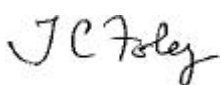


COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA 2012-00012 Critical Slopes	AGENDA DATE: November 7, 2012
SUBJECT/PROPOSAL/REQUEST: Presentation of proposed approach for critical slopes regulations in the Development Areas.	ACTION: X INFORMATION:
STAFF CONTACT(S): Messrs. Foley, Elliott, Davis, Graham, and Fritz	CONSENT AGENDA: ACTION: INFORMATION:
PRESENTER (S): Mr. Fritz	ATTACHMENTS: Yes
LEGAL REVIEW: Yes	REVIEWED BY: 

BACKGROUND:

On May 2, 2007, the Development Review Task Force (DRTF) presented the Board its recommendations for review and consideration including a provision that would "...establish staff authority for waivers and modifications in development areas." On January 14, 2009, the Board adopted a zoning text amendment authorizing the County's agent to authorize critical slopes (slopes of 25% or greater) to be disturbed in those zoning districts typically found in the Development Areas in two specific circumstances: (1) the critical slopes were created during the development of the property pursuant to a site plan approved by the County; and (2) the critical slopes would be disturbed to replace an existing structure located on critical slopes under specified circumstances. In the initial discussion of that amendment on January 7, 2009, the Board indicated that the regulations delineating the circumstances under which the agent may authorize the disturbance of critical slopes in the Development Areas should be broadened.

The Board adopted a resolution of intent to amend the critical slopes regulations on April 1, 2009. (Attachment A) Staff began work on the regulations and held roundtables with stakeholders in December 2009 and February 2010. A summary of the roundtable comments is included as Attachment B. Staff continued to work on further assessing revisions to the regulations throughout 2010, however, that work was temporarily suspended due to reductions in staffing levels as well as undertaking more recent Board priorities such as the Ministerial and Legislative Process changes, the fast track process, biosolids, home occupancy regulations, farm winery regulations, and Wireless policy and regulations. Staff is now seeking Board concurrence on the proposed approach before proceeding to public hearing with a draft ordinance.

STRATEGIC PLAN:

Goal 4: Protect the County's parks and its natural, scenic and historic resources in accordance with the County's established growth management policies

DISCUSSION:

Staff considered the comments made at the roundtables, reviewed the Comprehensive Plan (Attachment C) and studied how other localities regulate critical slopes to identify the best practices for preserving and managing them. Staff also has applied its experience in processing a large number of critical slopes waivers to determine the most important issues to the community. A more detailed discussion of critical slopes and management strategies is provided as Attachment D.

Based on the cumulative results of this research, staff mapped all critical slopes in the Development Areas. Because different critical slopes may have different qualities and characteristics, staff has classified the areas of critical slopes as either "Preserved" or "Managed." Those areas of critical slopes classified as "Preserved" would not be allowed to be disturbed. Staff recommends establishing an overlay district that would identify and regulate the Preserved areas. Those areas of critical slopes classified as "Managed" could be disturbed by right, subject to applicable performance standards. Certain activities would be exempt from the applicable critical slopes regulations in both the Preserved and Managed areas. Owners of lands within a Preserved area could request a variance from the Board of Zoning Appeals to disturb Preserved critical slopes.

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The attached maps (Attachments E through K) show all of the existing critical slopes in the Development Areas and identify them as either Preserved or Managed. The areas shown in green are the proposed Preserved areas and the areas shown in orange are the proposed Managed areas. The areas shown in purple are protected stream buffers. The proposed zoning text amendment would not expand the areas of regulated critical slopes.

Staff applied the following criteria in classifying critical slopes areas as Preserved or Managed:

Preserved Areas

- The slopes are part of a system of slopes associated with a water feature.
- The slopes are part of a hillside system.
- The slopes are identified as a resource in the Open Space Plan.
- The slopes are identified as a resource in the Comprehensive Plan.
- The slopes may be of significant value to the Entrance Corridor District.
- The slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes less than 10,000 square feet.
- The slopes are shown to be preserved by a prior County action.

Managed Areas

- The contiguous area of critical slopes is limited or fragmented.
- The slopes are not associated with a water feature.
- The slopes are not natural.
- The slopes have been significantly disturbed prior to June 1, 2012.
- The slopes are located within previously approved single family residential lots.
- The slopes are shown to be disturbed by a prior County action.

These areas are subject to change as additional information is obtained. The disturbance of critical slopes in the Rural Areas will continue to be allowed only by special exception.

BUDGET IMPACT:

Establishing development standards will allow for a more efficient review of projects ultimately reducing staff and Board workload required to review waiver requests. While the number of critical slopes waivers is not enough to result in a need for fewer staff, this change should provide significant cost reductions for applicants.

During the development of new regulations, the County will incur costs related to publishing notifications, sending mailings to property owners in the development areas, and holding open houses and work sessions. The large number of property owners that will be notified will have a significant impact on the Community Development's existing budget for advertisement and printing.

Staff anticipates that adoption of a zoning text amendment would (1) reduce staff time and costs associated with reviewing projects, preparing staff reports, and making presentations before the Planning Commission and the Board for applications for special exceptions; and (2) reduce the applicant's time and cost.

RECOMMENDATIONS:

Staff recommends that the Board direct staff to (1) continue to work on the development of a critical slopes overlay district containing "Preserved" critical slopes; (2) generate development standards for "Managed" critical slopes; and (3) develop a list of exempt activities. Upon completion of this work, staff will prepare a zoning text amendment for consideration.

Staff recommends that the following steps to amend the critical slopes regulations be taken prior to scheduling a public hearing:

- Meet with the Board appointed Citizen Advisory Councils for the various neighborhoods for input. These meetings are expected to occur in January and February of 2013.
- Hold an Open House with notification being mailed to affected property owners in the development areas. It is expected that multiple Open Houses will be required. These meetings are expected to occur during the 2nd quarter of 2013.
- Hold a work session with the Planning Commission to review public input received at the Open House and to determine if the proposed zoning text amendment is ready to be scheduled for public hearings. It is expected that this work session will occur in the early part of the 3rd quarter of 2013.

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ATTACHMENTS:

Attachment A – [Resolution of intent](#)

Attachment B – [Roundtable Summary](#)

Attachment C – [Comprehensive Plan Statements about Critical Slopes](#)

Attachment D – [Background on Critical Slopes and Management Strategies](#)

Attachment E – [Crozet Slope Maps](#)

Attachment F – [Neighborhoods 1 and 2 Slope Maps](#)

Attachment G – [Pantops \(Neighborhood 3\) Slope Maps](#)

Attachment H – [Neighborhoods 4-7 Slope Maps](#)

Attachment I – [Hollymead Slope Maps](#)

Attachment J – [Piney Mountain Slope Maps](#)

Attachment K – [Rivanna Slope Maps](#)

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