

Chesapeake Bay Preservation Ordinance

Waiver and Exception Process Guidance for Activities in the Resource Protection Area (RPA)

Property owners interested in working in the Resource Protection Area (RPA) may be required to request a variance through the Waiver or Exception process. The following are general guidelines and are not intended to represent every possible activity within the RPA. Please contact the Environmental Division of Codes Compliance for specific inquiries @1-804-693-1217, stop by the Office at 6582 Main Street, Gloucester, or visit our Web Site at <http://www.gloucesterva.info/codes/Environment/envhome.htm>.

Waiver Process (Staff Review), defined in Sec. 5.5-12; for variance to requirements of Sec. 5.5-9B (may include areas beyond the RPA); \$50 application review fee. Applications available on-line or in the Codes Compliance Office.

1. Additions to or modifications of a non-conforming principle structure (existing before County adoption of the Bay Act October 15, 1991), outside the seaward 50 feet of RPA (between 50 & 100 feet).
2. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with no other buildable area outside of the Resource Protection Area, outside the seaward 50 feet of RPA (between 50 & 100 feet).
3. Passive recreational uses / structures such as trails, community/instructional gazebos (e.g. Gloucester Point Beach), community trail system (e.g. Riverwatch Community).

Exception Process (Preservation and Erosion Commission), defined in Sec. 5.5-14; for variance to requirements of Sec. 5.5-7B and 5.5-9C, requiring Public Hearing: \$275 application fee. Reviews Waiver Appeals, violations, and Staff decisions. Meets 2nd Wednesday of each month, each meeting day is application deadline for following meeting. Applications available on-line or in the Codes Compliance Office.

1. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with buildable area outside of the Resource Protection Area.
2. Construction of, additions to, accessory structures (garage, pools, sheds, pads, impervious areas, grade alteration, etc.).
3. Construction of, additions to, principle structures within the seaward 50 feet of RPA (between 0 & 50 feet).

Administrative (Staff) Review

1. Reasonable sight lines; access paths; woodlot management; and Best Management Practices.
2. Removal of diseased, dead, dying trees and tree thinning (Sec. 5.5-9C1c).
3. Shoreline erosion control projects.
4. Casualty loss replacement of principle structure with no increase in impervious area and no advancing encroachment.

A Water Quality Impact Assessment is required for review of all activity in the RPA (Sec. 5.5-11).

Conditions for granting exception (Sec. 5.5-14):

1. Requirements shall be minimum necessary to afford relief
2. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
3. Granting exemption will not confer applicant any special privileges that are denied to other property owners subject to its provisions and are similarly situated.
4. Exception is in harmony with purpose and intent of Ordinance and not of substantial detriment to water quality.
5. Exception not based on self-imposed/created conditions or circumstances.

OFFICE USE ONLY

Application # _____ Application Received by _____ Fee Paid _____ Receipt # _____

Reviewing Authority: _____ Hearing Date: _____

COMMISSION DECISION:

APPROVED: _____ Approval is valid for 1 year from date of board meeting.

Conditions/Comments: _____

DENIED: _____

*Please be advised that you may appeal the Chesapeake Bay Preservation & Erosion Commission's decision, in writing, to the Circuit Court of Gloucester County **within 30 days** of the date of this Commission's decision.*

Comments: _____

Commission Chairman Signature Date

Mitigation plan required: YES NO _____ Square foot Minimum

Mitigation plan approved: _____ Entitled: _____
Dated: _____

Date Mitigation Completed: _____ Inspected By: _____

Amount of Surety Required: \$ _____ **Date Posted:** _____

Receipt#: _____

Date Surety Released: _____

Environmental Programs Administrator Date



County of Gloucester
 Codes Compliance Office - Environmental Programs
 P. O. Box 329, Gloucester, Virginia 23061

WATER QUALITY IMPACT ASSESSMENT

(Required for all activity proposed in the Resource Protection Area; CBPO 5.5-11)

This WQIA is to be completed by applicant or agent. An engineer or design professional may conduct this water quality impact assessment if the proposed land disturbance requires a reduction in pollutant loadings (10% reduction for redevelopment), is greater than 10,000 square feet or the proposed encroachment is into the seaward 50 feet of the 100-foot Resource Protection Area (RPA) buffer.

Application Type: CBPA Waiver CBPA Exception RPA Modification (Admin. Process)

Application # (OFFICE USE ONLY): _____ Tax Map#: _____ Date: _____

Completed by: _____ Phone #(s) & Email: _____

A scaled site drawing, which shows the following, must be attached to this water quality impact assessment:

1. Location of the components of the RPA, including the 100-foot buffer area;
2. Location and nature of any proposed encroachment into the buffer area, including, type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; sewage disposal systems or reserve drainfield sites; and wells.
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Location of existing vegetation onsite, including the number, type of trees, caliper and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
5. Type, size, and location of replacement vegetation.

Site Conditions (of site and adjacent lands):

Existing Topography: _____ Hydrology (rivers/creeks/streams): _____

Soils Map Unit/Name: _____ %Slope: _____ Geology: _____

Fill Material (source and composition): _____

Total Amount of Disturbed Area (ft²): _____ Total Amount of Cleared Area (ft²): _____

Estimation of Pre and Post Development Pollutant Loads: _____

Other: _____

Existing Vegetation:

Total Underbrush / Grass Removed (ft²): _____ Types: _____

Number of Healthy Trees Removed: _____ Types: _____

Number of Trees Limbed or Pruned: _____ Types: _____

Number of Dead/Dying/Diseased Trees Removed: _____ Types: _____

Other: _____

Proposed Landscaping / Vegetation Mitigation Measures (App. D, CBLAD Buffer Modification Manual):

Number of New Canopy Trees Proposed: _____; Types: _____

Number of New Understory Trees Proposed: _____; Types: _____

Number of New Shrubs Proposed: _____; Types: _____

Other: _____

Proposed Erosion and Sedimentation Control Practices:

Silt Fencing Temporary Construction Entrance Straw Bale Barrier(s)

Inlet Protection Temporary/Permanent Seeding Mulching

Tree Protection Sediment Trap

Other: _____

Proposed Best Management Practices:

Dry Well(s) Infiltration Trench(es) Vegetated Filter Strip(s) Grass Swale(s)

Other: _____

BMP design dimensions: _____

Wastewater (Septic) Element:

Attach legible, clean copy of Health Department Approval Information- to include calculations and dimensions.

Description of potential impacts of the proposed wastewater systems including and proposed mitigative measures for these impacts: _____
