

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, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 16th day of December, 2014:

<u>MEMBERS:</u>	<u>VOTE:</u>
Jack R. Cavalier, Chairman	Yes
Gary F. Snellings, Vice Chairman	Yes
Meg Bohmke	Yes
Paul V. Milde III	Yes
Laura A. Sellers	Yes
Cord A. Sterling	Yes
Robert "Bob" Thomas, Jr.	Yes

On motion of Mr. Thomas, seconded by Mr. Sterling, which carried by a vote of 7 to 0, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-33, "DISTRICTS GENERALLY;" SEC. 28-34, "PURPOSE OF DISTRICTS;" SEC. 28-38(k), "SETBACKS FROM CRITICAL RESOURCE PROTECTION AREA (RPA);" SEC. 28-62, "CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT;" AND SEC. 28-314(e), "CIVIL VIOLATIONS OF CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT"

WHEREAS, effective August 1, 1991, the Board adopted Ordinance O90-91, establishing the Chesapeake Bay Preservation Area Overlay District; and

WHEREAS, on December 2, 2003, the Board adopted Ordinance O03-07, which amended Stafford County Code Chapter 28 and Chapter 22, to incorporate revised Chesapeake Bay Preservation Act requirements and regulations; and

WHEREAS, the Board desires to amend the County Code to create a new chapter, proposed Chapter 27B, to implement the Virginia Chesapeake Bay Preservation Act; and

WHEREAS, the Board finds that the requirements of Virginia's Chesapeake Bay Preservation Act can be more effectively enforced in a stand-alone County Code chapter; and

WHEREAS, with the creation of a new stand-alone chapter, Stafford County Code, Chapter 28 must be amended to remove the Chesapeake Bay Preservation Area Overlay District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission, County staff, and Virginia Department of Environmental Quality staff, and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that the public necessity, convenience, general welfare, and good zoning practices require adoption of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of December, 2014, that the Stafford County Code be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms.

~~*Chesapeake Bay Preservation Area (CBPA).* Refer to county code chapter 27B—All appropriate land in Stafford County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Code of Virginia, § 10.1-2107. A Chesapeake Bay Preservation Area consists of a critical resource protection area and a land/resource management area.~~

~~*Critical resource protection area (CRPA).* That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to waterbodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.~~

~~*Intensely developed areas (IDAs).* A portion of a critical resource protection area for a land/resource management area designated by the county where development is concentrated and little of the natural environment remains.~~

~~*Land/resource management area (LRMA).* A component of the Chesapeake Bay Preservation Area outside the CRPA that includes land where specific environmental resources are located. This land, if improperly used or developed, has the potential for causing significant water quality degradation or for diminishing the functional value of the CRPA.~~

~~*Sign, critical resource protection area (CRPA).* A sign identifying the landward limits of the critical resource protection area (CRPA).~~

~~*Water dependent facility.* A development of land that cannot exist outside of the critical resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to:~~

- ~~(1) Ports;~~
- ~~(2) The intake and outfall structures of power plants, water treatment plants, wastewater treatment plants, and storm sewers;~~
- ~~(3) Marinas and other boat docking structures;~~
- ~~(4) Beaches and other public water-oriented recreation areas; and~~
- ~~(5) Fisheries or other marine resource facilities.~~

~~*Wetlands.* Include tidal and non-tidal wetlands, as defined herein above. Those tidal and nontidal wetlands defined by the Chesapeake Bay Preservation Area Designation and Management Regulations, VR173-02-01, or any succeeding provisions.~~

Sec. 28-33. Districts generally.

Land may also be classified in the following special overlay districts:

~~CB-Chesapeake Bay Preservation Overlay~~

Sec. 28-34. Purpose of districts.

~~*CB-Chesapeake Bay Preservation Area.* The purpose of the CB district is to provide an overlay zone to protect the valuable resources of and related to the Chesapeake Bay, in accordance with the Virginia Code and adopted plans.~~

Sec. 28-38. Performance regulations.

- ~~(k) *Setbacks from critical resource protection area (CRPA).* Refer to county code chapter 27B. Setbacks shall be required for the building containing the principle use from the outermost point of the building to the nearest point of any RPA buffer line. Where the RPA buffer is located in the rear yard, the setback shall be twenty five (25) feet. Where the RPA buffer is located in the front or side yard, the setback shall be twelve (12) feet.~~

~~This provision shall only apply to single family homes, townhouses, and duplexes. In addition, this provision shall only apply to new development projects submitted after June 3, 2008.~~

Sec. 28-62. Chesapeake Bay Preservation Area Overlay District.

~~(a) *Purpose and intent.*~~

- ~~(1) This section is enacted to implement the requirements of Code of Virginia §§ 15.2-2283 and 10.1-2100 et seq., the Chesapeake Bay Preservation Act. The purpose and intent of this section is to:
 - ~~a. Protect existing high-quality state waters;~~
 - ~~b. Restore state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of~~~~

~~aquatic life, including game fish, which might reasonably be expected to inhabit them;~~

- ~~e. Safeguard the clean waters of the commonwealth from pollution;~~
- ~~d. Prevent increases in pollution;~~
- ~~e. Reduce existing pollution;~~
- ~~f. Protect and enhance the wise use of environmental resources through management of development;~~
- ~~g. Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Stafford County;~~
- ~~h. Prevent a net increase in nonpoint source pollution from new development;~~
- ~~i. Achieve a ten percent reduction in nonpoint source pollution from redevelopment;~~
- ~~j. Achieve a forty percent reduction in nonpoint source pollution from agricultural uses.~~

~~(2) The Chesapeake Bay Preservation Area Overlay District shall be in addition to and shall overlay all other zoning districts where they are 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.~~

~~(b) *Areas of applicability (district boundaries).* The Chesapeake Bay Preservation Area Overlay District shall apply to all appropriate land in Stafford County. The CRPA maps show the general location of CRPAs and shall be consulted by persons contemplating activities in the county prior to engaging in a regulated activity. The CRPA maps, as amended, together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this chapter.~~

~~(1) *Critical resource protection area (CRPA).*~~

~~a. The CRPA shall include:~~

- ~~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.~~

~~b. Delineation by the applicant. The site specific boundaries of the CRPA shall be delineated by the applicant through the performance of an environmental site assessment that satisfies the requirements of subsection 28-62(h)(2) of this Code. The county CRPA maps may be used as a guide to the general location of CRPAs, however this does not relieve the applicant of the requirement of the site specific delineation of the CRPA. In addition, the administrative authority shall require that an applicant~~

~~provide a site specific determination of whether water bodies with perennial flow occur onsite. This determination shall ordinarily be completed by the applicant. The administrator may waive this requirement if during the review process it is determined that the determination is not necessary. The determination of perennial flow may be accomplished by the use of an approved scientifically valid method using field indicators of perennial flow. The applicant shall provide the information used for the determination to the administrator for review.~~

~~e. Delineation by the administrative authority. The administrator may perform a delineation when requested by an applicant wishing to construct a single family residence. The administrator may use an approved site-specific method or the administrator may waive the requirement and complete the delineation based on all available local information. In addition, the administrator may waive the requirement for a site-specific delineation if no evidence of possible CRPA features are identified through the evaluation of all available local information. This information includes topographic maps, soil surveys, and any other applicable mapping.~~

~~d. Where conflict arises over delineation. Where the applicant has provided a site specific delineation of the CRPA, the administrative authority will verify the accuracy of the boundary delineation. In determining the site-specific CRPA boundary, the administrative authority may render adjustments to the applicant's boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek an exception or variance, in accordance with the provisions of this chapter.~~

~~(2) Land/resource management area (LRMA). The land/resource management area (LRMA) shall include all areas of the county not designated as a critical resource protection area (CRPA).~~

~~(c) Use regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.~~

~~(d) Lot size. Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient buildable area outside the CRPA to accommodate an intended development, when such development is not otherwise allowed in the CRPA.~~

~~(e) Conflict with other regulations. In any case where the requirements of this overlay district conflict with any other provision of this chapter or the Stafford County Code, whichever imposes the more stringent restrictions shall apply.~~

~~(f) Development conditions.~~

~~(1) Land development in critical resource protection areas may be allowed only when permitted by the administrator and if it is:~~

~~(a) Water dependent and satisfies the conditions of subdivision 1 of this subsection;~~

- ~~1. A new or expanded water dependent facility may be allowed provided that the following criteria are met:
 - ~~a. It does not conflict with the comprehensive plan;~~
 - ~~b. It complies with the performance criteria set forth in section (g) of this article;~~
 - ~~c. Any non water dependent component is located outside of the CRPA; and~~
 - ~~d. Access to the water dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.~~~~
- ~~(b) Constitutes redevelopment and satisfies the conditions of subdivision 1 of this subsection;
 - ~~1. Redevelopment on isolated redevelopment sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the CRPA and it shall conform to chapter 11 (Erosion and Sediment Control) of this Code, and chapter 21.5 (Stormwater Management) of this Code.~~~~
- ~~(c) A new use subject to the provisions of section 28-62(g)(2) of this article;~~
- ~~(d) A road or driveway crossing satisfying the conditions set forth in subdivision 1 of this subsection;
 - ~~1. Roads and driveways not exempt under subsection 28-62(j) and which, therefore, must comply with the provisions of this article, may be constructed in or across CRPAs if each of the following conditions are met:
 - ~~a. The administrator makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the CRPA;~~
 - ~~b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the CRPA and minimize adverse effects on water quality.~~
 - ~~c. The design and construction of the road or driveway satisfy all applicable criteria of this article;~~
 - ~~d. The administrator reviews the plan for the road or driveway proposed in or across the CRPA in coordination with the plan of development requirements as required under subsection 28-62(h) or in accordance with the subdivision ordinance.~~~~~~
- ~~(e) A flood control or stormwater management facility satisfying the conditions set forth in subdivision 1 of this subsection.
 - ~~1. Flood control or stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of the watershed may be allowed in the CRPA provided that:~~~~

- ~~(a) The local government has conclusively established that the proposed location of the facility is the optimum location;~~
 - ~~(b) The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment both;~~
 - ~~(c) The facility must be identified in U.S. Army Corps of Engineers permit number 97 1212 45 or be consistent with a stormwater management program that has been approved by the Chesapeake Bay local assistance board as a phase one modification;~~
 - ~~(d) All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies such as the U.S. Army Corps of Engineers, the Virginia Marine Resources Commission, and the Virginia Department of Environmental Quality;~~
 - ~~(e) Approval must be received from the local government prior to construction; and~~
 - ~~(f) Routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed.~~
- ~~2. It is not the intent of this subsection to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located in the CRPA.~~
 - ~~3. Stormwater management facilities that do not meet all of the above criteria shall not be allowed in the CRPA unless a variance has been granted in accordance with the requirements of subsection 28-62(1).~~
- ~~(f) A water quality impact assessment as outlined in this chapter shall be required for any proposed land disturbance, development, or redevelopment within the CRPA.~~
- ~~(g) *General performance criteria.*~~
- ~~(1) General performance criteria for development in Chesapeake Bay Preservation Areas (CBPAs):~~
 - ~~a. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.~~
 - ~~1. The limits of land disturbance, including limits of clearing or grading shall be strictly defined by the approved site plan, construction plan or individual site location plan for a parcel. The limits shall be clearly shown on all plans submitted and land disturbance shall not occur within five (5) feet of the dripline of any strand [stand] of trees to be preserved. The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.~~
 - ~~2. Ingress and egress during construction shall be limited to approved access points.~~
 - ~~b. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use or development.~~

- ~~1. Existing trees over two (2) inches diameter at breast height (DBH) outside the limits of land disturbance shall be preserved in accordance with the approved site plan, construction plan or individual site location plan for a parcel. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.~~
 - ~~2. Site clearing for construction activities shall be allowed as approved by the administrator through the plan of development review process outlined under subsection 28-62(h) of this article. Prior to clearing and grading, suitable protective barriers, like safety fencing, shall be erected 5 feet outside the dripline of any tree or around any stand of trees to be preserved. Protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.~~
- ~~e. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development.~~
- ~~1. Parking areas proposed in the CRPA, the floodway district, the flood-fringe district or the floodplain district shall, to the greatest extent practical, use pervious materials, such as gravel or porous pavement.~~
 - ~~2. (Reserved.)~~
- ~~d. Notwithstanding any other provisions of this chapter or waivers or exemptions thereto, any land disturbing activity exceeding two thousand five hundred (2,500) square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of chapter 11 of this Code.~~
- ~~e. All development and redevelopment in a CBPA exceeding two thousand five hundred (2,500) square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of this chapter, or a subdivision plan in accordance with the subdivision ordinance, or an erosion and sedimentation (E&S) plan in accordance with the E&S control ordinance.~~
- ~~f. All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years, in accordance with the provisions of the state health code.~~
- ~~g. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the state health code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989. If a parcel was platted on or before August 1, 1991, the parcel shall be required to provide the reserve sewage disposal site the greatest extent practical, as determined by the local health department. Building or construction of impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage~~

~~treatment system which operates under a permit issued by the appropriate state agency, until the structure is served by public sewer.~~

- ~~h. An approved plan of development and all federal and state wetlands permits are required prior to initiating clearing, grading, or other on-site activities on any portion of a lot or parcel. Evidence of above stated permits must be provided to the administrator upon request.~~
- ~~i. Land upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessment shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this article.~~
- ~~j. For any use or development, stormwater runoff shall be controlled by the use of water quality best management practices consistent with the water quality criteria of chapter 21.5 (Stormwater Management) of this Code.~~

~~(2) CRPA buffer area requirements.~~

- ~~a. To minimize the adverse effects of human activities on the other components of CRPAs, state waters, and aquatic life, a minimum one-hundred foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist for development.~~
- ~~b. Agricultural buffer areas shall be established on or before the fall 1992 growing season.~~
- ~~e. When replanting is required to establish a buffer, a combination of trees, groundcover, and shrubs with a demonstrated ability to improve water quality shall meet the intent of the buffer area.~~
- ~~d. The buffer area shall be located adjacent to and landward of other CRPA components and along both sides of any water body with perennial flow. The full buffer shall be designated as the landward component of the CRPA, in accordance with subsections 62(b) and (h).~~
- ~~e. The one hundred foot forested buffer area shall be deemed to achieve a seventy five (75) percent reduction of sediments and a forty percent reduction of nutrients.~~
- ~~f. The CRPA buffer area shall be maintained pursuant to the following performance standards:
 - ~~1. Indigenous vegetation may be removed subject to approval by the administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:~~~~

- ~~(a) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint-source pollution from runoff.~~
 - ~~(b) Any pathways shall be designed and constructed so as to effectively control erosion.~~
 - ~~(c) Dead, diseased, or dying trees or shrubbery may be removed subject to approval by the administrator and pursuant to approved horticultural practices.~~
 - ~~(d) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.~~
- ~~2. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the administrator may, through an administrative process permit encroachments into the buffer area after consideration of subsections 28-62(h) and (i), and in accordance with the following criteria:~~
- ~~(a) Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities; and~~
 - ~~(b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.~~
 - ~~(c) The encroachment shall not extend into the seaward fifty (50) feet of the buffer area.~~
- ~~3. When the application of the buffer area would result in the loss of buildable area on a lot or parcel recorded between October 1, 1989, and December 2, 2003, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:~~
- ~~a. The lot or parcel was created as a result of a legal process conducted in conformity with the local government's subdivision regulations;~~
 - ~~b. Conditions or mitigation measures imposed through a previously accepted exception shall be met;~~
 - ~~c. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be re-established or repaired and maintained as required; and~~

- d. ~~The criteria in subdivision (2) of this section must be met.~~
4. ~~On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:~~
- (a) ~~Agricultural activities may encroach into the landward fifty (50) feet of the one hundred foot wide buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land—erosion control or nutrient management—is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the one hundred foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the Virginia Nutrient Training and Certification Requirements administered by the Virginia Department of Conservation and Recreation.~~
- (b) ~~Agricultural activities may encroach within the landward seventy-five (75) feet of the one hundred foot wide buffer when agricultural best management practices which address erosion control, nutrient management, and pest chemical control are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the National Soil Survey Handbook of November, 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed, consistent with the Virginia Nutrient Management Training and Certification Requirements administered by the VA DCR. In conjunction with the remaining buffer area, this collection of BMPs shall be presumed to achieve water quality protection at least the equivalent of that provided by the one hundred foot buffer area.~~
- (c) ~~The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local soil and water conservation district.~~
- (5) ~~Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this chapter.~~

~~(6) Subsequent to the issuance of a building permit and prior to the issuance of an occupancy permit for the construction of a new single family dwelling, duplex or townhouse on any residential lot or parcel, a sign shall be installed by the owner, builder or developer identifying the landward limits of the CRPA (critical resource protection area). Such signs shall conform to the Critical Resource Protection Area (CRPA) Signage Policy and shall be installed at the expense of the owner, builder or developer in accordance with the Critical Resource Protection Area (CRPA) Signage Policy.~~

~~(h) *Plan of development process.*~~

~~(1) *Required information.* In addition to the requirements specified in Chapters 11 and 22 of the Stafford County Code, the plan of development process for CBPAs shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the administrative authority. The administrative authority may determine that some of the following information is unnecessary due to the location, scope, or nature of the proposed development.~~

~~The following plans or studies shall be submitted, unless otherwise provided for:~~

- ~~a. A plan of development in accordance with the provisions of this chapter or chapter 22 of this Code;~~
- ~~b. An environmental site assessment;~~
- ~~c. A landscaping element;~~
- ~~d. A stormwater management plan in accordance with chapter 21.5 of this Code;~~
- ~~e. An erosion and sediment control plan in accordance with the provisions of chapter 11 of this Code;~~
- ~~f. Individual CRPA site location plan.~~

~~(2) *Environmental site assessment.* An environmental site assessment shall be submitted in conjunction with any plan of development. The administrator may waive the requirement for an environmental site assessment, in accordance with subsection 28-62(b)(1)(e).~~

- ~~a. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
 - ~~1. Tidal wetlands;~~
 - ~~2. Tidal shores;~~
 - ~~3. Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;~~
 - ~~4. Water bodies with perennial flow;~~
 - ~~5. A one hundred foot buffer area located adjacent to and landward of the components listed in paragraphs 1. through 4. above.~~~~

- ~~b. Wetlands delineations shall be performed consistent with the procedures specified by the U.S. Army Corps of Engineers.~~
 - ~~e. The environmental site assessment shall delineate the site-specific geographic extent of the CRPA.~~
 - ~~d. The environmental site assessment shall be drawn at the same scale as the plan of development, and shall be certified as complete and accurate by professionals practicing in their field of competence.~~
- ~~(3) Landscaping element. A landscaping element shall be included in conjunction with site plan approval. No clearing or grading of any lot or parcel shall be permitted without approved plans.~~

~~Plans depicting landscaping elements shall be prepared or certified by design professionals practicing within their areas of competence.~~

~~a. Contents of the landscaping element.~~

- ~~1. The landscaping element shall be drawn to scale and generally show the location and description of existing and proposed plant material. Where there are groups of trees, stands may be outlined instead. Trees to be removed within the limits of clearing and grading shall be clearly delineated.~~
- ~~2. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this chapter, shall be shown.~~
- ~~3. Within the buffer area, vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this chapter, shall be shown. Vegetation required by this chapter to replace any existing vegetation within the buffer area shall also be shown.~~
- ~~4. Vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this chapter shall be shown.~~
- ~~5. The landscaping element shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.~~
- ~~6. The landscaping element shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction.~~

~~b. Plant specifications.~~

- ~~1. All plant materials necessary to supplement the buffer area shall be installed according to standard planting practices and procedures.~~
- ~~2. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.~~

- ~~3. Where areas to be preserved within the CRPAs and mitigation areas, as designated on an approved site plan or individual site location plan for a parcel, are encroached, replacement of existing trees over six (6) inches DBH will be achieved at a ratio of three (3) planted trees to one removed. Replacement trees shall be a minimum three and one-half (3.5) inches DBH at the time of planting.~~
- ~~e. Maintenance.~~
 - ~~1. The property owner shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this chapter.~~
 - ~~2. In buffer and/or mitigation areas, required by a site plan or individual site location plan, plant material shall be tended and maintained healthy growing condition and free from refuse and debris. Diseased plant materials shall be replaced during the next planting season, as required by the provisions of this chapter.~~
- ~~(4) Stormwater management plan. A stormwater management plan shall be submitted as part of the plan of development process required by this chapter and in conjunction with plan approval. The contents of the plan shall be in accordance with the requirements of chapter 21.5 of this Code.~~
- ~~(5) CRPA individual site location plan. A CRPA individual site location plan shall be required for all land disturbing activities located in the CRPA. This plan shall be submitted in conjunction with an application for a single family residential building permit, grading permit or plan submitted in compliance with chapter 11 of this Code. This requirement shall not apply to those lots associated with an approved site plan or subdivision plan that meets the requirements of this chapter. The CRPA individual site location plan shall clearly delineate the CRPA and any proposed mitigation measures. The administrative authority shall review the CRPA individual site location plan and determine whether the encroachment is warranted. The administrative authority may approve, modify or deny the plan.~~
- ~~(6) Final plans of development. Final plans of development for all lands within CBPAs shall include the following additional information:
 - ~~a. The site specific delineation of the critical resource protection area boundary;~~
 - ~~b. The site specific delineation of required buffer areas of the CRPA;~~
 - ~~c. All wetlands permits required by law;~~
 - ~~d. A BMP maintenance agreement in accordance with chapter 21.5 of this Code.~~
 - ~~e. The following statements shall be included when applicable:
 - ~~1. Under Stafford County Code, section 28-62, Chesapeake Bay Preservation Area Overlay District Ordinance, the lots shown hereon are subject to having sewage disposal systems pumped out every five~~~~~~

~~(5) years. The primary and the one hundred (100) percent reserve sewage disposal sites cannot be altered by construction or excavation.~~

~~2. The one hundred foot wide vegetated CRPA buffer shall remain undisturbed in accordance with Stafford County Code, section 28-62. Only water dependent facilities or redevelopment are permissible in CRPA and the one hundred foot wide buffer area.~~

~~(7) Installation and security requirements.~~

~~a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.~~

~~b. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the administrative authority security in a form and amount which is in accordance with the Stafford County Security Policy.~~

~~(i) Water quality impact assessment.~~

~~(1) Purpose and intent. The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands within CBPAs; (ii) provide for administrative relief from the terms of this chapter when warranted and in accordance with the requirements contained herein; and (iii) specify mitigation which will address water quality protection.~~

~~(2) When required. A water quality impact assessment is required for:~~

~~a. Any proposed land disturbance, development, or redevelopment within a CRPA, including any buffer area encroachment;~~

~~b. Any land disturbance, development, or redevelopment in an LRMA as deemed necessary by the administrative authority due to the unique characteristics of the site or intensity of the proposed development. The administrative authority when requested by the applicant proposing to construct a single family residence in the CRPA shall perform a water quality impact assessment.~~

~~c. 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.~~

~~d. There shall be two (2) levels of water quality impact assessments: A minor assessment and a major assessment.~~

~~(3) 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 best management practices 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:~~

- ~~a. Location of the components of the CRPA, including the one hundred foot buffer area;~~
- ~~b. 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 drainfield sites.~~
- ~~c. Type and location of proposed best management practices to mitigate the proposed encroachment.~~
- ~~d. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.~~
- ~~e. A revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control.~~

~~(4) 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 administrative authority. The information required in this section shall be considered a minimum, unless the administrative authority 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:~~

- ~~a. All of the information required in a minor water quality impact statement, as specified in section 28-62(i)(3);~~
- ~~b. A hydrogeological element which shall:
 - ~~1. Describe the existing topography, soils, hydrology and geology of the site and adjacent lands.~~
 - ~~2. Describe the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.~~
 - ~~3. Indicate the following:~~~~

- ~~(a) Disturbance or destruction of wetlands in CRPAs and justification for such action;~~
 - ~~(b) Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;~~
 - ~~(c) Disruptions to existing hydrology including wetland and stream circulation patterns;~~
 - ~~(d) Description of proposed fill material;~~
 - ~~(e) Location of dredge material and location of dumping area for such material;~~
 - ~~(f) Estimation of pre and post development pollutant loads in runoff;~~
 - ~~(g) Estimation of pre and post development pollutant loads in runoff;~~
 - ~~(h) Estimation of percent increase in impervious surface on site and types of surfacing materials used;~~
 - ~~(i) Percent of site to be cleared for project;~~
 - ~~(j) Anticipated duration and phasing schedule of construction project;~~
 - ~~(k) Listing of all requisite permits from all applicable agencies necessary to develop project.~~
 - ~~(l) 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, schedule and personnel for site inspection;~~
 - ~~ii. Proposed stormwater management system; and~~
 - ~~iii. Minimizing excavation and fill.~~~~
- ~~e. A landscape element for areas within CBPAs that:~~
- ~~1. Identifies the general location of all significant plant material on site. Where there are groups of trees, stands may be outlined.~~
 - ~~2. Describes the impacts the development or use will have on the existing vegetation. Information should include:
 - ~~(a) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;~~
 - ~~(b) Clear delineation of all trees which will be removed;~~
 - ~~(c) General description of plant material to be disturbed or removed.~~~~

- ~~3. Describes the potential measures for mitigation. Possible mitigation measures which may include, but are not limited to:
 - ~~(a) Replanting schedule for vegetation removed for construction, including a list of possible planting materials to be used;~~
 - ~~(b) Demonstration that the design of the plan will preserve to the greatest extent possible any significant vegetation on the site;~~
 - ~~(c) Demonstration that indigenous plants are to be used to the greatest extent possible.~~~~
- ~~d. A wastewater element, where applicable, that:
 - ~~1. Includes calculations and locations of anticipated drainfield or wastewater irrigation areas;~~
 - ~~2. Provides justification for sewer line locations in CBPAs, where applicable, and describes construction techniques and standards;~~
 - ~~3. Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses;~~
 - ~~4. Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.~~~~
- ~~e. Identification of the existing characteristics and conditions of sensitive lands included as components of CRPAs, as defined in this chapter.~~
- ~~f. 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.~~

~~(5) Submission and review requirements.~~

- ~~a. Five (5) copies of all site drawings and other applicable information as required by subsections (c) and (d) above shall be submitted to the administrative authority for review.~~
- ~~b. All information required in this section shall be certified as complete and accurate by a professional practicing in his field of competence.~~
- ~~c. 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.~~
- ~~d. As part of any major water quality impact assessment submittal, the administrative authority may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the administrative authority will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Comments by CBLAD will be incorporated into the final review by the administrative authority, provided that such comments are provided by CBLAD within ninety (90) days of the request.~~

~~(6) Evaluation procedure.~~

- a. ~~Upon the completed review of a minor water quality impact assessment, the administrative authority 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:~~
 1. ~~The justification for the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;~~
 2. ~~Minimization of impervious surface;~~
 3. ~~The extent to which proposed best management practices achieve the requisite reductions in pollutant loadings;~~
 4. ~~The extent which the development proposal meets the purpose and intent of this chapter;~~
 5. ~~The cumulative impacts (degradation) on water quality of the proposed development, when considered in relation to other existing and proposed development in the vicinity.~~
- b. ~~Upon the completed review of a major water quality impact assessment, the administrative authority 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:~~
 1. ~~Within any CRPA, the proposed development is water dependent;~~
 2. ~~The disturbance of any wetlands in CRPAs will be minimized;~~
 3. ~~The development will not result in significant disruption of the hydrology of the site;~~
 4. ~~The development will not result in significant degradation to aquatic vegetation or life;~~
 5. ~~The development will not result in unnecessary destruction of plant materials on site;~~
 6. ~~Proposed erosion and sediment control concepts are adequate to achieve the reductions in erosion and prevent off-site sedimentation;~~
 7. ~~Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve water quality control in accordance with chapter 21.5 of this Code;~~
 8. ~~Proposed revegetation of disturbed areas will provide adequate erosion and sediment control benefits;~~
 9. ~~The design and location of any proposed drainfield will be in accordance with the requirements of this chapter;~~
 10. ~~The development, as proposed, is consistent with the purpose and intent of this chapter;~~
 11. ~~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.~~

~~e. The administrative authority shall require additional information where it is determined potential impacts have not been adequately addressed and may require additional mitigation measures based on the criteria listed above in subsections b.(1) and b.(2).~~

~~d. The administrative authority 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 administrative authority based on the criteria listed above in subsections a. and b.~~

~~(j) *Nonconforming uses and noncomplying structures.*~~

~~(1) The administrator may permit the continued use, but not necessarily the expansion, of any structure in existence on May 21, 1991, the date of local program adoption. The administrator may waive or modify the criteria of this part through an administrative review process for structures on legal nonconforming lots or parcels provided that:~~

~~(a) There will be no net increase in nonpoint source pollution load; and~~

~~(b) Any development or land disturbance exceeding an area of two thousand five hundred (2,500) square feet complies with all erosion and sediment control requirements.~~

~~(c) An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the administrator and shall include for the purpose of proper enforcement of this section, the following information:~~

~~(1) Name and address of applicant and property owner;~~

~~(2) Legal description of property and type of proposed use and development;~~

~~(3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the CRPA;~~

~~(4) Location and description of any existing private water supply or sewage system.~~

~~(d) A nonconforming use and development waiver shall become null and void twelve (12) months from the date issued if no substantial work has commenced.~~

~~(e) An application for the expansion of a legal principal nonconforming structure may be approved by the administrator through an administrative review process provided the following findings are made:~~

~~(1) The request for the waiver is the minimum necessary to afford relief;~~

~~(2) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this article to other property owners in similar situation;~~

- ~~(3) The waiver is in harmony with the purpose and intent of this article and does not result in water quality degradation;~~
 - ~~(4) The waiver is not based on conditions or circumstances that are self-created or self-imposed;~~
 - ~~(5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;~~
 - ~~(6) Other findings as appropriate and required by the county are met; and~~
 - ~~(7) In no case shall this provision apply to accessory structures.~~
- ~~(2) This chapter shall not be construed to prevent the reconstruction of preexisting structures within CBPA areas occurring as a result of casualty loss unless otherwise restricted by other ordinances.~~
- ~~(k) Exemptions.~~
- ~~(1) Construction, installation, operation, and maintenance of electric, natural gas, fiber optic, telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with (a) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia), and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (b) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (c) local water quality protection criteria at least as stringent as the above state requirements will be deemed to constitute compliance with this chapter. The exemption of public roads is further conditioned by the following:
 - ~~(a) Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize:
 - ~~(1) Encroachment into the critical resource protection area; and~~
 - ~~(2) Adverse effects on water quality.~~~~
 - ~~(b) All public roads shall be exempt from the requirements of this chapter as long as it is determined that there is no other reasonable alternative to locating the road in or through the CRPA and they meet the criteria listed above.~~~~
 - ~~(2) Exemptions for local utilities and other service lines. Construction, installation, and maintenance of water, sewer, and local natural gas lines, underground telecommunications lines, and cable television lines owned or permitted by a local government or regional service authority shall be exempt from these overlay district requirements provided that:
 - ~~a. To the degree possible, the location of such utilities and facilities shall be outside CRPAs;~~
 - ~~b. No more land shall be disturbed than is necessary to provide for the proposed utility or facility installation;~~
 - ~~c. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal~~~~

~~requirements and permits and designed and conducted in a manner that protects water quality; and~~

~~d. Any land disturbance exceeding an area of two thousand five hundred (2,500) square feet complies with all county erosion and sediment control requirements.~~

~~(3) Exemptions for silviculture activities. Silviculture activities are exempt from this chapter provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of "Virginia Forestry Best Management Practices for Water Quality". The department of forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay preservation areas.~~

~~(4) Exemptions in critical resource protection areas. The following land disturbances in CRPAs shall be exempted from these overlay district requirements;~~

~~a. Water wells;~~

~~b. Passive recreation facilities such as boardwalks, trails, and pathways; and~~

~~c. Historic preservation and archaeological activities, provided that it is demonstrated that:~~

~~1. Any required permits, except those to which this exemption specifically applies, have been issued;~~

~~2. The applicant submits sufficient and reasonable evidence to the administrative authority showing that the intended use will not deteriorate water quality;~~

~~3. The intended use does not conflict with nearby planned or approved uses; and~~

~~4. Any land disturbance exceeding an area of two thousand five hundred (2,500) square feet shall comply with all county erosion and sediment control requirements.~~

~~(5) Exemptions for usual and customary activities in CBPAs. The following activities shall be exempted from these overlay district requirements:~~

~~a. Lawn maintenance, including grass cutting;~~

~~b. Home gardening;~~

~~c. General woodlot management;~~

~~d. Maintenance of lawfully permitted bulkheads, piers, riprap, and other shoreline stabilization structures;~~

~~e. Maintenance of drives, walks, and other access ways; and~~

~~f. Other similar activities.~~

~~(1) Variances.~~

- ~~(1) A request for a variance to the requirements of subsections 28-62(f) and (g)(2) shall be made in writing to the board of zoning appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the critical resource protection area through the performance of a water quality impact assessment which complies with the provisions of subsection 28-62(i).~~
 - ~~(2) The county shall notify the affected public of any such variance requests and shall consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-2204, except that only one hearing shall be required.~~
 - ~~(3) The board of zoning appeals shall review the request for a variance and the water quality impact assessment and may grant the variance with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if the board of zoning appeals finds:
 - ~~a. Granting the variance will not confer upon the application any special privileges denied by this article to other property owners in the overlay district;~~
 - ~~b. The variance request is not based on 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;~~
 - ~~c. The variance request is the minimum necessary to afford relief;~~
 - ~~d. The variance request will be in harmony with the purpose and intent of the overlay district, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and~~
 - ~~e. Reasonable and appropriate conditions are imposed which will prevent the variance request from causing a degradation of water quality.~~~~
 - ~~(4) If the board of zoning appeals cannot make the required findings or denies the variance, the board of zoning appeals shall return the request for a variance together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.~~
 - ~~(5) A request for a variance to the requirements of provisions of this article other than subsections 28-62(f) and (g)(2) shall be made in writing to the administrator. The administrator may grant these variances provided that:
 - ~~a. Variances of the requirements are the minimum necessary to afford relief; and~~
 - ~~b. Reasonable and appropriate conditions are placed upon any variance that is granted, as necessary, so that the purpose and intent of this article is preserved.~~
 - ~~c. Variances to the provisions of subsection 28-62(g)(1) may be granted provided that the findings noted under subsections 28-62(1)(3)a-e. are made.~~~~
- ~~(m) *Penalties.* In addition to the penalties identified in article XVII of this chapter, for any land disturbing activity in a CRPA that occurs without an approved county plan~~

~~or in violation of an approved county plan, the violator shall be subject to mitigation. Such mitigation shall be by replacement of all vegetation removed at a rate of two (2) plantings for every plant removed, unless the administrative authority determines that fewer plantings are required to meet the same pollutant removal levels that existed prior to the violation. All vegetation to be used for mitigation shall be approved by the administrative authority.~~

Sec. 28-314. Civil penalties.

~~(e) *Civil violations of Chesapeake Bay Preservation Area Overlay District.*~~

- ~~(1) Any person who violates the provisions of section 28-62 of this chapter, violates or fails, neglects or refuses to obey any final notice, order, rule, regulation, or variance or permit condition shall upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00) for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid to the county into a fund dedicated to the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas, in such a manner as the court may direct by order, except that where the violator is the county itself, or its agent, the court shall direct the penalty be paid into the state treasury.~~
- ~~(2) With the consent of any person who violates any provision of section 28-62 of this chapter related to protection of water quality in a designated Chesapeake Bay Preservation Area, or violates or fails, neglects, or refuses to obey any local governmental body's or official's notice, order, rule, regulation, or variance or permit condition authorized under such ordinance, the local government may provide for an issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation. Such civil charge shall be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas except where the violator is the county, or its agent, the civil charges shall be paid to the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (1) as specified above. Civil charges may be in addition to any cost of restoration required or ordered by county.~~

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

A Copy, teste:

Anthony J. Romanello, ICMA-CM
County Administrator

