

MEMORANDUM

DATE: December 11, 2007

TO: The Board of Supervisors

FROM: Scott J. Thomas, Environmental Director  
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violations - Civil Charges - AIG Baker  
Williamsburg, L.L.C.

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Attached is a resolution for consideration involving violations of the Chesapeake Bay Preservation Ordinance. The case involves the unauthorized grading and the removal of vegetation from within the Resource Protection Area (RPA) located on the property. This case also involves the failure and neglect of the owner and their authorized agents to obey permit conditions, variances, and exceptions granted as part of their plan of development.

In accordance with provisions of the Ordinance, replanting of vegetation and civil charges are proposed to remedy the RPA violation. The property owner has voluntarily entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved restoration plan to restore the impacted areas on their property.

The attached resolution presents the specific details of the violations and recommended civil charges. Under the provisions of the Ordinance, the Board may accept civil charges for each violation of up to \$10,000. Staff and the property owner have agreed to the recommended civil charges of \$10,000 for the violation of Section 23-9 of the Ordinance and \$5,000 for the violation of Section 23-10 of the Ordinance. The total civil charges agreed to by staff and the owner are \$15,000.

The Chesapeake Bay Ordinance Civil Penalty Procedures Policy endorsed by the Board in August 1999 was used by staff as guidance. The Policy considers the water quality impact and the degree of noncompliance involved in the case.

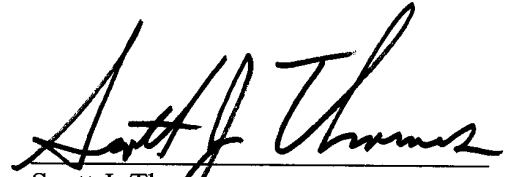
For the violation of Section 23-9 of the Ordinance, the water quality impact and the violation intent have been assessed as significant and major by staff.

For the violation of Section 23-10 of the Ordinance, the water quality impact and the violation intent have been assessed as significant and moderate by staff.

Staff recommends the Board adopt the attached resolution establishing the civil charges for the Chesapeake Bay Ordinance violations presented.

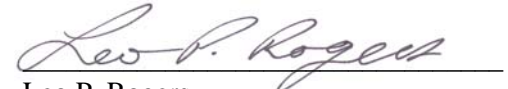
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Scott J. Thomas



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Leo P. Rogers

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Attachments