

G4. Offsite Open Space

Normally, 10 BMP points are achieved by the use of structural BMPs and open space preservation on a project site. However, the County also allows the purchase and dedication of offsite open space areas to be credited towards compliance with the 10-point BMP evaluation system. The purpose of this is to allow more flexibility in the administration of the Chesapeake Bay Ordinance water quality compliance criteria, to better protect the health of watersheds by preserving higher quality and more important conservation areas, to assist in the County's open space planning efforts, and to protect valuable habitat for wildlife in the County.

This open space credit is limited to one point or 10% of the total points required for compliance for a specific project unless the open space area to be dedicated is determined by the Environmental Director to have special environmental significance. The credit is intended for use on sites where the developed areas are treated with water quality and stream channel protection BMP facilities but the site is still not able to achieve the required number of points. If local water quality is a concern such as is the case when the project is located in a watershed with an established Total Maximum Daily Load (TMDL), it needs to be demonstrated that onsite BMPs satisfy the requirements of the TMDL.

Eligible Sites

Open space areas that are eligible for offsite credit will be identified by the County based on information from an approved watershed management plan, such as the Powhatan and Yarmouth Creek plans, or in an open space master plan such as environmental greenways in the Greenspace/Greenway Master Plan. However, open space areas that are important for protection of water quality and environmental health can be eligible for dedication if determined to be acceptable by the Environmental Director. The County will establish a priority list of open space areas.

Open space areas will generally possess the three trophic layers of trees, shrubs, and ground cover but non-forested area can be acceptable if they are reforested with seedlings. Eligible areas must be developable land and not include areas already protected by other regulations or programs such as:

- Resource Protection Areas and associated Buffers
- Jurisdictional Wetlands
- Steep Slopes unless placed in a conservation easement
- Scenic Easements, Community Character Corridors unless placed in a conservation easement, and other Landscape Buffers
- Areas included in a PDR or AFD unless placed in a conservation easement
- Floodplains
- Reclaimed Areas such as closed landfills where it is not possible to reestablish all three trophic layers of vegetation.

Amount of Open Space Required

The following Offsite Open Space Matrix presents the area requirements for open space preservation based on the location of the open space area relative to the project site.

OFFSITE OPEN SPACE MATRIX

Location	Non-SSC to SSC	Non-SSC to Non-SSC	SSC to SSC
Offsite in Same Subwatershed	1:1	1:1	1:1
Offsite in Same Watershed	1:1	2:1	2:1
Offsite in Same Major Watershed	2:1	3:1	3:1

Note: *Subwatershed* as delineated in a James City County adopted watershed study
Watershed such as Powhatan Creek, Yarmouth Creek, Mill Creek
Major Watershed - James or York River watershed in James City County
SSC - Special Stormwater Criteria Watershed as identified in an adopted watershed study

- Ratios may be adjusted by Environmental Director if property achieves multiple goals or is on priority conservation area list

Management

The offsite open space area must be located within an acceptable conservation easement or other enforceable legal instrument that ensures perpetual protection of the area, and the easement document must clearly specify how the natural area vegetation will be managed and how boundaries will be marked. (Note: Managed turf is not an acceptable form of vegetation management.) The property can be in either public or private ownership but there must always be an enforceable County conservation easement in place.

Acquisition Options

The open space property can be purchased through a third party arrangement without involvement by the County other than the acceptance and recordation of the appropriate legal document guaranteeing its protection prior to final approval of the plan. If there is an established open space bank in the County in the appropriate major watershed, documentation can be submitted to demonstrate that the required open space has been purchased. If the County has set aside an area of County-owned open space in a conservation easement essentially creating an open space bank, fees can be paid directly to the County for purchasing "credits" towards compliance.