

MEMORANDUM

DATE: June 23, 2009
TO: The Board of Supervisors
FROM: Scott J. Thomas, Environmental Director
SUBJECT: Chesapeake Bay Preservation Ordinance Violations - Civil Charges - John W. Ballentine, Jr.

Attached is a resolution for consideration involving violations of the Chesapeake Bay Preservation Ordinance. The case involves the unauthorized removal of vegetation, grading, and disposal of trees, stumps, lumber, and other materials within the Chesapeake Bay Preservation Area (CBPA) located on the property.

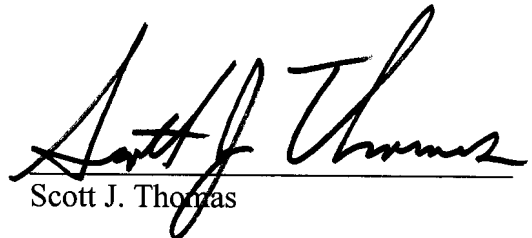
In accordance with provisions of the Ordinance, the restoration of the CBPA including the removal of disposed materials, the replanting of native vegetation and civil charges are proposed to remedy the violation. The property owner Dudley S. Waltrip and John W. Ballentine Jr. (Lessee) have voluntarily entered into a Chesapeake Bay Restoration Agreement with the County, submitted a restoration plan, 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 John W. Ballentine Jr., have agreed to the recommended civil charges of \$4,000 for the violation of Sections 23-9 and 23-10 of the Ordinance.

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.

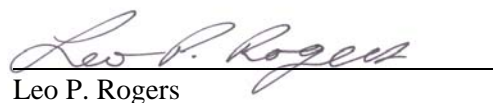
For the violation of Sections 23-9 and 23-10 of the Ordinance, the water quality impact and the violation intent have been assessed as moderate and major by staff.

Staff recommends adoption of the attached resolution establishing the civil charges for the Chesapeake Bay Ordinance violations presented.



Scott J. Thomas

CONCUR:



Leo P. Rogers

SJT/gb
BallentineVio_mem

Attachment