

<b>Table 7</b>	
<b>Local RPA Development Applications Approved (FY 2000 and FY 2001)</b>	
<b><u>Type of Building Permits</u></b>	<b><u>Frequency</u></b>
Single Family Development	185
Subdivision	16
Accessory	60
Industrial/Commercial	16
Other*	37
<b>Total</b>	<b>314</b>

\*\*Other\* includes activities such as landscaping, stream bank erosion protection, tree removal, and septic tank installation.  
Source: JLARC staff file analysis of Bay Act program files at 11 Tidewater cities and counties.

ranged from a fairly strict policy where few encroachments are allowed unless hardships are demonstrated to a more generous policy where encroachments appeared to be regularly allowed into the buffer. However, there did not appear to be a single explanation as to the differing policies.

Henrico County is an example of a locality that follows a "strict" RPA buffer policy. According to Henrico County staff, the county protects its RPA buffer by requiring a mandatory 30 to 50-foot setback (depending on the zoning classification) "between the buildable area on a residential lot" and the buffer allowing homeowners to have adequate rearyard space which helps eliminate the need to encroach. Henrico also requires developers to post signs along the RPA boundaries designating them as environmentally sensitive areas. Henrico staff reported that they authorized very few "exceptions" for property owners to encroach into the RPA buffers because the county requires applicants to demonstrate "significant" hardships before granting encroachment rights. Henrico staff also said the nature of the county's geography precludes citizens from requesting RPA encroachments, for the most part, because there are no real scenic vistas along its preservation areas.

JLARC staff confirmed that Henrico County does not grant RPA encroachments unless property owners demonstrate significant hardships. The study team reviewed a proposal that Henrico received in February 2001 requesting that a "landfill" operation expand into the RPA buffer. The county responded to the applicant by stating:

...it is the intent of the Chesapeake Bay Act to protect the water quality of streams and wetlands by maintaining a 100 [foot] vegetated buffer along tributary streams. I can not imagine an instance whereby a 100-foot buffer could be more useful or beneficial than at a landfill operation. In addition, your proposal to include a 2 to 1 landfill slope as part of the buffer is particularly