

**SUMMARY OF THE MEETING OF THE
HRPDC REGIONAL ENVIRONMENTAL COMMITTEE
January 7, 2021**

Pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic and to protect the public health and safety of the committee members, staff, and the general public, the Regional Environmental Committee meeting was held electronically via WebEx. These electronic meetings are required to complete essential business on behalf of the region. A recording of the meeting is available on the website.

Attendance

A complete attendance list is available. In addition to several non-voting committee members and other interested parties, the following members participated electronically:

Regional Environmental Committee Voting Members:

Barbara Brumbaugh, CH	Thomas Quattlebaum, PO
Tammie Clary, SM	Erin Rountree, SU
Anna Drake, YK	Justin Shafer, NO
Greta Hawkins, HA	Diana St. John, VB
David Imburgia, HA	Allison Watts, NN
Kevin Landry, GL	June Whitehurst, NO
Beth Lewis, SH	Michael Woolson, JC
Meg Pittenger, PO	

1. Summary of the December 3, 2020 Meeting of the Regional Environmental Committee

There were no comments on the December meeting summary.

2. Public Comments

There were no public comments.

3. C-PACE Funding in Virginia

Ms. Jess Kraus, a second-year law student at William & Mary Law School, discussed findings from a [paper](#) she co-authored with Cesare Piermarini regarding Virginia's Commercial Property Assessed Clean Energy (C-PACE) program. This funding tool was recently amended in VA to include funds for resilience and stormwater management projects on commercial development. Only 10 localities in the Commonwealth have an ordinance that allows for developers to use C-PACE. The paper is an effort to spread the word on how it works, its value, and issues that may come up. Funding comes from

commercial lenders that offer long-term low interest loans. The types of measures that can be built include best management practices that help store or move water (rain gardens, permeable asphalt or concrete, stormwater ponds), flood walls, flood resistant construction materials, green roofs, or LEED certified measures. Retrofits can also be funded and can be any of the measures used for new construction. Ms. Kraus discussed a few examples of how a C-PACE program could have benefitted projects, like the Old Donation School in VA Beach, and the Essex Building in Norfolk. In both cases, there were some issues, like having political buy-in for resilient infrastructure that is in excess of current code or policy requirements. In some cases, there are high up-front costs for improvements. In order for broader implementation throughout VA, localities must first adopt an ordinance that allows developers to utilize C-PACE. Industry leaders and trade associations must be educated and leveraged with one another to ensure success and broader implementation.

A question was asked whether or not this is possible for residential development. Ms. Krauss responded that some states do have an R-PACE program but VA doesn't have one. However, C-PACE is a good model for residential financing and development. Ms. Whitney Katchmark also briefed the Committee on efforts to have more localities in Hampton Roads develop ordinances. Norfolk already has one and James City County and Hampton are interested in developing one. There is interest in using the state program once DMME sets it up. However, there are some locality concerns regarding local staff capacity to complete the administrative work with tracking the special assessment liens that secure C-PACE financing. Specifically, localities would like to find software that can streamline the administrative process.

4. HRTPO Regional Trail Update

Mr. Steve Lambert, HRTPO's Bike and Pedestrian Planner, updated the Committee on regional trail projects across Hampton Roads. The Birthplace of America Trail (BOAT) connecting the VA Capital Trail to the Hampton Roads Region was planned in 2017. There are several parts of the trail being planned for the peninsula with several shovel ready projects. The South Hampton Roads Trail is also seeing some updates and extensions and it will be connected to the Elizabeth River Trail. The Elizabeth River Trail extends all the way from Norfolk State University to the northern part of the state, with views of the river along the way. Finally, Mr. Lambert was successful in including a bike and pedestrian component to the 2045 Long-Range Transportation Plan. This plan is almost finished. Projects are prioritized and a funding plan is being developed with hopes for board approval in June, 2021.

Mr. Lambert was asked about signage and if that is a role taken on by the HRPTO. Many localities have different rules on signage and educational components for trails, but the hope is to one day have a regional theme in which localities can add in their own detail. Ms. Katchmark asked if they also consider green streets, complete streets, tree planting, or stormwater features when planning trails. Mr. Lambert said that he would love to have that conversation regionally but some localities are supportive of complete streets and some are not.

5. Chesapeake Bay Preservation Act (CBPA) Amended Regulations

Mr. Ben McFarlane led a discussion on amendments being made to incorporate coastal resilience and sea level rise into the current CBPA regulations. The draft amendments appear to be problematic in a variety of ways and much clarification is needed. Staff suggest that the regulations should address property protection and adaptation as a result of flooding, sea level rise, and other coastal hazards by clearly identifying allowable activities, how proposals should be assessed by local governments, and how local governments should factor in future conditions resulting from climate change in conducting these assessments. The regulations should stand on their own and be understandable and implementable by local governments without requiring additional guidance. HRPDC put forth an alternative proposal that would amend and add to the existing performance standards, creating a simpler approach.

Issues related to the draft amendments include the assessment of future conditions, the use of the term ‘best management practices’, expansion and delineation of the RPA, and performance criteria. A series of questions was put forth to the Committee for discussion. Many localities are confused with terminology used interchangeably throughout the draft amendments, and many questioned what it would mean to ‘consider’ climate change. Many also agreed that terms needed to be defined and that they would rather have clarity in the regulations than rely on guidance. It will be a heavy lift for many localities to change course and include climate change evaluations into their existing assessments, and it was reiterated that there would have to be significant training to get up to speed with what is being proposed.

The draft amendments haven’t been released into the Virginia Register yet, which would kick off a 90-day comment period. Staff are prepared to write a comment letter on behalf of the Committee that would likely be vetted through the Chief Administrative Officers group and the HRPDC Commission. Timing of the comment periods and PDC meetings will need to be taken into account to get appropriate approvals. The draft amendments will be discussed at the next CBPA Workgroup meeting.

6. Virginia 2021 Legislative Session

Dr. KC Filippino and Mr. Whitney Katchmark briefed the Committee on the upcoming 2021 Legislative Session. At this point, not much proposed legislation has been drafted into bills. HRPDC staff are supportive of several resilience initiatives, which are described in the [HRPDC legislative agenda](#). These include developing a Commonwealth Flood Board, incorporating resilience into the SMART Scale rating system for transportation funding, and real estate disclosures for flooding. Two SLAF bills will likely be submitted as well, one to include nitrogen into the SLAF criteria assessment and one to allow for fiscally stressed communities to receive higher funding proportions of SLAF dollars. Several other bills are also out there that include more SLAF and VCAP funding requests, a requirement for permit applicants for air, water, and land to engage in community outreach, and developing new regulations for preventing discharges from above ground

storage tanks with hazardous substances. Mr. Tanner Council, CBF, also mentioned a proposed bill to give local governments the authority to expand tree canopy within their locality.

7. Other Matters

None.

The next meeting of the Regional Environmental Committee will be held on Thursday, February 4, 2021 virtually via WebEx.