

Chesapeake Bay Preservation Ordinance Fact Sheet: The What, the Why, and the How

What's the Chesapeake Bay Preservation Ordinance?

The Ordinance is an effective tool we can use to protect the quality and quantity of water available to Loudoun county citizens, and to protect the ecological health of our streams and the wildlife that live there. The Ordinance requires landowners to maintain a vegetative zone around perennial streams that flow year round. This vegetative zone is called a "***Riparian Buffer***".

While the Ordinance is called the "Chesapeake Bay Preservation Ordinance", the primary beneficiaries of this Ordinance are the citizens of Loudoun. It helps protect our streams, provides for our drinking water, preserves our wildlife, and provides recreation for us.

Why Should Loudoun Implement the Ordinance?

We should implement this Ordinance because:

- It is needed now. Recent testing shows that 78% of our streams have pollution problems. Protecting riparian buffers helps prevent new health troubles for streams. It is cheaper to avoid pollution than to clean it up.
- It effectively and efficiently implements riparian buffers
- It is thoroughly tested law. The Virginia General Assembly enacted it in 1988 and it's already being used by 84 other Virginia communities like Fairfax and Prince William counties.
- Riparian buffers increase land value. Trees add privacy and provide places to cool off and recharge.
- We're losing places to have fun. Who wants their children to swim or wade around in a polluted stream?
- Each year it costs us more to treat our water to make it safe to drink.
- Forested riparian buffers help reduce the flooding from heavy rains.

- Currently there are no laws that prohibit developers from clear-cutting trees next to streams.

How Do Riparian Buffers Work?

Riparian buffers consist of a strip of tall grass, bushes and trees that line either side of our streams. This vegetation slows floodwaters and keeps the soil permeable, allowing for gradual release instead of immediately rushing into the streams and scouring the stream banks and increasing erosion. The grasses filter out silt, and all of the plants consume surplus fertilizer before it chokes the stream with algae and starves the stream of oxygen.

Are Riparian Buffers Scientifically Proven To Work?

Riparian buffers have been in use for decades in nearly all parts of the country. There are dozens of peer-reviewed studies, published in science journals and distributed by state agencies that demonstrate beyond any doubt that riparian buffers effectively reduce stream silting, nutrient contamination and absorb storm-water runoff to reduce flooding.

See for yourself! Google these keywords: "riparian buffer effectiveness" and see what comes up.

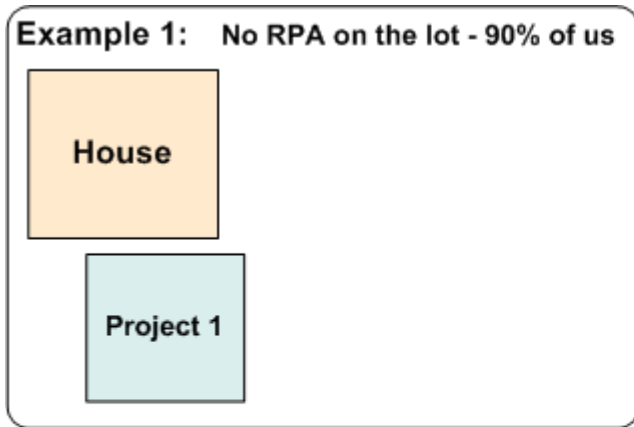
How Is the Ordinance Working in Other Communities?

Fairfax and Prince William Counties began implementing the Ordinance in the early 1990's. It has not required any significant additions to staff, and they do not report any difficulty in administering the Ordinance. The Ordinance is robust and reliable; there have been no successful legal challenges to its validity or applicability.

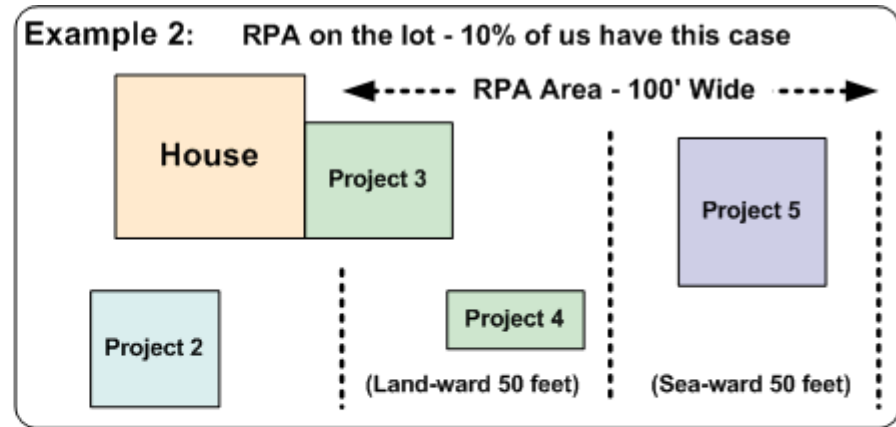
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How does the Ordinance Affect Homeowners?

90% of Loudoun’s homeowners are not affected at all because they’re not near a stream. The remaining 10% may need to modestly adapt their project to minimize adverse impacts to their riparian buffer. “Adapt” means move it around a little, or plant some trees or bushes. The Ordinance is carefully written to give the homeowner lots of ways to get the project done while still protecting the buffer. This picture shows how it works.



Project 1: There's no RPA on the lot, so the Chesapeake Bay Preservation Ordinance doesn't apply. It's business-as-usual.



Project 2: Located outside the 100' RPA, it only needs a **locational clearance** and your hand-sketch. County administrative cost is \$15.

Project 3: Projects attached to your home, but inside the RPA need a **waiver**.

Project 4 and 5: Un-attached projects inside the RPA will need an **exception**.

What's "RPA"	RPA is "Resource Protection Area". That's the 100-foot-wide strip of land on either side of a stream that runs year-round.
What's a "Project"?	A Project is your typical deck, patio, pool, garden shed etc. that has a footprint of less than 2500 square feet. Your <i>house</i> probably has a footprint of less than 2500 square feet. A fence or swing-set is exempt if no trees are cut.
What's a "Locational Clearance"?	A Locational Clearance is a map of your lot upon which you hand-sketch your project site. It is submitted with your zoning permit. For projects outside the RPA, it's the only extra work required to comply with the Ordinance.
What's a "Waiver"?	A Waiver is permission to locate your project inside the riparian buffer. You submit your own drawing of the project when you get your building permit, and the county helps you structure your project for minimal impact.
What's an "Exception"?	An Exception is a way for the County to grant permission for a project that hurts the riparian buffer. This "escape hatch" is available to insure that the Ordinance doesn't severely curtail your property rights.