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# Stream Buffer Overlay District

Category: Regulatory

### Description

Perpetual retention and management of stream buffers is a provision of the Chesapeake Bay Preservation Act and was required in Albemarle County's Water Protection Ordinance (WPO) prior to 2014, when the ordinance was updated to better align with the Virginia Stormwater Management and Erosion and Sediment Control programs. Although the requirement existed in the WPO prior to 2014, County staff did not have clear guidance or the capacity to enforce it.

Currently, the WPO only requires retention of vegetation and avoidance of impacts within stream buffers during a land disturbing activity (LDA). This proposal aims to reintroduce the requirement that stream buffers be retained irrespective of a LDA and in perpetuity following a LDA, while maintaining the existing exemptions outlined in the WPO for agriculture, forestry, and other limited land uses. The location and extent to which stream buffers are retained would be consistent with Sec. 17-600 of the WPO and illustrated as 'Water Protection Ordinance Buffers' in the County GIS.

Implementation of this proposal would involve:

- Creation of a Stream Buffer Overlay District within the Zoning Ordinance, to include permitted uses within the district and enable enforcement;
- Updating the language of the WPO to require buffer retention outside of a LDA, to align with the Zoning Ordinance and enable enforcement; and
- Development of clear standard operating procedures and enforcement guidelines for CDD staff.

### Anticipated Outcomes

- Strengthening protection of a broad network of stream buffers throughout the County, providing for stream health, climate resiliency and wildlife habitat;
- Filtering nonpoint source pollution and helping minimize erosion and sedimentation beyond the timeframe of a land disturbing activity, contributing to addressing known impairments; and
- Providing clarity for both County staff and residents regarding specific uses that are permitted within stream buffers and ensuring that exemptions and allowances are narrowly tailored and well-defined.

**DEPARTMENTS & EXTERNAL PARTNERS**  
Community Development  
County Attorney's Office

**EXISTING STAFF TIME**  
Medium

**LONG-TERM ADDITIONAL STAFF**  
1 FTE for enforcement in CDD:  
Code Compliance Officer I - \$113,000

**COST ESTIMATE (non-staff)**  
0

**REALIZATION TIMEFRAME**  
1 year

**ALIGNMENT**

Comprehensive Plan  
Natural Resources  
1, 1a, 4, 6, 6a;  
Historic, Cultural, and Scenic Resources  
6, 9  
Rural Area  
2, 2i  
Development Area  
8, 8a

Climate Action Plan  
L1.7, L1.13, L2.1

Biodiversity Action Plan  
1.4, 14.1, 16.1