

**Chesapeake Bay Local Assistance Board
Monday, September 19, 2011
Patrick Henry Building
Richmond, Virginia**

Chesapeake Bay Local Assistance Board Members Present

James N. Belote, III
Peter Farrell
Charles B. Whitehurst, Jr.

Patricia W. Cowan
Al Peschke

Chesapeake Bay Local Assistance Board Members Not Present

William E. Duncanson, Chair
Barry L. Marten

Gregory C. Evans, Vice Chair
Rebecca Reed

DCR Staff Present

Jeb Wilkinson, Chief Deputy Director
David C. Dowling, Director of Policy and Planning
Reese Peck, Director, Division of Stormwater Management
Virginia Snead, Regulator Programs Manager
Joan Salvati, Local Implementation Program Manager
Michael R. Fletcher, Board and Constituent Services Liaison
Daniel Moore, Principal Environmental Planner
Nancy Miller, Senior Environmental Planner
V'lent Lassiter, Senior Environmental Planner

Others Present

Reed Nester, City of Williamsburg
Carolyn Murphy, City of Williamsburg

Call to Order and Introductions

Mr. Wilkinson called the meeting to order. There was not a quorum present.

Approval of the minutes was deferred until later in the meeting.

Director's Report

Mr. Wilkinson gave the Director's report. Mr. Johnson was unable to attend the meeting.

Mr. Wilkinson said that the Divisions of Soil and Water Conservation and Chesapeake Bay Local Assistance had been merged to form the Division of Stormwater Management.

Mr. Wilkinson introduced Reese Peck as the new Director of the Division of Stormwater Management.

Mr. Peck said that one of the first things accomplished following the reorganization was the re-staffing of positions. The Division has three main operational areas, regulatory operations, regional offices, and conservation operations.

Mr. Peck introduced Virginia Snead as the Regulatory Programs Manager. Darryl Glover has rejoined the Department as Regional Operations Manager. Michael Foreman is Conservation Operations Manager. Joan Salvati is the Local Program Implementation Manager.

Ms. Salvati gave an update regarding local program issues. She said that the Division is initiating a pilot program to do concurrent Erosion and Sediment Control reviews and Chesapeake Bay Act compliance reviews on the same schedule. She said that only about 80 localities are subject to both reviews. Staff is developing a draft survey to determine locality preferences for being reviewed by multiple programs.

Ms. Salvati said that the second initiative is a team to advance the recently approved stormwater management regulations. The regulations became effective on September 13, 2011. A variety of next steps have to occur to advance the implementation. The actual implementation date is 2014, but there is much work to be done prior to that. The state must develop guidance documents and a model ordinance as well as review tools.

Annual Performance Indicators

Ms. Salvati reviewed the annual performance indicators.

As of June 20, 2011:

Localities Found Compliant: 83

Localities Addressing Compliance Conditions: 1

Phase III Advisory Review of Local Government Ordinances

Ms. Salvati addressed the Phase III Advisory Review.

- Reviews completed: 59
(23 towns, 12, cities, 24 counties)
- Reviews in progress, 5
- Completion of all reviews expected Spring 2012

- Web-based inventory of ordinance provisions updated as reviews are completed.

2011 Annual Implementation Report

- 83 localities required to submit:
 - 38 towns, 29 counties, 16 cities
- 67 localities submitted;

Septic Pump-outs 2010-11

- 48,859 notices were mailed for 67 reporting localities
- 20,542 systems pumped, inspected or had plastic filter installed
- Pump-out total (for 66 reporting localities, FY 2008-2011): 220,658 systems; 122,725 pump-outs

Mr. Belote asked if there was any effort to survey contractors regarding septic pump-out.

Ms. Salvati said that the Act specifies that local governments have to comply with the septic pump-out requirement, but that DCR gives them flexibility in the manner in which they comply. Localities are able to choose the mechanism they think will best allow them to implement and track this provision.

Water Quality BMPs

- Local governments reported installation of 1,291 new water quality BMPs
- 3177.9 acres of development were treated by new water quality BMPs
- 5-year total: 3,457 new BMPs; 29,191 new acres treated

At this time, Mr. Farrell arrived and a quorum was declared present.

Approval of the Minutes of June 20, 2011 Board Meeting

MOTION: Mr. Farrell moved that the minutes of the June 20, 2011 meeting of the Chesapeake Bay Local Assistance Board be approved as submitted by staff.

SECOND: Ms. Cowan

DISCUSSION: None

VOTE: Motion carried unanimously

Local Program Compliance Review

City of Williamsburg

Mr. Moore gave the report for the City of Williamsburg

DCR staff initiated a compliance evaluation of the City of Williamsburg's Chesapeake Bay Act program on December 7, 2010. Department staff met with the City's Planning Director and Deputy Planning Director on March 9, 2011 to discuss the compliance evaluation process and the local program and review additional information needed. Additional meetings to review site plan files and to carry out field investigations took place on March 24, 2011 and April 5, 2011.

The City of Williamsburg continues to administer a strong Chesapeake Bay Preservation Act program, as part of ongoing efforts to facilitate high quality development while protecting water quality, open space and the unique historic character of the community. Due to the rigorous and inclusive plan of development review process carried out by City staff, proposed developments with implications for RPA and RMA lands are closely scrutinized for compliance with local provisions. Based on thorough and conscientious plan review, the City's designation of a 500-foot RMA appears to provide the same securities against inappropriate development as would a jurisdiction-wide RMA. Application of provisions in the City's stormwater management, landscape and tree preservation ordinances have a positive impact on new and redeveloped land in the City, whether a specific project is located on CBPA lands or not. In regards to addressing the three performance criteria (preserving indigenous vegetation, minimizing impervious cover and minimizing land disturbance), the results of this review indicate that the City continues to encourage development activities that integrate the three criteria standards into all aspects of approved projects. The City of Williamsburg has consistently looked for opportunities to acquire and preserve sensitive lands and keeping those lands from being developed. This long-standing policy has resulted in vast amounts of open space throughout the City, and has in effect made the administration of their Chesapeake Bay Preservation Act program, particularly the requirement to limit development in RPAs to water-dependent uses, more efficient and effective by eliminating the potential for development of sensitive lands adjacent to City creeks, streams and lakes.

Mr. Moore said that based on staff's findings, it was recommended that the Board find the City of Williamsburg's Chesapeake Bay Preservation Act program to be in full compliance with the Act and Regulations.

Mr. Moore introduced Mr. Reed Nestor and Ms. Carolyn Murphy from the City of Williamsburg.

Mr. Nestor said that the City appreciated being found compliant. He said that the City had been working with the ordinance for some time. He said that the City looked at the requirements in a positive way.

Mr. Wilkinson said that it was commendable that the City was one of two localities to be found fully compliant after the first review.

MOTION: Mr. Whitehurst moved that the Chesapeake Bay Local Assistance Board find the implementation of the City of Williamsburg's Chesapeake Bay Preservation Act program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Farrell

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
September 19, 2011**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
CITY OF WILLIAMSBURG**

Local Compliance Evaluation – Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008 for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS Winter 2010 through Spring 2011, the Department of Conservation and Recreation conducted a compliance evaluation of the City of Williamsburg's Chesapeake Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

REVISED: 1/9/2012 10:57:15 AM

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the City of Williamsburg's Chesapeake Bay Preservation Act program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on September 19, 2011 by the Chesapeake Bay Local Assistance Board.

David Johnson
Director
Department of Conservation and Recreation

Town of Belle Haven

Ms. Salvati gave the report for the Town of Belle Haven.

Department of Conservation and Recreation staff initiated the compliance evaluation for the Town of Belle Haven by sending a notification letter to the Mayor on June 9, 2011. This letter also included a summary of the implementation activities undertaken by Accomack County on behalf of the town as discussed with County staff and a request for some additional information relating to development activity in the Town over the past 12 months.

The Town of Belle Haven relies heavily on Accomack County for implementation of its Bay Act program. The Town adopted a resolution on October 6, 1998, accepting Accomack County's offer of technical assistance in implementing the Town's Bay Act program, specifically in assisting in the onsite delineation of the Resource Protection Area boundaries on properties in the Town.

Because the County reviews development activity in the Town for compliance with Bay Act requirements, there were no Town activities to review. On July 28, 2011, Department staff undertook a windshield survey of the Town, including the RPAs adjacent to Occohannock Creek to ascertain if development had recently occurred in the Town. DCR staff have visited the Town a number of times, beginning in 1992, and have noted that the development pattern in the town has remained stable over the past 20 years. No new development has occurred in the Town's RPAs since the 2005 compliance evaluation, and their condition is the same as documented by photographs in 2005. Furthermore, while the County issues building permits for the Town, the County does not specifically file permits noting whether or not the activity occurred within the Town boundaries or whether the activity occurred close to the Town. County staff have not

completed any RPA delineation field work for the Town, nor have they reviewed any site plans or issued any erosion and sediment permits over the last year.

The December 8, 2010 Advisory Review noted that one of the six requirements found within 9 VAC 10-20-191 A 4 & 5 has been satisfied. The Advisory Review Report noted need to address notations on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, the requirement to pump-out on-site sewage treatment systems and provide a 100 percent reserve drainfield, and that permitted development in the RPA is limited to water dependent facilities or redevelopment in Resource Protection Areas, are not currently addressed within any the Town's Zoning Ordinance. The Town has not adopted any revisions or ordinances to address these deficiencies. Therefore the Town will need to adopt a Subdivision Ordinance and/or amend its Zoning Ordinance to include the five required plan and plat notations that are not currently included.

Required Condition

1. To address the requirements of Section 9 VAC 10-20-191 A 4 & 5 of the Regulations, the Town of Belle Haven must either adopt a Subdivision Ordinance or amendments to the Zoning Ordinance to include provisions to address the five missing plan and plat notations.

Based on the Town Council's 1998 resolution, the Town and the County appear to continue to work together to implement most aspects of the Town's Bay Act program. Perhaps the most important aspect of this cooperation is the Town Council's adopted motion to accept County assistance for Bay Act implementation, specifically the onsite delineation of RPAs. The Town will need to adopt a Subdivision Ordinance and/or amend its Zoning Ordinance to address the outstanding plan and plat notation requirements. DCR staff will work with the Town to develop draft documents for town consideration and approval. DCR staff is suggesting a 2013 deadline in order to ensure that the Town has adequate time to work with DCR staff to develop the Subdivision Ordinance and/or amendments to its Zoning Ordinance. Based on visits to the Town over the past 20 years, it does not appear that significant development in the Town is imminent, there is potential for future growth and the Town would be well served by adopting all the tools it may need to ensure that should development increase, it can be accommodated in a manner that protects water quality.

Mr. Belote said that in the last census, the Eastern Shore lost about 5,000 people. He said that there is little concern regarding development.

A full copy of the staff report is available from DCR.

MOTION: Mr. Whitehurst moved that the Chesapeake Bay Local Assistance Board find that the implementation of a certain aspect of the Town of Belle Haven's Chesapeake Bay Preservation Act program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9

VAC 10-20-231 and 250 of the Regulations, and in order to correct this deficiency, directs the Town of Belle Haven to undertake and complete the recommended condition contained in the staff report no later than September 30, 2013.

SECOND: Ms. Cowan

DISCUSSION: None

VOTE: Motion carried with Mr. Belote abstaining

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
September 19, 2011**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF BELLE HAVEN**

Local Compliance Evaluation - Conditional

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008, for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS in Summer 2011, the Department of Conservation and Recreation conducted a compliance evaluation of the Town of Belle Haven's Chesapeake Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of a certain aspect of the Town of Belle Haven's Chesapeake Bay Preservation Act program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct this deficiency, directs the Town of Belle Haven to undertake and complete the recommended condition contained in the staff report no later than September 30, 2013.

1. To address the requirements of Section 9 VAC 10-20-191 A 4 & 5 of the Regulations, the Town of Belle Haven must either adopt a Subdivision Ordinance or amendments to the Zoning Ordinance to include provisions to address the five missing plan and plat notations.

BE IT FINALLY RESOLVED that failure by the Town of Belle Haven to meet the above established compliance date of September 30, 2013, will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject the Town of Belle Haven to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on September 19, 2011, by the Chesapeake Bay Local Assistance Board.

David A. Johnson
Director
Department of Conservation and Recreation

Town of Hallwood

Ms. Miller gave the report for the Town of Hallwood.

The Town of Hallwood is located on the eastern shore, within the Accomack-Northampton Planning District Commission. The Town's RPA includes land adjacent to Messongo Creek on the south-western boundary of the Town. The remainder of the Town has been designated as a Resource Management Area and an Intensely Developed Area has been designated as an overlay to the RPA and RMA near the center of Town. The County reviews all development activity in the Town for compliance with Bay Act requirements.

Department staff initiated the compliance evaluation for the Town of Hallwood by letter on June 9, 2011. This letter also included a summary of the implementation activities undertaken by Accomack County on behalf of the town, confirmed to include: E&S

control; Building Permits; Stormwater Management; RPA delineations; and, Septic Pump Out notification program.

On July 28, 2011, Department staff undertook a windshield survey of the Town, including the RPAs adjacent to Messongo Creek and branches of Messongo Creek to observe any recent development. The development pattern in the town has remained stable over the past 20 years. No new development has occurred in the Town's RPAs since the 2005 compliance evaluation, and conditions are the same as documented by photographs in 2005.

The Chesapeake Bay Local Assistance Board found the Town's amended Zoning ordinance (which includes CBPA provisions) consistent on March 22, 2004. The Town's comprehensive plan was updated on May 6, 2007, and it includes all required elements as found consistent by the Board in 1997.

Staff recommendation

Department staff recommends that the Board find that certain aspects of the Town of Hallwood's implementation of its Chesapeake Bay Preservation Act program do not fully comply with the Act and the Regulations. Staff further recommends that the Town of Hallwood undertake and address the two conditions recommended in this staff report no later than September 30, 2013.

In revising the Zoning Ordinance, the Town failed to include amendments that were adopted by the Town on November 24, 2003, primarily because the Town did not have a digital copy of its Zoning and Subdivision Ordinances.

However, the 2007 version of the Zoning Ordinance is the most current one and it needs to be revised to reflect the amendments that Town Council adopted in 2003. Therefore, the Town will need to revise its Zoning Ordinance to include the 2003 amendments for consistency with the requirements of the Act and Regulations.

Required Condition

1. For consistency with Section 9 VAC 10-20-60 2 of the Regulations, the Town of Hallwood must amend the October 4, 2007 Zoning Ordinance to include amendments previously adopted by Town Council on November 23, 2003.

An Advisory Review of the Town's Zoning Ordinance was undertaken in 2010. Four provisions that address the minimization of land disturbance, one provision that addresses the preservation of indigenous vegetation and six provisions that address the minimization of impervious cover were identified.

The Advisory Review also determined that the Town needs to address the requirements in the Regulations for notations on plats regarding: the requirement to retain an undisturbed and vegetated 100-foot wide buffer area; the requirement to pump-out on-site sewage treatment systems; and, the requirement that permitted development in the RPA is limited to water dependent facilities or redevelopment. The Town has not adopted any

revisions or ordinances to address these deficiencies, therefore, the Town will need to adopt amendments to its Subdivision Ordinance and/or Zoning Ordinance to include these three required plan and plat notations.

Required Condition

2. To address the requirements of Section 9 VAC 10-20-191 A 4 & 5 of the Regulations, the Town of Hallwood must amend its Subdivision Ordinance and/or its Zoning Ordinance to include provisions to address the three missing plan and plat notations.

MOTION: Ms. Cowan moved that the Chesapeake Bay Local Assistance Board find that the implementation of certain aspects of the Town of Hallwood's Chesapeake Bay Preservation Act program do not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct these deficiencies, directs the Town of Hallwood to undertake and complete the two recommended conditions contained in the staff report no later than September 30, 2013.

SECOND: Mr. Whitehurst

DISCUSSION: None

VOTE: Motion carried with Mr. Belote abstaining

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
September 19, 2011**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF HALLWOOD**

Local Compliance Evaluation - Conditional

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008, for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS in Summer 2011, the Department of Conservation and Recreation conducted a compliance evaluation of the Town of Hallwood's Chesapeake Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of certain aspects of the Town of Hallwood's Chesapeake Bay Preservation Act program do not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct these deficiencies, directs the Town of Hallwood to undertake and complete the two recommended conditions contained in the staff report no later than September 30, 2013.

1. For consistency with Section 9 VAC 10-20-60 2 of the Regulation, the Town of Hallwood must amend the October 4, 2007 Zoning Ordinance to include amendments previously adopted by Town Council on November 23, 2003.
2. To address the requirements of Section 9 VAC 10-20-191 A 4 & 5 of the Regulations, the Town of Hallwood must amend its Subdivision Ordinance and/or its Zoning Ordinance to include provisions to address the three missing plan and plat notations.

BE IT FINALLY RESOLVED that failure by the Town of Hallwood to meet the above established compliance date of September 30, 2013, will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject the Town of Hallwood to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on September 19, 2011, by the Chesapeake Bay Local Assistance Board.

David A. Johnson
Director
Department of Conservation and Recreation

Town of Painter

Ms. Lassiter gave the report for the Town of Painter.

The Town of Painter is located on the Eastern Shore of Virginia and is served by the Accomack-Northampton PDC. It is a small, rural Town, with a total land area of only .63 square miles. The Town relies heavily on Accomack County for implementation of its Bay Act program. The County issues building permits for the Town, reviews all development plans for compliance with the County's Erosion and Sediment Control Ordinance, oversees stormwater management requirements, administers the septic pump-out program, and performs on-site RPA delineations.

The Town's RPA includes land adjacent to an unnamed branch of Taylor Branch in the south-western corner of the Town. The Resource Management Area is bounded by Wayside Drive to the north, the Town boundary to the west and south, and Route 13 to the east. The CBPA encompasses approximately 20 percent of the Town's total land area.

Because the County essentially reviews all development activity in the Town for compliance with Bay Act requirements, there were no Town activities to review. No new development has occurred in the Town's CBPAs since the 2005 compliance evaluation, and their condition is the same as documented by photographs in 2005 and 2007.

The compliance evaluation revealed there is one program element that requires improvement. This condition relates to plat and plan requirements identified during the advisory review process. The Town will need to amend its Subdivision Ordinance and/or Zoning Ordinance to include provisions which require three missing plan and plat notations. These include plat notations noting that a property owner is to retain an undisturbed and vegetated 100-foot wide buffer area, the requirement that on-site sewage treatment systems must be pumped-out at least once every five years and a note that outlines that permitted development in the RPA is limited to water dependent facilities or redevelopment in Resource Protection Areas.

As no new development has occurred since the 2005 compliance evaluation, no determination could be made as to whether or not the Town is minimizing land disturbance and impervious cover, and preserving indigenous vegetation. Furthermore, it was determined that the Town's involvement in the agricultural assessment program may be best addressed by the County. The Town last adopted a new comprehensive plan in 2002. The 2002 Plan was reviewed by the Board and found consistent. This plan includes some very general implementation provisions which are focused on the continued cooperation and support of Accomack County.

Ms. Lassiter said that staff recommendation was that the Board find that certain aspects of the Town of Painter's Phase I program does not fully comply with the Act and

Regulations, and that the county address the 1 condition contained in the staff report by September 30, 2013.

MOTION: Mr. Whitehurst moved that the Chesapeake Bay Local Assistance Board find that the implementation of a certain aspect of the Town of Painter's Chesapeake Bay Preservation Act program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct this deficiency, directs the Town of Painter to undertake and complete the recommended condition contained in the staff report no later than September 30, 2013.

SECOND: Ms. Cowan

DISCUSSION: None

VOTE: Motion carried with Mr. Belote abstaining

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
September 19, 2011**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF PAINTER**

Local Compliance Evaluation - Conditional

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008, for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS in Summer 2011, the Department of Conservation and Recreation conducted a compliance evaluation of the Town of Painter's Chesapeake Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of a certain aspect of the Town of Painter's Chesapeake Bay Preservation Act program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct this deficiency, directs the Town of Painter to undertake and complete the recommended condition contained in the staff report no later than September 30, 2013.

1. To address the requirements of Section 9 VAC 10-20-191 A 4 & 5 of the Regulations, the Town of Painter must amend its Subdivision Ordinance and/or its Zoning Ordinance to include provisions to address the three missing plan and plat notations.

BE IT FINALLY RESOLVED that failure by the Town of Painter to meet the above established compliance date of September 30, 2013, will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject the Town of Painter to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on September 19, 2011, by the Chesapeake Bay Local Assistance Board.

David A. Johnson
Director
Department of Conservation and Recreation

New Business

There was no new business.

Public Comment

There was no further public comment.

Election of Officers

The election of officers was deferred to the December meeting.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

William E. Duncanson
Chair

David A. Johnson
DCR Director