

**Southern Area Review Committee Meeting
Friday, February 15, 2008 – 2:00 p.m.
101 N. 14th St. – James Monroe Building
Richmond, Virginia**

Southern Area Review Committee Members Present

Beverly D. Harper, Chair
Richard Taylor
John Zeugner

Gale A. Roberts
Charles B. Whitehurst, Sr.

DCR Staff Present

Russell W. Baxter, Deputy Director
Joan Salvati, Director, Division of Chesapeake Bay Local Assistance
David Sacks, Assistant Director, Division of Chesapeake Bay Local Assistance
Shawn Smith, Principal Environmental Planner
Nancy Miller, Senior Environmental Planner
Michael R. Fletcher, Board and Constituent Services Liaison

Others Present

Kathy James-Webb, City of Newport News

Call to Order and Opening Remarks

Ms. Harper called the meeting to order and declared a quorum present.

Local Program Reviews: Phase I

Mr. Sacks presented a review of the types of review of Local Bay Act Programs.

“**Phase I Consistent**” means that required local ordinances (zoning, subdivision, maps, etc.) are in place to designate CBPAs and to require that the performance criteria are met.

Mr. Sacks said that of the 84 Bay localities, 82 have been determined to be Phase I Consistent. He said that one additional locality was on the SARC agenda for the afternoon meeting.

“**Phase II Consistent**” means that the comprehensive plan components have been adopted.

“**Compliant**” means the locality is properly implementing the required Phase I components of the local Bay Act program.

Locality Compliance Evaluation Review Process

Mr. Sacks reviewed the Locality Compliance Evaluation Review Process.

- Evaluation Process Steps:
 1. Initial meeting to collect information and discuss program
 2. Review of sample of approved plans
 3. Site visits of developments in-progress and completed
- Board conducts initial compliance evaluation; determines “compliant” or identifies conditions necessary for compliance
- Board conducts compliance evaluation condition review

Town of Tangier - Review of previous condition

Ms. Smith presented the report for the Town of Tangier.

The Town amended its ordinance to address the revisions to the Regulations on January 26, 2004. The Board found the revised ordinance consistent subject to one condition on June 21, 2004, with a deadline of June 30, 2007. On January 4, 2008, the Town Council adopted revisions to the Overlay District to address the single condition. The condition related to required language for allowing water dependent facilities in the RPA. The revised ordinance includes the required language.

Ms. Smith said that the staff recommendation was that the Board find the Town of Tangier consistent.

MOTION: Ms. Roberts moved that the Southern Area Review Committee recommend that the Chesapeake Bay Local Assistance Board find the Town of Tangier’s Zoning Ordinance amended by the Town on January 4, 2008 to be consistent with § 10.1-2109 of the act and § 9 VAC 10-20-60 1 and 2 of the Regulations.

SECOND: Mr. Zeugner

DISCUSSION: None

VOTE: Motion carried unanimously

Local Program Reviews: Compliance Evaluation

Mr. Sacks reviewed the compliance evaluation process. (powerpoint)

City of Newport News Review of previous conditions

Ms. Miller gave the report for the City of Newport News.

On June 18, 2007, the Chesapeake Bay Local Assistance Board found that the City's Phase I program did not fully comply with the Bay Act and outlined three conditions to be addressed by December 31, 2007. The conditions were:

- Ensure consistent compliance with all POD requirements
- Develop and implement a septic pump-out program
- Ensure site plan documentation shows that Virginia Stormwater Management Regulations are met.

Department staff provided City staff with technical assistance during the compliance evaluation process, and met with City staff on December 3, 2007 to review site plan files and secure copies of final materials developed by the City to address the Conditions.

Actions taken by the City include:

- City Manager established a written policy, signed on December 19, 2007, directing that environmental site assessments and on-site CBPA delineations must be required and reviewed prior to City approval of any permits for land disturbance.
- City and local Health Department staff developed a program and mailed notices to all 401 properties with on-site septic systems on December 13, 2007.
- Department and City staff met December 3, 2007 and confirmed that recent site plans now document that stormwater management requirements are being met.

Ms. Miller said that it was the recommendation of staff that the Board find that the City has addressed the three Conditions from the June 18, 2007 compliance evaluation and that the City's Phase I program be found compliant.

Ms. James Webb thanked Ms. Miller for her assistance. She also expressed appreciation to the Health Department.

Ms. Miller noted that there have been over 180 responses to the 401 septic pump-out notices sent out.

MOTION: Mr. Zeugner moved that the Southern Area Review Committee recommend that the Chesapeake Bay Local Assistance Board find that the City of Newport News has addressed the three Conditions from the June 18, 2007 compliance evaluation and find the City of Newport News'

Phase I program compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Whitehurst
DISCUSSION: None
VOTE: Motion carried unanimously

Town of Bloxom, Town of Melfa, Town of Onley, Town of Parksley, and Town of Saxis - Initial Compliance Evaluation

Ms. Smith gave the reports for the Towns of Bloxom, Melfa, Onley, Parksley and Saxis.

Compliance evaluations for Bloxom, Melfa, Onley, Parksley and Saxis were begun in November 2007. All five towns have traditionally relied heavily on Accomack County to implement their Bay Act programs including Erosion and Sediment Control, Stormwater Management reviews, building permits, onsite RPA delineations and septic pump-outs. Recently the County has ceased providing pump-out notification for town properties, due in part to the cost of providing such as service and in part to the fact that the Towns have their own zoning ordinances which require them to accomplish the pump-outs.

These five towns currently do not have a formal agreement with the county to provide for on-site RPA delineations and septic pump-outs, although the county does issue building permits, review and inspect for ESC compliance and, through this process, review stormwater management requirements.

Ms. Smith said the one recommendation for all five towns is that they develop formal agreements with the County that outline responsibilities.

Ms. Smith said that in considering the deadline, factors to keep in mind are the lack of full-time administrative staff in 4 of the 5 towns, the fact that the town councils often do not meet every month, as quorums can be difficult to meet, and town council meetings during the summer months are prone to cancellations. Since the County will need to play a fairly large role in meeting the deadline, the availability of the County to dedicate time to work with the 5 individual towns to develop an agreement may be limited due to the existing workloads of County staff.

Ms. Smith said also that a deadline should provide Department staff with enough time to provide adequate assistance to the towns and the county so that agreements can be crafted and adopted to ensure that the Bay Act requirements are properly addressed. Further, Department staff will need time to investigate whether grant monies can be made available to the towns to assist them in underwriting the cost of the notification program, whether they request the County to undertake this, or whether they decide to do so themselves.

Ms. Smith noted that the Department had received a letter from the Town Manager of Onley requesting a deadline of March 31, 2009, as they believe they need a year to accomplish the agreement.

Ms. Roberts asked if Accomack County was willing to continue working with the Towns.

Ms. Smith said that it was mainly a monetary issue and that the County was actively removing town properties from their database when sending out septic pump-out notification letters.

Ms. Harper suggested that the Committee consider the towns of Bloxom, Melfa, Parksley and Saxis as a group, and then consider the Town of Onley separately since they are requesting a different compliance deadline.

MOTION: Mr. Zeugner moved that the Southern Area Review Committee recommend that the Chesapeake Bay Local Assistance Board find that certain aspects of the Phase I programs of the Towns of Bloxom, Melfa, Parksley and Saxis 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 that the Towns be directed to undertake and complete the one Recommended Condition contained in the staff report no later than December 31, 2008.

SECOND: Mr. Whitehurst

DISCUSSION: None

VOTE: Motion carried unanimously

After some discussion regarding the Town of Onley's request for a March 31, 2009 deadline, the committee members decided that all towns should have the same deadline.

MOTION: Mr. Taylor moved that the Southern Area Review Committee recommend that the Chesapeake Bay Local Assistance Board find that certain aspects of the Town of Onley's Phase I 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 further that the Town undertake and complete the one Recommended Condition contained in the staff report no later than December 31, 2008.

SECOND: Mr. Zeugner

DISCUSSION: None

VOTE: Motion carried unanimously

REVISED: 3/14/2008 10:34:45 AM

Other Business

Ms. Salvati said that an issue had arisen with King and Queen County. On December 10, 2007 the Board deemed the County fully compliant. That evening the County adopted revisions to their ordinance that, upon review, would likely be deemed inconsistent. Staff was not aware of this in advance. In January, DCR staff provided a comment letter indicating those elements of the proposed amendments that reflected a major program modification that would have to be reviewed by the Board.

On January 16, the Board rescinded the revisions. DCR staff has informed the Planning Committee that staff is willing to help with the necessary revisions. At their February 4 meeting the Board announced a working group to include members of the Board, members of the Planning Commission, the new County attorney and department staff.

The County has asked for DCR input for the redrafting.

Mr. Sacks reviewed the revised schedule for the Phase III program.

February/March 2008	Policy Committee Recommendation and Board adoption of Annual Implementation review process, review materials, and locality deadlines.
March 2008	Notify all Tidewater local governments of Annual Implementation Report program adoption.
March/April 2008	Mail 2008 Survey to 35 localities currently compliant for more than 9 months. Request completed survey no later than July 31, 2008
June 2008	Reminder of July 31, 2008 deadline sent to 35 localities
July 31, 2008	Deadline for first 35 locality survey reports
Ongoing	Local Government Outreach

Ms. Salvati said that staff has held the first training session on the new non-tidal guidance. The second session is scheduled for March 28 at the Hampton Roads Planning District Commission headquarters. A third will be held later in the spring.

Ms. Salvati noted that VIMS will be providing a perennial flow workshop training on April 21-22 at VIMS.

Public Comment

There was no additional public comment.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Beverly D. Harper, Chair

Joseph H. Maroon, Director