



CHESAPEAKE BAY PRESERVATION ORDINANCE

Exception Process Guidance & Application

For CBPEC Activities in the Resource Protection Area (RPA)

Property owners interested in working in the Resource Protection Area (RPA) may be required to request a buffer reduction through the Exception process. The following are general guidelines and are not intended to represent every possible activity within the RPA. Please contact the Department of Environmental Programs for specific inquiries at 804-693-1217, or stop by the office at 6489 Main Street, Gloucester, or visit our website <https://gloucesterva.gov/environmental-programs>.

Exception Process (Preservation & Erosion Commission), defined in Sec. 5.5-14; for variance to requirements for Sec. 5.5-7B and 5.5-9C, requiring Public Hearing; \$275.00 application fee. Meetings held the 2nd Wednesday of each month, application deadline the last working day of the month. Applications available online or in the Department of Environmental Programs.

1. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with buildable area outside of the Resource Protection Area.
2. Construction of, additions to, accessory structures (garages, pools, sheds, pads, impervious area, grade alteration, etc.).
3. Construction of, additions to, principal structures within the seaward 50' of RPA (between 0' -50').
4. Reviews, waiver appeals, and violation.

A Water Quality Impact Assessment is required for review of **ALL** activity in the RPA (Sec. 5.5-11).

EXCEPTION APPLICATION

CBPEC ____-____

An application for Exception is required for new, non-water-dependent development, redevelopment, and construction within 50' of the Resource Protection Area (RPA).

APPLICANT/AGENT INFORMATION:

Name: _____ Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

PROPERTY OWNER INFORMATION:

Name: _____ Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

PROPERTY INFORMATION:

Tax Map *or* RPC: _____ E911 Street Address: _____

Date Lot Recorded: _____ Nearest Water Body: _____

Distance to RPA Feature: _____ Sq Ft. of Encroachment: _____

DETAILS OF REQUEST:

DIRECTIONS TO THE PROPERTY:

PRIVACY ACT STATEMENT: Information provided in the Chesapeake Bay application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by Department of Environmental Quality, Virginia Marine Resource Commission, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name

Signature

Date

CONDITIONS FOR GRANTING EXCEPTION

(Sec. 5.5-14)

Required by Code – please provide any input as to how your project complies.

1. Requirements shall be minimum necessary to afford relief.

2. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.

3. Granting exception will not confer applicant any special privileges that are denied to other property owners subject to its provisions and are similarly situated.

4. Exception is in harmony with purpose and intent of Ordinance and not of substantial detriment to water quality.

5. Exception not based on self-imposed/created conditions or circumstances.

6. Other findings, as appropriate and required by Gloucester County.

Please use additional sheets if necessary for completing the questions above.



WATER QUALITY IMPACT ASSESSMENT

Required for all development/redevelopment in the Resource Protection Area; CBPO 5.5-11

A site drawing, which shows the following, must be attached to this water quality impact assessment:

1. Location of the components of the RPA, including the 100' buffer area;
2. Location and nature of any proposed encroachment into the buffer area, including type of paving material, areas of clearing or grading, location of any structures, drives, or other impervious cover, sewage disposal systems or reserve drainfield sites, and wells;
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Location of existing vegetation onsite, including the number, type of trees, caliper, and other vegetation to be removed in the buffer to accommodate the encroachment or modifications; and

Type, size, and location of replacement vegetation.

APPLICANT/AGENT INFORMATION:

Name: _____ Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

PROPERTY OWNER INFORMATION:

Name: _____ Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

PROPERTY INFORMATION:

Tax Map *or* RPC: _____ E911 Street Address: _____

Date Lot Recorded: _____ Nearest Water Body: _____

Site Conditions (of site and adjacent lands):

Existing topography: _____

Hydrology: _____

Soils: _____

Geology: _____

Fill Materials (source and composition): _____

Total Amount of Disturbed area (sq ft): _____

Total Amount of Cleared Area (sq ft): _____

Existing Vegetation:

Total Amount of Underbrush Removed (sq ft): _____ Types: _____

Number of Healthy Trees Removed: _____ Types: _____

Number of Trees Limbed or Pruned: _____ Types: _____

Number of Dead/Dying/Diseased Trees Removed: _____ Types: _____

Proposed Vegetation Mitigation Measures:

Number of New Canopy Trees Proposed: _____ Types: _____

Number of New Understory Trees Proposed: _____ Types: _____

Number of New Shrubs Proposed: _____ Types: _____

Proposed Erosion & Sedimentation Control Practices:

☐ Silt Fencing ☐ Temporary Construction Entrance

☐ Straw Bale Barrier(s)

☐ Inlet Protection ☐ Temporary/Permanent Seeding

☐ Mulching

☐ Tree Protection ☐ Sediment Trap

☐ Other: _____

Proposed Best Management Practices:

☐ Dry Well(s) ☐ Infiltration Trench(es)

☐ Vegetated Filter Strip(s)

☐ Grass Swale(s)

☐ Other: _____

Wastewater (Septic) Element:

Attach legible, clean copy of Health Department approval information – to include calculations and dimensions.

Description of potential impacts of the proposed wastewater systems including and proposed mitigated measures for these impacts: _____

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CERTIFICATION: I am hereby applying for all permits typically issued by the DEA, VMRC, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name

Signature

Date

OFFICE USE ONLY

Project #: _____ Received by: _____ Fee Paid: _____ Receipt #: _____

Date Received: _____ Reviewing Authority: _____ Hearing Date: _____

Lot recordation date verified with Clerk's Office ☐ YES Date: _____

COMMISSION DECISION:

APPROVED: _____ *Approval is valid for 36 months from the date of approval*

Conditions/Comments/Findings Met:

DENIED: _____

***Please be advised that you may appeal the Chesapeake Bay Preservation & Erosion Commission's decision, in writing, to the Circuit Court of Gloucester County within 30 days of the date of this Commission's decision.*

Comments:

Commission Chairman or Environmental Staff Signature

Date

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Mitigation plan required: ☐ YES ☐ NO _____ square foot minimum

Mitigation plan approved: _____ Entitled: _____ Dated: _____

Date mitigation completed: _____ Inspected by: _____

Amount of surety required: _____

Date posted: _____ Receipt #: _____

Payor Name: _____ Phone #: _____

Payor Address: _____

Date surety released: _____

STAFF ANALYSIS (OFFICE USE ONLY)

Staff responses to applicant information provided on reverse page

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Reviewed by: _____ *Date:* _____