

Painter, VA Bay Act Locality Report

Painter, Virginia is subject to the [Chesapeake Bay Preservation Act](#) (Bay Act) and must have specific program elements as established under the Bay Act and the accompanying Chesapeake Bay Preservation Area Designation and Management Regulations. The regulations provide the required elements and criteria that local governments must adopt and implement in administering their Bay Act programs. The purpose of the Bay Act program is to protect and improve water quality in local waters and the Chesapeake Bay by requiring the implementation of effective land use and development management practices.

Local Bay Act programs must include:

1. A map generally depicting Chesapeake Bay Preservation Areas (CBPAs).
2. Performance criteria applying in CBPAs that pertain to the use, development, and redevelopment of land.
3. A comprehensive plan that incorporates the protection of CBPAs and quality of state waters in the locality.
4. Zoning or other ordinance that incorporates measures to protect the quality of state waters within CBPAs and requires compliance with the performance criteria.
5. A subdivision ordinance that incorporates measures to protect the quality of state waters in CBPAs and assures that all subdivisions in CBPAs comply with the performance criteria.
6. A plan of development process prior to the issuance of a building permit to assure that the use and development of land in CBPAs is accomplished in a manner that protects the quality of state waters.
7. Publishing on its website the elements and criteria adopted to implement their local plan.

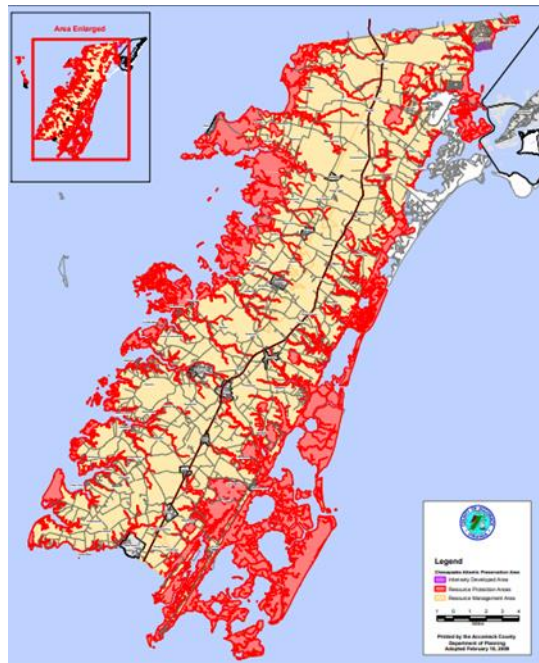
Chesapeake Bay Preservation Areas:

Chesapeake Bay Preservations Areas include Resource Management Areas and Resource Protection Areas. The Resource Protection Area (RPA) includes all tidal wetlands; tidal waters; non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; shorelines; and a one hundred (100) foot vegetated buffer around such features and around all water bodies with perennial flow. The Resource Management Area (RMA) includes those lands contiguous to the inland boundary of the RPA which have a potential for degrading water quality or diminishing the functional value of the RPA, if not properly managed. The RMA within Painter, Virginia has been designated to include land adjacent to and landward of RPAs. The purpose of the RMA is to provide additional water quality protection and to minimize pollution which would impact the RPAs. RMAs include land types that, if improperly

developed, have the potential for causing significant water quality degradation or for diminishing the functional value to RPAs. RMA components include floodplains, non-tidal wetlands not included in the RPA, sensitive soil types, and other lands necessary to protect water quality. In Painter, Virginia all of the land which does not lie within the RPA is classified as an RMA.

In an RMA, any land use which is allowed under the existing zoning ordinance is permitted. All development and redevelopment activities in the RMA must meet the general performance criteria of the Bay Act, which includes preserving natural vegetation, minimizing land disturbance, minimizing impervious cover, and controlling a stormwater runoff. Additionally, Painter, Virginia has identified as an Intensely Developed Area (IDA) which overlies portions of the RPA.

These CBPAs are identified in the Painter, Virginia's adopted CBPA map which can be found here:



Provisions for Activities in Chesapeake Bay Preservation Areas:

Under the Bay Act framework, Painter, VA is responsible for implementing its Bay Act program. Painter, Virginia has adopted ordinance provisions that incorporate the performance criteria required by the Bay Act. Those provisions shall be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the Town of Painter, Virginia and can be found at [Link to Accomack County Codes / Ordinances](#).

As outlined in the ordinance and required by the Bay Act and Regulations, land development disturbance in a Resource Protection Area is limited and the Painter, VA requires:

- a. If an applicant contends that the strict application of this article would result in severe hardship, a request for an exception to the requirements of this overlay district shall be made in writing to the administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of section 106-385.
- b. The board of zoning appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if it is determined that:
 1. Granting the exception will not confer upon the applicant any special privileges that are denied by this article to other property owners in the overlay district.
 2. The exception request is not based upon 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 exception request is the minimum necessary to afford relief.
 4. The exception request will be consistent with the purpose and intent of the overlay district, is not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not substantially detrimental to water quality.
 5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

For an example as part of a site plan review, any proposed development in the RPA is reviewed to ensure it meets applicable requirements, including a site-specific RPA delineation using a DEQ approved protocol and the submission of a Water Quality Impact Assessment which can be found here. [Link to DEQ Water Quality Impact Assessment Manual](#)

The Painter, Virginia Bay Act program is implemented within the Accomack County Department of Planning and Zoning Office which should be contacted as early in the project decision-making process as possible, including application for a building permit, to determine what steps may need to be taken for compliance with the local Bay Act program.

More Information:

Additionally, as required by the Bay Act, water quality and protection provisions have been included in Painter, Virginia's comprehensive plan which can be found here: [Link to Accomack County Comprehensive Plan](#)

You can learn more about the Bay Act and The Virginia Department of Environmental Quality which provides general program oversight and technical assistance to Painter, Virginia.

[Link to Chesapeake Bay Preservation Act Laws](#)

[Link to DEQ Chesapeake Bay Preservation](#)

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