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What is the Resource Protection Area (RPA) ?

The RPA is an area designated to create a buffer for environmentally sensitive areas that provide critical ecosystem functions and protect the health of streams and other waterbodies. These buffers also help reduce flood and erosion risks to structures. The County has responsibility from the Commonwealth of Virginia to designate and protect RPAs within Arlington. The [Chesapeake Bay Preservation Ordinance \(Chapter 61\)](#) establishes RPAs in Arlington, as required by State law (Chesapeake Bay Preservation Act).

The County reviews plans for impacts to waterbodies and buffer areas during development and promotes practices to protect and improve these sensitive habitats.

How do I find out if my property is in the RPA?

Use the [County's map](#) as a starting point. The RPA map is available from the Environmental Layers in the Layers drop down menu. For projects requiring a [Land Disturbing Activities permit](#), the RPA extent must be surveyed, to accurately map the RPA extent.

Can you develop in the RPA?

Before any disturbance in an RPA, a review by the County for RPA impacts must occur during the permit process and some proposals for expansion or rebuild could require an Exception Request. The RPA permit approval and exception processes typically result in a negotiated solution that benefits water quality and allows the property owner to move forward with their desired property use.

What activities require an RPA review?

Any development or redevelopment projects on properties where RPA is present requires an RPA review. Any project requiring a building or [land disturbing activities permit](#) on an RPA property also requires an RPA review.

Types of projects that require review include:

- Fences or retaining walls
- Adding new paved surfaces in the RPA
- The removal of trees with a diameter > 3 inches in the RPA

Can you put a shed or a small building in the RPA?

Small detached structures such as sheds or gazebos that are 100 square feet or less that will be constructed in existing areas of lawn (no trees will be removed) can be approved by staff. The property owner or their contractor will be asked to fill out the Water Quality Impact Assessment form and provide a map showing where the work will be completed so the project can be reviewed and approved.

Can you tear down an existing house and build a new house in the RPA? Can the house extend further into the RPA?

Projects such as building a new home require review and approval and an exception may be required. The property owner or their representative would fill out a form with information on their project and include it with the civil engineering plans typically necessary for permitting larger projects. A site-specific RPA survey is also necessary for projects that will be obtaining a

land-disturbing activities (LDA) permit. Mitigation, such as additional plantings or stormwater management, may be requested for tear down projects, particularly for projects that add new impervious cover in the RPA or that extend further into the RPA.

What activities do not require an RPA review/exception request?

An RPA permit is not required for:

- Repairs, home gardening and maintenance work;
- Removal of dead, dying or hazardous trees/shrubs;
- Removal non-native invasive or noxious vegetation

Permit Process

What is the RPA permitting process?

The presence of RPA on a parcel may be identified by the property owner or permit applicant prior to submitting an application to the County. It is the responsibility of the property owner or permit applicant to provide information about the location of the RPA on the property and to identify proposed impacts to the RPA through completion of the Water Quality Impact Assessment.

Impacts fall into three general categories: trees/vegetation; erosion and runoff and can occur during construction or after construction. Most RPA permit reviews are completed by staff concurrent with other required permit reviews for the project.

Some development proposals may require an exception from the [Chesapeake Bay Ordinance Review Committee](#) depending on the impact within the RPA. If RPA impacts are identified, mitigation for those impacts will be required to be incorporated into the development plan.

When is an exception required?

An exception is required to:

- increase impervious cover (rooftop, pavement, etc.) in the RPA
- to build closer to a stream or wetland,
- to remove healthy trees greater than 3 inches in diameter in the Resource Protection Area.

The Chesapeake Bay Preservation Ordinance Review Committee (CBORC) hears exceptions for new development in the Resource Protection Area including:

- New detached buildings including garages, art studios and large sheds;
- New retaining walls greater than 4 feet in height,
- New swimming pools

- New patios
- New additions when the existing home is not in the RPA
- Teardown and rebuild proposals that require an exception
- New homes/buildings on vacant lots platted prior to 2002 proposed within 50 feet of the protected stream or wetland.

Exceptions that don't fall into these categories are typically approvable by staff.

What types of mitigation are used to reduce the impact of development?

Typical types of mitigation requested through the RPA process are:

- Tree replacement or protection
- Invasive plant removal/control
- Planting of native shrubs, fern and groundcovers
- Additional stormwater management measures
- Additional erosion control measures during construction

Re-configuration of the development plan to reduce impervious cover, limiting disturbance or protecting trees within the RPA may also be required. In general, development plans on properties with RPAs should result in enhancement of the Resource Protection Area buffer.

Who does the reviews for projects?

The review for a project in the RPA depends on the type of project and the proposed RPA impacts. Most projects are reviewed by staff. Others may require an exception from the [Chesapeake Bay Ordinance Review Committee](#), composed of representatives from Arlington's development and environmental communities. This committee meets as needed throughout the year to review projects.

If you are doing a project that is on your property, but outside the RPA, is there still a review?

Yes, even if the project is outside the RPA area on your property, the project is reviewed to ensure that it will not negatively impact the RPA or water quality.

Is the Water Quality Impact Assessment form available online?

Yes. <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/21/2013/12/Water-Quality-Impact-Assessment-Data-Sheet-and-Exception-Request.pdf>

What is the review time for RPA projects?

The review time for small projects (disturbing <2500 sq ft) , is 3-5 days. For a larger project the RPA review will take place as part of the overall permitting for the project, and varies depending on the complexity of the project.

How is the RPA measured?

The RPA is 100 feet in width. It is measured from the edge of the wetland area or the top of the stream bank or the ordinary high water mark in streams. The ordinary high water mark is made within the channel of perennial streams by continuous flow. Specific training is typically required to identify it accurately.

Is there a fee for the review?

For larger projects that require a land disturbing activities (LDA) permit, there is a fee for the RPA review as part of the permitting process. The fee for single family home projects is \$525.

My existing house is already in an RPA. Can I make improvements?

If the RPA on your property is already impacted, because your home is already within the RPA or the area is already lawn, County staff take that into account with the review. Follow the application process for and submit a Water Quality Impact Assessment form and explain the mitigations measures planned.

If we need to replace or repair an existing retaining wall, can we do that?

Yes, you can repair or replace an existing retaining wall in the RPA. The project will require review and approval. Property owners would be asked to fill out a form with information on their project and provide a map showing where the work will be completed. You may also need a building permit for the retaining wall, depending on how tall it is. If the project expands or modifies an existing retaining wall or installs a new retaining wall in the RPA, the project could require an exception.

Can I meet with County staff before submitting a permit?

Yes, County staff are available to consult with you about any projects or development activities you are considering and how having RPA on your property could affect those plans. Bring a copy of plat, RPA boundary, planned improvement, tree impact and plan for mitigation to inform staff about your approach. Meetings are typically scheduled between M-F 10am – 4pm.

What are the steps to follow for an RPA review?

1. Check the location of the RPA on your site – Check map on <https://maps.arlingtonva.us/>
2. Assess the impact of the project on RPA. Determine the square footage of land disturbance and impact.
3. For projects requiring a [Land Disturbing Activities permit](#), the RPA extent must be surveyed, to accurately map the RPA extent.

4. Determine the measures to minimize impact in RPA.
5. Fill out the Water quality impact assessment data sheet
6. Submit a plan showing the RPA zone and the impact in RPA, including before and after impact amount of impervious cover, and encroachment distance to the RPA feature.
7. Review comments from Arlington County and determine next steps
8. In addition to RPA, there will be LDA review conducted on sites that are greater than 2500 sq ft.
9. If the area of disturbance for the project is less than 2500 square feet, but greater than 2000 square feet the limits of the area of disturbance must be physically demarcated on the site and certified by a licensed professional engineer, surveyor, or architect and submitted to the permit office.