

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board)
held in the Board Chambers, Stafford County Administration Center, Stafford,
Virginia, on the day of , 2006:

MEMBERS:

Robert C. Gibbons. Chairman
Jack R. Cavalier, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Peter J. Fields
Paul V. Milde III
George H. Schwartz

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN ARTICLE IV. PLANNED
DEVELOPMENT AND OVERLAY DISTRICT REGULATIONS, BY
CREATING SECTION 28-65, WATER RESOURCE PROTECTION
OVERLAY DISTRICT, OF THE ZONING ORDINANCE

WHEREAS, the Board recognizes that certain areas of the County have
environmentally sensitive resources; and

WHEREAS, the Board believes that these areas should be afforded additional
protection measures; and

WHEREAS, the Code of Virginia (1950) as amended, allows for ordinances to
be designed to provide for protection of the natural environment; and

WHEREAS, the Comprehensive Plan includes goals for preservation and
enhancement of the County's natural resources; and

WHEREAS, those goals include directing development to minimize impact on sensitive environmental resources such as wetlands, floodplains, steep slopes, poor soils, streams, forested areas and shorelines; directing developments to protect slopes greater than 25 percent especially where adjacent to streams and rivers; protecting habitats of threatened and endangered species through establishment of conservation overlay districts; and

WHEREAS, the Chesapeake Bay Preservation Area Plan encourages preservation of sensitive areas adjacent to tidal water bodies and streams with perennial flow; and

WHEREAS, development activities threaten natural resources through encroachment of man-made features and deposition by erosion; and

WHEREAS, the Board believes that current zoning regulations do not adequately promote good development practices in consideration of these resources; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare or good zoning practice requires adoption of such and ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of , 2006, that the Zoning Ordinance be and it hereby is amended and reordained to create Section 28-65 as follows, with all other portions remaining the same:

Sec. 28-65. Water Resource Protection (WR) Overlay District

(a) *Purpose and intent.* Stafford County wishes to recognize the existence of natural resources. The County further recognizes the positive impact of these resources on the local community and economy and wishes to protect the integrity of these resources. Therefore, the purposes of the WR Overlay District are to:

- (1) Protect streams, floodplains, steep slopes, highly erodible soils and wetland areas;
- (2) Protect and enhance the wise use of natural resources through management of development;

- (3) Promote water resource protection in order to provided for the health, safety and welfare of the present and future citizens of Stafford County.

(b) *Establishment of districts.* The WR Overlay District shall be designated by the Board of Supervisors by separate ordinance and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the district shall also lie in one or more of the other zoning districts provided for by this chapter. The regulations and requirements of both the underlying district(s) and the WR Overlay district shall apply; provided, however, that when the regulations applicable to the WR conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

(c) *Development standards.* All major subdivisions and major site plans shall be subject to the use limitations and development standards set forth in the underlying zoning district(s) and, in addition, shall be subject to the following WR limitations:

- (1) *Submission of an Existing Conditions Plan.* The purpose of the Existing Conditions Plan is to determine the limits of environmentally sensitive resource areas within any parcel(s) prior to development to promote conservation of the resources and the incorporation of the features into the development design. This requirement does not release the applicant from obtaining a permit from the Corps of Engineers for disturbances in wetland areas, or any other necessary local, state or federal permits. The Existing Conditions Plan shall be included at the time of preliminary subdivision plan submission for residential development, and a major site plan for residential and non-residential development. The Existing Conditions Plan shall identify and illustrate the location of environmental resources on the property as follows:

- (a) Forest or other vegetated cover as depicted in aerial photos or maps available from the Department of Planning and Community Development or other applicable agency, or as indicated by a professional land surveyor;

- (b) Floodplains;

- (c) Critical Resource Protection Area (CRPA) components including:

- (1) tidal wetlands;
(2) nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
(3) tidal shores;

(4) a one-hundred-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (1) through (3) above, and along both sides of any water bodies with perennial flow;

- (d) Streams with intermittent flow, as determined by the applicant and approved by the agent;
- (e) Steep slopes between 10% and 25% where adjacent to and landward of tidal wetlands, perennial streams, and intermittent streams;
- (f) Critical slopes greater than 25% where adjacent to and landward of tidal wetlands, perennial streams, and intermittent streams;
- (g) Highly erodible soils where adjacent to and landward of tidal wetlands, perennial streams, intermittent streams.

(2) *Performance Criteria.* Design of a development plan shall take into consideration the resources as stated above. Plans should be designed to preserve and protect resources, and to mitigate impacts to said resources. Site design shall include:

- (a) Extending CRPA designation to include a 100-foot buffer for land adjacent to and landward of intermittent streams; and to include highly erodible soils and critical slopes greater than 25% where contiguous to perennial and intermittent streams, and tidal water bodies;
- (b) ~~Mitigating development of~~ Extending CRPA designation for areas containing steep slopes between 10% and 25%, where contiguous to perennial and intermittent streams and tidal water bodies, in accordance with the Critical Slope Design Criteria of the Stafford County Design Standards Manual based on the percent slope as follows:

<u>Percent Slope:</u>	<u>Width of buffer:</u>
<u>10-12%</u>	<u>Add 10' to CRPA</u>
<u>13-15%</u>	<u>Add 20' to CRPA</u>
<u>16-18%</u>	<u>Add 30' to CRPA</u>
<u>19-21%</u>	<u>Add 40' to CRPA</u>
<u>22-25%</u>	<u>Add 50' to CRPA</u>

This extended CRPA would be subject to all regulations pursuant to Section 28-62, Chesapeake Bay Preservation Area Overlay District;

- (c) Delineating existing vegetation to be retained on development plans and marking on-site with orange plastic fencing or other measure accepted by the agent during all phases of construction to ensure minimal disturbance.

SC:JAH:dk