



James City County
 Environmental Division
 P.O.Box 8784
 Williamsburg, VA 23187-8784
 253-6670 (Office) 259-4032 (Fax)
www.jccegov.com/environmental

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Property Owner Information:

Date: _____

Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Contact (if different from above):

Name: _____ Phone: _____

Project Information:

Project Address: _____

Subdivision Name, Lot, and Section Number: _____

Parcel Identification Number or Tax Map Number: _____

Code Compliance Line Number or Building Permit Number (if known): _____

- Date Lot was platted: prior to August 6, 1990
 between August 6, 1990 and January 1, 2004
 after January 1, 2004

Was Resource Protection Area (RPA) line shown on plat at time of recordation? Yes / No

- Activity located in: Steep Slopes \geq 25% RPA - landward 50'
 (check all that apply) Conservation Easement RPA - seaward 50'

- Activity involves: New principal structure construction Building addition to principal structure
 (check all that apply) Tree/vegetation removal Deck addition to principal structure
 Buffer modification Sightline Path/trail
 Accessory (detached) structure
 or Other (please describe): _____

Submission Requirements:

- A \$25 non-refundable processing fee payable to Treasurer, James City County.
- Steep Slopes \geq 25% - Complete items 1, 2, and 4, and sign on Page 3.
- RPA - landward 50' – Complete items 1 – 4, and sign on Page 3.
- RPA - seaward 50' – Complete items 1 – 4, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- Conservation Easement – Complete items 1, 2, and 4, and sign on Page 3.
- Attach plans as required (see instruction on Page 5, item 4).
- Applicable surety as required for mitigation (see **Rates Table** on Page 6)

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

A. RPA area impacted (in square feet): _____

Amount of impervious cover (roof, pavement, etc.): _____

Number of Trees to be removed: _____

Approximate % tree canopy reduction: _____

B. Conservation Area Impacted (in square feet): _____

C. Slopes \geq 25% area impacted (in square feet): _____

2. Are permits from other local, state or federal agencies required for any portion of this project? Yes /No
(If yes, please explain)_____

3. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75% of sediments and 40% of nutrients from post-development stormwater runoff and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

4. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on page 6)

- Number of canopy trees _____
- Number of understory trees _____
- Number of shrubs _____
- Square feet of ground cover _____
- Square feet of mulch _____

B. Best Management Practices (BMPs)

- EC-2 (degradable) erosion control matting
- Bioretention or rain garden practice
- Dry well / french drain
- Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
- Outlet protection for control of stormwater at end of pipes or swales
- Silt fence
- Wet (retention) or dry (detention) pond
- Manufactured BMP system
- Other: _____

I understand that the following are approval conditions:

- 1) **Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney (certified check).**
- 2) **Limits of disturbance as shown on the approved plan shall not be exceeded.**
- 3) **This approval shall become null and void if construction has not begun within 12 months of the approval date.**
- 4) **Construction and all mitigation plantings must be completed within 24 months of this approval unless an exception extension is granted by James City County.**
- 5) **Surety will be released following the completion and inspection of mitigation plantings.**

Property owner signature _____ Date _____

Program Administrator _____ Date _____
Environmental Director

For Office use only

Instructions for the JCC Single Family Sensitive Area Activity Application

1. When do I need to submit an application?

This application is for any activity in the Resource Protection Area (RPA), on 25% or greater slopes or in Conservation Easements, on single family, residential lots. Activities include grading, filling, building, removal of vegetation, and any other disturbances. If you are proposing to do any activities in these sensitive and protected areas, you must fill out this application. The application will be reviewed and either approved or disapproved. If the application is approved, you may proceed with the activity after receiving a letter of approval.

2. What activities can be approved administratively and which ones need to go to the James City County Chesapeake Bay Board?

All sensitive area activities require administrative review. Activities that must go to the Board are:

- Construction of a new principal structure within the seaward 50-foot RPA buffer;
- Construction of an accessory structure (such as a shed, garage, patio, etc.) anywhere in the 100-foot RPA.
- Any application administratively determined to exceed the minimum necessary to afford relief.
- Appeals of an administrative decision.

Activities that can be approved administratively by the Environmental Director are:

- Construction of certain new principal structures within the landward 50-foot RPA buffer;
- Expansions and alterations to an existing, non-conforming (built prior to adoption of the ordinance), principal structure anywhere in the RPA buffer.
- Disturbance of steep slopes;
- Tree/vegetation removal for a sight line, path, or because the plants are dead, diseased or dying.

3. What other permits may be needed?

If you are proposing activity in tidal wetlands, you will need to file a Joint Permit Application (JPA) for the James City County Wetlands Board with the Virginia Marine Resources Commission (VMRC). If you are proposing activity in US Army Corps of Engineers jurisdictional wetlands, you will need to obtain a permit from them or the Department of Environmental Quality. These activities will also require the filing of a JPA. Most work involving a principal or accessory structure will require a building permit from the James City County Code Compliance Division. The applicant is responsible for obtaining all necessary permits for the activity they are proposing.

4. What else needs to be submitted with the Sensitive Area Application?

The plans submitted must be drawn to scale and the following items must be clearly shown on the overhead plan view:

- Any existing buildings / structures on the property (house, garage, pool, deck, patio, retaining wall etc).
- Location and dimensions of proposed activity.
- Type of materials to be used (examples: timber retaining wall, brick paver patio, frame shed on concrete, etc)
- Any perennial streams, wetlands or ponds on or adjacent to the property
- The 50-ft (seaward) and 100-ft (landward) RPA buffer areas and/or the Conservation Easement.
- Approximate contours on the land (topography).
- Location of slopes $\geq 25\%$.
- All trees greater than 12" in diameter (measured 4.5' above the ground), include diameter and species or an outline of the woodlines if there are clumps of trees.
- Any vegetation proposed for removal or alteration.
- Erosion and sediment controls if necessary.
- Mitigation plan with surety (see page 6, item 7).

The following items must be clearly indicated on the on the side view elevation of the proposed structure:

- Proposed structure and its location to any existing structure.
- Show the approximate contours of the land (topography).
- If proposed structure is an elevated deck, provide the height of the deck above ground. Show any proposed staircases or landings, any other existing decks or patios on the property and show the required gravel underneath the deck.

5. Why is mitigation required?

Natural vegetation is important for controlling the rate of stormwater runoff, removing excesses nutrients and pollutants from storm and groundwater, and preventing soil erosion. When natural vegetation is removed, these functions are lost. Therefore, the replacement of natural vegetation is required to ensure that the RPA area functions properly.

6. When is mitigation required?

Mitigation is required for the removal of vegetation from the RPA to enhance the pollutant filtering function of the remaining buffer. The amount of plantings is based on the amount of impervious cover created within the RPA, or to replace vegetation removed for sightline clearing. Mitigation is not required for activities on steep slopes that are not in the RPA. Disturbed steep slopes must be matted with EC-2 (degradable) erosion control matting.

7. What are the mitigation requirements?

- a. Mitigation plants must be species that are native to the coastal plain of Virginia. A list of plant species can be found at:
http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml
- b. Mitigation plantings should be a mix of native, canopy trees, understory trees, and shrubs to provide the most effective buffer.
- c. Mitigation plantings must be within the 100' RPA buffer. Mitigation and corresponding surety rates will be determined by the following table:

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation required</u>	<u>Surety</u>
< 400	1 tree <u>and</u> 3 shrubs	\$250.00
400 – 1000	1 canopy tree, 2 understory trees <u>and</u> 3 shrubs per 400 SF (or fraction thereof)	\$1,000.00
> 1000	Plant at same rate as 400 – 1000; <u>or</u> rate may be determined by director of the Environmental Division	To be determined

- d. Mitigation size requirements:
 - Canopy and understory trees must be a minimum of 1 inch caliper and 6 feet tall;
 - Shrubs must be a minimum 3-gallon size and 18 inches tall.
- e. If your activity requires mitigation, you must submit a mitigation plan. Required elements for the mitigation plan are:
 - Any current and proposed buildings / structures.
 - The 50' (seaward) and 100' (landward) RPA buffer areas.
 - Any perennial streams, wetlands, or ponds on or adjacent to the property.
 - All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the woodlines if there are clumps of trees.
 - Location of mitigation plantings (include species and size of planting).
 - Location of other mitigation measures.
 - Date of completion (no more that 24 months from approval)
 - Corresponding surety in a form acceptable to the County Attorney (certified check is preferred), must be submitted to insure completion of the approved mitigation plan.
- f. Mitigation plantings must be inspected before the Certificate of Occupancy is issued by Code Compliance and/or prior to release of the surety.

8. What if I have questions or need additional information?

Contact the James City County Environmental Division at 757-253-6670 or visit our website at <http://www.jccegov.com/environmental>