

Critical Slopes Waiver Analysis**Review of the request by Engineering Staff:**

Description of critical slope area and proposed disturbance: Waiver request comprises 4 areas

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.

Main Wastewater Pump Station	Area (Square Ft)	Area (Acres)	Percentage of Project Site
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 (Square Ft)	Area (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 (Square Ft)	Area (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 (Square Ft)	Area (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%

Compliance with Zoning Ordinance § 18-4.2:

“movement of soil and rock”

Proper slope construction, control of drainage, and vegetative stabilization will prevent any movement of soil. Proposed slopes are 3:1 or flatter. See tables for limited extent of impact (325, 240, 240 SF; Montalto, higher).

“excessive stormwater runoff”

Stormwater runoff increase is negligible. VSMP is required for Montalto Underground Water Storage Tank Site. Other sites do not require VSMP/VESCP. At Montalto, no water quality or quantity controls are anticipated (subject to VSMP due to area of project site). At three sites contoured swales lead to small pipes which discharge to riprap on geotextile fabric. At fourth site, post-developed runoff is sheet flow. No significant issues are anticipated.

“siltation”

Inspection and bonding by the County will attempt to ensure siltation control during construction, and every effort has been made to limit the area of disturbance (tables). Stabilizing immediately with matting and stone is included with design. Proper stabilization and maintenance will help ensure long-term stability.

“loss of aesthetic resource”

Locations are remote. The most visible, Montalto storage tank, is a buried structure. Aesthetic quality is unaffected with replacement of old or obsolete infrastructure facilities. No discernable impact to Monticello Historic District.

“septic effluent”

Project proposes to decommission septic fields and convey wastewater for off-site treatment (net beneficial environmental gain).

Review of the request by Planning Staff:

Section 4.2.5 sets forth the factors to be considered in acting on a special exception. Below are the provisions of Section 4.2.5(a)(3), along with staff's analysis. Under Section 33.9 of the Zoning Ordinance, Special Exceptions, the Board of Supervisors may modify or waive any requirement of Section 4.2 based on these provisions, however, no specific finding is required in support of the Board's decision.

“a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare,”

Granting the special exception will forward the purposes of the Zoning Ordinance and provide new pump stations which will provide additional water capacity and fire protection to the historic properties of Monticello, Kenwood, Marquis and Montalto. The wastewater element will further support the Rivanna Water and Sewer

ATTACHMENT C

Authority's ("RWSA") Moore's Wastewater Treatment Plant and eliminate the need for the existing onsite treatment and disposal systems.

"b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 3.2 to at least an equivalent degree,"

No alternatives were proposed; however, the Applicant met with Staff to discuss best practices to minimize, to the extent feasible, any disturbance. Any disturbance will be reestablished to manageable slopes after improvements are complete.

"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; or"

The property is located on top of a mountain and approximately 99% critical slopes, which severely limits its use. The sites proposed to be disturbed have a lower concentration of critical slopes than the majority of the property as a whole.

"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 waiver."

As stated above, granting the waiver will serve a public purpose of greater importance by allowing additional water capacity and fire protection to historic properties, which are currently inadequate. The wastewater improvements and connections to RWSA will lessen the need of failure to the current onsite systems.