America or the Commonwealth of Virginia, or any agency or instrumentality thereof.

(6) To exercise any power usually possessed by private corporations, including the right to expend such funds as may be considered by it to be advisable or necessary in the performance of its duties and functions.

(7) To employ engineers, attorneys, planners, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and to prescribe their powers and duties and fix their compensation.

(8) To do and perform any acts and things authorized by this chapter through or by means of its own officers, agents and employees, or by contracts with any persons, firms or corporations.

(9) To execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this chapter.

§ 15.1-1405. Purpose of commission; powers and duties of local planning commissions not affected; exceptions.—(a) It shall be the purpose of the planning district commission to promote the orderly and efficient development of the physical, social and economic

elements of the district by planning, and encouraging and assisting governmental subdivisions to plan for the future. ~~It shall not be the duty of the commission to perform the functions necessary to implement the plans and policies established by it or to furnish governmental services to the district. No action of a planning district commission shall affect the powers and duties provided to local planning commissions by law, except as a special case recognized and approved as such by the General Assembly, two such special case being the LENOWISCO (Lee, Norton, Wise, Scott, and Big Stone Gap) Planning District Commission of Southwest Virginia, and the Cumberland Plateau (Buchanan, Dickenson, Russell and Tazewell) Planning District Commission.~~ Upon the request of two or more governing bodies, the commission may provide such public services as local governments are authorized by law to provide individually or jointly. Provided, however, that no public services shall be implemented by any planning district commission without the express prior approval of two-thirds of the governing bodies of the political subdivisions that are members of such planning district. The limitations of this subsection shall not apply to any function assumed or implementation performed by any planning district commission prior to the effective date of this subsection.

(b) ~~The following functions may be assumed by the LENOWISCO (Lee, Norton, Wise, Scott, and Big Stone Gap) Planning District Commission.~~

~~The authority conferred by this subsection is contingent upon its ratification by resolution of the governing body of each member governmental subdivision of the planning district. This shall not apply to any function assumed prior to January one, nineteen hundred seventy five.~~

~~1. To carry out a program of small stream maintenance for purposes of environmental improvement and minor flood control and to have the authority to own and operate equipment and own properties necessary to undertake such a program. Any and all such stream improvements and flood control measures shall be coordinated with the Commission of Game and Inland Fisheries, State Water Control Board, and Commission of Outdoor Recreation, as they relate to the quality or quantity of water and aquatic life in the streams affected, or related to land resources. Official agency views regarding improvement and control measures shall be drafted and provided to the LENOWISCO Planning District Commission.~~

~~2. To operate a solid waste disposal program, including: (i) the operation of an experimental rural solid waste collection system; (ii) a junk or abandoned car collection and disposal program; or (iii) a program to eliminate promiscuous dumps, and to have the authority to own and operate equipment and own properties necessary to undertake such a program.~~

~~(b1) The Cumberland Plateau Planning District Commission may assume the following functions, and shall have the authority to own and operate the equipment and properties necessary to carry out such functions:~~

~~1. To carry out a program of small stream maintenance for purposes of environmental improvement and minor flood control;~~

~~any and all such stream improvements and flood control measures shall be coordinated with the Commission of Game and Inland Fisheries, State Water control Board, and Commission of Outdoor Recreation, as they relate to the quality or quantity of water and aquatic life in the streams affected, or related to land resources. Official agency views regarding improvement and control measures shall be drafted and provided to the Cumberland Plateau Planning District Commission.~~

~~2. To operate a tanker truck water supply system to towns and communities in the Cumberland Plateau Planning District experiencing drought and water shortage.~~

~~3. To operate a program of assistance to local governments in-site preparation of public land to accommodate public improvements, including site preparation for industry and recreation.~~

~~4. To aid public water and sewer development in taking pipelines underneath roadways, and to detect and correct sewer-infiltration.~~

~~5. To operate programs for elimination of promiscuous dumps and other environmental clean up activities as determined by local governments.~~

~~6. To engage in construction and repair work on roads and streets not in the State Highway System or the secondary system of highways.~~

~~The authority conferred by this subsection is contingent upon its ratification by resolution of the governing body of each member governmental subdivision of the planning district.~~

~~(c) The aforementioned programs in subsection (b) and (b1) No implementation shall not be undertaken by such any planning district commission within the boundaries of any county, city or town in such district without the express consent by duly adopted resolution of the governing body of such county, city or town.~~

~~§ 15.1-1405.1. Powers and duties of local planning commissions not affected.—No action of a planning district commission shall affect the powers and duties provided to local planning commissions by law.~~

~~§ 15.1-1405.2. Public services furnished by commission to be regional in nature and permissive.—A planning district commission which is authorized to provide public services may do so upon request of the governing bodies of the governmental subdivisions in whose jurisdictions the implementation of a particular service is desired, after determining by majority vote of the members of such planning district commission, that the public service in question meets a need of the jurisdictions requesting the services. The planning district commission shall submit any such request to the Division of State Planning and Community Affairs for review and comment within thirty days after the Division of State Planning and Community Affairs receives such request. The contract or agreement implementing such request is not to be executed or otherwise implemented for thirty days after the Division of State Planning and Community Affairs receives such request or until such comment is received, which ever first occurs. Upon execution, the finalized agreement~~

is to be filed with the Division.

§ 15.1-1405.3. Creation and function of division of operation.—When the commission is authorized and elects to furnish public services, it shall do so by organizing separate divisions of operations and district planning. The division of operations is to administer and provide the specifically authorized and budgeted service upon terms specified by the commission with the approval of the consenting subdivisions. Services may be provided by any method specified in the request, not otherwise inconsistent with applicable provisions of law, including contracts with third parties or direct administration by the division of operations.

§ 15.1-1405.4. Financing of public services by contract with participating political subdivisions.—A. The commission may contract with the governing bodies of the political subdivisions requesting the specified public service or services for the purpose of securing payment for the costs of providing such service or services. Any obligations of such political subdivisions arising from such contracts are deemed to be for a public purpose and may be met by appropriations from general revenues or by issuing bonds; provided, however, that any such contract must specify the annual maximum obligation of any political subdivision for payments to meet the expenses and obligations under the contract or provide a formula to determine the payment of any political subdivision to meet such expenses and obligations. Political subdivisions desiring to enter such contracts are authorized to do so upon compliance with applicable provisions of law and thereafter are authorized to do everything necessary or proper to carry out and perform such contracts and to provide for the payment or discharge of any obligation thereunder by the same means and in the same manner as any other of its obligations.

B. No bonded debt shall be contracted by any political subdivision to finance the payment of any obligation arising from contracts hereunder without complying with the applicable provisions of law controlling the issuance of bonds by that political subdivision.

§ 15.1-1405.5. Financing of public services by fees, rents and charges.—A. The commission may provide for payment of the costs of such service by establishing fees, rents, or other charges for services provided by it. Such fees, rents and charges may be charged to and collected from persons contracting for the service or from the owner or tenant, or some or all of them, who uses or occupies real estate which directly or indirectly receives such services.

B. Such fees, rents and charges shall be uniform throughout the district for the same type, class, and amount of service; except that in cases where uniform rates would be impractical, inequitable, or unreasonable, the commission may establish varying rates for good cause shown.

C. Such fees, rents, and charges shall be payable at the time when and the place where the commission so directs, and the commission may provide for late charges and penalties for failure to make appropriate payment.

D. Such fees, rents, and charges shall be reasonable, and as low as possible consistent with the services to be provided. This may include but is not limited to cost of maintenance, repair and operation, establishment of necessary reserves for future improvement of the project, and any required repayment of funds contributed by the participating subdivisions.

§ 15.1-1407. Commission and governmental subdivisions to act only in conformity with comprehensive plan.—When the comprehensive plan, or any completed part thereof, shall become effective as the district plan, the planning district commission shall

not, except as provided in the plan, establish any policies or take any action which, in its opinion, is not in conformity therewith. When the comprehensive plan, or any completed part thereof, shall have become effective in any governmental subdivision, such governmental subdivision shall not proceed with the construction of any public improvement or public institution or with the acquisition of any land for public purposes or the disposition of any public lands, which construction, acquisition or disposition is in conflict with the district plan. *Provided, however, that if a governmental subdivision that has previously adopted a district plan decides to take any action that is in conflict with such plan, such governmental subdivision may take such conflicting action only upon a three-fourths affirmative vote of the governing body of such governmental subdivision.*

§ 15.1-1408. Amendment of comprehensive plan.—The comprehensive plan, or any completed part thereof, may be amended in the same manner as provided for the original approval and adoption of the plan and parts thereof, provided, however, ~~that if the planning district commission determines that a proposed amendment has less than district wide significance,~~ such amendment may be submitted only to the local planning commission and governing bodies ~~body of those that~~ governmental subdivision which ~~the planning district commission shall determine~~ to be affected.

§ 15.1-1410. Commission to review applications for State or federal aid by local governing bodies.—(a) In each planning district in which a planning district commission has been organized, the governing body of each governmental subdivision shall submit to the planning district commission for review any application to agencies of the State or federal government for loans or grants-in-aid for projects before such application is made.

(b) The planning district commission shall advise the governmental subdivision, within ten days from the date of the submission of the application, as to whether or not the proposed project, for which funds are requested, has district-wide significance. If it does not have district-wide significance, the planning district commission shall certify that it is not in conflict with the district plan ~~or policies~~. If it does have district-wide significance, the planning district commission shall determine, within ~~forty~~ sixty days from the date of the submission of the application, whether or not it is in conflict with the district plan ~~or policies~~. In making such determination, it may also consider whether the proposed project is properly coordinated with other existing or proposed projects within the district.

§ 15.1-1411. Cooperation with other agencies.—A planning district commission may cooperate with other planning district commissions, councils of governments, or the legislative and administrative bodies and officials of other districts or governmental subdivisions within or without a district, so as to coordinate the planning and development of a district with the plans of other districts and governmental subdivisions and the State. A planning district commission may appoint such committees and adopt such rules as needed to effect such cooperation. A planning district commission shall also cooperate with the Division of State

Planning and Community Affairs and use advice and information furnished by such Division and by other State and federal officials, departments and agencies. Such Division and such officials, departments and agencies having information, maps and data pertinent to the planning and development of a district may make the same, together with services and funds, available for use of a planning district commission, *and for the use of the political subdivisions of such planning district.*

2. That §§ 15.1-1414 and 15.1-1420 through 15.1-1441 of the Code of Virginia are repealed.

APPENDIX III

STATE PLANNING ADVISORY COMMITTEE.

A BILL to amend the Code of Virginia by adding sections numbered 2.1-63.3:1 through 2.1-63.3:4, relating to the State Planning Advisory Committee.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 2.1-63.3:1 through 2.1-63.3:4, as follows:

§ 2.1-63.3:1. *State Planning Advisory Committee.*—There shall be a State Planning Advisory Committee, hereafter in this Chapter sometimes called the Committee. The Committee shall consist of fifteen members, three to be appointed by the Speaker of the House of Delegates from the membership thereof, two to be appointed by the Committee on Privileges and Elections of the Senate from the membership of the Senate and ten to be appointed by the Governor from the State-at-large consisting of one citizen from each of Virginia's ten Congressional districts. In making the citizen-at-large appointments, the Governor shall endeavor to balance urban and rural representation and endeavor to appoint citizens with interest and at least some experience in planning, local government or related areas. The terms of office of the elected members on the Committee shall be coincident with their service in their respective elected positions. Persons appointed by the Governor shall hold office at the pleasure of the Governor for terms as follows: of the initial appointments, three shall be for terms of one year, three shall be for terms of two years, and four shall be for terms of three years, and thereafter all appointments shall be for terms of three years each. No person shall be eligible to succeed himself as a member of the Committee for more than one full term. Any vacancy shall be filled in the manner of the original appointment and shall be for the unexpired term.

§ 2.1-63.3:2. *Chairman, vice-chairman, and secretary.*—The Committee annually shall elect one of its members chairman, and another of its members vice-chairman. The secretary shall be assigned to the Committee by the Division.

§ 2.1-63.3:3. *Meetings, quorum.*—The Committee shall meet at least once in every thirty days and, in addition, on the call of the chairman. Eight members shall constitute a quorum of the Committee for all purposes.

§ 2.1-63.3:4. *General duties of the Committee.*—A. The Committee shall act in an advisory capacity to the Division and shall advise upon the following: (i) the duties of the Division with respect to State planning as set forth in § 2.1-63.3; (ii) the Virginia Area Development Act (§ 15.1-1400 et seq.) and its application; and (iii) the relationships and coordination between federal, State and local governments, their agencies and programs.

B. The Committee in its advisory capacity shall endeavor to receive public comment.

APPENDIX IV

**DIRECTOR, DIVISION OF STATE PLANNING
AND COMMUNITY AFFAIRS**

A BILL to amend and reenact §§ 2.1-63.1 as amended, of the Code of Virginia, relating to the Division of State Planning and Community Affairs.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-63.1 as amended of the Code of Virginia is amended and reenacted as follows:

§ 2.1-63.1. Supervision and direction; appointment, etc.; powers and duties of Director.—(a) The Division of State Planning and Community Affairs provided for in § 2.1-38 shall be under the supervision and direction of the Governor, acting through the Secretary of Administration.

(b) The Governor shall appoint a Director of the Division of State Planning and Community Affairs, ~~who shall be a fully - qualified, experienced planner,~~ who shall hold his position at the pleasure of the Governor and who shall be paid such compensation as the Governor may fix.

(c) The Director, under the direction and control of the Governor, acting through the Secretary of Administration, shall exercise such powers and perform such duties as are conferred by law upon him, and he shall perform such other duties as may be required of him by the Governor and the Secretary of Administration.

APPENDIX V

AGRICULTURAL AND FORESTAL DISTRICTS ACT

A BILL to amend and reenact §§ 15.1-237 and 58-769.6, as amended, of the Code of Virginia, and to amend the Code of Virginia by adding a chapter numbered 36 in Title 15.1, consisting of sections numbered 15.1-1506 through 15.1-1512, and sections numbered 25-46.2:2 and 33.1-89.1, the amended and added sections relating to agricultural and forestal districts.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-237 and 58-769.6, as amended, of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding a chapter numbered 36 in Title 15.1, consisting of sections numbered 15.1-1506 through 15.1-1512, and sections numbered 25-46.2:2 and 33.1-89.1, as follows:

§ 15.1-237. Limitation on power of eminent domain.—No property shall be condemned for the purposes specified in §§ 15.1-14, 15.1-15 and 15.1-292 unless the necessity therefor shall be shown to exist to the satisfaction of the court having jurisdiction of the case and no property of any public service corporation, except lands required for drains, sewers or public ducts, shall be condemned except in accordance with §§ 15.1-335 to 15.1-340 and 25-233. *No property that is within an agricultural and forestal district as provided by § 15.1-1506, et seq. shall be condemned except in accordance with § 15.1-1512.*

CHAPTER 36.

AGRICULTURAL AND FORESTAL DISTRICTS ACT.

§ 15.1-1506. *Short title.—This chapter shall be known and may be cited as the “Agricultural and Forestal Districts Act”.*

§ 15.1-1507. *Declaration of legislative policy, findings and purpose.—It is State policy to conserve and protect and to encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also State policy to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, as well as for aesthetic purposes. The Constitution of Virginia directs the legislature to provide for the protection of land resources. Agriculture and forestry in many parts of the State are under urban pressure from expanding metropolitan areas. This urban pressure takes the form of scattered development in wide belts around urban areas and brings different land uses into conflict, creates high costs for public services, and stimulates land speculation. When this scattered development extends into good farm and forest areas, ordinances inhibiting farming tend to follow, taxes rise, and hopes for speculative gains discourage continued investments in farm and forest improvements. Many of the agricultural and forestal lands in Virginia are in jeopardy of being lost for agricultural or forestal purposes. It is the purpose of this chapter to provide a means by*

which agricultural and forestal land may be protected and enhanced as a viable segment of the State's economy and as an economic and environmental resource of major importance.

§ 15.1-1508. Definitions.—For the purposes of this chapter:

A. "Advisory Committee" shall mean the agricultural and forestal advisory committee.

B. "Agricultural production" shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof used for processing or retail merchandizing of such crops, livestock or livestock products.

C. "Agriculturally significant land" shall mean land that has historically produced agricultural and forestal products, or land that is considered good agricultural and forestal land by an advisory committee based upon factors other than soil quality such as topography, climate, markets, farm improvements, agricultural economics and technology, and other relevant factors.

D. "Clerk" shall mean the clerk of the local circuit court.

E. "Crops, livestock and livestock products" shall include, but are not limited to, the following:

1. Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and dry beans.

2. Fruits, including apples, peaches, grapes, cherries and berries.

3. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.

4. Horticultural specialties including nursery stock, ornamental shrubs, ornamental trees and flowers.

5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

F. "Forestal products" shall include, but are not limited to, lumber, pulpwood, posts, firewood, Christmas trees and other wood products for sale or for farm use.

G. "Local Governing Body" shall mean the governing body of any county or city.

§ 15.1-1509. Power to enact ordinances; application form; maps; sample form.—A. The local governing body shall have the authority to enact ordinances and to promulgate forms to effectuate this chapter.

B. The local governing body shall prescribe application forms for agricultural and forestal districts that include but are not limited to the following information:

1. The general location and boundaries of the district;

2. A summary of the acreage in the district including (i) estimated total acreage in the district, (ii) acreage owned by persons proposing the district, and (iii) per centum of acreage in the district owned by persons proposing the district;

3. The name, address, total acreage owned within the proposed district and signature of each landowner proposing the district; and

4. The date of application, date of final county or city action and whether approved, modified or rejected.

C. The application form shall be accompanied by a United States Geological Survey seven and one-half minute topographic map that clearly shows the boundaries of the proposed district and boundaries of properties within the proposed district owned by each applicant. A General County Highway Map showing the general location of the proposed district shall also accompany each application form.

D. A copy of the application with maps shall be submitted to the Commissioner of the State Department of Agriculture and Commerce by the local governing body together with a copy of the final approved plan. This shall be done only if the application is ultimately approved by the local governing body.

E. The following sample form is intended to illustrate the minimum requirements of this section:

**APPLICATION FOR THE CREATION OF
AN AGRICULTURAL AND FORESTAL DISTRICT**

(Copies of this form and required maps in a reasonable number as the local governing body may require, shall be submitted by eligible landowners to the local planning commission.)

SECTION A: TO BE COMPLETED BY APPLICANT

1. GENERAL LOCATION OF THE PROPOSED DISTRICT (CITY OR COUNTY)

2. Each copy of this form shall be accompanied by United States Geological Survey 7.5 minute topographic maps of the area that clearly show the boundaries of the proposed district and boundaries of properties within the proposed district owned by each applicant. A General County Highway Map showing the general location of the proposed district shall also accompany each copy of this form.

3. SUMMARY OF ACREAGES:

A. Estimated total acreage in the proposed district

B. Acreage owned by persons proposing the district

C. Percentum of acreage in the district owned by persons proposing the district

4. LANDOWNERS PROPOSING THE DISTRICT:

NAME	SIGNATURE	ADDRESS (legal residence)	TOTAL ACREAGE OWNED IN PROPOSED DISTRICT
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SECTION B: TO BE COMPLETED BY LOCAL GOVERNING BODY

1. Date submitted to local planning commission

2. Date submitted to local governing body

3. Date of local governing body action

Approved Modified Rejected

One copy of the application with maps shall be submitted to the Commissioner of the State Department of Agriculture and Commerce by the local governing body along with the final, approved plan.

§ 15.1-1510. Agricultural and forestal districts' advisory committee.—Upon receipt of the first agricultural and forestal districts application, the local planning commission shall request the local governing body to establish an advisory committee which shall consist of four landowners active in farming, four land owners who own land and reside within the locality and a member of such local governing body, who shall serve as the chairman of the committee. The members of the advisory committee shall be appointed by and shall serve at the pleasure of the local governing body. The members shall serve without pay, but the local governing body may entitle each such member to reimbursement of actual and necessary expenses incurred in the performance of official duties. The committee shall advise the local governing body and the local planning commission in relation to the proposed establishment, modification, and termination of agricultural and forestal districts. In particular, the committee shall render expert advice relating to the desirability of such action, including advice as to the nature of farming and forestry and farm and forest resources within the proposed area and the relation of such activities in such area to the entire county or city.

§ 15.1-1511. Agricultural and forestal districts; creation.—A. Any owner or owners of land may submit an application to a local planning commission for the creation of an agricultural, forestal, or an agricultural and forestal district within such locality, provided that the owner or owners own at least five hundred acres or at least thirty per centum of the land proposed to be included in the district, whichever is greater. The proposed district may be located in more than one local jurisdiction, provided that (i) separate application is made to each city and county involved, (ii) each local governing body approves such district, and (iii) the total size of such district meets the minimum requirements set out above. The proposal shall be submitted in such manner and form as prescribed by this chapter.

B. Upon the receipt of such proposal, the local planning commission shall:

1. Provide notice of such proposal by publishing a notice in a newspaper having general circulation within the proposed district and by posting such notice in five conspicuous places within the proposed district. The notice shall contain the following information: (i) a statement that a proposal for an agricultural district has been filed with the local planning commission pursuant to this chapter; (ii) a statement that the proposal will be on file open to public inspection in the office of the Clerk of the local circuit court; (iii) a statement that any municipality whose territory encompasses or is part of the proposed district or any landowner who owns at least ten per centum of the land to be included within the district may propose a modification in such form and manner as may be prescribed by the local governing body; (iv) a statement that the proposed modification must be filed with the local planning commission within thirty days of the filing of the original proposal and (v) a statement that at the termination of the thirty-day period, the proposal and proposed modifications will be submitted to the local governing body and the advisory committee, and that thereafter a public hearing will be held on the proposal, and any proposed modifications;

2. Receive any proposals for modifications of such proposal which may be submitted

by such landowners within thirty days after the publication of such notice;

3. Simultaneously, upon the termination of the initial thirty-day period, refer such proposal and proposed modifications to the advisory committee, which shall, within the next succeeding thirty days report to the local planning commission its recommendations concerning the proposal and proposed modifications;

4. Upon the termination of the initial sixty-day period, and within the next succeeding thirty days, report the local planning commission's recommendations to the local governing body including but not limited to the potential effect of the district and proposed modifications upon the locality's planning policies and objectives;

5. At the discretion of the local planning commission, it may invite comments from the Regional Planning District Commission; and

6. Hold a public hearing in the following manner:

a. The hearing as prescribed by law shall be held where the local governing body usually meets or at a place otherwise readily accessible to the proposed district;

b. The notice of the public hearing as prescribed by law shall contain the following information: (i) a description of the proposed district, any proposed additions and any recommendations of the local planning commission or the advisory committee; (ii) a statement that the public hearing will be held concerning the original proposal, any written amendments proposed during the thirty-day review, and any recommendations proposed by the local planning commission; and

c. The notice shall be published in a newspaper having a general circulation within the proposed district and shall be given in writing complete with proposed modifications to those municipalities whose territory encompasses or are part of the proposed district.

C. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing when an application that has been filed pursuant to § 15.1-1509 is being considered:

1. The agricultural and forestal significance within the proposed district and in areas adjacent thereto;

2. The presence of any significant agricultural lands or significant forestal lands within the proposed district and adjacent thereto that are not now in active farming or production;

3. The nature and extent of land uses other than active farming or forestry within the proposed district and adjacent thereto;

4. Local developmental patterns and needs; and

5. Any other matter which may be relevant.

In judging significance, any relevant agricultural maps may be considered, as well as soil, climate, topography, other natural factors, markets for farm and forest products, the extent and nature of farm improvements, the present status of farming and forestry, anticipated trends in agricultural economic conditions and technology, and such other factors as may be relevant.

D. The local governing body, after receiving the report of the local planning

commission and the advisory committee shall hold a public hearing as provided by law, and after such public hearing, may adopt as an ordinance the proposal or any modification of the proposal it deems appropriate, including the inclusion, to the extent feasible, of adjacent significant farm and forest lands, and, the exclusion, to the extent feasible, of nonsignificant agricultural and nonsignificant forestal land and nonfarm and nonforest land. The local governing body shall act to adopt or reject the proposal, or any modification of it, no later than ninety days from the date the proposal was submitted to this body. Upon the adoption of a plan, the local governing body shall report it to the State Commissioner of Agriculture and Commerce for his information.

E. The local governing body shall review any district created under this section eight years after the date of its creation and every eight years thereafter. In conducting such review, the local governing body shall ask for the recommendations of the local planning commission and the advisory committee, and shall, at least one hundred twenty days prior to the end of the eighth year and not more than one hundred eighty days prior to such date, hold a public hearing where it usually meets or, at a place otherwise readily accessible to the district upon notice in a newspaper having a general circulation within the district and individual notice, in writing, to those municipalities whose territory encompass or are part of the district. The local governing body, after receiving the report of the local planning commission and the advisory committee and after the public hearing, may terminate the district at the end of such eight-year period, or may modify the district in the same manner as is provided in subsection D. of this section relating to the creation of a district. If the local governing body does not act, or if a modification of a district is rejected, the district shall continue as originally constituted.

§ 15.1-1512. Agricultural and forestal districts, effects.—A. Land used in agricultural and forestal production within an agricultural and forestal district shall qualify for an agricultural or forestal value assessment on such land pursuant to § 58-769.4, et seq. of the Code of Virginia.

B. No local government shall exercise any of its powers to enact local laws or ordinances within an agricultural or forestal district in a manner which would unreasonably restrict or regulate farm structures or forestry and farming practices in contravention of the purposes of this chapter unless such restrictions or regulations bear a direct relationship to public health or safety.

C. It shall be the policy of all State agencies to encourage the maintenance of farming and forestry in agricultural and forestal districts and their administrative regulations and procedures shall be modified to this end insofar as is consistent with the promotion of public health and safety and with the provisions of any federal statutes, standards, criteria, rules, regulations, or policies, and any other requirements of federal agencies, including provisions applicable only to obtaining federal grants, loans or other funding.

D. Any agency of the State, any public service corporation or any political subdivision which intends to acquire land or any interest therein, provided that the acquisition from any one actively operated farm or forestry operation within the district would be in excess of ten acres or that the total acquisition within the district would be in excess of one hundred acres, or which intends to advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, water or sewer facilities to serve nonfarm structures, shall at least thirty days prior to such action file a notice of intent with the local governing body containing such information and in such manner and form as it may require. Such notice of intent shall contain a report justifying the proposed action including an evaluation of alternatives which would not require action within the agricultural and forestal district.

Upon receipt of such notice, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action to determine what the effect of such action would be upon the preservation and enhancement of agriculture and agricultural and forestal resources within the district and the policy of this chapter.

If the local governing body finds that such proposed action might have an unreasonably adverse effect upon such State or local policy, the local governing body shall issue an order within such thirty-day period to such agency, corporation or political subdivision directing the agency, corporation or political subdivision not to take such action for an additional period of sixty days immediately following such thirty-day period.

During such additional sixty-day period, the local governing body shall hold a public hearing concerning such proposed action where the local governing body usually meets or at a place otherwise easily accessible to the district upon notice in a newspaper having a general circulation within the district, and individual notice, in writing, to the municipalities whose territory encompass or are part of the district, and the agency, corporation or political subdivision proposing to take such action. On or before the conclusion of such additional sixty-day period, the local governing body shall make its decision as to whether such proposed action will have an adverse effect upon such State or local policy and it shall report its decision to the agency, corporation or political subdivision proposing to take such action,

E. No special district for sewer, water or electricity or for nonfarm or nonforest drainage may impose benefit assessments or special tax levies on land used for primarily agricultural or forestal production within an agricultural and forestal district on the basis of frontage, acreage, or value, except a lot not exceeding one-half acre surrounding any dwelling or nonfarm structure located on such land, unless such benefit assessments or special ad valorem levies were imposed prior to the formation of the agricultural and forestal district.

§ 25-46.2:2. Limitation on power of eminent domain.—No property that is within an agricultural and forestal district as provided by § 15.1-1506, et seq., shall be condemned except in accordance with § 15.1-1512.

§ 33.1-89.1. Limitation on power of eminent domain.—No property that is within an agricultural and forestal district as provided by § 15.1-1506 et. seq., shall be condemned by the State Highway Commissioner except in accordance with § 15.1-1512.

§ 58-769.6. Authority of counties, cities and towns to adopt ordinances; general reassessment following adoption of ordinance.—Any county, city or town in the Commonwealth which has adopted a land-use plan may adopt an ordinance to provide for the use value assessment and taxation, in accord with the provisions of this article, of real estate classified in § 58-769.5. The provisions of this article shall not be applicable in any county, city or town for any year unless such an ordinance is adopted by the governing body thereof not later than June thirty of the year previous to the year when such taxes are first assessed and levied under this article, or December thirty-one of such year for localities which have adopted a fiscal year assessment date of July one, pursuant to § 58-851.7.

Land used in agricultural and forestal production within an agricultural and forestal district that has been established under § 15.1-1506 et. seq. shall be eligible for the use value assessment and taxation whether or not a local land-use plan has been adopted.

Such ordinance shall provide for the assessment and taxation in accordance with the provisions of this article of any or all of the four classes of real estate set forth in § 58-769.5.

Notwithstanding any other provision of law, the governing body of any county, city or town shall be authorized to direct a general reassessment of real estate in the year following adoption of an ordinance pursuant to this article.

APPENDIX VI

HOUSE RESOLUTION NO. 40, 1975.

Requesting the House of Delegates Committee on Counties, Cities and Towns to review and reevaluate the Virginia Area Development Act.

WHEREAS, the Virginia Area Development Act, which provided for the creation of planning districts and planning district commissions throughout the Commonwealth, was enacted seven years ago; and

WHEREAS, it seems most practical that, after such a period of experience, this important body of laws that vitally affects local governmental planning throughout the Commonwealth should be reviewed and reevaluated by an element of the General Assembly; now, therefore, be it

RESOLVED by the House of Delegates, That the Committee on Counties, Cities and Towns is requested to review the Virginia Area Development Act and the ways that such Act is currently being administered in various areas of the Commonwealth and determine if the legislative intent in enacting that measure is being fulfilled.

