Zoning Ordinance Text Amendment ZOTA #25-06 – Chesapeake Bay Preservation Area Overlay Updates

Town Council Public Hearing

April 28, 2026

Aaron Zoellick – Zoning Services Specialist

Background

April 2020 – the General Assembly amended Va. Code 62.1-44.15:72 to require the Virginia Department of Environmental Quality (DEQ) to adopt regulations for the preservation of mature trees or planting of trees as a water quality protection tool, and for the implementation of resiliency and adaptation measures within the Resource Protection Area (RPA)

September 2021 – DEQ adopted a new section of the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC25-830-155)

October 2025 – DEQ issued Guidance Memo 25-2004

December 2025 – Herndon Town Council initiated ZOTA #25-06



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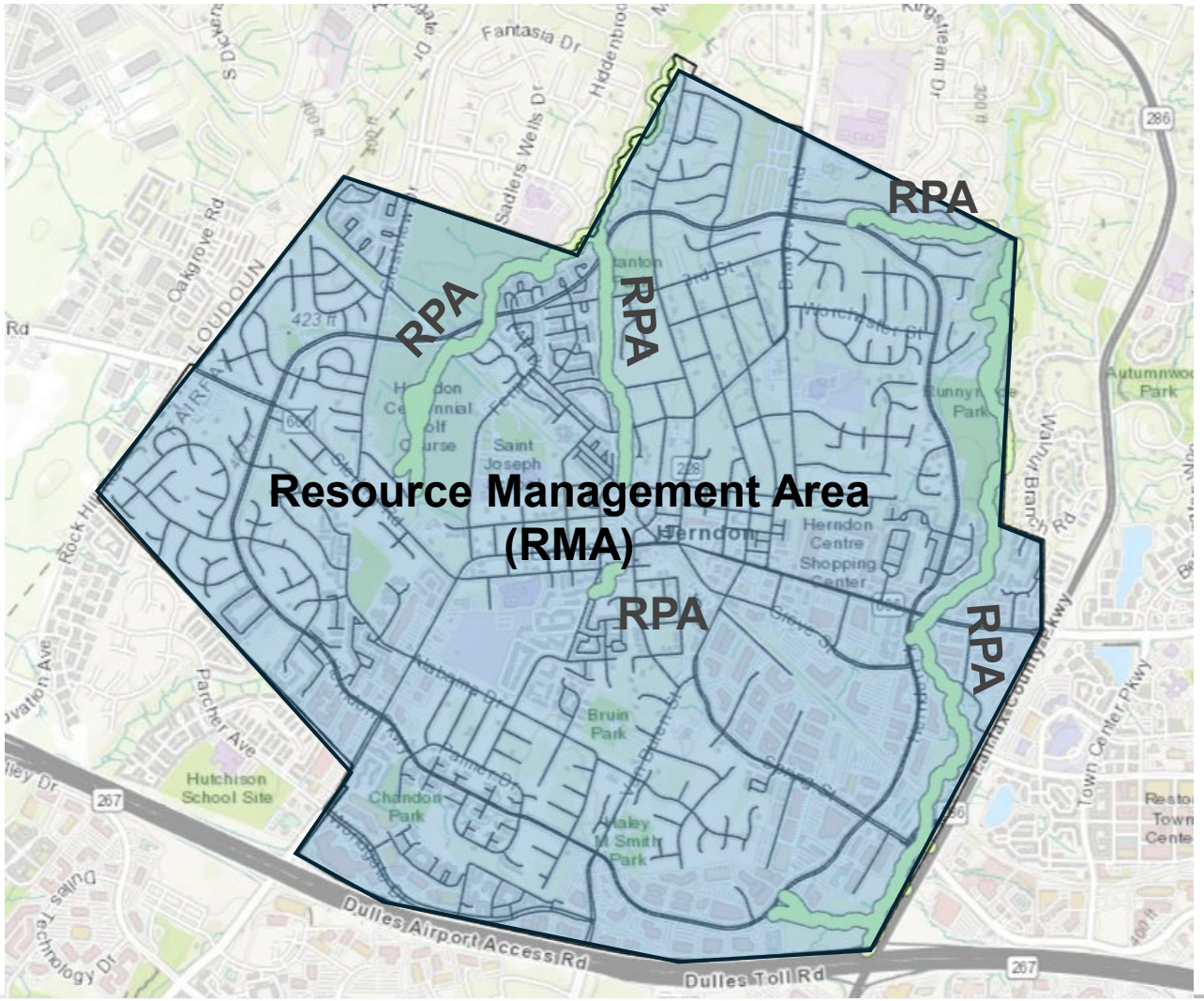
Chesapeake Bay Preservation Area Overlay

Chesapeake Bay Preservation Area



Chesapeake Bay Preservation Area Overlay Updates

Sec. 78-60.4 – Resiliency Assessment

Herndon Town Code currently requires a Water Quality Impact Assessment for non-exempt land disturbances exceeding 2,500 square feet within a Resource Protection Area (RPA)

The proposed updates require that:

1. A resiliency assessment is conducted (Lines 265-296)
2. Anticipated impacts shall be based upon a thirty-year timeframe (Lines 297-304)
3. A determination of whether alterations or conditions to the proposed project are necessary (Lines 324-342)

Chesapeake Bay Preservation Area Overlay Updates

Sec. 78-60.4 – Adaptation Measures

Adaptation measures shall be:

1. Nature-based (Lines 171-173)
2. Selected from one of the following approved sources (Lines 174-178)
3. Designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure (Lines 181-183)

Adaptation measures should be:

1. Placed channelward of the proposed development whenever possible and maximize the preservation of mature trees and other natural vegetation (Lines 184-187)

The use of fill may:

1. Be permitted as a component of an adaptation measure provided it meets certain guidelines (Lines 188-246)

Chesapeake Bay Preservation Area Overlay Updates

Sec. 78-60.4 – Mature Trees

The proposed updates require that:

1. Mature trees shall be protected during development and only removed where necessary (Lines 84-85)
2. All trees located outside the area of land disturbance with a DBH of four inches or more shall be preserved (Lines 86-87)
3. Clearing within the area of land disturbance shall be limited to that necessary to provide for the intended use of the property (Lines 88-92)
4. Where the removal of trees within the buffer area is proposed, mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit (lines 143-148)

Definition Updates

Sec. 78-180

- Adaptation measure (Lines 385-387)
- Canopy tree (Lines 412-415)
- Critical root zone (Lines 430-432)
- Land disturbance or land disturbing activity (Lines 445-452)
- Mature tree (Lines 480-481)
- Nature-based solution (Lines 483-485)
- Understory tree (Lines 523-524)

Recommendations

- Planning Commission
  - Recommended *approval* of ZOTA #25-06 during the March 23, 2026, regular meeting
- Staff
  - Recommends approval of ZOTA #25-06