

Chesapeake Bay Preservation Ordinance Revisions

Parks and Recreation Commission

April 8, 2025



ARLINGTON
VIRGINIA

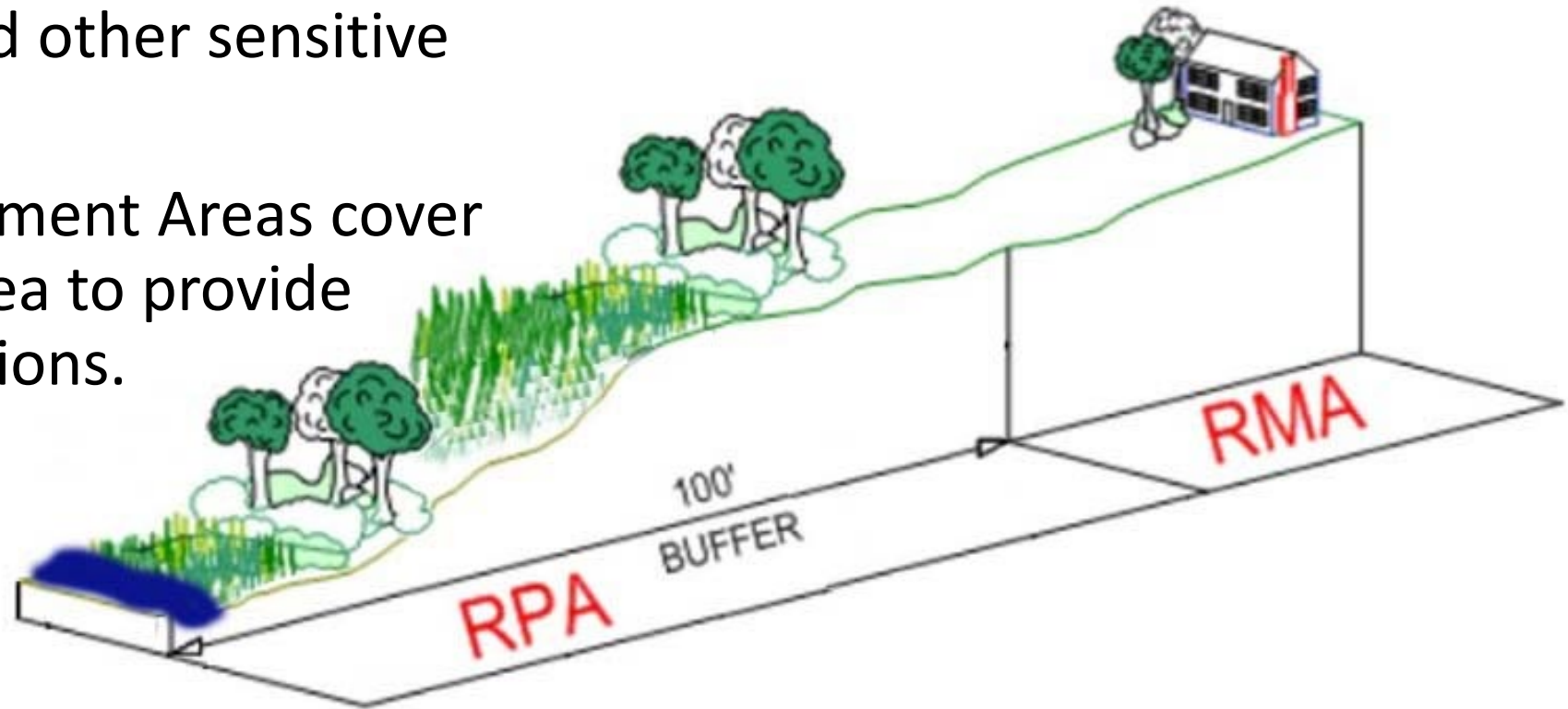
Agenda

- Overview of ordinance changes
- Schedule
- Break for Questions
- Project Examples

Chesapeake Bay Ordinance: Resource Protection Areas (RPAs) and Resource Management Areas (RMAs)

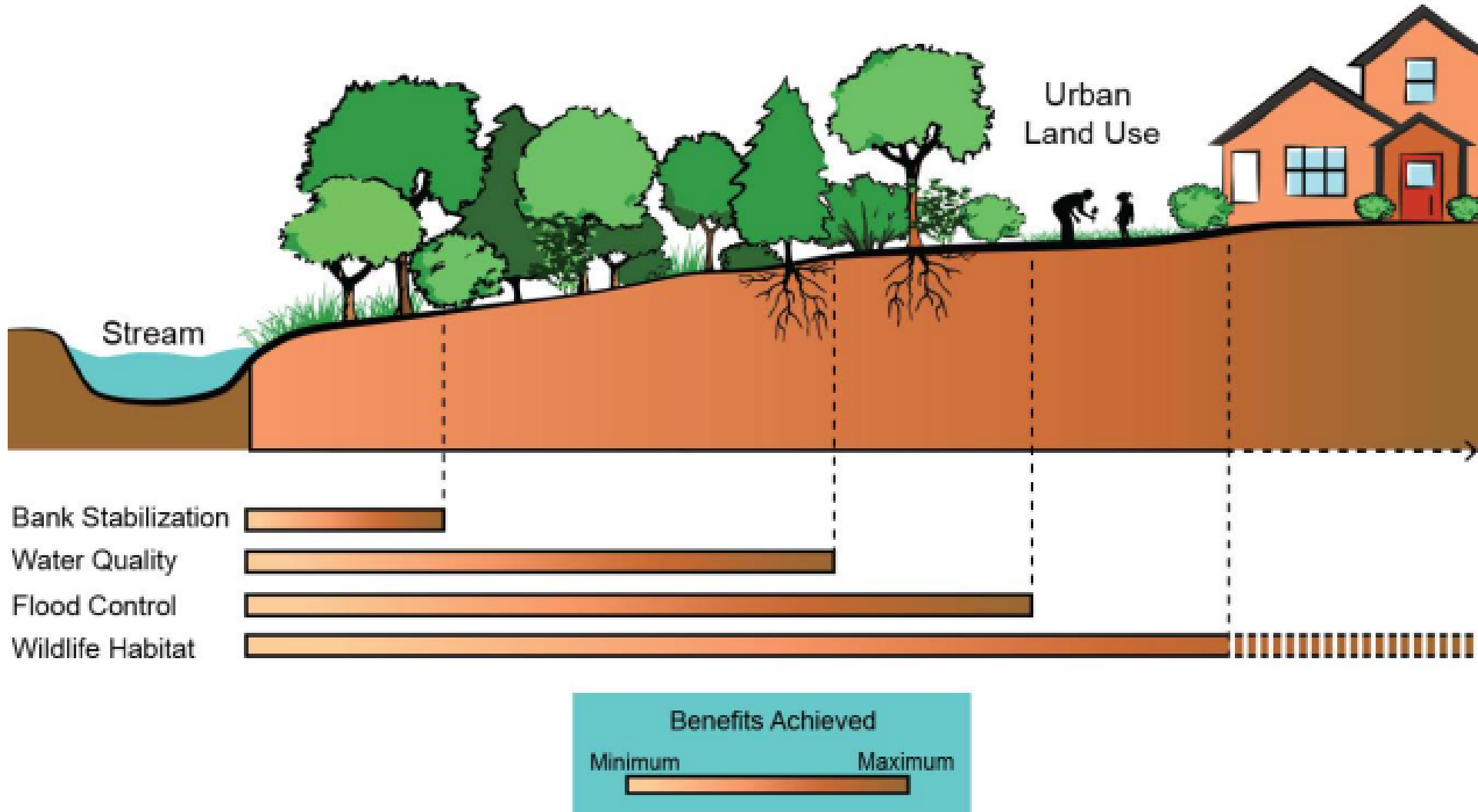
The ordinance defines two types of areas:

- Resource Protection Areas protect stream buffers and other sensitive areas.
- Resource Management Areas cover remaining land area to provide additional protections.



What Do RPAs Do?

The Wider the Buffer the Greater the Benefits



What Needs County Approval?

- Development or redevelopment projects on properties where RPA is present (additions, rebuilds).
- Any project requiring a building or land disturbing activities permit on an RPA property.
- Adding new paved surfaces in the RPA (i.e. patios, walkways, parking/drives)
- Adding new structures in the RPA (sheds, gazebos, garages)
- The removal of vegetation from the RPA
- Fences or retaining walls

An **exception** may be required for some projects. The basic submission for permitting is the **Water Quality Impact Assessment (WQIA)**.

Why is Arlington Updating the Ordinance Now?

- In 2020, The Virginia General Assembly passed a bill to make Chesapeake Bay Act amendments on trees and climate change
- The Soil and Water Conservation Board adopted two amendments to its regulations in 2021 that:
 - Added language that mature trees shall be protected during development in resource protection areas and resource management areas.
 - Require “resilience assessments” for development within resource-protection areas to determine the potential impacts of sea-level rise and increased storm intensity due to climate change.
- Arlington is updating our ordinance to include these required changes

Chesapeake Bay Ordinance Revisions

New ordinance components focus on trees and climate change:

Tree amendments focus on codifying tree protections in Resource Protection Areas

Climate change amendments focus on coastal resilience and adaptation to climate change



Tree Conservation in RPAs and RMAs



Adds definition for mature trees and provides extra protection



Prioritizes trees to be used to re-establish the 100-foot buffer.



Requires native plantings for buffer re-establishment, enhancement or mitigation, or to offset new encroachments in the RPA



Requires pruning or trimming over tree removal and stipulates pruning shall be done in accordance with ANSI A300 standards



Arlington was already doing this by policy, but this will make it required

Mature Tree Definition

- Mature tree - a canopy tree with a diameter at breast height (DBH) of 12 inches or greater
- Understory tree - a DBH of four (4) inches or greater
- Adds requirement that mature trees are protected during development and only removed when necessary for the proposed development.
- Mature trees should be pruned or trimmed, in lieu of removal, when possible.

Dead, dying or diseased trees or noxious vegetation

- Requires written County approval prior to removing a dead, dying or diseased tree. This is current policy, but revised ordinance will include this requirement.
- Requires trees be replaced within 6 months
- Requires review and approval for land disturbance for removing dead trees or noxious vegetation.
- Requires tree replacement when trees are removed to create sight lines, vistas, shoreline erosion control or access paths.

Climate Change Adaptation



A Resilience Assessment is required for any proposed land development within the RPA to evaluate the impacts of climate change from flooding, storm surge or sea-level rise.



The WQIA Application Form has been revised to include questions regarding the Resilience Assessment.



If your property has RPA and is affected by flooding, storm surge or sea level rise, the County may require adaptation measures to limit climate impacts from your project and related impacts to adjoining properties



Climate Resiliency Lookup Tool



🔍 3608 MILITARY RD, ARLINGTON,VA,22207 ✕

📄 Results:3

This property falls within the Climate Resiliency Layers shown below:

— Resource Protection Area 1

Resource Protection Area
Polygons: 146

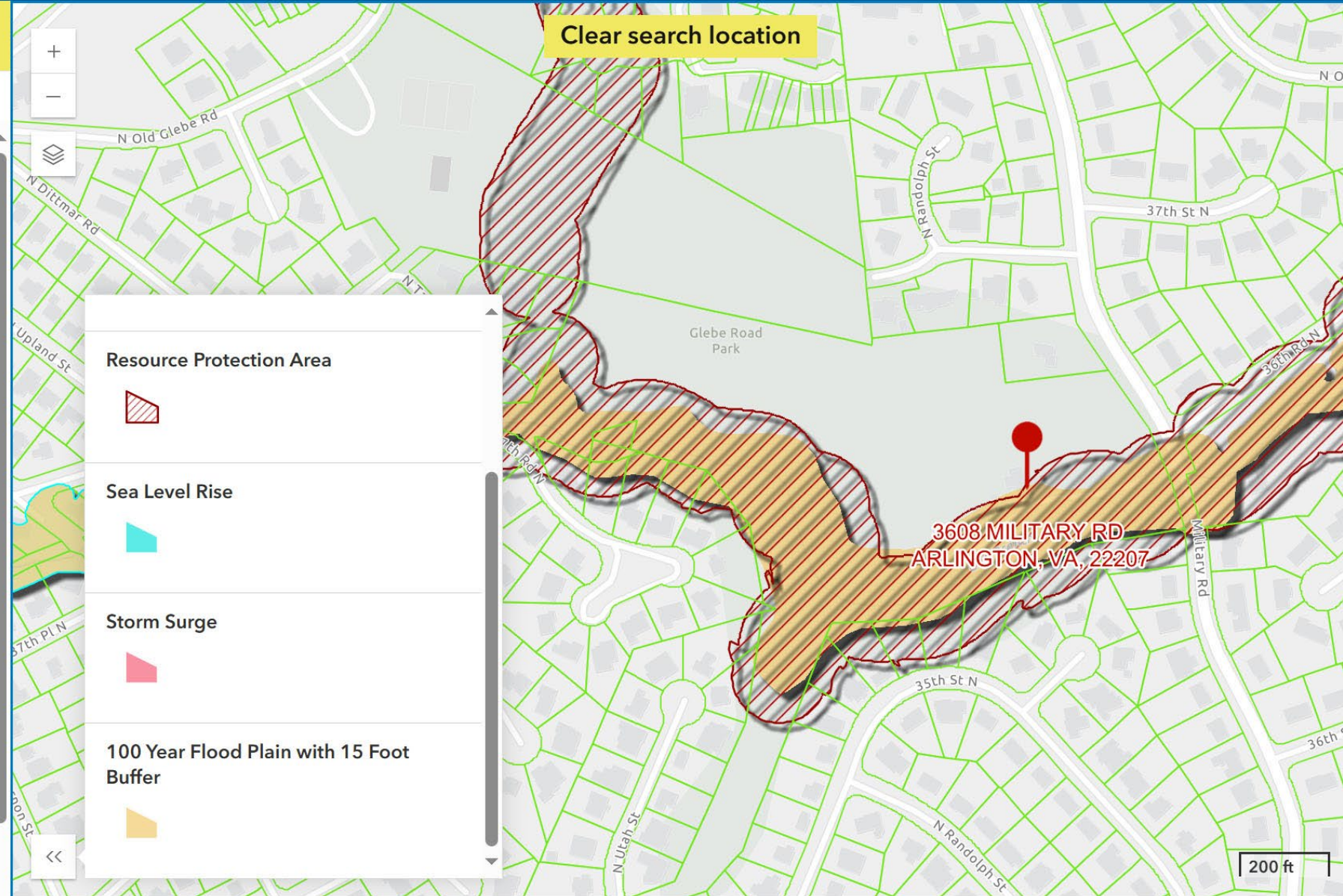


— 100 Year Flood Plain with 15 Foot Buffer 2

Climate Resiliency - Floodplain
100yr 15ft Buffer



Climate Resiliency - Floodplain
100yr 15ft Buffer



Section 4: Resiliency Assessment

Please refer to the interactive [RPAs and Climate Resiliency map](#) to complete this section. Apply a 30-year timeframe.

Completion of additional site-specific Resiliency Assessment (located at Appendix H) is (select all that apply):

- ☐ **Not Required.** The property is not subject to any potential impacts identified in the RPAs and Climate Resiliency map.
- ☐ **Not Required.** The project is exempt from the requirements of Arlington County Code Chapter 61.
- ☐ **Required.** The property is within 15 feet (measured landward horizontally) of a Special Flood Hazard Area. This project must demonstrate compliance with the County's Floodplain Management requirements (Chapter 48 Arlington County Code).
- ☐ **Required.** Potential impacts to the project site were identified via the RPAs and Climate Resiliency map.

Section 5: Plan and Water Quality Narrative

Applications that do not include a plat or plan AND a narrative will be required to resubmit.

Please provide the required minor WQIA information ([§ 61-12](#)) at a minimum:

- ☐ A plat or plan depicting the existing and proposed condition on the parcel(s). Include 1) the delineated RPA boundary, 2) areas of existing and proposed impervious cover; 3) RPA encroachment measurements 4) the location of existing trees 5) other existing and proposed land covers including vegetation areas/turf, and 6) identify and quantify provided mitigation, including planting and invasive plant control areas. See the [RPA template for LDA submissions](#) and [sample plat for non-LDA projects](#) and [Stormwater Guidance Manual Sections 4.6 and 4.7](#) for additional guidance.

Nature-Based Adaptation Measures

- A project, practice, or approach to mitigate or address coastal impacts from sea-level rise, storm surge, and flooding, including increased or recurrent flooding.
- New “Allowed Use” in RPA, subject to criteria
- Adaptation measures must be selected from lists of BMPS approved by official sources (Ches Bay Program, VA Stormwater Management Handbook, etc.)
- Could be for climate-related impact mitigation or on a voluntary basis
- Maximize preservation of existing natural vegetation
- Comply with all federal, state and local requirements
- County has discretion to approve on a case by case basis



Living Shorelines for Shoreline Erosion Control

- Clarifies requirement to be consistent with Virginia's Wetland Act and VA Marine Resources Commission (VMRC) Tidal Wetlands Guidelines
- Identifies requirement for VMRC permitting for hard and nature-based shoreline stabilization
- Prioritizes living shorelines for stabilizing tidal shorelines over hard (seawalls, riprap, groins etc.) measures and requires hard stabilization projects to incorporate living shorelines to the extent practicable.
- Arlington requires a WQIA for Living Shoreline projects unless otherwise approved by the Director

Schedule

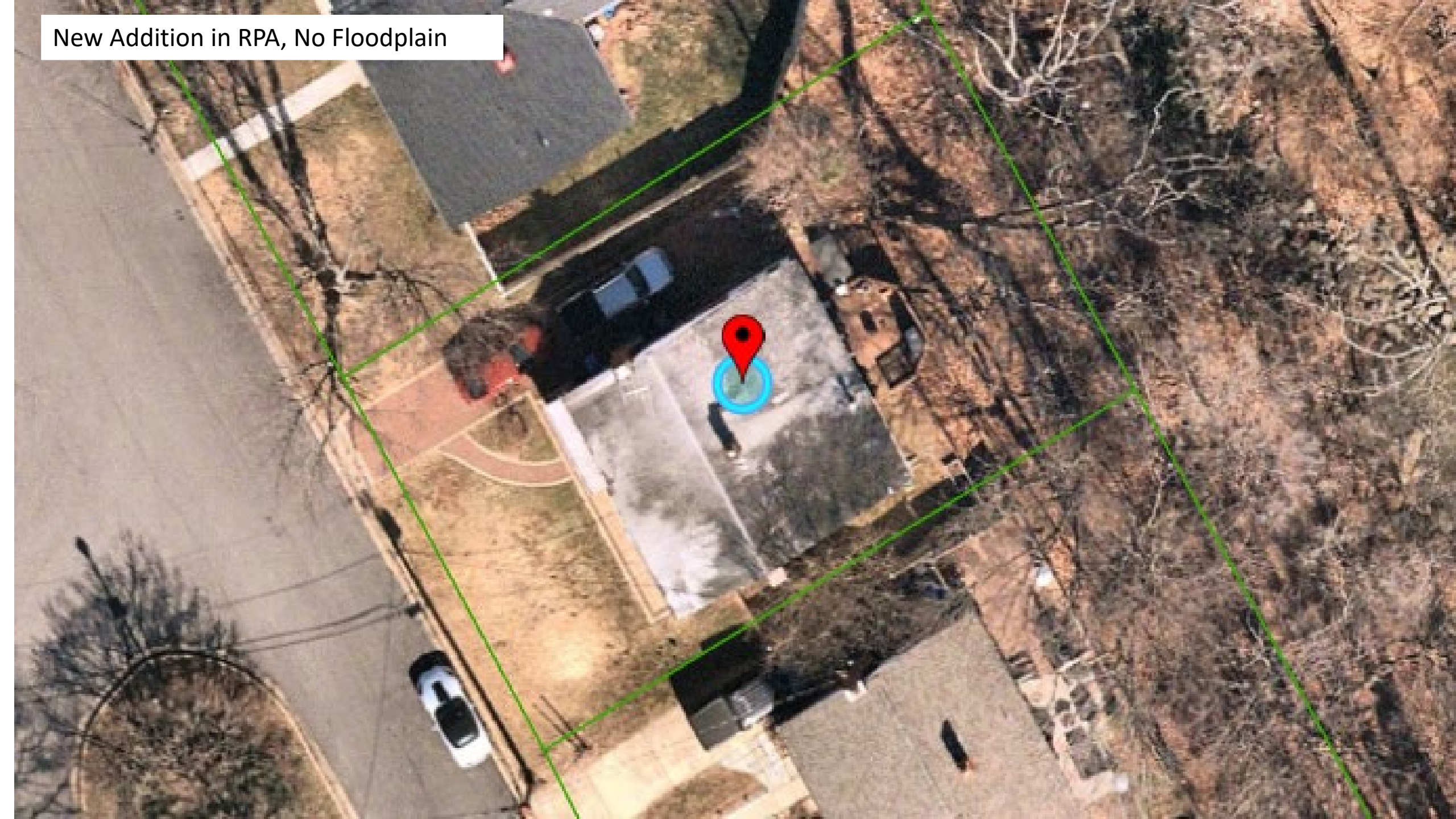
- February - Letter to property owners, informational video available online
- March 20 – Virtual Meeting
- March/April – Commission presentations, Development community outreach
- May – Follow up letter to property owners
- May – Request to advertise Planning Commission/County Board
- June – County Board Consideration of Revised Ordinance
- September – Deadline for amendments to be adopted
- Fall – Information sessions for property owners

Break for Questions

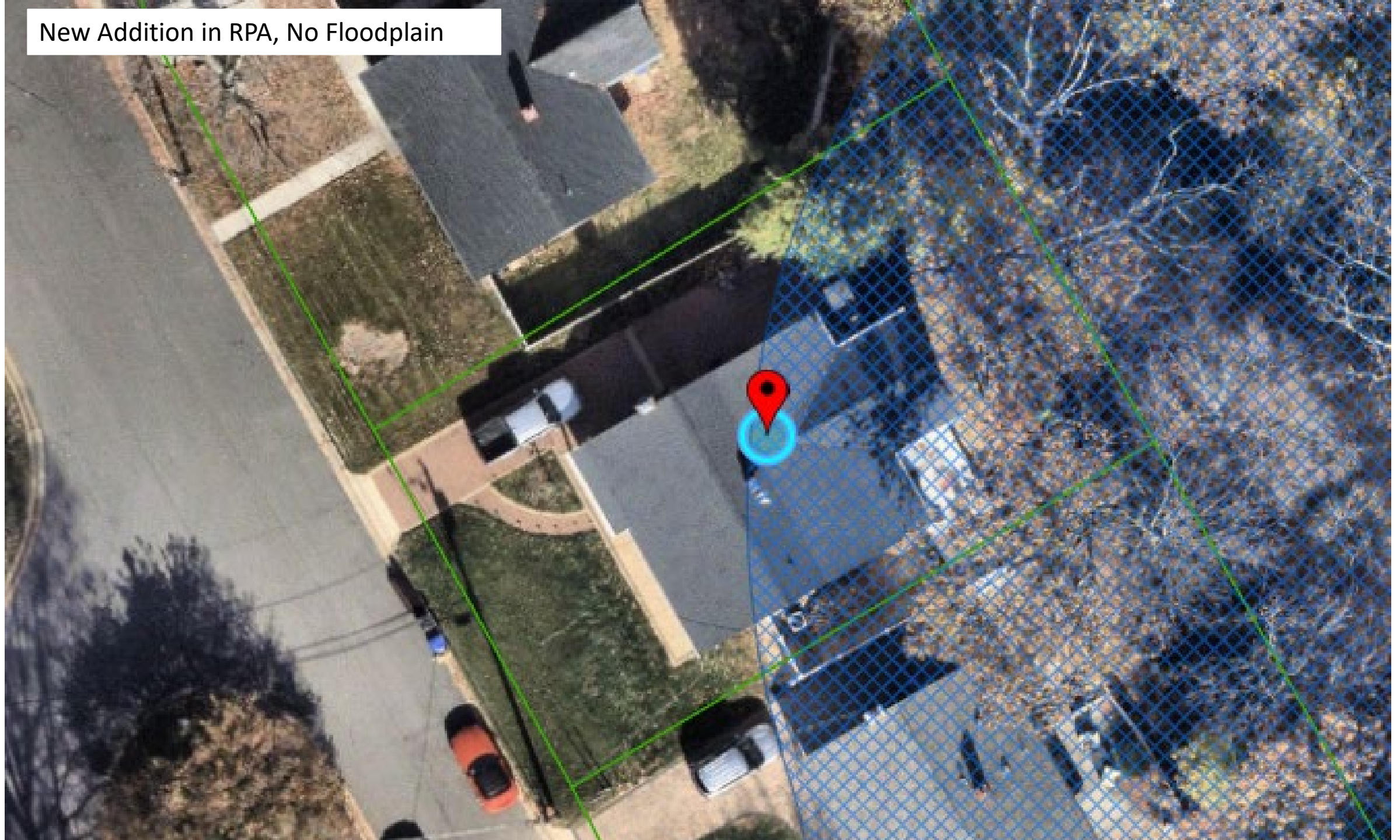


Project Examples

New Addition in RPA, No Floodplain



New Addition in RPA, No Floodplain



New Addition in RPA, no Floodplain

Existing RPA Requirements	New Climate Change/Trees Amendment
Administrative Exception	Administrative Exception
Plat, WQIA + Exception Request	Plat, WQIA +Exception Request
	Buffer restoration = 2x new RPA impervious footprint + 1x any additional RPA disturbance Due to lack of space would likely require this as enhancement of existing forested area
Invasive Plant Management	Invasive Plant Management

New Addition in RPA & 100 Yr Floodplain



New Addition in RPA & 100 Yr Floodplain



New Addition in RPA & 100 Yr Floodplain



on in RPA & 100 Yr Floodplain

The site plan for LOT 8-B (1.334 ACRES) shows the following details:

- Property Boundaries:** North boundary is 32.27° 101' W. East boundary is 17.52.3°. South boundary is 101° 55' 10". West boundary is 12.58.30° W.
- Setbacks:**
 - Front Setback: 25.0'
 - Side Setback: 22.0'
 - Front Setback: 25.0'
- Drainage and Floodplain:**
 - 4" DRAINAGE ESMT (DB 174.1, PG 494)
 - 10' ESMT FOR PUBLIC STREET & UTILITIES
 - APPROX LOCATION OF WATER MAIN
 - 18" SAN SEW MAIN 141.49' @ 0.49%
 - 15" SAN SEW MAIN 156.75' @ 1.9%
 - FLOOD PLAIN LINE ESTABLISHED PER LETTER OF MAP REVISION DATED JANUARY 7, 2009
- Structures and Features:**
 - EXISTING HOME: 2,200 SF
 - EXISTING GARAGE: 477 SF
 - ADDITION OVER EXISTING PATIO: 302 SF
 - ADDITION OVER EXISTING PATIO: 389 SF
 - FRONT HOME/GARAGE ADDITION: 522 SF
 - NEW DRIVEWAY: 406 SF
 - CELLAR DOORS
 - STP/STEPS
 - 1.7' BRK RET WALL
 - AC'S
 - 36" TREE
 - 28" TREE
 - 24" TREE
 - 18" TREE
 - 15" TREE
 - 12" TREE
 - 8" TREE
 - 6" TREE
 - 4" TREE
 - 3" TREE
 - 2" TREE
 - 1" TREE
 - 0.5" TREE
 - 0.25" TREE
 - 0.125" TREE
 - 0.0625" TREE
 - 0.03125" TREE
 - 0.015625" TREE
 - 0.0078125" TREE
 - 0.00390625" TREE
 - 0.001953125" TREE
 - 0.0009765625" TREE
 - 0.00048828125" TREE
 - 0.000244140625" TREE
 - 0.0001220703125" TREE
 - 0.00006103515625" TREE
 - 0.000030517578125" TREE
 - 0.0000152587890625" TREE
 - 0.00000762939453125" TREE
 - 0.000003814697265625" TREE
 - 0.0000019073486328125" TREE
 - 0.00000095367431640625" TREE
 - 0.000000476837158203125" TREE
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New Addition in RPA & Floodplain

Existing RPA Requirements	New Climate Change/Trees Amendment
Administrative Exception	Administrative Exception
Plan, WQIA + Exception Request	Plan, WQIA +Exception Request
	Resiliency Assessment (Appendix H)
Tree replacement – 1 tree	Tree replacement – 1 tree
	Buffer restoration = 2x new RPA impervious footprint + 1x any additional RPA disturbance
Invasive Plant Management	Invasive Plant Management
Separate floodplain review	Floodplain review/approval required for RPA approval
	Conditions/alterations/adaptation measures could be required to reduce flood risk including to adjacent properties

Questions?