

REQUIREMENTS FOR MINOR ADDITIONS IN RESOURCE PROTECTION AREAS

The attached form is for use by property owners in Fairfax County proposing an encroachment into a Resource Protection Area (RPA) for construction of a minor addition to an existing home that will result in no more than 2,500 sq. ft. of land disturbance.

RPAs are the corridors of environmentally sensitive land that lie alongside or near the shorelines of streams, rivers, and other waterways. In their natural condition, RPAs protect water quality. RPAs filter pollutants out of stormwater runoff, reduce the volume of stormwater runoff, prevent erosion, and perform other important biological and ecological functions. RPAs help to safeguard the quality of our rivers and streams and contribute to the health of the Chesapeake Bay. RPAs were established under the county's Chesapeake Bay Preservation Ordinance which was adopted in response to state regulations. Under the current ordinance, RPAs are required to be designated around all water bodies with perennial flow. Perennial flow means that water flows in the stream or other water body year-round during a year of normal precipitation. It is important to note that RPAs must be designated regardless of the presence of existing uses, encroachments, and prior vegetation clearing. RPAs are identified as 1993 RPAs or 2003 RPAs depending on the time that ordinance provisions first required their designation.

RPAs generally are areas into which development may not encroach. For those lots that have areas of RPA on them, the ordinance provides relief from the full effects of the RPA restrictions through the administrative exception provisions that allow minor additions to be added to existing homes that were constructed prior to adoption of the ordinance. This relief is provided to the current owners of these homes because the regulations were not in effect at the time the homes were built and the original builders did not have the opportunity to plan the location of these homes to avoid future conflicts with the RPA. At the same time, the county is required to ensure that any encroachment is the minimum necessary and that steps are taken to reduce the impacts of the encroachment on water quality. This is accomplished through the submission of a Water Quality Impact Assessment and the pro rata share payment, based on the increase in impervious area, which goes towards the construction of off-site drainage improvements identified in the county's drainage improvement plan.

A minor addition is an addition that has a footprint no larger than 1,000 sq. ft. or 2% of the lot area up to a maximum of 2,500 sq. ft. whichever is greater. The above are cumulative totals for the new impervious area that may be added to the lot under all minor addition exceptions. To be eligible to add a minor addition that encroaches into a 1993 RPA, the home must have been constructed prior to July 1, 1993. To be eligible to add a minor addition that encroaches into a 2003 RPA, the home must have been constructed prior to November 18, 2003. In determining eligibility, the date of construction of the home is the date that the Residential Use Permit (RUP) for the home was issued.

The state regulations on which the county's ordinance is based do not permit patios or detached structures such as detached garages, gazebos, or swimming pools to be treated as minor additions. The construction, in RPAs, of detached structures and additions that do not meet the eligibility requirements is still possible, but would be subject to an exception process requiring a public hearing. In addition, under certain limited circumstances, administrative approval of new decks for existing homes constructed in RPAs under the ordinance's loss of buildable area provisions may be granted.

Use the attached form to apply for an exception to permit construction of a qualifying minor addition to an existing home that will result in no more than 2,500 sq. ft. of land disturbance. It incorporates both an exception request and a Water Quality Impact Assessment. If your proposed addition qualifies as a minor addition but results in a disturbed area greater than 2,500 sq. ft., a grading plan will be required and you will follow a different submission process for your exception request and Water Quality Impact Assessment.

For further information, contact a stormwater engineer in Site Development and Inspections Division (SDID), Herrity Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, telephone: 703- 324-1720, TTY 711.

If you are unsure whether your property contains an RPA, RPA maps may be viewed on the county's website at www.fairfaxcounty.gov/landdevelopment/chesapeake-bay-preservation-ordinance. You will also find additional information on ordinance requirements and the RPA mapping process on this site.

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REQUEST FORM AND WATER QUALITY IMPACT ASSESSMENT FOR
MINOR ADDITIONS**

Building Permit Number: _____ Exception Number: _____

Tax Map Number: _____ District: _____

Owner Name(s): _____

Property Street Address: _____

Disturbed Area - In determining the disturbed area, add a 10-foot perimeter to the footprint of the addition on the sides that do not touch the existing house. Also, include a 10-foot-wide access path from the disturbed area of the addition to the street or driveway.

Proposed Work	Disturbed Area in RPA (sq. ft.)	Disturbed Area Outside of RPA (sq. ft.)	Total Disturbed Area (sq. ft.)
Addition			
Construction Access			
New Drainfield (if required)			
New Utility Connections (if required)			
Totals			

***Is the total of all disturbed areas > 2,500 sq. ft.?**

Yes (STOP – a grading plan is required) No (continue)

Floodplain Information:

Is floodplain present on the property?

Yes No

If Yes; 100' Stream Buffer FEMA Floodplain County Mapped Floodplain

Is a floodplain use determination required?

Yes No

Project Information: (check all boxes that apply)

Attach copy of house location plat showing proposed construction

Description of work (e.g. build deck over existing lawn area; build 2 story additions with garage...)

Resource Protection Area (RPA) boundary and date of house construction (select one below)

1993 RPA 2003 RPA Year Built: _____

House constructed prior to July 1, 1993 (1993 RPA or 2003 RPA) [§118-5-5(a)]

House constructed between July 1, 1993 and November 17, 2003 (2003 RPA) [§118-5-5(b)]

The proposed project is not eligible for a "Minor Additions" exception if:

You are located in a 1993 RPA and your house was constructed after June 30, 1993;

You are located in a 2003 RPA and your house was constructed after November 17, 2003; or

The proposed addition creates a total cumulative impervious area for all minor additions that is greater than the larger of 1,000 sq. ft. or 2% of the lot area (up to a maximum of 2,500 sq. ft.).

Has an exception for a minor addition been granted at any time in the past for this property?

No

Yes, Exception Number / Date: _____

Cumulative impervious area **in RPA** for all for minor addition exceptions < than 1,000 sq. ft. or 2% of lot area up to 2,500 sq. ft.?

Lot Area (sq. ft.) _____ Lot Area (sq. ft.) x 0.02 = _____

Area of new attached deck: sq. ft. _____ Pervious Impervious

[Count as impervious area if water cannot pass through the deck to a pervious surface (e.g. lawn).]

Area of new addition (sq. ft.) = sum all impervious areas:

- _____ Area of new addition
- _____ Area of new attached deck (impervious)
- _____ Area added under prior exception (Exception Number _____)
- _____ Subtotal
- _____ Subtract the area of any existing impervious surfaces to be removed and replaced with pervious surfaces and any existing impervious surfaces over which the new addition or impervious deck is placed (include in description of work)
- _____ **Net cumulative impervious area in RPA**

Is the proposed project eligible for a "Minor Additions" exception?

Yes (continue) No (STOP)

For further information, contact a Stormwater Engineer in Site Development and Inspections Division, Herrity Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, or by phone: 703-324-1720, TTY 711.

Water Quality Impact Assessment:

a) Display the boundaries of the RPA (check one):

RPA boundary shown on house location plat CBPA map attached with lot identified

Other Map (describe) _____

b) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems.

Copy of house location plat showing proposed construction attached?

Yes No

Is any clearing or grading proposed other than removal of existing lawn, patio, or maintained landscaping?

Yes No

If the answer is yes, describe the vegetation to be removed (e.g. number, size, and type of trees or area of woods): _____

c) Provide justification for the proposed encroachment into and/or impacts to the RPA.

Can you reasonably avoid locating the addition in the RPA?

Yes (STOP) No (continue)

If no, briefly describe why it is not practical to locate the proposed encroachment outside of the RPA. (e.g. entire lot located in RPA, house has RPA on all sides, location outside of RPA would not meet minimum yard setbacks, existing utility easements constrain location, etc.) _____

d) Describe the extent and nature of any proposed disturbance or disruption of wetlands. _____

I hereby certify that the information provided above is true and correct to the best of my knowledge and request an exception to the requirements of the Chesapeake Bay Preservation Ordinance under Section 118-5-5, Minor Additions, to be allowed to construct the addition shown on the attached plat/grading plan.

Applicant Name (Print): _____ Owner Contractor Other

Signature: _____ Date: _____

Pro-Rata Share Computation for County Use Only

New Impervious Area: _____ (ft²) / 43,560 ft²/ac. x Rate: _____ (\$ per acre) = \$ _____

(Pro-Rata Share is not required for attached decks constructed over existing maintained areas where rainfall is allowed to pass through the deck and no additional impervious area is created.)

Exception No. _____ § 118-5-5(a) § 118-5-5(b)

[Include exception number and code reference on Building Permit application.]

No review fee required for exception or WQIA

Recommended for approval by:

WQIA Reviewer – SDID (Print Name) (Signature) Date: _____

Approved by: _____ Date: _____

Customer and Technical Support Center