

**Chesapeake Bay Local Assistance Board  
Policy Committee  
Monday, July 25, 2005  
Dorey Recreational Park  
Richmond, Virginia**

**Chesapeake Bay Local Assistance Board Policy Committee Members Present**

Walter J. Sheffield, Committee Chair  
William E. Duncanson  
Beverly D. Harper  
David L. Bulova  
Donald W. Davis, Ex-Officio

**DCR Staff Present**

Joseph H. Maroon  
Joan Salvati  
C. Scott Crafton  
David C. Dowling  
Michael R. Fletcher  
Martha Little  
Shawn Smith  
Beth Baldwin  
Ryan Link  
Christine Watlington

**Others Present**

*City of Hampton*  
Keith Cannady  
Sally Andrews  
James Freas

*City of Norfolk*  
Brian Ballard

Pat O'Hare, Virginia Homebuilders Association  
Joe Lerch, Chesapeake Bay Foundation, Richmond

**Call to Order**

Mr. Sheffield called the meeting to order and declared a quorum present.

Mr. Sheffield reviewed the agenda for the day. He said that as each topic was discussed it would be appropriate to call for public comment at the end of that discussion. He asked that members of the public limit their remarks to 2-3 minutes, depending on the topic.

Mr. Sheffield asked Mr. Maroon for introductory remarks.

Mr. Maroon said that staff hoped this would be a working meeting in order to get feedback from the committee with regards to next steps. He noted that many of the items have been presented at previous meetings but that there had not been extensive discussion.

Mr. Maroon noted that at the November retreat the Board discussed some general principles with regard to looking at revisions to the regulations. At that time, concern was expressed that there not be widespread disruption of the 84 localities necessitating them to have to change their local ordinances without sufficient cause. He noted that the Board was looking at flexibility with a way to provide additional changes or modifications through guidance.

Mr. Maroon said that Ms. Salvati would walk the Board through the information.

Ms. Salvati said that staff had attempted to look at issues that appeared to be of highest priority, based on concerns of the Board and of stakeholders. She said that staff had developed a Policy Committee Work Plan that would be revised as the Committee addressed the current issues and added others.

With regard to the concept of determining wetland and stream restoration as water dependent activities, Ms. Salvati noted that the Policy Committee voted on April 22 to bring that issue to the full Board. Staff will present that for Board action at the September meeting.

#### *Marina Components as Water Dependent Facilities*

Ms. Salvati noted that staff had previously provided research on the issue of marina components as water dependent facilities. Staff has surveyed some of the marinas and found that this is not a widespread issue. She said that she was not able to contact Mr. Matthews who represented the association of marina owners.

Mr. Davis noted that Mr. Matthews is willing to address the Board, but was unable to make the policy committee meeting. However, he said Mr. Matthews is moving to Massachusetts within the next month. He noted that as of July 1, Mr. Matthews no longer represented the marina association.

Mr. Davis said that it would not be necessary for Mr. Matthews or the appropriate representative to meet with the full committee. The meeting could be handled with staff and members available.

MOTION: Mr. Davis moved that staff arrange a meeting with Mr. John Matthews or the appropriate representative of the marina association to discuss the issue of marina components as water dependent facilities.

SECOND: Mr. Duncanson

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Maroon asked if there was a specific issue that the committee would like staff to address with regard to marinas.

Mr. Davis said that it would be helpful to look at the Virginia Clean Marina designation and that meeting minimum criteria could be helpful. He noted it would be helpful to hear directly from the marinas.

Mr. Davis asked if the representatives from Hampton or Norfolk had comments regarding marinas. They did not.

Mr. Duncanson said that one issue he had heard concerned the travel distance required once a boat was in the water to where the trailer and vehicle must be stored.

Mr. Davis said that many small marinas had little room to expand and that zoning issues must be considered.

#### *Definition of Water Bodies with Perennial Flow*

Ms. Salvati said that staff had surveyed many localities to determine which ones had a definition of water bodies with perennial flow. She said that those with definitions often varied from the definition contained in the Regulations.

Two extensive training programs on determining water bodies with perennial flow and the approved protocols are planned. One will be hosted by VIMS and the other by Chesterfield County with funding from the Coastal Program. A training session was held in Fairfax County in 2003.

Ms. Salvati said that staff recommends that the trainings proceed before consideration is given to including the definition in the Regulations. She said it might be possible to host additional training sessions to facilitate a better understanding.

Mr. Bulova said that the protocols are up for broad interpretation. He asked if there was anything in the actual definition that would suggest the definition would need to be changed. He noted that he thought the definition was solid, but the protocol issues needed to be clarified.

Ms. Salvati said that she did not believe the definition in the guidance needed to be amended.

Ms. Salvati continued by saying that most of the confusion does rest within the protocols.

Mr. Davis said that he was not aware of any locality that has had an issue with the definition of perennial streams. He noted that the Board and staff had spent considerable time and effort in developing the definition.

Ms. Salvati said that staff is working hard to make sure there is an understanding on how best to use the protocols.

Mr. Maroon said that with regard to the definition, it is included in the guidance and that if the Regulations are amended, the definition could be included there as well.

Ms. Salvati noted that Assistant Attorney General Roger Chaffe had indicated that if the protocol guidance is incorporated within the Regulations that any time the protocols is changed, the Regulations would also need to be amended.

Mr. Bulova noted that Mr. Chaffe also said that the inclusion of the definition would strengthen the Regulations. He said he would prefer to see the definition of perennial flow in the Regulations, based on practical experience by working with localities dealing with difficult situations.

Mr. Sheffield noted that he was concerned with the percentage of problems beyond the fall line. He said if the Board would eventually like to take the Tidewater package and move beyond the fall line, then the Board must make certain that the definitions are clear. He noted that it would be politically difficult and not just limited to action by the Board.

Mr. Sheffield also said that with regard to the protocols he would like to have a Virginia protocol and not have to rely on the Fairfax or North Carolina methods.

Mr. Davis said that a Virginia protocol should be given strong consideration. He said that the North Carolina protocol is used more in Eastern Virginia. However, he noted that definition does not represent a perennial stream on the Eastern Shore of Virginia. He said that the Board should develop as strong a protocol as possible.

Ms. Salvati said that staff had worked with VIMS to set up the training because they are the in-state experts on coastal and environmental science issues . She said VIMS is perfectly located to look at the concern relative to the other protocols that do not work well in the Tidewater area. She said that the hope would be that some day VIMS could become the scientific support for perennial water body protocols for Virginia.

Mr. Davis suggested the Board could move toward a DCR protocol that would be more acceptable. He said that he would like to see the information from the seminars and that by August he would like to have a good indication of where the Board would like to take this issue.

Mr. Sheffield asked if it would be appropriate to consider a formal request to VIMS at this point.

Mr. Maroon said that perhaps it would be better to wait until the trainings are completed.

Ms. Salvati said that DCR would get reports from the trainings and that a discussion could begin at that point. These trainings are specifically geared towards those who use the protocols in the field.

Mr. Davis asked if there had been discussion with regard to the development of a minimum certification or a minimum amount of training or experience necessary for individuals using the protocol.

Mr. Maroon said that it was premature to discuss that at this time. He said that with the issue of wetlands certification, the Legislature did pass an option that allows the public to rely on someone who has been certified in wetland delineation. He said eventually this might be possible with regard to the protocols, but not at this time.

Mr. Maroon said that another issue identified in the white paper was man-made ditches.

Mr. Sheffield asked Mr. Lerch from the Chesapeake Bay Foundation if he had comments in this regard.

Mr. Lerch said that the Chesapeake Bay Foundation (CBF) has been looking at this issue and would hope to be involved in the discussion at the appropriate time. He said that studies need to be done to determine consistency.

Mr. Sheffield asked the staff preference with regard to a definition change or incorporation by reference with the understanding that more information will be provided.

Ms. Salvati said that she would advocate waiting to see the reports from the trainings with respect to the protocols. She said that this could be considered at a later date.

Mr. Maroon said that prior to the departmental merger there was considerable controversy with regard to this issue. He said that he believed there was at least an understanding that the Board would move in the direction of including the definition contained in the guidance in the regulations.

Mr. Bulova noted that while that was prior to his term on the Board, he understood that there was an expectation from the working group that the definition would be included.

Mr. Crafton said that the issue was raised during the 2003 General Assembly session. He said that there was much discussion that the definition should have been included when the Regulations were last amended. However, he said there was difficulty in gaining a consensus on the definition.

He said that once there was a consensus, the understanding was that the definition would be included the next time the Regulations were amended.

Mr. Crafton noted that in terms of application, adjustments are being made by localities.

Echoing Mr. Maroon's comments with regard to the Board retreat, Mr. Crafton also said that there was concern about including the definition in the Regulations because that would mandate all localities to include the same language in their definitions.

Mr. Davis said that he recalled that the consensus was to include the definition but not the protocols. He noted that while many localities had a definition in their ordinances, none included the protocols in their ordinances .

Mr. Sheffield referenced the concerns Ms. Harper had previously noted with regard to ditches. He asked if further guidance was needed in this regard.

Ms. Salvati said that she hoped to work with VIMS to look at options with regards to specific wording for ditches. She said that most ditches would never score as perennial streams.

Mr. Lerch said that it was important to note that the protocols were just one of several methods for the determination of perennial flow. He said it would be important to define a program that could be used across jurisdictions. He said that it may be worthwhile to base the definitions on drainage area.

Mr. Davis asked if the CBF had data from localities.

Mr. Lerch said they did not but that Fairfax County had significant data on the minimum size.

Ms. Salvati noted that there was a weak correlation between drainage area and perennial flow in Fairfax and none in James City County.

Mr. Davis asked if anything should be done to increase participation in the training sessions.

Ms. Salvati said that, so far, participation has been good. She suggested that it may be good to assess which localities have participated in some form of training.

Mr. Maroon asked Mr. O'Hare if there was a sense of urgency with the stakeholders.

Mr. O'Hare said that he was not aware that there was.

Mr. Crafton said that the perennial flow designation is to some degree like the wetlands definition. There is a wetlands definition in the Federal code, but in the field consultants refer to the guidance in the 1987 Corps delineation manual, not the definition. The debate is whether or not the delineation criteria should be changed.

Mr. Davis said that he did not believe there was a rush to change the protocol, but that it should be kept on the table and updated with the latest technology.

#### *Review of Intensely Developed Area Criteria*

Ms. Salvati said that following the Board meeting on June 20<sup>th</sup>, she met with Terry O'Neil from the City of Hampton. It was a very productive meeting. She said that Mr. O'Neil indicated that the City was willing to work with the Department. A follow-up meeting was set for July 26<sup>th</sup>. She said staff is optimistic as they continue to work with the City.

Mr. Sheffield noted that the presentations given at the June meeting by the Cities of Hampton and Norfolk were very helpful.

Mr. Davis suggested that perhaps it was appropriate at this time for the Hampton Roads PDC to make their presentation.

Mr. Cannady said that the issue had evolved over several months. In April, informal discussions began. The City of Hampton went to partners in the Hampton Roads PDC. This is the committee that meets and discusses the implementation of the Chesapeake Bay Program.

Mr. Cannady said the Hampton Roads PDC was prepared with a presentation. He said the NOIRA gives the opportunity to look at the position of individual localities.

Mr. Sheffield asked about the length of the presentation.

Mr. Cannady said it was approximately 30 minutes, but that it could be tailored to the committee's interests. He said the bottom line of the presentation was that it was a complex issue.

Mr. Sheffield asked which portion of the presentation had been viewed at the Board meeting.

Mr. Cannady said that the presentation had been revised with a more regional focus.

Mr. Sheffield asked if the presentation focused on the 10 percent reduction issue.

Mr. Cannady said the presentation did not address specifics, but was an attempt to discuss how to move forward. He said that he felt it made more sense to momentarily set aside what the Regulations require, and to take a look at some areas and some basics of the program.

Mr. Crafton said he believed that one thing that had introduced a sense of urgency was that the Hampton Roads localities believed the Board was moving ahead with a NOIRA and was getting into the regulatory process. However, he said with the current discussion of the timing, there is not as much of a rush as previously thought. He wanted to make sure that Hampton was clear that the Board was not rushing ahead with the NOIRA.

Mr. Davis said that he hoped that by this time next year, these issues could be settled and that the Board could move ahead with revising the Regulations.

Mr. Maroon said that he had previously understood that the presentation would be a repeat of the June presentation. However, if new information was to be presented that would forward the committee's work he thought it would be appropriate.

He suggested that the committee finish the remainder of the agenda and focus on the presentation during the working lunch.

Mr. Sheffield suggested that the committee move forward with the agenda and return to the Hampton Roads PDC presentation.

Mr. Maroon noted that the Department did receive the notice of appeal from the City of Hampton.

#### *Alternative Septic Systems*

Ms. Salvati said that this issue had been raised at two prior committee meetings.

She noted that she had discussed this issue via email with Don Alexander of the Department of Health. Mr. Alexander has extensive experience with regard to the issue.

She said that she would like to have Mr. Alexander present his views and also that she would like to have the individual designated by Ms. Harper to present views specific to the eastern shore.

Mr. Alexander was not able to be here.

Ms. Harper said that she would recommend someone from the Health Department of the Eastern shore.

Mr. Davis suggested the involvement of other interest groups, including the Chesapeake Bay Foundation, the Homebuilders and other stakeholders.

Mr. Sheffield asked if this should be more of a staff meeting or if these individuals should be asked to attend a policy committee meeting.

Ms. Harper said, and Mr. Duncanson concurred, that she would like to hear the presentations at a policy committee meeting, and that both Mr. Alexander and the representative from the Eastern Shore should be at the same meeting.

Mr. Sheffield asked there were comments from the Homebuilders.

Speaking for the Homebuilders, Mr. O'Hare said he had previous discussions with Mr. Alexander. He said that he agreed with Ms. Harper with regard to necessary changes for efficient nitrogen removal from the system.

Mr. O'Hare said there were issues the Department of Health has not addressed.

Mr. Baldwin asked for clarification of the advance system. She said that a Ppureflo system was not specifically designed for nutrient removal.

Ms. Harper said that the issue was that if a system failed, the homeowner should be required to install the new system in the same location.

Mr. Sheffield said that consensus appeared to be that the committee would like further discussion.

Mr. Davis said that it was important to have the proper individuals available to discuss the scientific aspects.

MOTION: Mr. Davis moved that the policy committee invite the appropriate representatives from the Virginia Health Department, the Eastern Shore and other interested parties to the next policy committee meeting for the purposes of further discussion with regard to Alternative Septic Systems.

SECOND: Mr. Duncanson

DISCUSSION: Mr. Davis said he would suggest staff determine the appropriate individuals to invite.

Members concurred.

VOTE: Motion carried unanimously

### *Septic Pump Out Requirements*

Mr. Maroon noted that septic pump out requirements had not been identified as a topic for discussion at previous meetings.

Ms. Salvati said that the Middle Peninsula PDC had comments with regard to septic pump out requirements. Specific concerns were the lack of capacity for the pump outs. Staff is working with these localities.

Ms. Salvati said the other concern was with follow up. She said that staff is working on two grant programs. The first grant would provide funding to Northern Neck and Middle Peninsula localities to help with the pump out of septic systems. The second program, which also is being funded through the Chesapeake Bay Implementation grant funds will be used to help localities with the notification process.

Mr. Davis asked how much money was available.

Mr. Link said that \$150,000 was available for pump-out assistance for low and moderate income homes as based on the HUD protocol. Ms. Little said that another \$20,000 was available for notifications.

Mr. Davis asked if software was available or if this was strictly a manpower problem.

Ms. Harper said that the issue is information. She noted that on the Eastern Shore, every one, with the exception of the Town of Cape Charles, is on a septic system.

Ms. Salvati said that a PDC member said that a packaged software program should be available that localities could install and use for these purposes. She noted that the other issue is the limited capacity of sewage treatment plants able to accept septage  
Mr. Duncanson said Richmond County has included notices with county tax bills.

Ms. Smith said that in previous years the Department had issued grants to localities and actually provided a template database to track septic system pump outs. She said that

problems with the Eastern Shore localities is that they do not have the necessary staff to continue to update the database as new development occurs.

Mr. Sheffield noted that many home closings are now requiring documentation that there has been a recent pump out.

Mr. Davis said that this is a requirement for many financial institutions.

Mr. Bulova asked if there was a specific policy aspect or if staff was mainly looking at the cost and technical difficulties.

Ms. Salvati said that the issues were mainly technical and financial. She said DCR was aware of staffing issues at the local level.

Ms. Baldwin said that Loudoun County has an automated system that is used in other states. The program tracks and flags those homeowners who are ready for pump-out or who are past due for pump out.

Mr. Maroon noted that while there are significant funds now available for water quality, there is no ability to make a grant for local staffing. He said the Chesapeake Bay EPA program has had limited funds available, but that the amount was relatively small and much of that was already committed.

Mr. Sheffield asked if there had been discussions with VACO, VML and other groups with regard to getting these issues on their agendas.

Mr. Maroon said that those organizations are dealing with a number of large issues, including dealing with sewage treatment plants.

#### *Bay Act Agricultural Requirements*

Ms. Salvati said that the Bay Act requirements have been a concern for quite some time. She said she wanted to bring to the attention of the committee that staff from the CBLA and the Soil and Water Conservation divisions have been having internal discussions in this regard.

Mr. Maroon said that the issue was how to relate specifically to the Bay Act with regard to nutrient management plans, integrated best management plans, and nutrient control. He said that even though it may be part of their ordinance, local governments have been hesitant to enforce the requirements.

Mr. Maroon said there has been a major push in the General Assembly to look at the broad topics of sewage treatment plants and also an emphasis on agricultural water quality issues. He said the issue largely be dealt with through incentive programs already

in place. DCR is working with the Soil and Water Conservation Districts to get many of those practices in place.

Mr. Maroon said the program will need significant action by the year 2010. DCR is focusing on priority practices. Nutrient management planning is one of those priorities.

Mr. Maroon said that Baywide about forty percent of the farms have nutrient management plans. Additionally, only 1/3 of these farms are actually implementing the plans per JLARC.

Ms. Salvati said that in Chesterfield County there was concern among the agricultural community that there was no available funding for conservation assessments.

Mr. Maroon said that funding is available for nutrient management plans, and that DCR might consider focusing Bay Act requirements on nutrient management plan development and implementation.

Mr. Davis asked if there were any generic documents available to farmers to describe these plans.

Mr. Maroon said that information is available from Virginia Cooperative Extension, the Soil and Water Conservation Districts, NRCS and USDA. He said the issue is not necessarily awareness.

Mr. Davis asked what the staff recommendation would be.

Ms. Salvati said that the two divisions would continue to work together. She said that the issue was fairly complicated, but that staff would identify possible alternatives to address this issue and would seek the Board's guidance.

Mr. Davis said that he would like to receive continued updates.

Mr. Maroon said that he would give the presentation that he gave at the HJ460 Water Quality Funding Joint Study Commission meeting at the next full Board meeting. It includes a comparison of cost effectiveness of different practices.

Mr. Sheffield asked if there were additional topics for discussion.

Mr. Bulova said that there was a need to reconcile the overlapping stormwater management requirements between this Board's Regulations and the Virginia Soil and Water Conservation Board Regulations.

Mr. Maroon said that this issue is being discussed internally and that as the stormwater management regulations are further developed, DCR would be in a better position to bring this topic to the Board for discussion.

The committee recessed for lunch and the presentation by Hampton PDC.

Mr. Freas distributed a report entitled *Water Quality Management in an Urban Setting*. A copy of this report is available from DCR.

Mr. Ballard gave the following presentation:

**Water Quality Management in an Urban Setting**  
Hampton Roads Chesapeake Bay Committee

**Presentation Outline**

- NOIRA Process
- Water Quality Management – Regional Scale
- Supporting Policy Documentation
- Water Quality Management – Site Scale
- Strategies that work and don't work
- Threshold for Implementation – Example
- Criteria and Scale
- Regional Examples
- Case Study: City of Norfolk
- Next Steps

NOIRA Process

- NOIRA process =
- Opportunity to clarify the regulations to reflect unique constraints, realities, and opportunities of urbanized locations in terms of water quality protection
- Opportunity to work collaboratively to move beyond the past implementation and interpretation of the current regulations to craft a win-win program for all stakeholders
- Common Ground = Improving water quality in an urban setting

**CBPA Designation/Management Regulations**

VAC 10-20-30. Purpose of Chapter:

“To protect and improve the water quality of the Chesapeake Bay...protection of certain lands...if improperly used or developed may result in substantial damage to the water quality of the Chesapeake Bay”

**Supporting Documentation**

- Pew Ocean Commissions Coastal Sprawl Report – Dana Beach, 2002
- Protecting Water Resources with Smart Growth – EPA, 2004
- Chesapeake 2000 – Sound Land
- The Practice of Watershed Protection - Center for Watershed Protection, 2000
- The State of the Chesapeake Bay – Chesapeake Bay Program, July 2002

- Final Report Of The Riparian Forest Buffer Panel – Chesapeake Bay Executive Council, 1996
- Better Land Use Planning For Coastal Virginia – DCR, November 2004

### **DCR-CBLA Policy**

The central principal of any coastal protection strategy is the identification of those watersheds that are relatively pristine (less than 10% impervious cover) and to attempt to maintain most of them in an undeveloped state. The companion principal is that watersheds with impervious cover of more than 10 percent should absorb the majority of coastal growth over the coming decades.”

*Better Land Use Planning For Coastal Virginia  
November 2004*

“By redeveloping and reinvesting in historic downtowns and neighborhoods, redeveloping brownfields and greyfields, and encouraging infill development, existing coastal communities can increase population density...that can help accommodate a substantial portion of Virginia’s expected coastal population growth while minimizing the amount of land developed and minimizing related habitat and water quality impacts on Virginia’s coasts.”

*Better Land Use Planning For Coastal Virginia  
November 2004*

### **Water Quality Management – Site Scale**

There is a danger in applying regional scale solutions to a site level such a limiting the maximum percentage of impervious coverage:

“When this limit is applied without distinction to heavily developed watersheds and undeveloped watersheds, it has the effect of reducing the number of housing units on each new development site and, over time, reducing development densities across the region. This creates a need for additional roads to connect development that is more spread out, and ultimately increases the total amount of impervious surfaces for a given amount of growth within the watershed.”

*- Pew Oceans Commission*

### **Strategies that Don’t Work – Site Level**

- One size fits all approach
- Exceptions Process
- Non-conformity

### **Strategies – One Size Fits All**

“Recommendations for urban and suburban alternatives to a riparian forest buffer must be developed for those areas where development has already precluded the maintenance or establishment of a forest buffer.”

*- Riparian Forest Buffer Panel*

“Establish buffers and setbacks that are appropriate for the area to be developed—more extensive in undeveloped watersheds than in developed watersheds. In developed watersheds, buffers and setbacks should be reconciled to other urban design needs such as density and a connected street network.”

*- Pew Oceans Commission*

**Strategies – Exception Process**

- Process should be proportionate with impact
- Strict application of exception standards renders all projects D.O.A.
- Virginia Supreme Court case – April 2004
- When all projects are an exception – cases are no longer exceptional but represent the norm
- Exceptions process not necessary in IDA concept – based on performance standards/mitigation and not hardships

**Strategies – Nonconformity**

- Land use patterns in urban areas were established long before Bay Act and will remain for the foreseeable future
- Waterfront properties are currently zoned and assessed to reflect current land use patterns
- A 100’ three-tiered buffer will never be established in urban locations because of existing development
- Nonconforming Status gives the wrong market signal to current and future owners, by discouraging:
  - New investment
  - Maintenance
  - Conservation of existing uses
- Nonconforming Status not necessary or useful within the IDA concept

**Strategies that Work – Site Level**

- Protect Existing Vegetation
- A “Toolbox” of Mitigation Strategies
- Water Quality Education
- Encourage:
  - Infill Development
  - Redevelopment
  - Property Maintenance
  - Reinvestment

**Strategies – Protect Existing Vegetation**

- Add standards to IDA to protect existing vegetation that allows for flexibility and mitigation
- Basis: Avoid – Minimize – Mitigate

### **Strategies – Toolbox of Mitigation**

- Fee-in-lieu programs
  - Onsite plantings for redevelopment projects
  - Public Greenway Creation/Maintenance
  - Street Sweeping
  - Voluntary Conservation Easements
  - Street Tree Revegetation
  - Tidal Wetland Mitigation
  - Targeted Education Programs
  - Public Land - buffer reestablishment
- HRPDC IDA Ad Hoc Committee Recommendations 2004

### **Strategies – Education**

“A strategy to implement riparian forest buffers on developed lands must include a recognition of these unique considerations [of urban areas]. For high-density urban environments, the focus should rely primarily on education, citizen involvement, and general awareness of the importance of natural systems and people's connection to them.”  
*-Riparian Forest Buffer Panel*

### **Threshold for Implementation – Example**

Residential IDA – meet 4 out of 7 Criteria:

- Served by constructed Infrastructure
  - Area is equal or greater than 30% impervious
  - Density is 4 dwelling units/acre or greater
  - Shoreline has been modified or hardened
  - Buffer is equal to or greater than 75% grass
  - Locality covered by MS4
  - Locality implementing watershed plan approved by CBLAB
- HRPDC IDA Ad Hoc Committee Recommendations 2004

### **Impervious Bench Mark**

Mean Impervious Cover percentage for ¼ Acre Lots within the Chesapeake Bay Watershed = 27.8%

*Source: Impervious Cover and Land Use in the Chesapeake Bay Watershed, January 2001, Center for Watershed Protection*

### **Impervious Analysis**

- Planimetric GIS data (i.e. actual impervious footprint)üOver 20 years of building permit data
- Excluded all development after 12/1991
- Only considered land area within the RPA 100' Buffer excluded wetlands
- Excluded all existing IDA sites

### **Come Home to Norfolk Now**

- Targeting Programs to encourage and maximize investment in its neighborhoods
- Promote diversity of Norfolk's Housing
- Broadening the housing market through new housing and rehabilitation
- Top priority of City Council
- Specific Programs:
  - Norfolk Residential Pattern Book
  - Tax Abatement for Rehabilitation and other financial incentives for improving and owning a home
  - Neighborhood Design and Resource Center

### **CBPA Statistics**

- Number of SFR [SFR=Single Family Residences] Parcels:
  - City = 45,531
  - CBPA = 5,438 or 12% of City SFR
- Vacant SFR Parcels in CBPA: 294  
5% of CBPA SFR or 0.6% of City SFR

### **CBPA Statistics**

- New SFR Homes Built since 1992:
  - City = 2,156 or 5% of Total SFR
  - CBPA = 305 or 0.07% of Total SFR and 5% of CBPA SFR
- Majority of new homes built represent rebuilds/redevelopment
- Average SFR Accessed Value –
  - City - \$121K
  - CBPA - \$191K
- Change in SFR Accessed Value 2000-2004
  - City = 39%
  - CBPA = 46%

### **CBPA Statistics**

Total SFR Structures in the CBPA =

Principle – 5,431

Accessory – 2,998

Total SFR Structures in RPA 100' Buffer =

Principle – 3,839 or 71% of Total CBPA

Accessory – 2,141 or 71% of Total CBPA

### **IDA Impact**

- Max Annual Demand for Accessory Structures in CBPA = 32 (based on 17 years of permit data)
- Average of Accessory Structures City Wide = 370 ft<sup>2</sup> (n = 22,998)
- Footprint Size = 0.274 Acres
- City Land Area = 34,168 Acres
  - New Structures = 0.0008% of City Land Area or 8 ppm

- Buffer Land Area = 2,500 Acres
  - New Structures = 0.01% of Buffer Land Area or 1 pptt

### **PPM Analogies**

8 Parts per million =

- 8 minutes in two years
- 8 ounces in 32 tons
- 8 cents in \$10,000
- ¼ inch in a football field
- 32 drops of water in a 55 gallon barrel

### **IDA implementation**

- Chapter 11.2: Chesapeake Bay Preservation Area Overlay District
  - Performance standards
- Chapter 45: Trees and Other Vegetation
  - RPA vegetation protection extended to IDA
- City Code: Accessory Structure Encroachment Permit (proposed)
  - Fee goes into RPA restoration/enhancement account
  - $\geq 150 \text{ ft}^2 = \$100$ ,  $< 150 \text{ ft}^2 = \$1 \text{ per ft}^2$ , max = \$350
- Chapter 15: Erosion and Sediment Control
  - 2,500  $\text{ft}^2$  threshold extends City wide

### **Findings**

- Structures currently in the 120 acre 100' buffer = 334 principle and 173 accessory
- Out of 498 SFR Parcels in the buffer:
  - 390 or 80% contain a structure in the buffer
  - 41% already have an accessory structure and 80% of those structures are currently in the buffer
- Anticipated annual accessory structure demand = 3 accessory structures with a total coverage of 1,110  $\text{ft}^2$
- Coverage = 0.0002% of buffer area or 0.00001% of drainage area (1 part per 10 million)

### **Norfolk - Summary**

- IDA consistent with intent of Chesapeake Bay regulations
- IDA Consistent with City policy adopted by Council and approved by CBLAB
- Recognize the unique characteristics of an urban location – one size doesn't fit all
- IDA implementation based on local conditions and unique strategies that work for each locality

### **Next Steps**

Goal setting discussion with an outside facilitator:  
Institute for Environmental Negotiation

Mr. O'Hare said that he did not understand from the presentation what the Cities were asking.

Mr. Cannady said that their goal was to have a full discussion of the issue. He said he was not able to provide specifics because of disagreements on the issues.

Mr. Davis said that he did not think we were that far apart on the issues. He said that the proposal would be a major change in the ideology of the Chesapeake Bay Act and would include major changes in the Regulations. He said that for that purpose, the committee and Board needed a clearer picture of what was being asked by the localities.

Mr. Crafton noted that the committee had already discussed that this process would take place over a longer period of time.

Mr. Davis noted that he was still not clear what the localities were asking.

Mr. Maroon said that it would be helpful if the localities could crystallize more what they believed specific changes or questions should be. He said that was not clear in the presentation.

Mr. Ballard said that one variable was the change. He said that it appeared that changes in the Regulations would make the City of Norfolk inconsistent. He said one proposal was to make the residential IDA a separate consideration.

Mr. Maroon noted that the different outcomes for Hampton and Norfolk were based on existing Regulations.

Mr. Davis said that all options were on the table and that the Board wanted to hear what the localities had to say. However, he noted that any recommended changes must be very specific.

Mr. Bulova said that in terms of urban areas, perhaps the localities were painting with too broad a brush. He asked if the City would agree with the premise that the IDA is not the best tool for residential areas but that it was the next legitimate step.

Mr. Bulova said from the Northern Virginia perspective the issue was primarily accessory structures.

Mr. Ballard said that the standard IDA concept would open the door to paving the entire land. He said that Norfolk took a modified approach to that issue and that limits and standards are needed.

Mr. Ballard said that Norfolk took a modified approach and requires a structure permit fee for accessory structures.

Mr. Cannady said that perhaps the regional committee could revisit plans submitted in the past and therefore provide more specifics.

Mr. Bulova said that he appreciated Hampton Roads being in the forefront of the discussions. However, he noted that he felt that the Richmond and Northern Virginia regions might have different perspectives.

Ms. Salvati said that she appreciated Mr. Cannady's willingness to come back with additional information. She said that the Board would benefit from hearing what local water quality data exists as well as current initiatives.

Mr. Davis said that he would ask the localities to look at what was done prior to March 2004.

Mr. Sheffield thanked the representatives from Hampton Roads for their participation in the meeting. He asked if further action was required by the committee.

Mr. Maroon said that he did not believe action was necessary but that staff recognized that the two significant issues were perennial flow and IDA designation. He said that staff would need additional time to work on these issues.

Mr. Lerch said that he appreciated the presentation by the Hampton Roads PDC. He noted that the issue was housing density and the demand on housing stock. He said that if the locality is not managing the zoning process, he did not see how the granting of an IDA would improve water quality.

Mr. Bulova said that in terms of priorities, the IDA designation would be his main concern.

Mr. Davis suggested that the committee meet between the NARC and SARC meetings on August 9.

Mr. Maroon and Ms. Salvati agreed to coordinate the time.

Mr. Sheffield said that the committee could adjourn until the conclusion of the August 9 NARC meeting.

MOTION: Mr. Davis moved that the committee stand in adjournment until August 9, 2005 following the NARC meeting, with the specific time to be coordinated by DCR staff.

SECOND: Mr. Duncanson

REVISED: 11/28/2005 1:14:13 PM

DISCUSSION:       None

VOTE:               Motion carried.

Respectfully submitted,

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Walter J. Sheffield  
Chair

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Joseph H. Maroon  
DCR Director