Locality Name
Address
Phone Number and Fax

RPA ADMINISTRATIVE WAIVER APPLICATION

This application is for permitting encroachments into the Resource Protection Area 100-foot buffer area that must be administratively approved as outlined in Citation of local Bay Act Code and Section 9 VAC 10-20-130 4, Section 9 VAC 10-20-150 A (1), and Section 9 VAC 10-20-150 C (4) of the Chesapeake Bay Preservation Area Designation and Management Regulation.

STAFF USE ONLY

Admin Waiver #: _____

Fee Required: YES NO N/A
Amount Paid: _____

Waiver is for:
- ☐ New Construction on undeveloped lot recorded prior to October 1, 1989
- ☐ Expansion of principal nonconforming structure

APPLICANT INFORMATION

Name: _____
Address:_____ City/State/Zip:_____
Phone:_____ Fax:_____

PROPERTY OWNER INFORMATION

Name: _____
Address:_____ City/State/Zip:_____
Phone:_____ Fax:_____

RESPONSIBLE LAND DISTURBER (Required if over 2,500 SF of land disturbance)

Name: _____ RLD Number:_____
Phone:_____ Fax:_____

PROJECT INFORMATION

Parcel Number: _____ E911/Street Address:_____
Magisterial District:_____ _____
Lot Size (in acres):_____ Zoning District:_____
Lot Recordation Date: _____

Existing land use: ☐ Single Family Residential ☐ Multifamily Residential ☐ Commercial ☐ Industrial ☐ Office/Mixed

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I. REASON FOR ADMINISTRATIVE WAIVER REQUEST (check one)

- ☐ Expansion of nonconforming principal structure (ex. house)
- ☐ New construction in the RPA on lot recorded prior to October 1, 1989
- ☐ Other _____

II. SITE INFORMATION: In box below, please describe proposed project:

III. SUBMITTAL INFORMATION

The following elements should be submitted with this *Request for an RPA Administrative Waiver*

A. Site Drawing

A site drawing, which shows the following, must be attached to this application.

1. Location of the Resource Protection Area, including the 100-foot buffer area;
2. Location proposed structure(s) including all proposed impervious cover such as buildings, patios, walkways, driveways, etc.
3. Location of utilities easements, drainfield and reserve area
4. Location and nature of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the RPA buffer area as indicated above
5. Type and location of replacement vegetation.
6. Water Quality Best Management Practice (BMP) if part of the proposed mitigation
   a. Design details
   b. BMP Maintenance agreement

B. Water Quality Impact Assessment

APPLICANT AND/OR PROPERTY OWNER STATEMENT

I hereby certify that I/we own the above described property or have legal authority to make application for an Administrative Waiver on the above described property as set for in the Name of Locality Zoning Ordinance as written and that the information provided is complete and correct to the best of my knowledge.

_____ _____
Applicant/Property Owner's Signature Date

_____ _____
Applicant/Property Owner's Signature Date

CONDITIONS

1. This permit application is not valid unless all property owner(s) signatures are affixed and dated.
2. All permit application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted.
3. Any approval of an encroachment into the RPA is issued on the basis of plans and application approved and authorizes only the activities specifically set forth in such approved plans and applications. Any deviations from the plans and application submitted shall render the approved Administration Waiver null and void and may result in additional actions by the Name of Locality.

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ADMINISTRATIVE WAIVER CHECKLIST

Review Notes For Submission

1. Is the Site Drawing/Sketch Complete (or Satisfactory) YES NO

2. Has a Water Quality Impact Assessment (WQIA) been submitted YES NO
   (A WQIA is required for any proposed land disturbing activities in the RPA)

3. Will the proposed encroachment disturb more than 2,500 square feet of land? YES NO
   (if yes, Erosion & Sediment Control Plan or Agreement in lieu of Plan is required)

4. Does the total percent of impervious cover (new + existing) on the property exceed the locally designated average land cover condition of the property area (if yes, stormwater management plan is required) YES NO

Note: If NO is circle for either of the first two questions, application should be considered incomplete and returned to applicant with a list of additional information needed to process request.

If the proposed activity is for new construction on a lot recorded prior to October 1, 1989, refer to Section A for review. If the proposed activity is for expansion of a principal nonconforming principal structure, refer to Section B for review.

Section A: Review Notes for proposed NEW construction on lots recorded prior to October 1, 1989

1. Proposed encroachment is only for a principal structure & necessary utilities? YES NO

2. Proposed encroachment is the minimum necessary? YES NO

3. Principle structure contained within a reasonable buildable area YES NO

4. Proposed encroachment does not extend into the seaward 50 feet of the buffer? YES NO

5. Is the mitigation plan for the proposed encroachment adequate? YES NO

6. If enhanced plantings are being proposed for mitigation and if practicable, is the planting area equal to area of the proposed encroachment? YES NO

7. Do the proposed plants help to restore the buffer to its full function? YES NO
   (ie plants cover different tropic layers and turf/lawn grass is not being proposed)

If the response to any of the first four questions (1-4) is NO, the proposed development project does not meet the required criteria of the Bay Act Regulations, and should not be granted. Applicant should be contacted for further discussion of proposed project.

Additional Comments: _____
_____
_____
_____

Section B. Review Notes for proposed expansion of a PRINCIPAL nonconforming structure

1.	The proposed expansion is for a PRINCIPAL nonconforming structure.	YES	NO
2.	There will be no net increase in nonpoint source pollutant load as a result of the proposed expansion.	YES	NO
3.	The proposed expansion is the minimum necessary to afford relief.	YES	NO
4.	Granting the administrative waiver will NOT confer any special privileges upon the applicant that are otherwise denied to property owners similarly situation.	YES	NO
5.	The proposed expansion is in harmony with purpose & intent of the Bay Act.	YES	NO
6.	The proposed expansion is NOT of substantial detriment to water quality.	YES	NO
7.	The administrative waiver is NOT based upon conditions/circumstances that are self-created or self-imposed.	YES	NO
8.	The proposed mitigation plan will prevent the allowed activity from degrading water quality.	YES	NO
9.	Required mitigation is REASONABLE and APPROPRIATE.	YES	NO

If the response to any of the nine questions is NO, the proposed development project does not meet the required criteria of the Bay Act Regulations, and should not be granted. Applicant should be contacted for further discussion of proposed project.

Additional Comments: _____
_____
_____
_____