



Department of Planning & Zoning

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M E M O R A N D U M

TO: File

FROM: Anne Ducey-Ortiz, AICP – Director of Planning & Zoning

DATE: November 18, 2013

SUBJECT: Chesapeake Bay Preservation Ordinance (CBPO)
& Notes Required on Plats

To comply with the provisions of the Chesapeake Bay Preservation Act (CBPA) and our CBPO, there are certain notes required on plats:

When RPA has been identified and shown on the plan:

- §5.5-9(c) - *All existing vegetation within the RPA shall remain in its undisturbed natural state, except for vegetation weakened by age, storm, fire, or other natural cause;*
- §5.5-10(7)h - *Plat or plan note providing that no land disturbance is allowed in the buffer area without review and approval by the director.*

On December 4, 2012, Section 5.5-10(7) of the County's Chesapeake Bay Preservation Ordinance (CBPO) was amended to require three (3) additional notes on plat(s) or plan(s) for lands within Chesapeake Bay Preservation Areas; this is significant because the entirety of Gloucester County is designated either Resource Protection Area (RPA) or Resource Management Area (RMA). These include the following:

- §5.5-10(7)i - *Plat or plan note providing that on-site septic systems must be pumped out every five years, or that a certification must be submitted by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected, is functioning properly, and the tank does not need to have the solids pumped out; (note "i")*
- §5.5-10(7)j - *Plat or plan note providing that a 100% reserve drainfield is required for on-site sewage treatment systems; (note "j") and*
- §5.5-10(7)k - *Plat or plan note of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area. (note "k")*

In recent plat reviews, however, it has become apparent that these notes may not apply to all plats in all circumstances.

In discussions with the Environmental Programs Administrator, it was determined that some of these plat notes may be unnecessary - depending on specific features present on, and/or conditions applicable to, the property under review. (See §5.5-10) Planning & Zoning staff will continue to adhere to established policies (i.e. "Wetlands Policy") and utilize existing checklists; however, with regard to the CBPO notes, the following will uphold the requirements of the Ordinance and intent of the Chesapeake Bay Preservation Act (CBPA), while providing for consistency among plats being reviewed in our department. To that end, the following practice shall be used:

- Public Service Lots; rights of way:
 1. If RPA is present, all applicable RPA notes are required;
 2. Septic notes are not applicable.
- Major Subdivisions:
 1. For those being served by on-site well and septic, notes "i" and "j" are required; these notes will not be required on lots served by public water and sewer;
 2. For those with any RPA, all RPA notes are required.
- Minor Subdivisions, Family Transfers, and Boundary Line Adjustments (including Lot Line Vacations¹):
 1. Are the lots being created to be served by on-site septic systems?
 - a) If yes, notes "i" and "j" are required;
 - b) If County sewer is available, but hook-up not mandatory, then a statement of intent is required on the plat;
 - 1) If not connecting to County sewer, notes "i" and "j" are required;
 - 2) If intent is to connect, notes "i" and "j" will not be required.
 - c) If parcel(s) is/are developed and already on County sewer, or hook-up is mandatory, "i" and "j" are not applicable.
 2. Is there RPA present?
 - a) If yes, all RPA notes are required (new and old);
 - b) If not, no RPA notes are required.

To avoid conflict and/or confusion, Staff will reference the specific code section when requesting these notes on plats and plans.

¹ A parcel subject to a Boundary Line Adjustment becomes a "new lot of record" when the approved plat is recorded.