

Chapter 425 Stakeholder Advisory Group

Minutes

October 18, 2022

10:00 a.m.

Virginia Department of Transportation
Highway Building Auditorium
1221 E. Broad St.
Richmond, VA 23219

And Virtual via Google Meet

A meeting of the Chapter 425 Stakeholder Advisory Group was held at the Virginia Department of Transportation Highway Building Auditorium, with some members participating virtually via Google Meet, on October 18, 2022.

Members Present In Person:

Phil Abraham – Virginia Association of Commercial Real Estate

Andrew Clark – Home Builders of Virginia (HBVA)

Scott Dunn – HBVA

Kevin Gregg – VDOT

Robert Hofrichter – VDOT

Harley Joseph – VDOT

Lynne Lloyd – VDOT

Kathryn Pobre – VDOT

Craige Shelton – HBVA

Mike Watkins – Virginia Fire Chiefs Association

Members Present Virtually (location and reason for remote participation pursuant to § 2.2-3708.3(B) of the *Code of Virginia*):

Wyatt Gordon – Virginia Conservation Network (Richmond, personal matter – competing meeting)

Phil North – Virginia Association of Counties (VACo) (Roanoke, more than 60 miles)

Trip Pollard – Southern Environmental Law Center (Virginia Beach, more than 60 miles)

Steve Sandy – VACo (Rocky Mount, more than 60 miles)

Members Absent:

Jeremy Bennett – VACo

James Hutzler – VACo

Kayla Ord – HBVA

Brantley Tyndall – Virginia Bicycling Federation

Kristen Umstattd – VACo

1. Call to Order

The meeting was called to order at approximately 10:04 a.m.

2. Roll Call

Both in-person and virtual attendees were asked to introduce themselves.

3. Approval of Minutes

A motion was made by Harley Joseph, seconded by Robert Hofrichter to approve the minutes from the last meeting. Motion carried unanimously.

4. Development Industry Examples

Andrew Clark presented proposals and examples compiled by the development community regarding connectivity exceptions. The first proposal was to amend the waiver from the multiple connections in multiple directions standard for cases where no reasonable connection is possible due to a factor outside the control of the developer to include national gas transmission lines and associated easements. The example provided was not submitted for approval due to concerns that it would not be approved. VDOT highlighted that it is beneficial to engage in the conversation with the VDOT district administrator or their designee instead of assuming that there will be a denial.

The second proposal was to allow for a connectivity waiver when recommended by the local planning director. It was explained that VDOT would still have the ability to deny the exception request, and that other states have also taken this approach. Discussion focused on the potential for this proposal to resolve concerns over the definition of incompatible use, the desire for county officials to submit a letter to accompany the locality's recommendation, and for the fire response community to be consulted when developing the recommendation.

Proposal three was to expand the list of environmental features which qualify for a connectivity waiver to include areas comprised of mature trees or other existing indigenous vegetation. Concerns were raised that the proposed language would be too broad; however, it was noted that it could be tied to a locality's requirement for preservation.

Proposal four was to allow for a waiver when the stub out/temporary turnaround would require work outside the right of way and would require additional land or the need to request permission of the adjacent landowner. VDOT explained that work would never be required on another owner's property, and while a connectivity waiver may not be granted, there is still flexibility granted through design waivers.

Through proposal five, a waiver from the second external connection requirement would be allowed when the immediately adjacent phase of development meets multiple connection requirements and is in reasonable proximity (such that it does not negatively affect emergency response times). It was noted that this could also fall under the circumstance of the second proposal where the locality could weigh in or where greater communication between the developer and locality would be beneficial regarding an exception request.

The sixth proposal was to allow a waiver for residential subdivisions under [x] single-family units or [x] number of townhomes/multi-family units. This waiver would not be applicable to individual sections that are part of a phased development and would be limited to subdivisions with smaller lot sizes. While this proposal would be more applicable to developments in rural areas, concerns were raised over the potential for future infill development in those areas.

5. General Discussion

The Advisory Group discussed the definition of redevelopment potential, noting that infill development is the most commonly utilized connectivity exception seen by VDOT. Members highlighted the fact that this was yet another area where greater communication and coordination with localities could be beneficial.

Since soliciting feedback from local government in determining the appropriateness of a connectivity exception was brought up during the discussion of several of the development industry's proposals, the Advisory Group was encouraged to focus on this moving forward.

It was also noted that if VDOT sees situations for a waiver that come up routinely and for which the waiver is always granted, this could be a focus area of amendments, and VDOT was encouraged to look back at data from the past 5 years to see if these situations could be identified. VDOT explained that most of these waivers come from the Northern Virginia construction district, but within that district, the requests differ by county.

6. Next Steps

Mr. Hofrichter explained that the Advisory Group must have recommendations drafted by the beginning of November and asked the development industry to submit redline changes to the regulation focused on proposal two by October 25. These changes will then be circulated to the entire Advisory Group for review, with responses required by November 1. This timeline must be kept due to the requirement for the proposed amendments to be approved by the Commonwealth Transportation Board by June 1, 2023, but edits can continue to be clarified and another meeting of the Advisory Group can be held if necessary after the proposed amendments have been reviewed by the Group.

7. Adjournment

Chairman Gregg adjourned the meeting at approximately 11:43 a.m.