

2009 Environment Committee
Position Statement on
Riparian Buffers

The 2009 Environment Committee of the Planning Commission recommends that the Planning Commission endorse the following position statement, on the issue of *Riparian Buffers Upstream of Resource Protection Areas*, for transmittal to the Environment Committee of the Board of Supervisors:

1. The Planning Commission recommends that Fairfax County remain strongly committed to the protection of headwaters and riparian buffers upstream of RPAs, even if new regulations are not implemented at this time. The Planning Commission agrees with County staff on the importance of utilizing both the adopted Policy Plan on development applications, and the Tree Preservation Ordinance where applicable, to minimize development impacts on headwaters and riparian buffers.

2. The Planning Commission has been made aware of Fairfax County's current budget situation, and has been alerted by County staff to the significant financial and staffing implications associated with mapping, implementation and enforcement of additional regulation. The Planning Commission also has been made aware of potentially problematic limitations on regulatory scope in the absence of express legislative authority from the General Assembly.

3. Although a regulatory approach may not be feasible at this time, the Planning Commission recommends that the Board of Supervisors direct staff to revisit the issue of additional regulation

of upstream riparian buffers at such time as the Fairfax County budget may permit sufficient funding for staff necessary for mapping, implementation and enforcement, and also after the Board has had the opportunity to evaluate whether to pursue any appropriate legislative initiatives with the General Assembly.

4. The Planning Commission further recommends that the Board of Supervisors refer the topic of upstream headwaters and riparian buffers to the Board's Legislative Committee, to review with County staff any desired legislative action by the General Assembly, to facilitate implementation of future local regulation for protection of riparian buffers.

5. The Planning Commission further recommends that in the meantime, Fairfax County staff be directed to continue with a phased action plan for protection of headwaters and riparian buffers, with the first phase including promoting education and awareness for affected property owners, together with continued fact-finding and research on what other jurisdictions are doing. When circumstances warrant, the second phase should include reevaluation of the feasibility of additional regulation, after possible General Assembly action, and as the Fairfax County budget may allow.