



Albemarle County

Legislation Text

File #: 22-191, **Version:** 1

AGENDA DATE: 3/16/2022

TITLE:

Resolution of Intent to Amend the Zoning Ordinance to Revise Stream Buffer Regulations

SUBJECT/PROPOSAL/REQUEST: Adopt a resolution of intent to initiate a zoning text amendment to County Code § 18-30 and any other sections of the Zoning Ordinance deemed relevant to clarify regulations for stream buffers.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Filardo, Rapp, Maliszewski, Svoboda, Pohl, Fritz, Biasioli

PRESENTER (S): Kim Biasioli, Frank Pohl, Bart Svodoba

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: During a work session on December 1, 2021, the Board of Supervisors reviewed fourteen proposals to improve stream health in the County. The proposals were developed as part of the Stream Health Initiative, a multi-year effort to engage community members and stakeholders to develop strategies and solutions for improving stream health. The Board supported the staff recommendation and directed staff to begin working on those proposals that are immediately actionable and to submit budget requests for those requiring additional resources. Proposal 1, Stream Buffer Overlay District, involves the clarification and expansion of regulations and enforcement mechanisms for retention and management of stream buffers (Attachment B).

STRATEGIC PLAN: Natural Resources Stewardship - Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations.

DISCUSSION: Perpetual retention and management of stream buffers is a requirement of the Chesapeake Bay Preservation Act and was required in Chapter 17 of the County Code (Water Protection Ordinance) prior to 2014; one of the reasons cited for its removal was lack of enforcement mechanisms and capacity for enforcement. Current regulations require retention of vegetation and avoidance of impacts within stream buffers during a regulated land disturbing activity (LDA) only. Development and clarification of regulations to require that stream buffers be retained irrespective of a regulated LDA, while maintaining the existing exemptions outlined in Chapter 17 for agriculture, forestry, and other limited activities, would help address known water quality impairments by filtering non-point source pollution and minimizing erosion and sedimentation. Establishing and retaining a broad network of stream buffers on the landscape further supports the County's goals for climate resiliency and biodiversity conservation.

Including a stream buffer overlay in County Code § 18-30, Overlay Districts, and revising other associated

sections of the County Code, should clarify permitted uses and activities within stream buffers and should include adequate provisions for enforcement of the regulations.

The process of development and review of the regulations will include the following steps:

- Staff research of other jurisdiction's regulations and development of draft regulations;
- Public input, building on the extensive stakeholder and community engagement efforts conducted on this topic as part of the Stream Health Initiative in 2021. Staff will coordinate throughout the ZTA process to identify any potential points at which additional engagement may be needed and to identify the best tools for receiving public input at that time; and
- Public hearings for Planning Commission and Board consideration of the ZTA.

BUDGET IMPACT: It is expected that the staff time required for the development of new regulations can be handled by existing staff. The budget impact of the new regulations once adopted is currently estimated at 1 FTE for a new Code Compliance Officer, which will be requested during the Fiscal Year 2024 budget process.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution of intent and endorse the proposed review process.

ATTACHMENTS:

A - Resolution of Intent

B - Stream Health Initiative Proposal 1 - Stream Buffer Overlay District