

Section 5-1000

Scenic Creek Valley Buffer.

5-1001

Purpose and Intent. The Scenic Creek Valley Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to scenic rivers and all waterways draining greater than 640 acres, by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the Comprehensive Plan.

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Scenic Creek Valley Buffer Established. The following setbacks are established along all waterways draining greater than 640 acres in areas where the major 100 year floodplain is less than the setbacks provided below.

- (A) 250 feet measured along the slope of the ground from the channel scar line on the Potomac River.
- (B) 200 feet on each side of the creek measured along the slope of the ground from the channel scar line of the Scenic River designated portions of Goose Creek and Catoctin Creek.
- (C) 150 feet on each side of the creek measured along the slope of the ground from the channel scar line of each creek or stream where the watershed is greater than 640 acres.
- (D) The above setbacks may be reduced as follows:
 - (1) A reduction of 100 feet shall be allowed for the retention of an existing forested area or the creation of a forested area, as approved by the Area Forester as part of a management plan between the ultimate setback line and the channel scar line; or
 - (2) A reduction of 100 feet shall be allowed for the use of and retention of stormwater management/BMP practices in accordance with the FSM at time of development within any developed area on the lot or site.
- (E) The above setback does not apply to agricultural, horticultural, or forestal uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other County approved agency is kept continuously in place.

- 5-1003** **Effect of Buffer.** The construction of buildings, structures, parking lots, or other impermeable surfaces within the Scenic Creek Valley Buffer is prohibited, except as stated herein. Existing buildings and structures within the Scenic Creek Valley Buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. This buffer or setback area does not regulate uses within the setback area, although the County encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Valley Buffer area. Utilities may be located within the buffer.
- 5-1004** **Existing Lot Criteria.** On any existing lot of record as of June 16, 1993, one (1) single family residence and its attendant unpaved driveway, unpaved parking area, and/or detached garage and incidental structures cited in Section 4-1500 shall be permitted within the setback area.
- 5-1005** **Development Criteria.** The Scenic Creek Valley Buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the Scenic Creek Valley Buffer area. The Scenic Creek Valley Buffer shall be administered like any other setback provided for in this Ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area. Road crossings and driveways, shall be permitted subject to applicable federal and state regulations, to this Ordinance, and to such performance standards as may be contained in the Facilities Standards Manual.