



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

Single Family Sensitive Area Activity Application  
 For Exceptions and Waivers to the Chesapeake Bay Preservation Ordinance

Property Owner Information:

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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 \_\_\_\_\_

- 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: (check all that apply)  Slopes  $\geq$  25%  RPA - landward 50'  
 Conservation easement  RPA - seaward 50'

- Activity involves: (check all that apply)  New principal structure construction  Addition to principal structure  
 Tree/vegetation removal  Sightline  Path  
 Accessory (detached) structure construction  
 Other \_\_\_\_\_

Submission Requirements:

- Slopes  $\geq$  25% - Complete items 1, 2, and 4, and sign on sheet 3
- RPA - landward 50' - Complete items 1 - 4, and sign on sheet 3
- RPA - seaward 50' - Complete items 1 - 4, sign on sheet 3 and submit \$100 check
- Conservation easement - Complete items 1 - 4, and sign on sheet 3
- Attach plan with all required components. (Refer to instructions on sheet 5 for required components)
- The following projects must be approved by the Chesapeake Bay Board (Board):
  - Construction of new principal structures in the seaward 50-foot RPA buffer;
  - Construction of an accessory (detached) structure such as a shed, garage, patio, etc.
- For projects that must go to the Board, a \$100 processing fee must be submitted payable to the James City County Treasurer.
- Please attach mitigation plan if necessary. (Refer to instructions for necessary plans)

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

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- A. RPA area impacted (in square feet): \_\_\_\_\_  
Amount of Impervious cover (roof, pavement, etc.) \_\_\_\_\_  
Number of Trees 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? Is there anywhere else structures can be placed to stay out of the buffer area?

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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

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C. What measures will be used to minimize site impacts?

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4. Proposed mitigation measures:

**Note:** All mitigations measure 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 RPA.

A. Vegetation/ground cover enhancement of buffer (see instructions for calculation procedure)

- 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 planting bed
- Dry well / French drain
- Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
- Outlet protection for control of water at end of pipes or swales
- Wet retention pond
- Extended detention dry pond
- Other: \_\_\_\_\_

**I understand that:**

- (1) mitigation for the above activity may be required in the form of native species plantings,**
- (2) all steep slopes must be covered with EC-2 (degradable) erosion control matting, and**
- (3) the 100-foot RPA buffer shall be marked on the property in two locations on the side or rear property lines with signs approved by the Environmental Division.**

Property owner signature \_\_\_\_\_ Date \_\_\_\_\_

Exception/Waiver granted by \_\_\_\_\_ Date \_\_\_\_\_  
Environmental Director

## **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) or on 25% or greater slopes 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 submission of the application. 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;
- Appeals of an administrative decision by the Environmental Director.

For these activities, the application must be submitted with a \$100 processing fee payable to the James City County Treasurer. The application will be heard at the next Board meeting and involve a public hearing.

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

- Construction of a new principal structure within the landward 50-foot RPA buffer;
- Expansions and alterations to an existing non-conforming principal structure anywhere in the RPA buffer even if it involves construction in the seaward 50-foot RPA;
- 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. 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 Division of Code Compliance. 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?

All activities require that you submit a plan showing the project location. Required components of the plan are:

- Any existing buildings / structures
- RPA and the 100' buffer
- 50' RPA buffer if activity will occur in this area
- Any perennial streams
- Any wetlands
- 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 slopes  $\geq 25\%$
- Proposed activity
- Any vegetation proposed for removal or alteration
- Erosion and sediment controls if necessary

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; these required matting of the slopes. 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.state.va.us/dnh/native.htm>.
- b. Mitigation plantings should be a mix of canopy trees, understory trees and groundcover to provide the most effective buffer.
- c. Mitigation plantings must be within the 100' RPA buffer. Mitigation rates will be determined by the following table: Mitigation Rates (see table following)

**Mitigation Rates**

Area impacted (SF)	Mitigation required
<100 – 400	1 tree <u>or</u> 3 shrubs per 100 SF (or fraction thereof)
400 – ¼ acre	1 canopy tree, 2 understory trees <u>and</u> 3 shrubs per 400 SF (or fraction thereof)
> ¼ acre	Plant at same rate as 400 – ¼ acre; <u>or</u> rate may be determined by director of the Environmental Division

d. Mitigation canopy trees must be a minimum of 1½ - inch caliper or 6 to 8 feet tall; understory trees must be a minimum of 1-inch caliper or 4 to 6 feet tall; mitigation shrubs must be a minimum of 3-gallon size.

e. If your activity requires mitigation, you must submit a mitigation plan. Required elements for the mitigation plan are:

- Any current buildings / structures
- RPA and the 100' buffer
- Any perennial streams
- Any wetlands
- 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