

Chapter 425 Stakeholder Advisory Group

Draft Minutes

December 2, 2022

10:00 a.m.

Virtual via Google Meet

A meeting of the Chapter 425 Stakeholder Advisory Group was held virtually via Google Meet on December 2, 2022.

Members Present:

Phil Abraham – Virginia Association of Commercial Real Estate

Andrew Clark – Home Builders of Virginia (HBVA)

Scott Dunn – HBVA

Kevin Gregg – Virginia Department of Transportation (VDOT)

Wyatt Gordon – Virginia Conservation Network

Robert Hofrichter – VDOT

Harley Joseph – VDOT

Lynne Lloyd – VDOT

Phil North – VACo

Kayla Ord – HBVA

Kathryn Pobre – VDOT

Trip Pollard – Southern Environmental Law Center

Steve Sandy – VACo

Kristen Umstattd – VACo

Mike Watkins – Virginia Fire Chiefs Association

Members Absent:

Jeremy Bennett – VACo

James Hutzler – VACo

Craig Shelton – HBVA

Brantley Tyndall – Virginia Bicycling Federation

1. Call to Order

The meeting was called to order at approximately 10:02 a.m. Chairman Kevin Gregg welcomed attendees to the virtual meeting.

2. Approval of Minutes

A motion was made by Phil Abraham, seconded by Kristen Umstattd to approve the minutes from the last meeting. Motion carried unanimously.

3. Roll Call

Attendees introduced themselves on the virtual platform.

4. Discussion of specific recommendations for changes to the Secondary Street Acceptance Requirements

Robert Hofrichter led a discussion of four proposed regulatory changes to the Secondary Street Acceptance Requirements. The first was a clarification of the connectivity constraints list included in 24VAC30-92-60(C)(2)(c) and (C)(3)(d) by replacing “such as” with “including but not limited to.” There was no discussion or objection from group members.

The second was the addition of utility easements as a constraining feature in the regulation. The group discussed three options for this amendment, with a focus on the option to limit constraint to underground transmission line situations by adding a definition for “Underground Utility Trunk Easement” to 24VAC30-92-10 and adding “underground utility trunk easement not put in place by the developer of the network addition” to the constraining features list in 24VAC30-92-60(C)(2)(c) and (C)(3)(d). Members asked questions regarding the difference between a trunk easement and a standard distribution easement. Various members noted that this option satisfies their concerns with the other two options.

The third potential change was to address situations in which a proposed network addition does not meet connectivity requirements but the overall development does by adding new subparts to 24VAC30-92-60 (C)(2) and (C)(3). Discussion ensued regarding the various options, including concerns regarding legal enforceability, developers potentially utilizing the proposed language to neglect to meet the trigger for the proffer approved by local government, and emergency response access. As a result of the discussion, the proposed wording was revised to clarify that there is no exemption from the requirement to connect to the state system of highways.

The fourth potential regulatory change for consideration was intended to allow for exceptions to be authorized by the locality planning director and to add exceptions for open space and tree canopy impacts and pedestrian elements. The initial proposal for this change would have added new subparts to 24VAC30-92-60 (C)(2) and (C)(3) to waive the second and additional connection requirements for various reasons. A second option would have made no change to the current regulatory language, while a third option would have incorporated locality input on all connectivity exception requests but would require VDOT concurrence, adjusted the proposed verbiage on tree canopy protections, and made pedestrian connections the first preferred option for exceptions to street connections.

Stakeholders raised concerns regarding fire access and the use of “shall” vs “may” in the proposed sentence, “The district administrator’s designee shall also waive or modify the second required connection of this standard if, in the written opinion of the locality’s planning director, one of the following situations renders the provision of such connection impracticable...” VDOT noted that the use of “shall” would remove the ability for the district administrator’s designee to have discretion regarding the granting of a connection exception. Significant discussion ensued surrounding potential edits which would allow for VDOT to maintain a level of consideration in the exception process.

Due to the lack of consensus on the fourth proposal, the group agreed that Mr. Hofrichter would email members edited versions of the first three proposals for a vote, to which members should reply solely to Mr. Hofrichter. Andrew Clark would send revised language for proposal four to Mr. Hofrichter for review, after which it would be circulated to the group. After this revised language is reviewed, a decision would be made on whether another meeting is needed.

5. Adjournment

Chairman Gregg adjourned the meeting at approximately 11:55 a.m.