

NEWSBRIEF



American Planning Association
Virginia Chapter

Making Great Communities Happen

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Deadline

for spring conference preview issue is March 5, 2010.

2010 Legislative Outlook

By George Homewood, AICP
Vice President for Legislative and Policy Affairs



Virginia State Capitol. Photo courtesy of Richmond Metropolitan Convention and Visitors Bureau, by Brandon Martin.

If you thought last year's budget was tough sledding, in the words of Randy Bachman, "...you just ain't seen nothing yet." The General Assembly and Governor-elect McDonnell face an exceedingly difficult budget process where the continuation of entire state programs likely will (and they probably should) be questioned. Revenues continue to decline and the one-time fixes—"Rainy Day" fund, federal stimulus funds, substituting debt-funding of capital projects for general fund allocations, tax amnesty, etc.—used to plug budgetary holes in the past year are simply not there any longer or are substantially diminished. The math as of now seems to be as follows:

- FY09—\$300 million actual shortfall at close of fiscal year
- FY10—\$1.2 billion projected shortfall until end of fiscal year
- FY11-FY12 biennium—\$3.5 billion gap with declining revenues/increased mandated costs

All in all, there is a \$5 billion hole to close between the current and next biennium. Navigating across that gap will require looking at multiple strategies and

options—no single silver bullet exists to slay this budget beast. Without new revenues or an extended Federal stimulus package, all of the budget balancing must be done on the expenditure side of the ledger. However, some of the expenditure side is used to provide mandated services—such as unemployment and Medicaid—the costs of which increase in a poor economy so the resulting cuts to other state expenditures will have to be even higher. Currently, about 52% of the state budget is in aid to localities and two-thirds of that is in aid to public education. In the cuts already taken in FY09 and FY10, Gov. Kaine and the 2009 Session of the General Assembly limited the damage to that half of the budget, in part by programming federal stimulus funds and in part by more heavily impacting other state programs and functions such as aid to higher education, deferring maintenance at state parks and reducing staffing levels across state agencies. Thus, at least some of the forthcoming budget balancing pain will very likely be more fully shared with local governments and local schools districts than has occurred over the past 18 months.

There are brightening signs of a limited economic recovery, but for many reasons, it is not likely to be the robust turnaround that we have become accustomed to over the past half century. Like it or not, the economy we built for ourselves over the past 2 decades is heavily dependent on consumption. So, with unemployment and underemployment nearing historic levels not seen since the Great Depression, disposable income has declined leading to a decline in consumer spending (and interestingly enough an increase in personal savings), leading to more layoffs, leading to... Continued on page 8



President's Message By Jeryl Rose Phillips, AICP

Greetings!

Our Chapter is buzzing with new activity, all **thanks to new volunteer members** who heard our requests for help and stepped up in a big way. With this issue of Newsbrief, we will be stepping up the quality of this newsletter with a new design team and additional reporting contributions from our growing editorial staff under the tutelage of our Editor, Liz Via-Gossman, AICP. As always through this print medium, we will strive to provide you with relevant and timely content, highlighting the latest practices in our planning community and important information regarding the Chapter's activities.

Likewise, I am delighted to see our VP-External Affairs, Earl Anderson, AICP, getting a much needed reprieve from his Webmaster duties having found a very capable member, **David McGettigan, AICP**, to volunteer his time and talent. And, through yet another new talented member, **Ryan Link, AICP**, the **Chapter also has a new Web presence** through the launch of an APA Virginia Group on **LinkedIn, Ning, Facebook and Twitter!** Find or stay in touch with your colleagues or use it as an alternative to the Chapter Listserv—we hope you find these additional networking media helpful. Ryan also created a **Flickr** site for best practices photo database for us, so be sure to check out and upload your photos.

This energy has also spilled over into early interest expressed by several members seeking positions on the Board of Directors, for which elections will be held in early 2010. I couldn't be more pleased, as I feel all of this is a reflection that our Chapter leadership is doing something positive that our members find valuable and to which they want to contribute their time!

October was an extremely busy month. The Board of Directors adopted the FY10 Chapter operating budget, which is posted on the Chapter website. In addition to it being National Community Planning Month and Community Planning Month in Virginia, the Hampton Roads Section hosted a very well-attended and interesting ECO3 Symposium in Chincoteague, which drew participants from 3 states and the DC area. The Co-Chairs of the Ethnic and Cultural Diversity Committee (ECDC) also traveled to New Brunswick to

help the New Jersey Chapter celebrate the start up of its own ECDC, for which we provided organizational support.

I traveled to Washington, D.C., along with our Past President, Denise Harris, AICP, to participate in the **APA Fall Leadership Meeting** as part of the Chapter Presidents Council (CPC). The topic that consumed the meeting was a reinstated administrative fee assessed by APA to all Chapters with the adoption of its budget in September, which caught all of us completely off guard, many of whom represented Chapters or Divisions that had already adopted their FY10 budgets. Times are tough all over, even at APA, and the purpose of this assessment was to help APA recoup the cost of processing Chapter and Division membership payments (APA collects both APA and Chapter dues and then rebates Chapter dues in quarterly reimbursements), as well as to help recoup the cost of other services APA provides. This left most Chapter Presidents pleading for immediate reconsideration by the APA Board of Directors, as the \$10/member assessment was going to take a serious bite out of every Chapter's already-tight operating budget; for us, it meant that APA was going to retain \$15,650 (22%) of our Chapter dues rebate. Given the size and vitality of APA Virginia, we were in a stronger position than most to absorb the assessment this year, who knows what it would mean to us in future years? As many Chapter Presidents were lamenting, it would likely mean putting before their membership consideration of a Chapter dues increase in order to maintain levels of service. The APA Board of Directors did listen and ended the meeting by revoking the assessment, and is now conversing with Chapters about one less-costly alternative recommended by the CPC Executive Committee, which focuses on passing through all credit card and bank transaction fees associated with membership processing—charges for which APA does negotiate but has little control over. Some Chapters have voiced strong opinions against this approach, once again, asking APA to find a way to balance their budget not on the backs of the Chapters. Upon conversing with our Treasurer, I have expressed my support to APA for this new approach for this fiscal year only, and encouraged APA to find an alternative long-term solution.

Continued on back page

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National Experts Present on Impact Fees

By George Homewood, AICP, Vice President for Legislative and Policy Affairs

The Joint Subcommittee Studying Development and Land Use in Virginia SJR 70/HJR 178 (Athey-Vogel Subcommittee for short) met on Friday, December 4, 2009 and received presentations from 3 national experts in impact fees—James B. Duncan, FAICP, President of Duncan Associates in Austin, TX; Arthur C. “Chris” Nelson, Ph.D., FAICP, Presidential Professor at the University of Utah, Salt Lake City, UT and formerly with Virginia Tech; and Carson Bise, AICP, President of TischlerBise Associates in Bethesda, MD. The three were brought together by APA Virginia Chapter with financial support from APA National through the Chapter Presidents Council.

The presentation was collectively titled a “Primer on Impact Fees” and sought to provide detailed information as well as high-level concepts regarding the differences between impact fees and cash proffers, what states have impact fee enabling acts and, based on other states’ experiences, what features are good, which are critical, and what should be avoided. All three presenters stated that a bad impact fee act serves no one’s best interest and is worse than no impact fee act at all. Dr. Nelson said that all development has quantifiable costs and quantifiable revenues and that impact fees cover the gap for capital costs. The presenters noted that for an impact fee enabling act to be successful, it must be based on full and fair fees that bear a reasonable relationship to the actual costs of the development to the locality. Fees cannot be charged for a higher level of service than is currently being provided and public infrastructure contributions or requirements above and beyond the minimum necessary must be credited in calculating the impact fee. Dr. Nelson noted a situation where the combination of road improvements and utility infrastructure that extended through vacant land to get to the development in question generated a credit instead of a fee for the developer. Finally, the Georgia enabling statute was held up as perhaps the best model to use in developing an impact fee system in Virginia.

While Del. Athey (R-18th District) stated several times that he believes that there is insufficient time between now and the 2010 Session of the General Assembly to achieve a consensus on general impact fee enabling legislation, he clearly indicated that individual members of the Assembly may propose legislation of their own or at the request of constituents. Based on the questions asked of the panel, there is a clear concern by at least some of the subcommittee members that impact fees could too easily be manipulated to unreasonable levels by localities and thus that there could be some state entity that would need to review and approve locally set fees. Del. Athey has previously expressed a preference that the Commission on Local Government, with the addition of members of the development community, serves in an oversight role.

While the presenters took pains to show how an impact fee system could co-exist with the existing cash proffer system, there seemed to be some skepticism of this on the part of some Subcommittee members and Del. Athey has previously noted that he believes that localities likely will ultimately need to choose one system or the other.

The next meeting of the Athey-Vogel Subcommittee is on Tuesday, January 12, 2010, at 1:00 PM in House Room C of the General Assembly Building. Del. Athey announced that the purpose of the next meeting is to consider endorsing legislation for the 2010 Session. The two bills mentioned by Del. Athey are to amend the Urban Development Area (UDA) statute and to extend the Joint Subcommittee for another year; the latter primarily gives further consideration to impact fee enabling legislation. Del. Athey also noted that Del. Toscano (D-57th District) has pre-filed two bills addressing financial issues associated with the UDA legislation and that the Virginia Resources Authority may propose legislation to provide incentives in their programs for local infrastructure investment targeted to a locality’s UDA. APA Virginia Chapter has been very active in attempting to influence the direction of the UDA revision away from the current prescriptive approach to a performance standard-based approach; however, the current attempt at consensus, while an improvement over the existing Code language, still contains minimum density requirements for both residential and commercial development.

View the PowerPoint presentation online at: (<http://apavirginia.org/member-resources/legislative-policy/athey-vogel-subcommittee-2009>).

APA Virginia — Planner News and Moves

The *Virginia Gazette* reported in December that APA Virginia’s own **ELIZABETH R. FRIEL, AICP** had been named Volunteer of the Year by the Williamsburg Land Conservancy for 2009. Founded in 1990, the Conservancy strives to maintain the character and ambiance of this special place where we live and work.

This fall, **DAVID RUNDGREN**, Executive Director of the New River Valley Planning District Commission retired after 25 years with the PDC. Before coming to the New River Valley he worked 12 years at the Central Shenandoah PDC, serving as that organization’s executive director for nine years. **KEVIN BYRD, AICP** is now serving as the new executive director after being promoted from his position as regional planner. Byrd returned to NRVPCD after a year of working for the Montgomery planning department. Continued on page 4

News (continued)

APA Virginia Chapter Administrator **ROBIN MORRISON** welcomed new daughter McKenzie Ryan in September.

ELIZABETH S. VIA, AICP married architect Craig E. Gossman, AIA on October 30, 2009 in Columbus, Ohio. They count their relationship in conference years having met on a plane to San Francisco headed to the National APA Conference in 2005. Craig was speaking and Liz was anticipating Virginia's annual conference happy hour.

The American Planning Association named **Historic Hilton Village in Newport News** as one of 10 Great Neighborhoods for 2009 as part of APA's Great Places in America Program. APA Great Places exemplify exceptional character and highlight the role of planners and planning. Also recognized was the **Boardwalk in Virginia Beach**, named a Great Public Space, and the **Duke of Gloucester Street in Williamsburg**, named a Great Street.

The **City of Roanoke** has completed the donation of a two-part conservation easement in Roanoke and Botetourt counties that permanently protects 11,363 acres of open space, making it the largest publicly held easement in the state. The easement, co-held by the Virginia Outdoors

Foundation and the Western Virginia Land Trust, is on the Carvins Cove Natural Reserve, the second-largest municipal park in the nation. The property is owned by the City of Roanoke.

WILL COCKRELL, AICP reports that the Thomas Jefferson Planning District Commission has developed a planning toolkit with partners from other organizations, in a partnership referred to as the Transportation and Housing Alliance (THA). The THA Toolkit is a catalog of online resources that can help with a variety of planning projects. It also focuses on providing a more inclusive approach to common planning projects that consider the needs of all citizens, including those with limited resources, people with disabilities and the elderly. You can check out the toolkit at www.tjpd.org/housing/THAtoolkit.asp

MILTON MARTIN, Jr. who retired as Director of Development of Hopewell, VA in 2000, has left the retirement world and rejoined the work force. Because, well, retirement can be kind of boring... He is now employed as a Partnership Specialist/Partnership Assistants Supervisor with the U. S. Bureau of the Census, for the 2010 decennial Census project.

State Board Approves New Stormwater Regulations

By Larry Land, CAE, Director of Policy Development, Virginia Association of Counties



Stormwater Retention Pond, Manassas, VA. Photo by Manassas Dept. of Community Development

On December 9th the Virginia Soil and Water Conservation Board voted to give final approval to the Virginia Stormwater Management Permit (VSMP) program regulations that have been under consideration for several years. The final version of these regulations has one major change that is different from earlier versions of the proposed rule. It establishes a statewide limit of .45 pound per acre, per year, of phosphorus in runoff. Previous versions

required a .28 limit in the Chesapeake Bay Watershed and a .45 limit in all other areas of the state. However, the .45 standard appears to be temporary. In a paragraph that links the new requirements with EPA's process for developing TMDL (total maximum daily loading) pollutant limits for the entire Chesapeake Bay watershed the final version of the VSMP program regulation states the following:

"Upon completion of the ... Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by EPA, the (Soil and Water Conservation) Board shall by regulatory action establish a water quality design criteria for new development activities that is consistent with the pollutant loadings called for in the approved Implementation Plan."

The TMDL for the entire Chesapeake Bay watershed is scheduled for completion by December, 2010. To align the state's stormwater management regulations with EPA's process for developing a Bay-wide TMDL the Soil and Water Conservation Board agreed to take one additional significant action, which is the establishment of a new regulatory advisory panel of stakeholders to consider future changes to the .45 standard that would be consistent with standards that will subsequently be required by EPA.

According to the Department of Conservation and Recreation's (DCR) Director, Joseph Maroon, there should be ample time over the next two years to make anticipated federal requirements (driven by TMDL) consistent with the state's stormwater requirements. Under HB 1991 (Bulova) passed by the 2009 General Assembly the VSMP regulations may not go into effect until July 10, 2010. The same legislation also provides local governments with as much as *Continued on page 6*

Hampton Roads Breaks New Ground with ECO³ Symposium

By Joseph Curtis, Jr., AICP, Co-Chair, Hampton Roads Section

The Hampton Roads Section broke new ground in hosting the first of what is to become ongoing Symposia throughout the Commonwealth with the ECO³ Symposium. The symposia will supplement the chapter's traditional state conference, serving as a way to address local issues and an opportunity to acquire multiple certification maintenance credits in one day with little cost.

The ECO³ Symposium took place at the Chincoteague Center in Chincoteague, Virginia and attracted attendees from three states, Virginia, Maryland, Delaware, and the District of Columbia for the one-and-a-half-day mini-conference.

It was cold! But that did not stop the 80-plus attendees from coming out to hear about the Eastern Shore, water-related issues, and development. Even though case studies for most of the sessions were located in Eastern Shore Virginia and Maryland, the sessions provided guidelines, useful information and lively discussions that could be taken back to any jurisdiction rural or urban, big and small, coastal or mainland.

Attendees were welcomed by APA Virginia President Jeryl Rose Phillips, along with Hampton Roads section director Amy Jordan and APA Virginia Treasurer Joseph Curtis. Amy and Joseph organized the Symposium with the assistance of Jared Anderson of the Town of Chincoteague, Sandra Benson of Northampton County, Jim McGowan with Accomack County, Tim Bourcier and Radhika Paruchuri of Davis Bowen and Friedel, Inc., and Katheleen Freeman of Caroline County, Maryland.

During the luncheon, attendees listened to a session presented by Mr. Lou Hinds of the National Park Service. His informative session detailed the effects of climate change on the coastal areas, the Assateague Island National Seashore and the Chincoteague National Wildlife Refuge in particular. Mr. Hinds clarified that the Chincoteague Wildlife Refuge is a wildlife refuge except for 448 acres in National Park Service (NPS) holdings; it is also part of the Assateague Island National Seashore. He went into details of the loss of shoreline and the SLAMM (Sea Level Affecting Marshes Model) process. SLAMM-View is a web browser-based application that displays map pairs of the same area, each at different sea levels. The strength of this tool is its ability to show the modeling of sea level rise predictions, allowing people to see the impacts in a more intuitive way. Sea level rise is affecting coastal areas and national wildlife refuges—the Chincoteague Wildlife Refuge is a prime example. The SLAMM also predicts changes in coastal wetlands and shorelines. The SLAMM viewer is available for public use at www.slamview.org.

While not everyone agrees with the idea of climate change, analysis shows that there will be less of Chincoteague and Assateague Island to enjoy over the next hundred years due to sea level rise and island displacement.

During the rest of the Symposium, attendees were greeted by other members of the Chincoteague community, including the Town Council, the Town Planning Commission, Town Manager Robert G. Ritter, Jr. and Mayor Jack Tarr.

Those who stayed for Saturday's bike and walking tours woke up to inclement weather as a Nor'easter tore across the Eastern Shore. The heavy rains caused large puddles of standing water that were determined to be impassable for the bike tour and sadly it had to be cancelled. However, intrepid instructor and long-time resident Nancy Conklin was willing to lead the walking tour through downtown Chincoteague in the pouring rain.

Mrs. Conklin's tour of Main Street started at the historic Fire House. The tour continued down Main Street and included such landmarks as the Island Roxy Cinema. Built in 1945, the theater premiered the movie *Misty* based on the novel *Misty of Chincoteague*. Even the horse that played *Misty* in the movie showed up for the premiere and her hoof prints are imprinted in the sidewalk just outside the theater. Continued on next page



Top: Lou Hinds, National Park Service. Above: Nancy Conklin leads intrepid planners through the town of Chincoteague. Photos by Hampton Roads APA VA

Hampton Roads (continued)

The tour also included an exclusive look at the Chincoteague Library, which was opened just for our tour. Participants also took a sneak peak at the expansion of the library which included a large atrium and a second floor with spectacular views of the waterfront. Unfortunately the weather proved too much for some who had to leave to seek warmth and shelter; but those who persevered were treated to a tour of historic and restored homes towards the end.

We have collected and have been reading comments collected from attendees; we will use this for preparation of the next Symposium. Please keep posted to the APA Virginia website for information on future Symposia throughout the Commonwealth. Currently there are no immediate plans for a future Symposium in Chincoteague, but the positive comments and demands have been overwhelming so we can't rule it out. In the meantime, you can reminisce and look at Symposium presentations on the APA Virginia website:

<http://apavirginia.org/member-resources/conferences/eco3-eastern-shore-symposium>.

Stormwater (continued)

twenty-one months (after July 10) to develop their local stormwater management programs. If necessary, the Soil and Water Conservation Board may grant localities an additional twelve months (after the 21 months) to develop their stormwater management programs.

Under Section 10.1-603.3 of the Code of Virginia localities required to adopt stormwater management programs are those subject to the Chesapeake Bay Preservation Act (CBPA) or any locality "partially or wholly designated as an MS4" (a locality with Municipal Separate Storm Sewer System). Counties not subject to CBPA with MS4's are currently Loudoun, Albemarle, Roanoke and Botetourt. Perhaps additional MS4 counties could be designated by EPA in the future. All other localities may adopt stormwater management programs upon their own option. In localities choosing not to adopt programs, responsibility for stormwater permit programs would be assumed by DCR.

When the VSMP regulations received preliminary approval on October 5, many important changes to address local government concerns were made in areas relating to redevelopment, Urban Development Areas, local inspection and enforcement programs, local fee schedules and grandfathering. With respect to these concerns the final VSMP regulations as approved today, appear to have minor differences from the version of the regulations preliminarily approved on October 5. Another significant component of the final VSMP

Although it's been said many times, it can't be said enough. APA Virginia would like to thank the town of Chincoteague including the Chincoteague Center staff, town council and board of supervisors; Mr. Tom Derrickson of the Hampton Inn and Suites; session instructors, Mr. Lou Hinds, and sponsors: the Town of Chincoteague, Northampton County though a grant from the Virginia Coastal Zone Management Program; Davis, Bowden, and Friedel; Parsons Brinckerhoff; and Land Studio, pc.

As you have noticed, our Section has been pretty busy with planning conferences: Between the State Planning Conference this past spring, ECO3 in October, and now the State Planning Conference in Norfolk in 2010, Hampton Roads has become the conference capital of Virginia! However, we are currently working with the City of Newport News to do an event featuring a presentation and tour of Hilton Village that recently won a great neighborhood award from APA. We are also planning a mixer at one of the local restaurants in Hilton Village following the credit presentation and tour. We are hoping to have this event in the near future. In the meantime, contact Amy Jordan, Section Director and Joseph Curtis for more information about the Hampton Roads Section at hamptonroads@apavirginia.org.

regulations is a section providing offsite compliance options when limits in pollutants from stormwater cannot be achieved through on-site measures. These options include a pro rata fee, utilization of a nutrient off-site program as authorized in Section 10.1-603:8.2 of the Code or a "buy down" program managed by DCR.

The new stormwater regulations now undergo an administrative review and ultimately go to Governor Kaine for approval. By law the regulations cannot take effect prior to July 1, 2010. The regulations can be viewed at www.dcr.virginia.gov/lr2d.shtml.

In October the EPA conducted a webinar in Virginia that focused on "what is a TMDL" and "why is one needed." In December additional meetings focused on EPA's expectations of watershed implementation plans, a discussion of the draft target loads for nitrogen and phosphorus and a closer look at the process here in Virginia. Another series of meetings will be held in 2010 when the draft Chesapeake Bay Watershed TMDL is published by EPA. For more information go to www.epa.gov/chesapeakebaytmdl

Candidates Announced for 2010-2012 APA Virginia Board

By Denise Harris, AICP, Past-President

The Virginia Chapter of the American Planning Association will be holding elections for the Board of Directors this spring. During the fall of last year, the Nominating Committee put a call out for Statements of Interest to the entire chapter membership through the newsletter, website, and on the listserv. The result is the slate of candidates listed below. Per the By-Laws, any member who would like to run as a petition candidate may submit their name, with a minimum of 30 signatures from chapter members who are eligible to vote, to the Chapter Secretary. The deadline for petition candidates to submit their materials is **February 15, 2010** by emailing secretary@apavirginia.org or mail to Secretary, c/o APA – Virginia Chapter, 2231 Oak Bay Lane, Richmond, VA 23233.

For more information, please review the By-Laws on the chapter website at:

<http://apavirginia.org/documents/pdf/By-Laws-approved-11-17-07.pdf> or email, pastpresident@apavirginia.org.

Elections in March, 2010!

Candidates for the 2010-2012 APA – Virginia Chapter Board of Directors are:

President – Jeryl Phillips, AICP
Vice President of Chapter Affairs – Earl Anderson, AICP
Vice President of External Affairs – Elizabeth Friel, AICP
Vice President of Legislative & Policy – George Homewood, AICP
Vice President of Sections – Dan Painter, AICP
Secretary – Ben Wales, AICP
Treasurer – Joseph Curtis, AICP
AICP Professional Development Officer – Glenn Larson, AICP
Membership Director – Andrew Sorrell, AICP

Top 10 Reasons to Attend APA Virginia Annual Conference May 3-5, 2010

By Elizabeth R. Friel, AICP, Vice President for Chapter Affairs

I hope you've saved the date! The Chapter's Annual Conference will be held May 3-5, 2010 in Norfolk and it is looking great! Some of the sessions we have so far include Virginia's Changing Demographics, LEED Site Design, Web Based Citizen Participation and "Sock Puppet Stormwater" (count me in!). Best of all, registration fees remain the same as last year at \$299 and we have negotiated a room rate at the Norfolk Waterside Sheraton beginning at just \$96!

The Host Committee met in November and is scheduled to meet again on January 10, 2010. The committee includes planners from all area jurisdictions as well as the private sector. This motivated and excited group has many super ideas for sessions, mobile workshops and special events. Sponsorships will soon be offered and the awards nominations are still open. All these moving parts will soon merge and a great conference is in the making!

Look for registration coming soon in February and we'll see you in Norfolk, May 3-5, 2010!

Top ten reasons to join us in Norfolk, May 3-5, 2010

- #10 Interactive, relevant and innovative sessions!
- #9 Lots of networking time and space!
- #8 Boats and baseball and other surprises. Stay tuned!
- #7 All your AICP required Legal and Ethics sessions.
- #6 Norfolk is a happening place!
- #5 A later spring date allows for more time between our conference and National APA and better weather!
- #4 A full two-and-a-half day format with a full day on Monday!
- #3 Separate plenary, awards and luncheon sessions!
- #2 Annual Business Meeting of APA-Virginia held during the conference.
- And the #1 reason for you to join us in Norfolk in May?!**

More Bang for Your Buck! This conference offers more time and more cost effective training and professional development opportunities with NO increase in price.



2010 Legislative Outlook (continued)

a downward spiral that cannot be fixed except by jobs creation. Because of this, it is a near certainty that Congress will attempt to adopt a more jobs-oriented program in 2010—perhaps as part of the transportation reauthorization. Moreover, while it was the bursting residential real estate bubble that was the proximate cause of the current crisis, there is a looming problem with the commercial real estate market (look at the increasing number of empty storefronts and amount of available office space caused by the spending decreases noted above). Finally, there are signs that Americans are not planning to return to ever expanding credit card and consumer debt—and tight credit practices at banks have slowed commercial lending as well. Virginia’s revenues are heavily dependent upon employment and consumption with 86% of state-generated revenue coming from individual income and sales taxes—both of which will lag other parts of the recovery. Thus the attentions of the General Assembly and the Governor should be closely fixed on the budget and the economy and while this ought to dampen the enthusiasm for submitting a multitude of other legislation, it will not. In fact, to the contrary, there may even be a rush to get a bunch of single-issue and special interest bills tossed in while attention is distracted. The General Assembly Sessions in transition years from one Governor to the next are always a tad more unsettled because of the change in staffs and direction. That is particularly so when the Governor’s Mansion changes party as well as occupant as is the case this year. Since the new Governor has the former Governor’s budget plan to manage and modify, there often is simply insufficient transition that has occurred in many of the other legislative priority areas. Thus the role of the Executive in proposing and pushing a legislative agenda is an unknown at this time.

So, what else are we expecting in 2010?

Here are some of our thoughts:

Impact Fees and Proffers—APA Virginia Chapter has been heavily involved in the Impact Fee discussion occurring as part of the Athey-Vogel Subcommittee (officially Joint Subcommittee Studying Development and Land Use Tools in Virginia) and with funding assistance from APA National arranged to have 3 nationally-recognized experts in the field present information to the Subcommittee about lessons learned with impact fees elsewhere in the nation. The sense that we have now is that the Athey-Vogel Subcommittee will be continued for at least one more year and that if legislation is introduced regarding creation of general impact fee authority or changes to existing proffer authority, it will likely simply be held over pending the outcome of Athey-Vogel. However, there are persistent rumors that a bill will be introduced to “temporarily” cap cash proffers and fees assessed on new residential and commercial construction in order to help stimulate the construction industry and

bring more work force housing to market. Since the two highest sectors of job loss in the Commonwealth are construction and retail sales, helping the construction industry would easily be viewed as good public policy. We do not oppose assisting the construction industry, just that such help should not come at the expense of the Commonwealth’s already cash-strapped localities and local efforts to provide the same quality of public infrastructure for the newcomers that the current residents already enjoy and have paid for.



The General Assembly is likely to look at ways to stimulate the construction industry. Photo by Elizabeth S. Via-Gossman

Urban Development Areas (UDA)—there will be an effort to clarify some of the requirements such as to whether “gross density of 4 dwelling units per acre” applies to the entire UDA or only to those areas within the UDA that allow residential and mixed uses that include residential and to allow the UDA to be called anything that a community chooses to call it as long as it meets the requirements. Thus far, however, it seems that the changes proposed likely will be relatively minor and not transformative in nature. APA Virginia Chapter had proposed to the Athey-Vogel Subcommittee eliminating the specific residential density and commercial floor area ratio requirements in favor of 15 performance standards that would be used by localities in designating and implementing the UDAs. However, that approach was feared as being too susceptible to local decision-makers who could choose to frustrate the purposes of the legislation.

Transportation—the Commonwealth is nearing the breaking point in its transportation system. To a great extent, transportation is the single most critical component for continued economic development and emergency preparedness. While substantial efforts over the past 4 years, such as the UDA noted above, have begun to address the land use and transportation linkages for the

future, no real progress has been made in addressing the backlog of transportation needs resulting from the past. Moreover, Virginia's bridges and tunnels are aging and need enhanced maintenance and in many cases expensive replacement. Nothing short of new money, and unfortunately a lot of it, is going to solve the transportation construction, reconstruction and maintenance backlog. There will be a new federal transportation reauthorization in 2010 or 2011 and that may pump new federal dollars into the Commonwealth; however, federal dollars have to be matched with state dollars and there is increasing worry that there may not even be enough to cover the required state match. Today, about one-third of identified maintenance needs are being deferred in order to make the match for current federal dollars. Virtually every locality in Virginia is facing zero funds flowing to secondary and urban road construction and with continued whispers of "devolution", the historic 1932 Byrd Road Act seems ever more in jeopardy of becoming irrelevant. Governor-elect McDonnell resides in congested Hampton Roads and among other things campaigned on finding transportation solutions to chronic congestion. One of the legislative items likely to be considered in 2010 is a change in the statutory formula that divides up transportation revenues in the Commonwealth—or at least another study of it. On that issue, the divide is not partisan; it is between rural and urban/suburban legislators.

Environment—by the end of the Session it is nearly certain that environmental programs will constitute a lower percentage of the state budget than they do now. Programs to fund Purchase of Development Rights will likely shrink further and the many ideas and concepts floated in the 2009 Session regarding climate change and greenhouse gas emissions should be narrower and more focused. Quite possibly the General Assembly will choose to take a stand to delay the new stormwater management regulations and send them back for additional study to what will be very likely a new Soil & Water Conservation Board.

The Chapter Legislative Committee meets weekly via teleconference with the Chapter's Legislative Consultant throughout the Session and more frequently if the need arises. We maintain an e-mail list with which we try to let members who ask to be included know of important and breaking issues at both the state and, through APA National, at the federal level as well. Any member who would like to be added to the e-mail distribution list should send their contact information to legislation@apavirginia.org.

**The 2010 Legislative Session
convenes on January 13, 2010.**

Visit our web site for information about the Virginia Chapter of the American Planning Association 2009-2010 Legislative Agenda.

APA Virginia Goes Social

By Ryan Link, AICP

In Celebration of APA's National Community Planning Month in October, APA Virginia set up a Group Photo Pool on Flickr, and hosted a contest for planners across the Commonwealth to post and share photographs of planning practices in Virginia. The idea was sparked by the success of Planetizen's highly successful photo group which hosts 2,174 photos from 246 members.

Congratulations to Andrew Deci and Zhiela Ashtianipour for winning the two \$50 VISA gift cards during the October contest. As of the writing of this article, the APA Virginia Flickr group has seven members and 32 photos. We plan to continue this site for the long-term. You can visit the APA Virginia Photo Group at www.flickr.com/groups/apavirginia. You will need to have a Flickr account to upload photos. It is our hope that all members will consider sharing their planning photos with the Chapter, creating a valuable planning resource for all of us.

The kickoff of the Flickr site was just the beginning of APA Virginia's use of social media. Over the past month we have been developing a Facebook Page, LinkedIn group and a Twitter account (@APA_Virginia). The sites are a work in progress and are continuing to evolve, giving APA Virginia added tools for distributing news and information and will allow all of us to increase communication and collaboration across the planning community.

Please visit us on Facebook and LinkedIn, post your photos to our Flickr group, and consider following our Tweets as we continue to build a collaborative community of planners across the Commonwealth. Links to each of these sites is provided on our website at www.apavirginia.org.

We look forward to seeing you online!



AICP Update

By Glenn Larson, AICP,
AICP Professional Development Officer

Attention AICP members. Concerned about earning your required AICP Certification Maintenance (CM) Program credits by the April 30, 2010 grace period deadline? The APA Virginia Chapter continues to offer free or low-cost opportunities to earn credits through its CD loan program and participation with other APA chapters in monthly national webcasts. The Chapter's free CD loan program has multiple copies of CDs that meet AICP CM law and ethics requirements.

Continued on next page

AICP Update (continued)

Find out more about the CD loan program and the monthly national webcasts at the APA Virginia Chapter website: <http://apavirginia.org/member-resources/aicp>.

Check out the recently revised and now regularly updated AICP page at the APA Virginia Chapter website (<http://apavirginia.org/member-resources/aicp>) for more information about AICP, taking the AICP exam and the AICP Certification Maintenance Program. If you have questions about AICP, or want to be added to the Virginia Chapter's semi-monthly AICP exam or Certification Maintenance update e-mail lists, please contact me at 804-748-1970 or aicp@apavirginia.org.

ECDC Makes No Small Plan for 2010!

By Joseph Curtis, Jr., AICP, Co-Chair, ECDC

As mentioned previously, the ECDC was the winner of the American Planning Association Chapter Presidents Council, Karen B. Smith Award for Outstanding Outreach to the Community. While the ECDC is proud of this achievement, we are not ones to rest on our laurels. We are aiming higher this year in order to provide you with the most engaging programming available. We are working on our next ECDC social gatherings across the Commonwealth and sessions for the APA Virginia Conference in Norfolk in May 2010.

ECDC Co-Chair Joseph Curtis ventured to East Rutherford, New Jersey for an information gathering session and social networking event hosted by the newly formed ECDC of APA New Jersey. As we had a role in lobbying the APA New Jersey Executive Committee to create the Committee, we felt it was appropriate to have a representative from ECDC Virginia to wish their newly-formed ECDC well. The New Jersey counterpart made a wise decision to host the event in East Rutherford, the home of Rutgers University—an idea we will use in planning future ECDC events. Jeffery Wilkerson, ECDC Chair for APA New Jersey was pleased with the large turnout for the first happy hour. Although less than one year old, the ECDC of New Jersey has made great connections, including partnering with APA North Carolina. ECDC also plans to work more with APA North Carolina, especially since Virginia is closer to North Carolina than New Jersey!



Above: Jeff Wilkerson (far right) and members of the New Jersey ECDC. Photo by ECDC Virginia APA

The ECDC has invited our New Jersey counterparts to participate in the APA Virginia Conference in May. We hope they accept as they will bring a different perspective on planning issues that will be a benefit to APA Virginia members.

Speaking of the Conference in Norfolk, the Virginia ECDC has already begun to organize sessions and a social event for May. One will focus on the benefits of reaching out to various ethnic enclaves throughout the Commonwealth. The other session will deal with the LGBT community: the businesses they own and the communities they serve. The ECDC is very excited about our sessions and would like to hear your input. And if you have a comment about the ECDC or would like to help, please e-mail ECDC Co-Chairs Leon Hughes and Joseph Curtis at ecdc@apavirginia.org.

Northern Virginia Section Update

By Ben Wales, AICP, NOVA Section Virginia APA

NOVA planners visited opposite sides of the Potomac River this fall, visiting both Old Town Alexandria, Virginia and National Harbor, Prince George's County, Maryland. Old Town and National Harbor may only be separated by a mile and a half of the Potomac, but Old Town was established 250 years earlier and served as a contract to the brand new life style center, National Harbor.

The section visited National Harbor, a 7.3 million square foot mixed-use project on the Potomac's eastern shore in October. The project's development team provided a fascinating insight into the design challenges of ensuring that the mix of uses thrive, support and complement each other, while integrating parking and creating shared-use regimes that meet demands of access and use. This major development, planned for office, hotel, residential and retail uses is anchored by the Gaylord National Resort and Conference Center.

In November, members learned the importance that clay brick has played in the design of Old Town Alexandria's historic streetscapes. The presentation, held in the Lyceum building, focused on the extensive use of clay brick in sidewalk and building construction in Old Town and how the City's planners are trying to maintain and reintroduce brick paving to delineate pedestrian areas. Attendees also learned of the different types of brick pavers currently available to planners and developers. Poor weather prevented the tour of Old Town's streets, but Stephen Milone, AICP and Al Cox (both of the City of Alexandria) were able to draw on their knowledge and photo collections to provide an excellent 'virtual tour', charting the past and present day use of clay brick. The event was sponsored by the Baltimore/Washington Brick Distributor Council.

To receive email notifications of upcoming Section events, please email Hillary or Annie at vapanova@gmail.com.



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Best Wishes
for a Happy
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President's Message (continued)

Following the Leadership Meeting, I remained to participate in the Federal Program Briefing and Planners Day on the Hill, along with our VP-Legislation & Policy, George Homewood, AICP, and several other Chapter members. After being briefed on a myriad of bills of interest to APA, particularly on the topics of Planning for Sustainability and Planning for Climate Change, we Virginians gathered on Capitol Hill for visits with staff from our Congressional Delegation to discuss the merits of these bills and how they could benefit their Districts and the Commonwealth. What a rush! While there, we also participated in a reception, sponsored by the Complete Streets Coalition, during which Virginia's Assistant Secretary of Transportation, Nick Donahue, with whom the Chapter has worked, gave remarks about the Commonwealth's efforts to embrace Complete Streets principles in both state policy and regulation. It was sure nice to see Virginia listed among the first 100 having a Complete Streets program.

Congratulations to all of our newest AICPs who passed the November exam! Look for your name in the next month's issue of NEWSBRIEF!

I wish you all the Season's best. With the coming of the New Year, I know many of our colleagues find themselves in need of employment. Please do what you can to support their pursuits to make it a happier new year.

—Jeryl Rose Phillips, AICP

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