



Albemarle County

Legislation Text

File #: 19-523, **Version:** 1

AGENDA DATE: 11/6/2019

TITLE:

Improving Stream Health in Development Areas

SUBJECT/PROPOSAL/REQUEST: Discuss final proposals and staff recommendations to improve stream health in the County's Development Areas and receive direction from the Board regarding proposals.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Pohl, Hannah

PRESENTER (S): David Hannah, Frank Pohl

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: During 2017, staff conducted a public review of the County's stream buffer regulations, culminating in a work session with the Board on December 6, 2017. Based on Board direction during the work session, staff developed thirteen proposals designed to improve stream health in the Development Areas while remaining true to the County's Growth Management Policy. None of the proposals should limit or hinder growth and development in the County's Development Areas.

From October through December of 2018, staff conducted a public engagement process to receive feedback and public comment on the proposed strategies. During a work session on January 9, 2019, the Board directed staff to work on nine of the thirteen proposals to improve stream health in the County's Development Areas. A joint work session with the Board and Planning Commission was held on July 9, 2019. More detailed proposals and staff recommendations were presented and discussed. Staff was directed to continue working on seven proposals, develop final proposals, and make recommendations to the Board.

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: A summary report (Attachment A) includes more details about the process of developing and reviewing the stream health proposals. Attachment B provides the list of the original fourteen proposals as presented to the public and discussed at the January 9 and July 9, 2019 work sessions. Notes (highlighted in yellow) have been added to the list to help clarify and explain some of the proposals.

During the July 9, 2019 joint work session, staff was directed to continue working on seven proposals. The summary report (Attachment A) addresses each of the seven proposals. The Board expressed support for the seven proposals and staff recommendations though more information and further research were requested on a few.

Proposal #1 (to implement the County's steep slope design standards when a VSMP or VESC application is required), requires an amendment to the Zoning Ordinance. Staff has begun a Zoning Text Amendment (ZTA) process to implement the proposal. The ZTA requires public hearings with the Planning Commission and the Board, as well as approval by the Board. Staff plans to present a Resolution of Intent to the Board for its consideration and adoption in December 2019.

Proposals #2, #3, #5, #6, and #14 require amending the Water Protection Ordinance (WPO). The Board has expressed support for these proposals, but additional information will be provided for #2, #5, and #6. Proposal #2 has been refined since the joint work session of July 9, 2019. Further discussion and direction from the Board on Proposal #2 is required. Staff will develop the necessary amendments to the WPO and will return to the Board with a draft ordinance in the spring of 2020 with a request for the Board to authorize the ordinance to be scheduled for a public hearing.

Proposal #9 requires implementing a new policy regarding the purchase of off-site nutrient credits based on existing State code and the WPO. The City of Harrisonburg has begun phasing in restrictions on nutrient credit purchases for Virginia Stormwater Management Program compliance in TMDL watersheds (Attachment C). Board review and direction to staff is needed.

In addition to working on the seven proposals above, as directed by the Board during the joint work session of July 9, 2019, staff is proposing two additional amendments to the WPO. The two amendments are simpler and more straightforward than the seven proposals above but are not non-substantive. They will help improve stream health. After full discussion during this work session (November 6, 2019), staff recommends that the Board approve them.

- Under the Erosion and Sediment Control Program, require two-layer perimeter control measures where land disturbances occur within two hundred feet of a stream or wetland.
- Under the Stormwater Management Program, require a maintenance bond from developers for stormwater facilities prior to release of the construction bond if the facility has not been transferred to the Homeowners Association."

BUDGET IMPACT: Several proposals will cause an increase in staff work load as noted in the summary report, Attachment A. The ZTA process to implement proposal #1 will include an analysis of impacts to staff. The effect of implementing all seven proposals is expected to require the need to add 1.25 Civil Engineer I and 0.50 Engineering Inspector II FTEs to existing staff at a cost of \$137,025. Anticipated staffing impacts and the need to increase fees will continue to be refined as part of Board considerations with the associated ordinance amendments. Preliminary analysis of program fees, revenues and costs indicates the need to increase fees to recover the cost of this position. Proposed Water Protection Ordinance amendments are not expected to become effective before September of 2020.

RECOMMENDATION:

Staff recommends that the Board confirm previous direction to staff to implement proposals #1, #2, #3, #5, #6, and #14. Proposal #2 will require further direction from the Board. Staff recommends that the Board direct staff to continue working on proposal #9, which may require an ordinance amendment.

ATTACHMENTS:

Attachment A - Summary Report on Approved Stream Health Proposals
Attachment B - Original List of Stream Health Proposals with Notations
Attachment C - City of Harrisonburg Policy Memo