

Chesapeake Bay Board Building F - 7 p.m.

April 9, 2014

A. Roll Call

B. Minutes

From March 12, 2014 - Board Meeting

C. Public Hearings

1. CBE-14-074: Riley-3145 Hollow Oak Dr-Retaining Wall

D. Board Considerations

1. CBE-13-077: Performance Contracting -2844 Castling Crossing - Extension

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-14-074: 3145 Hollow Oak Drive

Staff report for the April 9, 2014 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Andrew and Elizabeth Riley

Location: 3145 Hollow Oak Drive
Lot 17, Hollow Oak @ Stonehouse
PIN: 0530300017

Lot Size / Zoning: 0.692 ac +/-; PR PUD Residential

Area of Lot in RPA: 0.18 ac +/- (26%)

Watershed: Ware Creek, Upper Ware Creek subwatershed (HUC Code YO62)

Proposed Activity: Construction of retaining wall

Impervious Area: Approximately 50 square feet

RPA Encroachment: 5 ft. +/- seaward; 45 ft. +/- landward

Brief Summary and Description of Activities

Mr. and Mrs. Riley have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for construction of a retaining wall on their property. The project is located at 3145 Hollow Oak Drive within the Hollow Oak section of the Stonehouse subdivision. The lot was platted following the 1990 adoption of the Chesapeake Bay Preservation Ordinance but prior to the 2004 revisions to the Ordinance. The house was built in 2003. The proposed improvements are within both the seaward and landward 50 foot RPA buffer.

The retaining wall is proposed to control a steep slope which is causing erosion concerns along the rear of the home. The application did not propose any planting mitigation and the required mitigation would be 1 canopy tree and 3 shrubs. The mitigation may be planted anywhere in either the RPA or the conservation easement.

As stated previously, the lot was recorded following the 1990 adoption of the Chesapeake Bay Preservation Ordinance. As the retaining wall is located within the RPA buffer and is considered an accessory structure, this application cannot be administratively reviewed. Therefore in accordance

with Section 23-14 of the Ordinance an exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for construction of a retaining wall.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application*. The applicant will provide a mitigation plan that meets or exceeds standard County practices (1 canopy tree and 3 shrubs).

Consideration by the Chesapeake Bay Board

The issue before the Board is the construction of a retaining wall that will create approximately 50 square feet of additional impervious area within both the seaward and landward RPA buffer. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the five (5) criteria outlined in Section 23-14 (c) of the Ordinance.

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-074 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-074 are included for the Board's use and decision.

Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **slight** for the proposed development. The proposed mitigation measures will meet or exceed standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. A mitigation planting plan must be submitted and approved by staff prior to construction starting; and

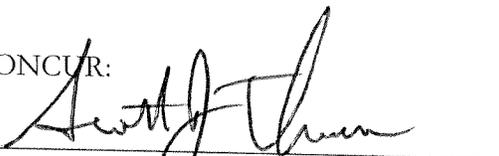
3. A surety is the amount of \$250, in a form acceptable to the County attorney's office, be submitted prior to work commencing; and
4. This exception request approval shall become null and void if construction has not begun by April 9, 2015; and
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Staff Report prepared by:



Michael Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

MEMORANDUM

DATE: April 9, 2014
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson
SUBJECT: Case No. CBE-13-077, 2844 Castling Crossing

Ms. Susan Connell, of Performance Contracting, is requesting an extension of the expiration date for Chesapeake Bay Board Exception CBE-13-077. The extension is being requested while they work through the Building Safety and Permits process and develop a mitigation plan. All permit conditions required within CBE-13-077 shall apply to the permit extension. Staff concurs with this request and recommends that the Chesapeake Bay Board extend the expiration date to April 9, 2015.