



# Albemarle County

## Legislation Details (With Text)

**File #:** 21-206      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Consent Agenda  
**File created:** 2/12/2021      **In control:** Board of Supervisors  
**On agenda:** 3/3/2021      **Final action:**  
**Title:** Schedule Public Hearing for Water Protection Ordinance - Phase 1.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Att.A - Proposed Ordinance

Date	Ver.	Action By	Action	Result
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**AGENDA DATE:** 3/3/2021

**TITLE:**  
Stream Buffer Regulations

**SUBJECT/PROPOSAL/REQUEST:** Schedule a public hearing to consider the adoption of ordinance to amend Albemarle County Code Chapter 17, Water Protection, to revise the stream buffer regulations

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Filardo, McCulley, Pohl

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** With the goal of improving stream health, staff conducted a public review of the County's stream buffer regulations in 2017, culminating in a work session with the Board on December 6, 2017. From October through December of 2018, staff conducted a public engagement process to receive feedback and public comment on the proposed strategies. The proposals that arose from this input were subsequently shared with the Board.

During a work session on January 9, 2019, the Board directed staff to work on nine of the initial thirteen proposals to improve stream health in the County's Development Areas. At a joint work session with the Board and Planning Commission on July 9, 2019, more detailed proposals and staff recommendations were presented and discussed. At a Board work session on November 6, 2019, specific recommendations were presented and the Board provided further direction.

On July 15, 2020, staff returned to the Board with final proposals for consideration, which included the recommendation to phase the adoption of the proposals because of staff resource needs. The Board agreed to implement the proposals that have no or minimal impacts on staff resources.

**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:** In an effort to improve stream health within the County, staff recommends adopting the following proposals:

- Proposal #3 - Allow temporary Erosion & Sediment Control (ESC) measures within the stream buffer if the area is restored.
- Proposal #14 - General Water Protection Ordinance (WPO) updates and clarifications.
- Proposal A2 - Require a maintenance bond for stormwater facilities prior to release of the construction bond if the developer requests to have its construction bond released and the facility has not been transferred to the Property Owners Association.

**BUDGET IMPACT:** An estimated 0.10 Civil Engineer FTE and 0.10 Analyst FTE would be required if the proposals were adopted, but that these FTEs could be absorbed by current staff. No other budget impacts have been identified.

**RECOMMENDATION:**

Staff recommends that the Board direct staff to schedule a public hearing to consider the adoption of the proposed ordinance (Attachment A).

**ATTACHMENTS:**

A - Proposed Ordinance