



DATE: February 28, 2020
TO: All Architects, Builders, Contractors, Developers, Engineers, Surveyors, and Property Owners
FROM: Greg Emanuel, Director, Department of Environmental Services (DES)
SUBJECT: Policy for Counting Previous Impervious Cover Removal as Existing Conditions for Land Disturbing Activity Regulated Under Chapter 60 (Stormwater Management Ordinance)
Supersedes January 17, 2020 Notice to clarify applicability to impervious cover removal within Resource Protection Areas regulated under Chapter 61 (Chesapeake Bay Preservation Ordinance)

EFFECTIVE DATE: Immediately.

PURPOSE

Removal of impervious surfaces has direct and immediate stormwater runoff reduction benefits for the Arlington community. This policy is intended to minimize disincentives for removing impervious surfaces from properties due to concerns about increased stormwater management regulatory compliance burdens in the future when the property re-develops.

POLICY

Impervious cover removed from a property prior to LDA permit application can be counted as part of the existing land cover conditions as follows:

1. If no LDA or other demolition permit was obtained for the removal, the impervious cover removed may be counted for up to five (5) years from the date of removal if acceptable, time-referenced documentation is provided to the Director. Examples of acceptable documentation may include but are not limited to photographs (aerial and ground-based) and contractor invoices.

The Director will determine whether the documentation verifies the timing and amount of removal and, if so, the credit provided will be the verifiable surface area of impervious cover removed.

After five (5) years, the credit provided will be 50 percent of the verifiable surface area removed, with no credit provided after 10 years.

2. If an LDA or other demolition permit was obtained for the removal of the impervious cover, the surface area of impervious cover removal documented with the permit information may be counted as follows:

All projects except County projects

Time from date of removal permit issuance to date of LDA permit application	Pro-rated impervious cover removal credit
0 - 5 years	100% credit
>5 - 10 years	75% credit
>10 - 15 years	50% credit
>15 - 20 years	25% credit
>20 years	0% credit

County projects

Because of the long planning, civic engagement, and funding timelines associated with County projects, including the 10-year planning horizon for the Capital Improvement Plan, full (100%) credit for impervious cover removal will be provided for 10 years from the date that permit(s) were issued for the impervious cover removal.

Following the end of the 10-year full credit period, the pro-rated crediting is the same as for other projects:

Time from date of removal permit issuance to date of LDA permit application	Pro-rated impervious cover removal credit
0 – 10 years	100% credit
>10 - 15 years	50% credit
>15 - 20 years	25% credit
>20 years	0% credit

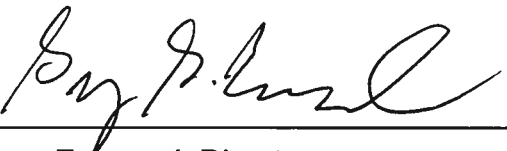
3. For impervious cover removal within Resource Protection Areas (RPAs) regulated under Chapter 61 (Chesapeake Bay Preservation Ordinance), the following policies govern:

A. Determination of 'allowable redevelopment' under 61-7.A.2:

Redevelopment outside of locally designated Intensely Developed Areas designated by the County shall be permitted only if there is no increase in the amount of impervious cover within the RPA and there is no further encroachment within the RPA....

Any impervious cover removed from a site within the preceding (2) years may be counted as impervious cover for the pre-development condition, if a valid demolition permit was obtained for the project or other time-referenced documentation, as set forth in 1. above, is provided that is acceptable to the Director.

B. Determination of existing impervious cover for calculating compliance with the stormwater management requirements of Chapter 60: The policies outlined under 1. and 2. above govern, as applicable.



Greg Emanuel, Director

Department of Environmental Services