



COUNTY OF ALBEMARLE EXECUTIVE SUMMARY

AGENDA TITLE:

ZTA2023-00006 Riparian Buffer Overlay District
WPTA2023-00002 Riparian Buffer Overlay District
STA2023-00003 Riparian Buffer Overlay District

AGENDA DATE: September 26, 2023

SUBJECT/PROPOSAL/REQUEST:

Work session receive comment on the draft Riparian Buffer Overlay District and related ordinances

BACKGROUND:

In 2017, the Board of Supervisors directed County staff to develop strategies for improving stream health in the county. The project, referred to as the Stream Health Initiative, was divided into two Phases. Phase I focused on development-related issues and strategies for improving stream health in the county. Thirteen specific proposals were developed, some of which have been implemented; work on others is ongoing. The goal of Phase II was to develop strategies for improving stream health that were supported by the communities, landowners, and organizations that live and work in the Rural Area, using a collaborative and inclusive process. Throughout 2021, staff received input from the public and worked with community stakeholders to develop 14 final proposals that included regulatory, incentive-based, and educational opportunities. The fourteen options were discussed with the Board of Supervisors in a work session on December 1, 2021. Since that work session, the Stream Health Initiative has been focused on implementation of selected projects.

Proposal 1 of the Stream Health Initiative was for the creation of a stream-buffer overlay district within the Zoning Ordinance, with the goal of re-establishing the pre-2014 Water Protection Ordinance (WPO) requirement to retain existing wooded stream buffers throughout the defined buffer areas. 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. Please see Attachment A for a summary of the scope of the proposed ordinance amendment.

On March 16, 2022, the Board of Supervisors adopted a Resolution of Intent to amend the Zoning Ordinance as suggested by Proposal 1 of the Stream Health Initiative. After this adoption, Engineering, Zoning, and Planning staff worked to create a first draft of a new section 30.8 of the Zoning Ordinance, to be titled "Riparian Buffer Overlay District" (RBOD). Please see Attachment B for the draft of this new overlay section, and Attachment C for a complete draft of proposed changes to the County Code chapters on public safety, subdivision of land, water protection, and zoning. (Attachment B contains the bulk of the new ordinance amendment, while Attachment C includes text changes required to coordinate other chapters of the Code with provisions of the proposed RBOD.)

From mid-July through mid-August, 2023, staff invited public input on the draft ordinances through the Engage Albemarle website. The complete text of the public input is included in Attachment D.

The next step for this project will be for staff to prepare a revised draft of these ordinances, taking the public input and the Planning Commission's input into account. Once that new draft is completed, staff will schedule Planning Commission and Board of Supervisors public hearings on possible adoption of the proposed ordinances.

DISCUSSION:

In addition to direct statements of support for or opposition to the proposed RBOD, the public-input project generated 38 responses with detailed questions and/or concerns about how the proposed ordinance would operate. Staff has classified those responses into ten general categories of concerns:

1. Development Area buffer widths and exceptions
2. Vegetation management in buffers
3. Permitted uses and mitigation plans
4. Nonconformities and expansions of uses
5. Exemptions for agriculture and forestry
6. Stream mapping and stream-type determinations
7. Extent of buffers
8. Utilities and public uses
9. Enforcement
10. Other

Attachment E identifies major questions received within these categories, and provides initial responses.

RECOMMENDATIONS:

For the work-session discussion, staff requests that the Planning Commission inform staff of any questions or concerns related to the topics covered in Attachment E, and provide direction to staff on how to address these issues in the next RBOD draft.

ATTACHMENTS:

- Attachment A – [Stream Health Initiative Proposal #1 – “Stream Buffer Overlay District”](#)
- Attachment B – [Draft Section 30.8 Riparian Buffer Overlay District](#)
- Attachment C – [Draft of Complete Ordinance Updates](#)
- Attachment D – [Complete Public Input](#)
- Attachment E – [Summary of Public Input Concerns](#)