

REPORT OF THE

**The Commission on  
Population Growth  
and Development**

TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA



**HOUSE DOCUMENT NO. 41**

COMMONWEALTH OF VIRGINIA  
RICHMOND  
1992

# COMMISSION ON POPULATION GROWTH & DEVELOPMENT

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# COMMONWEALTH of VIRGINIA

## Commission on Population Growth & Development

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January 22, 1992

To the Honorable L. Douglas Wilder, Governor  
and the General Assembly of Virginia,

Please accept this interim report of the Commission on Population Growth and Development in fulfillment of our obligation pursuant to Title 9, Chapter 22.3 of the Code of Virginia (HJR 435, 1990).


1991 has been important and productive year for the Commission on Population Growth and Development, which has until June 30, 1995 to complete its work. The Commission embarked on several specific initiatives in 1991 and outlined a workplan in order to meet its mandates. The Commission also endeavored this year to more actively involve the public in its deliberations.

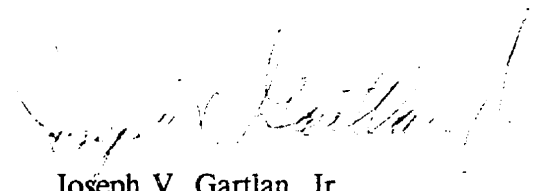
The attached interim report outlines the progress of the Commission during 1991 and looks to the future by highlighting specific initiatives for the coming year. Also included are various papers prepared for and adopted by the Commission. In particular, we refer you to Section I of this report, entitled "Commission Initiatives and Actions for 1992", which frames the Commission's work for the coming year.

The Commission has embraced its charge to examine issues on a statewide basis, and recognizes that the development of prudent growth strategies for the Commonwealth will promote economic prosperity, environmental health and fiscal responsibility in the coming years.

We commend this report to you and look for your support to realize our ambitious goals.

Sincerely,

  
W. Tayloe Murphy, Jr.  
Chairman

  
Joseph V. Gartlan, Jr.  
Vice-Chairman

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## A. Background

During the past twenty years we have seen unprecedented growth and change in Virginia. Over 6.2 million people live in the Commonwealth today, a 15.7% increase in the past ten years alone. We are expecting at least another 2.5 million new residents over the next 30 years. According to the 1990 US census, Virginia was the fifth fastest growing state in the country. Even during this past year, when Virginia has experienced a decline in its growth rate, the challenges facing the Commonwealth with respect to population growth and development have not diminished. **Now Virginia must develop strategies that address not only the needs of urban areas, often left with rising infrastructure costs but declining fiscal resources, but also the needs of rural areas of the state that traditionally have experienced a declining population and resource base.**

During the 1980's, Virginia joined with its neighbors, Maryland, Pennsylvania and the District of Columbia to address the effects of growth and development on a shared natural resource, the Chesapeake Bay. The 1987 Chesapeake Bay Agreement embodies this cooperative approach. An important goal of that agreement, which was signed by all three states as well as the District of Columbia, the Chesapeake Bay Commission, and the US Environmental Protection Agency, was to "plan for and manage the adverse environmental effects of human population growth and land development in the Chesapeake Bay Watershed." One result of the commitment to that goal was the establishment of the Year 2020 Panel which examined the impact of projected population growth rates and development patterns on the health of the Bay. The Panel report found that population growth and an increasing per capita consumption of land were having, and will continue to have, a detrimental effect on the water quality and living resources of the Bay as well as the quality of life in the region. The year 2020 Panel recommended that each of the states involved establish a commission to promote the preparation and implementation of state-level planning and coordination with respect to these issues.

Virginia's representatives on the Year 2020 Panel recognized, however, that growth issues are not confined to the Bay's watershed, or even to those areas experiencing the highest rates of growth. Therefore in 1989, the Virginia General Assembly created a 19 member Commission on Population Growth and Development to "evaluate and recommend a statewide planning process". The results of the first year of commission work were presented to the General Assembly in 1990, in House Document 40. This document included the following findings:

- ◆ Virginia can expect a least two and one-half million new residents by the year 2020.
- ◆ Development patterns have changed significantly. Today two-thirds of the Commonwealth's population live in urban areas (one-third of the state) as compared to 1945 when two-thirds of our residents lived in rural areas.
- ◆ Virginia is experiencing a decreasing household size coupled with an increasing per capita consumption of land.
- ◆ The benefits of growth have not been shared equally across the Commonwealth. Significant areas of the state are declining in population and resources.

- ◆ Many Virginians are concerned about the loss of community character, deterioration of the environment, and the ability of governments to pay for infrastructure and services.

One of the recommendations of House Document 40 was to expand the membership of the Commission to 33 members to better represent the range of issues related to growth and development. Twenty-three commission members are citizens; ten are members of the General Assembly (see Appendix 1). The Governor's Cabinet serves as an Advisory Council to the Commission. In 1991, Delegate W. Tayloe Murphy, Jr., continued as Chairman and Senator Joseph V. Gartlan, Jr., as Vice-Chairman.

Also as a result of the 1990 General Assembly action, the Commission was given the following charges:

- ◆ to study and evaluate the consequences of present and anticipated changes in population and land patterns of development on the economic vitality and environmental health of all regions of the Commonwealth;
- ◆ to develop initiatives which ensure that adequate planning, coordination and data dissemination occur at all levels of government to guide population growth and development in Virginia, including consideration of the appropriate state, regional and local responsibilities;
- ◆ to recommend alternatives for meeting the funding requirements of infrastructure improvements and conservation measures which will enhance the Commonwealth's ability to manage its population growth and development;
- ◆ to propose innovative and cooperative land management techniques that will accommodate population growth and development;
- ◆ to examine and evaluate methods of coordinating activities of the General Assembly and state agencies relating to matters of population growth and development, including but not limited to consideration of a statewide planning process and the role of the state in such a process; and
- ◆ to report annually its findings and recommendations to the Governor and the General Assembly.

## **B. Commission Meetings in 1991**

The intensity of work of the Commission increased significantly during 1991. Executive Director Katherine L. Imhoff joined the Commission in February and established the Commission's office in the General Assembly Building. Working with the Commission's Executive Committee, a workplan was established that proceeded on parallel tracks. The first

track involved more intensive study and deliberation by the Commission through its committees. The second track established a public participation process to enable the Commission to share with the citizens of the Commonwealth its findings as well as to receive assistance from the citizenry in crafting solutions to the range of growth related challenges. A full discussion of the public participation process is contained in Section G of this report.

### COMMISSION MEETING DATES

9/14/90	<b>Growth Commission</b>	7/8/91	Executive Committee
10/9/90	Work Plan Committee	8/6/91	Executive Committee
10/15/90	Search & Selection Subcommittee	8/7-8/91	<b>Growth Commission</b>
10/23/90	<b>Growth Commission</b>	8/20/91	Technical Advisory Committee
11/5/90	Work Plan Committee	8/23/91	Executive Committee
11/28/90	<b>Growth Commission</b>	9/4/91	<b>Growth Commission</b>
12/3/90	Search & Selection Subcommittee	10/2/91	Public Meeting in Chesterfield County
12/12/90	Work Plan Committee	10/3/91	Public Meeting in Warsaw
12/20/90	<b>Growth Commission</b>	10/3/91	Public Meeting in Northern Virginia
1/7/91	Work Plan Committee		
1/8/91	<b>Growth Commission</b>	10/8/91	Public Meeting in Onley
3/6/91	Executive Committee	10/10/91	Public Meeting in Farmville
3/7/91	<b>Growth Commission</b>	10/10/91	Public Meeting in Afton
4/9/91	Resources Committee	10/16/91	Public Meeting in Warren County
4/9/91	Technical Advisory Committee (State)	10/17/91	Public Meeting in Abingdon
4/18/91	Finance Committee	10/17/91	Public Meeting in Roanoke
4/25/91	Governance Committee	10/24/91	Public Meeting in Norfolk
5/15/91	Resources Committee	10/24/91	Public Meeting in Hampton
5/15/91	Executive Committee	10/31/91	Technical Advisory Committee
5/22/91	Finance Committee		
5/30/91	Governance Committee	11/20/91	Executive Committee
6/12/91	Resources Committee	11/21-22/91	<b>Growth Commission</b>
6/19/91	Finance Committee	12/2/91	Executive Committee
6/27/91	Governance Committee		/Advisory Council

## C. Fourteen Findings

The basis for the Commission's work in 1991 was the 14 Findings adopted by the Commission on March 7, 1991. These findings expanded on the conclusions contained in House Document 40 and also formally endorsed the visions of the Year 2020 Panel. This document also contained an additional vision which embodies the Commission's statewide mandate.

The 14 Findings acknowledge the statewide mission of the Commission by recognizing that growth and development issues need to be addressed in stable and declining areas as well as areas that are rapidly growing. The issues referenced in the findings paper are seen by citizens throughout the Commonwealth as being the common element which needs to be addressed.

During the course of the year, the Commission found that over 50 local jurisdictions did not grow appreciably or actually lost population over the last ten years. Conversely, in some of the rapidly growing areas, infrastructure is nearing capacity and communities are struggling to serve an expanding population. (Appendix 2: Population Figures from the US census.) Each area has particular problems that can be helped with a strategy that promotes growth where appropriate and can effectively deal with the consequences of rapid growth.

### FINDINGS AND A PLAN FOR ACTION

Adopted March 7, 1991

#### Foundation for Consensus

The Commission on Population Growth and Development believes that Virginia must put into place programs that will accommodate expected growth. These programs must also protect the quality of life and the bountiful natural and economic resources of the Commonwealth. Without action now, the physical landscape will be irreparably harmed and our capacity to support growing communities and assist struggling ones will be strained. A framework for sustained growth which promotes efficiency and fairness will benefit all the citizens of the Commonwealth.

The seeds of the Commission's work were sown by the Year 2020 Panel which was convened under the 1987 Chesapeake Bay Agreement. The Commission commends that report to all citizens of the Commonwealth. The 2020 Panel recognized that growth, if left unchecked, would continue in a manner which would irreversibly harm the economic vitality and environmental resources of the region. They called for programs at the state and regional level which would realize a series of "Visions". They forcefully stated that the visions can only be realized if current patterns of growth are reversed. The 2020 Panel visions are:

- ◆ Vision I: Development is concentrated in suitable areas.
- ◆ Vision II: Sensitive areas are protected.
- ◆ Vision III: Growth is directed to existing population centers in rural areas and resource areas are protected.



- ◆ Vision IV: Stewardship of the Bay and the land is a universal ethic.
- ◆ Vision V: Conservation of resources, including a reduction in resource consumption, is practiced throughout the region.
- ◆ Vision VI: Funding mechanisms are in place to achieve all other visions.

The Commission accepts these visions as objectives to guide its work. However, the Commission also notes that the focus of the 2020 Panel was the watershed of the Chesapeake Bay. This Commission is charged with examining the consequences of both growth and decline in the Bay watershed and in regions removed from the Bay watershed. Therefore a statewide focus is needed:

- ◆ Vision VII: All areas of the Commonwealth, regardless of growth rates, implement a planning program which, on a statewide basis, promotes economic vitality and a sustainable quality of life and provides environmental quality.

This paper serves to articulate a view of population growth and development by this Commission. It presents a framework for addressing the challenge of growth by identifying specific issues the Commission will consider. It also proposes a procedural format to guide the next phase of the Commission's work.

#### Findings

The Commission finds the following:

1. **GROWTH CAN PROVIDE A VARIETY OF BENEFITS BUT ALSO HAS ECONOMIC AND ENVIRONMENTAL COSTS.**

The economic and social opportunities provided by growth can be significant. Growth can bring new jobs, expanded opportunities for economic advancement and additional social, cultural and educational benefits. There are also costs associated with all growth such as services and infrastructure.

2. **THE CONSEQUENCES OF GROWTH WITHOUT PREPARATION AND COORDINATION ARE APPARENT AND WILL WORSEN UNLESS ACTION IS TAKEN.**

Citizens in many parts of the Commonwealth are experiencing congested roads, overcrowded schools, decline in the quality of services, financial stress, lack of affordable housing, polluted environment, impaired natural resources, a loss of community character and a loss of quality of life. Effective solutions to these problems require partnerships at the state, regional and local levels that recognize the responsibilities and duties of each. Public and private partnerships can also contribute to the solutions.

3. **CURRENT DEVELOPMENT PATTERNS ARE SIGNIFICANTLY INCREASING THE COST OF PROVIDING INFRASTRUCTURE AND SERVICES.**

It is universally recognized that the expense of providing infrastructure and services is related to the pattern of development. The 2020 Panel suggested that at least 10 billion dollars could be saved on road construction alone if policies which promote higher density, compact development are adopted

in urbanizing areas. It is also the case that many significant infrastructure costs will remain regardless of the rate or pattern of additional growth and these costs must be addressed.

4. SPRAWLING DEVELOPMENT IS OFTEN AN INEFFICIENT USE OF NATURAL RESOURCES AND CONTRIBUTES TO THE LOSS OF TRADITIONAL RESOURCE-BASED INDUSTRIES WHICH ARE VITAL TO THE ECONOMY OF THE COMMONWEALTH.

The Commission continues to be concerned about the survival of traditional resource-based industries in the face of inefficient and highly consumptive land use patterns. Conservation of prime agricultural land, preservation of forest resources, protection of water-based industries and the wise and efficient use of mineral resources is necessary to support a vibrant and diverse economy.

5. THE BENEFITS OF GROWTH ARE NOT SHARED EQUITABLY ACROSS THE COMMONWEALTH.

Many regions of the Commonwealth have not shared in the growth and prosperity of the last decade. We cannot forget their needs. Many of these largely rural regions of the Commonwealth are losing population and resources and are increasingly financially and culturally stressed.

6. THE HEALTH OF THE URBAN AREAS IS CRITICAL TO THE GROWTH OF VIRGINIA. CURRENTLY, OUTLYING SUBURBAN AREAS ARE GROWING AT THE EXPENSE OF URBAN AREAS.

The Commission is concerned about the health of urban Virginia. We continue to believe that the health of the central cities is a vital component in an overall growth management strategy. Areas served by infrastructure exist in the cities and can accommodate development. However, as we noted in our report last year, many central cities continue to lose population and tax base.

7. LONG-TERM TRANSPORTATION PLANNING IS ESSENTIAL TO FOSTER EFFICIENT DEVELOPMENT PATTERNS AND TO PREVENT RESOURCE WASTE AND ENVIRONMENTAL DEGRADATION.

Road construction and maintenance are expensive and the increased use of automobiles leads to greater consumption of petroleum and increased air pollution. We must encourage patterns of development which maximize alternative means of transportation and minimize automobile use.

8. HOUSING PRICES IN MANY LOCALITIES ARE OUT OF REACH OF LOW AND MODERATE INCOME FAMILIES.

In some areas, housing prices are beyond the means of many Virginians. The search for affordable housing often drives home buyers to areas far from their places of employment. This situation accelerates sprawling development and compounds public, economic and environmental costs.

9. THE LOSS OF NATURAL RESOURCES CONTINUES TO THREATEN VIRGINIA'S ECONOMY AND ENVIRONMENT.

Environmental protection is a vital element of all the questions we are considering. Virginia continues to lose critical habitat, water resources, wetlands, cultural and historic resources, open space,

forests and farmland. We recognize that these resources often transcend jurisdictional boundaries and must be protected by state and local governments working cooperatively.

10. PRIVATE PROPERTY INTERESTS MUST BE PROTECTED CONSISTENT WITH THE STATE'S OBLIGATIONS TO ITS CITIZENS AND FUTURE GENERATIONS.

The Commission recognizes the rights of property owners. The Commission also believes there is a great deal of misunderstanding regarding the extent of property rights and this stands in the way of effective planning.

11. LOCAL GOVERNMENTS MAY NEED ADDITIONAL INCENTIVES AND RESOURCES AS WELL AS POWERS TO MANAGE GROWTH EVEN THOUGH SOME MAY NOT BE USING ALL POWERS AT THEIR DISPOSAL.

The Commission recognizes that localities and regions may require additional authority to implement effective plans.

12. SOME GROWTH-RELATED PROBLEMS LEND THEMSELVES ONLY TO REGIONAL SOLUTIONS.

A locality's carrying capacity, especially in regard to its financial and natural resources, may not be adequate to sustain anticipated growth. Many impacts of growth are not confined to jurisdictional boundaries. For example, water is often a resource shared among the localities and both water quality and quantity can be adversely affected by growth. Infrastructure such as transportation facilities, also cross jurisdictional boundaries. Some programs, such as solid waste management, have been dealt with historically at the local level but are more effectively accomplished at the regional level. Planning for sustainable growth must therefore include regional approaches.

13. THE STATE NEEDS TO PROVIDE LOCALITIES WITH MECHANISMS FOR ACHIEVING REGIONAL SOLUTIONS.

Regional cooperation and coordination is, at best, inconsistent. Existing structures, such as the Planning District Commissions, need to be re-examined. Structures which provide incentives and requirements for regional cooperation, including financial and/or legal empowerment, must be established in order to improve the planning process.

14. THE COMMONWEALTH HAS A CLEAR INTEREST AND RESPONSIBILITY TO PLAN FOR ITS FUTURE.

In order to fulfill this responsibility, the Commonwealth must both protect and promote its economic, cultural and environmental resources. The Commonwealth must take a leadership role. The relationship between local governments and state government in growth management and land use planning issues must be changed for planning at both levels to be successful.

## **D. Resources, Finance and Governance Committees**

Between April and June of 1991, the Commission formed three working committees that refined issues identified in the 14 Findings. These committees were charged with expanding on

the themes in the 14 Findings and preparing discussion papers for the Commission's consideration at its Fredericksburg meeting in August. (See Appendix 3.)

## **E. Integrated Policy Paper**

As a result of the work of the committees, and after continued discussion by the Commission, the Integrated Policy Paper was drafted which established statewide planning goals for the Commonwealth. The Integrated Policy Paper also outlined certain fundamental responsibilities that must be carried out at the state, local and regional levels in order to achieve the ten state goals.

### **INTEGRATED POLICY PAPER**

September 1991

#### **INTRODUCTION**

In 1990, Virginia was the fifth fastest growing state in the country. Over 6.2 million people live in Virginia today, a 15.7% increase since 1980, and we are expecting at least 2 million new residents by the year 2020.

From 1980 to 1990, when population grew by 15.7%, household formation increased by 23%; the number of registered vehicles grew by 35%; and average daily auto trips increased by 59.7%. If current trends continue, land consumption will increase at twice the rate of population growth over the next decade.

While the state has been experiencing rapid change, the growth has not been uniform. In fact some areas of the state, outside of the "Golden Crescent", have been losing population and employment.

In its deliberations over the past year, the Commission on Population Growth and Development has determined that the state must take a leadership role in guiding future growth and development. It must develop state goals and effective state, regional and local partnerships to achieve those goals.

#### **I. STATE GOALS**

Over the past year, the Commission on Population Growth and Development formulated fourteen findings which provided a framework for identifying specific issues for consideration by the Commission. The Commission is now proposing the following draft State Goals, developed from the original fourteen findings work paper which was adopted by the Commission on March 7, 1991.

## TEN SPECIFIC VIRGINIA PLANNING GOALS

### An Action Plan for the Commonwealth

1. Establish a strong state-local partnership to encourage growth which will promote the prosperity of Virginians and sustain the natural resource base of the Commonwealth for future generations.
2. Plan for growth in a manner that ensures the timely, orderly and economical provision of the public infrastructure and services necessary to support that growth.
3. Enhance and protect traditional resource based industries and other aspects of a productive rural economy.
4. Encourage revitalization and infill development in urban areas to maximize the value of investments already made and enhance the quality of life in these communities.
5. Require consistency between transportation planning, public investments and local comprehensive planning, and broader goals for economic development, resource protection and urban revitalization.
6. Provide a framework for the development of affordable housing in all localities throughout the Commonwealth.
7. Protect valuable and sensitive natural, cultural and historic resources in the Commonwealth as a legacy for future generations.
8. Balance public and private interests in making decisions that will shape the future growth and development of the Commonwealth consistent with generally accepted principles of public responsibility and private property rights.
9. Ensure that local governments have the authority and financial resources necessary to function as full partners in implementing state and local goals.
10. Achieve regional planning coordination on issues that transcend local boundaries or where economies of scale offer significant local or state savings.

## II. ROLES AT THE STATE, LOCAL AND REGIONAL LEVELS

Meeting the goals outlined above will require strong partnerships between local and state government and regional entities. It will also require us to have appropriate state institutional structures in place to forward these goals. To achieve state goals, certain fundamental responsibilities must be carried out at the state, local and regional levels.

### A. The State Role

The Commonwealth has a clear interest in and responsibility to plan for its future. State government must develop and articulate goals to guide the growth of the state. It should promote and

support responsible local planning, land use control efforts, and the availability of affordable housing and protect and enhance natural resources. We recommend the following state roles:

- Develop a State conservation and development strategy that includes protecting sensitive areas, improving air and water quality, improving waste management, promoting more efficient patterns of development, strengthening transportation planning, and enhancing economic development.
- Adopt implementation strategies that provide a framework for the consistent, predictable and flexible implementation of these goals in ways that are sensitive to the different local environments across the Commonwealth.
- Grant local governments the necessary regulatory tools and funding sources to plan for, finance and provide public facilities necessary to accommodate growth consistent with state goals.
- Require better coordination and planning among state agencies to implement adopted state goals. State investments and decisions related to the timing, location and amount of public infrastructure and services provided should forward state objectives.
- Use incentives, funding and regulatory, and education programs to implement articulated state goals.
- Develop financial incentives to promote regional planning efforts, including infrastructure planning, construction and maintenance. A funding model for infrastructure similar to the regional jail fund might be considered.
- Establish a central repository at the state level for land use, resource and demographic information.

#### **B. The Local Role**

Local government is an important partner in the implementation of strategies to meet the mutually beneficial goals of the Commonwealth. In some localities, rapid development strains the ability of local governments to manage land uses effectively while paying the costs associated with increasing demands for public facilities and services. In other communities, local governments are struggling with declining tax bases and a loss of economic vitality. Given the variety of problems facing local governments today, we recommend the following roles:

- Retain at the local level the responsibility for all decisions that do not have a significant impact on either surrounding communities or the state as a whole.
- Support mechanisms for local governments to confer and coordinate with neighboring jurisdictions on issues that have implications beyond a single jurisdiction.
- Take the steps necessary to further state goals in the areas of land use planning, resource protection and infrastructure development.
- Contribute data to regional and state information systems.

### C. The Regional Role

Many growth related problems lend themselves to regional solutions, such as water availability, solid waste disposal, protection/utilization of other common resources, affordable housing, and transportation. While regional entities are not an end in themselves, regional planning in Virginia should be strengthened. There are currently 21 PDCs in Virginia with experience in policy identification, local planning assistance, and some service delivery. There are also a number of other effective regional entities in Virginia. The role of PDCs and other regional entities should be clarified and expanded as needed to achieve state goals. The Commission also recognizes the need for greater participation at the regional levels by state and local elected officials. The following roles are recommended to foster effective regional efforts:

- Identify issues of greater than local significance.
- Provide forums, services and initiatives that foster interjurisdictional cooperation on issues of greater than local significance including development of regional plans where appropriate.
- Work with local governments by collecting and distributing information, providing technical assistance, and other actions which implement the goals set forth by the state.
- Work with the state and localities to develop mechanisms to resolve disputes that emerge between local jurisdictions.

### **F. Action Proposals**

In addition to the Integrated Policy Paper, the Commission also examined three specific action proposals, developed as a result of its August meeting. The proposals were presented in the following form for consideration by the members of the Commission and the public:

#### **THREE ACTION PROPOSALS**

##### **1. Comprehensive Data Base Development.**

Over the past year, the Commission recognized the lack of a comprehensive data system for the Commonwealth. It has been difficult for the Commission to discuss the implication of current population growth and development trends because in many cases information is not available in a usable and comprehensive form. In some instances information may be available but it is fragmented and located in many different governmental entities and agencies. As the work of the Commission proceeds to examine the issues associated with growth and development, there is clearly a need for development of a comprehensive data base which would contain information on the natural, physical and cultural factors essential for informed public policy decision making.

2. Virginia Conservation and Recreation Fund.

The establishment of a Virginia Conservation and Recreation Fund is considered to be an essential part of any state growth management strategy. Its creation relates directly to several of the Commission's 14 Findings, including Findings 4, 5, 9, 10 and 14. A conservation and recreation fund will help fill the role of identifying and acquiring critical environmental, historic and recreational properties as well as assist local private and public land conservation efforts. (See Appendix 4 - Draft of Conservation and Recreation Fund Legislation.)

3. Additional Authority for Local Government.

The Commission has discussed at all its meetings the need for additional local government authority. This is also in several of the points noted in the Commission's 14 Findings. For example, Finding 11 states "local governments may need additional incentives and resources as well as powers to manage growth even though some may not be using all the powers at their disposal." In the Ten State Goals recently adopted by the Commission, Goal Nine states: "Ensure that local governments have the authority and financial resources necessary to function as full partners in implementing state and local goals."

It has been suggested to the Commission that a comprehensive recommendation should be made with regard to the "Dillon Rule." However, the Commission believes that its role, with regard to local government authority, is limited to consideration of the powers needed to implement whatever substantive recommendations the Commission ultimately makes. Therefore, the Commission should solicit views as to what specific additional powers localities will ultimately need to deal with growth related issues.

The Commission is interested in receiving specific examples from localities regarding powers that they need to responsibly deal with population growth as full partners with the state government. The Commission will continue, throughout its deliberations, to discuss the tools needed by local government.

## **G. Public Education and Participation - The October Meetings**

As part of its two-track approach in the development of a growth strategy for the Commonwealth, the Commission has endeavored to keep the public informed about its work. At nearly all of its meetings, public participation was actively encouraged. In addition, the Commission regularly distributes information to a mailing list that includes over two thousand people.

The most significant citizen participation effort took place in October 1991 when the Commission held 11 public meetings around the state. At least one meeting was held in each of Virginia's congressional districts, and over 800 Virginians participated. The meetings provided an opportunity for the public to learn about the work and findings of the Commission



and to offer comments and suggestions on future actions. The public was also asked to respond to the 14 Findings, the Integrated Policy Paper and the three action proposals described above.

The Commission was encouraged by the interest demonstrated by Virginia's citizens. The Commission received a wide variety of comments and suggestions not only about its specific proposals and papers, but also heard specific alternatives concerning the powers and responsibilities of state, regional and local entities in a statewide growth strategy. The Commission found that while there is diversity in the Commonwealth with regard to local problems, and there are also very compelling statewide themes and recommendations. The following themes emerged during the public meetings:

### **THEMES FROM PUBLIC PARTICIPATION MEETINGS**

- ◆ The state should expand and coordinate programs to better protect the environment. This includes protection and enhancement of: agriculture, historic/cultural resources, water quality and quantity, air, solid waste and open space.
- ◆ Many participants made comments regarding regional issues, including:
  - There is a need for significant regional cooperation, particularly in the areas of economic development, heritage, tourism and transportation;
  - More attention should be paid to promoting regional solutions to growth issues including solid waste management, water supply and allocation, and traffic issues;
  - There is a need for better coordination and cooperation between local, regional and the state level; and
  - There is a need for a state framework so that localities can better work together on regional solutions.
- ◆ A conservation and recreation fund should be established. This fund should include monies to purchase parks, critical environmental resources, open space and historic/cultural properties.
- ◆ Many participants saw a need for strengthening the state's role in planning. In particular, a need for a single state planning agency to provide comprehensive data and technical assistance is proposed. Interest was also expressed in developing plans which include incentives for promoting growth in disadvantaged areas.
- ◆ Re-examining the role of the Planning District Commissions was suggested, and encouraging regional cooperation and collaboration through various mechanisms is supported.

- ◆ It was frequently suggested that the state should provide localities with additional tools, including funding alternatives and financial/technical support. Some of the tools mentioned were: impact fees, adequate public facility ordinances, transferable development rights and expanded taxing authority. Others suggested a relaxation of the Dillon Rule.
- ◆ Many recognized the need for education about the issues embodied in developing and implementing a state growth strategy, including the value of historic, cultural and natural resources.
- ◆ A number of participants suggested that the Commission consider educational needs at all levels as part of its discussion. Education was cited particularly in areas looking for ways to retain population.
- ◆ Many noted that affordable housing needs must be addressed as part of any state effort.
- ◆ Participants recognized the need for sound economic development, including promoting tourism and urban revitalization.

It is the conclusion of the Commission that the public participation meetings were highly successful. The citizens of the Commonwealth in large measure applauded the work of the Commission and had substantive recommendations which the Commission will build upon in continuing its work.

A complete 100 page summary of the October meetings entitled "Virginians Respond" is available from the Commission office.

## **H. Technical Advisory Committee**

The Technical Advisory Committee (TAC) is made up of approximately 70 members representing both public agencies and private interest groups. The TAC was organized to assist the Commission in pursuing its charge to study the effects of population growth and development in Virginia. In establishing the TAC, the Commission was mindful of the process used by Georgia. The use of a broad based advisory committee which provided research and review assistance proved to be a very important element in the development of Georgia's successful growth strategies program.

The TAC met for the first time on August 20, 1991. After reviewing the work of the Commission to date, the TAC divided into subcommittees to address in greater detail issues on which the Commission will need guidance and input, including: Energy, Water Resource Planning, Urban Redevelopment and Infrastructure, and Rural Development Strategies.

The TAC will continue to meet in 1992 and serve as a sounding board and advisory resource for the Commission.

A complete roster of the TAC is attached as Appendix 5.

## **I. Commission Initiatives and Actions for 1992**

The Commission's final meeting of 1991, held at Wintergreen, Virginia on November 21 and 22, yielded important initiatives for the coming year. The Commission spent considerable time reviewing the three action proposals developed prior to the October meetings as well as charting a plan for development of a comprehensive program.

### **THE FOLLOWING SPECIFIC INITIATIVES WERE DEVELOPED AT THE NOVEMBER MEETING:**

1. Additional Local Government Authority: The Commission has chosen not to take on a full examination of the Dillon Rule. Rather, the Commission will concentrate on identifying specific additional authority local governments need to fulfill state goals.
2. Comprehensive Data Base: The Commission voted unanimously to initiate the study necessary to create an effective comprehensive data base which would contain the natural/physical and demographic data necessary to assist the Commission in its decisions. The Commission considered a report dealing with this data base prepared by Resources Committee Chair, Charles Steger. The initiative described in the report outlines a two-phase process for accomplishing this goal:

#### **Phase I:**

- ◆ Develop detailed objectives of the system;
- ◆ Identify the role which each level of government, state agencies, institutions and other relevant organizations would play;
- ◆ Update the inventory of existing significant Geographic Information Systems and other related existing systems, including technical specification of the systems; and
- ◆ Develop a staffing and funding plan.

#### **Phase II:**

Building on the plans developed in Phase I, Phase II would involve the implementation of the system, including:

- ◆ A process for updating the system;

- ◆ Establishment of priorities for data gathering which might focus on critical environmental issues;
- ◆ Refinement of network access; and
- ◆ Creation of policies for equipment funding.

An expanded Resources Committee chaired by Dr. Steger will be responsible for carrying through with this initiative. The Commission also directed the Executive Committee to present the proposal to the Commission's Advisory Council (the Cabinet).

3. Conservation and Recreation Fund: The Commission voted unanimously to pursue in 1992 the creation of a Conservation and Recreation Fund for acquiring critically sensitive areas and to provide monies for open space, natural areas, fish and wildlife habitat, protection of threatened and endangered species, historic properties and park acquisition. The Commission, in its discussions, recognized the positive economic impact of a fund as it related to increased tourism, recreation, hunting and fishing opportunities, and access to natural and cultural resources. Public support for the fund was expressed frequently at all of the eleven October public participation meetings. Broad support was also reflected in an independent public opinion poll conducted for the Nature Conservancy, the Chesapeake Bay Foundation, Commission member Mike Erkiletian and the Virginia Environmental Endowment (see Appendix 6). The Commission reviewed the findings of that poll at its November meeting. After careful consideration, the Commission decided to pursue a two-pronged approach. First, the Commission voted to support the creation of a permanent statutory fund to achieve the objectives cited above. Second, the Commission voted to support a bond referendum that would raise funds to purchase properties or interests in properties of significant recreational, natural, cultural or historical value. The Commission's Executive Committee was instructed to pursue this initiative.

4. Elements of a Growth Strategy: The Commission is moving forward with developing a statewide planning framework. As a first step, the Commission unanimously adopted the following:

**The Commission has identified and recommends that the statewide planning process needs to include, but not be limited to: 1) the collection, coordination and dissemination of data and information; and 2) coordination of planning among state agencies.**

The Commission has also directed its staff to begin the process of developing initiatives and alternatives that will be included in a strawman document to be considered by the Commission in anticipation of recommending a comprehensive growth strategy for the 1993 legislative session. There are seven specific areas that the Commission will address in its development of a recommended program:

1. Adoption of State Planning Goals.

2. Improvement of the quality of local and regional planning and encouraging consistency with state goals, through technical and financial assistance, sanctions, or a combination of both.
3. Consistency between the planning goals of state agencies.
4. Development of regional goals and framework for action.
5. Development of comprehensive data program (see above).
6. Development of conflict resolution mechanisms to provide the ability to settle conflicts between governmental entities operating within an overall framework.
7. Development of coordination strategies between various levels of government.

There is consensus among Commission members that a single state entity should ultimately oversee the implementation of a planning process. The Commission will consider over the next year various structures of such an entity.

5. Developing an Effective Growth Management Strategy: The Commission discussed at length the form of an effective growth management strategy. There appeared to be a consensus among members that the "traditional" regulatory approach might not be the most appropriate way to implement an effective strategy. The underlying foundation of an effective strategy should be planning---at all levels of government. Effective approaches will only be achieved through a combination of initiatives including, but not limited to, incentives, additional authority as well as changes to regulations.

The staff has been directed to begin the process of developing policy alternatives related to each of the areas above. The work of the Commission in the coming months will be to consider alternatives and solicit your assistance.

Respectfully submitted,

W. Tayloe Murphy, Jr., Chairman  
Joseph V. Gartlan, Jr., Vice-Chairman

Hunter B. Andrews  
Robert B. Ball  
Robert L. Calhoun  
Whittington W. Clement  
C. Richard Cranwell  
Elmo G. Cross, Jr.  
Mary A. Marshall  
John C. Watkins  
James N. Carter, Jr.  
Frank A. Crovo, Jr.  
Jack D. Edwards  
Carter S. Elliott, Jr.  
Myron P. Erkiletian

Alexander M. Fisher, Jr.  
Carol R. Foster  
Gary C. Hancock  
William J. Hearing, Sr.  
Carlton H. Hershner, Jr.  
Gerald W. Hyland  
Dan Kavanagh  
G. Robert Lee  
Joseph H. Maroon  
Dr. Grace V. Norbrey  
Nancy K. Parker  
Margaret D. Porterfield  
Carroll K. Shackelford

Dr. Charles W. Steger  
Jacquelyn E. Stone  
Dr. Porcher L. Taylor, Jr.  
Margaret E. G. Vanderhye  
Elizabeth B. Waters

January 1992

# APPENDIX

## MEMBERSHIP INFORMATION

### LEGISLATIVE MEMBERS:

**HUNTER B. ANDREWS:** (1st Senatorial District)

Has represented the City of Hampton in the Virginia Senate since 1964. He is Chairman of the Senate Finance Committee.

**ROBERT B. BALL:** (74th House District)

Has represented Henrico County in the House of Delegates since 1972. He is Chairman of the House Appropriations Committee.

**ROBERT L. CALHOUN:** (30th Senatorial District)

Has represented the City of Alexandria in the Virginia Senate since 1989. He was one of the three Senatorial appointees to this Commission in 1989.

**WHITTINGTON W. CLEMENT:** (20th House District)

Has represented the City of Danville in the House of Delegates since 1988. He was one of the four House appointees to this Commission in 1989.

**C. RICHARD CRANWELL:** (14th House District)

Has represented Roanoke County and surrounding jurisdictions in the House of Delegates since 1972. He is Chairman of the House Finance Committee.

**ELMO G. CROSS, JR.:** (4th Senatorial District)

Has represented Hanover County and the Middle Peninsula in the Virginia Senate since 1976. He was one of the three Senatorial appointees to this Commission in 1989, and is a member of the Chesapeake Bay Commission.

**JOSEPH V. GARTLAN, JR.:** (36th Senatorial District)

Has represented a portion of Fairfax County in the Virginia Senate since 1972, including the Mason Neck area where he resides. He was one of the three Senatorial appointees to this Commission in 1989, and is a member of the Chesapeake Bay Commission.

**MARY A. MARSHALL:** (48th House District)

Has represented Arlington County in the House of Delegates since 1966. She was one of the four House appointees to this Commission in 1989. She is Chairman of the House Committee on Counties, Cities and Towns.

**W. TAYLOE MURPHY, JR.:** (99th House District)

Has represented the Northern Neck in the House of Delegates since 1982. He is Vice Chairman of the Chesapeake Bay Commission and was a member of the Year 2020 Panel.

**JOHN C. WATKINS:** (65th House District)

Has represented Chesterfield County in the House of Delegates since 1982. He was one of the four House appointees to this Commission in 1989.

CITIZEN MEMBERS:

JAMES N. CARTER, JR.:

President of Carter Financial Corporation of Irvington. He has been involved in land development activities for a number of years. He has served on the Non-tidal Wetlands Roundtable and the Advisory Committee to the Chesapeake Bay Local Assistance Board.

FRANK A. CROVO, JR.:

President of the RF&P Railroad. He was one of the nine individuals appointed to this Commission in 1989.

JACK D. EDWARDS:

Professor of Political Science at the College of William & Mary. He is a member of the Board of Supervisors of James City County and was one of the Virginia members on the Year 2020 Panel.

CARTER S. ELLIOTT, JR.:

A dairy farmer in Campbell County. He has been active in local government and is a former President of the Virginia Association of Counties.

MYRON P. ERKILETIAN:

President of Erkiletian Construction Company in Alexandria. He was one of the three Virginia representatives on the Year 2020 Panel and was appointed to this Commission in 1989.

ALEXANDER MURRAY FISHER, JR.:

Owns and operates Brookview Farm, a crop and cattle operation, in Goochland County. He has been active in agricultural activities both here in Virginia and abroad.

CAROL R. FOSTER:

Manager of Government Relations at Chesapeake Corporation, an integrated paper and forest products company. She resides in the Richmond area.

GARY C. HANCOCK:

Mayor of the Town of Pulaski, the county seat of Pulaski County. He currently is Chairman of the Community & Economic Development Policy Committee for the Virginia Municipal League.

WILLIAM J. HEARRING, SR.:

President and owner of Hearndon Construction Corporation in the City of Chesapeake. He was appointed to this Commission in 1989.

CARLTON H. HERSHNER, JR.:

Professor of Marine Science at the Virginia Institute of Marine Science of the College of William & Mary. He heads the Coastal Inventory Program at VIMS. He was appointed to this Commission in 1989.

GERALD W. HYLAND:

Represents the Mount Vernon District on the Fairfax County Board of Supervisors. He also serves as Chairman of the Chesapeake Bay Local Government Advisory Committee.

DAN KAVANAGH:

Executive Director of the Middle Peninsula Planning District Commission. He has been active in a number of regional planning associations. He lives in Remlik in Middlesex County.



**G. ROBERT LEE:**

County Administrator of Fauquier County. He formerly held the same position in Clarke County. He serves on the Virginia Association of Counties Legislative Steering Committee on Natural Resources and Planning.

**JOSEPH H. MAROON:**

Virginia Executive Director of the Chesapeake Bay Foundation. Before joining the Chesapeake Bay Foundation, he was on the staff of the Joint Legislative Audit and Review Commission. He was also a member of the Chesapeake Bay Land Use Roundtable.

**DR. GRACE V. NORBREY:**

Land Information Coordinator for the Cooperative Extension Service at Virginia State University. She was appointed to this Commission in 1989.

**NANCY K. PARKER:**

Member of the City Council of Virginia Beach. She is a member of the Education Policy Committee of the Virginia Municipal League and the Chesapeake Bay Local Government Advisory Committee.

**MARGARET D. PORTERFIELD:**

Administrator of Prince William County's Conference and Visitor's Bureau. She was formerly with the Eastern Shore Chamber of Commerce and was appointed to this Commission in 1989.

**CARROLL K. SHACKELFORD:**

A resident of Orange County, she is a 1964 graduate of the University of Virginia Law School. She has been active in a great many civic activities and currently serves as a member of the Board of Directors of the Piedmont Environmental Council.

**DR. CHARLES W. STEGER:**

Dean of the College of Architecture and Urban Studies at Virginia Polytechnic Institute and State University. He was appointed to this Commission in 1989.

**JACQUELYN E. STONE:**

A native of Williamsburg, she is a 1980 graduate of the University of Virginia and a 1985 graduate of Harvard Law School. She is currently associated with the firm of McGuire, Woods, Battle & Boothe in Richmond.

**DR. PORCHER L. TAYLOR, JR.:**

Retired Vice-President of Virginia State University. He is a former career Army officer, retiring as a full Colonel, and resides in Petersburg.

**MARGARET E. G. VANDERHYE:**

A private research consultant. She is a member of the Northern Virginia Planning District Commission of which she is immediate Past Chairman. She is immediate past President of the Virginia Association of Planning District Commissions. She currently serves as Chairman of the Citizens Advisory Committee for the Northern Virginia Subregional Transportation Plan.

**ELIZABETH B. WATERS:**

She is affiliated with the Institute for Environmental Negotiation at the University of Virginia where she also teaches. She is a member of the Charlottesville City Council and was until very recently Mayor of the City.

## YEAR 2020 VIRGINIA POPULATION PREDICTIONS

2020 Predicted Population Shifts based on 1980-1990 US Census Data

<u>Net % Change</u>	<u>Counties &amp; Cities</u>	<u>1990 Census</u>	<u>Predicted Shift</u>	<u>2020 Estimate</u>
-89%	Covington	6,991	-6,216	775
-66%	Bath	4,799	-3,183	1,616
-64%	Buchanan	31,333	-19,968	11,365
-37%	Dickenson	17,620	-6,558	11,062
-37%	Martinsville	16,162	-5,961	10,201
-36%	Norton	4,247	-1,530	2,717
-36%	Northampton	13,061	-4,692	8,369
-34%	Highland	2,635	-906	1,729
-34%	Emporia	5,306	-1,812	3,494
-33%	Greensville	8,853	-2,940	5,913
-33%	Wise	39,573	-12,870	26,703
-32%	Russell	28,667	-9,282	19,385
-30%	Tazewell	45,960	-13,653	32,307
-26%	Giles	16,366	-4,332	12,034
-26%	Alleghany	13,176	-3,471	9,705
-24%	Scott	23,204	-5,592	17,612
-24%	Richmond	203,056	-48,474	154,582
-24%	Clifton Forge	4,679	-1,101	3,578
-24%	Dinwiddie	20,960	-4,926	16,034
-23%	Buena Vista	6,406	-1,494	4,912
-21%	Petersburg	38,386	-8,007	30,379
-20%	Charles City	6,282	-1,230	5,052
-19%	Lunenburg	11,419	-2,115	9,304
-18%	Danville	53,056	-9,747	43,309
-18%	Sussex	10,248	-1,878	8,370
-18%	Lee	24,496	-4,380	20,116
-16%	Halifax	29,033	-4,698	24,335
-15%	Charlotte	11,688	-1,734	9,954
-14%	Lexington	6,959	-999	5,960
-14%	Fairfax	19,622	-2,745	16,877
-13%	Southampton	17,550	-2,298	15,252
-12%	Roanoke	96,397	-11,469	84,928
-10%	Bristol	18,426	-1,848	16,578
-9%	Smyth	32,370	-2,988	29,382
-8%	Colonial Heights	16,064	-1,335	14,729
-8%	Carroll	26,594	-2,028	24,566
-7%	Norfolk	261,229	-17,250	243,979
-6%	Pulaski	34,496	-2,199	32,297
-6%	Essex	8,689	-525	8,164
-6%	Amherst	28,578	-1,632	26,946
-6%	Grayson	16,278	-903	15,375
-4%	South Boston	6,997	-288	6,709
-4%	Washington	45,887	-1,800	44,087
-4%	Staunton	24,461	-948	23,513

<u>Net % Change</u>	<u>Counties &amp; Cities</u>	<u>1990 Census</u>	<u>Predicted Shift</u>	<u>2020 Estimate</u>
- 4%	Hopewell	23,101	-888	22,213
- 4%	Henry	56,942	-2,136	54,806
- 3%	Lynchburg	66,049	-2,082	63,967
- 3%	Patrick	17,473	-522	16,951
- 3%	Salem	23,756	-606	23,150
- 2%	Cumberland	7,825	-168	7,657
- 2%	Mecklenburg	29,241	-609	28,632
- 2%	Portsmouth	103,907	-2,010	101,897
- 1%	Wythe	25,466	-168	25,298
0%	Waynesboro	18,549	-42	18,507
1%	Pittsylvania	55,655	513	56,168
2%	Falls Church	9,578	189	9,767
3%	Charlottesville	40,341	1,275	41,616
4%	Bedford	6,073	246	6,319
4%	Accomack	31,703	1,305	33,008
5%	Surry	6,145	297	6,442
5%	Franklin	7,864	423	8,287
7%	Nottoway	14,993	981	15,974
7%	Galax	6,670	438	7,108
7%	Brunswick	15,987	1,065	17,052
8%	Bland	6,514	495	7,009
8%	Appomattox	12,298	981	13,279
9%	Manassas Park	6,734	630	7,364
10%	Rockbridge	18,350	1,878	20,228
11%	Floyd	12,005	1,326	13,331
13%	Mathews	8,348	1,059	9,407
13%	Amelia	8,787	1,146	9,933
13%	Richmond	7,273	963	8,236
13%	Nelson	12,778	1,722	14,500
14%	Campbell	47,572	6,444	54,016
15%	Prince Edward	17,320	2,592	19,912
15%	King & Queen	6,289	963	7,252
18%	Prince George	27,394	4,983	32,377
20%	Northumberland	10,524	2,088	12,612
20%	Fredericksburg	19,027	3,795	22,822
20%	Caroline	19,217	3,939	23,156
21%	Botetourt	24,992	5,166	30,158
21%	Lancaster	10,896	2,301	13,197
21%	Alexandria	111,183	23,898	135,081
24%	Winchester	21,947	5,190	27,137
24%	Rappahannock	6,622	1,587	8,209
24%	Roanoke	79,332	19,161	98,493
25%	Hampton	133,793	33,528	167,321
26%	Suffolk	52,141	13,560	65,701
26%	Buckingham	12,873	3,366	16,239
28%	Westmoreland	15,480	4,317	19,797
28%	Rockingham	57,482	16,284	73,766
29%	Franklin	39,549	11,427	50,976
29%	Craig	4,372	1,272	5,644

<u>Net % Change</u>	<u>Counties &amp; Cities</u>	<u>1990 Census</u>	<u>Predicted Shift</u>	<u>2020 Estimate</u>
32%	Page	21,690	6,867	28,557
32%	Williamsburg	11,530	3,708	15,238
32%	Arlington	170,936	55,011	225,947
32%	Middlesex	8,653	2,802	11,455
37%	Louisa	20,325	7,500	27,825
39%	Shenandoah	31,636	12,231	43,867
39%	Augusta	54,677	21,297	75,974
41%	Isle of Wight	25,053	10,350	35,403
43%	Madison	11,949	5,151	17,100
43%	Montgomery	73,913	31,884	105,797
43%	King William	10,913	4,737	15,650
44%	Powhatan	15,328	6,798	22,126
44%	Newport News	170,045	75,426	245,471
47%	Radford	15,940	7,452	23,392
47%	Orange	21,421	10,074	31,495
48%	New Kent	10,445	4,992	15,437
49%	York	42,422	20,877	63,299
51%	Goochland	14,163	7,206	21,369
51%	Henrico	217,881	111,438	329,319
53%	Fluvanna	12,429	6,555	18,984
53%	Clarke	12,101	6,408	18,509
54%	Albemarle	68,040	36,771	104,811
56%	Culpeper	27,791	15,513	43,304
57%	Warren	26,142	14,826	40,968
59%	Harrisonburg	30,707	18,156	48,863
61%	Hanover	63,306	38,724	102,030
62%	Poquoson	11,005	6,837	17,842
66%	King George	13,527	8,952	22,479
70%	Bedford	45,656	32,187	77,843
74%	Chesapeake	151,976	112,470	264,446
76%	Frederick	45,723	34,719	80,442
78%	Greene	10,297	8,016	18,313
79%	Fauquier	48,741	38,556	87,297
82%	Fairfax	818,584	668,490	1,487,074
97%	Chesterfield	209,274	203,706	412,980
99%	Prince William	215,686	213,150	428,836
100%	Gloucester	30,131	30,072	60,203
100%	Virginia Beach	393,069	392,610	785,679
100%	Loudoun	86,129	86,106	172,235
102%	Stafford	61,236	62,298	123,534
108%	James City	34,859	37,560	72,419
133%	Spotsylvania	57,403	76,224	133,627
134%	Manassas	27,957	37,356	65,313
<b>41%</b>	<b>VIRGINIA</b>	<b>6,187,358</b>	<b>2,521,620</b>	<b>8,708,978</b>

Census Data restated to reflect mergers, consolidations and annexations for Danville/Pittsylvania; Emporia/Greenville; and Franklin/Southampton.

**REPORTS FROM THE RESOURCES, FINANCE  
AND GOVERNANCE COMMITTEES**  
July, 1991

**I. RESOURCES COMMITTEE**

**Introduction**

The Resources Committee is composed of the following members:

Charles W. Steger, Chairman	Grace V. Norbrey
James N. Carter, Jr.	Carroll K. Shackelford
Elmo G. Cross, Jr.	Margaret E. G. Vanderhye
Alexander M. Fisher, Jr.	John Watkins
Carol R. Foster	Joseph H. Maroon (by request)
Carlton H. Hershner, Jr.	

The Committee met four times: March 7, April 9, May 15, and June 12. The charge of the Resources Committee, as contained in the Findings paper adopted by the full Commission, included:

- ◆ Determining regional resources and local carrying capacity.
- ◆ Mitigating impacts on both private and public resources.
- ◆ Identifying resources: natural, cultural and historic.
- ◆ Defining and protecting the most sensitive and valuable areas.
- ◆ Balancing regulatory and non-regulatory approaches.
- ◆ Building on our investment in existing cities and towns.
- ◆ Fostering a conservation mentality that will influence the future growth and development of the Commonwealth.
- ◆ Protecting natural resource based industries.

**Findings**

In its 1990 report to the General Assembly, the Commission on Population Growth and Development expressed its concern over the future of the natural resources of the Commonwealth. This concern was expressed specifically in several of the Findings adopted by the full commission.

Finding 4 states: "Sprawling development is often an inefficient use of natural resources and contributes to the loss of traditional resources based industries which are vital to the economy of the Commonwealth. ... Conservation of prime agricultural land, preservation of forest resources, protection of water-based industries and the wise and efficient use of mineral resources is necessary to support a vibrant and diverse economy."

Finding 9 states "The loss of natural resources continues to threaten Virginia's economy and environment. ... Virginia continues to lose critical habitat, water resources, wetlands, cultural and historic resources, open space, forest and farmland."

The committee was also guided by Findings 11, 12 and 13 regarding regional solutions and local empowerment, as well as Finding 14 which looks to the Commonwealth for a leadership role.

The Resources Committee believes that a resource management policy must seek to both protect resources as well as promote their appropriate use. The committee seeks to establish a framework for the wise use and necessary protection of the natural resources of the Commonwealth through a rational planning process in which local needs are addressed and state interests are protected.

While recognizing the leadership responsibility of the state in managing resources of regional and state concern, the committee believes that all levels of government have a role to play in the identification, use and management of critical resources. The Commonwealth is obliged through its constitutional responsibility to act as a steward for all citizens of the state's resources. Local governments hold significant powers over land use decisions and environmental questions and are a vital component of a resource management strategy. Planning Districts can provide significant economies of scale and perspectives valuable to any resource management scheme. The committee also recognizes that many natural, cultural and environmental resources are held in private hands, and appropriate management strategies and incentives must be developed for their use and protection.

As a starting point, this paper identifies specific areas of agreement based on discussion held so far and sets forth recommendations and issues for the full commission to consider.

## **I. DEFINITION OF TERMS**

The committee defines resources identified in Finding 9 adopted by the full commission to include the following: "critical habitat, water resources, wetlands, cultural and historic resources, open space, forest and farmland." In Finding 4 it is recognized that all natural resources contribute to a diverse and vibrant economy. The committee believes that resource management strategies must recognize natural resources including commodity and renewable resources. The committee recognizes that the character of these natural attributes varies from area to area depending on their quantity, quality and place in the landscape which bear on the priority that may be given to them.

The committee also recognizes that the built environment exerts significant influence on natural and cultural resources. The committee is mindful of this influence, and recognizes the necessity of identifying human factors as they relate to resource management.

### **Recommendation:**

- The committee believes that critical resources must be given priority due to the rapid rate that population growth and development is adversely affecting them, and the commission should determine priority resources based on the standards that have guided Virginia in the past. Appendix 1 lists a series of reports which define critical resources. The committee recommends that these standards, where applicable, be used to identify resources of state concern. The committee also wishes to hear from the full commission about additions and modifications to these definitions.

## **II. DATA COLLECTION: NATURE AND QUALITY OF INFORMATION REGARDING RESOURCE ISSUES**

There is no central repository in state government for land use, resource and demographic information. Such information is gathered and collected by a number of local, regional and state agencies. In some cases there is a duplication in effort, while in others data collection, while not duplicative, is in a form difficult for other agencies to use. While attempts have been made in some cases to synthesize this information, the results are not yet adequate. The committee recognizes the necessity of having quality data to both understand the current state of land uses and resources in the Commonwealth as well as to assist in setting future policies.

**Recommendation:**

- The committee recommends that comprehensive data be collected and housed at the state level. The state should make a commitment to maintain and use this information. The data base should include such things as soils, topography, watershed boundaries, wetlands, prime agricultural lands, water supply, commercial and noncommercial forest lands, current land uses and mineral deposits. This data base should house data gathered by local, regional, and federal agencies. A firm commitment to fund such an undertaking must be made. The data base should also be capable of overlaying infrastructure networks and other manmade facilities and jurisdictional boundaries. In addition, demographic data should be a component.

**III. CAPACITY OF GOVERNMENTAL ENTITIES TO IDENTIFY AND MANAGE RESOURCES**

The ability of governmental units to identify and manage resources varies widely. Often the local governments blessed with abundant natural resources have the least capacity for identifying and protecting them, especially those of regional, state or national stature. Regional entities vary in their ability to undertake management programs. Planning districts are limited by aspects of the legislation which created them and by their responsibility to constituent local governments. State efforts at resource protection are varied. A lack of consistent funding, fragmentation of responsibility over resource and land use, and lack of state policy and direction has slowed efforts.

**Recommendations:**

- The committee recommends that the Commission further examine the capacity of the state, under its current structure, to coordinate the activities of state agencies as they relate to land use and resource management. The committee wishes to determine if tools such as memorandum of agreement between agencies can provide the needed coordination and resource protection, or if restructuring is necessary. (See example of MOA, Appendix 2)
- The committee also recommends further examination be given to the powers for resource protection given to local governments. Incentives and mandates to use existing powers should be explored. If new powers are required, then they should be granted. If existing powers should be used, then state standards should be set. The committee desires to coordinate with the Governance Committee in this regard.
- The committee is reluctant to recommend at this time that additional regulatory powers be granted to Planning Districts because of their lack of direct electoral accountability. However, they are an important geographic unit within which to collect and disseminate resource information and within which a great deal of data is currently available. The PDCs may be a vehicle for improved resource management, but models would need to be explored to assure that state and/or local governments and resource protection would be best served by a regional approach.

**IV. INTERGOVERNMENTAL RELATIONSHIPS AND RESOURCE MANAGEMENT**

All levels of government have an appropriate role to play in the protection and promotion of the Commonwealth's resources. The state must fulfill its stewardship obligation through regulatory oversight, financial and technical assistance, and incentives. Government should also embark on management strategies in partnership with the private sector.

Recommendation:

- While the committee believes that the state must take a more forceful role in resource management, the committee desires to assign responsibilities to appropriate levels of governments within the context of a growth strategy for the state. The committee also wishes to further explore, in cooperation with the Finance Committee, incentives for private protection of resources.

**II. FINANCE COMMITTEE**

Introduction

The Finance Committee is composed of the following members:

Jack D. Edwards, Chairman	Gary C. Hancock
Hunter B. Andrews	William H. Herring, Sr.
Robert B. Ball, Sr.	Joseph H. Maroon
Whittington W. Clement	Nancy K. Parker
Frank A. Crovo, Jr.	Carol R. Foster (by request)
Myron P. Erkiletian	

The Committee met four times: March 7, April 18, May 22, and June 19. The charge of the Finance Committee, as contained in the Findings paper adopted by the full Commission, included the following:

- ◆ Using taxes, fees, and incentives to influence plans and plan implementation.
- ◆ Improving the content and application of infrastructure planning and funding including, but not limited to, transportation, schools, solid waste, water and sewerage.
- ◆ Harmonizing state, regional and local approaches to economic development.
- ◆ Attaining affordable housing.
- ◆ Determining sources of revenue and distribution of public costs for growth management by level of government.
- ◆ Examining benefits/costs of growth to local and regional governments.
- ◆ Evaluating the adequacy of public facilities.

Findings

The Finance Committee offers the following suggestions to assist the full Commission. These findings and recommendations relate to several of the Commission's Findings and, where appropriate, these have been referenced in parentheses.

- I. **THERE SHOULD BE FINANCIAL INCENTIVES FOR REGIONAL APPROACHES TO PLANNING AND CONSTRUCTION AND MAINTENANCE OF INFRASTRUCTURE (SEE FINDINGS 3, 12, AND 13)**

Recommendation:



- State participation and funding of infrastructure projects should be linked to regional cooperation.

**II. THERE SHOULD BE A VARIETY OF TOOLS AND PROGRAMS IN PLACE TO FINANCE PROTECTION OF LANDS FOR OPEN SPACE, RECREATION, HISTORIC AND CULTURAL PRESERVATION, HABITAT AND NATURAL AREA PROTECTION (SEE FINDINGS 9 AND 11)**

Recommendations:

- The Commonwealth should develop and maintain consistent funding for these purposes, and such programs should be tied to growth management objectives.
- The Commonwealth should provide technical assistance to aid local governments in implementing the existing Open Space Land Act.
- The Commission should work with the appropriate legislative and executive bodies to identify funding options for land programs. Funding sources that should be examined include, but are not limited to: general obligation bonds, recordation taxes, auto license taxes and distilled spirits/tobacco taxes.
- The Commonwealth should establish a revolving loan fund to assist local land trusts. Technical assistance should be provided by the state and/or regional agencies to assist in the formation of local land trusts.
- Acquisition and other non-regulatory implementation programs for achieving growth management objectives should be developed.
- Clear criteria and guidelines must be established for any acquisition program, especially for critical environmental and cultural purchases. These criteria and guidelines must reflect and implement state growth management objectives.
- Incentive programs must be established to encourage programs at the local and regional level which are compatible with state programs and objectives.

**III. THE COMMONWEALTH HAS AN ESSENTIAL PUBLIC INTEREST IN SUPPORTING AND ASSISTING LOCAL GOVERNMENTS. THE STATE ALSO HAS THE RESPONSIBILITY TO INSURE THAT PUBLIC MONIES BE USED IN THE MOST ECONOMICAL WAY POSSIBLE (SEE FINDINGS 1, 3, 5, AND 14)**

Recommendation:

- The state should work with localities to develop growth area plans for places to be served by publicly constructed infrastructure. Such programs should assist areas that have outgrown their infrastructure capabilities and areas that need further development.

**IV. A PROGRAM FOR PLANNING AND FINANCING PUBLIC FACILITIES IS NECESSARY (SEE FINDINGS 1 AND 3)**

Recommendations:

- The state should promote a "pay as you go" approach which would better coordinate comprehensive planning and capital improvements planning.
  - Adequate public facilities must be in place or planned, with funding identified, to responsibly support growth.
- V. **THE COMMONWEALTH MUST BETTER COORDINATE ITS OWN EFFORTS AMONG AGENCIES WHOSE ACTIVITIES AFFECT TIMING, LOCATION AND AMOUNT OF GROWTH (SEE FINDINGS 13 AND 14)**

Recommendations:

- The state must adopt a clear set of goals for its own agencies.
- State agencies need to prepare meaningful plans for actions that affect land use.
- State plans must be coordinated and present a clear and specific agenda for state actions.
- State projects should better conform with local plans.

### III. GOVERNANCE COMMITTEE

Introduction

The Governance Committee is composed of the following individuals:

G. Robert Lee, Chairman	Margaret Porterfield
Robert L. Calhoun	Jacquelyn Stone
C. Richard Cranwell	Porcher Taylor, Jr.
Carter Elliott, Jr.	Elizabeth Waters
Gerald Hyland	Carol R. Foster (by request)
Dan Kavanagh	Margaret E. G. Vanderhye (by request)
Mary A. Marshall	

The Committee met four times: March 7, April 25, May 30, and June 27. The charge of the Governance Committee, as contained in the Findings paper adopted by the full Commission, included:

- ◆ The state's role in land use planning and growth management.
- ◆ The role of regional organizations and regional issues.
- ◆ The adequacy of local government authority.

These three areas relate to several of the Commission's findings (Findings 11, 12, 13 and 14).

Findings

The Governance Committee offers the following suggestions to assist the full Commission:

## **I. STATE'S ROLE IN PLANNING AND GROWTH MANAGEMENT**

Several states in this country experiencing burgeoning populations have developed partnerships between state and local governments to meet the demands of growth. In many of these states, local governments were seeking additional regulatory and revenue authority to better manage the impacts associated with development. The development community was concerned about the costs imposed by local land use restrictions and regulatory delay, particularly as it affected the cost of housing. Environmentally oriented organizations were disturbed over the adverse impacts of rapid development on the environment, particularly problems associated with sprawl. State government was looked to as the appropriate entity to help develop goals to guide the growth of the state, to promote responsible local planning and land use control efforts, and to assure the availability of affordable housing and the protection of natural resources.

### Recommendations:

- The Committee believes there is a growing need in Virginia for a more active state role in guiding state, regional and local responses to growth.
- Part of this role would be the development of a comprehensive set of strategic goals and objectives related to land use and development to assure state agency program coordination, and to guide local and regional land use activities.
- As part of this effort, regional mechanisms must be developed that require the state to provide guidelines, incentives and funding.
- An enhanced state role would necessitate assigning responsibility to a new or existing entity within state government that would have the authority to achieve coordination between state agencies and between levels of government towards accomplishing the Commonwealth's land use goals and objectives.
- Such an entity (board, council, etc., and its staff) would be most effective if located at the cabinet level of state government so as to involve not only certain cabinet secretaries, but also appropriate agency heads and members of their policy-setting agency boards.

## **II. THE ROLE OF REGIONAL ORGANIZATIONS**

Many growth related problems lend themselves to regional solutions, such as water availability, solid waste management, transportation, and affordable housing. While regional entities are not an end in themselves, there is strong support on the committee to further strengthen regional planning efforts in Virginia. There are currently 21 PDCs in Virginia with twenty years of experience in service delivery, policy identification and local planning assistance. The role of the PDCs should be examined and expanded. This will require state support with regard to providing guidelines for regional action, incentives and funding.

### Recommendations:

- There is a need to strengthen regional leadership. Appropriate mechanisms for involvement need to be developed. Possible solutions for stronger leadership in regional forums could include: appointing legislative members to serve on PDC boards as well as encouraging a larger participation on all PDC boards of local elected officials.

- Greater authority and recognition are needed if PDCs are to be successful in addressing land use issues which cross jurisdictional boundaries. In encouraging regional approaches, the state should:
  1. Consider using PDCs to implement state programs, such as is currently being done with the state's solid waste planning program;
  2. State resources should be allocated in accordance with plans approved by the PDCs which implement state planning objectives; and
  3. The state should codify requirements that state agencies use planning districts or multiples of planning districts to carry out state programs in substate districts.
- State and local governments will need to provide a financial environment in which regional cooperation can flourish. State general fund allocations to PDCs should be increased, and state incentives should be designed to encourage increased local per capita funding. However funding should be tied to achieving state, regional and local growth objectives.

### III. LOCAL GOVERNMENT AUTHORITY

Growth in the Commonwealth today involves larger, more complicated development proposals, a more rapid pace of development (subject to national economic cycles), and increased service delivery demands both from the general public and mandates from other levels of government. The result is service delivery backlogs, insufficient funds for new infrastructure and the loss of natural resources. Local governments need additional land use tools and revenue resources to guide the location of new development, manage its pace, mitigate its adverse impacts on the community and finance new public facilities. But local governments are dependent on the General Assembly for grants of new authority, based on the application of the Dillon Rule in Virginia.

#### Recommendation:

- The Committee agreed that the application of the Dillon Rule in the Commonwealth has an inhibiting effect on local management of land use and growth. The Committee encourages the appropriate legislative committees in the General Assembly to consider revising the Dillon Rule, particularly as it relates to providing more broadly defined authority for localities to use those land use techniques deemed necessary to plan for and manage land use.

### IV. THEMES FOR CONSIDERATION

In its deliberations, the Governance Committee discussed whether or not it should develop a mission statement. Instead, the committee wishes to forward to the full Commission four words which summarize the intent of the 14 Findings while hopefully focusing the Commission on future actions for 1992-1993. These are:

- Prosperity
- Equity
- Community
- Sustainability

## TECHNICAL ADVISORY COMMITTEE MEMBERS

Revised January 8, 1992

### STATE AGENCIES

David Gehr;  
Robert L. Hundley (alternate)  
Department of Transportation

Neal J. Barber  
Department of Housing and  
Community Development

Mark Tubbs  
Department of Agriculture and  
Consumer Services

David Williams  
Department of Economic  
Development

Paul Grasewicz  
Department of Housing and  
Community Development

Bettina K. Ring  
Department of Forestry

Don Lillywhite  
Virginia Employment Commission

Jim Sydnor  
Air Pollution Control

Keith Bull  
Chesapeake Bay Local Assistance  
Department

Art Buehler;  
Paul Hagenmueller (alternate)  
Department of Conservation  
and Recreation

Ann Brooks  
Council on the Environment

Philip M. Smith  
Department of Game and Inland  
Fisheries

H. Bryan Mitchell  
Department of Historic Resources

Bob Grabb  
Marine Resources Commission

Kathy Reynolds  
Department of Mines, Minerals  
and Energy

Cheryl Cashman  
Department of Waste Management

Rick Weeks  
State Water Control Board

Neal Menkes;  
Russ Uzzle (alternate)  
Planning and Budget Division

Nancy Ambler  
Virginia Housing Study  
Commission

Marty Farber  
State Water Commission

Linda Bacon  
Joint Legislative Audit and  
Review Commission (JLARC)

G. E. "Ted" McCormack, Jr.  
Commission on Local Government

William Stephens  
State Corporation Commission

### OTHER

Marybeth M. Glaser  
American Planning Association,  
Virginia Chapter

Mark Lawrence  
Appalachian Power

John D. Jenkins  
Association of Virginia  
Planning District Commissions

Keith D. Cheatham  
Chamber of Commerce

Tracy M. Baynard  
Greater Washington Board of  
Trade

Jeter M. "Bud" Watson  
Hirschler, Fleischer, et al.  
Attorneys at Law

E. Delmonte Lewis  
Home Builders Association of  
Virginia

Myrl Hairfield  
Kiln Creek Project

Patricia A. "Patti" Jackson  
Lower James River Association

J. R. Bush  
Lumber Manufacturers  
Association of Virginia

John V. Cogbill, III  
McGuire, Woods, Battle & Boothe

Robert E. Griffiths;  
Timothy Canan (alternate)  
Metropolitan Washington Council  
of Governments

Martha Marks; and  
John M. Knibb  
National Association of  
Industrial and Office Parks

Charles Pattison  
Nature Conservancy

Roger Snyder  
Northern Virginia Building  
Industry Association

Martha A. Duggan  
Northern Virginia Natural Gas

Robert T. Dennis  
Piedmont Environmental Council

V. Wayne Cilimberg;  
(R - Bill Duncanson & Greg  
Brittingham; F - Shea Hollifield  
& Wayne Cilimberg; and G - John  
McCarthy & Marybeth M. Glaser)  
Rural Planning Caucus of  
Virginia

W. Jack Whitney, Jr.  
Talbot & Associates

Carlton Courter;  
Jim Plumbhoff (alternate)  
Virginia Agribusiness Council

Larry Land  
Virginia Association of Counties

Teresa Thomson  
Virginia Association of Realtors

Michael Chandler  
Virginia Cooperative Extension  
Service

John Johnson  
Virginia Farm Bureau Federation

Charles Finley  
Virginia Forestry Association

Jean N. Guthrie  
Virginia Hospitality and Travel  
Association

Barbara Wrenn  
Virginia Municipal League

Eva Tieg  
Virginia Power

W. E. Sivertson, Jr.  
Virginia Remote Sensing Study,  
William and Mary

Richard D. Daugherty, III  
Virginia Road and Transportation  
Builders Association

W. R. Walker; and  
Diana Weigmann  
Virginia Water Resources  
Research Center

**SUMMARY OF KEY FINDINGS  
 VIRGINIA PUBLIC OPINION SURVEY  
 CONDUCTED BY COMMAND RESEARCH  
 NOVEMBER 1991**

WITH SUPPORT PROVIDED BY:  
 THE VIRGINIA ENVIRONMENTAL ENDOWMENT, THE NATURE CONSERVANCY,  
 CHESAPEAKE BAY FOUNDATION AND MIKE ERKILETIAN

The survey consisted of 300 completed interviews conducted and compiled by Command Research, a national political consultant/polling firm. The calls were selected by random digit dialing, geographically balanced by state demographics. The normal statistical margin of error for a sample of this size is .057 at the 95th level of confidence. Key findings were:

1. *When you think of the environment in Virginia, which of the following statements best sums up your position? In our state:*

We've done a lot to protect our natural resources; our environment's in good shape.	9%
We've done some to protect our natural resources, but more needs to be done.	63%
We've done very little to protect our natural resources; we need to do a lot more.	24%
Don't know.	5%
  
2. *In Virginia in recent years, money for conservation and recreation lands has come from the legislature. Some people have proposed that Virginia citizens get to vote on a long-term bond to raise money for conservation and recreation. Do you believe:*

The legislature should continue to decide.	18%
The citizens should decide.	74%
Don't know.	9%
  
3. *If you had the opportunity, would you:*

Vote for conservation only.	10%
Vote for education only.	13%
Vote for both.	54%
Vote for neither.	23%

4. *If you had to choose among these various types of projects, which would be your first choice (second choice)?*

<u>Type of Project</u>	<u>1st Choice</u>	<u>2nd Choice</u>	<u>Combined</u>
Additional park facilities such as baseball fields	15%	10%	25%
Additional park land for natural areas and open space	17%	17%	33%
Improvement of existing parks	8%	12%	20%
Land for fish and wildlife habitat and threatened and endangered species	27%	27%	55%
Sites of historical importance	23%	15%	38%
None of the above/Not in favor of more land for public	11%	19%	28%

5. *All in all, thinking about a proposed conservation and recreation bond and the kinds of items to be included, are you for or against the idea?*

For -- strong	41%
For -- leaning	34%
Against -- leaning	3%
Against -- strong	10%
Don't know	13%

Note: Figures are rounded to the nearest percent.

Command Research is a national political consulting and polling firm. The firm is headquartered in Maine and headed by Dr. Chris Potholm, a tenured professor of political science at Bowdoin College.

Command Research has conducted national and statewide issue polling for the Bush Campaign, U.S. Senate and Congressional candidates, Fortune 500 corporations, political action groups, and non-profit organizations.

Command Research has conducted similar public opinion surveys for The Nature Conservancy in 20 states to determine the degree of public support for protecting the environment and for statewide conservation and recreation funds. The polls have been conducted strictly on a research basis, rather than for public dissemination.



# 1992 SESSION

LD0345376

## HOUSE BILL NO. 787

Offered January 21, 1992

*A BILL to amend and reenact §§ 2.1-1.5, 10.1-202, and 10.1-2213 of the Code of Virginia and to amend the Code of Virginia by adding in Subtitle II of Title 10.1 a chapter numbered 10.2, consisting of sections numbered 10.1-1017 through 10.1-1024, relating to the Virginia Conservation and Recreation Foundation.*

Patrons—Murphy, Abbitt, Ball, Clement, Councill, Cranwell and Watkins; Senators: Andrews, Calhoun, Cross and Gartlan

Referred to the Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.5, 10.1-202, and 10.1-2213 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Subtitle II of Title 10.1 a chapter numbered 10.2, consisting of sections numbered 10.1-1017 through 10.1-1024, as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.—The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or enabling legislation of the entities:

### Authorities.

Richmond Eye and Ear Hospital Authority.  
Small Business Financing Authority.  
State Education Assistance Authority.  
Virginia Agriculture Development Authority.  
Virginia College Building Authority.  
Virginia Education Loan Authority.  
Virginia Housing Development Authority.  
Virginia Innovative Technology Authority.  
Virginia Port Authority.  
Virginia Public Building Authority.  
Virginia Public School Authority.  
Virginia Resources Authority.

### Boards.

Board of Commissioners, Virginia Agriculture Development Authority.  
Board of Commissioners, Virginia Port Authority.  
Board of Directors, Richmond Eye and Ear Hospital Authority.  
Board of Directors, Small Business Financing Authority.  
Board of Directors, State Education Assistance Authority.  
Board of Directors, Virginia Education Loan Authority.  
Board of Directors, Virginia Innovative Technology Authority.  
Board of Directors, Virginia Resources Authority.  
Board of Regents, Gunston Hall Plantation.  
Board of Regents, James Monroe Memorial Law Office and Library.  
Board of Trustees, Family and Children's Trust Fund.  
Board of Trustees, Frontier Culture Museum of Virginia.  
Board of Trustees, Jamestown-Yorktown Foundation.  
Board of Trustees, Miller School of Albemarle.  
Board of Trustees, Rural Virginia Development Foundation.  
Board of Trustees, The Science Museum of Virginia.  
Board of Trustees, Virginia Museum of Fine Arts.  
Board of Trustees, Virginia Museum of Natural History.  
Board of Trustees, Virginia Outdoor Foundation.  
Board of Visitors, Christopher Newport College.

- 1 Board of Visitors, The College of William and Mary in Virginia.
- 2 Board of Visitors, George Mason University.
- 3 Board of Visitors, Gunston Hall Plantation.
- 4 Board of Visitors, James Madison University.
- 5 Board of Visitors, Longwood College.
- 6 Board of Visitors, Mary Washington College.
- 7 Board of Visitors to Mount Vernon.
- 8 Board of Visitors, Norfolk State University.
- 9 Board of Visitors, Old Dominion University.
- 10 Board of Visitors, Radford University.
- 11 Board of Visitors, University of Virginia.
- 12 Board of Visitors, Virginia Commonwealth University.
- 13 Board of Visitors, Virginia Military Institute.
- 14 Board of Visitors, Virginia Polytechnic Institute and State University.
- 15 Board of Visitors, Virginia State University.
- 16 Governing Board, Virginia College Building Authority.
- 17 Governing Board, Virginia Public School Authority.
- 18 Library Board, Virginia State Library and Archives.
- 19 State Board for Community Colleges, Virginia Community College System.
- 20 Commissions.
- 21 Alexandria Historical Restoration and Preservation Commission.
- 22 Chesapeake Bay Bridge and Tunnel Commission.
- 23 Hampton Roads Sanitation District Commission.
- 24 Commission on the Virginia Alcohol Safety Action Program.
- 25 Districts.
- 26 Chesapeake Bay Bridge and Tunnel District.
- 27 Hampton Roads Sanitation District.
- 28 Educational Institutions.
- 29 Christopher Newport College.
- 30 College of William and Mary in Virginia.
- 31 Frontier Culture Museum of Virginia.
- 32 George Mason University.
- 33 James Madison University.
- 34 Longwood College.
- 35 Mary Washington College.
- 36 Miller School of Albemarle.
- 37 Norfolk State University.
- 38 Old Dominion University.
- 39 Radford University.
- 40 The Science Museum of Virginia.
- 41 University of Virginia.
- 42 Virginia Commonwealth University.
- 43 Virginia Community College System.
- 44 Virginia Military Institute.
- 45 Virginia Museum of Fine Arts.
- 46 Virginia Polytechnic Institute and State University.
- 47 Virginia State Library and Archives.
- 48 Virginia State University.
- 49 Foundations.
- 50 Chippokes Plantation Farm Foundation.
- 51 Jamestown-Yorktown Foundation.
- 52 Rural Virginia Development Foundation.
- 53 *Virginia Conservation and Recreation Foundation.*
- 54 *Virginia Historic Preservation Foundation.*

1 Virginia Outdoor Foundation.

2 Museums.

3 Virginia Museum of Natural History.

4 Plantation.

5 Gunston Hall Plantation.

6 System.

7 Virginia Retirement System.

8 § 10.1-202. Gifts and funds for state parks to constitute Conservation Resources  
9 Fund.—Gifts of money, entrance and concession fees, and all funds accruing from, on  
10 account of, or to the use of state parks acquired or held by the Commonwealth shall  
11 constitute the Conservation Resources Fund. The Fund shall be under the direction and  
12 control of the Director and may be expended for the conservation and development of  
13 state parks acquired or held by the Commonwealth. Unexpended portions of the Fund shall  
14 not revert to the state treasury at the close of any fiscal year unless specified by an act of  
15 the General Assembly. *The Fund shall not include any gifts of money to the Virginia  
16 Conservation and Recreation Foundation or other funds deposited in the Virginia  
17 Conservation and Recreation Fund.*

18 CHAPTER 10.2.

19 VIRGINIA CONSERVATION AND RECREATION FOUNDATION.

20 § 10.1-1017. *Foundation created.*—There is hereby created the Virginia Conservation  
21 and Recreation Foundation, hereinafter referred to as the Foundation, a body politic and  
22 corporate to have such powers and duties as hereinafter provided.

23 § 10.1-1018. *Administration of Foundation; appointment and terms of board of*  
24 *trustees.*—A. *The Foundation shall be governed and administered by a Board of Trustees,*  
25 *consisting of the Secretary of Natural Resources or his designee, the State Treasurer or his*  
26 *designee, and five trustees from the Commonwealth-at-large. One of the trustees-at-large*  
27 *shall be appointed by the Governor, subject to confirmation by the General Assembly; two*  
28 *shall be appointed by the Speaker of the House of Delegates; and two shall be appointed*  
29 *by the Senate Committee on Privileges and Elections. The trustees-at-large shall have*  
30 *experience or expertise, professional or personal, in one or more of the following areas:*  
31 *natural resource protection and conservancy, construction and real estate development,*  
32 *natural habitat protection, environmental resource inventory and identification, forestry*  
33 *management, fish and wildlife management, historic preservation, and outdoor recreation.*  
34 *The trustees-at-large shall initially be appointed for terms of office as follows: one for a*  
35 *term of two years, two for a term of three years, and two for a term of four years.*  
36 *Appointments thereafter shall be made for four-year terms. No trustee-at-large shall be*  
37 *eligible to serve more than two consecutive four-year terms. All trustees-at-large shall post*  
38 *bond in the penalty of \$5,000★with the State Comptroller prior to entering upon the*  
39 *functions of office. The terms of the Secretary of Natural Resources or his designee and*  
40 *the State Treasurer or his designee shall be coincident with that of the Governor.*  
41 *Appointments to fill vacancies shall be made for the unexpired term.*

42 B. *The trustees-at-large shall elect a chairman annually from the at-large members of*  
43 *the Board. The chairman shall serve until his successor is elected. A majority of the*  
44 *members of the Board serving at any one time shall constitute a quorum for the*  
45 *transaction of business. The board shall meet at the call of the chairman.*

46 C. *Trustees of the Foundation shall receive no compensation for their services but shall*  
47 *receive reimbursement for actual expenses incurred in the performance of their duties on*  
48 *behalf of the Foundation.*

49 D. *The chairman of the Board, the State Treasurer, and any other person designated*  
50 *by the board to handle the funds of the Foundation shall give bond, with corporate*  
51 *surety, in such penalty as is fixed by the Governor, conditioned upon the faithful*  
52 *discharge of his duties. The premium on the bonds shall be paid from funds available to*  
53 *the Foundation for such purpose.*

54 § 10.1-1019. *Executive secretary.*—The Director of the Department of Conservation and

1 *Recreation shall serve as executive secretary to the Foundation and shall be responsible*  
2 *for the performance of the administrative duties that the Foundation may direct.*

3 *§ 10.1-1020. Conservation and Recreation Fund; purposes of Foundation.—A. The*  
4 *Foundation shall establish, administer, manage, including the creation of reserves, and*  
5 *make expenditures and allocations from a special, nonreverting fund in the state treasury*  
6 *to be known as the Virginia Conservation and Recreation Fund, hereinafter referred to as*  
7 *the Fund. The Foundation shall establish and administer the Fund solely for the purpose*  
8 *of purchasing fee simple title to or other rights, interests or privileges in property for the*  
9 *protection or preservation of ecological, cultural or historical resources, lands for*  
10 *recreational purposes, state forest lands, and lands for threatened or endangered species,*  
11 *fish and wildlife habitat, natural areas and open space.*

12 *B. The Fund shall consist of general fund moneys and gifts, endowments or grants*  
13 *from the United States government, its agencies and instrumentalities, and funds from any*  
14 *other available sources, public or private. Such moneys, gifts, endowments, grants or funds*  
15 *from other sources may be either restricted or unrestricted. For the purposes of this*  
16 *chapter, "restricted funds" shall mean those funds received by the Board to which specific*  
17 *conditions apply; "restricted funds" shall include, but not be limited to, general obligation*  
18 *bond moneys and conditional gifts. "Unrestricted funds" shall mean those received by the*  
19 *Foundation to which no specific conditions apply; "unrestricted funds" shall include, but*  
20 *not be limited to, moneys appropriated to the Fund by the General Assembly to which no*  
21 *specific conditions are attached and unconditional gifts.*

22 *C. Any moneys remaining in the Fund at the end of a biennium shall remain in the*  
23 *Fund, and shall not revert to the general fund. Interest earned on moneys received by the*  
24 *Fund shall remain in the Fund and be credited to it.*

25 *D. A portion of the Fund, not to exceed twenty percent of the annual balance of*  
26 *unrestricted funds, may be used to develop properties purchased in fee simple with the*  
27 *assets of the Fund for public use including, but not limited to, development of trails,*  
28 *parking areas, infrastructure, and interpretive projects or to conduct environmental*  
29 *assessments or other preliminary evaluations of properties prior to the acquisition of any*  
30 *property interest.*

31 *E. The State Treasurer shall maintain the restricted funds and the unrestricted funds in*  
32 *separate accounts.*

33 *§ 10.1-1021. Powers of the Foundation.—In order to carry out its purposes, the*  
34 *Foundation shall have the following powers and duties:*

35 *1. To prepare a comprehensive plan that recognizes and seeks to implement all of the*  
36 *purposes for which the Foundation is created. In preparing this plan, the Foundation shall:*

37 *a. Develop a strategic plan for the expenditure of unrestricted moneys received by the*  
38 *Fund. In developing a strategic plan for expending unrestricted moneys from the Fund,*  
39 *the Board of Trustees shall establish criteria for the expenditure of such moneys. The plan*  
40 *shall take into account the purposes for which restricted funds have been expended or*  
41 *earmarked. Such criteria may include:*

42 *(i) The ecological, outdoor recreational, and historic value of the property;*

43 *(ii) An assessment of expenditures relative to appraised market value and five-year*  
44 *sales history;*

45 *(iii) Consistency with local comprehensive plans;*

46 *(iv) Geographical balance of properties and interests in properties to be purchased;*

47 *(v) Availability of public and private matching funds to assist in the purchase;*

48 *(vi) A significant portion of the land in imminent danger of loss of its natural, outdoor,*  
49 *recreational or historic attributes;*

50 *(vii) Economic value to the locality and region attributable to the purchase; and*

51 *(viii) Advisory opinions from local governments, state agencies or others.*

52 *b. Develop an inventory of those properties in which the Commonwealth holds a legal*  
53 *interest for the purpose set forth in subsection A of § 10.1-1020:*

54 *c. Develop a needs assessment for future expenditures from the Fund. In developing*

1 *the needs assessment, the Board of Trustees shall consider among others the properties*  
 2 *identified in the following: (i) 1989 Virginia Outdoors Plan, (ii) Virginia Natural Heritage*  
 3 *Plan, (iii) Virginia Institute of Marine Science Inventory, (iv) Virginia Joint Venture Board*  
 4 *of the North American Waterfowl Management Plan, and (v) Virginia Board of Historic*  
 5 *Resources Inventory; and*

6 *d. Maintain the inventory and needs assessment on an annual basis.*

7 *2. To expend directly or allocate the funds received by the Foundation to the*  
 8 *appropriate state agencies for the purpose of acquiring those properties or property*  
 9 *interests selected by the Board of Trustees. In the case of restricted funds the Board's*  
 10 *powers shall be limited by the provisions of § 10.1-1022.*

11 *3. To submit a report biennially on the status of the Fund to the Governor and the*  
 12 *General Assembly including, but not limited to, (i) implementation of its strategic plan. (ii)*  
 13 *projects under consideration for acquisition with Fund moneys and (iii) expenditures from*  
 14 *the Fund.*

15 *4. To enter into contracts and agreements, as approved by the Attorney General, to*  
 16 *accomplish the purposes of the Foundation.*

17 *5. To receive and expend gifts, grants and donations from whatever source to further*  
 18 *the purposes set forth in subsection B of § 10.1-1020.*

19 *6. To do any and all lawful acts necessary or appropriate to carry out the purposes*  
 20 *for which the Foundation and Fund are established.*

21 *§ 10.1-1022. Expenditure of restricted funds.—The Foundation shall expend restricted*  
 22 *funds only in accordance with the applicable restrictions, or allocate such funds to the*  
 23 *designated or otherwise appropriate state agency subject to such restrictions. The state*  
 24 *agency receiving restricted funds shall expend such funds only in accordance with the*  
 25 *applicable restrictions. The Board of Trustees may make such recommendations as are*  
 26 *appropriate to the agencies responsible for spending any restricted funds, and the agencies*  
 27 *shall consider such recommendations prior to the expenditure of restricted funds received*  
 28 *from the Foundation. State agencies and departments receiving funds directly for*  
 29 *expenditure for a purpose for which the Foundation is created shall solicit and consider*  
 30 *the advice of the Board with respect to the expenditure of such funds prior thereto. This*  
 31 *section shall not affect the authority of the Foundation to exercise its discretion with*  
 32 *regard to the expenditure or allocation of unrestricted funds received by the Foundation.*

33 *§ 10.1-1023. Certain expenditures prohibited.—Moneys from the Fund shall not be*  
 34 *expended for the acquisition of any property interest through eminent domain.*

35 *§ 10.1-1024. Gifts and bequests to Foundation.—Gifts and bequests of money, securities*  
 36 *and other assets to the Fund shall be deemed to be gifts for the Commonwealth, and the*  
 37 *Fund shall be exempt from all state and local taxes.*

38 *§ 10.1-2213. Proceeds for appropriation of state funds for historic preservation.—A. No*  
 39 *state funds, other than for the maintenance and operation of those facilities specified in §*  
 40 *10.1-2211 or § 10.1-2212 and for the purchase of property for preservation of historical*  
 41 *resources by the Virginia Conservation and Recreation Foundation as provided in Chapter*  
 42 *10.2 (§ 10.1-1017 et seq.) of this title, shall be appropriated or expended for or to*  
 43 *historical societies, museums, foundations, associations or local governments as set forth in*  
 44 *the general appropriations act for the maintenance of collections and exhibits or for the*  
 45 *maintenance and operation of sites and facilities owned by historical organizations unless:*

46 *1. A request for state aid is filed by the organization with the Department, on forms*  
 47 *prescribed by the Department, on or before the opening day of each regular session of the*  
 48 *General Assembly in an even-numbered year. Requests shall be considered by the Governor*  
 49 *and the General Assembly only in even-numbered years. The Department shall review each*  
 50 *application made by an organization for state aid prior to consideration by the General*  
 51 *Assembly. The Department shall provide a timely review of any amendments proposed by*  
 52 *members of the General Assembly to the chairmen of the House Appropriations and Senate*  
 53 *Finance Committees. The review shall examine the merits of each request, including data*  
 54 *showing the percentage of nonstate funds raised by the organization for the proposed*

1 project. The review and analysis provided by the Department shall be strictly advisory. The  
2 Department shall forward to the Department of Planning and Budget any application which  
3 is not for the maintenance of collections and exhibits or for the maintenance and operation  
4 of sites and facilities owned by historical organizations. Such applications shall be governed  
5 by the procedures identified in § 2.1-394.1.

6 2. Such organization shall certify to the satisfaction of the Department that matching  
7 funds from local or private sources are available in an amount at least equal to the  
8 amount of the request in cash or in kind contributions which are deemed acceptable to the  
9 Department. These matching funds must be concurrent with the project for which the state  
10 grant is requested. Contributions received and spent prior to the state grant shall not be  
11 considered in satisfying the requirements of this subdivision.

12 3. Such organization shall provide documentation of its tax exempt status under § 501  
13 (c) (3) of the United States Internal Revenue Code.

14 For the purposes of this section, no grant shall be approved for private institutions of  
15 higher education or religious organizations.

16 B. In addition to the requirements of subsection A of this section, no state funds other  
17 than for those facilities specified in § 10.1-2211 or § 10.1-2212 shall be appropriated or  
18 expended for the renovation or reconstruction of any historic site as set forth in § 2.1-394.1  
19 unless:

20 1. The property is designated as a historic landmark by the Board and is located on the  
21 register prepared by the Department pursuant to § 10.1-2202 or has been declared eligible  
22 by the Board for such designation but has not actually been placed on the register of  
23 buildings and sites provided for in § 10.1-2202;

24 2. The society, museum, foundation or association owning such property enters into an  
25 agreement with the Department that the property will be open to the public for at least  
26 100 days per year for no less than five years following completion, renovation, or  
27 reconstruction; and

28 3. The organization submits the plans and specifications of the project to the  
29 Department for review and approval to ensure that the project meets generally accepted  
30 standards for historic preservation.

31 Nothing contained in this subsection shall prohibit any organization from charging a  
32 reasonable admission fee during the five-year period required in subdivision 2 herein if the  
33 fee is comparable to fees charged at similar facilities in the area.

34 C. The Department shall be responsible for the administration of this section and §§  
35 10.1-2211 and 10.1-2212 and the disbursement of all funds appropriated thereto.

36 State funds appropriated for the operation of historical societies, museums, foundations  
37 and associations shall be expended for historical facilities, reenactments, meetings,  
38 conferences, tours, seminars or other general operating expenses as may be specified in  
39 the general appropriations act. Funds appropriated for these purposes shall be distributed  
40 annually to the treasurers of any such organizations. The appropriations act shall clearly  
41 designate that all such funds are to be used for the operating expenses of such  
42 organization.

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<b>Official Use By Clerks</b>	
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