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Howell, Athey announce land-use proposals



By Garren Shipley (Daily Staff Writer)

RICHMOND — A package of land-use reform bills announced Wednesday by Republicans in the House of Delegates has the administration of Democratic Gov. Timothy M. Kaine interested.

Del. Clay Athey Jr., R-Front Royal, and House Speaker William Howell, R-Fredericksburg, announced the package of land-use reform bills that represent "the most significant advance [in land-use law] since zoning."

If approved, the changes would effectively scrap the Byrd Road Law, which gave the state responsibility for county roads. The bills would also encourage development in and around cities and towns.

The reception from Kaine's office was somewhat optimistic.

"We haven't looked at the fine print of the legislation, but from 10,000 feet, I'd say that the executive and legislative branches are pulling in the same direction on this," said Kevin Hall, Kaine's press secretary.

Approval would mark a major change in how Virginia deals with roads, Athey said, and for good reason. Said simply, the road system created by Gov. Harry F. Byrd of Winchester in 1932 is broken almost beyond repair.

Virginia is one of four states that maintain secondary roads, rather than turning that job over to county governments. The Byrd Road Law of 1932 eventually saw all but two of Virginia's 95 counties hand over their roads to the state.

Byrd's vision kept counties from going bankrupt during the Great Depression, and it also helped focus development in and around urban centers, Athey said.

But the vision started to fall apart in the 1960s, when counties decided they wanted to reap the benefits of economic growth enjoyed by cities and towns.

That led legislators to grant counties the right to create industrial development authorities, and soon thereafter the power to create water and sewer service districts to serve industry.

With counties pursuing economic growth, the relationship between cities and counties changed drastically. Cities lost the right to annex, and counties began to provide urban-type services to residents who had moved out of cities into small towns or unincorporated suburbs.

This emerged Virginia's most recent municipal creature, the urban county: places like Fairfax, Loudoun, and Chesterfield counties.

"They are urban environments in counties," Athey said, and not what Byrd had in mind when he proposed his road overhaul in 1932.

Athey and Del. Jeff Frederick, R-Woodbridge, said their bills would restore the balance between urban and rural by encouraging urbanized counties to take over their own secondary road systems in exchange for the money that the state would have spent on the roads, plus the right to levy impact fees on "by right" development in rural areas.

Accountability is the order of the day, added Howell.

"About two miles from where I live is a little, hilly, two-lane road," he said. Stafford County leaders have allowed about 750 homes to be built along the road in the recent past, causing traffic problems.

Local governments under the current system can create traffic problems they don't have to fix, Howell said.

"Somebody is going to have to straighten that road out," he said. "Somebody is going to have to four-lane it at some point, and it's not going to be the county."

Athey took a slightly harder line toward local governments.

"Under our current system, the easiest job in the world is to be a supervisor approving a subdivision," he said. Supervisors can approve subdivisions and growth, and then "immediately start blaming the state" for associated traffic problems.

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