

**Staff Working
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MOTION: CANDLAND

May 17, 2016
Regular Meeting
Res. No. 16-509

SECOND: LAWSON

RE: INITIATE ACTIONS IN RESPONSE TO SENATE BILL 549 RELATING TO CONDITIONAL ZONING FOR RESIDENTIAL REZONINGS AND PROFFER AMENDMENTS

ACTION: APPROVED

WHEREAS, the General Assembly passed and the Governor approved Senate Bill 549 (SB 549) which amends the Virginia Code relating to conditional zoning for residential rezonings and proffer amendments; and

WHEREAS, the Board strongly opposed SB 549 (and its companion bill House Bill 770) due to its significant negative impacts on the County and other localities, as stated in Resolution Number 16-185; and

WHEREAS, SB 549 becomes effective on July 1, 2016, is prospective only and will only apply to any residential rezoning and proffer amendment applications filed on or after July 1, 2016; and

WHEREAS, on June 17, 2014, the Board of County Supervisors adopted the Policy Guide for Monetary Contributions to provide guidelines for the proffer of conditions for the rezoning of property; and

WHEREAS, the Policy Guide for Monetary Contributions, in whole or part, could be determined to be inconsistent with SB 549;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby:

1. Repeal the residential portion of the Policy Guide for Monetary Contributions effective July 1, 2016;
2. Authorize and direct County staff to prepare and submit policy proposals related to mitigating the impacts of proposed residential rezonings and proffer amendments for the Board's consideration;

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3. Authorize and direct County staff to amend the residential rezoning and proffer amendment application criteria effective July 1, 2016, until such time as the Board directs otherwise, to require that all applicants (i) specifically identify all of the impacts of the proposed rezoning and/or proffer amendment, (ii) propose specific and detailed mitigation strategies and measures to address all of the impacts of the proposed rezoning and/or proffer amendment, (iii) specifically address whether all of the mitigation strategies and measures are consistent with all applicable law, including, but not limited to, Virginia Code § 15.2-2303.4 (effective July 1, 2016), and (iv) specifically demonstrate the sufficiency and validity of those mitigation strategies using professional best accepted practices and criteria, including all data, records, and information used by the applicant or its employees or agents in identifying any impacts and developing any proposed mitigation strategies and measures;
4. Initiate a residential rezoning and proffer amendment fee review to determine the costs associated with the review of the required impact and analysis materials;
5. Initiate a Comprehensive Plan amendment to review all level of service standards, including, but not limited to, the capacity of the various types of County infrastructure; and
6. Effective July 1, 2016, close all outstanding Comprehensive Plan long range land use plan map amendments with a residential component which were initiated by the Board and for which no concurrent rezoning application has been filed as of June 30, 2016.

Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Stewart

Nays: None

Absent from Vote: Principi

Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____
Clerk to the Board