

## **Tangier, VA Bay Act Locality Report**

Tangier, 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. In 1988, the Commonwealth of Virginia enacted the Chesapeake Bay Preservation Act (Bay Act), which provides localities with the framework to protect water quality and environmental features through land use planning techniques. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. The citizens of

Virginia and particularly Tangier are dependent upon the economic benefits derived from the Chesapeake Bay, and the Town recognizes the importance of the Bay Act in maintaining the integrity of state waters and the Chesapeake Bay. The objectives of the Bay Act are to protect the quality of state waters. While point source water pollution regulations are ineffective in dealing with nonpoint source pollution, local land use regulations can reduce water pollution by requiring development setbacks from shorelines, and allowing natural vegetation to prevent erosion and filter stormwater. The Bay Act requires that Chesapeake Bay Preservation Areas be delineated by the Town of Tangier and certain land use criteria be applied to these areas. Chesapeake Bay Preservation Areas are lands "which, if improperly developed, may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries." Development in these preservation areas must meet general performance criteria that are designed to reduce nonpoint source pollution and protect sensitive lands from disturbance. Chesapeake Bay Preservation Areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs).

RPAs are lands at or near the shoreline containing components which have important value to the water quality of the Bay. RPAs include tidal shores, tidal wetlands, nontidal wetlands which are adjacent or connected by surface flow to tidal wetlands or tidal shores, and a 100-foot buffer landward of these features. Most of Tangier is an RPA because of the extensive wetlands and tidal shorelines, as depicted on the U.S. Fish and Wildlife National Wetland Inventory Map. When the 100-foot buffer is delineated adjacent to the inland border of the tidal shore and wetland area, very little of the Town remains outside of the RPA. In land designated as an RPA, only water dependent uses, such as marinas and commercial fishing facilities, can be constructed. Redevelopment of existing uses are also allowed in RPAs, but new development of homes, businesses and related structures are not allowed. However, this will not impose an undue hardship for Tangier because all land suitable for development has already been built upon, and redevelopment is allowed in RPAs.

RMAs include land adjacent to and landward of RPAs. The purpose of the RMA is to provide additional water quality protection and to minimize, pollution impact to 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. All of Tangier is characterized by either floodplains or highly permeable soils. There are also some parts of the Town characterized by hydric soils with a shallow depth to water table. Based on the presence of sensitive land types, all of Tangier that is not designated as an RPA is to be designated as an RMA. The RMA is designated as the upland areas shown on the NWI Map, and includes West Ridge, Main Ridge and Canton Ridge.

In an RMA, any land use which is allowed under the existing zoning ordinance is permitted. Tangier currently does not have a zoning ordinance, but is in the process of developing one. All development and redevelopment activities in an RMA must meet the general performance criteria of the Bay Act, which includes preserving natural vegetation, minimizing land disturbance, minimizing impervious cover, and controlling stormwater runoff.

The Resource Management Area (RMA) include 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 Tangier, Virginia has been designated as RMAs 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 Tangier, 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, Tangier, Virginia has identified as an Intensely Developed Area (IDA) which overlies portions of the RPA.

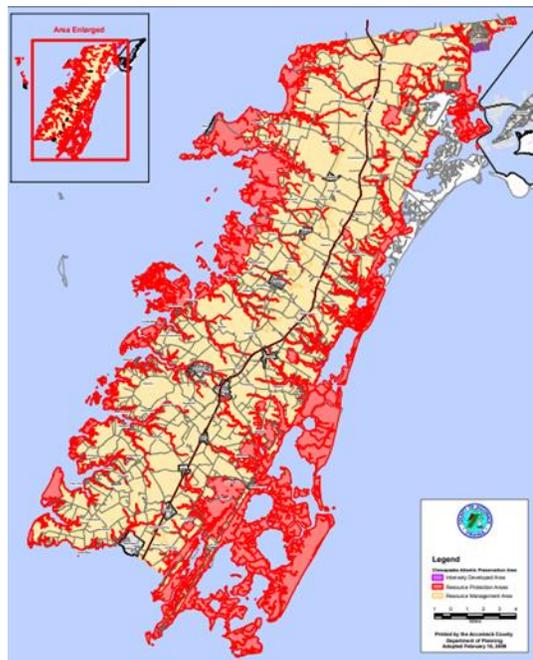
The regulations provide for localities to designate portions of CBPAs as Intensely Developed Areas (IDAs). The IDA is an overlay to the underlying RPA/RMA designation. IDAs are to be designated in areas where development is currently concentrated and where little of the natural environment remains. Generally, IDAs are industrial, heavy commercial or institutional areas, largely devoid of natural vegetation. An IDA is a redevelopment area and the IDA may be exempt from the buffer requirements, although any redevelopment activities would have to comply with Stormwater Management and Erosion and Sediment Control requirements.

The Town has elected to designate an IDA along the existing dock/harbor area along Main Street and Rt. 1307. Because most of Tangier Island is low marshland, only about a half square mile of the island is habitable and residents have been forced to make maximum use of available land. Virtually all development has occurred on the three sand ridges on the island, which are separated by marsh and tidal creeks, and connected by narrow wooden bridges. These ridges are known as Main Ridge, West Ridge and Canton

Ridge. Canton Ridge is the shortest and eastern-most ridge, and is completely residential. Main Ridge, as the name implies, is the longest and most heavily developed ridge. Its land uses include residential, commercial and industrial. West Ridge is primarily residential, but several other types of uses are located at the northern end.

The Bay Act allows the Town to designate portions of the preservation areas as Intensely Developed Areas (IDAs) if they meet certain criteria. In Tangier, the area along the docks should be designated as an IDA. The benefit of an IDA is that it may be exempt from establishing, or maintaining the full 100 ft. buffer area.

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



### Provisions for Activities in Chesapeake Bay Preservation Areas:

Under the Bay Act framework, Tangier, VA is responsible for implementing its Bay Act program. Tangier, 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 Tangier, 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 Tangier, 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.

The Tangier, 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 Tangier, 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 Tangier, Virginia.

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

[Link to DEQ Chesapeake Bay Preservation](#)

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