



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

July 3, 2008

To: All Architects, Attorneys, Builders, Developers, Engineers, and Permit Services
Practicing in Fairfax County

Subject: Depiction of Resource Protection Area Boundaries on Plans of Development

Effective September 1, 2008, Resource Protection Area (RPA) boundary delineation studies will be required for all new site plans, minor site plans, public improvement plans, rough grading plans, preliminary plats, record plats, and subdivision construction plans on which RPAs are depicted on the map of Chesapeake Bay Preservation Areas adopted by the Board of Supervisors. In addition, for infill lot grading plans for new single family homes on which RPAs are depicted on the adopted map, the submitting engineer must certify on the plan that all of the features that comprise the RPA have been reviewed and the RPA boundary depicted on the plan is accurate. A certification also is required for infill lot grading plans proposing additions where the location of the RPA boundary may have an impact on the need for an exception to encroach into the RPA. For proposed developments currently under review (i.e. first submission of any plan or plat related to the proposed development occurred prior to September 1, 2008), the review may continue without a site specific RPA boundary delineation or certification as required above.

Please note that this letter does not supersede any prior determination by the Environmental and Site Review Division (ESRD) that a site specific RPA boundary delineation is required, nor does it restrict any future determination made on a case-by-case basis by ESRD, depending on the proximity of the proposed construction to the RPA boundary, that a site specific RPA boundary delineation is deemed necessary or unnecessary to determine compliance with the Chesapeake Bay Preservation Ordinance (Ordinance), even when first submission occurred prior to September 1, 2008.

Background:

The adopted map displays the general locations of RPA boundaries for planning purposes. It is the burden of the applicant to show the appropriate RPA boundaries, applying the criteria in § 118-1-7 of the Ordinance, on all plans of development submitted for review. Where RPA boundaries on the adopted map differ from boundaries as determined from the text of the Ordinance, the text governs. Under § 118-1-9(c) of the Ordinance, the Director may require the submission of an RPA boundary delineation study from the applicant to determine if the location of the RPA boundary shown on the plan of development is in accordance with the text of the Ordinance. Over-reliance on the adopted map has resulted in several reported cases where the RPA boundaries were inaccurately depicted on development plans and may have led to RPA encroachments. To address this issue, we will begin requiring RPA boundary delineation studies for the types of plans listed above.

**Department of Public Works and Environmental Services
Land Development Services**

12055 Government Center Parkway, Suite 444
Fairfax, VA 22035-5504

Phone: 703-324-1780, 703-324-1980 TTY: 711 Fax: 703-324-3908
www.fairfaxcounty.gov/dpwes



In addition, on infill lot grading plans for new single family homes, the submitting engineer must certify on the plan that all of the features that comprise the RPA have been reviewed and the RPA boundary depicted on the plan is accurate. A certification also will be required for infill lot grading plans proposing additions where the location of the RPA boundary may have an impact on the need for an exception to encroach into the RPA. Please note that sufficient off-site topography to show perennial streams must be provided for all infill lot grading plans so that the accuracy of RPA boundaries may be assessed. A sample copy of the certification statement to be placed on the plan is attached.

For Building Permit applications, where a grading plan is not required, the RPA boundary shown on the associated house location plat may be based on the adopted map.

For rezonings, special exceptions, special permits, and PRC plans, applicants will be required to perform RPA boundary delineation studies upon the request of the Zoning Evaluation Division to avoid future complications arising from inaccurate RPA boundaries on conceptual development plans, final development plans, generalized development plans, special exception plats, special permit plats, and variance plats that will result in associated site and subdivision plans being rejected because of RPA encroachments.

On all plans and plats showing a RPA boundary, the source of the RPA boundary delineation must be listed.

If you have any questions, please contact a stormwater engineer in the Stormwater and Geotechnical Section of the Environmental and Site Review Division at **703-324-1720, TTY 711**.

Sincerely,

James W. Patteson, PE
Director

cc: James P. Zook, Director, Department of Planning and Zoning
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services

RPA Boundary Location Certification

(The following certification statement is to be placed on the plan, signed, and sealed by the licensed professional submitting the plan.)

RPA Boundary Location Certification

The lot depicted on this infill lot grading plan includes an RPA. The locations of all RPA features have been verified in the field.

Checklist of RPA features which are present:

YES NO

(1) A tidal wetland;

(2) A tidal shore;

(3) A water body with perennial flow;

(4) A nontidal wetland connected by surface flow and contiguous to a tidal wetland or water body with perennial flow;

(5) A buffer area as follows:

(i) Any land within a major floodplain;

(ii) Any land within 100 feet of a feature listed in (1) through (4).

Supporting Documents:

Jurisdictional determination or verification letter from the U.S. Army Corps of Engineers for all Waters of the U.S.

I hereby certify that:

Each of the individual features listed above, which together comprise the RPA, have been reviewed and the locations of the features and final RPA boundary shown on the plan are in conformance with the requirements of the Chesapeake Bay Preservation Ordinance.

Signature

Date

Name

Virginia license number