

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
ANNUAL RETREAT
February 17, 2011

- 9:30 1. Call to Order
- 9:31 2. Public Comment
- 9:37 3. Operating Budget - FY 2012
- 9:40 4. Regional Building Ownership
- 9:42 5. Sustainability: A Growing Federal Focal Area
- 9:46 6. Capabilities and Resources

CRITICAL ISSUES ON THE HORIZON

- 9:56 7. Issue: Regional Housing Service Portal
- 10:02 Discussion
- 10:12 8. Issue: Hazard Mitigation Planning and Implementation
- 10:18 Discussion
- 10:28 9. Issue: Priority Data Needs
- 10:34 Discussion
- 10:44 10. Issue: Regional Groundwater Policy
- 10:50 Discussion
- 11:00 11. Issue: Legal Assessment of Chesapeake Bay TMDL Appeal
- 11:05 Discussion
- 11:25 12. Consensus in Moving Forward
- 13. For Your Information

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #1: CALL TO ORDER

The meeting will be called to order by the Chair at 9:30 a.m.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #2: PUBLIC COMMENT PERIOD

Members of the public are invited to address the Hampton Roads Planning District Commission. Each speaker is limited to three minutes.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #3: OPERATING BUDGET - FY 2012

SUBJECT:

The HRPDC staff will be developing the FY 2012 Budget during the next three months.

BACKGROUND:

Revenues for FY 2012 are anticipated to be down from those in FY 2011. All indicators show the DHCD State Grant to remain at its lowest level in over ten years, and other state grants have been reduced. Nancy K. Collins, Chief Financial Officer, will provide a summary graph of the anticipated sources of revenues for the upcoming FY 2012. We anticipate continuing to fund various reserve accounts. A recap of the FY 2011 approved budgeted revenues and expenditures will also be provided.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #4: REGIONAL BUILDING OWNERSHIP

SUBJECT:

SPSA has advised the HRPDC of its desire for HRPDC to purchase its share of the Regional Board Room.

BACKGROUND:

When the Regional Board Room was constructed, it was completed under a cost-sharing arrangement between the HRPDC and SPSA. The cost share was approximately 1/3 SPSA and 2/3 HRPDC. SPSA has requested the HRPDC purchase its share of the Board Room through reimbursing SPSA for its initial investment of approximately \$346,000. SPSA's use of the Board Room has declined significantly over the past several years. At this point, SPSA is using the Board Room approximately one day per month.

If approved by the HRPDC, staff recommends a change in the ownership split for the Regional Building between the two organizations with the HRPDC share increasing. This action would also impact the division of operating costs between the two agencies, which impacts the annual HRPDC Operating Budget.

HRPDC Executive Director Dwight Farmer will brief the Commission on this matter, preparatory to Commission consideration at the March 2011 Executive Committee meeting.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #5: SUSTAINABILITY: A GROWING FEDERAL FOCAL AREA

SUBJECT:

Sustainability is the theme of the FY 2012 Retreat. It is the topic identified as the link among a number of the federal and state grant programs used by the HRPDC to support its programs.

BACKGROUND:

The HRPDC staff has identified sustainability as a central theme to the several critical issues facing Hampton Roads. HRPDC Executive Director Dwight Farmer will provide a brief overview of sustainability as the organizing theme to the FY 2011 Retreat and the linkage among the HRPDC capabilities and resources as well as the critical issues to be discussed by the Commission and staff.

To support this discussion, attached is a briefing paper prepared by the three lead federal partners in the interagency Partnership for Sustainable Communities. This paper highlights the six livability principles, which have been incorporated into a number of the federal programs.

DISCUSSION

Attachment 5

Partnership *for* Sustainable Communities



SUPPORTING ENVIRONMENTAL JUSTICE AND EQUITABLE DEVELOPMENT

On June 16, 2009, U.S. Department of Transportation (DOT) Secretary Ray LaHood, U.S. Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, and U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson announced the formation of an interagency Partnership for Sustainable Communities. This action marked a fundamental shift in the way the federal government structures its transportation, housing, and environmental policies, programs, and spending, and Americans are already seeing the impacts. The three agencies are working together to support urban, suburban, and rural communities' efforts to expand housing and transportation choices, protect their air and water, attract economic growth, and provide the type of development residents want.

Sustainable communities are places that provide homes working families can afford; safe, reliable, and economical transportation options; and access to jobs, schools, parks, shopping, and cultural destinations. Not only do all of their residents enjoy the same protection from environmental and health hazards, but they also share in the economic and social benefits that can come from development. By coordinating housing, transportation, and other infrastructure investments, the Partnership is promoting reinvestment in existing communities,

PARTNERSHIP FOR SUSTAINABLE COMMUNITIES GUIDING LIVABILITY PRINCIPLES

- ✓ Provide more transportation choices.
- ✓ Promote equitable, affordable housing.
- ✓ Enhance economic competitiveness.
- ✓ Support existing communities.
- ✓ Coordinate and leverage federal policies and investment.
- ✓ Value communities and neighborhoods.

expanding residents' access to employment and educational opportunities, and catalyzing community revitalization that uplifts people of all ages, incomes, races, and ethnicities.

HUD, DOT, and EPA have worked together to distribute nearly \$2 billion in grants that support vital transportation infrastructure, equitable comprehensive planning, and brownfields cleanup and reuse. Some grants are targeted to areas where disinvestment and industrial pollution have left a legacy of abandoned and contaminated sites. Other grants require recipients





The Fairmount commuter rail corridor in Boston's low-income neighborhoods of Roxbury, Dorchester, and Mattapan is one of the Partnership's Brownfields Pilots. The photo and rendering show the area around the Uphams Corner station before and after transit upgrades and planned redevelopment.

Team-EJ, the Partnership's Environmental Justice Working Group

The Partnership created Team-EJ, a working group focused on the connections between environmental justice and sustainable communities. Team-EJ, chaired by EPA's Office of Environmental Justice, is working with the Partnership to better understand how the three agencies can integrate environmental justice and sustainable community goals and use their

to have clear plans for involving underserved populations in their proposed activities. The three agencies are also working to integrate sustainability and environmental justice into their programs and to remove federal regulatory and policy barriers to sustainable community development in distressed areas.

The Partnership is also helping to build the capacity of environmental justice and equitable development organizations to engage in planning their neighborhoods' and regions' futures. A working group is examining how the Partnership can support the efforts of environmental justice communities to achieve sustainability. Additionally, the three agencies help to convene an annual Equitable Development Workshop offering information and training on current policy trends, opportunities for collaboration, and successful initiatives around the country.

PROGRESS TOWARD MORE SUSTAINABLE COMMUNITIES AND MORE EQUITABLE DEVELOPMENT

In its first year, the Partnership has undertaken several projects that bring together environmental justice, equitable development, and sustainable communities.

existing resources to address environmental justice needs. The group produced the *Environmental Justice and Sustainability Deskbook* to provide information on the resources available to communities through EPA, HUD, and DOT. The deskbook will be available at www.epa.gov/smartgrowth.

HUD Sustainable Communities Regional Planning Grants

In October 2010, HUD awarded \$100 million to support metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments. HUD, DOT, and EPA screened grant applications for engagement of populations not typically involved in planning, such as low-income people, minorities, people with limited English proficiency, youth, seniors, and persons with disabilities. Extra points were awarded to communities in economic distress. With comprehensive regional plans created through an inclusive process, communities can better address the interdependent challenges of economic competitiveness, revitalization, social equity and access to opportunity, public health, environmental protection, and climate change.

“ By working together, [HUD, DOT, and EPA] can make sure that when it comes to development—housing, transportation, energy efficiency—these things aren't mutually exclusive; they go hand in hand. And that means making sure that affordable housing exists in close proximity to jobs and transportation. That means encouraging shorter travel times and lower travel costs. It means safer, greener, more livable communities.

—President Barack Obama

Joint DOT TIGER II-HUD Community Challenge Grants

For the first time, DOT and HUD joined forces to award \$68 million—\$28 million in transportation planning grants from the second round of TIGER (Transportation Investment Generating Economic

Recovery) funds and \$40 million in HUD Community Challenge Planning Grants to support local planning activities that integrate transportation, housing, and economic development. Again, HUD, DOT, and EPA screened grant applications for the engagement of underserved populations and economic distress.

JACKSONVILLE ENVIRONMENTAL JUSTICE SHOWCASE COMMUNITY

EPA's Environmental Justice Showcase Communities program convenes federal agencies, state and local government entities, non-governmental organizations, and other stakeholders to help underserved communities shape their neighborhoods' futures. One Environmental Justice Showcase Community—Jacksonville, Florida—is receiving assistance from the Partnership to help address local environmental, health, and economic challenges. EPA, HUD, and DOT representatives participated in the project's kickoff event, where they toured the northeastern part of the city, a disadvantaged area with several Superfund and brownfield sites and high rates of heart disease, cancer, diabetes, asthma, and infant mortality.

The agencies are supporting the local partners' vision, which includes a community health center designed using green building techniques and located on a cleaned-up brownfield site close to public transportation, community gardens, parks, and other recreational opportunities. The center may also provide training for health care jobs in partnership with historically black colleges and universities. Building on the momentum around the showcase initiative, HUD Region IV has selected the Jacksonville pilot as a Partnership for Sustainable Communities Signature Project and will explore how housing can be used to make HUD-assisted low-income households more economically self sufficient.



During the initiative's kickoff event in April 2010, community leaders talked with federal and local government officials and private-sector partners on one of the contaminated sites slated for redevelopment.



“ We are delighted that EPA, HUD, and other federal agencies are working with us to tackle our environmental justice issues. The Partnership for Sustainable Communities can help us build on the important work of our local partners and create a green, healthy, and sustainable community in which we can live, work, and play. ”

Wynetta Wright, Director, Eastside Environmental Council, Inc., Jacksonville



Communities can work with environmental justice and equitable development groups to make sure that all the members of a community have a chance to be engaged in planning and visioning efforts.

Brownfields Area-Wide Planning Pilot Initiative

In October 2010, in collaboration with HUD, DOT, and other agencies, EPA's Brownfields Area-Wide Planning Pilot Initiative awarded \$4 million to 23 communities, many of which are economically disadvantaged. The grants will support the creation of plans that integrate site cleanup and reuse and address community needs such as housing, health facilities, recreation, and job creation.

Brownfields Pilot Communities

In 2009, EPA, HUD, and DOT selected five pilot communities—Boston; Indianapolis; Iowa City, Iowa; Denver; and National City, California—that are dealing with economic distress, multiple brownfield sites, and a lack of affordable housing, but that have public transit around which to center revitalization efforts. The three agencies are providing technical assistance to help these communities clean up and reuse contaminated and vacant properties and minimize displacement

by supporting affordable housing around transit. The Partnership will use lessons learned from the pilots to make future federal investments more effective in economically disadvantaged places. The agencies considered environmental justice criteria when selecting the pilots.

Equitable Development Workshop

The three agencies, along with the Local Government Commission, convene an annual Equitable Development Workshop in conjunction with the New Partners for Smart Growth Conference. The workshop facilitates collaboration between smart growth and environmental justice stakeholders and build the capacity of community-based organizations to engage in planning and development in their neighborhoods and regions. Panel and training topics include leveraging federal funding, collaborating with state and local government, and financing equitable development. More information can be found at www.newpartners.org.

RESOURCES

HUD Office of Sustainable Housing and Communities:
<http://www.hud.gov/sustainability>

DOT Livability Page:
<http://www.dot.gov/livability>

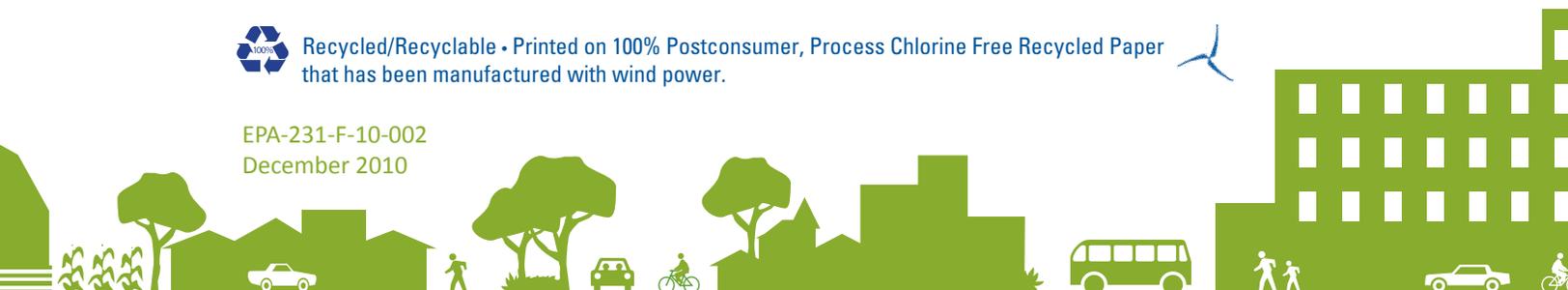
EPA Office of Sustainable Communities:
<http://www.epa.gov/smartgrowth/osc/index.htm>

EPA Office of Environmental Justice:
<http://www.epa.gov/compliance/environmentaljustice/index.html>



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December 2010



AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #6: CAPABILITIES AND RESOURCES

SUBJECT:

The HRPDC staff offers a broad range of technical capabilities to support the Hampton Roads localities.

BACKGROUND:

HRPDC staff will provide a brief overview of staff resources and capabilities that are available to support the Commission and the member localities. The overview will highlight a number of ongoing regional programs and initiatives.

The following staff will provide the overview:

Greg Grootendorst, Chief Economist

Jimontanae (Jay) McBride, Principal Regional Planner

Julia B. Hillegass, Public Information and Community Affairs Administrator

Richard R. Flannery, Emergency Management Administrator

Whitney S. Katchmark, Principal Water Resources Planner

DISCUSSION

AGENDA NOTE – HRPDC ANNUAL RETREAT

ITEM #7: REGIONAL HOUSING SERVICE PORTAL

SUBJECT:

There are numerous housing service agencies across the Hampton Roads region, but no centralized place to access information about the provision of services. Utilizing information collected from the HRPDC and partner agencies, a centralized database can be made to create a “one-stop shop” approach to making information on services and programs readily accessible to the public.

ISSUES:

There are numerous housing related organizations in Hampton Roads that provide varied downpayment/closing cost assistance, first-time homebuyer education, foreclosure prevention, rental counseling, and housing services for persons with disabilities. As there is no centralized place to gather information on available service providers, citizens seeking assistance as well as other service providers routinely contact the Housing and Human Services Manager at HRPDC.

HRPDC staff and partner organizations have been in the process of collecting and organizing information related to the provision of housing services in Hampton Roads, in accordance with the Unified Planning Work Program for FY2011. This information can be a valuable resource to citizens seeking housing services, as well as for local governments, non-profit organizations, and housing service agencies when attempting to provide assistance for those requiring housing support.

Several options are available in making this resource available to the public. Housing and Human Services Manager, Ms. Shernita Bethea, will brief the Commission regarding staff efforts, and seek input on moving forward towards a web-based regional housing service portal.

DISCUSSION

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #8: HAZARD MITIGATION PLANNING AND IMPLEMENTATION

SUBJECT:

Hazard mitigation: any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. Implementing regional hazard mitigation goals and objectives will be supported by HRPDC Emergency Management staff upon adoption of the updated Hazard Mitigation Plans.

ISSUES:

Multiple Hazard Mitigation Plans (Peninsula, Poquoson, South Hampton Roads, Chesapeake, Southampton County, and Franklin) were originally created and updated (are in the process of being updated) as required by the Disaster Mitigation Act of 2000 to support eligibility for the National Flood Insurance Program, federal funding for mitigation activities, and funding opportunities from disaster declarations. The updates involved an evaluation and revision of the planning process, capability assessment, Hazard Identification and Risk Assessment (HIRA), vulnerability assessment, and the plan maintenance section. As such, mitigation strategies were either updated and/or changed to reflect regional and locality mitigation specific goals and objectives to better prepare Hampton Roads for the risks associated with the hazards addressed in the plan.

To achieve goals, a range of activities is needed to focus on improving general public information on the various aspects of hazard prevention and mitigation, increasing the level of regulatory review in regard to new development with hazards in mind, and providing various public improvements through the goals and objectives adopted, which will:

- Help communities become more sustainable and disaster resistant through implementing the most appropriate mitigation actions, based on the knowledge gained in the hazard identification and loss estimation process;
- Allows the region and/or localities to focus efforts on the hazard areas most important by determining and setting priorities for mitigation planning efforts; and
- Can save money by providing a forum for engaging in partnerships that provide the technical, financial, and staff resources with efforts to reduce the effects of natural and manmade hazards.

The implementation process puts your planning team's hard work into motion and focuses on the actions necessary to establish and maintain the effectiveness of the plan as a fundamental tool for risk reduction.

HRPDC Emergency Management Administrator Richard Flannery will provide a brief presentation.

DISCUSSION

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #9: PRIORITY DATA NEEDS

SUBJECT:

Hampton Roads' Priority Data Needs

ISSUES:

Gaining intelligence through the ability to utilize technology to its fullest potential is one of the most valuable assets the Hampton Roads Region can obtain. It is important that the region understands that in order to become more technologically intelligent, the region must first address its priority data needs. Accomplishing this process is not only important for the success of this region; it is also critical for this region's survival.

The HRPDC staff has identified several needs for consistent regional data, which is of reasonably high resolution and accuracy to support local and regional initiatives to address sea level rise, hazard mitigation, stormwater and water quality management, green infrastructure, comprehensive plans and infrastructure planning.

HRPDC Principal Regional Planner Ms. Jay McBride will brief the Commission on these data needs.

DISCUSSION

AGENDA NOTE – HRPDC ANNUAL RETREAT

ITEM #10: REGIONAL GROUNDWATER POLICY

SUBJECT:

The Department of Environmental Quality (DEQ) issues groundwater withdrawal permits. DEQ has determined that it has over allocated the groundwater resources in the Eastern Virginia Groundwater Management Area. The existing regulations do not set priorities for groundwater use and DEQ is struggling to find a better approach for allocating groundwater. If the region develops a policy that identifies priorities for the allocation of groundwater, it could significantly influence the state's policies and permitting program and provide for beneficial water uses in the best interest of the public trust.

ISSUES:

Water level measurements in observation wells and the regional groundwater model both indicate that current groundwater use exceeds the amount of rainwater that is recharging the groundwater system. Current withdrawals have not created significant problems in the region, although some homeowners have had to lower their pumps. However, if current withdrawal rates continue or increase, the groundwater users will likely experience the cumulative impacts of declining water levels. Impacts could include: domestic wells going dry; construction of more private wells at deeper depths and larger pump capacities; political and public pressure on utilities to extend public water and sewer systems; litigation against State agencies, public utilities, and large private groundwater users; and shortage of groundwater to support new businesses or business expansion outside of public water system service areas.

The HRPDC's Directors of Utilities Committee guides the regional groundwater program which includes monitoring water levels and chloride concentrations, the development of a regional groundwater model, and administration of the regional mitigation program. However, a comprehensive policy on groundwater use should also include land use planning and economic development concerns to evaluate the impact of a policy on the overall future and sustainability of the localities.

Principal Water Resources Planner, Ms. Whitney Katchmark, will provide a description of the groundwater system and regulations and seek input on moving forward towards establishing a workgroup to develop a regional groundwater policy.

DISCUSSION

AGENDA NOTE – HRPDC ANNUAL RETREAT

ITEM #11: LEGAL ASSESSMENT OF CHESAPEAKE BAY TMDL APPEAL

SUBJECT:

The U.S. Environmental Protection Agency has completed the Chesapeake Bay TMDL, which has significant economic and legal implications for the Hampton Roads localities.

ISSUES:

HRPDC submitted comments to the Environmental Protection Agency (EPA) and Virginia regarding the draft Chesapeake Bay TMDL on November 8, 2010. The EPA released the final TMDL and provided responses to comments on December 29, 2010. The HRPDC comments were organized around the following points:

1. EPA has not provided reasonable assurance that the urban runoff sector allocations can be achieved by 2025.
2. EPA does not have the legal authority to establish a deadline in the TMDL.
3. EPA has failed to provide the localities with a reasonable opportunity to review, evaluate, and comment on the basis for the proposed allocations.
4. The Phase 5.3 model and model inputs are not sufficiently developed to produce reliable predictions.
5. The modeling predictions do not justify use of the chlorophyll-a criteria as the basis for the James River Basin allocations.

Mr. Dave Evans, McGuire Woods, legal consultant to the HRPDC, will brief the Commission on the EPA's responses and provide his evaluation of appealing the Chesapeake Bay TMDL based on these five points. He previously led an extensive discussion on this topic with local government attorneys on January 25, 2011.

DISCUSSION

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #12: CONSENSUS IN MOVING FORWARD

SUBJECT:

Determine direction forward on the critical issues.

BACKGROUND:

The HRPDC staff will present a series of slides reflecting the results of the discussion of each of the critical issues. These slides will be developed in real time as the Commission discusses each of the issues and reaches a conclusion on the critical issues for incorporation into the FY 2012 UPWP.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #13: FOR YOUR INFORMATION

A. HRPDC ORGANIZATION CHART

A number of HRPDC Board members have requested a copy of the HRPDC organizational chart. Attached is a copy.

B. CODE OF VIRGINIA

Attached is a copy of the Virginia Code dealing with Planning District Commissions. The Regional Cooperation Act, Section 15.2-4200, et.seq., sets forth the powers and responsibilities of the state's 21 Planning District Commissions.

C. CHESAPEAKE BAY TMDL – PHASE II WATERSHED IMPLEMENTATION PLAN

Attached is a letter from Dwight L. Farmer to Virginia Secretary of Natural Resources Doug Domenech requesting that the state develop guidelines for local governments on development of the Phase II Watershed Implementation Plan. This reflects discussion at the January 20, 2011 Commission meeting and the February 3, 2011 meeting of the HRPDC Joint Environmental Committee.

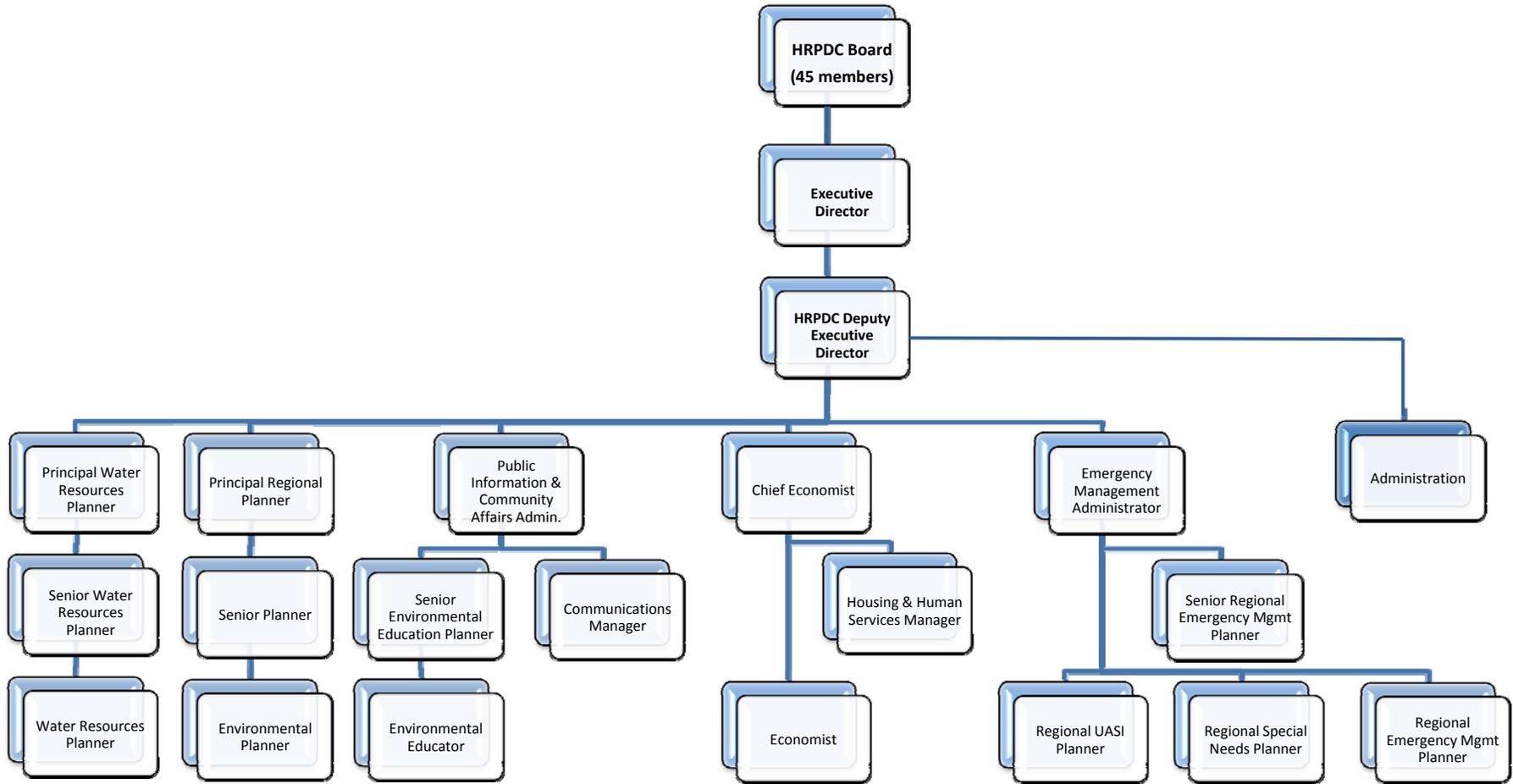
D. MARCH 2011 MEETING – REMINDER

At the January 20, 2011, the Commission set the February and March 2011 meetings for the third Thursday of the month. The March Executive Committee Meeting will be held on March 17, 2011 at 9:30 AM.

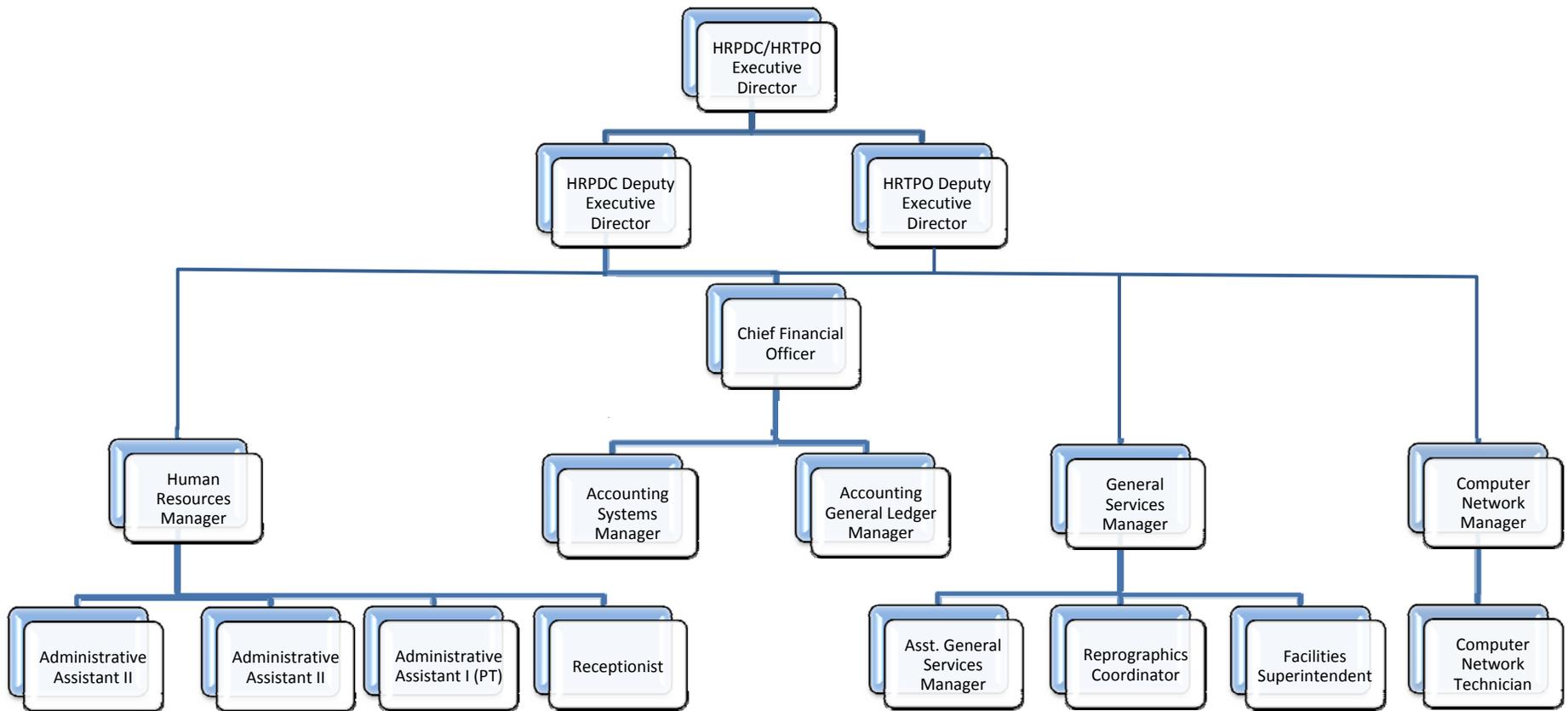
Attachments

- 13A – HRPDC Organization Chart
- 13B – Regional Cooperation Act
- 13C – Letter from Dwight L. Farmer

Hampton Roads Planning District Commission



HRPDC/HRTPO Administration



Code of Virginia

§ 15.2-4200. Short title.

This chapter shall be known and may be cited as the "Regional Cooperation Act."

(1968, c. 224, § 15.1-1400; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4201. Purpose of chapter.

This chapter is enacted:

1. To improve public health, safety, convenience and welfare, and to provide for the social, economic and physical development of communities and metropolitan areas of the Commonwealth on a sound and orderly basis, within a governmental framework and economic environment which will foster constructive growth and efficient administration.
2. To provide a means of coherent articulation of community needs, problems, and potential for service.
3. To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the Commonwealth.
4. To provide a forum for state and local government on issues of a regional nature.
5. To encourage regional cooperation and coordination with the goals of improved services to citizens and increased cost-effectiveness of governmental activities.
6. To deter the fragmentation of governmental units and services.

(1968, c. 224, § 15.1-1401; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4202. Definitions.

For the purposes of this chapter:

"Commission" means a planning district commission. Planning district commissions are composed of the duly appointed representatives of the localities which are parties to the charter agreement.

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development.

"Population," unless a different census is clearly set forth, means the number of inhabitants according to the United States census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available an annual estimate of population prepared by the Weldon Cooper Center for Public

Service of the University of Virginia, which has been filed with the Department of Housing and Community Development, in which event the estimate shall govern.

(1968, c. 224, § 15.1-1402; 1976, c. 760; 1986, c. 164; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4203. Organization of planning district commission.

A. At any time after the establishment of the geographic boundaries of a planning district, the localities embracing at least 45 percent of the population within the district acting by their governing bodies may organize a planning district commission by written agreement. Any locality not a party to such charter agreement shall continue as a part of the planning district but, until such time as such locality elects to become a part of the planning district commission as hereinafter provided, shall not be represented in the composition of the membership of the planning district commission. Whenever a planning district is created which contains only two counties, the governing body of either county may organize a planning district commission in accordance with the provisions of this chapter if the governing body of the other county does not agree to organize such a planning district commission.

B. The charter agreement shall set forth:

1. The name of the planning district. An entity organized as a planning district commission under this act may employ the name "regional council" or "regional commission" as a substitute for the name "planning district commission."
2. The locality in which its principal office shall be situated.
3. The effective date of the organization of the planning district commission.
4. The composition of the membership of the planning district commission. At least a majority of its members shall be elected officials of the governing bodies of the localities within the district, or members of the General Assembly, with each county, city and town of more than 3,500 population having at least one representative. In any planning district other than planning district number 23, a town of 3,500 or less population may petition the planning district commission to be represented thereon. The planning district commission may, in its discretion, grant representation to such town by a majority vote of the members of the commission. Other members shall be qualified voters and residents of the district. In planning districts number 4 and 14, the membership may also include representatives of higher education institutions. Should the charter agreement, as adopted, so provide, an alternate may serve in lieu of one of the elected officials of each of the governing bodies of the participating localities.
5. The term of office of the members, their method of selection or removal and the method for the selection and the term of office of a chairman.
6. The voting rights of members. Such voting rights need not be equal and may be weighed on the basis of the population of the locality represented by the member, the aggregation of the voting rights of members representing one locality, or otherwise.

7. The procedure for amendment, for addition of other localities within the planning district which are not parties to the original charter agreement, and the withdrawal from the charter agreement by localities within the planning district electing to do so.

C. The governing body of any locality which is a member of the planning district commission may provide for compensation to be paid by it for its commission members, except for any full-time salaried employees of the locality. The amount of such compensation shall not exceed the amount fixed by the planning district commission.

(1968, c. 224, § 15.1-1403; 1970, cc. 303, 703; 1972, c. 595; 1973, c. 176; 1982, c. 660; 1989, c. 49; 1993, c. 838; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686; 2000, c. 984; 2005, c. 819.)

§ 15.2-4204. Disposition of earnings and assets of planning district commissions.

No part of the net earnings of any planning district commission organized under the provisions of this chapter shall inure to the benefit of, or be distributable to, any of its members, officers or other private persons, other than to its member localities as provided in this chapter. However, the commission may pay reasonable compensation for services rendered and make payments and distributions in furtherance of the purposes of a planning district commission as set forth in this chapter and in its charter and bylaws. Upon the dissolution or termination of any planning district commission, it shall, after paying or making provisions for the payment of its liabilities, distribute its assets to its member localities, pro rata, based upon the formula used to determine local government dues to the commission.

(1989, c. 178, § 15.1-1403.1; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4205. Powers of commission generally.

A. Upon organization of a planning district commission, pursuant to charter agreement, it shall be a public body corporate and politic, the purposes of which shall be to perform the planning and other functions provided by this chapter, and it shall have the power to perform such functions and all other powers incidental thereto.

B. Without in any manner limiting or restricting the general powers conferred by this chapter, the planning district commission may:

1. Adopt and have a common seal and to alter the same at pleasure.

2. Sue and be sued.

3. Adopt bylaws and make rules and regulations for the conduct of its business; however, a planning district commission shall not amend its budget once adopted during the applicable fiscal year except pursuant to an affirmative vote of the same number of the entire membership of the planning district commission required to adopt the budget.

4. Make and enter into all contracts or agreements, as it may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter.

5. Apply for and accept, disburse and administer, for itself or for member localities so requesting, loans and grants of money or materials or property at any time from any private or charitable source or the United States of America or the Commonwealth, or any agency or instrumentality thereof.
6. Exercise any power usually possessed by private corporations, including the right to expend such funds as may be considered by it to be advisable or necessary in the performance of its duties and functions.
7. Employ engineers, attorneys, planners, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and prescribe their powers and duties and fix their compensation.
8. Do and perform any acts and things authorized by this chapter through or by means of its own officers, agents and employees, or by contracts with any persons.
9. Execute instruments and do and perform acts or things necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this chapter.
10. Create an executive committee which may exercise the powers and authority of the planning district commission under this chapter. The chairman of the planning district commission shall serve as a member and as the chairman of the executive committee. The composition of the remaining membership of the executive committee, the term of office of its members and any alternate members, their method of selection or removal, the voting rights of members, procedures for the conduct of its meetings, and any limitations upon the general authority of the executive committee shall be established by the bylaws of the planning district commission. Any planning district commission may establish such other special and standing committees, advisory, technical, or otherwise, as it deems desirable for the transaction of its affairs.

(1968, c. 224, § 15.1-1404; 1975, c. 83; 1986, c. 164; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4206. Additional powers of planning district commissions.

Planning district commissions may, in addition to and not in limitation of all other powers granted by this chapter:

1. Acquire, lease, sell, exchange, donate and convey its projects, property or facilities in furtherance of the purposes of planning district commissions as set forth in this chapter;
2. Issue its bonds, notes or other evidences of indebtedness, whether payable solely out of the revenues and receipts derived or to be derived from the leasing, sale or other disposition or use of such projects, property or facilities or otherwise, for the purpose of carrying out any of its powers or purposes set forth in this chapter; and
3. As security for the payment of the principal of and premium, if any, and interest on any such bonds, notes or other evidences of indebtedness, mortgage and pledge its projects, property or facilities or any part or parts thereof and pledge the revenues therefrom or from any part thereof.

(1989, c. 178, § 15.1-1404.1; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4207. Purposes of commission.

A. It is the purpose of the planning district commission to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this chapter is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. Functional areas warranting regional cooperation may include, but shall not be limited to: (i) economic and physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) transportation; (iv) criminal justice; (v) emergency management; (vi) human services; and (vii) recreation.

Types of regional cooperative arrangements that commissions may pursue include but are not limited to (i) the facilitation of revenue sharing agreements; (ii) joint service delivery approaches; (iii) joint government purchasing of goods and services; (iv) regional data bases; and (v) regional plans.

B. The planning district commission shall also promote the orderly and efficient development of the physical, social and economic elements of the district by planning, and encouraging and assisting localities to plan, for the future. If requested by a member locality or group of member localities and to the extent the commission may elect to act, the commission may assist the localities by carrying out plans and programs for the improvement and utilization of their physical, social and economic elements. The commission shall not, however, have a legal obligation to perform the functions necessary to implement the plans and policies established by it or to furnish governmental services to the district.

C. The authority of the commission includes the power, to the extent the commission may from time to time determine, when requested to do so by a member locality or group of member localities, (i) to participate in the creation or organization of nonprofit corporations to perform functions or operate programs in furtherance of the purposes of this chapter; (ii) to perform such functions and to operate such programs itself; (iii) to contract with nonprofit entities, including localities, performing such functions or operating such programs to provide administrative, management, and staff support, accommodations in its offices, and financial assistance; and (iv) to provide financial assistance, including matching funds, to interdistrict entities which perform governmental or quasi-governmental functions directly benefiting the commission's district and which are organized under authority of the Commonwealth or of the federal government.

D. Nothing herein shall be construed to permit the commission to perform functions, operate programs, or provide services within and for a locality if the governing body of that jurisdiction opposes its doing so.

(1968, c. 224, § 15.1-1405; 1972, c. 814; 1975, c. 381; 1984, c. 739; 1986, c. 164; 1991, c. 208; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4208. General duties of planning district commissions.

Planning district commissions shall have the following duties and authority:

1. To conduct studies on issues and problems of regional significance;
2. To identify and study potential opportunities for state and local cost savings and staffing efficiencies through coordinated governmental efforts;
3. To identify mechanisms for the coordination of state and local interests on a regional basis;
4. To implement services upon request of member localities;
5. To provide technical assistance to state government and member localities;
6. To serve as a liaison between localities and state agencies as requested;
7. To review local government aid applications as required by §15.2-4213 and other state or federal law or regulation;
8. To conduct strategic planning for the region as required by §§15.2-4209 through 15.2-4212;
9. To develop regional functional area plans as deemed necessary by the commission or as requested by member localities;
10. To assist state agencies, as requested, in the development of substate plans;
11. To participate in a statewide geographic information system, the Virginia Geographic Information Network, as directed by the Department of Planning and Budget; and
12. To collect and maintain demographic, economic and other data concerning the region and member localities, and act as a state data center affiliate in cooperation with the Virginia Employment Commission.

(1995, cc. 732, 796, § 15.1-1405.1; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4209. Preparation and adoption of regional strategic plan.

A. Except in planning districts in which regional planning is conducted by multi-state councils of government, each planning district commission shall prepare a regional strategic plan for the guidance of the district. The plan shall concern those elements which are of importance in more than one of the localities within the district, as distinguished from matters of only local importance. The plan shall include regional goals and objectives, strategies to meet those goals and objectives and mechanisms for measuring progress toward the goals and objectives. The strategic plan shall include those subjects necessary to promote the orderly and efficient development of the physical, social and economic elements of the district such as transportation, housing, economic development and environmental management. The plan may be divided into parts or sections as the planning district commission deems desirable. In developing the regional

strategic plan, the planning district commission shall seek input from a wide range of organizations in the region, including local governing bodies, the business community and citizen organizations.

B. Before the strategic plan is adopted, it shall be submitted to the Department of Housing and Community Development and to the governing body of each locality within the district for a period of not less than thirty days prior to a hearing to be held by the planning district commission thereon, after notice as provided in §15.2-2204. Each such local governing body shall make recommendations to the planning district commission on or before the date of the hearing with respect to the effect of the plan within its locality. The Department of Housing and Community Development shall notify the planning district commission prior to the hearing as to whether the proposed strategic plan conflicts with plans of adjacent planning districts.

C. Upon approval of the strategic plan by a planning district commission after a public hearing, it shall be submitted to the governing body of each locality (excluding towns of less than 3,500 population unless members of the commission) within the district for review and possible adoption. The plan shall become effective with respect to all action of a planning district commission upon approval by the planning district commission. The plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

D. The adopted strategic plan shall be submitted within thirty days of adoption to the Department of Housing and Community Development for information and coordination purposes.

(1968, c. 224, § 15.1-1406; 1976, c. 760; 1981, c. 315; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4210. Commission to act only in conformity with regional strategic plan.

When the strategic plan becomes effective as the district plan, the planning district commission shall not, except as provided in the plan, establish any policies or take any action which, in its opinion, is not in conformity with the plan.

(1968, c. 224, § 15.1-1407; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4211. Amendment of regional strategic plan.

The strategic plan may be amended in the same manner as provided for the original approval and adoption of the plan. However, if the planning district commission determines that a proposed amendment has less than districtwide significance, such amendment may be submitted only to the governing bodies of those localities which the planning district commission determines to be affected. The amended strategic plan shall be submitted within thirty days of amendment to the Department of Housing and Community Development.

(1968, c. 224, § 15.1-1408; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4212. Review of regional strategic plan by commission.

At least once every five years the regional strategic plan shall be revised and formally approved by the planning district commission. The revised plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

(1968, c. 224, § 15.1-1409; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4213. Commission to be informed of applications for state or federal aid by local governing bodies.

In each planning district in which a planning district commission has been organized, the governing body of each locality shall make available to the planning district commission a summary of applications to agencies of the state or federal government for loans or grants-in-aid for local projects. Submission of the summary of applications is for informational purposes only, unless otherwise directed by state or federal regulations or laws.

(1968, c. 224, § 15.1-1410; 1972, c. 599; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4214. Cooperation and consultation with other agencies.

A planning district commission may cooperate with other planning district commissions, councils of governments, or the legislative and administrative bodies and officials of other districts or localities within or outside a district, so as to coordinate the planning, development and services of a district with the plans and services of other districts and localities and the Commonwealth. A planning district commission may appoint committees and adopt rules to effect such cooperation. A planning district commission shall also cooperate with the Department of Housing and Community Development and use advice and information furnished by such Department and by other state and federal officials, departments and agencies. Such Department and such officials, departments and agencies having information, maps and data pertinent to the planning and development of a district may make the material, together with services and funds, available for use of a planning district commission.

All agencies of the Commonwealth shall notify the Department of Housing and Community Development prior to engaging in planning activities which will require planning district commission participation. State agencies are encouraged to consult with planning district commissions in the development of regional plans and services and for data collection.

(1968, c. 224, § 15.1-1411; 1976, cc. 488, 760; 1977, c. 613; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4215. Annual report required.

Each planning district commission shall submit an annual report by September 1 to its member local governments and the Department of Housing and Community Development in accordance with a format prescribed by the Department. The annual report shall contain at a minimum a description of the activities conducted by the planning district commission during the preceding fiscal year, including how the commission met the provisions of this chapter, and information

showing the sources and amounts of funding provided to the commission. The Department of Housing and Community Development shall summarize the annual reports in a report to be distributed in accordance with § 36-139.6.

(1995, cc. 732, 796, § 15.1-1411.1; 1997, c. 587.)

§ 15.2-4216. State aid.

A. Upon the organization of a planning district commission, it shall be entitled to receive state financial support to assist it in carrying out its purposes. Such state aid shall be in an amount as provided in the general appropriations act. In order to be allocated such state aid, each planning district commission shall prepare and submit an annual report, as required in § 15.2-4215, which details its compliance with the provisions of this chapter, and an annual work program of activities proposed for the next fiscal year. The fiscal year of the planning district commission shall end June 30.

B. If two planning districts are merged pursuant to § 15.2-4221, the new district shall be entitled to receive the combined amount of aid to which the two districts it replaced separately would have been entitled for five years from the effective date of the merger.

(1968, c. 224, § 15.1-1412; 1977, c. 613; 1985, c. 127; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4217. Regional Cooperation Incentive Fund created; administration thereof.

A. There is hereby created a Regional Cooperation Incentive Fund for the purpose of encouraging inter-local strategic and functional area planning and other regional cooperative activities. The Fund shall be administered by the Department of Housing and Community Development. Fund availability is subject to the Appropriation Act.

B. From time to time the General Assembly and the Governor may designate specific functional areas or activities which are to be given highest priority for funding, including but not limited to economic development, criminal justice, solid waste management, water supply, emergency management and transportation.

C. Disbursements from the Regional Cooperation Incentive Fund shall be made on a matching grant basis to planning district commissions. The Department of Housing and Community Development shall promulgate regulations for the administration of the funds, including application forms, eligibility requirements and terms and duration of grants. In establishing regulations, the following criteria shall be met:

1. The planning district commission or member localities must provide, at a minimum, a twenty-five percent match to the grant; and
2. Any project for which a grant is sought shall use private initiative and enterprise insofar as feasible, and emphasize coordination of available governmental and private financial and technical resources.

D. The Department of Housing and Community Development shall require periodic reports from grant recipients concerning progress of the project and the use of funds.

(1995, cc. 732, 796, § 15.1-1412.1; 1997, c. 587.)

§ 15.2-4217.1. Specialized Transportation Incentive Fund.

The Specialized Transportation Incentive Fund (the "Fund") is established and shall be used to assist participating planning districts in the development of coordinated specialized transportation plans and projects. In order to be eligible to receive monies from the Fund, a planning district commission or single locality shall establish, in consultation with its metropolitan planning organization if one exists, an advisory transportation coordination committee and shall submit to the Disability Commission a plan for cost-effective coordination of specialized transportation services in the planning district or in localities within the planning district. Single localities may appoint an advisory transportation coordinating committee independent of the planning district commission and receive specialized transportation incentive funds if the locality is located in a regional planning district in which all other localities are recipients of the federal funds and subject to the provisions of Title II of the Americans with Disabilities Act, Public Law 101-336 (42 U.S.C. § 12131 et seq.). The advisory transportation coordination committee shall guide planning for the coordination and administration of specialized transportation with human service agencies, participating public transportation systems and, where appropriate, with private for-profit and nonprofit transportation providers. Advisory transportation coordination committees shall be composed of, but not limited to, elderly and disabled persons, providers of specialized transportation systems, participating public transportation systems, and local private for-profit and nonprofit transportation providers. Localities and public transportation systems subject to Title II of the Americans with Disabilities Act, Public Law 101-336 (42 U.S.C. § 12131 et seq.), shall not be required to participate in coordinated specialized transportation plans, but may participate at their option.

(2003, c. 454.)

§ 15.2-4218. Local governing bodies authorized to appropriate or lend funds.

The governing bodies of the localities within a planning district are authorized to appropriate or lend funds to the planning district commission.

(1968, c. 224, § 15.1-1413; 1997, c. 587.)

§ 15.2-4219. Exemption of commission from taxation.

The planning district commission shall not be required to pay any taxes or assessments upon any project or upon any property acquired or used by it or upon the income therefrom. For purposes of subdivision 4 of §58.1-609.1, a planning district commission is deemed a "political subdivision of this Commonwealth" as the term is used in that section.

(1968, c. 224, § 15.1-1415; 1993, c. 310; 1997, c. 587.)

§ 15.2-4220. Dual membership authorized.

Any locality which is a member of a planning district commission may become a member of an additional planning district commission upon such terms and conditions as mutually agreed to by the locality and the additional planning district commission. The locality shall notify the Department of Housing and Community Development of its membership status in the additional planning district commission within thirty days of becoming a member. Whenever a state-directed activity is conducted by all the planning district commissions, the planning district boundaries identified by the Department of Housing and Community Development shall be used, unless alternative boundaries are agreed to by the localities and the planning district commissions affected. No additional state financial support shall be paid due to a locality becoming a member of an additional planning district commission.

(1985, c. 109, § 15.1-1416; 1988, c. 263; 1991, c. 35; 1993, c. 797; 1994, c. 650; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4221. Merger of two planning district commissions.

The commissions of any two planning districts and a majority of the governing bodies of the localities comprising each district, upon finding that the community of interest, ease of communications and transportation, and geographic factors and natural boundaries among the localities of the two districts are such that the best interest of the localities would be served, may by resolutions concurrently adopted vote to merge into one district and request the Department of Housing and Community Development to declare the districts so merged. Upon such declaration, the commissions of the two districts shall be merged into one commission. The commission of the new district thereupon shall organize as provided in § 15.2-4203; however, nothing shall prevent the commissions of the two districts which are to be merged from agreeing to the terms of such organization prior to their vote to merge.

(1990, c. 722, § 15.1-1416.1; 1997, c. 587.)

§ 15.2-4222. Inconsistent laws inapplicable.

All other general or special laws inconsistent with any provisions of this chapter are hereby declared to be inapplicable to the provisions of this chapter.

(1968, c. 224, § 15.1-1452; 1997, c. 587.)



February 7, 2011

MEMBER JURISDICTIONS

CHESAPEAKE

The Honorable Doug Domenech
Secretary of Natural Resources
Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218

FRANKLIN

GLOUCESTER

RE: Virginia's Chesapeake Bay TMDL Phase II Watershed Implementation Plan

HAMPTON

Dear Secretary Domenech:

ISLE OF WIGHT

The staff of the Hampton Roads Planning District Commission (HRPDC), on behalf of the HRPDC Regional Stormwater Management Committee, requests that Virginia develop guidance and expectations for local governments regarding development of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan (WIP). While the HRPDC appreciates the considerable time and effort that DCR and partner agencies dedicated to the development of Virginia's Phase I Watershed Implementation Plan for the Chesapeake Bay TMDL, we have concerns with the delay in State coordination with local governments on the development of a Phase II WIP.

JAMES CITY

NEWPORT NEWS

NORFOLK

POQUOSON

EPA expects Virginia to develop a Phase II Watershed Implementation Plan that divides load allocations and aggregate wasteload allocations among smaller geographic areas, or facilities or sources where appropriate. This Plan will require a significant amount of time for development and intensive stakeholder involvement and negotiation, and a quick start will benefit all those involved. As MS4 permit holders, the members of the Regional Stormwater Management Committee have a special interest in the Phase II WIP as it will influence the requirements in their future permits.

PORTSMOUTH

SOUTHAMPTON

SUFFOLK

SURRY

The HRPDC and its local governments are willing partners in the development of the Phase II WIP, but we cannot begin to prepare for the investments needed to implement the requirements of the Chesapeake Bay TMDL without significant guidance and resources from Virginia agencies especially DCR. At a minimum Virginia should provide the following information to local governments:

VIRGINIA BEACH

WILLIAMSBURG

YORK

1. Methodology used by Virginia or EPA to develop segmentshed allocations. Segmentshed load allocations were not included in Virginia's Phase I WIP, but they are included in the TMDL in Appendix Q. Localities need to know how these allocations were determined and if there will be flexibility to modify them as part of the Phase II WIP development.

February 7, 2011
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2. Baseline stormwater management facilities for each locality that were included in the '2009 Progress Load' model run as BMPs.
3. Guidance on how WLAs will be determined for small MS4s given the likelihood that permit boundaries could be expanded beyond the urbanized area as part of EPA's ongoing stormwater rulemaking.
4. Guidance on planning tools that local government can use to determine the impact of potential management actions. Local governments need guidance on the tools that are appropriate to use for evaluating implementation alternatives and compatible with inputting future management scenarios into the Bay Model.
5. Guidance on how Virginia's HUC 6 watershed boundaries will be reconciled with the Chesapeake Bay TMDL segment sheds.

We are aware that the Chesapeake Bay Watershed Model is undergoing revisions that will impact the specific load reductions that will be required to meet the TMDL. However, we urge Virginia to begin the process of developing the Phase II WIP prior to the release of the new loads in June 2011. There is a significant amount of work that can be accomplished even without revised loading targets. As a Regional agency that was actively involved in the development of Virginia's Tributary Strategies, the Hampton Roads Planning District Commission looks forward to working with the State to coordinate local government involvement in the development of Virginia's Phase II WIP.

Sincerely,



Dwight L. Farmer
Executive Director/Secretary

JLT/fh

Copy: Mr. Anthony Moore, Assistant Secretary of Natural Resources
Mr. David Johnson, Director, Department of Conservation and Recreation
Mr. David Paylor, Director, Department of Environmental Quality