ALBEMARLE COUNTY, VIRGINIA

Feedback on Riparian Buffer Overlay District

SURVEY RESPONSE REPORT
01 May 2023 - 14 August 2023

PROJECT NAME:
Riparian Buffer Overlay District

BANG THE TABLE engagementHQ

SURVEY QUESTIONS

Q2 Please share any feedback you have about the draft ordinance.

Screen Name Redacted 7/13/2023 12:24 PM	I think this is a wonderful plan and I'd encourage to do even more!
Screen Name Redacted 7/13/2023 12:32 PM	I strongly support the passage of this ordinance. Protecting the waterways in Albemarle County is should be a high priority and the health of our natural environment only serves to support the health of our community.
Screen Name Redacted 7/13/2023 12:54 PM	Please stop with more requirements, rules, and regulations. The Federal and State already have enough rules in place. The County ought to be focused on being more efficient, cutting costs, and cutting taxes. The bureaucracy is suffocating.
Screen Name Redacted 7/13/2023 12:55 PM	I think it’s all great but I doubt there will be any oversight or enforcement. I live on the Doyle’s River and watched my neighbor remove all the vegetation and trees, pour cement along the riverbank (county made him remove it) and followed by installing a driveway right next to the river that is now going to become a right away as the property is divided up. This was done to move traffic from an existing right of way away in front of his residence and onto the driveway next to the river. He even managed to give the new driveway the name of the state road in front of his house. At the time someone from the county said the driveway was too close to the river in places and would be corrected. Was it? Years later it is going to be used by who knows how many cars. All along the river are dumpsites and abandoned trucks and cars. Why do we need more ordinances when there’s nobody enforcing the ones on the books?
Screen Name Redacted 7/13/2023 12:58 PM	This is essential and perhaps overdue. I say full speed ahead. Thanks for all the hard analysis that went into this proposal. It's sound.
Screen Name Redacted 7/13/2023 01:29 PM	Regulatory overkill once again. The endless compliance measures will add significant costs and delays to any activity , including 100' buffers on intermittent streams!!! Any wonder why housing costs so much in Albemarle County? How many people did the County hire to write this and how many people will it take to enforce it?
Screen Name Redacted 7/13/2023 01:38 PM	I am in agreement with this plan.

Screen Name Redacted
7/13/2023 02:00 PM

Our spring, stream, and river beds all need to be protected. While I have not reviewed the text in detail, I believe it to be a distinct improvement over the existing text of the regulations.

Screen Name Redacted
7/13/2023 02:37 PM

As usual, the county government has become excessively verbose, complicated, unto its governmental self, promoting more extensive governmental authority, and a substantially ineffective communicator. The product was written in the voice of a planning reviewer, not a property owner. I am supportive of BMP and county support of programs that will improve environmental outcomes from rural area uses. What the county has asked its citizens to review is utter garbage, while clear if one is used to reading such ordinance trash, its meaning is completely and intentionally unclear. And one has to wonder why. As an example, what is the meaning and impact of easements the ordinance may promote or require? No where are the associated cost to the property owner conveyed? Why isn't there a side-by-side table that shows the existing condition versus the legislative impacts. No where is it explained how the ordinance would impact agricultural uses. What are the associated additional costs that will come into play if I want to construct a barn, outside any stream buffer? Why are not maps provided that would indicate the areas impacted by the ordinance? In the past 4 years the County has changed its public engagement process, it now simply inundates the public with tons of information, much if which is extraordinarily ineffective and long-winded. Similar to going to a social occasion an acquaintance, or stranger, grabs you and will not stop talking and rarely taking the time to ask or inquire if what they are saying is meaningful, substantive. Please rework and reorganize the County's public engagement conduit and process. This form of technology and communication is highly ineffective and inarticulate in conveying much of what can be communicated more effectively. What was presented was clear as mud, the intricacies, impacts, costs and outcomes are poorly conveyed producing only a vague understanding of a potentially very costly and impactful piece of legislation. The presentation and materials do not adequately convey clearly the legislative impacts, and asks the customer, the Albemarle County citizen to spend an inordinate amount of time going through strike-out and additions to ordinance that is highly ineffective as a form of communication. Where is the clear outline of the cost share programs, who they benefit and to what degree? How will , or will the ordinance impact land use taxation in any way? What happens if one has an overgrown, thicket along a perineal stream that is full of invasives, ailanthus, as an example; and one wants to clear it out to plant native species and improve one's view across the stream? Or in the development areas, what if one wants to add a active recreation facility, or articulated garden adjoining and within the 100' stream

buffer? Is this accommodated within the changes? The reductionist process of providing the public with ordinance strike-out and additions, is pathetically lazy and exemplary of the public engagement process.

Screen Name Redacted
7/13/2023 03:02 PM

I am glad our county is taking this seriously and is incorporating requirements into our planning processes. One component that is an additional concern is the rampant growth of invasive species (Kudzu, bittersweet, etc) that I hope will also get some attention in our planning processes and support through partnerships with volunteer organizations working with the county and property owners to strategically target this overgrowth. Thank you for seeking input, Holly Hintz

Screen Name Redacted
7/13/2023 06:29 PM

Despite repeated requests for public input/comment/review, the BOS typically bulldozes through whatever it is they want/support - not what the people they serve want. The very fact that the BOS continuously changes the "greenspace" layouts and builds anywhere a developer wants, and that the BOS makes it impossible for some people to purchase and preserve land yet allows others to purchase the SAME property to develop it, and that the BOS doesn't enforce the current laws for developers but crams the laws down other private owners throats makes it very difficult to believe that the BOS will take ANY of the people's thoughts/considerations to heart. The very fact that Ann Malek pushed to develop over a protected stream tells me the BOS cannot be trusted to steward this project. And, by the way, the "fees" proposed in this draft....would be nice if the "fees" were dedicated to the features being protected an not the BOS's pockets.

Screen Name Redacted
7/14/2023 10:26 AM

Once again the County is creating cover to open up development near water sources. Another reason why few ciitizend trust the County’s initiatives. Simply said don’t’ build near water sources.

Screen Name Redacted
7/14/2023 11:39 AM

I appreciate the efforts to improve Albemarle County's riparian areas, as they are crucial for water health, biodiversity, and erosion prevention. My feedback includes the following: 1. Section 4.2.6 Exemptions, item (b) - an exemption to section 4.2.1 is provided for "the establishment of the first single-family detached dwelling unit on such lot or parcel". This item seems to open a lot of room for loopholes, such as a developer who wants to construct single family detached dwelling units within riparian buffer zones. 2. Sec. A.1-109 B.3 - size of riparian buffer is set to 35 feet. Per Walter et al 2009 paper entitled "New Paradigm for Sizing Riparian Buffers to Reduce Risks of Polluted Storm Water: Practical Synthesis" p206, "It is also

	recommended that, when possible, preference be given to variable-width buffers, based on a topographic index, over fixed-width buffers. Although the likelihood of an area generating saturation-excess runoff generally decreases with increasing distance from a stream, the patterns are only loosely correlated to distance from stream (Agnew et al. 2006). Topographic indices appear to capture much more of the realistically, irregular patterns of runoff generating areas (e.g., Agnew et al. 2006; Lyon et al. 2006a, b; Schneiderman et al. 2007). However, fixed-width buffers are still likely to be effective (e.g., Easton et al. 2008) although they will not capture some runoff-prone areas and will likely encompass some areas that have little likelihood of generating runoff." Given the variable topographic relief of Albemarle County, my feedback is to follow Walter et al in requiring variable-width riparian buffers based on topographic index, rather than a fixed 35 foot buffer. 3. Agricultural and silvicultural uses are exempt from these requirements, however both can have significant impact on water quality in streams and rivers. For silvicultural uses, adherence to state BMPs is required, however no such BMPs are mentioned for agricultural use. My feedback is to provide more requirements for agricultural protection of riparian buffers. 4. Construction of utilities such as gas and sewer lines is also exempt from riparian buffer requirements, however these can have disastrous impacts on water quality if failure or breakages occur near waterways. Given that climate change is going to have unforeseen impacts on infrastructure, it is imperative that we protect waterways from possible gas or sewer spills. Requiring a greater distance of gas and sewer lines from waterways is one way to prevent that outcome. Thank you for working to protect waterways in Albemarle County! This work has critical impacts, both locally and downstream.
Screen Name Redacted 7/14/2023 02:54 PM	Thank you for receiving feedback from residents/land-owners of Charlottesville & Albamarle County. We have hopes that you will do your very best to preserve our waterways & streams. Our grandchildren enjoyed growing up & playing in the Rivanna River & its tributaries please plan for the future children to have safe use of our wonderful streams & rivers.. We want to spend our tax dollars towards preserving our shared environment. Cliff Seltzer & family C,Ville & A County
Screen Name Redacted 7/15/2023 10:32 AM	YES YES YES. Absolutely necessary and welcome
Screen Name Redacted 7/17/2023 09:07 PM	I'm supportive of the development of an Albemarle County Riparian Buffer District.

Screen Name Redacted 7/19/2023 05:24 AM	The wider buffer, the better. Protecting riparian buffers is critical to the protection of property, as it helps prevent flooding (in addition to the ecological benefits provided. Financial sanctions for violation should be significant.
Screen Name Redacted 7/19/2023 08:16 PM	I support this effort wholeheartedly!
Screen Name Redacted 7/19/2023 09:37 PM	Any protections that will preserve our natural waterways are vital to the health and welfare of the community and biodiversity.
Screen Name Redacted 7/20/2023 11:19 AM	Rules need to be dropped because winemakers can do what they want
Screen Name Redacted 7/21/2023 07:21 AM	How about VDOT or county address gravel secondary road ditch runoff directly into creeks! You guys sound like John Kerry flying his jet around the world crying global warming. Lead by example instead of forcing land owners to comply when the state road system is the worst.
Screen Name Redacted 7/27/2023 10:51 AM	This needs to include language to ensure that protected slopes not be altered within 1,000 ft of a perennial stream/riparian buffer.
Screen Name Redacted 7/27/2023 11:11 AM	I have concerns about the draft. --Generally, the Water Protection Ordinance / Riparian Buffer Overlay should provide protections at least as strong as the 2014 WP Ordinance in all respects, and close any loopholes that allow for reducing buffers in development areas, or multiple incremental disturbances to buffers. Albemarle County should be moving toward policies consistent with the Chesapeake Bay Preservation Act. Specifically: --Section 30.8.8 which reduces the buffer to 50 feet in development areas should be eliminated. This loophole is inconsistent with the intent stated at https://engage.albemarle.org/riparian-buffer-overlay-district/widgets/66570/faqs#10843 to maintain buffers at 100 feet in the Development Areas. --The requirement to create a buffer if one does not exist should be restored. Landowners who eliminated buffers should be required to replace them; no grandfathering. --Total exemption of agriculture and forestry from the Riparian Buffer Overlay should be replaced with the 2014 buffer requirements for row crops. Returning to the 2014 protections is a bare minimum. The Thomas Jefferson Soil and Water Conservation District and Virginia Department of Conservation and Recreation have robust programs to assist agricultural landowners in establishing buffers so this does not

pose an undue burden. Thank you.

Screen Name Redacted
7/27/2023 03:19 PM

Permitting cattle or other stock within a buffer area is disastrous and causes erosion and stream degradation. Blanket "agriculture" as a permitted activity within a riparian buffer defeats the purpose of a buffer.

Screen Name Redacted
7/27/2023 03:25 PM

I strongly support this draft ordinance and value protecting our water quality!

Screen Name Redacted
7/27/2023 04:09 PM

Hi, thank you for soliciting feedback and input. As a resident of Crozet, I strongly believe that the Water Protection Ordinance/Riparian Buffer Overlay should, at minimum, provide protections AT THE VERY LEAST that are as strong as what was outlined in the 2014 ordinance and any and all loopholes must be closed -- loopholes that could allow buffers to be reduced in development areas or multiple incremental disturbances to buffers -- these types of loopholes MUST be removed/closed. The County needs to develop its policies for water protection and the Riparian buffer overlay to be consistent with the Chesapeake Bay Preservation Act. Also, Section 30.8.8 says the buffer can be reduced to 50 feet in development areas. This loophole/caveat is UNACCEPTABLE and MUST be removed from the ordinance. Buffers of at least 100 feet in development areas MUST be maintained. No exceptions. Also, your ordinance should include a requirement to CREATE a buffer if one does not already exist. Finally, can we please see better protection of our streams (especially Lickinghole Creek)??? It's an impaired stream of which multiple housing proposals are pending which would greatly and negatively impact the stream and the surrounding areas. We need to put tougher restrictions in for real estate development and make it easier for farmers. You've currently got it backwards; there is NO good reason to make it as easy as possible for housing developers all while impairing our waterways. Thank you again. Carol Fairborn

Screen Name Redacted
7/27/2023 05:49 PM

If I understand correctly, the riparian buffer guidelines for agricultural operations were removed a few years ago. I am wondering why this was done and will they be reinstated?

Screen Name Redacted
7/27/2023 07:50 PM

I do not know the pros and cons of this new document; however, if it will be effective in preventing erosion causing our streams and rivers to bleed mud after precipitation I support it. Again, I am not a well-informed citizen on the merits of this plan, but I didn’t read info about

	consequences and who is charged with ensuring these requirements are met. Years ago, I witnessed the erosion of the steep slope beside Broadus Memorial Church on Route 20N. The erosion was so poorly prevented I must say that I think inspections didn't occur. I believe farmers know how much they need their soil and take best practices to insure retention. I believe deforestation, developers and VDOT are causing to most erosion.
Screen Name Redacted 7/28/2023 07:57 AM	Does this new overlay district grandfather in existing homes septic fields in 20 degree slopes close to the river? In case they need repair or replacement? Also - does this new 100' area impact existing homes along a river? If not, it's fine, if SO, then we have concerns as you will be taking a large part of non-forested land.
Screen Name Redacted 7/28/2023 10:18 AM	Clean water is critical to Albemarle county's people and the general health of our ecosystem. The proposed protections was necessary.
Screen Name Redacted 7/28/2023 12:02 PM	Republican Gov is opening up Businesses and construction that ignores climate crises preventable action policies
Screen Name Redacted 7/28/2023 12:04 PM	Republican gov ignores ramifications of environmental biological evidence that established protective practices need to unfortunately regulate .
Screen Name Redacted 7/28/2023 12:07 PM	I completely support strengthening the standards applied to riparian buffers as built out by the Riparian Buffer Overlay District draft. The Chesapeake Bay is a tremendous resource, both in terms of economic benefits (e.g. oyster farms) and recreational ones. We owe it to current and future generations to apply best practices to watersheds, streams, wet lands and rivers that influence the health of the Chesapeake. Additionally, I support appropriate buffers for agricultural and forestry lands in the County. I spend time on the water at Beaver Creek Reservoir. I've seen instances when contractor teams have been on the water working to control harmful algae blooms. At the same time, cows on nearby grazing lands can drop waste on the ground while standing a few feet from the reservoir's edge with no buffer visible. That's not healthy for the reservoir as a source of drinking water and as an input for the Bay. To allow grazing lands to have no buffers means a local farmer is causing damage to a community resource and transferring costs to the County to deal with the damage.

Screen Name Redacted
7/28/2023 12:50 PM

The ordinance and materials provided here are way too complicated and full of jargon for the average citizen to read and understand. A simplified summary would be useful. But my main concern/feedback is that the 100 foot stream buffer should continue to be required in all areas, including growth and development areas. This buffer should be restored in any areas where it has been removed in the past. This will protect our streams from pollution and promote biodiversity. The county should also plant native plants along our streams. Thank you.

Screen Name Redacted
7/29/2023 12:24 PM

Having lived on property which includes a portion of the North Fork of the Hardware River, I have followed the effort to increasingly control what should be individual landowners rights and responsibilities of the water resources they have stewardship of. The Farm Community is particularly aware of the consequence of poor management practices. All citizens of our community have become increasingly aware of environmental challenges of unpolluted water supply. Consequently it is appalling how the local government places itself between a landowner and his/her responsibility. Let's challenge the basic premise: 59% of Albemarle water suffers from poor quality. Except for measuring how dog poop pollutes reservoirs and public lake streams the only river studied was the Rivanna River. In 2017 the then manager of water studies stopped giving reports of water quality because he admitted there were hundreds if not thousands of miles of riparian (he said streams) buffers and it was not possible to make general statements about water measurements. It was not possible to pay people to do all the studies. I challenge the need for 100' buffers. It is confiscation of rural land owners property. I challenge the need for Riparian Buffer Administrators. Why doesn't the county hold itself to the same standard they would burden rural landowners with? Why do invasive species grow unchecked on the banks of publicly owned land? Also, why does the County let invasive species grow unchecked at Interstate Highway interchanges all of which have water flowing nearby.? I am copying my comments directly to Scott Clark. John Lowry 3475 Red Hill School Road North Garden, VA 22959 johnclowry18@gmail.com

Screen Name Redacted
7/30/2023 10:41 AM

I support the plan!

Screen Name Redacted
8/01/2023 09:20 PM

It is important that the overlay be at least as comprehensive and protective as the pre 2014 regulations. New uses or weakened provisions should not be included. Loopholes should be closed. Avoid the phrase "to the extent feasible or possible" To whom is it not feasible? Avoid allowing multiple crossings. The historic regs allowed only one crossing for access to a property. That should not be changed. Please identify where the draft is weaker than the existing

	regs.
Screen Name Redacted 8/05/2023 03:17 PM	I am very much in favor of the Riparian Buffer District as overlayed in the draft report.
Screen Name Redacted 8/07/2023 02:01 PM	Looks good to me. Glad to see the County wants to take care of these streams.
Screen Name Redacted 8/10/2023 10:03 AM	Good morning, I am suspect of much of the restrictive nature for active and passive uses within the proposed riparian buffer areas; especially within growth areas. If one travels to European communities there are many examples that demonstrate effective utilization of what may be classifiied as "Stream buffer areas" that become educational tools building the relationship between humanity and nature. If we want more efficient use of our growth areas, one intellectual leap is certain, we have to make the built environments far more livable, inviting, educational, and environmentally sound. Producing regulatory impediments that that destroy or separate us from nature, or place us responsibly within nature, or from skillfully working with nature are counter productive. So the ordinance should motivate the evaluation of these habitats; the ordinance is intellectually lazy and simply presents a restrictive force opposed to demonstrating how we can participate and interact within the stream buffers to recognize their natural resource value and provide educational and act as active/passive resources from humans, nature and the biodiversity that exists within the zone. At a minimum, the engineer utility of the landward 50' of the development area stream buffers should be allow and promoted. It is unfortunate the county has chosen this limited form of feedback. I can't upload photographs that are representative of the above thinking; the form of communication is representative of the County's aesthetic paradigm of governance, it is restrictive opposed to enriching or enlightenment. Lazy governance, which is why the county looks the way it does.
Screen Name Redacted 8/10/2023 02:14 PM	The primary issue is that the description of the overlay district on the County's website soliciting feedback ONLY describes the positive outcomes from the implementation of the buffer. It IGNORES the negative outcomes. So the County is likely to get overwhelmingly positive responses from people who only "read the headline." The "headline" implies that there only benefits, and no costs. That's inaccurate. The introduction to the survey should briefly describe all of the relevant consequences, good and bad. Otherwise your results are biased by the survey itself. Additional riparian buffer will have some environmental benefits. These are difficult to quantify or objectively

evaluate. It will also be detrimental to other goals of the comp plan. Where new buffers are established in development areas, they restrict developable land, further reducing what little land we have to produce housing and commercial uses. If these buffers are added, equivalent acreage of developable land should be added to the development areas elsewhere. Why can't new lots be within the buffer? Who owns the land has nothing to do with the requirement that it be a buffer. Again, this new restriction removes developable land from the development area and does not replace it. Buffers should not include wetlands. The riparian buffer should only be around perennial streams. Wetlands have their own federal and state protections already. The requirement for signage silly, unless the buffer is on a lot. If the buffer is part of common area, signage is just wasteful.

Screen Name Redacted
8/10/2023 03:31 PM

After reviewing these updates, I have a few items to share regarding feedback: 1) By including intermittent streams within the buffer areas, this will greatly reduce area for development within the designated development areas. 2) Even in regards to perennial streams, they are not all created equal. In particular, I can think of one such perennial stream that is simply an outfall of a pond, located in the Pantops area. If during the original installation the property owner had placed this outfall in a piped system then there would be no perennial stream. 3) There are state regulations through DEQ and the ACOE that allow for impacts to streams and wetlands. These regulations do not specifically describe if a stream can be impacted by development, where the stream effectively goes away, negating the buffer...or if the buffer disallows any development from occuring. 4) Within the development areas there should be other best practices that can be used to encourage the health of streams and waterways, without limiting the potential for the future built environment. That is not to say we should build or pave over everything, but the buffers also limit the ability for thoughtful design to incorporate the surrounding natural environment.

Screen Name Redacted
8/10/2023 03:46 PM

I'm fine with any and all efforts to increase the tree canopy in Albemarle County. The destruction we've seen in Crozet over the last decade is shameful, and with climate change bearing down, I would like to see more incentives from the county for planting trees. We are long overdue for a tree ordinance like the one in Fairfax County. Let's move that along and -- by all means -- plant trees to protect water quality.

Screen Name Redacted
8/10/2023 04:12 PM

While I support the general intent, I think the ordinance, as proposed is overprotective of intermittent stream channels in the urban growth

	areas. If we want to densify our growth areas to avoid having to expand them, a 100 stream buffer is counterproductive, especially for intermittent streams but also perennial ones. There are effective strategies for reduction of pollutants in these areas that don't waste valuable developable land. It's worth noting that in some urban areas with existing stream channels, the channels and buffer areas are already contaminated due to uncontrolled dumping long ago. These areas need to be cleaned up but, because they now have wetland plants growing in them, they are protected and can't be cleaned up without an expensive permit. I could favor a new ordinance as long as there is an ability to get a waiver in urban areas back to 50 feet.
Screen Name Redacted 8/10/2023 05:06 PM	Not sure what the definition was before for Perennial stream - but I do not want to see a weakening of the requirements. We recently saw a stream definition upheld in a proposed new subdivision in Crozet. I want that type of stream protected - not because I am against growth - but to protect the streams. Redefining comes with benefits and costs - but I do not want to see this weakened. THanks for the hard work!
Screen Name Redacted 8/11/2023 12:14 PM	I do not think the ordinance should include the language pertaining to intermittent streams.
Screen Name Redacted 8/11/2023 01:35 PM	I enthusiastically support the new zoning overlay and ordinance changes!
Screen Name Redacted 8/11/2023 02:05 PM	stop trying to control county every aspect of county residents lives.
Screen Name Redacted 8/11/2023 02:10 PM	It is important in the Pantops part of the county that all efforts be made to protect the Rivanna River in this area from further intrusion of waste and run-off from development. The ordinance must take into consideration the use of landscape maintenance to avoid run-off into the drainage systems.
Screen Name Redacted 8/11/2023 02:17 PM	Support ordinance
Screen Name Redacted 8/11/2023 02:44 PM	It isn't clear to me how the dates were arrived at for the enforcement. Some list May 2008 and some list February 1998. Additionally the policy references several maps or other policies/documents that simply are not easy to find. For instance, as referenced in this document, "Determinations of Water Bodies with Perennial Flow"

returns no relevant links to find such waterways defined or mapped. All references to other, even outside documents, should be fully referenced in footnotes of this document. Additionally, it would have been helpful to understand, visually, exactly 'what' is changing in this document. Is the entire document new? or an update? Thanks -

Screen Name Redacted
8/11/2023 03:21 PM

My concerns have to do with small landowners whose properties already have roads to their homes that cross or are adjacent to brooks and streams and are within the 100' limit. While the draft allows for transportation improvements, keeping 100' of natural vegetation in many places is not reasonable. In other instances, having only one road into a property that crosses a stream may mean restricting access to parts of properties that are mountainous or otherwise difficult to access. We need to consider exceptions or state them more clearly. Grandfather clauses would also be helpful.

Screen Name Redacted
8/11/2023 03:25 PM

This sounds like a good idea. I've seen the erosion of land from the clear cutting that developers and house builders are allowed to do. Any regs that keep the land from eroding near streams and rivers and creeks are welcome.

Screen Name Redacted
8/11/2023 03:37 PM

I fully support protecting our local waterways through erosion control for home construction and other related development. I do not support the overreach of government on private property. The proposed changes are too far reaching. They are an example of the over regulation by government that infringes on the property rights of landowners.

Screen Name Redacted
8/11/2023 03:39 PM

First, the information delivery is poor. A consolidated link with available mapping should be provided. I am opposed to any new fees and suggest that the county provide grants and real estate tax relief for confirming to any new riparian legislation.. The amount and diffusion of ordinance information is inefficient. In stead of restrictive ordinance we should enabling ordinance that promotes the improvement of stream buffer areas . The landward 50’ within the development areas should be available for use in enhancements both active and passive. It promotes understanding and appreciation for the natural environment, eco systems, environmental quality. Enable humanity, don’t simply restrict it. We are in nature not separated from it understanding our roll is important.

Screen Name Redacted
8/11/2023 04:00 PM

In concept this ordinance is fine but it is important to realize that stream vary greatly. You can have a stream like Licking Hole and that

	stream should not to tampered with. On the other hand there are (streams) that do not have water in the for months and when there is water is is minimum and should not be prohibit for use of that lands for important development.. Most issues in the zoning ordinance are subject to change and his is one example.
Screen Name Redacted 8/11/2023 05:00 PM	I agree with the intent of the regulaion, but the concept of a Riparian buffer administrator goes against the fundamental elements of private property, The County has no right to dictate controls over private property. Use incentives rather than than dictates!!!!
Screen Name Redacted 8/11/2023 05:04 PM	I have asked the county for clarification on a few points but have not rcvd the final response yet so I have to object to the entire plan unless it grandfathers in septic drain fields on 20 degree slopes (including repair and replacement) within the 100' buffer.
Screen Name Redacted 8/11/2023 05:06 PM	I support protecting riparian buffers as much as possible to ensure our waterways stay healthy. Thank you!
Screen Name Redacted 8/12/2023 10:27 AM	I am glad to be informed that the county recognizes and is considering the importance of maintaining sufficient riparian protection for our waterways. There is a very real danger from developmental disturbance. Recognition of the damages of invasive plants and the need for their control and removal is also vital to the maintenance of our natural flora which maintains the health of our streams.
Screen Name Redacted 8/12/2023 10:56 AM	The exemption for agriculture and forestry uses is inherently unfair. Whatever riparian buffer protections are warranted should be in effect for all land uses equally.
Screen Name Redacted 8/12/2023 05:40 PM	If the county wants to legislate property rights away from property owners the county should pay for those rights and reduce associated real estate taxes as well. Protecting water resources is great, why does not the county do a better job with its own environmental quality issues, like land planning, zoning, transportation. The county and the University of Virginia are the major polluters in the area. Clean you act up before starting to impinge on other property owners rights. Allow other options for mitigation, the purchase of nutrient credits, better environmental design, better land use. The two acre minimum lot size in the rural areas is a huge contributor to transportation pollution in the rural areas as well as the "growth area land use" that

does not effectively produce the environmental results needed. Promote quality design. VDOT is the largest purchaser of nutrient tax credits because it is and its transportation infrastructure is one of, if not, the largest polluter. The county should stop manufacturing environmentally unsound land use policy; how much pollution is produced by "out migration", a result of market impacts directly tied to zoning and land use policy.

Screen Name Redacted
8/12/2023 08:30 PM

I don't see anything that speaks to more diligent supervision and management by the County of developers and service providers. Simply updating and changing the code does not mean that the rules will be followed. Consider the following ... Several years ago a third party company hired by a telecommunications entity started the installation of buried cable to an existing cell tower by using hydro excavation pulling water from a local creek. Unfortunately, they did not consider that using such a method on a hill would cause tons of sediment to flow down the hill into the creek killing aquatic life at that location and downstream. The erosion on the banks of the hill were also significant. Whether or not the telecommunication company or the third party company knew what Albemarle County regulations were is debatable and largely pointless since ignorance of ordinances is commonly used to excuse such behavior. This was done without the knowledge or consent of affected land owners. When VDOT was contacted to find out why the work had been given the green light we were told that this is a purely automatic response by VDOT to such a request. If it had been required that the appropriate County office be informed and involved this would never have taken place. Of course it would not have taken place if the landowners had been notified. Apparently, VDOT "tells" the requester that they need to notify property owners but this seems to be more in the way of a suggestion rather than a requirement. If this is something that needs to be addressed at the state level then it should be done. What use are local ordinances if state departments and developers/service providers can ignore them. I am wholly in support of the new ordinance. However, the County should spend some of its tax revenue to hire staff to enforce the rules not to simply write them down and hope they'll be followed.

Screen Name Redacted
8/13/2023 01:28 PM

I have serious concerns about the draft replacing the Water Protection Ordinance with a new Riparian Buffer Overlay District. The Riparian Buffer Overlay District should provide protections at least as strong as the 2014 Water Protection Ordinance in all respects, and close any loopholes that allow for reducing buffers in development areas, or multiple incremental disturbances to buffers. Section 30.8.8, reduces the buffer to 50 feet in development areas, should be eliminated. This loophole is inconsistent with the intent stated at

https://engage.albemarle.org/ripari.../widgets/66570/faqs... to maintain buffers at 100 feet in the Development Areas. We must restore at a minimum the 2014 requirement to create a buffer if one does not exist. This is missing from the draft. Replace the total exemption of agriculture and forestry from the Riparian Buffer Overlay with the 2014 buffer requirements for row crops, at a minimum. The Thomas Jefferson Soil and Water Conservation District and Virginia Department of Conservation and Recreation have robust programs to assist agricultural landowners in establishing buffers so this does not pose an undue burden."

Screen Name Redacted
8/13/2023 03:23 PM

Agree with it

Screen Name Redacted
8/13/2023 03:53 PM

Piedmont Environmental Council comments: The Piedmont Environmental Council (PEC) commends the County for carrying forward implementation of the County's Stream Health Initiative, including drafting the Riparian Buffer Overlay Ordinance. We recognize the tremendous lift and cooperative effort of planning, engineering, zoning, and public engagement staff to get to this point. County staff have engaged the public and utilized that input in a meaningful way. The Riparian Buffer Overlay District (RBOD) is a positive change that will result in clearer, stronger regulations that will increase the protection of water resources, including the raw water supply for the County, City, and University, and help build climate resiliency. The County has historically been and continues to be a leader on this front - this is a model that could be used by other localities outside of the Tidewater region where localities are regulated by the Chesapeake Bay Preservation Act. In addition to updating the regulations, we strongly support County staff in their implementation of voluntary measures that encourage and incentivize stream protection throughout the County, including on agricultural and forestal lands. In particular, reinvigorating support for the land conservation programs and implementation of proposals that support permanent protection of riparian buffers would have significant and lasting impacts for water quality, biodiversity, and climate resiliency. Implementing both regulatory and voluntary protection of riparian buffers is critical to restoring and maintaining connectivity and function of ecological systems across the County's landscape. How can the new overlay district address incremental piping of streams or land disturbance in proximity to streams and surface waters that are less than 10,000 sq. ft. prior to a land development application or site plan submission? How can this ordinance address the inevitable expansion of flood plains as documented in the County's Climate Vulnerability and Risk Assessment? Given that lakes and ponds may be permitted within the RBOD if approved by the Riparian Buffer Administrator, should riparian buffers be required around the

perimeter of these constructed waterbodies? Thank you for the opportunity to provide our comments. Kim Biasiolli, Senior Land Conservation Field Representative, kbiasiolli@pecva.org Rob McGinnis, Senior Land Use Field Representative, rmcginnis@pecva.org

Screen Name Redacted
8/13/2023 04:27 PM

It's good to regulate activities that may affect stream buffer and I totally support it. While dealing with a personal situation, involving a storm drain discharging towards my property from a "grandfathered" property, I faced obstacles that the county couldn't enforce anything to the grandfathered property due to grandfather clause. This has created severe erosion to my and my neighbour's properties and polluted downstream water sources. While I'm not entirely sure if my situation falls under this draft, i'd like to bring your attention to irresponsible development lie this, and lack of regulations in place to safeguard our environment. Before the development of my house in 2013, my home site is part of a steam that the neighboring grandfather property discharge storm water to. The above mentioned neighboring property is the Crozet Mobile Home Park, and my property is at 5575 Summerdean Road. I have a video clip took during a not heavy rain for current situation: https://drive.google.com/drive/folders/1Nw-EdHig8JgrMZWWW7a2qsa1Qb_Hjnn7?usp=sharing Since I wasn't the first owner of my house, so I don't know much about the history, so I can only relay facts and some logical assumptions from me. When Westhall Phase V was developed, a fence was put in between the 2 subdivisions, but a storm drain and storm water discharge from Mobile Home Park sits on the opposite sides of the fence, which I understand that they probably couldn't put a drain in the Mobile Home Park, however it didn't make too much sense, as the fence blocked the storm water to flow into the drain, and the section of fence has been taken down by nature in as little as 5-7 years in 2019 (assuming fence in in 2012-2013). Over the years, grandfather clause has protected the older properties as long as they don't do anything but it has created very negative impact to soil erosion, water pollution and property damage downstream, and in many sections around Westhall bordering the Mobile Home Park, the 50 feet easement is occupied by grandfather-in trailer homes. Where easement is supposed to be used to manage storm water, it's now having a high level for home site, and storm water has to find other pathways, and mostly into people's yards. For example, one side of my property has been very hard to grow grass, as storm water wash away fertilizer and weed killer faster than other parts of the property. This resulted unnecessary chemicals into our water system. I hope you could give this some thought, not for me or my neighbours but for the water system and environment . Thank you for your attention.

Screen Name Redacted
8/13/2023 07:34 PM

I have concerns about property rights and the effects of changes to the ordinance. The costs to demonstrate the need for a stream buffer crossing are going to skyrocket. Property owners should have the right to cross a stream one time without asking special permission. I don't mind some additional measures to protect the stream at the crossing, but having to spend the time and money to just receive approval is unacceptable.

Screen Name Redacted
8/13/2023 09:22 PM

I have two specific concerns about the draft ordinance: 1) In Section 30.8.3(A), boundaries of the district, I'm concerned that the draft ordinance only protects perennial streams in the development areas--not intermittent streams. I live in the Crozet area, and we have many intermittent streams that are critical areas for the tree canopy, plant life, and animal life. But these important areas would get no protection under the draft ordinance. The ordinance should include *some* protection for intermittent streams in the development area. It may not need to be the full 100 feet; perhaps 50 feet would be a good compromise that would still provide some important buffer from these environmentally sensitive areas. 2) In Section 30.8.7, I'm concerned that agricultural and silvicultural uses are defined as permitted uses in the buffer overlay district. Agricultural uses, in particular, can be very damaging to streams, particular with sediment and fertilizer runoff. So the idea of allowing these activities to run right up to the edge of the stream is completely at odds with the stated purpose of reducing pollution. And the idea of allowing forestry uses close to streams would rob the County of important tree cover in environmentally sensitive areas right next to our streams and wetlands, where other plants and animals rely on that tree cover. There are plenty of other trees that can be used for forestry purposes further away from our delicate streams.

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8/13/2023 09:39 PM

Sec. 30.8.4 Determination of Riparian Buffer Overlay Boundaries "As part of the zoning application or plan review processes, a reliable, site-specific evaluation may be required from the applicant. As a result of an evaluation, the district boundaries may be adjusted as deemed necessary by the Riparian Buffer Administrator." - No adjustment to reduce the riparian buffer setback. It should only be increased. Sec 30.8.6 – General Performance Criteria - No activities should be permitted within a riparian buffer zone. Unfortunately, developers do not do a good job of re-establishing and maintaining these areas. Also, there is biodiversity that is lost during a disturbance. Sec 30.8.8 – Exceptions to Permitted Uses, When Approved by Riparian Buffer Administrator A. Temporary erosion and sediment control measures within the landward 50 horizontal feet of a riparian buffer, and B. Structures, improvements, or activities located within the landward 50 horizontal feet of a riparian buffer. - 100 ft

	buffer needs to be maintained of a riparian buffer. Should not be reduced to 50 ft in development areas - Riparian buffers should be maintained in agriculture and forestry operations. - Restore the 2014 requirement to create a buffer if one does not exist.
Screen Name Redacted 8/13/2023 10:01 PM	The water must be protected and the vegetation that contributes to the protection must be preserved as well.
Screen Name Redacted 8/13/2023 10:02 PM	I support this initiative to restore and preserve natural riparian vegetation
Screen Name Redacted 8/13/2023 10:07 PM	I am very supportive of these protections! Here are some questions/comments" Where a buffer has been mowed will this disturbance be allowed to continue? The County should not allow continued mowing of the buffer or use of herbicides. I seem many examples of homeowners mowing right to the stream and using herbicides. This should not be allowed to continue. Sec. 30.8.9 -C ii- mitigation plan- Please specify the use of native plants in establishing vegetation in the disturbed buffer.. Sec 30.8.8 –Exemptions: C. Lakes and ponds, or temporary ecological restoration projects. Does this mean landowners can continue to mow or disturb around any lake or pond they might build. That does not seem right. Please clarify.
Screen Name Redacted 8/13/2023 11:41 PM	I'm very happy to see that the effort to better protect our streams is moving forward with the Stream Health Initiative, but I think full compliance with the Chesapeake Bay Act would be best. Most of our streams are impaired, showing that we aren't doing enough to improve their condition. One of my concerns with the draft buffer overlay district ordinance is that we know that there are streams, both perennial and intermittent, that are not recorded in the County's GIS. The County needs to ensure that these streams will also be protected with buffers. How can this be accomplished? With the rise in temperatures we can expect heavy rainfalls more often, increasing flooding risks. Providing that all the County's streams are located and provided with buffers will help to mitigate future flooding problems. How will Albemarle ensure that previously unbuffered streams have their stream buffers restored, for example when agricultural land has been converted to residential use? I think that some of the proposed exceptions take too much away from the intention to protect the streams from degradation. For example, rather than stating that impervious surfaces should be "minimized" in the buffer, why shouldn't they be prohibited? I think only permeable surfaces should be allowed in the buffer, if the buffer must be encroached upon at all. Thank you for the opportunity to comment.

Screen Name Redacted
8/14/2023 09:38 AM

I see that native plants are mentioned a few times. These should be stressed more clearly and include requirements for biodiversity....a native plant installation of a few different native species is not going to provide as much benefit as a plant community that provides a diversity of benefits. We don't have much area anymore to require native species and we need to maintain a diversity of natives with a variety of benefits and also different requirements for survival. Some may not do very well and others will thrive. There should also be a requirement to use natives that specifically do well in erosion control.

Optional question (75 response(s), 5 skipped)
Question type: Essay Question