



LAND USE & ENVIRONMENT COMMITTEE

Meeting Minutes – May 15, 2012

Attendees:

Jenny Biche'	Rappahannock-Rapidan Regional Commission
Brian Daniel	Madison County
Michelle Edwards	Rappahannock-Rapidan Regional Commission
Ernie Hoch	Madison County
Chuck Hoysa	John Marshall Soil & Water Conservation District
Sue Ellen Johnson	Piedmont Environmental Council
John McCarthy	Rappahannock County
Patrick Mauney	Rappahannock-Rapidan Regional Commission
Gardiner Mulford	Culpeper Horse Owners Association
Patrick Mulhern	Town of Culpeper
Chip Rice	Friends of the Rappahannock
Gary Switzer	Virginia Department of Health
Kerry Wharton	Fauquier County
Gregg Zody	Orange County

Welcome & Introductions

Attendees were welcomed and introductions were made. Copies of the Agenda and handouts were distributed (see attached).

Virginia Stormwater Management Program Update

Joan Salvati, DCR

Ms. Salvati provided an overview of the Virginia Stormwater Management Program. A copy of her presentation will be available on the Land Use and Environment Committee's webpage at www.rrregion.org/envcmte.html.

All county governments in Virginia will be required to adopt and implement a local stormwater management program. Towns do not have to adopt a program, unless they are a Municipal Separate Storm Sewer System (MS4), and will instead fall under the jurisdiction of the county's program. DCR will still issue Virginia Stormwater Management Program (VSMP) General Permits for construction activities. Local governments can choose to contract with a third party, such as soil and water conservation districts or planning district commissions, for plan review and/or inspections, work collectively with adjacent counties to administer the program.

Local governments must develop and submit a local stormwater management ordinance to DCR for approval between January 2013 and June 2014. DCR will provide a model/example ordinance and program elements checklist to localities in June 2012. Implementation of local programs is scheduled to begin July 1, 2014, which is also the effective date of the revised VSMP General Permit.

The technical criteria must be implemented when a VSMP General Permit has been issued that incorporates such criteria. While localities may adopt new stormwater ordinances that incorporate the new Virginia Stormwater Management Regulations, they should not implement them until July 1, 2014. However, local programs may implement the runoff reduction method and stormwater BMPs now.

The fee schedule is set by the Virginia Stormwater Management Regulations. 72% of the fees collected will be allocated to the local government, while 28% of the fees will be allocated to the state for permit administration. Local government will have authority to adjust the fee scale; however, the state will still receive 28% of the original, non-adjusted fee.

DCR will provide tools and training to assist with the transition of the new Stormwater Management Program. Tools and resources being developed include the following:

- Virginia E-Permitting Website: enables users to record inspections, BMPs, violations, plan approval, etc.
- BMP Clearinghouse website: will disseminate results of the Virginia Technical Assistance Protocol (VTAP) BMP review process
- Revised Stormwater Management Handbook: expected to be completed in June 2012
- New Stormwater Management Model Ordinance
- Stormwater Management Certification Program: will be developed and offered to DCR staff, local government staff and the private sector. The Stormwater Management certification program will integrate the Erosion and Sediment Control Program certification. Training is expected to begin summer of 2012.
- Required Program Elements Checklist: will be developed and provided to localities. Examples include ordinance, plan review process, bmp maintenance agreement, inspections, compliance/enforcement, collection of fees and maintenance of Erosion and Sediment Control Program.
- Example forms

Following Ms. Salvati's presentation, questions and comments from the Committee included:

- Why is DCR becoming a regulatory agency? DEQ oversees point source permits and DCR oversees non-point source permits. There is talk of moving all of the permits over to DEQ. If a Federal agency controlled the permits, they would not negotiate. The State takes a federal permit process and tries to work with local government to administer it.
- Will the model ordinance include language that allows for cooperative program implementation? Yes, Thomas Jefferson Soil and Water Conservation District provides

storm water management for Louisa County and is sending a copy of their agreement to DCR to use as a template for other localities.

- If the fees are impractical, can they be waived? Do you have to have the bmp recorded? DCR is discussing this issue. There must be some kind of instrument in place that will insure that the bmp will be maintained. There is a liability to the locality if the BMP is not maintained by the homeowner or builder. It was suggested that perhaps there could be tiers for the fees and recording requirements. In rural communities, it will be a hardship for a homeowner to come up with the fees and maintain them.
- Will the model ordinance have language regarding enforcement of bmp maintenance? Yes, similar to that of the Erosion and Sediment Control Model Ordinance.
- Will bonding be required for maintenance of bmps? No, performance bonds will be required for construction.
- If you had 4 homes but no HOA, how would you split the deed with regard to recordation of BMP maintenance? BMPs would be set on individual lots and spelled out in the maintenance agreement, then shown on the record book.
- If you lower the fees, does the locality have to make up for the difference? Yes, the state gets 28% of the original fee. However, if you raise the fee, the state still only get 28% of the original fee and the locality keeps the 72% plus the increase.
- What if the Virginia Soil and Water Conservation Board does not approve the draft ordinance, fee structure, number of staff, and other items in the program checklist? This question has come up and DCR is discussing it. 142 county ordinances, plus some towns, totals 168 total ordinances the board will have to review before July 1, 2014. Ms. Salvati will send Michelle Edwards a copy of the checklist as soon as it is completed to share with everyone.
- Has DCR engaged the realtor community? They would be instrumental when it comes to deeds, disclosure agreements, maintenance, resale, etc. No; DCR has talked to the homebuilders, but not realtors. Ms. Salvati agreed that it is a good suggestion.
- It was suggested that DCR return to discuss nutrient trading. Ms. Salvati said that discussions on the regulatory process will begin this summer. It was not known when they will be finalized.

Regional Green Infrastructure Base Map

Patrick Mauney, RRRRC

Mr. Mauney provided an update on the Commission's Regional Green Infrastructure mapping project. His presentation is available on the Land Use and Environment Committee's webpage at www.rrregion.org/envcmte.html.

RRRC has developed a draft regional green infrastructure base map based on the Virginia Natural Landscape Assessment (VANLA), developed by the DCR, Division of Natural Heritage. The VANLA, is an ecological integrity model, and is one of seven models within the Virginia Conservation Lands Needs Assessment (VCLNA). RRRC staff updated the state-level GIS data using E911 points, and presented a draft regional map at the Regional Green Infrastructure Workshop in March 2012. Feedback from participants, which was involved predominantly cosmetic changes, was incorporated into the current draft that Patrick presented to the committee.

This regional GIS map will provide local governments non-profit organizations with a valuable tool with which to make informed land use and land conservation decisions. For example, it can be overlaid with local land use and zoning data to assist with planning efforts, or overlaid with a map of protected lands to identify high priority conservation lands needing preservation. The draft regional green infrastructure base map can be viewed at www.rregion.org/greeninfrastructure.html, and any additional comments should be directed to Patrick at (540)829-7450 or plmauney@rregion.org.

Fauquier County is also working with RRRC and the Green Infrastructure Center on a local green infrastructure mapping effort. Rappahannock County requested that they share their maps with other localities in the region, which may be interested in conducting similar efforts.

Development of the regional green infrastructure base map is phase one of a multi-phased effort. Subsequent phases will involve developing additional regional GIS maps by updating and fine-tuning the remaining VCLNA models using local, regional and state data. These models include:

- Prime agricultural lands
- Cultural and historic resources
- Forestry lands
- Outdoor recreation
- Water quality

Sustainable Agriculture Workshop Recap & Next Steps

Michelle Edwards, RRRC

51 people attended the Commission's Living Lands Workshop: Fostering Sustainable Agriculture for Economic Development, which was held on April 19, 2012. A broad range of stakeholders was present including local, state and federal government staff, local elected officials, non-profit organizations, farmers, and businesses. Participants discussed planning tools to preserve local farms and promote local food, and heard case studies from successful producers, community organizations and local governments. The workshop also provided a forum for the agricultural community to discuss the obstacles to sustainable agriculture in the region, as well as to provide suggestions on how communities could support solutions to address these issues.

There is untapped demand for locally grown food and agricultural products in the Washington D.C. food shed. There are many small scale farmers in the region that may scale-up with assistance, through promotion of agricultural and rural economic development, local foods and

tourism. Next steps include the development of a regional food assessment. One possible avenue would be contracting Ken Meeter, of Cross Road Resource Center, to conduct such an assessment (www.crcworks.org/?submit=services). The organization has completed over 70 food assessments nationwide, including one done in the Shenandoah Valley (www.crcworks.org/?submit=fffc). RRRC plans to apply for a \$10,000 SARE Sustainable Community Innovation Grant to get started, and potentially apply a SARE Research and Education Grant for up to \$300,000 to continue the effort.

Next Land Use & Environment Committee Meeting:

August 2012; *date to be determined*

Committee members suggested the following potential topics for the next meeting:

- Virginia Stormwater Management Program Update, including new tools for local programs
- Virginia Nutrient Trading Regulations Update

Please email Michelle at medwards@rrregion.org with additional suggestions for future meeting topics.