

**Gloucester County's**  
**Chesapeake Bay**  
**Preservation Area**  
**Development Handbook**

December 1993  
Revised March 1994  
Updated March 2002  
Updated May 2005

## **Gloucester County**



Office of Codes Compliance – Environmental Division

### **CHESAPEAKE BAY PRESERVATION AREA DEVELOPMENT HANDBOOK**

All of Gloucester County is designated Chesapeake Bay Preservation Area which is comprised of Resource Protection Area (RPA) and Resource Management Area (RMA). This designation requires persons developing land to meet certain performance criteria to help protect and improve water quality of the Chesapeake Bay and the streams and rivers in Gloucester County.

This handbook is designed to provide Gloucester County citizens with answers to commonly asked questions concerning the development and use of land located in Resource Protection Areas (RPA) within Gloucester county, as well as development on land in the remainder of the County designated as Resource Management Area (RMA).

Gloucester County's Chesapeake Bay Preservation Program is administered by the Gloucester County Office of Codes Compliance – Environmental Division located in the County Administration Building at 6582 Main Street, Gloucester Courthouse, Virginia.

To contact the Office of Codes Compliance – Environmental Division: The mailing address is Post Office Box 329, Gloucester, Virginia 23061. The phone number is (804) 693-1217.

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## **Introduction – The Chesapeake Bay**

The Chesapeake Bay is the largest and most productive estuary in the United States. It was created only 10,000 years ago at the end of the last Ice Age when the ice glaciers melted and flooded the river valley of the ancient Susquehanna River. The Bay is approximately 200 miles long, draining a 64,000 square mile land area that extends as far north as Cooperstown, New York and as far south as Virginia Beach, Virginia. All the rivers and streams draining from this land area provide freshwater to the Bay, which the ocean provides salt water to the Bay. This mixing of fresh and salt water creates the rich environment called an *estuary*.

The Bay is an important resource for wildlife as well as for people. The Chesapeake is part of the Atlantic Flyway for migratory birds and provides habitat for more than 2,700 species of plants and animals. People also utilize the Bay. Thirteen million people currently live in the Bay's watershed and 2.6 million more are expected by the year 2020. The Bay serves as a recreational resource; shipping route; major finfish and shellfish supply for commercial, as well as recreation, fishermen; discharge point for municipal sewage treatment plants and industrial wastewater; a tourism and historic resource; and much more.

### **What's the Problem?**

In the late 1970's fishermen and other concerned citizens began to notice a decline in the water quality and health of aquatic living resources in the Chesapeake Bay. Underwater grasses, essential to maintaining life in the Bay, had decreased and many popular fish species were at a mere fraction of their earlier numbers. In 1976, this concern was brought to the attention of the United States Congress, which authorized the Environmental Protection Agency (EPA) to conduct a study to determine the cause of the Bay's decline.

In 1983, EPA released the results of the study, which concluded that nonpoint source pollution, originating from urban and agricultural runoff, was the primary cause of degraded water quality.

### **What is nonpoint source pollution?**

Sediments, excess nutrients, and other pollutants picked up by runoff (rainfall that can not soak into the soil) as it travels over the landscape is called *nonpoint source pollution*.

This runoff travels across the landscape, flowing over parking lots picking up pollutants such as oil, gasoline, brake fluid, and cigarette butts; flowing across agricultural lands picking up pesticide and fertilizer residue; and flowing across construction sites picking up sediment.

Sediment not only degrades water quality by creating turbid water, blocking the amount of light available to plants; covering fish eggs; and clogging fish gills, but sediment also adds to the nonpoint source pollution problem because it serves as a transport medium for pollutants. Toxins, excess nutrients, and other pollutants attach the sediment contained in the runoff and are carried directly to the Bay.

These pollutants do not originate from a specific point, such as a pipe, but from diffuse sources such as far fields, city streets, and suburban lawns. Everyday activities that take place on land, such as construction, agriculture, fertilizing lawns, and driving cars contribute to nonpoint source pollution.

### **The Chesapeake Bay Program**

In 1987, in response to the results of EPA's study, the Governors of Virginia, Maryland, Pennsylvania, the Mayor of Washington D.C. and the administrator of the Environmental Protection Agency signed the historic *Chesapeake Bay Agreement* vowing their commitment to the restoration of the Chesapeake Bay. This agreement created a multi-governmental partnership, establishing goals and guidelines of the new *Chesapeake Bay Program* to restore the Bay.

### **What is the Chesapeake Bay Preservation Act?**

As a partner in the Chesapeake Bay Program to restore water quality in the Bay, the Virginia General Assembly in 1988 passed the *Chesapeake Bay Preservation Act* (Bay Act) as Virginia's commitment to improving the health of the Chesapeake Bay. The purpose of the Bay Act is to *protect* and *improve* the water quality of the Chesapeake Bay, as well as the tributaries (rivers and streams) leading to the Bay. The Act created a land use management program based on the ideas that activities taking place on land such as construction, urbanization, and farming, have a major impact on the quality of water found in the Bay. The Act will affect how landowners develop land located in specifically designated *Chesapeake Bay Preservation Areas*. The intent of the Act, however, is to balance environmental protection with economic development, as stated in Section 10.1-2100 of the Act:

“...Healthy state and local economies and a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive...”

The Chesapeake Bay Local Assistance Board (CBLAB), was created at the state level, to develop regulations establishing criteria for local governments to use in designating and managing *Chesapeake Bay Preservation Areas* in their jurisdictions. All local governments in *Tidewater, Virginia*, including Gloucester County, are responsible for implementation of the Bay Act and are therefore required to designate Chesapeake Bay Preservation Areas and develop local Chesapeake Bay Preservation Programs.

The Chesapeake Bay Local Assistance Department (CBLAD), a new state agency, was created to provide technical and financial assistance to localities in developing and implementing local Chesapeake Bay Preservation Programs. July, 2004 CBLAD was merged as a Division of the Department of Conservation and Recreation.

Gloucester County adopted its Chesapeake Bay Preservation Ordinance (Section 5.5 of Gloucester County Code) on October 15, 1991, with an effective date of November 15, 1991.

### **What are Chesapeake Bay Preservation Areas?**

The Chesapeake Bay Preservation Act created a land use management program based on the idea that activities taking place on the land have a major impact on the quality of water found in the Bay and rivers that empty into it. Certain land areas play a more important role in protecting water quality than other land areas. The Bay Act focuses on those land areas that *“if improperly developed, may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries.”* These areas are called Chesapeake Bay Preservation Areas (CBPAs) and include two components; a Resource Protection Area (RPA) and a Resource Management Area (RMA).

### **What is a Resource Protection Area (RPA)?**

A Resource Protection Area (RPA) includes land area at or near the shoreline that contains sensitive features that play an important role in protecting water quality from nonpoint source pollution through the ecological and biological processes that perform. These areas are also sensitive to any impacts and can be easily damaged, resulting in degraded water quality. Under the Bay Act, the following land areas must be designated as Resource Protection Area:

- Tidal wetlands;
- Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or adjacent to water bodies with perennial flows;
- Tidal shores;
- A 100 foot wide buffer area located adjacent to and landward of perennial tributary streams and the other above RPA features.

### **How does the RPA protect water quality from nonpoint source pollution?**

The RPA features filter sediment and pollutants from runoff before they reach the Bay, improving water quality. In addition, such features hold soil in place and decrease the velocity of runoff leaving a site, preventing erosion. Specifically, wetlands act as sponges to absorb nutrients before entering the water, preventing algae blooms that decrease the amount of dissolved oxygen in the water available to fish when they decay. Roots hold soil in place and tree canopies intercept rainfall, slowing it down before it impacts the ground, keeping sediment and pollutants from dislodging and entering the water.

## **What is a Resource Management Area or RMA?**

A Resource Management Area (RMA) is land area that protects and buffers the sensitive features of the RPA. The RMA is located landward and contiguous to the RPA. Land areas designated RMA include those areas, such as floodplains, highly erodible soils, steep slopes, highly permeable soils, and nontidal wetlands. These are land areas that if improperly developed would result in adverse impacts, such as erosion, flooding, and groundwater contamination. These impacts can prevent the RPA from functioning properly and result in degraded water quality. All land area outside those land areas designated RPA in Gloucester County are located in the Resource Management Area. All land area in Gloucester County is designated a one of the two Chesapeake Bay Preservation Areas because all land in Gloucester County drains to the Chesapeake Bay.

## **How do I know if my land in Gloucester County is located in a Chesapeake Bay Preservation Area?**

All land within Gloucester County is located in a *Chesapeake Bay Preservation Area*. The RPA component of the Chesapeake Bay Preservation Area is the most sensitive and plays a larger role in protecting water quality. Whenever possible, development should occur outside the RPA. Therefore, only water dependent uses, such as marina, and redevelopment of existing uses are allowed in the RPA. However, applications for buffer modifications are heard by two different “Boards”. The *Chesapeake Bay Preservation Ordinance Administrative Board* (Administrative Board) may grant waivers (called buffer modifications) and the Chesapeake Bay Preservation and Erosion Commission (Commission) may grant exceptions to allow encroachments into the RPA buffer under certain circumstances. ( See page XYZ for these general circumstances).

The land area in the County NOT designated RPA is located in the Resource Management Area. Gloucester County has a jurisdictional wide RMA. However, development must meet certain criteria to ensure that it will occur in such a way as not to degrade water quality.

## **How do I know if my building site is in a Resource Protection Area?**

*General* locations of Resource Protection Areas within Gloucester County are shown on the Chesapeake Bay Preservation Area Maps at the Department of Codes Compliance – Environmental Division, located at the corner of Main Street and Duval Avenue in Gloucester Courthouse.

Codes Compliance – Environmental Division staff do not delineate RPA boundaries on site for homeowners/property owners. An applicant may hire a consultant to delineate the RPA boundaries, however these delineations will be reviewed and must meet approval of the Environmental Programs Administrator.

## What are the criteria I must meet if I want to build in Gloucester County?

All development and land disturbing activity must meet the following criteria:

- 1) Limit land disturbance to the minimal area necessary to provide for the desired use or development (Disturbance over 2,500 square feet requires a land disturbing permit).
- 2) Maintain a 100-foot buffer landward of wetlands and perennial streams to filter pollutants contained in runoff before they are allowed to enter a waterway.
- 3) Strictly control erosion and sediment on site. This is also required under the Virginia Erosion and Sediment Control Act. Sediment carries many pollutants and nutrients that degrade water quality. Sediment also clouds the water preventing light from reaching underwater grasses. (E & S Controls are required for activities disturbing 2,500 square feet or more of land area).
- 4) Preserve natural/indigenous vegetation on site.
  - Existing trees, not within the building footprint, eight inches in diameter and over at breast height, shall be preserved. If twelve-inch caliper trees outside the building footprint need to be cut, a replanting plan and schedule are required. However, it is required that you explain the scope of your project to the Codes Compliance – Environmental Division staff because in certain circumstances, such as home gardens, a replanting plan is not necessary.
  - Prior to clearing or grading, protective lines such as survey tape or rope shall be established outside the dripline of any tree or stand of trees to be preserved.
  - If you plan on clearing in the Resource Protection Area (RPA- area within 100' of protected resource feature) for any reason, consult Codes Compliance – Environmental Division staff. Clearing in the RPA is restricted, and with few exceptions, will require approval of a clearing plan from the Administrative Board. Tree limbs and shrubs may be trimmed and *dead* trees removed, however, no soil should be disturbed, roots taken out of the ground, or canopy diminished unless a clearing plan has been submitted to and approved by the office of Codes Compliance – Environmental Division. Any vegetation removed for site views must be replaced with vegetation that is equally (or more) effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
  - The storage of equipment, materials, debris, or fill shall not be allowed within the dripline. Storing heavy items on top of the root area compacts the soil and suffocates the tree, ultimately killing it.
- 5) Minimize impervious cover on a site, such as paved driveways and buildings, to promote infiltration of stormwater into the ground.
- 6) Manage stormwater runoff generated from development.
  - *New development* that exceeds 16% impervious cover on a site must provide Best Management Practices (BMPs) to reduce the sediment and pollutant load contained in the stormwater runoff leaving the site. The pollutant load leaving

the site after development must not exceed the load generated from the site prior to development.

- In cases of *redevelopment*, BMPs are required to reduce pollutant loads leaving the site by 10%.
- All land disturbance activities are required by state law to apply for a Virginia Stormwater Management Program permit through the Department of Conservation and Recreation (<http://www.dcr.virginia.gov/sw/vsmp.htm>).

### **What are Best Management Practices (BMPs)?**

Best management practices (BMPs) are structural or vegetation devices designed to reduce sediment and pollutant loads contained in stormwater runoff.

A.) For single-family homes, some common BMPs include dry wells, infiltration trenches, and vegetation practices, such as grass swales and filter strips.

- A dry well is a gravel filled excavation, into which roof runoff is channeled, held and allowed to infiltrate back into the soil. A dry well needs to be designed for the volume of stormwater it will receive. Dry wells are not recommended by the Board unless a soil boring is conducted and the dry-well design meets certain conditions. Dry wells must be maintained to be effective.
- An infiltration trench is similar to a drywell. Runoff from impervious area is diverted over a grass filter strip area into a shallow trench that is filled with stone. Runoff is allowed to drain through the stone and infiltrate back into the underlying soil. Infiltration trenches require a great deal of maintenance and are only approved if site characteristics and design meet certain conditions. These are not highly recommended by the Board.
- Vegetative practices include vegetated filter strips, grass swales, and vegetated berms. These BMPs are highly recommended practices by the Board for mitigation.
- Vegetated filter strips are dense areas of vegetation designed to decrease runoff velocity, promote infiltration and trap pollutants. Filter strips should include a combination of ground cover, shrubs, and canopy cover (trees) to be effective. (Vegetated Berms are basically raised filter strips designed to control runoff).
- Grass swales are broad shallow channels with a dense layer of vegetation designed to promote infiltration, slow runoff velocities, and trap pollutants.

B.) For large projects, wet ponds and extended detention ponds are often used.

- A wet pond is a pond that holds runoff for a specified amount of time to allow sediments to settle out of the runoff before periodically releasing it. A permanent wet pool is always present.
- An extended detention pond is similar to a wet pond, however water is allowed to totally drain from the pond, resulting in a depression in the ground until another storm event occurs.

Choosing an appropriate BMP is based on site-specific information such as the topography, soil type, existing vegetative cover, scope of development, and location of development. Other factors such as aesthetics, recreational benefits, and community acceptance may also be considered when selecting the best BMP for a site.

- 7) Provide a reserve drainfield area (outside the RPA) approved by the Health Department.

### **What is a reserve drainfield?**

A *reserve drainfield* is an area of undisturbed land set aside that contains suitable soils for a septic drainfield having the same capacity as the primary drainfield. This reserve drainfield area is “reserved” for future use as a drainfield, if the primary drainfield on site should ever fail. This area only needs to be set aside. The actual septic system is not required to be installed. However, this area is not to be disturbed or developed.

### **What is the purpose of a reserve drainfield?**

If your septic drainfield should fail, the contents of your septic system (waste containing bacteria and nutrients) will leach from the system and may contaminate ground and surface water that will eventually reach the Bay. Closer to home, a failed septic system may leach waste into your nearby well, which means you or your neighbors may be drinking what you flush. If a reserve drainfield is already on site, the failed system may be shut down and the dwelling may be easily and quickly connected to an available drainfield, avoiding unnecessary leaching of pollutants.

### **Do I need to provide a reserve drainfield?**

All lots ideally should provide a reserve drainfield area, however, some exceptions apply.

Generally:

- A.) All new lots to be recorded must provide a reserve drainfield. No new lots will be recorded without a reserve drainfield area on site for every primary drainfield on site, unless the lot is:
  - hooked to county sewer
  - The lot is to be used solely for pasture, agriculture, or recreation and not to be developed. A note must be placed on the plat stating that the lot is not to be developed or further subdivided until such time as a reserve drainfield area or equivalent alternative sewage system is provided, or the lot is connected to county sewer. (This process requires approval through the Chesapeake Bay Preservation Ordinance Waiver Process).

Please note that when dividing an existing parcel into two or more lots, the old parcel no longer ‘exists’. All lots created are now all new lots. For example, if a 10-acre parcel is divided into two 5-acre parcels, the 10-acre parcel no longer exists. There are now two new 5-acre parcels. Both 5-acre parcels would be required to provide a reserve drainfield. If a house with a drainfield existed on the original parcel, the house is now located on one of the 5 acre new lots and is required to provide a reserve drainfield area.

- B.) Lots recorded between October 1, 1989, and November 15, 1991, are required to provide a 100% reserve drainfield, however, the applicant may apply to the *Gloucester County Chesapeake Bay Preservation Ordinance Administrative Board* (Administrative Board) for a waiver if no reserve capacity is available.
- C.) Lots recorded prior to October 1, 1989, are required to provide a 100% reserve drainfield to the extent possible. However, if a reserve site is not available, the applicant does not have to apply to the Administrative Board for a waiver. The office of Codes Compliance – Environmental Division may grant the waiver.

**How do I know if I my lot has soil suitable to provide a reserve drainfield?**

Visit the Gloucester County Health Department located on Carriage Court behind the Botetourt Building or call them at (804) 693-6130 to request a site visit to determine if reserve drainfield capacity is available on your lot. The Health Department will issue a permit if area suitable for a drainfield is available, if building. If not immediately building, a certification letter will be issued. Contact the Health Department for more information.

Or contact a soil scientist who will perform a more detailed site analysis to determine if reserve capacity is available. (If building, a sewage disposal permit issued by the Health Department is required).

**If I cannot provide a reserve drainfield, how do I apply to the Administrative Board for a waiver?**

Fill out a waiver application to the Chesapeake Bay Administrative Board (available at the office of Codes Compliance – Environmental Division) and submit it to this office. A letter from the Health Department verifying that no reserve drainfield could be located on the parcel must accompany the Administrative Board application. The Board will review the application and either grant or deny the request. If the waiver is denied, the decision may be appealed to the Chesapeake Bay Preservation and Erosion Commission.

## 8) Septic system tank pump out requirement

The septic tank portion of the septic system allows solids to settle out from wastewater. The remaining wastewater is filtered and absorbed through the septic field. If too much solid (sludge) accumulates in the septic tank, no settling can occur, resulting in wastewater and sewage flowing to the soil absorption field. Excess solids entering the drainfield may clog the system and cause it to fail. To prolong the life and efficiency of septic systems, the Bay Act requires septic tanks to be pumped out once every five years. Property owners may submit documentation that the septic system has been inspected, is functioning properly and the tank does not need to have the solids pumped out. This certification must be provided by a sewage handler certified by the Virginia Department of Health.

### **I am a homeowner with an existing septic system in place, how do the new septic requirements affect me?**

You are required to pump out your existing septic tank every five years.

If new circumstances arise and a new septic permit is required, a reserve drainfield would also be required to the greatest extent possible.

In order to subdivide your property, a reserve drainfield site would be required for the existing system, and a primary and reserve drainfield would be required for all new proposed lots.

### **What steps do I have to take if I want to build a single-family house in Gloucester County?**

- 1) Obtain a Health Permit, from the Health Department, for primary and reserve drainfields, if not connected to County sewer. The reserve drainfield area requirement *may* be waived by the Administrative Board for lots recorded prior to November 15, 1991, if no reserve capacity is available.
- 2) Once you obtain a Health Permit (not certification letter) you need to: Obtain a Zoning/Building Permit from the office of Codes Compliance
  - Fill out a zoning/building permit application
  - Submit a plot plan
    - Showing:
      - north arrow
      - property lines
      - building setback distances from front, rear, and side property lines
      - existing and proposed structures and roads
      - primary and reserve drainfield (if applicable)
      - existing and proposed vegetation
      - limits of grading and clearing (distance from property line & buildings)

- RPA buffer, streams; wetlands, steep slopes
  - Distance of proposed structures to the RPA
  - construction entrance
  - Flood zone information
- Site specific RPA delineation is required as part of the Zoning/Building permit. Codes Compliance – Environmental Division staff will mark the limits of the RPA on site, after a Chesapeake Bay Preservation Administrative Board application is received.
- 3) Obtain a land disturbing permit BEFORE CLEARING, if your project will be disturbing 2,500 square feet or more of land area. Even if the area covered by a house, or other structure, is less than 2,500 square feet, it is likely that more land will be cleared, graded, or otherwise disturbed to allow for construction, and to provide driveways, yards, and utilities. Every land disturbance permit issued after July 1, 2001 is required to name a **Responsible Land Disturber** or RLD. This certification is done through the Department of Conservation and Recreation or DCR. Their web address is [www.dcr.state.va.us](http://www.dcr.state.va.us) and their phone number is 1-866-DCR-EXAM. Land disturbing permits will not be approved until a satisfactory site inspection has been made by Codes Compliance – Environmental Division staff.
  - 4) Once a Zoning/Building permit has been issued, submit 2 copies of construction plans to the Building Official's office for review. Once plans are approved, you may obtain a building permit.
  - 5) Shrink/swell report from a soil scientist

**What steps do I have to take if I just want to build a shed or detached garage?**

If you are planning on building a shed, garage, pier, or other accessory structure, a primary structure, such as a house must exist on the property. If a primary structure does not exist, take the same steps as those for building a single-family home.

**Do I have to comply with the Bay Act requirements if my lot was recorded before the Bay Act came into effect?**

Yes. Everyone must comply with the Chesapeake Bay Preservation Ordinance. Relief is provided, under certain circumstances, to the owners of lots recorded prior to enactment of the Bay Act, however requirements must be met to the greatest extent possible. Waivers, exceptions, and buffer modifications granted require the landowner to take measures to mitigate their impact to the Chesapeake Bay Preservation Area to the great extent possible.

**How do I apply for a buffer modification to the Chesapeake Bay Preservation Ordinance, if need to build within the RPA?**

- 1) Fill out and submit an application to the office of Codes Compliance – Environmental Division, with a detailed plot plan (drawing) of the proposed development.
- 2) Codes Compliance – Environmental Division staff will review your application and determine if your project can be placed outside the 100-foot buffer. If your project can reasonably be placed outside the buffer and there is no apparent hardship, staff must recommend denial to the reviewing Board / Commission (Body). If locating your project outside the buffer would prove unreasonable and result in an unusable lot, staff will discuss with you possible development alternative to minimize encroachment as much as possible, while still meeting your needs.
- 3) Staff will present your application to the reviewing Body and recommend appropriate conditions for the site such as filter strips, vegetated berms, drywells, etc. to mitigate the requested encroachment. The applicant is encouraged to attend the meeting. The Board, comprised of five County employees, will review the application and make a decision as to denial, approval, or conditional approval. (Chesapeake Bay Administrative Board usually meet the second and fourth Thursday of every month at 10:00 am. Deadline for application submittal shall be each meeting date preceding the following meeting (e.g.- second Thursday is deadline for fourth Thursday) There is a \$50 fee to apply to the Chesapeake Bay Administrative Board.
- 4) If a buffer modification is granted, conditions to mitigate the encroachment will be imposed by the Board. The Body will list the conditions on the back of your approved application.
- 5) Conditions must be met prior to the issuance of a Certificate of Occupancy (CO) by the Building Official's office. In circumstances where weather conditions would prohibit planting required vegetation or in other situations, a temporary CO may be issued with sufficient surety from the property owner released contingent that specified conditions will be met.

**What are the requirements for larger projects such as commercial facilities?**

Any size development, exceeding 2,500 square feet must meet the Chesapeake Bay Preservation Area Criteria. However, administrative requirements for larger projects are different from those for single-family.

Site Plans are required for the construction of any building or structure on any land within the County except for:

- a) single-family detached dwellings and two-family dwellings (requires plot plan)
- b) accessory buildings to a single or two-family dwellings (requires plot plan)
- c) subdivision for dwellings (requires subdivision plat)
- d) agricultural, horticultural, or silvicultural activities

### **What is a site plan?**

A site plan is an engineered scaled drawing illustrating the proposed uses and structures for a parcel of land. Consult the Gloucester County Site Plan Ordinance or the office of Codes Compliance – Environmental Division for specific requirements as to what the plan needs to include.

All site plans are subject to review and approval by the *Gloucester County Site Plan Review Committee*.

### **How can I have the site plan review committee review my plans?**

- 1) Submit 13 copies of your site plan/E & S plan to office of Codes Compliance – Environmental Division. (There is a fee for site plan review).
- 2) Fill out a site plan application form
- 3) The Site Plan Review Committee reviews the site plan.  
A site plan review letter providing comments on any necessary revisions to be made to the site plan is sent to the applicant. (During review, a surety amount is set by the Director of Codes Compliance to ensure that E & S measures will be put in place and that the site will be stabilized, if the developer fails to do so).
- 4) Applicant revises the plan, if necessary.
- 5) If all necessary revisions have been made and all requirements are met, the site plan is approved by the Director of Codes Compliance.
- 6) Once the site plan is approved, other permits are required before any land disturbing or construction may commence.
  - a) A valid Health Permit, from the Health Department, for a property sewage disposal system or a certificate from Public Utilities for hook up to public sewer is required.
  - b) A Zoning/Building Permit application
  - c) A land disturbing permit BEFORE CLEARING
  - d) 2 sets of construction plans to be approved by the Building Official. Once approved, a building permit may be obtained.

Note: Site plan review, zoning/building permit application, and land disturbing permit fees and erosion and sediment control surety must be paid before any work is to commence.

### **What are the requirements if I want to subdivide my land?**

A subdivision plat illustrating the proposed division(s) is required to be submitted for review and approval by the Director of the Planning Department. Consult the subdivision ordinance or the Planning Department for subdivision requirements.

The Chesapeake Bay Preservation Ordinance requires that all new lots created must provide:

- a primary and reserve drainfield area (if not connected to County sewer)

- adequate buildable area outside the Resource Protection Area

**I am a farmer. How does the Chesapeake Bay Preservation Ordinance affect my farm operation?**

Lands in agricultural production must provide a 100 foot buffer area around all RPA features such as perennial streams and wetlands.

This buffer width may be reduced to 50 feet when the farmland adjacent to the buffer area is enrolled in a federal, state, or locally funded agricultural BMP program, and program is being implemented. The BMPs being used combined with the 50-foot buffer must achieve the equivalent water quality protection and pollutant removal provided by a 100-foot buffer.

The buffer may be reduced to 25 feet if a soil and water conservation plan has been approved by the *Tidewater Soil and Water Conservation District*, and implemented, achieving water quality protection and pollutant removal equivalent to that provided by a 100 foot buffer.

Contact the *Tidewater Soil and Water Conservation District* at (804) 693-3562 for more information on the agricultural requirements of the Chesapeake Bay Preservation Ordinance.

**I am not a “farmer”, but I would like to clear some land for pasture. Do I need a conservation plan or a land-disturbing permit?**

You would need a pasture plan approved by the Tidewater Soil and Water Conservation District. Contact TSWCD at (804) 693-3562 for more information and assistance with conservation plans. In addition, an approved land-disturbing permit based on an approved conservation plan is required prior to any clearing taking place.

**What can I do within the 100 foot RPA buffer? (Subject to approval by Director or Director’s Designee)**

- 1) Any removal of existing vegetation requires approval from the Chesapeake Bay Administrative Board prior to clearing. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.
- 2) Access paths may be constructed provided they are done so in a manner to effectively control erosion.
- 3) Dead, diseased, or dying trees may be removed.
- 4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with applicable permit conditions and requirements. The Shoreline Erosion Advisory Service

(SEAS) is available for free on-site advice on shoreline erosion problems. Their phone number is (804) 443-6752.

**My property is not located on the Bay. Why do I have to comply with the Bay Act?**

All of Gloucester County is located in the Chesapeake Bay watershed, which is the land area that drains into the Bay. As water runs across the land, it picks up pollutants and sediment and carries them to the Bay. Any activity that takes place in the watershed will impact the Chesapeake Bay, as well as the rivers, wetlands, and streams in Gloucester County.

If you should have any questions or concerns not answered in this handbook, feel free to contact the office of Codes Compliance – Environmental Division at (804) 693-1217, or stop by the office on the corner of Main Street and Duval Avenue in Gloucester Courthouse, between 8 a.m. and 4:30 p.m., weekdays.

## **Glossary**

**Administrative Board** - A group of five County employees appointed by the County Administrator that evaluates buffer modifications, reserve drainfield waivers, and other relief requests pertaining to the Chesapeake Bay Preservation Ordinance.

**Agricultural Lands** – Lands used for tilling soil, planting and harvesting crops or plan growth of any kind in the open; pasture; horticulture; or raising poultry and/or livestock. Buildings and structures are not included in this definition.

**Best Management Practice (BMP)** – A practice, or combination of practices, that prevent or reduce the amount of pollution generated by nonpoint sources (such as construction activity, agricultural practices, and runoff traveling across urban streets) to a level that will not degrade water quality.

**Buffer Area** – An area of natural or established vegetation managed to protect other components of the Resource Protection Area and waters from pollution and sediment due to land disturbance and land use. The Bay Act requires a 100-foot wide vegetated buffer area adjacent to and landward of perennial streams and wetlands.

**Buffer Modification** - An approved reduction of the 100 foot buffer area

**Caliper** – The diameter of a tree trunk measured six inches above the ground for nursery stock and at breast height (4.5 feet above the ground) for mature trees.

**Chesapeake Bay Preservation Areas (CBPAs)** – Lands which if improperly developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries. A CBPA is comprised of a Resource Protection Area and a Resource Management Area. All of Gloucester County lies within a Chesapeake Bay within a Chesapeake Bay Preservation Area.

**Dripline** – The outside limits of the ground area underneath the canopy extension of a tree. The majority of a tree’s vital roots lie within the dripline area.

**Erosion and Sediment Control Plan** – A document which describes the potential for erosion and sedimentation of a construction project. The plan also explains and illustrates the measures which are to be taken to control those problems.

**Impervious Surface** - A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking area, and any concrete, asphalt or compacted aggregate surface.

**Jurisdiction Wide RMA** – An RMA that extends throughout the entire County with the exception of where Resource Protection Areas are designated.

**Natural/Indigenous Vegetation** – Existing trees and other vegetation on a parcel and native to an area.

**Nonpoint Source Pollution** – Pollution, including sediment, nutrients, and toxins, that is picked up by runoff as it travels over the landscape. The runoff containing these pollutants eventually reaches streams and rivers degrading water quality. Nonpoint Source Pollution has its name because it originates from diffuse sources, such as streets and farmfields, rather than from a specific point such as a pipe.

**Perennial Tributary Stream** – A stream that connects to the Chesapeake Bay, or to a river that connects to the Bay that runs all year, except during unseasonably dry conditions.

**Plot Plan** – A drawing, usually hand-drawn, illustrating the proposed uses and structures for a parcel of land. A Plot Plan should include property lines, building setback distances, primary and reserve drainfields, existing and proposed vegetation, limits of clearing, RPA delineation, and construction entrance.

**Reserve Drainfield** – Land area set aside, not within the RPA and containing suitable soils, to be used as a drainfield, if the primary drainfield should fail.

**Resource Management Area (RMA)** – Component of a CBPA not classified as RPA. The RMA includes features such as nontidal wetlands (not in the RPA), floodplains, highly erodible soils, highly permeable soils, and hydric soils.

**Resource Protection Area (RPA)** – Component of a CBPA not classified as RMA. RPA includes those land areas at or near the shoreline that has an intrinsic value to water quality due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

**RPA Delineation** – Determining the boundaries of the RPA.

**Runoff** – Portion of rainfall that is not absorbed into the ground and runs across the landscape.

**Site Plan** – An engineered scaled drawing illustrating the proposed uses and structures for a parcel of land. Most frequently used for larger projects such as commercial sites.

**Soil and Water Conservation Plan** – A plan addressing the water quality issues of a farm field, tract or entire farm using best management practices to prevent erosion and reduce pollutant loads generated from a field.

**Water Dependent Facility** – A land use that is dependent upon the use of water to exist and therefore cannot be located outside the RPA. A marina would be an example.

**Watershed** – The land area that drains into a particular water body or from a particular point.

**Wetlands** – Land area containing much soil moisture such as marshes, bogs, and swamps. (This is not the official legal definition of a wetland. The official definition states criteria a land area must meet to be classified as a wetland).