



York 2040 Committee Meeting #1

Wednesday, November 7, 2018 – 7:00 PM

Public Works Multi-Purpose Room

Agenda

1. Call to Order – Michael S. King, Chairman
2. Welcome and Opening Remarks – Michael S. King, Chairman
3. Introductions – Committee Members and Staff
4. Comments from the County Administrator – Neil A. Morgan
5. Introduction to the Comprehensive Plan – Timothy C. Cross
6. Proposed Process and Timeline – Timothy C. Cross
7. Questions
8. Adjournment



York 2040 Committee

Name	Affiliation
Mark L. Bellamy, Jr.	Deputy County Administrator
Gregory "Skip" Brooks	District 3 Representative
W. Chad Green	Board of Supervisors
Eric S. Henegar	District 2 Representative
Leigh Houghland	Business Community Representative
Montgoussaint E. Jons	Planning Commission
Michael S. King, AICP	Planning Commission
Vivian A. McGettigan	Deputy County Administrator
R. Anderson Moberg	Economic Development Authority
Richard M. Myer, Jr.	District 5 Representative
Sheila L. Myers	District 1 Representative
Jacob Rizzio	Youth Commission
Eugene D. Seiter	District 4 Representative
Cowles "Buddy" Spencer	Development Community Representative

Staff:

Susan D. Kassel, Director of Planning & Development Services, 890-3551, susan.kassel@yorkcounty.gov

Timothy C. Cross, AICP, Deputy Director of Planning & Development Services, 890-3496, tcross@yorkcounty.gov

Amy M. Parker, Senior Planner, 890-3495, aparker@yorkcounty.gov

Earl W. Anderson, AICP, Senior Planner, 890-3497, andersone@yorkcounty.gov

Krystina N. Collins, Planning Assistant, 890-3403, krystina.collins@yorkcounty.gov

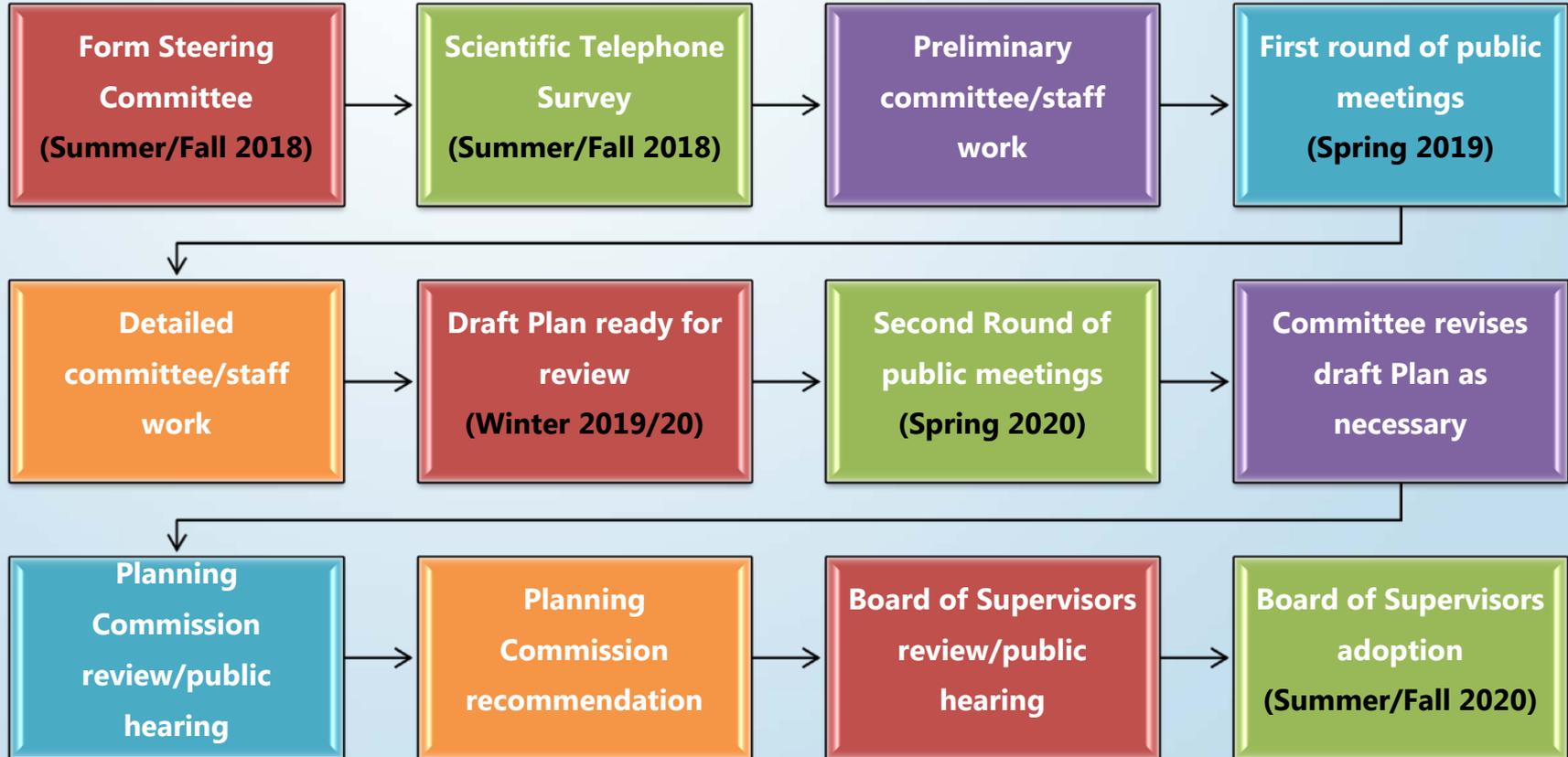


York 2040 Committee Tentative Meeting Schedule

- **Wednesday, November 7, 2018**
- **Wednesday, December 5, 2018**
- **January 2019 – TBD**
- **Wednesday, February 6, 2019**
- **Wednesday, March 6, 2019**
- **Wednesday, April 3, 2019**
- **Wednesday, May 1, 2019**
- **Wednesday, June 5, 2019**
- **Wednesday, July 3, 2019**
- **Wednesday, August 7, 2019**
- **Wednesday, September 4, 2019**
- **Wednesday, October 2, 2019**
- **Wednesday, November 6, 2019**
- **Wednesday, December 4, 2019**
- **January 2020 – TBD**
- **Wednesday, February 5, 2020**
- **Wednesday, March 4, 2020**
- **Wednesday, April 1, 2020**
- **Wednesday, May 6, 2020**
- **Wednesday, June 3, 2020**

Meetings will begin at 7:00 PM.

Proposed Process/Timeline





2018 COMPREHENSIVE PLAN REVIEW: PROPOSED WORK PROGRAM

Introduction

York County’s first true comprehensive (or comp) plan, *Charting the Course to 2010*, was adopted by the Board of Supervisors on December 5, 1991. There have been three major updates to the Plan over the years – in 1999, 2005, and 2013 – but for the most part, the 1991 Plan still serves as the principal guide for land use, zoning, and development decisions in the County. Many of the hallmarks of that Plan – such as the 80,000 maximum build-out population target and the creation of a new Economic Opportunity land use designation applied to targeted “economic development priority areas” – reflect the concerns that were foremost on the minds of both citizens and policymakers at the time. The County was in a period of rapid residential growth, and there was concern that the Land Use Plan designations then in effect, which could have allowed the population to more than triple from 42,000 to 135,000 residents, would create an unwanted and undesirable future composition and character for the County.

The main overarching goal of the 1991 Plan was to achieve a more favorable balance of residential and commercial development. By every statistical measure, that goal was achieved, as the table below illustrates. Since the adoption of that plan, employment growth has outpaced population growth, while retail sales have skyrocketed. The most visible manifestation of this progress can be found in Lightfoot, where the Comprehensive Plan laid the policy foundation for the transformation of this rural area into one of the County’s major economic drivers, with more than 2.3 million square feet of commercial and office space built since the Plan was adopted.

	<u>1990</u>	<u>2016</u>	<u>Change</u>
Population	42,434	68,585	61.6%
Jobs	12,300	21,747	76.8%
Jobs Per Capita	0.29	0.32	10.3%
Retail Sales (Millions)	\$228	\$939	312.5%
Retail Sales Per Capita	\$5,365	\$13,693	155.2%

The 1991 Plan has served the County well for more than twenty-six years, but today, the County faces a different world and a different set of challenges and opportunities. Some examples are listed below:

- Although there are a considerable number of residential projects in the development pipeline, home construction has slowed down significantly from the fast-growth 1990s. The average annual number of new housing units built from 2006 through 2016 is less than half of what it was in the previous decade, and is much more manageable in terms of the demands placed on public facilities and services.

- School enrollment growth, a major concern in the 1990s, has tapered off as the County's average household size has fallen from 2.9 persons per household in 1990 to 2.7 in 2010. In fact, there are fewer students enrolled in York County schools today than there were ten years ago, despite the construction of more than 2,000 homes since then. However, the distribution of new development and the changing demographics of many of the older residential areas create facility capacity challenges within various school attendance zones throughout the County.
- The real estate market for retail and office development, not just in York County but generally, has been weak for years and shows no signs of recovering in the near future. Barring a major economic rebound, the County appears to have substantially more available commercial real estate – both raw land and empty buildings – than the market will be able to absorb in the foreseeable future. Nevertheless, there will continue to be new development or redevelopment proposals brought forward for consideration.
- While the aging of the population continues, cities, counties, and employers all over the country are working to attract younger entrepreneurial workers who often want first to choose a place to live, then find a job. Such workers are typically attracted to apartments and townhouses within walkable, higher density living environments and not to single-family detached homes on large lots. The introduction of the mixed-use development opportunity in both the Comprehensive Plan and the Zoning Ordinance was in response to this trend and those considerations are expected to continue to be influential with respect to future development.
- Under the new SMART SCALE process for developing the state's Six-Year Improvement Program for transportation improvements, proposed projects are ranked based on a number of qualitative and quantitative criteria, one of which is whether or not the project is included in the locality's comprehensive plan. The same is true of the TA (Transportation Alternative) Set-Aside Program and the region's Long-Range Transportation Plan process. The existing Plan has been helpful in the County's efforts regarding certain transportation improvement projects; however, there may be opportunities to improve the County's chances of success in future application cycles by making strategic adjustments in the Plan.
- The amount of undeveloped land in the County has fallen to approximately 9,100 acres, much of which has limited potential for development because of wetlands, Chesapeake Bay Preservation Areas, low elevation, steep slopes, and other factors. A large proportion of the remaining land is designated either Low Density Residential or Economic Opportunity, which may not necessarily correspond with the demands of the market or the needs of the County.

In addition to these local trends, communities engaged in long-range planning would be wise to consider global forces of “mega-change” for which cities and counties will need to plan and prepare in order to protect themselves from the disruptions that such forces can create. The

Alliance for Innovation and the ICMA (International City/County Management Association) have identified a series of forty-four so-called “mega-trends” that local governments will need to plan for over the next twenty years, which corresponds with the time horizon of the Comprehensive Plan. These mega-trends fall into four broad categories: resources, technology, demographics, and governance. Some specific examples include the rise of the sharing economy, decentralized manufacturing and 3-D printing, electric vehicles and “off-gridding” (i.e., an increased reliance on renewable energy sources), and climate change.

In September 2018 it will be necessary to begin the review of the Comprehensive Plan as mandated by Section 15.2-2230 of the Code of Virginia, which requires all cities and counties to review, and if necessary revise, their comprehensive plans at least once every five years. The upcoming review will provide an opportunity for the County’s elected and appointed leaders, citizens, and staff to take a fresh look at the underlying principles and assumptions that have guided land use and development policies for the past twenty-six years. To address the challenges and opportunities outlined above will require more detailed study and analysis than has been the case in previous comp plan reviews. This is particularly true of the Land Use element, which is the centerpiece of the Plan and the general policy basis of the Zoning Map. What is envisioned is not so much an update as a rewrite of the Plan with a focus on providing clear and specific direction as to the physical development of the County in accordance with both long-range goals and market realities. The current Plan is largely descriptive rather than prescriptive, with an inordinate number of recommendations that begin with the word “continue.” While existing initiatives need to be recognized, the emphasis of a comprehensive plan should be on identifying goals and the strategies that will be employed in the future to achieve those goals.

Given the scope of such an effort, it is expected that this process will take longer than previous reviews – approximately two years – but if it is conducted properly, the results should be worth the effort and could set a course and framework that will withstand the test of time as well as the 1991 Plan has. A proposed work program for this project is outlined below.

Steering Committee

As in previous comp plan reviews, it is recommended that the Board of Supervisors form an ad hoc Steering Committee to oversee the process. The Steering Committee would meet on a regular basis to receive briefings and review materials provided by staff and various subject matter experts. It would also be responsible for reviewing and providing feedback on the draft Plan elements (or chapters) as they are developed. Ultimately, the Steering Committee will be asked to formally endorse the draft Plan before it is transmitted to the Planning Commission for its review.

The Steering Committee should be large enough to include a representative and geographically balanced cross-section of County citizens but small enough to be manageable from a scheduling and logistical standpoint. Previous experience with comp plan reviews has shown the ideal size to be ten to fifteen members. The proposed makeup of the committee is as follows:

- 1 Board of Supervisors representative
- 2 Planning Commission representatives
- 1 Economic Development Authority representative
- 1 Youth Commission representative
- 5 citizens appointed by the Board (one from each election district)
- 1 representative from the business community
- 1 representative from the real estate, development, or building industry who also lives in the County
- 2 Deputy County Administrators

Consistent with both standard practice and Section 15.2-2223 of the Code of Virginia, which envisions a lead role for the Planning Commission in the comprehensive plan process, it is recommended that one of the Planning Commission representatives serve as chair of the Steering Committee. The Planning Commission members are particularly knowledgeable about planning principles and practices by virtue of both their service on the Commission and the fact that most of them have completed the Virginia Certified Planning Commissioners’ Program, which is a statewide training program designed to provide the legal and technical background needed to make sound and legally defensible planning and land use decisions.

As a starting point for the Steering Committee’s work, it would be beneficial to conduct a joint meeting of the Board, Planning Commission, and Steering Committee to discuss possible issues to be addressed in the next comprehensive plan. This could possibly include a goal-setting or “visioning” exercise, the results of which could be used both to provide direction to the Steering Committee and as an input into the development of questions to be included in the scientific survey.

Subject Matter Experts

Previous comp plan reviews have benefited from the involvement of stakeholders and subject matter experts – some internal and others external – who have provided valuable input and insights in their respective fields of expertise. For the 2018 comp plan review, staff would again call upon numerous subject matter experts to participate in the development of the plan. In some cases, this participation would be in the form of consulting with staff in the preparation of the various plan elements, while in other cases, experts will likely be invited to address the Steering Committee directly. Recommended subject matter experts include the following:

- Internal
 - Joe Brogan and/or Anna Drake – Stormwater/Chesapeake Bay/Wetlands/Sea Level Rise)
 - Abbitt Woodall – Housing
 - Jim Noel – Economic Development
 - Brian Fuller – Community Services, Parks/Recreation
 - Brian Woodward – Public Works/Utilities

- Steve Kopczynski – Fire and Life Safety
- Danny Diggs – Crime/Law Enforcement
- Terry Hall – Emergency Communications
- Kevin Smith – Libraries
- Victor Shandor – School Division
- External
 - Chamber of Commerce/GWCTA – Economic Development
 - HRPDC/Ben McFarlane – Environment (Sea Level Rise)
 - HRTPO/Keith Nichols, Dale Stith –Transportation
 - Peninsula Airport Commission – Transportation/Land Use
 - Peninsula Home Builders Association – Housing/Land Use
 - VDOT – Transportation
 - VHDA – Housing
 - VIMS/DCR/VMRC – Environment (Coastal Resource Management/Sea Level Rise)
 - Virginia Peninsula and Williamsburg Area Associations of Realtors – Housing
 - WATA/HRT– Transportation

Staff Review Team

It is recommended that a multi-disciplinary staff review team be formed to meet regularly and review materials before they are presented to the Steering Committee. The proposed makeup of this team is as follows:

- Planning Division staff
- Neil Morgan
- Susan Kassel
- Joe Brogan or Anna Drake
- Brian Fuller
- Jim Noel
- Brian Woodward

Build-out Study Update

To provide a baseline for the land use decisions that will ultimately need to be made, it is recommended that staff conduct a new build-out study at the beginning of the process (i.e., summer/fall of 2018). Previous build-out studies were conducted in 2002 and 2012. The purpose of these studies is to estimate the number of housing units that can be built in the County under the zoning that is currently in place and, based on that number, develop a projection of the County’s maximum build-out population – i.e., the total number of people who would be living in the County if all undeveloped residential land were developed at its maximum allowable density. The 1991 Comprehensive Plan established 80,000 as the desirable

maximum build-out population, and residential land use densities were established and applied to areas of the County with the intent of achieving this goal.

Citizen Outreach

Public involvement is a critical part of any comprehensive planning effort. The best way to obtain statistically valid data regarding general community goals relating to the physical development of the County is to take a scientific survey of the population using proven random sampling methodologies, as was done with the County's last two comp plan reviews. The citizen survey would be conducted by a professional survey research firm. Based on past experience, the cost of such a survey is expected to be in the \$10,000-\$12,000 range.

The survey would be followed by a series of four to six public meetings around the County (two in the upper County and four in the lower County) for the purpose of getting direct input from interested citizens on development issues facing their specific area of the County. These meetings would be VDOT-style (i.e., "open house") meetings where citizens would have a chance to see what the current plans are both in their area and in the County as a whole, where the vacant land is, where the planned road improvements are, and to offer their ideas for future development and redevelopment. Meetings would be staffed by the Planning Division and Steering Committee members who would be available to talk one-on-one with the citizens to answer their questions and take their comments and suggestions.

Later in the process, after the draft Plan has been prepared, there would be two follow-up public meetings, one each in the upper and lower Counties, to present the results of the Steering Committee's work for citizen review and comment in a forum that is less structured and formal than a public hearing.

The Planning Division will work closely with the Public Affairs Office to develop a public outreach plan that will keep citizens informed and engaged throughout the process. It is anticipated that key elements of such a strategy will include a robust project web site, heavy use of social and print media (i.e., Facebook, Twitter, *Citizen News*), and programming on WYCG (Channel 46) and the 24/7 Announcement channel (Channel 48). It is also recommended that the staff provide monthly status reports (i.e., presentations on the status of the comp plan review) to both the Planning Commission and the Board of Supervisors. Keeping the Board and Commission members informed and engaged throughout the process will provide for a smoother deliberation process when the draft Plan is presented to both bodies. In addition, Planning Division staff would be ready and willing throughout the review process to speak on the Comprehensive Plan review at meetings of homeowners' associations, civic and business organizations, and other groups on request.

Proposed Work Program Outline

The major elements of the proposed work program are outlined below in generally sequential order, although it is likely that some of these elements – such as the scientific survey and the build-out study update – would be conducted simultaneously. The proposed timetable is intended to serve only as a general guide, and all dates are tentative:

- SUMMER/FALL 2018
 - Formation of Steering Committee/Introductory kickoff meeting
 - Joint PC/BOS/Steering Committee meeting – possible “visioning” exercise?
 - Scientific telephone survey of County residents
 - Build-out study update
 - Compilation of baseline demographic, economic, and land use data by staff
- WINTER 2018
 - Steering Committee reviews survey results and baseline data
- SPRING 2019
 - First round of public meetings (4 to 6)
 - HRTPO to update joint transportation study for James City County, Williamsburg, and York County (tentative)
- SPRING/SUMMER/FALL 2019
 - Steering Committee meetings: receive informational briefings, review public input, and provide input for use by staff in preparing a preliminary draft Plan to present for public review and comment.
- WINTER 2019-2020
 - Steering Committee endorses draft Plan as ready for public review
- SPRING 2020
 - Second round of public meetings (2)
 - Steering Committee reviews public comments and provides input for use by staff in revising the draft Plan as necessary.
 - Steering Committee approval of draft Plan
- SUMMER/FALL 2020
 - Planning Commission review and recommendation (work sessions/public hearing)
 - Board of Supervisors review and adoption of final Plan (work sessions/public hearing)

York County

Board of Supervisors

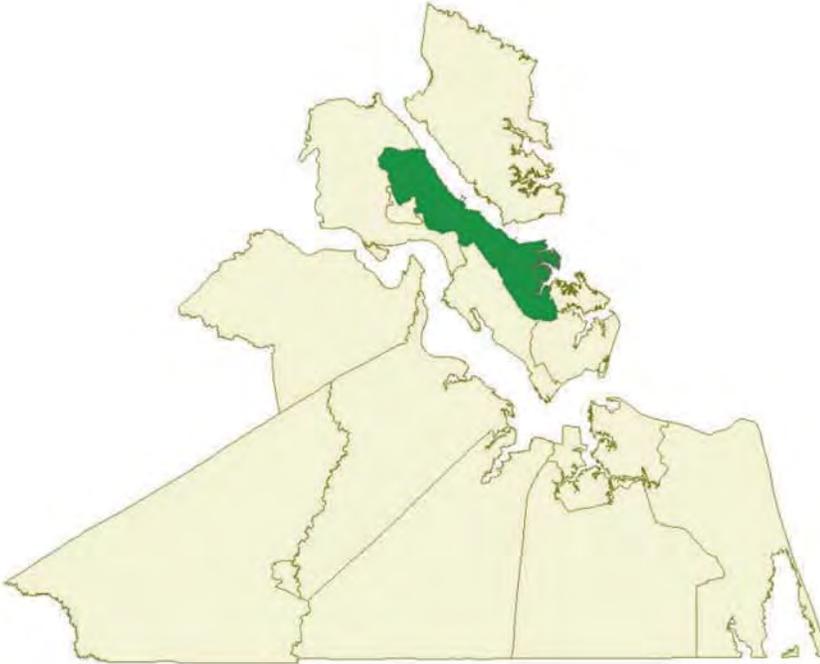
Chair Ms. Sheila S. Noll

Vice Chair Thomas G. Shepperd Jr.

Mr. Chad Green

Mr. Jeffrey D. Wassmer

Mr. Walter C. Zaremba



Population (2017) -----	68,890
Area in Square Miles-----	106
Population Density (2017) -----	649.9
Population Growth 2012—2017 -----	2,462
Percent Population Growth 2012-2017-----	3.6%
Percent Employment Growth 2012-2017 -----	3.8%
Employment (2017)-----	21,599
Unemployment (2017) -----	3.6%
Poverty Rate (2012-2016)-----	6.2%
Per Capita Taxable Value of Real Estate (2016) -----	\$131,895
On Time High School Graduation Rate (2018)-----	96.9%
Median Household Income (2012-2016)-----	\$83,410

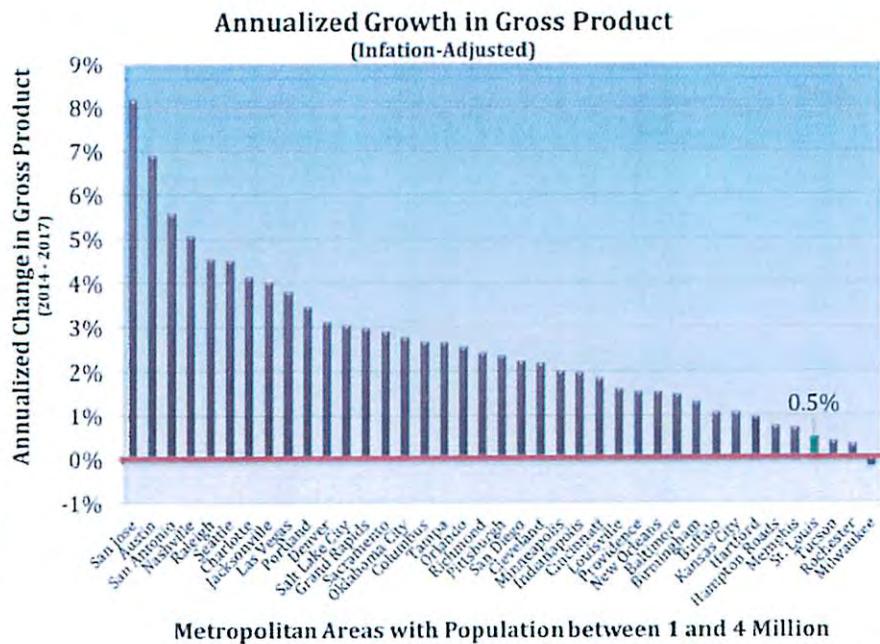
Figure 2.5 Three-Year Gross Product Growth in Hampton Roads and Reference MSAs

Why is it important?

The reference metropolitan areas are subject to many of the same pressures that influence economic conditions in Hampton Roads. Benchmarking local economic growth against growth in competing metros allows one to assess a region's performance irrespective of market conditions.

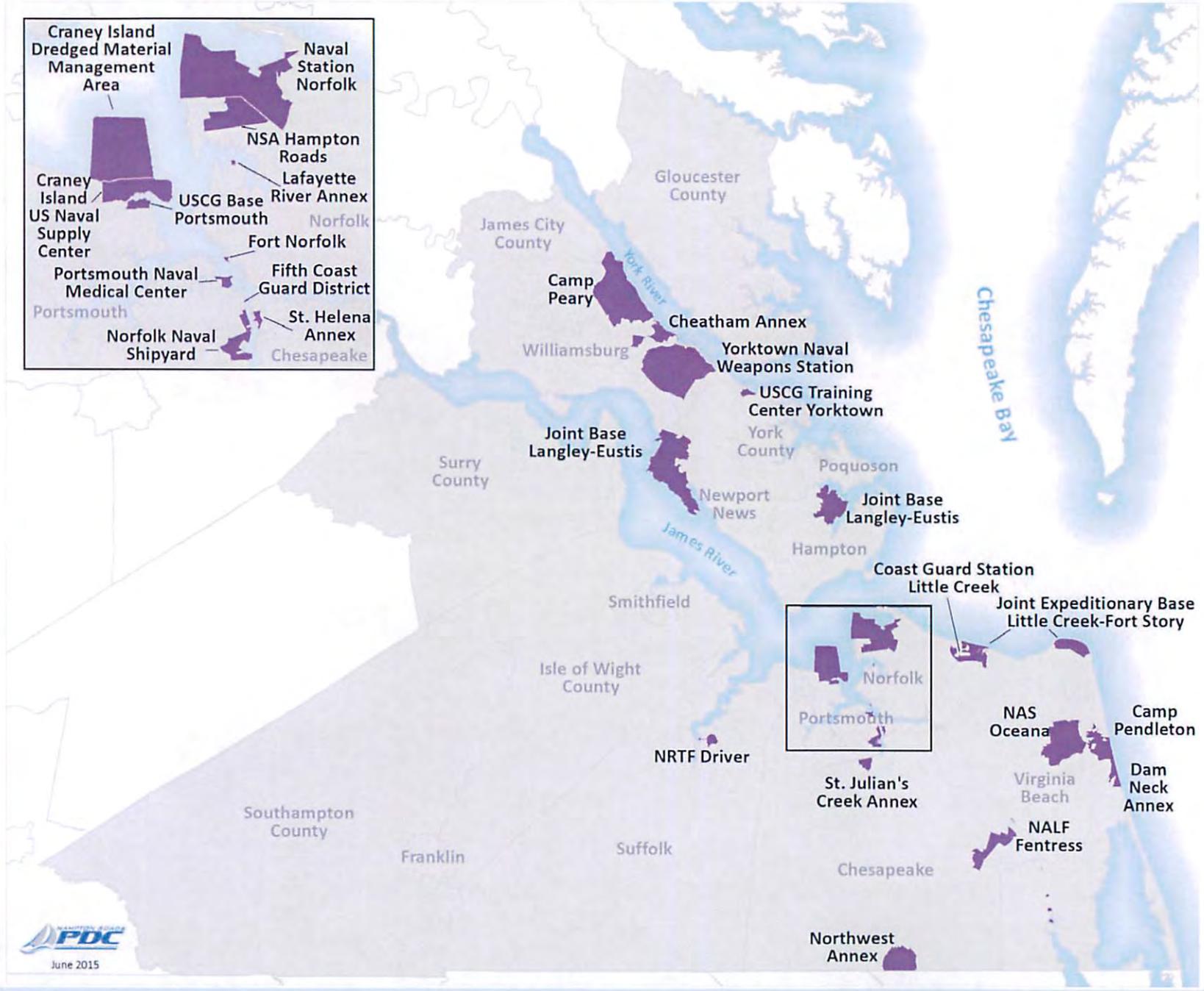
How are we doing?

While this region has experienced growth since 2010, that growth has been slight compared to many similar sized metropolitan areas.



Source: Bureau of Economic Analysis, HRPDC

Map 3.1 Military Installations in Hampton Roads



Defense Industry

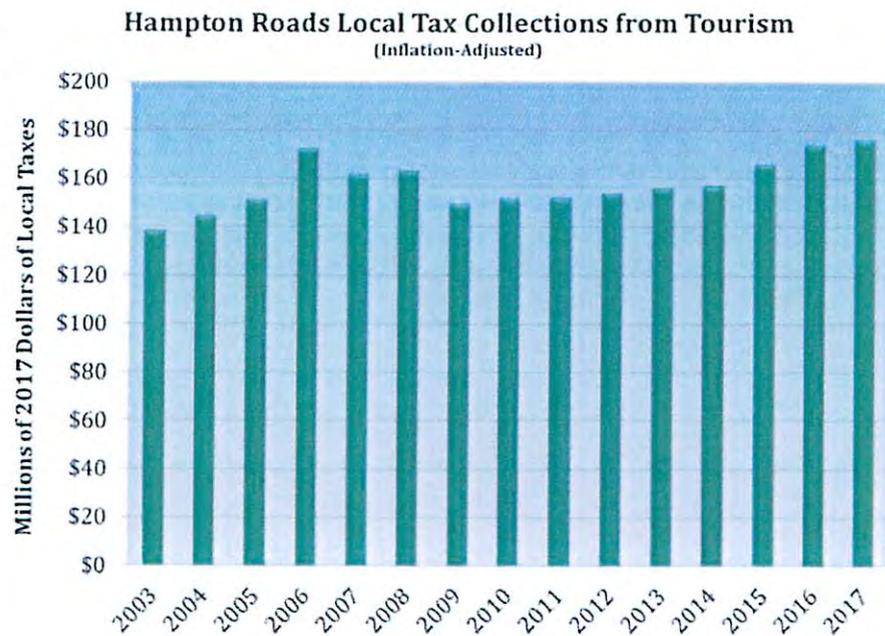
Figure 5.5 Local Tax Revenues from Tourism in Hampton Roads

Why is it important?

Another important measure of the economic impact of tourism looks at the extent to which tourism supports local government services. Often, tax revenues from tourism support broader services of the government and special projects related to the tourism industry.

How are we doing?

Local tax collections from tourism increased to \$161 million according to estimates by the Virginia Tourism Corporation. Local tax collections grew by 1.2% to \$176.1 million in 2017, though this is only a 2.2% increase from 2006 when adjusted for inflation.



Source: Virginia Tourism Corporation, HRPDC

Figure 6.11 Internet Sales as a Percentage of Total Retail Sales in the U.S.

Why is it important?

Internet sales are an important part of modern commerce and offer affordable options for many consumers without adequate local retailers. Unfortunately, few internet retailers directly pay taxes, nor do they hire local workers or pay property taxes to localities.

How are we doing?

Internet sales in Hampton Roads have grown strongly as a share of all U.S. sales since 2000, and now represent almost 9.58% of all retail sales nationally. For comparison, retail employment in Hampton Roads has remained essentially flat over that period.



Source: U.S. Census Bureau, HRPDC

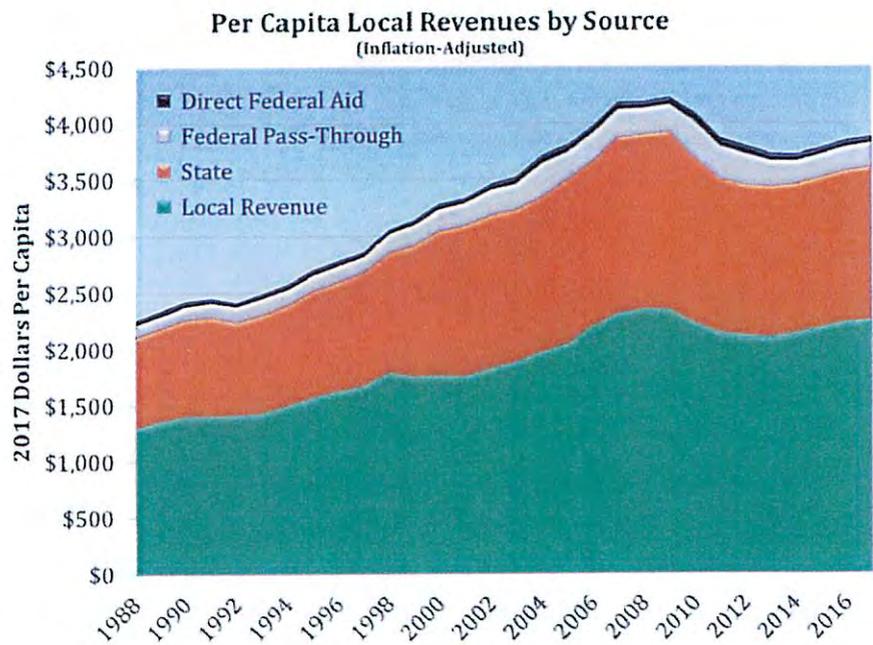
Figure 11.7 Hampton Roads Per Capita Local Revenues by Source

Why is it important?

Funding available for local expenditures comes not only through local tax revenue, but also through taxes paid to the state and federal government which are then allocated to local governments.

How are we doing?

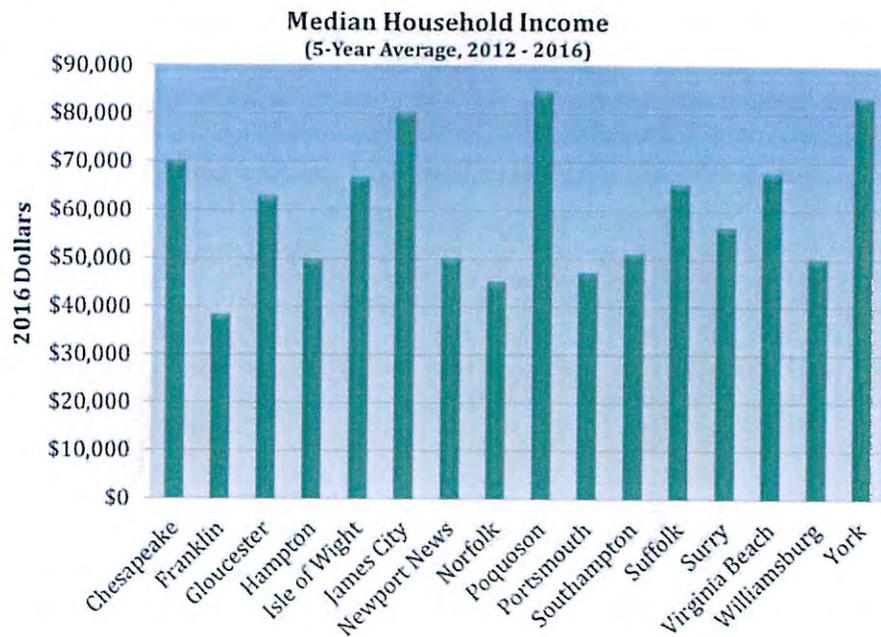
State and local monies are the most important source of funds for regional localities. Over time, the share of the contributions have remained relatively unchanged; however, this does not account for numerous unfunded mandates placed on local governments by the state.



Source: Auditor of Public Accounts, Weldon Cooper Center, Bureau of Labor Statistics, HRPDC

Figure 13.9 Median Household Income (5-Year Average)**Why is it important?**

Median income serves as another measure of the well-being of a community. While per capita incomes will be skewed higher because of high earners, median household income indicates the income level at which half earn more and half earn less.



Source: U.S. Census Bureau, American Community Survey, HRPDC

COUNTY OF YORK

MEMORANDUM

DATE: October 22, 2018

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator



SUBJECT: HRPDC Sea Level Rise Resolution

Attached to this memorandum is a resolution that was approved without dissent by the Hampton Roads Planning District Commission (HRPDC) at its October 18, 2018, meeting. This resolution acknowledges the science behind the documented sea level rise in Hampton Roads and advocates for localities, state government, and the private sector to plan their infrastructure investments going forward to include an accelerating sea level rise assumed to be 4.5 feet by 2080. Although that seems like a long period of time, there are major pieces of our existing infrastructure older than that currently, including parts of Interstate 64, portions of our military bases, and many of our roads.

Although the resolution does not require any particular action by York County or any other entity, it is symbolic of the growing call for all of us in Hampton Roads to take sea level rise into account as we plan for the future. I intend to share this information with the Comprehensive Plan Steering Committee.

NAM:mes

Attachment



**HAMPTON ROADS PLANNING DISTRICT COMMISSION
RESOLUTION 2018-01**

**RESOLUTION OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION
ENCOURAGING LOCAL GOVERNMENTS IN HAMPTON ROADS TO CONSIDER ADOPTING
POLICIES TO INCORPORATE SEA LEVEL RISE INTO PLANNING AND ENGINEERING
DECISIONS**

Whereas, the tide gauge at Sewell's Point in Norfolk has recorded nearly 1.4 feet of relative sea level rise since 1927, equivalent to a change of 1.52 feet per 100 years,

Whereas, reports by the Hampton Roads Planning District Commission staff have found the Hampton Roads region to be vulnerable to flooding and sea level rise.

Whereas, the "Recurrent Flooding Study for Tidewater Virginia," completed in 2013 at the request of the General Assembly by the Center for Coastal Resources Management of the Virginia Institute of Marine Science, found that "recurrent flooding is a significant issue in Virginia coastal localities and one that is predicted to become worse over reasonable planning horizons."

Whereas, several federal agencies have found, as described in the technical report, "Global and Regional Sea Level Rise Scenarios for the United States," published in 2017, that "long-term sea level rise driven by global climate change presents clear and highly consequential risks to the United States over the coming decades and centuries."

Whereas, the Virginia Institute of Marine Science published, in 2018, a "Sea-Level Report Card" for Norfolk, Virginia, that projected relative sea level rise of 1.61 feet of sea level rise between 1992 and 2050, with a 95% confidence that sea level will rise between 0.95 feet and 2.20 feet over the same interval.

Whereas, several Hampton Roads localities, including Gloucester County, Hampton, Norfolk, Portsmouth, and Virginia Beach, have adopted or are developing plans and programs to address floodplains, coastal resiliency, or sea level rise.

Whereas, incorporating sea level rise into local policies for planning and engineering is sound public policy to help protect and promote the health, safety, and welfare of Hampton Roads communities.

NOW THEREFORE, BE IT RESOLVED that the Hampton Roads Planning District Commission hereby:

1. Encourages localities in Hampton Roads to consider adopting policies to incorporate sea level rise into their planning and engineering decisions as described in the attached document, "HRPDC Sea Level Rise Planning Policy and Approach," which was recommended for approval by the HRPDC Coastal Resiliency Committee at its meeting of June 22, 2018;
2. Recommends that the adopted policies include planning for 1.5 feet of relative sea level rise above current mean higher high water (MHHW) for near-term (2018-2050) planning, 3 feet of relative sea level rise above current MHHW for mid-term (2050-2080) planning, and 4.5' of relative sea level rise above current MHHW for long-term (2080-2100) planning;
3. Recommends that the adopted policies include selecting an appropriate sea level rise curve and design based on the requirements and needs, including risk tolerance and cost, of a specific project or policy decision. This curve should be selected from the 2017 NOAA report, "Global and Regional Sea Level Rise Scenarios for the United States."
4. Directs the HRPDC Coastal Resiliency Committee to keep apprised of developments in the monitoring, research, and analysis of sea level trends and provide updated information and recommendations to the Commission and to its member localities as appropriate.

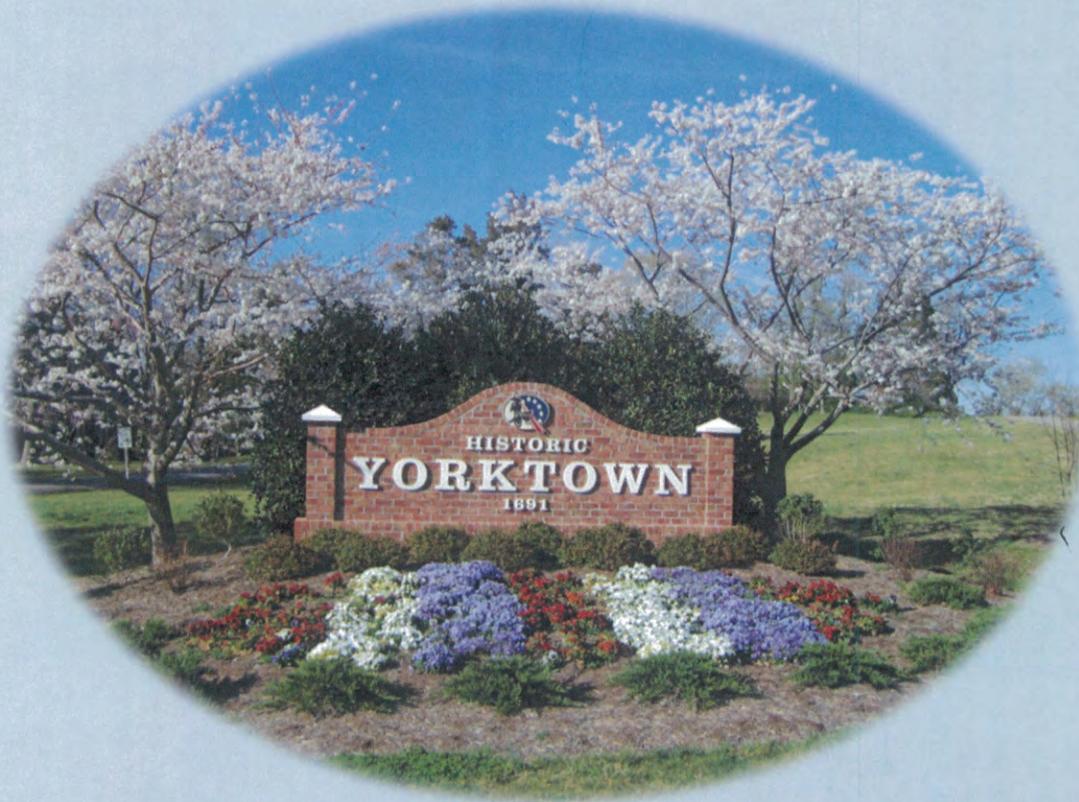
APPROVED AND ADOPTED by the Hampton Roads Planning District Commission this 18th day of October 2018.

Dr. Ella Ward
Chair

Robert A. Crum, Jr.
Executive Director/Secretary



York County Board of Supervisors' 2016 Retreat



The Next
Big
Things



The Next 20 Years in Local Government



**ICMA &
Alliance for
Innovation
Team Up to
Study and
Provide
Insights**

York County 2



Imagine a Future Beyond Ourselves

- **Imagine a Time** - When we are Retired or Passing on the Reins to Our Successors
- **Imagine the Kind of World** - Our Children and Grandchildren Will Inherit



The Human Brain is Hardwired to Recognize Patterns

- **A Team of Futurists were hired** To Guide the Process



Four Forces = Agents for Mega Change

➤ **Resources** – Availability is Most Closely Tied to Survival (Food, Water, Air & Habitat)

➤ **Demographics** – The “Who” behind Society’s Changes

➤ **Technology** – Tools & Knowledge to Transform Resources

➤ **Governance** – Management of Society’s Assets, Resources, Technology and People



Force 1: Resource Trends

1. Climate Change
2. Food Insecurity
3. Water Shortages & Access
4. Energy Grid Disruption
5. Mining
6. "NORC" Shift



When your community loses its flow of clean water or affordable energy, nothing else matters. **People panic.**



Force 2: Technology Trends

7. Digital Citizens
- 8. Sharing Economy**
- 9. Education Reform**
10. Open Innovation
11. Behavioral Insights
- 12. Unmanning**
13. Decentralized
Manufacturing & 3-D
Printing
14. Global Digital Currency
15. Carless Communities
16. Infrastructure Overhaul
17. New Financial Partnerships
18. **Microgrids**
19. **Off-Gridding**
20. **Electric Vehicles**
21. Water Recycling
22. **Desalinization**
23. Nanotechnology
24. Tech-Enabled Health Care
25. Biomimicry



Force 3: Demographic Trends

(Aging and Diversifying Population)

- 26. Tribalism & Identity Politics
- 27. Structural (Youth) Unemployment
- 28. Civil Rights Spring
- 29. Mass Migration**
- 30. Middle Class Map
- 31. Elder Expense**
- 32. Urbanization Mega & Middle Sized
- 33. Rural v. Urban
- 34. “Smart” Citizens
- 35. Nomadic Workforce**
- 36. Hyper-Localization**

Local government leaders' highest purpose is to serve as the facilitator and connector, to bring “diverse” people together, to find the common core



Force 4: Governance Trends

37. Declining Federal Government Effectiveness

38. Trust in Government

39. County-to-County Collaboration

40. “Volatile, Uncertain, Chaotic and Ambiguous” (VUCA) Leadership

41. Citizen Engagement

42. Direct Democracy

43. Corporate and Special Interest Influences

44. Fiscal Uncertainty



Board's Highest Priorities

Results of "Next Big Things" Exercise

A. Highest Priorities (3 Votes)

1. Energy Grid Disruption
2. Elder Expense

B. Significant Priorities (2 Votes)

3. Education Reform
4. Climate Change
5. Fiscal Uncertainty

C. Other Priorities (No Votes in Final Exercise)

6. Citizen Engagement
7. City-to-City Collaboration
8. Desalinization

Article 3. The Comprehensive Plan

§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year

Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection F of § 33.2-214.

6. If the adopted transportation plan designates corridors planned to be served by mass transit, as defined in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority distribution specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property tax revenue specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as described in Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.

7. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable measures to provide for the continued availability, quality, and sustainability of groundwater and surface water;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

E. The comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. To this end, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology, among other resources.

1975, c. 641, § 15.1-446.1; 1976, c. 650; 1977, c. 228; 1988, c. 268; 1989, c. 532; 1990, c. 19; 1993, cc. 116, 758; 1996, cc. 585, 600; 1997, c. 587; 2003, c. 811; 2004, cc. 691, 799; 2005, cc. 466, 699; 2006, cc. 527, 563, 564; 2007, c. 761; 2012, cc. 729, 733; 2013, cc. 561, 585, 646, 656; 2014, cc. 397, 443; 2018, cc. 420, 691, 796, 828.

§ 15.2-2223.1. Comprehensive plan to include urban development areas.

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Any locality may amend its comprehensive plan to incorporate one or more urban development areas.

1. Urban development areas are areas that may be appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12

apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, any proportional combination thereof, or any other combination or arrangement that is adopted by a locality in meeting the intent of this section.

2. The urban development areas designated by a locality may be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of either the Weldon Cooper Center for Public Service of the University of Virginia, the Virginia Employment Commission, the United States Bureau of the Census, or other official government projections required for federal transportation planning purposes.

3. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

4. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

5. Urban development areas, if designated, shall incorporate principles of traditional neighborhood design, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

6. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

7. A portion of one or more urban development areas may be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

E. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of

the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

F. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to designated urban development areas or to such similar areas that accommodate growth in a manner consistent with this section.

2007, c. 896;2009, c. 327;2010, cc. 465, 528;2011, c. 561;2012, cc. 192, 518, 805, 836.

§ 15.2-2223.2. Comprehensive plan to include coastal resource management guidance.

Beginning in 2013, any locality in Tidewater Virginia, as defined in § 62.1-44.15:68, shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to subdivision 9 of § 28.2-1100 into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request.

2011, c. 885.

§ 15.2-2223.3. Comprehensive plan shall incorporate strategies to combat projected sea-level rise and recurrent flooding.

Beginning July 1, 2015, any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. Such review shall be coordinated with the other localities in the Hampton Roads Planning District Commission. The Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request. Where federal regulations as effective July 1, 2015 require a local hazard mitigation plan for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. For a locality not participating in the FEMA Community Rating System, the comprehensive plan may include an action plan and time frame for such participation.

2015, c. 186.

§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural resources, historic areas, groundwater and surface water availability, quality, and sustainability, geologic factors, population factors, employment, environmental and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, dam break

inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, broadband infrastructure, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

Code 1950, § 15-964.1; 1962, c. 407, § 15.1-447; 1975, c. 641; 1977, c. 228; 1980, c. 322; 1981, c. 418; 1988, c. 438; 1990, c. 97; 1991, c. 280; 1993, cc. 758, 770; 1996, cc. 585, 600; 1997, c. 587; 2006, c. 564; 2007, c. 761; 2008, c. 491; 2018, cc. 420, 691.

§ 15.2-2225. Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website.

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall (i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii) give notice in accordance with § 15.2-2204, and (iii) hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other

website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein.

Code 1950, §§ 15-908, 15-921, 15-922, 15-964.2, 15-964.3; 1958, c. 389; 1962, c. 407, §§ 15.1-448, 15.1-449; 1968, c. 735; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2009, c. 605.

§ 15.2-2226. Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2000, c. 893; 2009, c. 605.

§ 15.2-2227. Return of plan to local planning commission; resubmission.

If the governing body disapproves the plan, then it shall be returned to the local planning commission for its reconsideration, with a written statement of the reasons for its disapproval.

The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body.

Code 1950, § 15-964.5; 1962, c. 407, § 15.1-451; 1997, c. 587.

§ 15.2-2228. Adoption of parts of plan.

As the work of preparing the comprehensive plan progresses, the local planning commission may, from time to time, recommend, and the governing body approve and adopt, parts thereof. Any such part shall cover one or more major sections or divisions of the locality or one or more functional matters.

Code 1950, §§ 15-906, 15-921, 15-964.6; 1958, c. 389; 1962, c. 407, § 15.1-452; 1997, c. 587.

§ 15.2-2229. Amendments.

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for

public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

Code 1950, §§ 15-908, 15-921, 15-964.7; 1958, c. 389; 1962, c. 407, § 15.1-453; 1975, c. 641; 1997, c. 587; 2000, c. 893; 2010, c. 821.

§ 15.2-2230. Plan to be reviewed at least once every five years.

At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

Code 1950, § 15-964.8; 1962, c. 407, § 15.1-454; 1975, c. 641; 1997, c. 587.

§ 15.2-2230.1. Public facilities study.

In addition to reviewing the comprehensive plan, the planning commission may make a study of the public facilities, including existing facilities, which would be needed if the comprehensive plan is fully implemented. The study may include estimations of the annual prospective operating costs for such facilities and any revenues, including tax revenues, that may be generated by such facilities. For purposes of the study, public facilities may include but need not be limited to water and sewer lines and treatment plants, schools, public safety facilities, streets and highways. The planning commission may forward the study to the local governing body or any other local, regional, state or federal agency that the planning commission believes might benefit from its findings. The study shall also be forwarded to any utility companies or franchised cable operators that may be impacted by such public facilities. The utility companies, the franchised cable operators, and the locality shall cooperate and coordinate in the relocation of such utilities and cable lines as may be appropriate to avoid unnecessary delays in the construction of public facilities and capital projects by the affected localities, consistent with the service obligations of the utility companies and franchised cable operators. For purposes of this section, the term "utility company" shall not include a municipal utility that operates outside its locality's boundaries.

1998, c. 609; 2012, c. 553.

§ 15.2-2231. Inclusion of incorporated towns in county plan; inclusion of adjacent unincorporated territory in municipal plan.

Any county plan may include planning of incorporated towns to the extent to which, in the county local planning commission's judgment, it is related to planning of the unincorporated territory of the county as a whole. However, the plan shall not be considered as a comprehensive plan for any incorporated town unless recommended by the town commission, if any, and adopted by the governing body of the town.

Any municipal plan may include the planning of adjacent unincorporated territory to the extent to which, in the municipal local planning commission's judgment, it is related to the planning of the incorporated territory of the municipality. However, the plan shall not be considered as a comprehensive plan for such unincorporated territory unless recommended by the county commission and approved and adopted by the governing body of the county.

Code 1950, §§ 15-922, 15-964.9; 1962, c. 407, § 15.1-455; 1997, c. 587.

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to §

15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. Asolar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835; 2016, c. 613; 2018, cc. 175, 318.