

Chesapeake Bay Board Building F - 7 p.m.

Dec. 14, 2011

A. Roll Call

B. Minutes

From October 12, 2011 - Board Meeting

C. Public Hearings

1. CBE-11-129 - Drygala – 3649 Bridgewater – continued from 7/13/11 and 10/12/11
2. CBE-11-134 – Adams/Crawford – 132 Nottinghamshire - continued from 7/13/11, 8/10/1, and 10/12/11
3. CBE-12-044 – Adams/Crawford – 132 Nottinghamshire – retaining walls, patio & pathway
4. CBE-12-050 – Kane – 218 The Maine- retaining wall and paver walkway

D. Board Considerations

1. Calendar Year 2012 Meeting Schedule

E. Election of Officers for 2012

Current Chair – David Gussman

Current Vice Chair – William Apperson

Current Secretary – Scott J. Thomas

F. Matters of Special Privilege

1. Board Update Memo from Scott J. Thomas

G. Adjournment

Chesapeake Bay Exception CBE-11-129: 3649 Bridgewater Drive - Drygala

Staff report for the July 13, 2011 Chesapeake Bay Board Public Hearing (*Revised for the December 14, 2011 Chesapeake Bay Board meeting.*)

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them 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: Marcin Drygala

Land Owner: Marcin Drygala and Agnieszka Adamska

Location: 3649 Bridgewater Drive

Parcel: Lot 8, Section 6, Mill Creek Landing

Parcel Identification: 3841760008

Lot Size: 0.37 acres

RPA Area on Lot: 0.20 acres or 54% of the lot, 0.06 acres or 16.2% of the lot seaward 50 foot RPA

Watershed: Mill Creek (HUC Code JL33)

Proposed Activity: 16' x 25' attached deck (administrative);
Removal of twenty (20) trees within the RPA Buffer, installation of concrete ground gutters and french drains to intercept stormwater run-off.

Proposed Impacts

Impervious Area: 400 square feet from deck (administrative);

RPA Encroachment: 2,400 square feet to the seaward 50 foot RPA Buffer and 900 square feet to the landward 50 foot RPA Buffer, total RPA Buffer impact = 3,500 square feet

Brief Summary and Description of Activities

Mr. Marcin Drygala has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of an attached deck, the removal of seventeen (17) understory trees, the removal of three (3) canopy trees, the installation of two french drains and a concrete ground gutter at 3649 Bridgewater Drive, in the Mill Creek Landing Subdivision. The lot was platted prior to the original Chesapeake Bay Preservation Ordinance. An RPA was determined to exist on this lot after the 2004 revision to the Ordinance. The house was approved administratively with RPA impacts under CBE-05-025 on June 7, 2005. The rear yard that was approved at that time is 30 feet deep and has a slight slope to it.

The applicant proposes remove three (3) canopy and seventeen (17) understory trees as well as install two french drains and a ground gutter along the east side of the residence. The scope of the proposed work has been revised since the last meeting as the applicant has removed the request for the installation of retaining wall and the associated bank grading. In place of the previous request the applicant proposes to remove the aforementioned trees and install the drainage improvements to along with minor bank grading to create a more usable backyard space.

The tree removal and ground gutter installation is proposed to be offset by the installation of thirteen (13) canopy trees and nine (9) shrubs. The canopy trees will be installed along the side and rear property lines and will be buffered by an area of organic mulch to stabilize the area.

The french drains and concrete ground gutter will be used to intercept stormwater run-off and divert it to the drainage swale along the eastern property line. The applicant states that these proposed drainage improvements will prevent erosion of the backyard area.

Staff Recommendations

The issue before the Board is the removal of seventeen (17) understory trees, three (3) canopy trees, and the installation of the concrete gutter and associated french drains. The existing rear yard is 30 feet deep from the rear door of the structure. This yard does have a slight slope to it, draining away from the house. The applicant wishes to selectively clear the rear yard thereby expanding the usable area. The original application had a cleared rear yard associated with the house. The additional clearing proposed does not appear to be within the spirit and intent of the Ordinance, therefore staff cannot support the application as submitted. 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 criteria outlined in Section 23-14 (c) of the Ordinance. There are five review criteria within this section of the ordinance.

Staff has fully reviewed the application and exception request and has determined that none of the conditions outlined in Section 23-14 (c) have been met.

If the Board should choose to approve this application, regardless of other requirements imposed by the Board, staff recommends the incorporation of the following conditions into the approval:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
3. Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through a form of surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
4. This exception request approval shall become null and void if construction has not begun by July 13, 2012.
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

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 majority of 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 proposed mitigation plan includes the installation of thirteen (13) canopy trees and nine (9) shrubs to offset the impacts to the RPA.

Consideration by the Chesapeake Bay Board

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-11-129 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-11-129 are included for the Board’s use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application

Chesapeake Bay Exception CBE-11-134: 132 Nottinghamshire - Adams

Staff report for the July 13, 2011 Chesapeake Bay Board Public Hearing (*Revised for the December 14, 2011 Chesapeake Bay Board meeting.*)

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them 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: Woody Crawford

Land Owner: James Adams

Location: 132 Nottinghamshire

Parcel: Lot 30, Section 12, Ford's Colony Subdivision

Parcel Identification: 3233100030

Lot Size: 0.43 acres

RPA Area on Lot: 0.35 acres or 81.4% of the lot (wetlands plus RPA), 0.26 acres or 60.4% of the lot (RPA only)

Watershed: Powhatan Creek (HUC Code JL31)

Proposed Activity: Clearing, filling, and grading for a backyard

Proposed Impacts

Impervious Area: 0 square feet

RPA Encroachment: 6,000 square feet to the seaward 50 foot RPA Buffer

Brief Summary and Description of Activities

Mr. Woody Crawford, agent for Mr. and Mrs. James Adams, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of a single family residence and clearing, filling and grading a backyard at 132 Nottinghamshire, in the Ford's Colony Subdivision. The lot was platted between 1990 and 2004 and an RPA was determined to exist after the 2004 revisions to the Chesapeake Bay Preservation Ordinance. As the single family residence is within the landward 50 foot RPA buffer, according to Section 23-7 (c) (2), it may be allowed through an administrative process. The clearing, filling, and grading of the backyard is within the seaward 50 foot RPA buffer and does not qualify for an administrative exception, according to the same section.

On or about May 26, 2011 an application was submitted for lot development. The application was for the principal structure (house and deck) and backyard area. At that time, staff reviewed the application and made decision that due to the backyard RPA seaward impacts that the entire application should go through the formal (Chesapeake Bay Board) process. On or about June 2, 2011, Mr. Crawford visited the County office to discuss with the Director of Engineering and Resource Protection, Mr. Scott Thomas, options available with this application in order to keep home construction from being delayed. The owner and owner representative had an option to either delay the case until the next available Chesapeake Bay Board hearing, or revise the application to avoid any impact to the 50 ft. seaward RPA buffer so that the principal structure and deck could be processed administratively and remaining accessory components could subsequently follow by the formal exception process. The applicant chose the latter. The limits of work on the site plan was revised to reflect this intent and signed and initialed by both the applicant and County Engineering and Resource Protection Division Director. In addition, conditional language was written into the administrative approval for the principal structure using the County standard Sensitive Area Activity Application (SAAA) form. Conditional approval on the SAAA form stated the following: *“Approval does not authorize work in the 50’ RPA buffer zone, except for limited 10’ +/- for principal structure construction. Encroachment into 50’ RPA will be handled by subsequent Bay Board case. Surety for this application 7-14-21 will be handled in Bay Board case. Also authorize steep slope impact in revised limits of work.”*

On or around June 20, 2011 County compliance inspection staff observed clearing activities on the entire lot, not just what was authorized under the administrative approval, and clearing was beyond the defined limits of work on the approval. At this time, the lot is entirely cleared, grubbed and the house construction has begun. This clearing activity came about after the original start of processing of the Chesapeake Bay Board case. As such, this formal exception case is now considered to be an “after-the-fact” exception application.

The mitigation plan for the proposed impacts was submitted to Staff on September 29, 2011 and includes eleven canopy trees, twenty-one understory trees, and thirty-three shrubs. The mitigation proposal as submitted does not meet standard mitigation requirements for the impacts. The mitigation proposal is deficient two canopy trees, five understory trees, and six shrubs. As such the mitigation plan must be revised to meet the minimum standard.

In addition to the proposed mitigation plan, the applicant has demarcated the area where sod will be placed to reduce run-off velocity into the seaward 50’ RPA buffer. An organic mulch (pine needles) are proposed to be placed in all other disturbed areas within the previously cleared seaward 50’ RPA buffer.

Staff Recommendations

The original issue before the Board is the clearing, filling, and grading of a rear yard with zero square feet of impervious area within the seaward RPA buffer. An additional issue is now before the Board because of the advanced clearing, filling, and grading of the seaward 50’ RPA buffer prior to approval. 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 criteria outlined in Section 23-14 (c) of the Ordinance. There are five review criteria within this section of the ordinance.

Staff has fully reviewed the application and exception request and has determined that none of the conditions outlined in Section 23-14 (c) have been met. There are several options available to the Board:

1. Approval of the application with the mitigation as outlined within the submitted mitigation plan with an additional condition requiring the applicant to meet the standard mitigation rate (13 canopy, 26 understory, 39 shrubs) as adequate, revised mitigation plan to be submitted within 15 days of the public hearing; or
2. Approval of the application with double the mitigation as outlined for the house construction (14 canopy, 28 understory, 42 shrubs) as adequate, revised mitigation plan to be submitted within 15 days of the public hearing; or
3. Either option 1 or 2 above plus payment into the Chesapeake Bay Mitigation Fund of a dollar amount to be set by the Board. Staff suggests the Board use the matrix to determine the contribution amount; or
4. Either option 1 or 2 above plus direct staff to pursue a Chesapeake Bay Preservation Ordinance civil charge violation under Section 23-18 (b). Staff would suggest maximum fines because of the blatant nature of the violation and the impact to water quality; or
5. Direct staff to pursue a Chesapeake Bay Preservation Ordinance civil penalty violation under Section 23-18 (a) and full restoration of the seaward 50' RPA buffer with a mitigation plan to be submitted within 15 days of the public hearing; or
6. Denial of the application and full restoration of the seaward 50' RPA buffer, mitigation plan to be submitted within 15 days of the public hearing; or
7. Some other combination satisfactory to the Board.

If the Board should choose to approve this application, regardless of other requirements imposed by the Board, staff recommends the incorporation of the following conditions into the approval:

1. The applicant must obtain all other necessary local permits as required for the project.
2. The mitigation plan shall be amended to include a total of thirteen (13) native canopy trees, twenty-six (26) native understory trees, thirty-nine (39) native shrubs, and the placement of an organic mulch capable of reducing run-off velocity no less than four inches thick in the previously cleared 50' seaward buffer.
3. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
4. Mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c) satisfied through a surety of \$4,000 in a form satisfactory to the County Attorney.
5. This exception request approval shall become null and void if not completed by December 14, 2012.
6. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Background

Based on staff review of County records, the lot was recorded following the adoption of the Chesapeake Bay Preservation Ordinance and the house is currently under construction. As the proposed backyard is within the seaward 50' RPA buffer, it cannot be administratively reviewed and therefore in accordance with section 23-14 of the Ordinance, an exception request must be considered by the Chesapeake Bay 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 the establishment of a backyard 6,000 square feet in size.

Recent Activity since Previous Board Hearing

Since the initial hearing of this case at the July 13, 2011 Board meeting, home and deck construction has begun and progressed. Erosion and sediment controls are in place in compliance with State and Local regulations to minimize sediment run-off into adjacent areas. Within the previous cleared areas beyond the seaward 50’ RPA buffer line volunteer vegetation has established itself, albeit sparse in nature. Photos of the current conditions are included within the Staff presentation to be displayed at the December 14, 2011 Chesapeake Bay Board Meeting.

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* and a required mitigation plan, both of which are included in the case report packet. The map provided shows features of the proposal along with a mitigation plan for native plantings.

Consideration by the Chesapeake Bay Board

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-11-134 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-11-134 are included for the Board’s use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application
Mitigation Plan

Chesapeake Bay Exception CBE-12-044: 132 Nottinghamshire - Adams

Staff report for the December 14, 2011 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 them 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: Woody Crawford

Land Owner: James Adams

Location: 132 Nottinghamshire

Parcel: Lot 30, Section 12, Ford's Colony Subdivision

Parcel Identification: 3233100030

Lot Size: 0.43 acres

RPA Area on Lot: 0.35 acres or 81.4% of the lot (wetlands plus RPA), 0.26 acres or 60.4% of the lot (RPA only)

Watershed: Powhatan Creek (HUC Code JL31)

Proposed Activity: Retaining walls, patio, and walkway installation

Proposed Impacts

Impervious Area: 530 square feet (approximate)

RPA Encroachment: 530 square feet to the landward 50 foot RPA Buffer

Brief Summary and Description of Activities

Mr. Woody Crawford, agent for Mr. and Mrs. James Adams, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of three retaining walls, a paver patio, and a future gravel walkway at 132 Nottinghamshire, in the Ford's Colony Subdivision. This case relates to two previous cases CBE-11-134, which was heard before the Chesapeake Bay Board, and CBE-11-126 which was administratively processed. The lot was platted between 1990 and 2004 and an RPA was determined to exist after the 2004 revisions to the Chesapeake Bay Preservation Ordinance. The proposed improvements are within the landward 50 foot RPA buffer and do not qualify for an administrative exception and must accordingly be heard by the Chesapeake Bay Board as stipulated under the Chesapeake Bay Ordinance Section 23-7 (c)(2).

The proposed improvements will be located within the landward 50' RPA buffer in areas directly adjacent to the existing residence. Two of the proposed retaining walls are to be constructed along the west side of the home while one retaining wall and the proposed gravel path will be installed along the east side.

A mitigation plan has been submitted to Staff to address impacts from the home construction (*CBE-11-126*), backyard clearing (*CBE-11-134*), and the installation of the improvements detailed in this case. If the previous exception request identified as CBE-11-134 is approved as proposed, the mitigation provided within that case will sufficiently address the impacts in the present case. If the previous exception request is denied the applicant should be required to provide a revised mitigation plan to address the impacts within the present case.

Staff Recommendations

The issue before the Board is the installation of the three retaining walls, paver patio, and path with 530 square feet of impervious area within the 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 criteria outlined in Section 23-14 (c) of the Ordinance. There are five review criteria within this section of the ordinance.

If the Board should choose to approve this application, regardless of other requirements imposed by the Board, staff recommends the incorporation of the following conditions into the approval:

1. The applicant must obtain all other necessary local permits as required for the project.
2. The mitigation plan requirement is contingent on approval of case CBE-11-134. The mitigation plan provided under CBE-11-134 shall be implemented to address proposed impacts under CBE-12-044 upon approval of the previous request.
3. This exception request approval shall become null and void if construction has not begun by December 14, 2012 or all improvements including the required mitigation plantings are not completed by that expiration date.
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Background

Based on staff review of County records, the lot was recorded following the adoption of the Chesapeake Bay Preservation Ordinance and the house is currently under construction. As the proposed accessory structures are located within the RPA buffer, they cannot be administratively reviewed and therefore in accordance with section 23-14 of the Ordinance, an exception request must be considered by the Chesapeake Bay 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 the construction of the retaining walls, paver patio, and walkway.

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* and a required mitigation plan which displays the features of the proposal along with a mitigation plan for native plantings.

Consideration by the Chesapeake Bay Board

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-12-044 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-12-044 are included for the Board’s use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application
Mitigation Plan with CBE-11-134

Chesapeake Bay Exception CBE-12-050: 218 The Maine - Kane
Staff report for the December 14, 2011 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 them 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: John and Kathleen Kane
Land Owner: John and Kathleen Kane
Location: 218 The Maine
Parcel: Lot 82, First Colony Subdivision
Parcel Identification: 4540200082
Lot Size: 0.59 acres
RPA Area on Lot: 0.51 acres or 86% of the lot (RPA only)
Watershed: James River (HUC Code JL30)
Proposed Activity: Retaining wall and paver walkways

Proposed Impacts

Impervious Area: 442 square feet (approximate)
RPA Encroachment: 442 square feet to the landward 50 foot RPA Buffer

Brief Summary and Description of Activities

John and Kathleen Kane have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of a retaining wall and two stone paver walkways at 218 The Maine within the First Colony Subdivision. The lot was platted prior to the 1990 adoption of the Chesapeake Bay Preservation Ordinance. The proposed improvements are within the landward 50 foot RPA buffer. In addition to the improvements detailed in this staff report the applicant is proposing to construct an attached deck, tree removal, and the installation of ground gutters which will be handled administratively

The proposed improvements will be located within the landward 50' RPA buffer in areas directly adjacent to the existing residence. The proposed segmental block retaining wall will be constructed at the northeast end of the residence with an associated paver walkway installed along the wall to replace an existing dirt path. The second stone paver path is proposed to be located at the southwest side of the home to provide access from the carport to the rear deck replacing an existing dirt path.

Staff Recommendations

The issue before the Board is the installation of the retaining wall and stone paver walkways with 442 square feet of impervious area within the 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 criteria outlined in Section 23-14 (c) of the Ordinance. There are five review criteria within this section of the ordinance.

Staff recommends approval of the application with the incorporation of the following conditions into the approval:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
3. Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through a form of surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
4. This exception request approval shall become null and void if construction has not begun by December 14, 2012.
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Background

Based on staff review of County records, the lot was recorded prior to the adoption of the Chesapeake Bay Preservation Ordinance. As the proposed accessory structures are located within the RPA buffer, they cannot be administratively reviewed and therefore in accordance with section 23-14 of the Ordinance, an exception request must be considered by the Chesapeake Bay 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 the construction of the retaining wall and the stone paver walkways.

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* and a detailed mitigation plan, both of which are included in the case report packet.

The applicant proposes to provide one (1) canopy, four (4) understory, and seven (7) shrubs to offset the impacts to the RPA. The proposed mitigation exceeds the mitigation standard requirements for the proposed impacts.

Consideration by the Chesapeake Bay Board

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-12-050 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-12-050 are included for the Board’s use and decision.

Staff Report prepared by:

Michael P. Majdeski
Senior Resource Protection Inspector

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application
Mitigation Plan