

# STAFFORD *Virginia*

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**2021 General Assembly  
Legislative Program**

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## Stafford County Board of Supervisors

Meg Bohmke, Chairman | Falmouth District

Thomas C. Coen, Vice-Chairman | George Washington District

Tinesha O. Allen | Griffis-Widewater District

L. Mark Dudenhefer | Garrisonville District

Cindy C. Shelton | Aquia District

Gary F. Snellings | Hartwood District

Crystal L. Vanuch | Rock Hill District



## County Administration

Frederick J. Presley | County Administrator

Michael T. Smith | Deputy County Administrator

Donna S. Krauss | Deputy County Administrator

Cheryl D. Giles | Deputy Clerk to the Board of Supervisors

Anthony D. Toigo | Constituent & Legislative Affairs Officer

## Board of Supervisors County Vision

Stafford County is a flourishing community that continues to achieve all that our residents, businesses and visitors have come to imagine. From its early beginnings that are deep-rooted in our nation's history to the evolution into a progressive and well-designed locality, Stafford is a great place to call home. It places its citizens first, ensuring that our heart never changes, our home is always welcoming and our businesses continue to prosper.

Stafford's smart growth strategy leads with a comprehensive transportation system resulting in safe and efficient travel for residents, businesses and visitors. This approach also includes efforts to preserve and provide access to the county's vast inventory of natural and historic resources including distinctive historic sites, forests and wetlands along the Potomac River, Potomac Creek, Aquia Creek and the Rappahannock River. These efforts protect thousands of acres of public parklands for the enjoyment of current and future generations.

Stafford County Public Schools represent the highest-quality education in the Commonwealth, preparing our children for the future. Stafford expands continuing learning options for our residents and businesses by partnering with institutions like University of Mary Washington and Germanna Community College, assuring local access to first-rate post-secondary education.

Stafford's ideal location between Washington, D.C., and Richmond, VA, along with its business-friendly environment and impeccable reputation, attracts and retains world-class businesses and the region's most highly educated and skilled workforce.

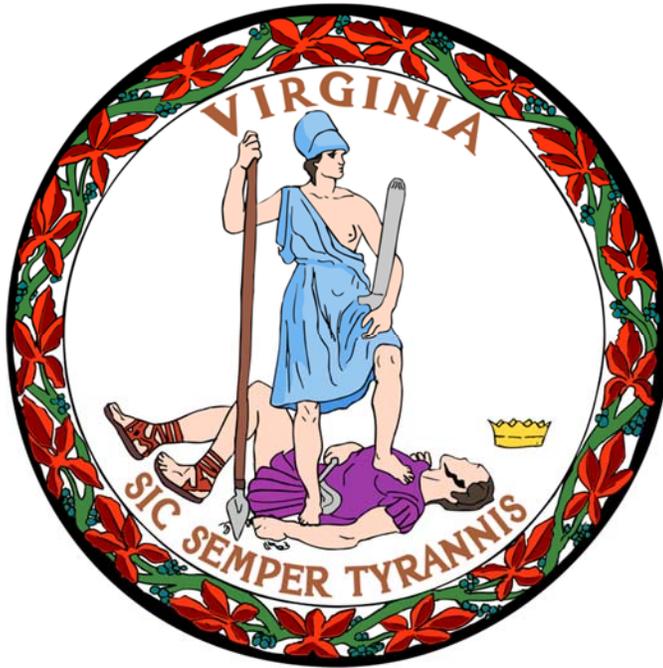
Stafford is one of the region's safest and most desired locations in which to live, work, play and raise a family. Unique and inviting neighborhoods are the centerpieces of development and feature walkable urban experiences, anchored by arts and cultural amenities. Downtown Stafford is a nationally recognized district, providing a variety of authentic shopping, service and dining opportunities, along with the best recreational and entertainment venues in the community and the region.

Local government and elected leaders are invested and engaged with a governance philosophy that is fiscally efficient in delivering core services responsive to the ever-changing needs of this multi-dimensional community.

# Board of Supervisors Strategic Plan

The Stafford County Board of Supervisors engages in a strategic planning process every three years which shapes and defines its policy agenda. The strategic planning document, containing both our vision and measurable goals for each strategic priority, can be found at [www.staffordcountyva.gov/2040](http://www.staffordcountyva.gov/2040).

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|--|--|---|
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**Stafford County's General Assembly Delegation**

Senator [Richard H. Stuart](#) (R) | Senate District 28

Senator [Scott A. Surovell](#) (D) | Senate District 36

Senator [Jill Holtzman Vogel](#) (R) | Senate District 27

Delegate [Jennifer D. Carroll-Foy](#) (D) | House District 2

Delegate [Mark L. Cole](#) (R) | House District 88

Delegate [Joshua G. Cole](#) (D) | House District 28

# 2021 Top General Assembly Initiatives

## State Reimbursement to Localities for Disabled Veterans Tax Relief Expenses

Strategic Priority: Organizational Excellence

Request:

The General Assembly is requested to assess the feasibility of providing financial reimbursement to localities providing real estate tax relief to disabled veterans when one percent (1%) or more of a locality's real estate tax base is lost due to the state-mandated tax-relief programs.

In addition, Stafford County requests the General Assembly cease expansion of real estate tax exemption programs without accompanying and appropriate levels of supporting state funding for localities.

Requestor: Board of Supervisors

Executive Summary:

Stafford County is home to a large population of both veteran and active-duty members of the United States Armed Forces. The County is located in close proximity Marine Corps Base Quantico, the FBI Academy, and National Defense agencies in Washington D.C. and northern Virginia. Stafford County has a deep reverence for those who have served our Country, and are pleased to consider armed forces influence as part of our community's culture.

Article X, Section 6A of the Virginia Constitution exempts from taxation the real property "of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence." The broad language of this amendment has presented Stafford County with a high number of disabled veterans eligible for the real estate tax relief program. As of July 2020, a total of 1,605 households are currently receiving real estate tax relief in Stafford County under the disabled veterans' exemption. This amounts to a total exemption of \$6,164,009.12 or three-percent (3.4%) of Stafford County's real estate tax base. The program is growing annually. Under these figures, it reasonable to conclude that a much greater portion of Stafford's tax base will be totally dedicated to funding this mandate over the next decade.

To date, the General Assembly has not considered the impacts of the real estate tax relief program on localities with the largest shares of revenue loss. Stafford County is now the third-fastest growing county in Virginia. As Stafford grows, the County will need to dedicate resources to meet public demands for road projects, water/sewer system expansion, schools, parks, public facilities, government services, and other capital needs. Stafford believes now is the appropriate time to call-upon the General Assembly to reimburse localities hardest hit by the real estate tax relief program in order to reduce local revenue loss.

# 2021 Top General Assembly Initiatives

## Public Day School Funding

Strategic Priority: Quality Educational Opportunities

Request:

The General Assembly is requested to provide additional state-supported funding for community-based, therapeutic public day schools and to extend the present 2% rate increase cap on providers.

Requestor: Board of Supervisors

Executive Summary:

In 2009, Stafford County Human Services, in conjunction with Stafford County Public Schools (SCPS) identified an increase in the number of Stafford County students with autism. Due to the nature and severity of the disability, students with autism may require an instructional program incorporating a multitude of different methodologies, individualized instruction, and acute sensory needs including a controlled environment, which are unable to be provided in the traditional public school setting. The cost of private day placements for students with autism is often higher than placement costs for students with other disabilities, due to the students' level of need. In order to mitigate rising costs associated with private day school placements, and to educate students locally within Stafford County, the Board of Supervisors and School Board endorsed the establishment of a public day school program.

A memorandum of agreement establishing a public day school program was signed by Stafford County and Stafford County Public Schools in 2013. This memorandum stipulates program costs and funding are shared by both organizations. As students of the public day school program are being educated on public school property, monies from the Virginia Children's Services Act cannot be used to support local education costs.

By creating more resources within the County's school division, Stafford is able to reduce the number of children placed in private day programs outside of the community and help to mitigate the approximately \$5.7M Stafford is spending on private day school placements.

Stafford County has documented a potential cost savings of over 40% per participant versus private placements outside of the county. The use of private day school placements has increased within the Commonwealth for many years. To date, the General Assembly has not adopted policy changes to mitigate rising CSA costs and support the education of students within their home community.

Today, Stafford's Public Day School program has a total enrollment of 32 students. Classroom space is offered at three schools. Stafford County has documented a potential cost savings of \$1,164,134.

## 2021 Top General Assembly Initiatives

### Exemption of Storm Water Facilities from Open Space Requirements

Strategic Priority: Healthy Growth

Request:

The General Assembly is requested to amend and reenact the Code of Virginia to allow localities the authority to prohibit stormwater management facilities from being located within open space and/or conservation areas established within a cluster development.

Requestor: Board of Supervisors

Executive Summary:

The Code of Virginia limits the ability of a locality to regulate cluster development. Localities are unable to create stricter regulations for cluster development than for conventional developments. There are limitations on the types of land that can be excluded from required open space in cluster subdivisions. Under current State Code, a locality is unable to exclude stormwater management facilities from being located within open space and/or conservation areas of a cluster subdivision. The Stafford County Planning Commission has observed multiple development projects where the required open space shown on a subdivision plan did little to meet the intent of both State Code, as well as the County's Comprehensive Plan.

During the 2018 General Assembly session, Stafford County supported Delegate Bob Thomas' HB 341, which would have permitted a local option to regulate the location of stormwater facilities in open space or conservation areas. The bill was stricken in the House Committee on Counties, Cities, & Towns.

Stafford County believes localities should have the option to exclude stormwater management facilities from open space and conservation areas. Like roads, which are necessary for subdivisions, these types of facilities are man-made. Subdivision stormwater management facilities do not exist in a natural state, and do not provide recreational opportunities for area residents. Such facilities are often fenced off for safety reasons and do not contribute to agriculture, forestry, or land conservation purposes.

# 2021 Top General Assembly Initiatives

## State Recordation Tax Distribution Amendments

### Request:

The General Assembly is requested to amend legislation adopted during the 2020 session which has reduced/eliminated the local distribution of state recordation tax revenues designated for transportation purposes.

Requestor: Board of Supervisors, R20-175

### Executive Summary:

During the 2020 session of the Virginia General Assembly, legislation (HB 1414 – Filler-Corn/SB 890 – Saslaw) was adopted making numerous significant changes to Virginia’s transportation revenues and funding system. Changes include a statewide increase in fuels taxes, the creation of a Highway User Fee for alternative fuel and fuel-efficient vehicles, a new regional fuels tax dedicated for the Interstate 81 corridor, and additional Commonwealth Transportation Fund funding to the Northern Virginia Transportation District Fund (NVTDF). The increased funding for the NVTDF eliminated an existing deposit of state recordation tax revenues to the Northern Virginia localities comprising the NVTDF. In addition, HB 1414/SB 890, as originally enrolled by the General Assembly, reduced the amount of statewide recordation tax revenues to be distributed to localities from \$40M total to \$20M total effective July 1, 2021. During the April 22, 2020 reconvened General Assembly Session, the General Assembly, acting on an amendment to this legislation by the Governor, advanced the effective date of the statewide recordation tax revenue changes to July 1, 2020.

Also during the 2020 session, legislation (HB 1726 – Jones/SB 1038 – Lucas) was introduced to create the Hampton Roads Regional Transit Program. As originally drafted, funds generated for this transit program were limited to an additional regional grantor’s tax and a regional transient occupancy tax in the Hampton Roads region. However, as the bill came out of conference committee, \$20 million of revenues from existing statewide recordation taxes were also dedicated to the transit program. This legislation, combined with the amendments to the state recordation tax revenue changes adopted in HB 1414/SB 890, effectively eliminate the distribution of state recordation tax revenues to most Virginia localities. Because the changes to HB 1726/SB 1038 were made in conference, this left local government organizations with little time to respond, despite raising the issue with the Secretary of Transportation. The Governor did not offer amendments to the legislation, and the General Assembly subsequently enacted the bills during the reconvened session. HB 1726/SB 1038 has an effective date of July 1, 2020.

The combined effects of these two pieces of legislation will result in significant losses to transportation revenues for most localities statewide. Stafford County lost approximately \$870,000 in state recordation tax revenues in Fiscal Year 2021. Over the course of the FY 21-30 Capital Improvement Program, the loss of these revenues is expected to total about \$9 million. The loss of these revenues will greatly affect Stafford’s ability to deliver road widening and safety improvement projects needed for the County’s road network.

# Healthy Growth

# 2021 Healthy Growth Initiatives

## Promoting Compliance with Zoning Height Regulations

### Request:

The General Assembly is requested to introduce legislation that would allow a locality, in its zoning ordinance, to require accessory structures that exceed the allowable height for a zoning district to come into compliance with the height regulations within one year.

Requestor: Board of Supervisors

### Executive Summary:

Nonconforming structures are discouraged, but allowed to remain in a zoning district when constructed in conformance with then existing local zoning regulations. When structures do not conform to the zoning regulations they erode the purposes permitted for having zoning ordinances. Specifically, accessory structures that are taller than permitted in the zoning ordinance, have the ability to negatively impact the zoning district by diminishing the locality's "creation of a convenient, attractive and harmonious community."<sup>1</sup> Said accessory structures are out of character with the main structure and as a result, the zoning district.

Stafford County is supportive of vested rights and nonconforming uses, but believes that localities should be given the authority to seek compliance for height-nonconforming accessory structures. The legislation requested is permissive and the General Assembly would be respecting each localities' zoning authority. The requested legislation is also fairly limited to (1) accessory structures, which are not the main use on a piece of property and (2) the height of those accessory structures, which is one of the most recognizable and visible characteristics in comparison to the surrounding structures in a zoning district. Additionally, the legislation would require localities who decide to enact the legislation to provide a reasonable amount of time for conformance.

## 2021 Healthy Growth Initiatives

### Timbering Regulations

#### Request:

Petition the Department of Forestry to include in its timbering regulations: 1) A state permit requirement for timber harvests, and 2) A more restrictive Streamside Management Zone requirement for forestry beyond the Forestry Best Management Practice-recommended 50 foot buffer with allowance for removal of 50% of the crown cover or 50% of the basal area, and 3) A replanting requirement.

Requestor: Board of Supervisors

#### Executive Summary:

The Widewater area of Stafford County has seen extensive clear-cutting operations over the last two years. Citizens have contacted the County to express concerns about environmental impacts to nearby streams, roads, and ecosystems. Communication between Stafford County and the Virginia Department of Forestry revealed that state permits are not required in order to initiate a timber harvest.

Clear-cutting operations identified by Widewater residents have resulted in the near deforestation of several parcels of land. In order to guard against potential deforestation and negative environmental impacts, Stafford proposes the incorporation of a more restrictive Streamside Management Zone requirement for forestry beyond the Forestry Best Management Practice-recommended 50-foot buffer with allowance for removal of 50% of the crown cover or 50% of the basal area.

# 2021 Healthy Growth Initiatives

## Preliminary Subdivision Plans

### Request:

The General Assembly is requested to amend and reenact the Code of Virginia to require submission and review of preliminary plans for new subdivisions consisting of 50 or fewer lots.

Requestor: Planning Commission

### Executive Summary:

In 2014 House Bill (HB) 209 was enacted. It amended Section 15.2-2260 of the Code of Virginia to prohibit localities from requiring preliminary plans for new subdivisions of 50 or fewer lots. Preliminary subdivision plans are reviewed by staff and approved by the Planning Commission. They allow a view of how a development plan will fit in with the surrounding community. Preliminary plans allow the developer to address community concerns and significant technical problems in advance of detailed engineering being completed.

Stafford County has concerns about negative consequences derived by not requiring approval of such plans for small projects. Additionally, the Planning Commission and Board are concerned about potential attempts to circumvent the preliminary plan review process. A developer could submit several subdivision plans of 50 or fewer lots using different subdivision names from the same tract of land. By doing so, no single plan would trigger the requirement for preliminary plan approval. However, the total number of lots for those plans would be more than the minimum 51 lot requirement for review and approval of a preliminary plan. Examples of this type of circumvention have been observed with the Rivers Bluff (57 lots) and Liberty Hall Estates/Meadows at Liberty Hall (98 lots) subdivisions. The current statute does not provide redress for this type of circumvention.

# 2021 Healthy Growth Initiatives

## Wireless Communication Infrastructure

### Request:

The General Assembly is requested to introduce legislation restoring the local review process for wireless communications infrastructure.

Requestor: Planning Commission

### Executive Summary:

New legislation signed into law in 2018 permitted the by-right approval of wireless communications structures of 50 feet or less in height located within public rights-of-way. The legislation, while intended to contribute to the expansion of wireless communications service into rural Virginia, has had a negative effect on the zoning review process of localities statewide. Localities are no longer able to hold public hearings on the location of wireless communications infrastructure. Public hearings are a fundamental tool to allow citizens to comment on land-use decisions which shape the character and aesthetic landscape of their community. Additionally, the public hearing process offers an additional layer of oversight, allowing governing bodies to review and decide upon land-use decisions affecting their localities.

Stafford County supports the introduction of new legislation designed to counteract the effects of the 2018 Wireless Communications Infrastructure bill, in order to restore local control to the approve process for these facilities.

## 2021 Healthy Growth Initiatives

### Support for Funding of Virginia's Phase III Watershed Improvement Plan (WIP III)

#### Request:

The Stafford County Board of Supervisors express its support for the introduction of budget language providing full supportive funding for the implementation of Virginia's Phase III Watershed Improvement Plan.

Requestor: Supervisor Meg Bohmke

#### Executive Summary:

In 2010, the United States Environmental Protection Agency (EPA) established the Chesapeake Bay Total Maximum Daily Load (TMDL) requirements in response to an executive order issued by President Barack Obama. The TMDL, considered the largest ever developed by the EPA, identifies pollution reductions of nitrogen, phosphorous, and sediment and sets pollution limits in order to meet water quality standards in the Chesapeake Bay and its tributaries. Several states as well as the District of Columbia are impacted by TMDL, including Delaware, Maryland, New York, Pennsylvania, West Virginia, and Virginia. TMDL is designed to ensure that all pollution control measures required to reduce nutrient levels in the Chesapeake Bay are in place by year 2025. All affected states and the District of Columbia are required to submit Watershed Improvement Plans (WIPs) to the EPA detailing how they plan to meet nutrient reduction requirements.

The Commonwealth of Virginia has worked with the EPA to draft and implement the first two phases of WIP over the course of the last decade. Recently, the Commonwealth's Department of Natural Resources has released its third and final phase of the Watershed Improvement Plan. The Virginia Association of Counties (VACo), as well as several localities statewide, have expressed concerns with WIP III. Most notably, Virginia's current approved budget does not include funding to meet the goals outlined in WIP III. Other Virginia pollution reduction programs, such as the Water Quality Improvement Fund (WQIF) and the Stormwater Local Assistance Fund (SLAF) are currently under funded. In order to meet WIP III's goals for reduction of nitrogen, phosphorous, and sediment, infrastructure facility upgrades will likely be required. This mandate places a significant burden on the wastewater sector, resulting in an expense to both localities and wastewater providers in the form of capital improvement costs.

Stafford County has two wastewater treatment plants – Aquia and Little Falls. The Aquia treatment plant is presently equipped to handle more stringent nutrient requirements. However, the Little Falls treatment plant is not present equipped to meet nitrogen reduction requirements by 2025. Stafford County Public Works is planning to spend an approximate \$9.2M from the utility fund in FY 23 to upgrade Little Falls in order to meet nitrogen reduction requirements. The cost of this mandate, as well as the lack of sufficient time for planning of facility upgrades is not cost-effective for Stafford County. Stafford is concerned that long term mandates for facility upgrades could have an impact on utility rates.

# 2021 Healthy Growth Initiatives

## Property Owners Association (POA) Property Transfer Trigger Point

Strategic Priority: Healthy Growth

Request:

The General Assembly is requested to amend and reenact the Code of Virginia to provide localities the authority to withhold developer securities or bonds for a housing development until one-hundred percent (100%) of common areas are transferred from the developer to said development's POA, and one-hundred percent (100%) of property transfers identified in a development's proffer statement are completed.

Further, Stafford County requests the General Assembly amend and reenact the Code of Virginia to require the party or parties responsible for the ownership and maintenance of common area within a housing development pay property taxes on said common area until the date the property is transferred to the POA.

Requestor: Board of Supervisors

Executive Summary:

Stafford County received several inquiries into the status of undeveloped properties in residential neighborhoods including Vista Woods, Garrisonville Estates, and Oakridge. In each of these instances, the properties are registered under the name of a defunct/inactive corporate entity and are considered "common area" per plat records. As ownership of these properties is unclear, neither the County nor the residents of these areas can determine a responsible party for property maintenance. Furthermore, as common area, these properties are exempted from paying local real estate tax.

Although new legislation cannot resolve concerns for these already-developed properties, Stafford County supports measures to implement increased local control over property transfers in an effort to prevent similar situations from occurring in the future. Stafford supports greater local control over the release of developer securities or bonds to ensure a new subdivision's common area is transferred to an active and responsible maintenance party.

During the 2019 General Assembly Session, Senator Scott Surovell sought an opinion from the Virginia Attorney General about whether counties in the commonwealth "may withhold the release of an erosion and sediment control bond until the permittee has recorded a deed in land records transferring title of all common areas to the property owners' association".

On May 21, 2019, the Attorney General's Office responded to Senator Surovell by issuing an informal opinion. The informal opinion from the Assistant Attorney General stated that "a county may not condition the refund or termination of an erosion and sediment control bond required pursuant to § 62.1-44.15:57 on the permittee's conveyance of title to the common areas of a property owner's association."

## 2021 Healthy Growth Initiatives

### Support for Additional Local Resources to Address Stormwater Drainage

#### Request:

The Stafford County Board of Supervisors express its support for additional local resources to address stormwater drainage.

Requestor: Supervisor Meg Bohmke

#### Executive Summary:

Stafford County receives numerous complaints each year from citizens regarding new and existing drainage issues. The majority of the complaints occur in more densely developed areas. The aging of stormwater infrastructure combined with the financial constraints of private property owners presents a challenge for determining corrective action. There are limited opportunities for the County, homeowners' associations, and private property owners to resolve these problems due to both cost and stormwater facility ownership issues.

## 2021 Healthy Growth Initiatives

### Support for Additional Local Resources to Provide Broadband Service

#### Request:

The Stafford County Board of Supervisors express its support for additional local resources to provide broadband services to its residents, including through bond referendum.

Requestor: Supervisor Tinesha Allen

#### Executive Summary:

The need for fast, reliable, and affordable broadband has become essential for citizens and businesses alike in the modern world. Broadband access is a critical tool for economic development. The Coronavirus Pandemic has further exacerbated the need for broadband access in localities as education has shifted online, teleworking has increased, and store and restaurant sales have adjusted to e-commerce.

Although Stafford County is generally served by broadband providers, County staff estimate approximately 5-10% of the County is unserved by broadband. The percentage of underserved residents is more difficult to estimate. In addition, Stafford County does not meet the criteria necessary to qualify for rural broadband grants.

The Stafford County Board of Supervisors supports receiving additional resources from the General Assembly to provide broadband services to local residents.

# **Responsive Transportation System**

# 2021 Responsive Transportation System Initiatives

## Smart Scale Metrics

### Request:

The General Assembly is requested to amend the metrics of Smart Scale to 1) objectively evaluate average daily traffic counts for all seven days of the week; and 2) amend the definition of a project's "area of influence" for employment access from a 45 mile radius to a 55 mile radius to account for out-of-County commuting patterns.

Requestor: Board of Supervisors

### Executive Summary:

The Smart Scale program sets forth state-wide criteria for the evaluation and ranking of Virginia's transportation projects. A project's ranking determines its ability to receive funds for road construction projects. Under the current Smart Scale metrics, traffic volumes are assessed only for the Monday through Friday standard work week.

Stafford County believes ranking for road improvement projects should be objectively evaluated based on both weekday and weekend traffic volumes. Local, state, and national commerce is non-exclusive to weekends. Prior Smart Scale selected projects appear to be focused on resolving weekday traffic congestion rather than weekend traffic congestion. Weekend traffic congestion is more severe due to the existence of high traffic volumes both leaving and entering the Fredericksburg region.

In addition, existing Smart Scale metrics do not sufficiently account for the commuting patterns of Stafford County commuters. According to Weldon Cooper's 2018 Virginia Locality-to-Locality Commuting Data Report, approximately 38,000 Stafford County residents commute out-of-county for employment. The majority of these commuters work in jurisdictions such as Fairfax County, Prince William County, the District of Columbia, and other Northern Virginia localities. The existing Smart Scale Access to Jobs metric defines an area of influence for a project's employment access as a 45 mile radius circle around a project. Under these numbers, Stafford County is only on the cusp of meeting this metric. Interstate 95 Exit 143 in North Stafford is approximately 40 miles south of Washington, D.C. The County's southern-most Interstate 95 Exit, Exit 133, is approximately 55 miles south of Washington, D.C.

Stafford County believes the area of influence metric for a project's employment access should be increased to at least a 55 mile radius, in order to account for the County's out of area commuting patterns. It is important that Smart Scale metrics accurately account for and reflect the realities of our community.

# **The Heartbeat of History, Recreation, & Culture**

# 2021 The Heartbeat of History, Recreation, & Culture Initiatives

## Support for Widewater State Park Improvements

### Request:

The Stafford County Board of Supervisors expresses its support for the build-out of Widewater State Park until completion, and welcomes the General Assembly's assistance in contributing resources to fund park improvements.

Requestors: Board of Supervisors

### Executive Summary:

Widewater State Park is the newest State Park in the Commonwealth of Virginia. It contains over 11,000 acres and two miles of shoreline, with access to both Aquia Creek as well as the Potomac River. In addition to water access, Widewater State Park currently offers bank fishing, a canoe launch, playgrounds, a visitor's center, canoe-in-camping, and picnic shelters. In 2018, the park opened to the public upon the completion of Phase I construction and receipt of operational budget funding from the Fiscal Years 2018-2020 biennium.

The Virginia Department of Conservation and Recreation's (DCR) most recent Master Plan Amendment (2014) for Widewater State Park includes a three-phase plan for the park's development, pending funding by from the General Assembly. Phase II of Widewater State Park further supports the park's development through the addition of the trunk line trail, trail head/parking, maintenance complex, development of the picnic area/restroom, and all related infrastructure.

Widewater State Park is a welcome addition to Stafford County, enjoyed by both citizens and visitors alike. During the 2020 General Assembly session, language included in the Fiscal Year 2020-2022 biennium budget created a workgroup of various Widewater State Park stakeholders tasked with identifying and recommending park improvements. Stafford County is committed to supporting the efforts of this group, and seeing the buildout of Widewater State Park come to fruition.

# 2021 The Heartbeat of History, Recreation, & Culture Initiatives

## Recreational Amenities for New Subdivisions

### Request:

The General Assembly is requested to amend and reenact the Code of Virginia to allow localities the ability, by ordinance, to impose reasonable requirements for new subdivisions to provide recreational amenities for its future residents.

Requestor: Planning Commission

### Executive Summary:

The Planning Commission has observed that very few subdivisions provide recreational amenities within their respective communities. This places an unfair burden on existing County parks and taxpayers to accommodate the recreational needs of new subdivisions. Provision of recreational amenities can be negotiated as part of an on-site proffer contribution for subdivisions that were subject to a zoning reclassification. However, there is no regulatory mechanism for a locality to require recreational amenities for by-right subdivisions.

Amending the State Code would give localities the option to adopt reasonable requirements that new subdivisions provide recreational amenities.

# Quality Educational Opportunities

# 2021 Quality Educational Opportunities Initiatives

## Cost of Competing Funds Adjustment (COCA)

### Request:

The General Assembly is requested to reevaluate and adjust Stafford County's current designation as a recipient of twenty-five percent (25%) of the Cost of Competing Funds Adjustment for support and instructional staff.

Requestor: Board of Supervisors

### Executive Summary:

Stafford County is now the third-fastest growing county in Virginia, having grown upwards of ten percent (10%) over the last decade. Many residents locate to Stafford County because of lower real estate and personal property taxes, availability of housing, the quality of our school system, and connection to the Interstate 95 Express Lanes. Stafford's ideal location as the southernmost locality of northern Virginia features convenient access to the major economic centers of Washington D.C. and Richmond, VA, and other surrounding areas.

Despite our recognition as part of northern Virginia both geographically and economically, Stafford is one of several localities who receives only a quarter of the full Cost of Competing Funds Adjustment (COCA). Stafford County Public Schools (SCPS) strives to attract, retain, motivate, and engage teachers. The gap in the receipt of COCA funds has created a stark salary differential between Stafford County and the other localities of northern Virginia. On average, a teacher stands to make ten-thousand (\$10,000) dollars less in Stafford than they would in neighboring Prince William County, just ten miles north of the County seat. This salary gap has led to extensive annual turnover for Stafford County Public Schools. Many first year teachers are beginning their careers in Stafford, obtaining necessary experience, and taking their talents north for greater salary.

Stafford County supports the reevaluation of the County's receipt of twenty-five percent (25%) of the Cost of Competing Funds Adjustment. The County wishes to obtain the quality of our school system by retaining quality teachers and ensuring they are fairly compensated.

## 2021 Quality Educational Opportunities Initiatives

### Support for Teacher Pay Consistent w/National Average

#### Request:

The Stafford County Board of Supervisors supports legislation or budget language to ensure state funding of public school teacher salaries are, at minimum, consistent with the national average.

Requestor: Board of Supervisors

#### Executive Summary:

In their 2019 Rankings and Estimates report, the National Education Association (NEA) found the nationwide average salary for public school teachers totaled \$62,304 for the 2018 to 2019 school year. According to the Virginia Department of Education's (VDOE) 2019 to 2020 teacher salary report, the average salary of Virginia teachers during the same school year totaled \$60,265; approximately two-thousand (\$2,000) less than the national average. The VDOE report further noted the budget average salary for Stafford County teachers in FY 2020 totaled \$58,394.

Stafford County supports the recruitment and retention of great teachers, who are essential to sustaining our quality education system. The County believes all Virginia teachers should be sufficiently compensated at a rate no less than the national average.

**Dedicated and Responsive Public Safety Team**

# 2021 Dedicated and Responsive Public Safety Team Initiatives

## Nicotine Vapor Products; Local Ability to Regulate

### Request:

The General Assembly is requested to amend and reenact the Code of Virginia to permit localities the authority to regulate the use of nicotine vapor products in public facilities.

Requestor: Supervisor Meg Bohmke

### Executive Summary:

Stafford County has received questions about its authority to regulate the use of nicotine vapor products within its public facilities after reports of individuals using these products at an indoor county recreational facility. The Code of Virginia permits localities to regulate smoking in public facilities and to provide for designated smoking areas outside of said facilities. These provisions, however, do not restrict vaping activities.

Virginia Code § 18.2-371.2 defines “nicotine vapor products” separately from the definition of “smoking”, which includes cigarettes, pipes, and cigars. Because Virginia Code defines nicotine vapor products separately from the definition of smoking, localities do not presently have the authority to regulate the use of nicotine vapor products within public facilities.

The use of nicotine vapor products has bred concerns for public safety. Nicotine vapor products contain nicotine, metals such as nickel, tin, and lead, and have the potential to cause lung disease due to both inhalation and second-hand smoke. Use of nicotine vapor products has become increasingly widespread nationally, especially amongst youth. Information from the United States Surgeon General estimates more than 3.6 million U.S. youth used nicotine vapor products in 2018.

Stafford County supports legislation granting localities the authority to regulate the use of nicotine vapor products in public facilities.

# Organizational Excellence

## 2021 Organizational Excellence Initiatives

### Opposition to Unfunded Mandates

#### Request:

The General Assembly is requested to oppose the expansion of any and all unfunded mandates.

Requestor: Board of Supervisors

#### Executive Summary:

Stafford County is opposed to the expansion of unfunded mandates upon Virginia's local governments. Unfunded mandates are state-mandated policy directives upon local governments which receive little to no accompanying funding from the General Assembly for implementation and administration. The County believes all state mandates should be accompanied by full-support funding from the General Assembly.

## 2021 Organizational Excellence Initiatives

### Board of Zoning Appeals Certification and Training

#### Request:

The General Assembly is requested to amend and reenact the Code of Virginia to require the certification and training of local Boards of Zoning Appeals (BZA) members through Virginia Commonwealth University's (VCU) Certified Board of Zoning Appeals Program within the first quarter of any given calendar year.

In addition, the General Assembly is requested to provide accompanying and supporting funding for the training of BZA members through the VCU program.

Requestor: Board of Zoning Appeals

#### Executive Summary:

State Code requires that Boards of Zoning Appeals hear and decide appeals from any order, requirement, or determination made in the enforcement or administration of a zoning ordinance. BZAs also hear applications for variance from local zoning requirements, applications for special exemptions authorized by a local zoning ordinance, and the determination of zoning district boundaries. The BZA is a quasi-judicial body and some do not rely on their local jurisdiction for legal counsel.

The Stafford County Board of Zoning Appeals believes that it is of paramount importance that BZA members receive proper training in a timely manner in order to ensure that their duties are carried out in proper form and fashion. Virginia Commonwealth University (VCU) currently provides a Certified Board of Zoning Appeals Program. The Stafford BZA believes that participation in the program should be mandatory and the program be required within the first quarter of any given calendar year.

# 2021 Organizational Excellence Initiatives

## Improvements to Local Fiscal Review of Pre-Filed Legislation

### Request:

The General Assembly is requested to include within their legislative calendar an early pre-filing deadline for all legislation with a local fiscal impact.

Requestor: Board of Supervisors, R19-371.

### Executive Summary:

Prior to the beginning of each General Assembly session, the legislature designates a time period for the pre-filing of draft legislation. Currently, the pre-filing period begins in early November of each year and concludes at 10:00 a.m. on the first day of the General Assembly session in early January.

The Virginia Code creates a process for the Commission on Local Government to develop local fiscal impact statements for all bills which affect local government finances. Presently, these bills are subject to the same pre-filing process as all other pieces of legislation. Many bills are not made available until the opening day of the General Assembly session. As numerous pieces of legislation are filed each year, this leaves ample time for the thorough review and analysis of bills with the potential to significantly impact local governments.

Prior to 2010, the General Assembly required all legislation with a local fiscal impact statement to be introduced by the first day of the General Assembly session. This procedure allowed additional time for the legislation to be reviewed by the Commission on Local Government, as well as local government staff. The requirement was eliminated during the 2010 session, prohibiting the opportunity for early review of legislation in subsequent General Assembly sessions.

Stafford County believes additional time to review legislation with a local fiscal impact would allow for a more thorough understanding of the potential ramifications of bills affecting local government finances.

# Appendix

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 20<sup>th</sup> day of October, 2020:

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| <u>MEMBERS:</u>               | <u>VOTE:</u> |
|-------------------------------|--------------|
| Meg Bohmke, Chairman          | Yes          |
| Thomas C. Coen, Vice Chairman | Yes          |
| Tinesha O. Allen              | Yes          |
| L. Mark Dudenhefer            | Yes          |
| Cindy C. Shelton              | Yes          |
| Gary F. Snellings             | Yes          |
| Crystal L. Vanuch             | Yes          |

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On motion of Mr. Coen, seconded by Ms. Vanuch, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION ADOPTING STAFFORD COUNTY'S OVERALL  
LEGISLATIVE PROGRAM FOR THE 2021 SESSION OF THE  
VIRGINIA GENERAL ASSEMBLY

WHEREAS, the Board is seeking enabling legislation and amendments to the Virginia Code to accomplish Stafford County's legislative initiatives for the 2021 General Assembly session; and

WHEREAS, the Board recognizes that Virginia and its local governments are partners in providing many services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of the County to govern its citizens or shift responsibility for shared services to localities alone; and

WHEREAS, the Board opposes the implementation of any new unfunded state mandates or the expansion of any existing unfunded state mandates upon the County and County schools; and

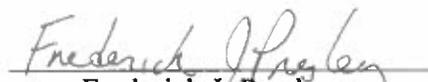
WHEREAS, the Board desires that the Virginia Association of Counties offer its support for the initiatives contained herein;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of October, 2020, that the members of the General Assembly representing Stafford County be and they hereby are requested to introduce and support the legislative initiatives and positions contained within the Stafford County's 2021 General Assembly Legislation Program included with this Resolution; and

BE IT FURTHER RESOLVED that staff and the County's legislative consultants will keep the Board apprised of legislative changes and other matters that may impact Stafford County, and its residents and businesses; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee will provide a copy of this Resolution and the County's 2021 General Assembly Legislation Program to each member of the General Assembly delegation representing any portions Stafford County.

A Copy, teste:

  
Frederick J. Presley  
County Administrator

FJP:adt