

LOUDOUN COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE DISCUSSION POINTS

1. Accessory Structures

- a. Allow, as an exempt use in §1222.11, one accessory structure up to 150 square feet in size in the RPA per lot;
- b. Include accessory structures in the allowance for adding up to 2,500 square feet of impervious area to existing uses in the RPA [see §1222.20(a)(i)] by modifying §1222.20(c) so as to only require an RPA exception (versus an RPA waiver, which is administrative) for when the cumulative impervious area increases after the adoption date exceeds 2,500 square feet.

2. Erosion and Sediment Control Plans

Modify §1222.09 so as to:

- a. Keep the threshold for such requirements at 10,000 square feet in agricultural zones; and
- b. Reduce to 2,500 square feet in all other zoning categories.

3. RPA Definition and Mapping [§1222.05(s), §1222.08, §1222.08(b)]

- a. In order to reduce angst and landowner mapping costs, change the RPA definition to:
 1. Any stream with a drainage area (DA) greater than X acres. You can debate if this number (X) should be between 35 and 50 acres (which are approximately the DAs that correspond to the 75% quartile of perennial stream DAs and the median DA).
 2. A 100-foot buffer from the stream's edge (i.e., Ordinary High Water Mark [OHWM]) that meets the drainage area criteria above.
- b. This –
 1. Allows County GIS to easily make a relatively accurate map that the public can rely upon.
 2. Protects the majority of the streams and buffers covered by the currently proposed RPA definition.
 3. Allows field determinations of the RPA to be accomplished at a very low cost (just needs edge of stream's OHWM or top of bank to be located).
 4. Eliminates lots of angst.

5. Minimizes staffing requirements.
6. Is opposed vigorously by staff because it does not cover all perennial streams.

4. Fertilizer

- a. Support legislation with a BOS resolution that would regulate lawn fertilizers in urban areas.
 1. The use of no-phosphorus and slow-release nitrogen lawn fertilizers can reduce TP loading to stormwater by 25% to 50% and TN loading by 10% to 20%. The cost to implement such measures for residential applications is estimated to be less than \$10 per year for a typical quarter-acre subdivision lot (assuming 5,000 sq. ft. of managed turf per lot).

5. Grandfathering

(Referring to CBPO Draft Grandfathering Policy – Fifth Working Paper, dated April 28, 2010)

- a. The requirement in Sections 7(a) and 7(b) to comply to the “Greatest Extent Possible” should be changed to the “Extent Practicable.”
- b. Add to Section 7(b):
 - “(iv) a change in housing type or significant change in lot size,
 - (v) a change in the type of use (i.e., surface parking to structured, one-story building to multi-story), or
 - (vi) a substantial modification to the land plan if said plan was proffered.”

6. Agricultural Buffers

- a. Actively fund programs to protect streams and wetlands in agricultural areas (current Federal funding is not enough) to:
 1. Fence out cattle from streams, springs, and wetlands with ideally 100 feet or more buffers and purchase perpetual easements on such areas;
 2. Install water systems for cattle in conjunction with such fencing; and
 3. Reforest these buffers with native herbaceous, shrubs, and trees.