



Planning Commission Memorandum

TO: Bowling Green Planning Commission
FROM: J.C. LaRiviere, Director of Community Development & Partnerships
COPY: India Adams-Jacobs, Town Manager & Zoning Administrator
SUBJECT: Chesapeake Bay Preservation Act- Local Compliance Review Update
DATE: March 20th, 2025

SUMMARY:

The Town's Chesapeake Bay Preservation Act Local Compliance Program is currently being audited by the Virginia Department of Environmental Quality (DEQ). These audits occur every five years. The chief goal of the Chesapeake Bay Preservation Act (CBPA), for municipalities in the Chesapeake Bay watershed, requires that construction projects be executed in an environmentally responsible manner. It also contains specific requirements for logging, farming, and other industries that potentially impact water quality.

BACKGROUND:

Below is a summary of the review process thus far:

The Town's Director of Community Development & Partnerships (DCDP) was notified of a potential compliance action against the Town for its failure to file the requisite annual CBPA report with DEQ. The DCDP attended the next available CBPA training conducted by DEQ with King George County planning staff on April 18th, 2024. The Town was then removed from DEQ's warning list. The DCDP then secured all available records, collaborated with the Public Works department, and completed the Annual Report that had not been filed which was then submitted to DEQ.

The Town received correspondence that the CBPA audit would begin in August 2024. DEQ initiated their review and requested documents from the Town including comprehensive plan components, CBPA maps, and zoning ordinance components. The DCDP secured all requested documents and submitted them to DEQ. The documents that were secured which were not publicly available were also added to the Town website. After this initial document review, the Town hosted DEQ on-site in October 2024 to discuss the document review and the audit process. At this meeting, DEQ requested documents for the next phase of the audit, focusing on construction projects. The DCDP was asked to secure permit documents, design plans, and any other documentation available for five construction projects executed in town in the last 1-3 years. After an extensive record search, five projects were selected. Once selected, the Town requested information from Caroline County related to the five projects as the County executes building permit processes for the Town. According to County staff, the County had recently purged its land-use records, and the records required were in an off-site storage unit. The DCDP and DEQ met with Caroline County staff to discuss the records request. Once received, in December 2024, the town hosted DEQ on-site on December 17th, 2024 to review all documents pertaining to the five projects submitted for review. In January 2025, the DCDP hosted DEQ for field inspections of the five projects submitted. In February 2025, the Town received additional interrogatories from DEQ



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pertaining to agricultural activities in town. The DCDP is searching Town records and collaborating with the Hanover-Caroline Soil & Water Conservation District to obtain the required information. There is no projected completion date for the CBPA audit at this time. One outcome that will come before the Commission at the completion of the audit is an update to the Town's CBPA Ordinance. Revisions to the Comprehensive Plan may also be needed. These items will be brought before the Commission upon receipt of DEQ's final staff report on the programmatic audit.

FISCAL IMPACT:

This is an informational item only.

RECOMMENDATION & DRAFT MOTION:

This is an informational item only.