



STAFFORD COUNTY  
DEPARTMENT OF PLANNING AND ZONING  
1300 Courthouse Road, Stafford VA 22554  
Phone: 540-658-8668 Fax: 540-658-6824  
[www.staffordcountyva.gov](http://www.staffordcountyva.gov)

## CHESAPEAKE BAY BOARD SPECIAL EXCEPTION APPLICATION PACKET

- The following items are included within this packet:
  1. Pre-Application Conference Sheet
  2. Chesapeake Bay Board Application Question and Answers
  3. Stafford County Code Section 27B-14
  4. Application
  5. Owners Consent Form
  6. Water Quality Impact Assessment Form & Stafford County Code Section 27B-10
- Please be advised that applicants are required to schedule a pre-application meeting with the Environmental Planning staff prior to submitting their application. The applicant would then need to schedule a second meeting to officially submit their application. ***Failure to comply with the application requirements, including providing all of the required information, may result in the matter being delayed until such time as all requirements have been fulfilled.*** Appointments may be scheduled by calling the office of Planning and Zoning at 540-658-8668.
- If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.

Fees are as follows: ***Individual Residential \$600.00 per Special exception***  
***Other \$1,375.00 per Special exception***

\* Beginning July 1, 2012, per Ordinance O12-19, a 2.75% technology fee will be assessed and collected on the total fees for all new and resubmitted applications or requests. This fee will be in effect until June 18, 2017
- The Chesapeake Bay Board meets the third Monday of every month. Due to required public notice, complete applications must be received by the third Monday one month prior to the scheduled meeting.



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Pre-Application Conference – Checklist (to be completed by staff)

Pre-application conference date:

Owner and/or applicant:

Application for: *Special Exception*      COMMERCIAL       RESIDENTIAL

The following information must be submitted with the completed application and fee:

Completed Application

Owner's Consent form (*Provide if applicant is not the owner of the property.*)

Site Plans(including wetlands and CRPA buffer)

A Major Water Quality Impact Assessment

Other:

Applications must be completed and returned no later than \_\_\_\_\_ in order to be heard at the meeting scheduled for \_\_\_\_\_. **Meetings are held at 7:00 p.m. in the Board of Supervisor's Chambers and you or a representative must be present.**

NOTE: This form must be submitted with the completed application, affidavit, all of the above and fee of \$\_\_\_\_\_.

\_\_\_\_\_  
*Staff Member Signature*



STAFFORD COUNTY  
DEPARTMENT OF PLANNING AND ZONING

**CBB SPECIAL EXCEPTION APPLICATION**

1. **What is a special exception?** – A reasonable deviation from those provisions in the Chesapeake Bay Protection Area (CBPA) ordinance in cases where a development proposal cannot meet the regulatory requirements due to a unique set of circumstances and conditions. Such a need for a special exception would not be shared generally by other properties, and provided such special exception is not contrary to the intended spirit and purpose of Chapter 27B.
2. **Who can grant a special exception to the Chesapeake Bay Protection Area (CBPA) ordinance?** – The Chesapeake Bay Board has the authority to grant special exceptions in cases where strict application of the CBPA Ordinance would result in unnecessary hardship for the property owner.
3. **What is the Chesapeake Bay Board** – The CBB is a five-member board comprised of the Wetlands Board. The Wetlands Board/CBB members are at-large County residents appointed by the Board of Supervisors. The CBB will hear and consider requests for special exceptions to the Stafford County CBPA Ordinance.
4. **What is the basis for a special exception to the CBPA ordinance?** – The CBB must make the following five findings in order to approve a request for a special exception, as set forth in Section 27B-14(d):
  - Granting the special exception will not confer upon the applicant(s) any special privileges denied by this chapter to other property owners who are subject to its provisions and who are similarly situated;
  - The special exception request is not based on any conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
  - The special exception request is the minimum necessary to afford relief;
  - The special exception request will be consistent with the purpose and intent of this chapter, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - Reasonable and appropriate conditions are imposed which will prevent the special exception request from causing a degradation of water quality.
5. **What is a water quality impact assessment?** The exception process is intended to identify the minimum relief necessary to permit the proposed use. To assist in this determination, a Water Quality Impact Assessment (WQIA) which meets the requirements found in Section 27B-10 is to be used in evaluating the site of the proposed exception, the potential effects of the exception, and for identifying mitigation measures that are appropriate to counteract those effects.

6. **What is the application process?** – Special exception applications must be filed with the Department of Planning and Zoning.
  - A pre-application conference is held between the applicant and a staff member from the Planning and Zoning Department. A solution may be discovered without the need for a special exception.
  - A complete special exception application with original signatures, all associated materials and the application fee by the established deadline.
  - The Department of Planning and Zoning will advertise the special exception request as a notice of public hearing once a week for two consecutive weeks prior to the hearing date in the local newspaper. The notice will specify the date, time and place of the hearing so persons affected may appear and present their views. In addition, the Planning and Zoning Department will notify adjacent property owners of the requested special exception and hearing date.
  - A member of the Planning and Zoning Department will prepare a staff report that will accompany the special exception application and both will be forwarded to the members of the CBB for their review before the meeting date.
  - At the public hearing the CBB will approve, deny or defer the special exception request until a later date after hearing the applicant and all interested parties.
7. **How long does a typical special exception process take?** – The average special exception process is approximately four weeks from submission of a complete application to action.
8. **What if I want to appeal the decision of the CBB?** – Any one aggrieved by a decision of the CBB has thirty (30) days to appeal the decision to the Stafford County Board of Supervisors.



## CHESAPEAKE BAY PRESERVATION AREA ORDINANCE

### Sec. 27B-14. - Special exceptions.

- (a) The board shall be comprised of all of the members of the county's wetlands board.
- (b) A request for a special exception to the requirements of [section 27B-7](#) and subsection [27B-8\(b\)](#) of this chapter shall be made in writing to the board. The request shall identify the impacts of the proposed exception on water quality and on lands within the CRPA through the performance of a water quality impact assessment which complies with the provisions of [section 27B-10](#) of this chapter.
- (c) No later than sixty (60) days after receipt of a complete special exception request, the board shall hold a public hearing on the request. The board shall hold a public hearing in accordance with Code of Virginia § 15.2-2204, except that only one hearing shall be required. The board shall cause notice of the hearing to be published at least once a week for two (2) weeks prior to such hearing in a newspaper of general circulation in this county. When giving any notice to the owner(s), their agent(s), or the occupant(s) of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records. The board shall mail these notices not less than twenty (20) days prior to the date set for the hearing.
- (d) The board shall review the request for a special exception and the water quality impact assessment. The board may grant the special exception, with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter, if the board finds:
  - (1) Granting the special exception will not confer upon the applicant(s) any special privileges denied by this chapter to other property owners who are subject to its provisions and who are similarly situated;
  - (2) The special exception request is not based on any conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
  - (3) The special exception request is the minimum necessary to afford relief;
  - (4) The special exception request will be consistent with the purpose and intent of this chapter, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - (5) Reasonable and appropriate conditions are imposed which will prevent the special exception request from causing a degradation of water quality.
- (e) The board shall make its determination within thirty (30) days of the public hearing. If the board fails to act within that time, the application shall be deemed approved.
- (f) If the board denies the special exception, the board shall provide the applicant(s) with the board's written decision, including its rationale.

STAFFORD COUNTY  
Department of Planning and Zoning



CHESAPEAKE BAY BOARD  
SPECIAL EXCEPTION APPLICATION

RECEIVED BUT NOT OFFICIALLY SUBMITTED  
DATE: \_\_\_\_\_ INITIALS \_\_\_\_\_

OFFICIALLY SUBMITTED

DATE: \_\_\_\_\_ INITIALS \_\_\_\_\_

**TYPE OF APPLICATION**

***INDIVIDUAL RESIDENTIAL***  **OTHER**

APPLICATION NUMBER \_\_\_\_\_

**APPLICANT INFORMATION**

NAME \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

CELL \_\_\_\_\_

FAX \_\_\_\_\_

EMAIL \_\_\_\_\_

**OWNER INFORMATION (If different from the Applicant)**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

CELL \_\_\_\_\_

FAX NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

**PROPERTY INFORMATION**

TAX MAP \_\_\_\_\_

SECTION \_\_\_\_\_

PARCEL/LOT# \_\_\_\_\_

LOT SIZE \_\_\_\_\_

SUBDIVISION \_\_\_\_\_

ZONING DISTRICT \_\_\_\_\_

EXISTING USE \_\_\_\_\_

PROPOSED USE \_\_\_\_\_

COMPREHENSIVE PLAN DESIGNATION \_\_\_\_\_

MAGISTERIAL DISTRICT \_\_\_\_\_

**FOR OFFICE USE ONLY**

APPLICATION APPROVED BY \_\_\_\_\_

DATE \_\_\_\_\_

RESOLUTION # \_\_\_\_\_

APPLICATION # \_\_\_\_\_

FEES PAID:  YES

NO

## ***GENERAL INFORMATION***

- ❖ What code section of the Chesapeake Bay Protection Area ordinance is the applicant seeking relief from as a result of a special exception?

Chapter 27B, Section \_\_\_\_\_ which pertains to \_\_\_\_\_

- ❖ Are there any special zoning conditions applicable to the property (including a conditional use permit, special exception, variance, development proffers, vesting determination)?  Yes  No

*If yes, please specify* \_\_\_\_\_

- ❖ Is the subject property located within a flood district?  Yes  No

*If yes, please specify which one* \_\_\_\_\_

- ❖ County Water & Sewer?  Private Well & Septic?

## ***SPECIAL EXCEPTION JUSTIFICATION***

Please provide a statement of justification for the requested special exception. Be aware that the Board must make the following five findings in order to approve a request for a special exception, as set forth in Section 27B-14(d):

- (1) Granting the special exception will not confer upon the applicant(s) any special privileges denied by this chapter to other property owners who are subject to its provisions and who are similarly situated;
- (2) The special exception request is not based on any conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
- (3) The special exception request is the minimum necessary to afford relief;
- (4) The special exception request will be consistent with the purpose and intent of this chapter, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
- (5) Reasonable and appropriate conditions are imposed which will prevent the special exception request from causing a degradation of water quality.

A large rectangular area with a double-line border, containing 20 horizontal lines for writing.



# *Owner's Consent Form*

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant, \_\_\_\_\_ to seek a \_\_\_\_\_ as requested in the Chesapeake Bay Board application relating to property located at \_\_\_\_\_ On Assessor's Parcel's \_\_\_\_\_.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed Name*

## **~Notary~**

**SUBSCRIBED & SWORN TO** Before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
*Notary Public*

My Commission Expires: \_\_\_\_\_



**STAFFORD COUNTY  
DEPARTMENT OF PLANNING AND ZONING**

**WATER QUALITY IMPACT ASSESSMENT**

*A scaled site drawing, which shows the following, must be attached to this water quality impact assessment:*

1. Location of the components of the RPA, including the 100-foot buffer area;
2. Location and nature of any proposed encroachment into the buffer area, including, type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; sewage disposal systems or reserve drainfield sites; and wells.
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Location of existing vegetation onsite, including the number, type of trees, caliper and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
5. Type, size, and location of replacement vegetation.

**Site Conditions (of site and adjacent lands):**

Existing Topography: \_\_\_\_\_ Hydrology: \_\_\_\_\_  
 Soils Map Unit/Name: \_\_\_\_\_ % Slope: \_\_\_\_\_ Geology: \_\_\_\_\_  
 Fill Material (source and composition): \_\_\_\_\_  
 Total Amount of Disturbed Area (ft<sup>2</sup>): \_\_\_\_\_ Total Amount of Cleared Area(ft<sup>2</sup>): \_\_\_\_\_  
 Estimation of Pre and Post Development Pollutant Loads: \_\_\_\_\_  
 Other \_\_\_\_\_

**Existing Vegetation:**

Total Underbrush / Grass Removed (ft<sup>2</sup>): \_\_\_\_\_ Types: \_\_\_\_\_  
 Number of Healthy Trees Removed: \_\_\_\_\_ Types: \_\_\_\_\_  
 Number of Trees Limbed or Pruned: \_\_\_\_\_ Types: \_\_\_\_\_  
 Number of Dead/Dying/Diseased Trees Removed: \_\_\_\_\_ Types: \_\_\_\_\_  
 Other: \_\_\_\_\_

**Proposed Landscaping / Vegetation Mitigation Measures (App. D, CBLAD Buffer Modification Manual)**

Number of New Canopy Trees Proposed: \_\_\_\_\_ Types: \_\_\_\_\_  
 Number of New Understory Trees Proposed: \_\_\_\_\_ Types: \_\_\_\_\_  
 Number of New Shrubs Proposed: \_\_\_\_\_ Types: \_\_\_\_\_  
 Other: \_\_\_\_\_

**Proposed Erosion and Sedimentation Control Practices:**

Silt Fencing      Temporary Construction Entrance      Straw Bale Barrier(s)  
Inlet Protection      Temporary/Permanent Seeding Mulching  
Tree Protection Sediment Trap  
Other: \_\_\_\_\_

**Proposed Best Management Practices:**

Dry Well(s)      Infiltration Trench(es)      Vegetated Filter Strip(s)      Grass Swale(s)  
Other: \_\_\_\_\_  
BMP design dimensions: \_\_\_\_\_

**Wastewater (Septic) Element (if needed):**

Attach legible, clean copy of Health Department Approval Information- to include calculations and dimensions.

Description of potential impacts of the proposed wastewater systems including any proposed mitigation measures for the impacts:

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## **CHESAPEAKE BAY PRESERVATION AREA ORDINANCE**

### **Sec. 27B-10. - Water quality impact assessment.**

- (a) Purpose and intent. The purpose of the water quality impact assessment is to:
- (1) Identify the impacts of proposed land disturbance, development, or redevelopment on water quality and lands within the county;
  - (2) Provide for administrative relief from the terms of this chapter when warranted and in accordance with the requirements contained herein; and
  - (3) Specify mitigation which will address water quality protection.
- (b) When required. A water quality impact assessment is required for:
- (1) Any proposed land disturbance, development, or redevelopment within a CRPA, including any buffer area encroachment;
  - (2) Any land disturbance, development, or redevelopment in a LRMA as deemed necessary by the administrator due to the unique characteristics of the site or intensity of the proposed development. When requested by the applicant proposing to construct a single-family residence in the CRPA, the administrator shall perform a water quality impact assessment;
  - (3) The water quality impact assessment shall not be required prior to submission of a site plan or application for a single-family residence building permit; and
  - (4) There shall be two (2) levels of water quality impact assessments: a minor assessment and a major assessment.
- (c) Minor water quality impact assessment. A minor water quality impact assessment pertains only to land disturbance, development or redevelopment within CRPAs which causes no more than five thousand (5,000) square feet of land disturbance and requires any encroachment into the landward fifty (50) feet of the one hundred-foot buffer area. A minor assessment must demonstrate through acceptable calculations that the remaining buffer and necessary BMPs will result in removal of no less than seventy-five (75) percent of sediments and forty (40) percent of nutrients from post-development stormwater runoff. A minor assessment shall include a site drawing to scale which shows the following:
- (1) Location of the components of the CRPA, including the one hundred-foot buffer area;
  - (2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drain field sites;
  - (3) Type and location of proposed BMPs to mitigate the proposed encroachment;
  - (4) Location of existing on-site vegetation, including the number and type of trees and other vegetation to be removed in the buffer area to accommodate the encroachment or modification; and

- (5) A re-vegetation plan that supplements the existing buffer area vegetation in a manner that provides for pollutant removal, erosion and runoff control.
- (d) Major water quality impact assessment. A major water quality impact assessment shall be required for any land disturbance, development or redevelopment which exceeds five thousand (5,000) square feet of land disturbance within CRPAs and requires any encroachment into the landward fifty (50) feet of the one hundred-foot buffer area, or disturbs any portion of the seaward fifty (50) feet of the one hundred-foot buffer area or any other components of an CRPA, or is located in an LRMA and is deemed necessary by the administrator. The information required in this section shall be considered a minimum, unless the administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

A water quality impact assessment shall not be required for commercial or industrial uses that disturb less than twenty thousand (20,000) square feet of land or individual single-family lots, located within the LRMA and outside the CRPA. The following elements shall be included in the preparation and submission of a major water quality assessment:

- (1) All of the information required in a minor water quality impact statement, as specified in subsection 27B-10(c) of this chapter;
- (2) A hydrogeological element which shall:
  - a. Describe the existing topography, soils, hydrology, and geology of the site and adjacent lands;
  - b. Describe the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands; and
  - c. Indicate the following:
    1. Disturbance or destruction of wetlands in CRPAs and justification for such action;
    2. Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers, or other water bodies;
    3. Disruptions to existing hydrology, including wetland and stream circulation patterns;
    4. Description of proposed fill material;
    5. Location of dredge material and location of dumping area for such material;
    6. Estimation of pre-development and post-development pollutant loads in runoff;
    7. Estimation of percent increase in impervious surface on-site and types of surfacing materials used;
    8. Percent of the site to be cleared for the project;
    9. Anticipated duration and phasing schedule of construction project;
    10. List of all requisite permits from all applicable agencies necessary to develop project; and
    11. Descriptions of the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures may include, but are not limited to:
      - (i) Proposed erosion and sediment control concepts. Concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, and schedule and personnel for site inspection;
      - (ii) Proposed stormwater management system; and
      - (iii) Minimizing excavation and fill.
- (3) A landscape element for areas within CBPAs that:

- a. Identifies the general location of all significant onsite plant material. Where there are groups of trees, stands may be outlined;
  - b. Describes the impacts the development or use will have on the existing vegetation. Information shall include:
    1. General limits of any clearing, based on all anticipated improvements including buildings, drives and utilities;
    2. Clear delineation of all trees which will be removed; and
    3. General description of any plant material to be disturbed or removed.
  - c. Describes the potential measures for mitigation. Possible mitigation measures may include, but are not limited to:
    1. Replanting schedule for vegetation removed for construction, including a list of possible planting materials to be used;
    2. Demonstration that the design of the plan will preserve any significant vegetation on the site to the greatest extent possible; and
    3. Demonstration that indigenous plants are to be used to the greatest extent possible.
- (4) A wastewater element, where applicable, that:
- a. Includes calculations and locations of anticipated drainfield or wastewater irrigation areas;
  - b. Provides justification for sewer line locations in CBPAs, where applicable, and describes construction techniques and standards;
  - c. Addresses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses; and
  - d. Describes the potential impacts of the proposed wastewater systems, including the proposed mitigation measures for these impacts.
- (5) Identification of the existing characteristics and conditions of sensitive lands included as components of CRPAs, as defined in this chapter.
- (6) A general identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.
- (e) Submission and review requirements.
- (1) One paper copy and one digital copy of all site drawings and other applicable information as required by subsections (c) and (d) of this section shall be submitted to the administrative authority for review.
  - (2) All information required in this section shall be certified as complete and accurate by a professional practicing in his field of competence.
  - (3) A major or minor water quality impact assessment shall be prepared and submitted to and reviewed by the administrative authority in conjunction with plan submission.
  - (4) As part of any major water quality impact assessment submittal, the administrator may require review by DEQ Water Division-Office of Local Government Programs staff. Upon receipt of a major water quality impact assessment, the administrator will determine if such review is warranted and may request DEQ staff to review the assessment and respond with written comments. Comments by DEQ staff will be incorporated into the final review by the administrator, provided that such comments are provided by DEQ staff within ninety (90) days of the date of the administrator's request.

(f) Evaluation procedure.

- (1) Upon the completed review of a minor water quality impact assessment, the administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this chapter and make a finding based upon the following criteria:
  - a. The justification for the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - b. Minimization of impervious surface;
  - c. The extent to which proposed BMPs achieve the requisite reductions in pollutant loadings;
  - d. The extent which the development proposal meets the purpose and intent of this chapter; and
  - e. The cumulative impacts (degradation) on water quality of the proposed development, when considered in relation to other existing and proposed development in the vicinity.
- (2) Upon the completed review of a major water quality impact assessment, the administrator will determine if the proposed development is consistent with the purpose and intent of this chapter and make a finding based upon the following criteria:
  - a. Within any CRPA, the proposed development is water-dependent;
  - b. The disturbance of any wetlands in CRPAs will be minimized;
  - c. The development will not result in significant disruption of the hydrology of the site;
  - d. The development will not result in significant degradation to aquatic vegetation or life;
  - e. The development will not result in unnecessary destruction of plant materials on-site;
  - f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in erosion and prevent off-site sedimentation;
  - g. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve water quality control in accordance with county Code chapter 21.5;
  - h. Proposed revegetation of disturbed areas will provide adequate erosion and sediment control benefits;
  - i. The design and location of any proposed drainfield will be in accordance of this chapter;
  - j. The development, as proposed, is consistent with the purpose and intent of this chapter; and
  - k. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (3) The administrator shall require additional information where it is determined that potential impacts have not been adequately addressed. The administrator may require additional mitigation measures based on the criteria listed in subsections (f)(2)a. and (f)(2)b. of this section.
- (4) The administrator shall find the proposal to be inconsistent with the purpose and intent of this chapter when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the administrator based on the criteria listed in subsections (f)(1) and (f)(2) of this section.