

Docket Item #5
INITIATION OF TEXT AMENDMENT
#2004-0006-I

Planning Commission Meeting
April 6, 2004

CASE: INITIATION OF TEXT AMENDMENT #2004-0006-I
CHESAPEAKE BAY REGULATIONS

ISSUE: Consideration of initiation of a text amendment to Article XIII “Environmental Management” of the Zoning Ordinance to comply with State regulatory requirements and to enhance the City’s ability to protect water quality.

STAFF: Department of Planning and Zoning
Department of Transportation and Environmental Services

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission, pursuant to the attached motion, initiate a text amendment to the Zoning Ordinance, in order to amend Article XIII “Environmental Management,” finding that the consideration of such a text amendment is consistent with public necessity, convenience, general welfare, and good zoning practice.

DISCUSSION

The Virginia Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 *et seq*) require that the City of Alexandria adopt provisions to protect the water quality and habitats of the Chesapeake Bay from nonpoint source pollution generated from land use and development. The City adopted requirements consistent with the State regulations in 1992 in the form of Article XIII “Environmental Management.” Article XIII established two tiers of land management – Resource Management Areas (RMAs) and Resource Protection Areas (RPAs).

The Chesapeake Bay Local Assistance Board (CBLAB), the State entity responsible for oversight of the regulations, adopted amendments to the regulations in December 2001 that necessitate changes to Article XIII. In addition to these State-mandated changes, staff is also proposing several additional changes to strengthen environmental protection in the City. The amendments have been developed by the Department of Transportation and Environmental Services, with the assistance of a consultant and with input from the Department of Planning and Zoning, the Department of Recreation, Parks, and Cultural Activities, and the City Attorney. Two public meetings have been held in addition to informational meetings with the Environmental Policy Commission and the Alexandria Federation of Civic Associations.

There are three principal changes to the substance of Article XIII necessitated by the changes in State regulatory requirements:

- All “water bodies with perennial flow” must be protected by a 100-foot RPA buffer area. Previously, the buffer was required around all “tributary streams,” generally defined by the regulations as a blue line on a USGS quadrangle map.
- The RPA map is now guidance, rather than an official map, and perennial flow must be field verified using the protocol adopted by the City.
- Exceptions to the RPA requirements must be heard through a public hearing process. Previously, these exceptions could be granted administratively.

Additional changes proposed to strengthen environmental protection include: (1) protecting all intermittent streams contained in natural channels and non-tidal wetlands not protected as RPAs with a 50-foot buffer area; (2) establishing a “toolbox approach to meeting stormwater management requirements and the creation of an Alexandria Water Quality Improvement Fund; and (3) strengthening maintenance requirements for owners of structural stormwater management facilities. The City is also taking the opportunity to reorganize and make clarifications to Article XIII for ease of use. Draft text and a draft RPA map have been published and discussed at the two public meetings mentioned above.

Recommendation

Staff recommends that the Commission initiate a text amendment to amend Article XIII, because consideration of changes is consistent with public necessity, convenience, general welfare and good zoning practice.

INITIATION MOTION

Whereas the Alexandria Planning Commission may initiate the amendment of the Alexandria Zoning Ordinance whenever it determines that public necessity, convenience, general welfare or good zoning practice requires an amendment; and,

Whereas Article XIII “Environmental Management” of the Alexandria Zoning Ordinance was adopted in 1992 to comply with the provisions of the Virginia Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq);

Whereas recent amendments adopted by the Chesapeake Bay Local Assistance Board necessitate changes to Article XIII in order for the City to maintain compliance with the State regulations;

Whereas the State regulations allow the City to adopt additional provisions to further protect water quality in the Chesapeake Bay as well as local water bodies; and,

Whereas certain provisions of Article XIII could be rewritten for clarity and organizational consistency;

Now, therefore, I move that the Alexandria Planning Commission find that the public necessity, convenience, general welfare or good zoning practice requires consideration of an updated Article Chapter XIII “Environmental Management” in the Zoning Ordinance; and,

I further move that the Alexandria Planning Commission initiate such text amendment.