

Overview of Stream Buffer Requirements in Albemarle County's Water Protection Ordinance May 2017

Stream buffer requirements in Albemarle County are detailed in the county's Water Protection Ordinance (WPO), and found in Article VI beginning at Section 17-600 of the ordinance.

The WPO states that **stream buffers are “for purposes of** retarding runoff, preventing erosion, filtering nonpoint source pollution from runoff, moderating stream temperature, and providing for the ecological integrity of stream corridors and networks.”

General rules for stream buffers:

- The preferred vegetative cover is “a native riparian forest with ground cover, shrub, and tree canopy layers.”
- In the Rural Area, a 100 foot stream buffer is required on rivers, perennial streams, and intermittent streams.
- In Development Areas, a 100 foot stream buffer is required on rivers and perennial streams (but not intermittent streams).
- Along public drinking water reservoirs, 200 foot buffers are required.

Stream buffer **regulations come into effect** only when development or other land disturbing activities occur that are regulated by the Virginia's Stormwater Management Program, Erosion and Sediment Control Program, Pollutant Discharge Elimination System, or when the floodplain is impacted. Typical examples of activities covered include:

- Development over 10,000 square feet in area, or part of a larger project
- New dwelling or building using a well
- Runoff other than exempted forms of water (e.g., firefighting, groundwater)

A **number of activities are exempt** from stream buffer regulations. Typical examples include:

- Activities not associated with development (e.g., agriculture, silviculture, horticulture)
- Minor disturbances, home gardens and landscaping, maintenance, some utilities
- Public water and sewer improvements
- Public runways for stream buffers
- State and federal projects, which are not under local control

Some structures are allowed in stream buffers. Typical examples include:

- Buildings or structures that existed prior to February 11, 1998
- Temporary erosion and sediment control measures
- Water-dependent facilities (e.g., water wells, historic preservation, passive recreation access such as trails)

The Program Authority for the WPO (County Engineer) **may allow some types of structures and activities** in stream buffers provided **a mitigation plan** is submitted and approved. Examples include:

- Stream crossings
- The landward 50 feet of a stream buffer, under certain conditions
- Lakes, ponds, or restoration projects

The WPO was enacted by Albemarle County in February, 1998. It has been revised a few times since then, most recently in 2014 to incorporate state standards for stormwater management and erosion and sediment control. The ordinance now encompasses five programs:

- Virginia Erosion and Sediment Control Program (VESCP)
- Virginia Stormwater Management Program (VSMP)
- Stream Buffers
- Illicit Discharges
- Groundwater Assessments