

July 6, 2015

Sarah Baldwin, Senior Planner  
County of Albemarle  
Department of Community Development  
401 McIntire Road  
Charlottesville, Virginia 22902

Re: Thomas Jefferson Foundation  
Critical Slopes Waiver Request  
WWA Project No. 215015.00

Dear Ms. Baldwin:

On behalf of the Thomas Jefferson Foundation, WW Associates is submitting this application for a waiver of Chapter 18, Section 4.2 of the Albemarle County Zoning Ordinance to allow disturbance of existing critical slopes to facilitate development of the project known as "Thomas Jefferson Foundation Water and Sewer Improvements Part II". The subject parcels are identified on the County tax maps as parcels 77-31 and 78-22 (the "Property").

The overall project will upgrade the existing water distribution system with a new underground storage tank and two new pump stations to provide additional water capacity, reliability and fire protection to the Monticello, Kenwood, Marquis and Montalto complexes.

The wastewater element will provide a low pressure wastewater system to convey wastewater from the buildings and complexes to the Rivanna Water and Sewer Authority's (RWSA) Moore's Creek Wastewater Treatment Plant. This plan eliminates the onsite wastewater treatment and disposal systems for Thomas Jefferson Foundation facilities and the associated risk of failures of both types of systems.

The project areas that require critical slope waivers consist of four separate sites as a part of the larger project to provide new water and wastewater facilities to the Thomas Jefferson Foundation facilities. Each of these sites was chosen based on location and elevations required for the facility to function properly. The following is a description of the four sites:

1. The Main Wastewater Pump Station is located near Interstate 64 adjacent to the existing water booster pump station (to be demolished) and will be installed flush to the ground. The area of clearing and grading is limited to installation, demolition of the existing facility and access to the site. Some of the critical

slopes appear to be natural, but most of the areas were disturbed during the construction of the existing pump station.

2. Pump Station "A" is located up the hill from the existing water booster pump station and further removed from Interstate 64. This location is a flat area with critical slopes only at the access point along Secretary's Ford Trail. The area will have limited clearing.
3. Pump Station "B" (existing pole barn) is located in an area currently used for storage and maintenance. A portion of the existing pole barn will be removed to facilitate construction of the pump station. The critical slopes that exist were constructed when the existing building was first built.
4. The Montalto Water Storage Tank is located along the access road to Montalto. The tank will be buried and will have limited visibility after construction. The critical slopes were both natural and man-made during the construction of the access road to Montalto.

The Critical Slopes Application Plan depicts the existing critical slope locations and those that are to be disturbed. Areas of disturbance will be protected with erosion and sediment control measures during construction and will be fully stabilized prior to removing those measures.

The following table summarizes the critical slope characteristics of each project site area based on site observation. The project site is defined by the limits of disturbance for each site.

| <b>Main Wastewater Pump Station</b>                      | <b>Area<br/>(Square Ft)</b> | <b>Area<br/>(Acres)</b> | <b>Percentage<br/>of Project<br/>Site</b> |
|----------------------------------------------------------|-----------------------------|-------------------------|-------------------------------------------|
| Total Area of Project Site                               | 3585                        | 0.0823                  | 100.00%                                   |
| Total Area of Existing Natural Critical Slopes           | 204                         | 0.0047                  | 5.69%                                     |
| Total Area of Existing Man Made Critical Slopes          | 121                         | 0.0028                  | 3.38%                                     |
| Total Area of Critical Slopes                            | 325                         | 0.0075                  | 9.07%                                     |
| Total Area of Disturbed Existing Natural Critical Slopes | 204                         | 0.0047                  | 5.69%                                     |
| Total Area of Disturbed Man Made Critical Slopes         | 121                         | 0.0028                  | 3.38%                                     |
| Total Area of Disturbed Critical Slopes                  | 325                         | 0.0075                  | 9.07%                                     |

| Pump Station A                                           | Area<br>(Square Ft) | Area<br>(Acres) | Percentage |
|----------------------------------------------------------|---------------------|-----------------|------------|
| Total Area of Project Site                               | 7768                | 0.1783          | 100.00%    |
| Total Area of Existing Natural Critical Slopes           | 0                   | 0.0000          | 0.00%      |
| Total Area of Existing Man Made Critical Slopes          | 240                 | 0.0055          | 3.09%      |
| Total Area of Critical Slopes                            | 240                 | 0.0055          | 3.09%      |
| Total Area of Disturbed Existing Natural Critical Slopes | 0                   | 0.0000          | 0.00%      |
| Total Area of Disturbed Man Made Critical Slopes         | 240                 | 0.0055          | 3.09%      |
| Total Area of Disturbed Critical Slopes                  | 240                 | 0.0055          | 3.09%      |

| Pump Station B                                           | Area<br>(Square Ft) | Area<br>(Acres) | Percentage |
|----------------------------------------------------------|---------------------|-----------------|------------|
| Total Area of Project Site                               | 3962                | 0.0910          | 100.00%    |
| Total Area of Existing Natural Critical Slopes           | 0                   | 0.0000          | 0.00%      |
| Total Area of Existing Man Made Critical Slopes          | 240                 | 0.0055          | 6.06%      |
| Total Area of Critical Slopes                            | 240                 | 0.0055          | 6.06%      |
| Total Area of Disturbed Existing Natural Critical Slopes | 0                   | 0.0000          | 0.00%      |
| Total Area of Disturbed Man Made Critical Slopes         | 240                 | 0.0055          | 6.06%      |
| Total Area of Disturbed Critical Slopes                  | 240                 | 0.0055          | 6.06%      |

| Montalto Tank                                            | Area<br>(Square Ft) | Area<br>(Acres) | Percentage |
|----------------------------------------------------------|---------------------|-----------------|------------|
| Total Area of Project Site                               | 56374               | 1.2942          | 100.00%    |
| Total Area of Existing Natural Critical Slopes           | 5818                | 0.1336          | 10.32%     |
| Total Area of Existing Man Made Critical Slopes          | 4528                | 0.1039          | 8.03%      |
| Total Area of Critical Slopes                            | 10346               | 0.2375          | 18.35%     |
| Total Area of Disturbed Existing Natural Critical Slopes | 5818                | 0.1336          | 10.32%     |
| Total Area of Disturbed Man Made Critical Slopes         | 4528                | 0.1039          | 8.03%      |
| Total Area of Disturbed Critical Slopes                  | 10346               | 0.2375          | 18.35%     |

The five (5) health, safety and welfare provisions of Section 4.2, Chapter 18 of the Albemarle County Zoning Ordinance are addressed as follows:

1. Rapid and/or large scale movement of soil and rock. Construction of the site will require on-site earthwork operations that disturb critical slopes. The area disturbed will be stabilized with the erosion control measures shown on the Critical Slope Application Plan. The erosion control plan stabilization measures include:

- silt fence
- stabilization mats
- inlet/outlet protection
- temporary/permanent seeding
- mulching

These types of measures will minimize the risk of rapid or large scale movement of soil and rock.

2. Excessive stormwater runoff. There is no storm water management required for this project. Runoff from all improvements will drain into existing forested areas. Erosion and sediment transport will be minimized or prevented as discussed in Item 1.
3. Siltation of natural and man-made bodies of water. The site will be stabilized with permanent seeding and matting to minimize the discharge of silt into the downstream waterways or adjacent properties.
4. Loss of aesthetic resource. The landscape of the project areas will effectively remain unchanged following construction. The largest area of critical slope disturbance is the Montalto underground tank. The Main Wastewater Pump Station, Water Booster Pump Station A and Water Booster Pump Station B are low visibility areas with no public access.
5. Greater travel distance of septic effluent. The project will be taking most of the septic tanks and drain fields out of service and discharging to public wastewater facilities.

*Interpretation of Section 4.2.5(a)3*

Section 4.2.5(a)3 allows the Board of Supervisors to consider and act upon requests to waive the restrictions for disturbing critical slopes upon finding the following (in part):

- a. *Strict application of the requirements of Section 4.2 would not forward the purpose of this chapter or otherwise serve the public health, safety or welfare.*

Granting the waiver will not be detrimental to the public's health, safety or welfare. Through utilization of sound engineering measures and techniques in designing the project, the potential adverse impacts to disturbing critical slopes can be mitigated.

- b. Alternatives proposed by the developer or subdivider would satisfy the intent and purpose of Section 4.2 to at least an equivalent degree.*

The engineering alternatives proposed by the applicant and as discussed previously will satisfy the intent and purposes of Section 4.2 at least to an equivalent degree in that the adverse impacts generally associated with disturbing critical slopes are not expected to be incurred. Critical slopes that are to be disturbed will be reestablished to a condition of manageable slopes.

- c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties.*

Critical slopes to be disturbed with the proposed improvements are both natural and man-made. The largest area of man-made critical slopes to be disturbed with this project were created during the construction of access roads and to create building pads. Because the property is located on a mountain, County defined "Critical Slopes" are the norm, not the exception. The sites that were chosen have a lower concentration of critical slopes than the majority of the property.

- d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.*

Granting the waiver would enable the applicant to address deficiencies in both the water and wastewater facilities. Fire protection for this World Heritage Site is currently inadequate. The new water service will provide the needed fire protection. Although Monticello is a private facility, it most certainly serves the public. By connecting the wastewater facilities to a municipal system by way of the Moore's Creek Waste Water Treatment Plant, multiple large septic fields will be disconnected.

### **Conclusion**

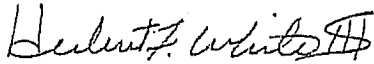
Based on the above considerations, granting a waiver to disturb critical slopes is not to the detriment of the public's health, safety or welfare or to the environment. Erosion and sediment control measures will stabilize and control the area during construction. The

majority of the existing man-made critical slopes will become flatter, which will reduce the velocity of the stormwater runoff.

If there are any questions, or if additional information is needed, please feel free to contact me.

Sincerely,

WW Associates, Inc.

A handwritten signature in dark ink, appearing to read "Herbert F. White III". The signature is fluid and cursive, with the last name "White" being more prominent and followed by "III".

Herbert F. White III, P.E.  
President