

On November 12, 2008, the joint subcommittee studying development and land use tools in Virginia's localities (House Joint Resolution 178/Senate Joint Resolution 70 - 2008) held its third meeting at 9:30 am in House Room C of the General Assembly Building in Richmond, VA.

According to House Joint Resolution 178 and Senate Joint Resolution 70, the joint subcommittee is charged with examining and monitoring "the transition to channeling development into Urban Development Areas, and" determining "if additional legislation is needed to help localities as they transition to Urban Development Areas." Moreover, the aforementioned resolutions require the joint subcommittee to "make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate." The relevant statutory provision of the Code of Virginia governing urban development is § 15.2-2223; also, the tenth enactment of Chapter 896 (2007)/House Bill 3202, as reenrolled, prescribes a deadline by which counties must adopt urban development areas.

Legislative members of the joint subcommittee in attendance were Chairman Athey, Vice-Chairman Vogel, Delegates Oder and Miller and Senator Lucas. Members who serve ex officio in attendance were Pierce Homer, Secretary of Transportation, and Alex Daniel, Assistant Secretary of Commerce and Trade and designee for the Secretary of Commerce.

Mr. William Lecos  
*Member (Mason District)*  
Tysons Land Use Task Force

Mr. Lecos delivered a presentation to the joint subcommittee entitled "Planning and Urban Design for Tysons Corner." He began by stating that the Tysons Land Use Task Force's mission is to transform Tysons Corner "from suburbia to a truly urban place" that is "built for people, not for cars." The goals of the task force are to make Tysons Corner a top downtown, nationally, where people want to reside and is known by green stewardship. To achieve that goal, Mr. Lecos testified that the task force focused growth on transit, on creating more jobs and residents in Tysons Corner, and on making Tysons Corner more environmentally friendly. Those factors driving the goals of the task force, according to Mr. Lecos, include: (1) the creation of a "people-focused urban setting" so that residential development is encouraged in nearly all of Tysons Corner; (2) a redesign of the transportation network so that modes of traveling (walking, biking, transit, cars) are balanced, 95% of development is within a short walk of transit, and urban streets exist within Tysons Corner; (3) a "strong emphasis on the environment" so that streams are restored, parks meet urban park standards, and the architecture and buildings are environmentally friendly; and (4) new authority for implementation of the task force's work. In sum, Mr. Lecos stated that the vision of the Tysons Land Use Task Force is that Tysons Corner is an environmentally-sustainable (as measured by its parks, restored streams, and "green" buildings), urban center of 200,000 jobs and 70,000 residents that contains a "variety of affordable and workforce housing choices" because twenty percent of the buildings contain residential units.

Dr. Sheryl Bailey  
*Executive Director*  
Virginia Resources Authority

Dr. Bailey delivered a presentation to the joint subcommittee entitled "Innovative Financing to Build Virginia Communities." After delivering an overview of the Virginia Resources Authority (VRA), Dr. Bailey discussed specifically how VRA's investments and financial support have made a difference in Virginia, such as funding more than 800 projects across the commonwealth since the inception of VRA. She next detailed the financing options VRA is able to provide localities in the commonwealth. Namely, Dr. Bailey stated that financing is available anytime and that localities can utilize revolving loan funds, participate in the Virginia Pooled Financing Program, or seek VRA equipment and term financing to undertake projects. Relating to urban development areas, Dr. Bailey stated that existing VRA tools can augment development by either establishing a VRA revolving loan fund for local infrastructure or combining initial capital investment with existing VRA Pooled Financing Program to maximize impact; however, the General Assembly must define loan eligibility criteria, but localities can "capitalize on VRA's proven record of getting investment to communities quickly."

Mr. Nick Donohue  
*Assistant Secretary of Transportation*  
Office of the Secretary of Transportation

Mr. Donohue delivered a presentation relating to new secondary street acceptance requirements. He stated that the requirements, which "will supersede and replace existing subdivision street requirements," are "a result of legislation introduced at the request of Governor Kaine and unanimously approved during the 2007 General Assembly Session." The intent of such requirements is to "ensure streets accepted into [the] state system for perpetual public maintenance provide public benefit." Mr. Donohue highlighted the connectivity requirements contained within the secondary street acceptance requirements, but noted that connectivity is not always feasible and that exceptions for land use incompatibility and automatic reductions for perimeter constraints (e.g., mountains, rivers) exist. He, however, noted the grandfathering provisions of the new secondary street acceptance requirements, namely that (1) "streets within a proffered plan of development, site plan/subdivision plat, preliminary subdivision plat or approved street construction plan may be accepted under former requirements," (2) "proposals officially accepted for review by a local government may be accepted under the former requirements at the request of the locality," and (3) the new requirements allow "previous area type requirements to apply when area type is modified after approval of development proposal." Also, Mr. Donohue stated that pedestrian accommodations required in the secondary street acceptance requirements are generally based on density and specifically stated what types of accommodations, if any, are required depending on the lot size. With respect to stormwater runoff, Mr. Donohue remarked that the "Virginia Department of Transportation has worked with the Department of Conservation and Recreation and the private sector to develop [a] list of innovative stormwater facilities that can be placed within Virginia Department of Transportation rights of way" because such placement is not currently permitted. Finally, Mr. Donohue stated that implementation of the new requirements includes the production by the Virginia Department of Transportation of "a guidance document to accompany regulation to assist local staff and developers" and the provision by the Virginia Department of Transportation of "outreach and training similar to the outreach and training that was provided for the traffic impact analysis regulations."

Mr. Alan Pollock  
*Water Quality Program Manager*

## Virginia Department of Environmental Quality

Mr. Pollock delivered a presentation to the joint subcommittee entitled "Progress Report on Nutrient Trading in the Chesapeake Bay Watershed of Virginia." After discussing the Chesapeake 2000 Agreement and tributary strategies, Mr. Pollock discussed the nutrient credit exchange legislation that was adopted in 2005. The legislation (1) "authorizes [the] Chesapeake Bay Watershed Nutrient Credit Exchange Program;" (2) "directs [the Department of Environmental Quality] to issue a watershed general permit for point source discharges of nutrients (nitrogen and phosphorus) to the Chesapeake Bay and its tributaries; and (3) authorizes the creation of the (non-profit) Virginia Nutrient Credit Exchange Association to assist the regulated community in complying with the watershed general permit. The purpose of utilizing a watershed general permit and market-based point source nutrient credit trading program is (a) to meet "the nutrient cap load allocations cost-effectively and as soon as possible in keeping with the 2010 timeline and objectives of the Chesapeake 2000 agreement;" (b) to accommodate "continued growth and economic development in the Chesapeake Bay watershed;" and (c) to provide "a foundation for establishing market-based incentives to help achieve the Chesapeake Bay Program's nonpoint source reduction goals." Mr. Pollock later discussed highlights of the Chesapeake Bay Watershed Nutrient General Permit, such as its January 1, 2007 being its effective date, it covering 124 significant and 23 non-significant discharges, and it having a compliance date of January 1, 2001. Furthermore, Mr. Pollack stated that a wastewater treatment facility can grow under nutrient caps by a locality acquire non-point source offsets, purchasing additional point source allocations from other plants, and upgrading to more advanced treatment. Finally, in relating point source nutrient load caps to urban development areas, Mr. Pollock noted that "nutrient loads discharged from treatment plants are capped [but] growth is not," and "lots of creative possibilities [are] provided through Nutrient Credit Exchange Program."

Mr. Jack Frye

*Director, Division of Soil and Water Conservation*  
Virginia Department of Conservation and Recreation

Mr. Frye delivered a presentation to the joint subcommittee entitled "Stormwater Management Requirements and Urban Development Areas." He began his presentation by discussing the statutory requirements for urban development areas and stormwater management. Next, Mr. Frye shared with subcommittee members the timeline in which proposed stormwater management regulations become effective and also shared the changes reflected in the proposed regulations. Namely, Mr. Frye testified that the changes "incorporate better site design and LID techniques into site design process" and "allow for regional approaches, pro-rata fees, exceptions, etc." According to Mr. Frye, key areas of compatibility exist between the statutory requirements for urban development area (e.g., "satisfaction requirements for stormwater management...and reduction of subdivision street widths..." and the proposed stormwater management regulatory requirements (e.g., reduction of impervious cover, such as narrower streets, reducing best management practice requirements). Finally, Mr. Frye analyzed the impacts of proposed regulations on higher density development and concluded that "initial evidence from studies indicates addressing stormwater requirements can be compatible with higher density development" and "stormwater requirements will address all development--of all densities and intensities to varying degrees, both within and outside of urban development areas."

Text found with quotations is attributable to the presenter of the respective presentation and such presentation can be found online at  
<http://dls.state.va.us/GROUPS/dlut/MEETINGS/111208/materials.htm>.

The next meeting of the joint subcommittee is scheduled for the late afternoon on January 13, 2009.