

Proposals to Improve Stream Health in Albemarle County's Development Areas

The proposals are arranged in four categories:

Section I – New or Revised Regulations

Section II – Incentives for Residential Development

Section III – Incentives for Non-Residential Development

Section IV – County Actions

I. NEW or REVISED REGULATIONS

1. Implement the County's steep slope design standards when a VSMP or VESCP application is required. (VSMP = Virginia Stormwater Management Program, VESCP = Virginia Erosion and Sediment Control Program)

(NOTE: All projects requiring VSMP or VESCP applications would trigger the steep slope design standards, regardless of whether steep slopes occur on the property.)

2. Eliminate the threshold for the area of land disturbing activity (LDA) to invoke VESCP regulations, but allow an agreement in lieu of a plan for LDA under 10,000 square feet. This would apply to any LDA involving a building permit, site plan, subdivision, or other activity requiring county approval, but still allow any applicant or project involving less than 10,000 square feet of LDA to submit an agreement in lieu of a plan.
3. Do not allow temporary Erosion & Sedimentation Control measures to be located within a stream buffer without mitigation. The measures may be allowed within the landward 50 feet of the buffer with an approved mitigation plan for the area after construction is completed.
4. Lower the threshold for the area of land disturbing activity (LDA) to invoke VSMP regulations from the current threshold of 10,000 square feet to some other threshold (to be determined).
5. Expand the definition of a Common Plan of Development in the Water Protection Ordinance to include activities occurring within any five year period.
(NOTE: This is intended to prevent the cumulative effects of small land disturbances that occur on the same project/parcel over a period of time. Subdivisions currently defined as a Common Plan of Development will not be redefined or removed from the designation.)
6. Increase fees for Water Protection Ordinance violations.

II. INCENTIVES for RESIDENTIAL DEVELOPMENT

(NOTE: All the incentives are completely voluntary and apply only to by-right development. Developers/landowners may select any of the activities/bonuses they wish. The amount/size of the bonuses can vary with the activity.)

7. Allow density bonuses if:

- A. Stream buffers are expanded by increasing buffer width where buffers exist or establishing buffers where they do not exist. This applies to both perennial and intermittent streams.
- B. The quality of existing stream buffers is improved or permanently preserved.
- C. Newly created lots do not include stream buffers. Buffer areas are located in common areas or other forms of protected open space.

(NOTE: The area (square footage) of property included in stream buffers, that would otherwise be part of individual parcels, can be used in calculations and considerations to conform to density and other zoning requirements.)

- D. Permanent signs are posted that identify stream buffer areas. The county will provide the signs to Homeowner Owner Associations (HOA).
- E. Trees are planted (using locally native species) in excess of zoning requirements.

8. Other incentives could include:

- A. Allow buffer widths on perennial streams to be reduced (for example, to 75 feet) if the existing buffer is of poor quality and the quality of the remaining buffer will be improved.
- B. Allow reduced buffer widths, density bonuses, or other incentives if enhanced Erosion & Sedimentation Control measures are implemented during construction. Some examples are:

(NOTE: Seven additional enhanced ESC measures, which have been used previously in Albemarle County, will be added to the two examples below.)

- Reduce maximum drainage areas served by sediment basins (e.g., 40 acres instead of 50 acres) and/or
- Reduce maximum drainage areas served by silt fences (e.g., 0.2 acres per 100 linear feet of silt fence instead of 0.25 acres per 100 linear feet).

9. Require that all stormwater treatment be conducted on-site or that any nutrient credits purchased are from a nutrient credit bank located in Albemarle County in order to qualify for special exceptions to zoning requirements, density bonuses, or cluster provisions.

(NOTE: Currently there is not a nutrient credit bank located in Albemarle County. Despite the word "require," this would be a voluntary action.) (REWORDING of PROPOSAL: In order to qualify for special exceptions to zoning requirements, density bonuses, or cluster provisions, either 1) all stormwater treatment must be conducted on-site, or 2) any nutrient credits that are purchased are from a nutrient credit bank located in Albemarle County.)

10. Allow the purchase of off-site nutrient credits for land development only if a payment is made to an Albemarle County fund dedicated to improving water quality.

(NOTE: A county fund has not been identified at this point.)

III. INCENTIVES for NON-RESIDENTIAL DEVELOPMENT

(NOTE: Like Section II, incentives are completely voluntary and apply only to by-right development. Developers/landowners may select any of the activities/bonuses they wish. The amount/size of the bonuses can vary with the activity.)

11. Implementing any incentives described for Residential Development triggers:

- A. An expedited review process.
- B. Reduced review fees.
- C. Reduced parking standards.

(NOTE: This is intended to consider items such as the size of individual parking spaces, the number of parking spaces required, the design and layout of parking areas, etc. It is not intended to reduce the VSMP or VESCP requirements for building and maintaining a parking area.)

IV. COUNTY ACTIONS

12. Develop educational material and conduct public outreach.

- A. Explain the rules and regulations regarding stream health and stream buffers. Provide clarity.
- B. Explain why stream buffers are important.

13. Provide support and coordinate with other organizations and landowners to facilitate activities and projects that will improve stream health.

14. Make simple updates to the Water Protection Ordinance.

(NOTE: This proposal was discussed during public forums and added to the original list of 13 proposals. The updates are straightforward and do not alter the meaning or intent of the ordinance. Examples of updates include using current names of County departments and adding punctuation or simple wording to clarify meaning.)