

RPA Policy Committee CY 2018/19 Statements

Policies set by this committee serve as guidance for LDS staff in reviewing cases that fall under the loss of buildable area provision, and guide the development of staff reports for the RPA-Exception Review Committee consideration as they review those cases that fall under re-development provisions.

- **RPA Seaward 50 ft.**

The seaward (inner) 50 feet of the Resource Protection Area (RPA) buffer is more sensitive and more significant for providing water quality benefits and riparian habitat protection than the landward (outer) 50 feet. However, because the Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-7 allows for exceptions to encroach into the seaward 50 feet for lots recorded before the RPA was designated on the lot, for encroachments are permissible provided all exception criteria are satisfied.

- **Development and Re-development Projects**

The recordation date of an existing lot is an important consideration. It is recognized that there are lots with and without existing structures. Development and re-development must meet to conditions: the proposed structure must allow for on-site mitigation and, must address concerns identified in the Water Quality Impact Assessment (WQIA) to the maximum extent practicable.

- **Sheds**

Sheds are accessory structures. They require approval of an exception request under CBPO Section 118-6-8.

- **Fences**

Fences are an accessory use of the land, an appropriate use in the RPA, and are a permitted modification to the buffer area, provided; i) the fence may not impede surface flow; ii) the footprint of fenceposts are minimized to the greatest extent practicable; and iii) vegetation removal for construction and maintenance of the fence is minimized.

- **Water Quality Impact Assessments**

The Director will be issuing additional guidance for Water Quality Impact Assessments (WQIAs). A tiered structure is being developed for WQIAs.

- **Cumulative Effects**

The cumulative effects of encroachment into the RPA are acknowledged. Staff is evaluating this issue across multiple ordinances.

- **Swimming Pools**

Swimming pools are accessory structures that are treated differently from building structures. Their placement within the RPA will require approval of an Exception Request under CBPO Section 118-6-8 approved by the Exception Review Committee (ERC), or Board of Supervisors (BOS) if in conjunction with another BOS approval.