

MEMORANDUM

DATE: September 26, 2006

TO: The Board of Supervisors

FROM: Michael D. Woolson, Senior Watershed Planner
Scott J. Thomas, Chief Engineer Stormwater

SUBJECT: Revisions to the Powhatan Creek and Yarmouth Creek Watershed Management Plans

Based upon direction given by the Board at their June 27 and August 8 work sessions and input received from the Planning Commission at their September 11 meeting, staff is proposing the following modifications related to Priority Nos. 2, 3, 4, and 11 of the Powhatan Creek Watershed Management Plan and Priority Nos. 3 and 14 of the Yarmouth Creek Watershed Management Plan.

Powhatan Creek

Priority #2 – RPA buffer expansion.

The original language for the resolution for Priority #2 in the Powhatan Creek Watershed Management Plan states “Implement new RPA boundary based upon perennial streams.” Further clarification of this priority is given in the aquatic buffers section of the watershed management plan which outlines six categories of buffer improvements to be undertaken. These are:

- a. RPA extensions.
- b. Inclusion of intermittent streams and unconnected wetlands within a buffer system.
- c. Buffer reclamation, widening, and revegetation (Including a 300-foot mainstem buffer).
- d. Buffer management criteria.
- e. Directing of required open space or natural areas derived from clustered development to riparian buffer areas.
- f. Watershed education on buffer management.

Staff proposes the following actions be taken relative to the items listed above:

Reword the priority to “Riparian Buffers.”

- a. Staff proposes to eliminate references to RPA extensions and modify the language to “Implement RPA requirements per current County ordinance.” The Chesapeake Bay Preservation Ordinance was amended on January 1, 2004, and now includes a site specific determination of perennial streams instead of the paper-based system using the United States Geological Survey 7.5 minutes series quadrangle maps per the original Ordinance.
- b. Staff proposes a 50-foot intermittent stream and a 50-foot non-RPA wetland buffer that are applied to legislative cases and by-right development.
- c. Staff proposes a three-zone riparian buffer in the mainstem sub-watersheds (tidal and non-tidal). The first zone is the regulatory, 100 foot RPA buffer. The second zone shall not exceed 175 feet width, subject to variability in width during legislative action cases based upon site characteristics. The third zone is 25 feet wide and applies both legislative development and by-right development. Requirements of the first zone are listed in Chapter 23 of the James City County Code. Requirements of the second

zone are similar to the first zone with the exception that stormwater features and passive recreation activities may be located within this zone. Requirements of the third zone are that no impervious cover or septic systems or septic fields would be allowed. Impervious cover includes, but is not limited to the primary residence, decks, patios, garages, sidewalks, driveways, pools, sheds and gazebos. The first and second zones will require a Natural Open Space easement be recorded.

- d. Staff is not proposing any changes.
- e. Staff is not proposing any changes.
- f. Staff is not proposing any changes.

Priority #3 – Prohibit rezonings which increase impervious cover in sensitive watersheds.

Staff proposes that Priority #3 be reworded to say “All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On site and/or off site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration, to lessen the effects of new impervious cover within the watershed.” Staff proposes this priority be applied in legislative cases.

Priority #11 – Limiting impervious cover to 10% in select sub-watersheds.

Staff proposes that Priority #11 have the same wording as Priority #3: “All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On site and/or off site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration, to lessen the effects of new impervious cover within the watershed.” Staff proposes that this priority be applied in legislative cases.

Priority #4 – Cluster down, reducing lot sizes to create additional open space.

Staff proposes adopting this priority.

Powhatan Creek Watershed Management Plan Change Summary:

To summarize, staff proposes the following changes to Powhatan Creek Watershed Management Plan.

Priority #2 - Riparian Buffers.

- a. Implement RPA requirements per the current County ordinance.
- b. Implement a 50-foot intermittent stream buffer and a 50-foot non-RPA wetland buffer that are applied to legislative cases and by-right development.
- c. Within the mainstem sub-watersheds, implement a three zone riparian buffer system as outlined above.
- d. Buffer management criteria.
- e. Directing of required open space or natural areas derived from clustered development to riparian buffer areas.
- f. Watershed education on buffer management.

Priority #3

All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On-site and/or off-site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration, to lessen the effects of new impervious cover within the watershed.

Priority #4 - Cluster down, reducing lot sizes to create additional open space.

Priority #11

All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On-site and/or off-site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration, to lessen the effects of new impervious cover within the watershed.

Staff is proposing that a new ordinance be developed to address the by-right provisions of these changes. This could be either a revision to Chapter 23 or a stand alone ordinance. If the Board wishes to proceed with an ordinance, additional information will be provided at a later date.

Yarmouth Creek

Priority #3 – Adopt Special Stormwater Criteria (SSC) in the Watershed to increase groundwater recharge in the development process.

Staff proposes adopting this priority.

Priority #14 – Continue to strengthen enforcement of existing RPA laws in new development and as stated in the law protect all perennial streams and connected wetlands.

Staff proposes to reword this priority to “Riparian Buffers” and include all provisions of the revised Priority #2 from the Powhatan Creek Watershed Management Plan.

Planning Commission Suggestions

Staff took the original proposal presented to the Board at the August 8 work session and presented this information to the Planning Commission at their September 11 meeting to obtain input, discussion and feedback. Suggestions that came out of that meeting are:

- a. Notifying all adjacent property owners of the proposed changes;
- b. Keeping the 10% impervious cover limit (Priority #11);
- c. Favored BMP’s that promote recharge; and
- d. Supportive of an ordinance overlay.

Board Action

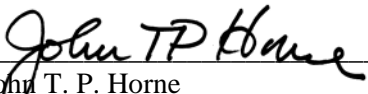
Staff recommends that the Board review the revised material and provide staff with input so that staff can prepare resolutions for the October 10 Board of Supervisors meeting. The resolutions will be for the re-adoption of the Powhatan Creek and Yarmouth Creek Watershed Management Plans as outlined above.

Michael D. Woolson

Scott J. Thomas

CONCUR:


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MDW/SJT/gb
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