



County of Albemarle  
Community Development Department – Planning Division

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MEMORANDUM

**TO:** Albemarle County Planning Commission  
**FROM:** Community Development Department (F. Pohl, A. McCulley, F. MacCall, S. Clark)  
**RE:** **November 26, 2024 Planning Commission Work Session – Riparian Buffer Protection Standards**  
(ZTA202300003, WPTA202300003, STA202300003, OTA202400002)

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Background:

In December 2021, the Board of Supervisors accepted the Phase 2 recommendations of the Stream Health Initiative (SHI), which included 14 programs and regulations to improve water quality and stream health in the County. Recommendation #1 from the SHI, and the first SHI project undertaken by the County, is a proposal to move the County's existing riparian-buffer regulations from the Water Protection Ordinance (WPO) to the Zoning Ordinance (ZO). On March 16, 2022, the Board adopted a Resolution of Intent to undertake that ordinance amendment. Other chapters will be revised to address housekeeping items and wording updates and will be presented to the BOS later.

The intent of this amendment is to replace the WPO regulations adopted in 2014 (which were reduced to only apply to regulated land-disturbance activities) with zoning regulations that apply to all uses within the defined buffers (while still exempting agricultural and silvicultural uses). This amendment would make the County's buffer regulations more like those that applied before 2014. The physical extent of the buffers would not change from the current WPO definitions. Rather than following the original "overlay district" approach, the proposed amendment would establish "protection standards" in section 4 ("General Regulations") of the ZO. This approach resolves difficulties in accurately enforcing riparian-buffer regulations caused by the lag between movements in stream systems and the updating of zoning maps, and by incomplete stream mapping.

Discussion:

This work session focuses on the sections proposed for amendment or addition in the Zoning Ordinance. (Other chapters will be revised to address housekeeping items and wording updates and will be presented to the Planning Commission and Board of Supervisors later.)

The proposed new Riparian Buffer Protection Standards (Attachment 1) would include a new Section 4.21 of the Zoning Ordinance, and would be structured as follows:

- Section 3.1 includes new definitions needed for this amendment.
- Sections 4 (General Regulations) and 5 (Supplemental Regulations) include wording changes for consistency with section 4.21 (described below).
- Section 4.21 is the proposed addition for Riparian Buffer Protection Standards, and would include the following sections:
  - 4.21.1 lays out the purpose and intent of the proposed new ordinance.
  - 4.21.2 defines the uses and activities that would be subject to this new ordinance. This section broadens the applicability of the proposed ordinance in comparison to the existing WPO regulations, as land development, land disturbance, new or altered structures, and vegetation changes would be included.

- 4.21.3 sets the boundaries of the riparian buffers, which are proposed to be the same as in the current WPO.
- 4.21.4 sets expectations for the submittal of site-specific determinations of the riparian buffer boundaries. It also establishes that site-specific evaluations of boundaries are subject to Riparian Buffer Administrator approval, and requires such evaluations to be stamped by a relevant professional.
- 4.21.5 establishes the powers and duties of the Riparian Buffer Administrator (the County Engineer or their designee), who can enforce this section in conjunction with the Zoning Administrator.
- 4.21.6 sets general performance criteria for vegetation management in the buffers. In general, this section establishes that native buffer vegetation must not be removed, and that disturbances from any permitted uses in the buffers (see 4.21.7 and 4.21.8) must be minimized. Item 2 in the proposed amendments to the Engineering Design Standards Manual (Attachment 2) is a table designed to help staff provide landowners with consistent guidance regarding permitted vegetation changes and vegetation-management regimes within the buffers.
- 4.21.7 lists the uses that are permitted in the buffers. These include agriculture, forestry, utilities, water-dependent facilities, passive-recreation facilities, historic preservation and archaeological activities, and buffer plantings. Most of these uses have relevant standards for limiting their impacts on buffers and buffer vegetation.
- 4.21.8 lists uses that are permitted only when approved by the Riparian Buffer Administrator. These uses would require approval of a mitigation plan.
- 4.21.9 sets the requirements for form, content, and bonding of mitigation plans as required in 4.21.8 above.

Discussion Questions:

Staff requests that the Planning Commission provide feedback on the following discussion questions, as well as any other questions about these drafts.

- Does this draft ordinance help to meet the goals listed in section 4.21.1?
- Are there any regulatory measures missing from this proposal that should be included?
- Does the Commission have any feedback about the general performance criteria in section 4.21.6?
- Does the Commission agree that the uses listed in 4.21.7 (permitted uses) and 4.21.8 (uses permitted only by Administrator approval, with a mitigation plan) are placed in the proper categories?

Next Steps:

After receiving the Commission's guidance, staff will revise the draft documents and prepare them for a public hearing with the Commission.

Attachments:

Attach. 1: [ZTA202300003, WPTA202300003, STA202300003, OTA202400002 RBPS - Draft Riparian Buffer Protection Standards – Proposed Zoning Ordinance Amendments](#)

Attach. 2: [ZTA202300003, WPTA202300003, STA202300003, OTA202400002 RBPS - Draft Amendments to the Engineering Design Standards Manual](#)