

FINAL ACTIONS
Planning Commission Meeting of March 20, 2012

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:00 p.m. by Calvin Morris, Chairman. • PC members present were Mr. Morris, Mr. Loach, Mr. Dotson, Mr. Randolph, Mr. Franco, Mr. Smith, and Mr. Lafferty. Ms. Monteith was present. • Staff present was Amelia McCulley, Rebecca Ragsdale, Ron White, Glenn Brooks, Phil Custer, Elaine Echols, Andrew Sorrell, Lee Catlin, Wayne Cilimberg, Sharon Taylor, and Greg Kamptner. 	
<p>2. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • None 	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • No action required
<p>3. Review of Board of Supervisors Meeting – March 7, 2012 & March 14, 2012</p> <p>Mr. Cilimberg reviewed the Board actions taken on March 7, 2012 and March 14, 2012.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • No action required.
<p>4. <u>Consent Agenda</u></p> <p><u>Approval of Minutes:</u> January 24, 2012, February 14, 2012, and November 17, 2011.</p> <p><u>Resolution of Intent: Site Plan Ordinance Cleanup</u> (Francis MacCall)</p> <p><u>Resolution of Intent: Tourist Lodging</u> (Amelia McCulley)</p> <p><u>2011 Planning Commission Activity Report</u> (Wayne Cilimberg)</p> <p>APPROVED CONSENT AGENDA, by a vote of 7:0.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Finalize Minutes & Obtain Signature • Adopted Resolution of Intent for Site Plan Ordinance Cleanup as noted in Attachment 1. Assign Zoning Text Amendment number and schedule public hearing for ZTA. • Adopted Resolution of Intent for Tourist Lodging as noted in Attachment 2. Assign Zoning Text Amendment number and schedule public hearing for ZTA • Forward 2011 Planning Commission Activity Report to Board of Supervisors
<p>5. Deferred Item</p> <p><u>ZTA-2012-00002 Water/Sewer Regulations</u> Amend Secs. 3.1, Definitions, 4.1, Area and health regulations related to utilities, 4.2, Critical slopes, 4.2.1, Building site required, 4.2.2, Building site area and dimensions, 4.2.3, Location of structures and improvements, 4.2.4, Location of septic systems, 4.7, Open space, 5.1.43, Special events, 5.1.44, Farm worker housing, and 10.5.2, Where permitted by special use permit; and repeal Secs. 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 and 4.1.7 (all untitled), of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend Approval of ZTA-2012-00002 Water/Sewer, by a vote of 7:0, with the ordinance language proposed by staff (Attachment 3). • Forward ZTA to Board of Supervisors to be scheduled on a date to be determined.

<p>the regulations pertaining to building sites, critical slopes, and water supplies and sewer systems serving developments and individual lots by adding and deleting definitions (3.1), restating and clarifying the standards for developments and lots to be served by public or private water supplies and sewer systems (4.1), updating the terminology for provisions pertaining to critical slopes (4.2), clarifying the minimum standards for building sites (4.2.1), restating the minimum standards for building site area and dimensions for uses not served by public sewer systems, and providing for special exceptions from those standards and for alternative onsite sewer systems (4.2.2), eliminating an ambiguity as to whether special use permits for additional development rights are permitted in the watershed of a public water supply reservoir (not allowed) (10.5.2), and making corresponding technical changes and non-substantive changes updating terminology to other related sections (4.2.3, 4.2.4, 4.7, 5.1.43, 5.1.44, 10.5.2). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Glenn Brooks)</p> <p><i>DEFERRED FROM THE FEBRUARY 28, 2012 PLANNING COMMISSION MEETING</i></p> <p>RECOMMEND APPROVAL OF ZTA-2012-00002, by a vote of 7:0, with the ordinance language proposed by staff (Attachment 3).</p>	
<p>7. Public Hearing Items</p> <p><u>STA-2012-00001 Water/Sewer</u> Amend Secs. 14-106, Definitions, 14-309, Soil evaluations, 14-310, Health director approval of individual private wells and/or septic systems, 14-415 Central water supplies and sewerage systems, and 14-416, Individual private wells and septic systems, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend the regulations pertaining to onsite sewage systems serving subdivision lots by adding definitions pertaining to onsite sewage systems (14-106), and by allowing subdivision lots to be served by either conventional or alternative onsite sewage systems, requiring health director review of such systems, and revising the terminology (14-309, 14-310 and 14-416); and would amend the minimum area requirements for lots served by central water supplies or central</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend Approval of STA-2012-00001 Water/Sewer, by a vote of 7:0, with the ordinance language proposed by staff (Attachment 4). • Forward ZTA to Board of Supervisors to be scheduled on a date to be determined.

<p>sewerage systems (14-415). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Glenn Brooks)</p> <p>RECOMMEND APPROVAL OF STA-2012-00001, by a vote of 7:0, with the ordinance language proposed by staff (Attachment 4).</p>	
<p>8. Work Session</p> <p><u>CPA-2013-00001 Comprehensive Plan Revision (Elaine Echols)</u> - Industrial Land Inventory, Rural Interchanges, and Locations for Industrial Uses and Target Industries</p> <p>The Commission received staff's presentation, took public comment, and commented on the information provided. Staff was asked to take the Commission's comments into consideration in the Comp Plan Update as noted in Attachment 5. No formal action taken.</p>	<p><u>Staff:</u> Refer to comments, suggestions and direction to staff noted in Attachment 5 in further work on the Comp Plan Update.</p>
<p>9. Work Session <u>Affordable Housing Proffers</u> (Ron White)</p> <p>The Commission received a report on Affordable Housing Proffers from the Director of Housing, Ron White. Discussion topics and questions were provided for later discussion. The Commission held a discussion and raised some questions and concerns. Due to the late hour, future follow up with the Planning Commission was requested. No formal action taken.</p>	<p><u>Staff:</u> Questions from Planning Commissioners to be forwarded to Mr. Cilimberg to transmit to Mr. White. Mr. White to inform Mr. Cilimberg when a committee reviewing Affordable Housing policies is formed. At that time Mr. Cilimberg will request two volunteers from the Planning Commission to participate on the committee.</p>
<p>10. Old Business</p> <ul style="list-style-type: none"> • Planning Commissioner meeting evaluation results will be reviewed at the Commission's April 3rd meeting. 	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> • Schedule review of survey results for April 3rd meeting under Old Business.
<p>11. New Business</p> <ul style="list-style-type: none"> • No meeting on March 27, 2012. • Next meeting on April 3, 2012. 	
<p>12. Adjourn to April 3, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 8:55 p.m. 	

Attachment 1 – Adoption of Resolution of Intent for Site Plan Ordinance Cleanup Amendment

Attachment 2 – Adoption of Resolution of Intent for Tourist Lodging

Attachment 3 – ZTA-2012-2 Water/Sewer Regulations – Recommended Revisions to Zoning Ordinance

Attachment 4 – STA-2012-1 Water/Sewer – Recommended Revisions to Subdivision Ordinance

Attachment 5 – CPA-2013-1 Comp Plan Revision Work Session – Planning Commission Comments

ATTACHMENT 1
Adoption of Resolution of Intent for Site Plan Ordinance Cleanup Amendment

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures for the review of applications for site plans; and

WHEREAS, in order to improve quality and efficiency in the submittal, review and action on site plans, it may be desirable to amend the regulations in the Zoning Ordinance pertaining to site plans to amend the submittal and review requirements to facilitate the expedient review of site plans, to clarify the requirements, to incorporate recent amendments to applicable State law, and to reorganize the regulations to promote their efficient administration.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 3.1, Definitions, 18-30.6, Entrance Corridor Overlay District, and 18-32, Site Plans, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

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Attachment 2
Adoption of Resolution of Intent for Tourist Lodging

WHEREAS, tourist lodging is a use classification allowed in the Rural Areas, Village Residential and the residential zoning districts under the Albemarle County Zoning Ordinance; and

WHEREAS, tourist lodging can be connected to and support agribusiness and agritourism in the Rural Areas; and

WHEREAS, tourist lodging can be a valuable use of an historic structure, allowing income to be generated that, in turn, allows the structure to be preserved; and

WHEREAS, in order to allow more opportunities to provide tourist lodging, it may be desirable to amend or eliminate the requirements that tourist lodging structures be occupied and used as a residence and that all of the rooms available for transient lodging be within single family residences.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 3.1, Definitions, 5.1.17, Tourist Lodging, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

* * * * *

Attachment 3

ZTA-2012-00002 Water/Sewer Regulations – Recommended Revisions to Zoning Ordinance

ORDINANCE NO. 12-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Regulations, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

- Sec. 3.1 Definitions
- Sec. 4.2 Critical slopes
- Sec. 4.2.1 Building site required
- Sec. 4.2.2 Building site area and dimensions
- Sec. 4.2.3 Location of structures and improvements
- Sec. 4.2.4 Location of septic systems
- Sec. 4.7 Open space
- Sec. 5.1.43 Special events
- Sec. 5.1.44 Farm worker housing
- Sec. 10.5.2 Where permitted by special use permit

By Amending and Renaming:

	<u>Current</u>	<u>New</u>
Sec. 4.1 systems	Area and health regulations related to utilities	Water supplies and sewer

By Repealing:

- Sec. 4.1.1 Untitled
- Sec. 4.1.2 Untitled
- Sec. 4.1.3 Untitled
- Sec. 4.1.4 Untitled
- Sec. 4.1.5 Untitled
- Sec. 4.1.6 Untitled
- Sec. 4.1.7 Untitled

Chapter 18. Zoning

Article I. General Regulations

Sec. 3.1 Definitions

...

Alternative onsite sewage system: A treatment works approved by the Virginia Department of Health that is not a conventional onsite sewage system and does not result in a point source discharge.

...

~~Central Sewerage System: A sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, including, but not limited to, septic tanks and/or drain fields, or any of them, designed to serve three (3) or more connections, used for conducting or treating sewage~~

which is required to be approved by the board of supervisors pursuant to Title 15.2, Chapter 21, Article 4 of the Code.

...

~~*Central Water Supply:* A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, to serve or to be capable of serving three (3) or more connections which is required to be approved by the board of supervisors pursuant to Title 15.2, Chapter 21, Article 6 of the Code.~~

...

~~*Conventional onsite sewage system:* A treatment works approved by the Virginia Department of Health consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.~~

...

~~*Critical slopes:* Slopes of twenty-five (25) percent or greater as determined by reference to either current topographic mapping available from the county or a more accurate field survey certified by a professional surveyor or engineer.~~

...

~~*Onsite sewage system:* A conventional onsite sewage system or an alternative onsite sewage system.~~

...

~~*Subsurface drainfield:* A system installed within the soil and designed to accommodate treated sewage from a treatment works.~~

...

~~*Treatment works:* Any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.~~

Article II. Basic Regulations

Sec. 4.1 Area and health regulations related to utilities Water supplies and sewer systems (Amended 6-3-81)

The following regulations shall apply to all districts:

~~It is specifically intended that the public water supply and public sewerage system be utilized within the service areas of the Albemarle County Service Authority. Within such service areas, provisions of section 6.0 and other provisions of section 4.1 notwithstanding, no building permit shall be issued for any building or structure, including mobile homes, the use of which requires increased water consumption and/or sewage disposal, unless the building or structure shall be provided with public water and/or public sewerage system service. This requirement, however, shall not apply to the following situations and circumstances:~~

- ~~a. Whenever a structure is damaged as a result of factors beyond the control of the owner and/or occupant thereof, such structure may be repaired and/or reconstructed provided that such repair and/or reconstruction shall be commenced within twelve (12) months and completed within twenty-four (24) months from the date of such damage; and provided further that such structure shall not be~~

~~repaired and/or reconstructed in such manner as to reasonably cause an increase in water usage and/or sewage disposal demand; or~~

- ~~b. The director of planning and community development in consultation with the Albemarle County Service Authority finds that the cost of connecting the proposed development to the public water and/or sewerage system, exclusive of connection fees, exceeds the cost of installing an on-site well and/or septic system; or~~
- ~~c. The director of planning and community development in consultation with the Albemarle County Service Authority finds that the capacity of the public water and/or sewerage system is inadequate to serve the proposed development.~~

~~Except for (a) above, the foregoing provisions shall not provide relief from §§ 4.1.1 through 4.1.7. (Added 1-3-96)~~

- ~~4.1.1 For a parcel served by both a central water supply and a central sewer system, the minimum area requirements of the district in which such parcel is located shall apply.~~
- ~~4.1.2 For a parcel served by either a central water supply or a central sewer system, there shall be provided a minimum area of forty thousand (40,000) square feet per commercial or industrial establishment or per dwelling unit as the case may be.~~
- ~~4.1.3 For a parcel served by neither a central water supply nor a central sewer system, there shall be provided a minimum of sixty thousand (60,000) square feet per commercial or industrial establishment or per dwelling unit as the case may be.~~
- ~~4.1.4 The provisions of sections 4.1.2 and 4.1.3 notwithstanding, in such cases where a greater minimum area is required by the regulations of the district in which the parcel is located, said district regulations shall apply.~~
- ~~4.1.5 In the case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood, upon the recommendation of the Virginia Department of Health, the commission may increase the area requirements for uses utilizing other than a public sewer system.~~
- ~~4.1.6 For lots not served by a central sewer system, no building permit shall be issued for any building or structure, the use of which involves sewage disposal, without written approval from the local office of the Virginia Department of Health of the location and area for both original and future replacement septic disposal fields adequate to serve such use. For residential usage, at a minimum, each septic disposal field shall consist of suitable soils of adequate area to accommodate sewage disposal from a three (3) bedroom dwelling as determined by current regulations of the Virginia Department of Health. (Amended 11-15-89)~~
- ~~4.1.7 In a cluster development, open space may be used for septic field location only after the septic field locations on such lot are determined to be inadequate by the local office of the Virginia Department of Health. (Added 6-3-81)~~

The water supply and sewer system serving either a development or any individual lot shall comply with the following:

- a. *Public water supply and public sewer system within the services areas of the Albemarle County Service Authority. Within the services areas of the Albemarle County Service Authority (the "service areas"), each development and each lot shall be served by the public water supply and the public sewer system. Within the service areas, no building permit shall be issued for any structure if its use requires increased water consumption and/or sewage disposal, unless the structure will be connected to the public water supply and/or the public sewer system. Connection to the public water supply and/or the public sewer system is not required in the following circumstances:*

1. Existing structure damaged. When an existing structure is damaged as a result of factors beyond the control of its owner and/or occupant, the structure may be repaired or reconstructed provided that the repair or reconstruction is commenced within twelve (12) months and completed within twenty-four (24) months after the date of the damage, and further provided that the structure is not repaired or reconstructed so as to increase the number of water supply or sewage fixtures.
 2. Cost of connection to public water supply or public sewer system exceeds cost of onsite sewage system. When the Albemarle County Service Authority finds that the cost of connecting the proposed development or lot to the public water supply and/or the public sewer system, exclusive of connection fees, exceeds the cost of installing an on-site well and/or an onsite sewage system.
 3. Capacity of public water supply or public sewer system is inadequate. When the Albemarle County Service Authority finds that the capacity of the public water supply and/or the public sewer system is inadequate to serve the proposed development or lot.
 4. Nonconforming use or structure. The structure is used for a nonconforming use and satisfies the requirements of section 6.2(C) or the structure is nonconforming and satisfies the requirements of section 6.3.
- b. Water supply and sewer system when development or lot not connected to the public water supply and/or the public sewer system. When a development or a lot is not or will not be connected to the public water supply and/or the public sewer system, the following shall apply, except when an existing structure is damaged as provided in section 4.1(a)(1):
1. Lots served by an alternative onsite sewage system. On any lot served by an alternative onsite sewage system, no building permit shall be issued for any structure, the use of which requires sewage disposal, without the Virginia Department of Health's approval of the location and area for the alternative onsite sewage system.
 2. Lots served by a conventional onsite sewage system. On any lot served by a conventional onsite sewage system, no building permit shall be issued for any structure, the use of which requires sewage disposal, without the Virginia Department of Health's approval of the location and area for both an original and a replacement subsurface drainfield that is adequate to serve the use. For residential uses, each subsurface drainfield shall have suitable soils of adequate area to accommodate sewage disposal from a three (3) bedroom dwelling as determined by the current regulations of the Virginia Department of Health.

Sec. 4.2 Critical slopes

These provisions ~~in this section through section 4.2.5 are created to~~ implement the comprehensive plan by protecting and conserving steep hillsides together with public drinking water supplies and flood plain areas ~~and in recognition of~~ because of the increased potential for soil erosion, sedimentation, water pollution and ~~septic disposal~~ sewage disposal problems associated with the ~~development disturbance~~ of these areas described in the comprehensive plan as critical slopes. ~~It is hereby recognized that such development of~~ The disturbance of critical slopes may result in: rapid and/or large-scale movement of soil and rock; excessive stormwater run-off; siltation of natural and man-made bodies of water; loss of aesthetic resource; and in the event of ~~septic system~~ onsite sewage system failure, a greater travel distance of septic effluent, all of which constitute potential dangers to the public health, safety and/or welfare. ~~These provisions~~ The regulations in sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4 are intended to direct building and ~~septic system~~ onsite sewage system locations to terrain more suitable to development and to discourage development on critical slopes, and to supplement other regulations regarding the protection of public water supplies and the encroachment of development into flood plains. (Amended 11-15-89)

~~Where modification of regulations is sought pursuant to section 4.2.5, such request shall address each concern specified in section 4.2.~~ Each request to waive or modify any requirement of sections 4.2.1,

4.2.2, 4.2.3 or 4.2.4 under section 4.2.5 shall be by special exception under section 31.8. (Added 11-15-89)

Sec. 4.2.1 Building site required

No lot or parcel shall have less than one (1) building site, subject to the following:-

a. Composition of building site. A building site shall be composed of a contiguous area of land and may not contain any area of land that is: (i) in critical slopes; (ii) within the flood hazard overlay district; (iii) under water during normal hydrological conditions; (iv) within two hundred (200) horizontal feet of the one hundred year flood plain of any public water supply reservoir; and (v) within a stream buffer under chapter 17 of the Code, provided that nothing contained herein shall be deemed to prohibit or impair the program authority from exercising its discretion as authorized in chapter 17. For purposes of this section, the term "building site" shall mean a contiguous area of land in slopes of less than twenty-five (25) percent as determined by reference to either topographic quadrangle maps of the Geological Survey - U. S. Department of Interior (contour interval twenty [20] feet) or a source determined by the county engineer to be of superior accuracy, exclusive of:

~~-Such area as may be located in the flood hazard overlay district or which is located under water;~~

~~-Such area as may be located within two hundred (200) horizontal feet of the one hundred year flood plain of any public drinking water impoundment or within one hundred (100) horizontal feet of the edge of any tributary stream to such impoundment; (Amended 11-11-87)~~

~~-Such area as may be designated as resource protection areas on the resource protection areas map adopted pursuant to chapter 17 of the Code of Albemarle; provided that nothing contained herein shall be deemed to prevent or impair the water resources manager from exercise of discretion as set forth in that ordinance. (Added 9-9-92)~~

b. Special exception. Notwithstanding section 4.2.5, any requirement of section 4.2.1(a) may be waived or modified by special exception under section 31.8 upon the board of supervisors' consideration of whether (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; or (ii) development in a stream buffer on the parcel was authorized as provided in section 17-321 of the Code.

Sec. 4.2.2 Building site area and dimensions

Each building site shall be subject to the following minimum area and dimension requirements: (Amended 10-17-01)

- a. Uses not served by a public or central sewerage sewage system. Building sites for uses not served by a public or central sewerage sewage system shall be subject to the following: (Amended 11-15-89; 10-17-01)
1. Dwelling units. Each building site for a dwelling unit shall have an area of thirty thousand (30,000) square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five (5) to one (1) as described by a rectangle inscribed within the building site. The building site shall have adequate area for locating two (2) ~~septic drain fields~~ subsurface drainfields approved by the Virginia Department of Health pursuant to section 4.1 of this chapter if the lot will be served by a conventional onsite sewage system. (Amended 11-15-89; 10-17-01)
 2. Development subject to section 32 of this chapter. Each building site in a development subject to section 32 of this chapter shall have an area of thirty thousand (30,000) square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five (5) to one (1) as described by a rectangle inscribed within the building site. The building site shall have adequate area for all buildings and structures, two (2) ~~septic drain fields~~ subsurface drainfields approved by the Virginia Department of

Health pursuant to section 4.1 of this chapter if the lot will be served by a conventional onsite sewage system, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements. (Added 11-15-89; Amended 10-17-01)

3. ~~Modification or waiver~~ Special exception. Notwithstanding section 4.2.5 of this chapter, the director of planning and community development may modify or waive the rectangular shape required by subsections (1) and (2) if, may be waived or modified by special exception under section 31.8 if, after receiving the recommendation from the Virginia Department of Health, the director of planning and community development finds, upon the board of supervisors' consideration of the recommendation from the Virginia Department of Health and based on information provided by the developer showing, that: (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; (ii) no reasonable alternative building site exists; and (iii) modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to. (Added 10-17-01)

4. ~~Appeal~~. A developer may appeal the denial of a modification or waiver to the planning commission and, thereafter, to the board of supervisors, pursuant to section 4.2.5. (Added 10-17-01)

b. Uses served by a central sewerage sewage system. Building sites for uses served by a central sewerage sewage system shall be demonstrated by the applicant to have adequate area, as follows: (Amended 10-17-01)

1. Residential development. Each building site in a residential development shall have adequate area for all dwelling unit(s) together with an area equivalent to the sum of the applicable required yard areas for the applicable zoning district and, if parking is provided in bays, the parking area. (Added 11-15-89; Amended 10-17-01)

2. Development subject to section 32 of this chapter. Each building site in a development subject to section 32 of this chapter shall have adequate area for all structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements. (Added 11-15-89; Amended 10-17-01)

(§ 4.2.2, 12-10-80; § 4.2.2, 4.2.2.1, 11-15-89; Ord. 01-18(7), 10-17-01)

Sec. 4.2.3 Location of structures and improvements

Except as otherwise permitted pursuant to provided in section 4.2.2, ~~the provisions of this section shall apply~~ applies to the location of any structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site ~~development~~ plan pursuant to section 32-~~0~~ of this chapter. (Amended 11-15-89; 10-17-01)

(§ 4.2.3, 12-10-80, 11-15-89; Ord. 01-18(7), 10-17-01)

4.2.3.1a. No structure or improvement shall be located on any lot ~~or parcel~~ in any area other than a building site. (Amended 11-15-89)

4.2.3.2b. ~~No structure or improvement nor earth~~ No structure, improvement, or land disturbing activity to establish ~~such~~ the structure or improvement shall be located on critical slopes of ~~twenty five (25) percent or greater~~ except as otherwise permitted under sections 4.2.5, 4.2.6 and 4.3.01.

Sec. 4.2.4 Location of septic systems onsite sewage systems (Amended 11-11-87)

In the review for and issuance of a permit for the installation of a ~~septic system~~ an onsite sewage system, the Virginia Department of Health ~~shall~~ should be mindful of the intent of this section 4.2, and particularly mindful of the intent to discourage location of ~~septic tanks and/or drain fields~~ onsite sewage systems on

slopes of twenty (20) percent or greater. ~~Septic system location shall be restricted to~~ Any onsite sewage system shall be located within the approved a building site. (Amended 11-1-87; 9-9-92)

Sec. 4.7 Open space

Open space shall be established, used, designed and maintained as follows:

- a. *Intent.* Open space is intended to provide active and passive recreation, protect areas sensitive to development, buffer dissimilar uses from one another and preserve agricultural activities. The commission and the board of supervisors shall consider the establishment, use, design and maintenance of open space in their review and approval of zoning map amendments. The subdivision agent and the site plan agent (hereinafter, collectively referred to as the “agent”) shall apply the following principles when reviewing open space provided on a subdivision plat or site plan.
- b. *Uses permitted.* Open space shall be maintained in a natural state and shall not be developed with any improvements, provided that the agent may authorize the open space to be used and improved for the following purposes: (i) agriculture, forestry and fisheries, including appropriate structures; (ii) game preserves, wildlife sanctuaries and similar uses; (iii) noncommercial recreational uses and structures; (iv) public utilities; (v) individual wells ~~and treatment works with subsurface drainfields (reference section 4.1.7)~~ (vi) in a cluster development, onsite sewage systems if the Department of Health determines that there are no suitable locations for a subsurface drainfield on a development lot; and (vii) stormwater management facilities and flood control devices.
- c. *Design.* Open space shall be designed as follows:
 1. *Lands that may be required.* The agent may require that open space include: (i) areas deemed inappropriate for or prohibited to development including, but not limited to, land in the one-hundred year flood plain and significant drainage swales, land in slopes of twenty-five (25) percent or greater, public utility easements for transmission lines, stormwater management facilities and flood control devices, and lands having permanent or seasonally high water tables; (ii) areas to satisfy section 4.16, and (iii) areas to provide reasonable buffering between dissimilar uses within the development and between the development and adjoining properties.
 2. *Redesign during review.* The agent may require the redesign of a proposed development to accommodate open space areas as may be required under this section 4.7, provided that the redesign shall not reduce the number of dwelling units permitted under the applicable zoning district.
 3. *Limitation on certain elements.* If open space is required by this chapter, not more than eighty (80) percent of the minimum required open space shall consist of the following: (i) land located within the one-hundred year flood plain; (ii) land subject to occasional, common or frequent flooding as defined in Table 16 Soil and Water Features of the United States Department of Agriculture Soil Conservation Service, Soil Survey of Albemarle County, Virginia, August, 1985; (iii) ~~land in slopes of twenty-five (25) percent or greater~~ critical slopes; and (iv) land devoted to stormwater management facilities or flood control devices, except where the facility or feature is incorporated into a permanent pond, lake or other water feature deemed by the agent to constitute a desirable open space amenity.
- d. *Ownership of open space.* Open space may be privately owned or dedicated to public use. Open space in private ownership shall be subject to a legal instrument ensuring the maintenance and preservation of the open space that is approved by the agent and the county attorney in conjunction with the approval of the subdivision plat or site plan. Open space dedicated to public use shall be dedicated to the county in the manner provided by law. Open space dedicated to public use shall count toward the minimum required open space.

Sec. 5.1.43 Special events

Each special event authorized by section 10.2.2(50) shall be subject to the following:

- a. *Eligibility and applicability.* Special events may be authorized on those parcels in the Rural Areas (RA) zoning district on which there is an existing and ongoing by-right (section 10.2.1) primary use. A special event special use permit issued under section 10.2.2(50) and this section shall not be required for special events associated with farm wineries or historical centers, or for events determined by the zoning administrator to be accessory to a primary use of the parcel.
- b. *Information to be submitted with application for special use permit.* In addition to any information otherwise required to be submitted for a special use permit, each application for a special use permit shall include the following:
 1. *Concept plan.* A preliminary schematic plan (the "concept plan") satisfying section 32.4.1. The concept plan shall identify the structure(s) to be used for the special event, include the area of the structure(s) in which the proposed special events will be conducted, the parking area, and the entrance to the site from the street. The concept plan shall address, in particular, provisions for safe and convenient access to and from the street, the location of the parking area, the location of portable toilets if they may be required, proposed screening as required by this section for parking areas and portable toilets, and information regarding the exterior appearance of the proposed site. Based on the concept plan and other information submitted, the board of supervisors may then waive the requirement for a site plan in a particular case, upon a finding that the requirement of a site plan would not forward the purposes of this chapter or otherwise serve the public interest.
 2. *Information from the Virginia Department of Health.* The applicant shall submit written comments from the Virginia Department of Health regarding the private water supply and the ~~septic disposal system~~ onsite sewage system that will serve the proposed special event site, the ability of the water supply and the ~~septic disposal system~~ onsite sewage system to handle the proposed events, and the need to improve the supply or the system in order to handle the proposed events.
 3. *Building and fire safety.* The building official and the county department of fire and rescue shall review and comment on the application, identifying all Virginia Uniform Statewide Building Code and Virginia Statewide Fire Prevention Code issues and requirements.
- c. *Zoning ~~compliance~~ clearance.* The applicant shall obtain a zoning ~~compliance~~ clearance ~~under section 31.5~~ prior to conducting a special event. A single zoning clearance may be obtained for one (1) or more such special events in a calendar year as follows:
 1. The zoning administrator may issue a single zoning ~~compliance~~ clearance for more than one (1) special event if: (i) the application submitted by the applicant includes the required information in subsection 5.1.43(c)(3) for each special event to be covered by the zoning ~~compliance~~ clearance; (ii) the zoning administrator determines that each special event is substantially similar in nature and size; and (iii) the zoning administrator determines that a single set of conditions that would apply to each such special event may be imposed with the zoning ~~compliance~~ clearance.
 2. The applicant shall apply for a zoning ~~compliance~~ clearance at least thirty (30) days prior to the date of the first special event to be authorized by the zoning ~~compliance~~ clearance. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county police department, the county building official, the county department of fire and rescue, and the local office of the Virginia Department of Health. As part of his review, the building official shall determine whether the structure(s)

proposed to be used for the special events satisfies the requirements of the Virginia Uniform Statewide Building Code for that use.

3. The application shall describe the nature of each special event to be authorized by the zoning ~~compliance~~ clearance, the date or dates and hours of operation of each such special event, the facilities, structures to be used, and the number of participants and support staff expect to attend each special event.
 4. Upon a determination that all requirements of the zoning ordinance and all conditions of the special use permit are satisfied, and imposing all conditions of such approval required by the offices identified in subsection 5.1.43(c)(2), the zoning administrator shall issue a zoning ~~compliance~~ clearance for one or more special events. The validity of the zoning ~~compliance~~ clearance shall be conditional upon the applicant's compliance with all requirements of the zoning ordinance, all conditions of the approved special use permit, the approved concept plan or site plan, and all conditions imposed by the zoning ~~compliance~~ clearance.
- d. *Special events sites and structures.* In addition to all other applicable requirements of this chapter, special events sites and structures shall be subject to the following:
1. *Structures used for special events.* Each structure used for a special event shall satisfy the following: (i) the structure shall have been in existence on the date of adoption of this section 5.1.43, provided that this requirement shall not apply to accessory structures less than one hundred fifty (150) square feet in size; (ii) the structure shall be a lawful conforming structure and shall support or have supported a lawful use of the property; and (iii) modifications to farm buildings or farm structures as those terms are defined in Virginia Code § 36-97 shall allow the structure to revert to an agricultural use, as determined by the building official.
 2. *Minimum yards.* Notwithstanding any other provision of this chapter, the minimum front yard shall be seventy-five (75) feet. The minimum side yard shall be twenty-five feet (25) feet. The minimum rear yard shall be thirty-five (35) feet. All yards shall be measured from structures and off-street parking areas. These minimum yard requirements shall apply to all accessory structures established after the effective date of this section 5.1.43 and all tents, parking areas and portable toilets used in whole or in part to serve special events.
 3. *Parking.* The number of off-street parking spaces for a special event shall be as required in section 4.12.6. Notwithstanding section 4.12.15(a) through (g), the additional parking area(s) for special events shall consist of or be constructed of pervious materials including, but not limited to stabilized turf, approved by the county engineer. Asphalt and impervious materials are prohibited. If the parking area is on grass or in a field, the applicant shall reseed and restore the parking area site as required by the zoning administrator. In addition to the requirements of section 4.12.5, the parking area shall be onsite and screened from abutting parcels by topography, structures or new or existing landscaping. Notwithstanding section 4.12.16(d) and (e), the delineation of parking spaces and the provision of bumper blocks shall not be required.
 4. *Water and sewer.* The private water supply and ~~septic disposal system~~ onsite sewage system serving a special event shall be approved by the Virginia Department of Health.
 5. *Streets and access.* Streets serving the site shall be adequate for anticipated traffic volume for a special event. Access from the street onto the site shall be adequate to provide safe and convenient access to the site, and applicant shall install all required improvements and provide adequate sight distance in order to provide safe and convenient access.
- e. *Special events operations.* In addition to all other applicable requirements of this chapter, special events operations shall be subject to the following:

1. *Number of participants.* The number of participants at a special event at any one time shall not exceed one hundred fifty (150) persons
 2. *Number of special events per year.* The special use permit shall identify the number of approved special events per calendar year, which number shall not exceed twenty-four (24).
 3. *Signs.* Permanent and temporary signs advertising a special event shall be permitted as provided in sections 4.15.4, 4.15.4A and 4.15.8.
 4. *Food service.* No kitchen facility permitted by the Virginia Department of Health as a commercial kitchen shall be allowed on the site. A kitchen may be used by licensed caterers for the handling, warming and distribution of food, but not for cooking food, to be served at a special event.
 5. *Portable toilets.* If required, portable toilets are permitted on the site, provided that they comply with the yard requirements in section 5.1.43(d)(2) and shall be screened from that parcel and any street by topography, structures or new or existing landscaping.
- f. *Prohibition of development to a more intensive use.* A parcel subject to a special events special use permit shall not be subdivided so as to create one or more parcels, including the parent parcel, of less than twenty-one acres in size without first amending the special use permit to expressly authorize the subdivision. If a parcel is so subdivided without first amending the special use permit, special events shall thereafter be prohibited on the resulting parcels unless a new special use permit is obtained.

(Ord. 05-18(8), 7-13-05)

Sec. 5.1.44 Farm worker housing

Each farm worker housing facility shall be subject to the following:

- a. *Concept plan to be submitted with application for farm worker housing.* Before applying for the first building permit for a farm worker housing, Class A, facility, or in addition to any other information required to be submitted for a farm worker housing, Class B, special use permit, the applicant shall submit a concept plan meeting the requirements of section 5.1.44(b).
- b. *Contents of concept plan.* The concept plan shall show the following: (i) the boundary lines of the farm (may be shown on an inset map if necessary); (ii) the location and general layout of the proposed structures at a scale of not more than one (1) inch equals forty (40) feet; (iii) vehicular access, travelways and parking for the facility; (iv) topography (with a contour interval of no greater than ten (10) feet); (v) critical slopes; (vi) streams, stream buffers and floodplains; (vii) source(s) of water for fire suppression; (viii) building setback lines as provided in subsection 5.1.44(g) below; and (ix) outdoor lighting. The concept plan also shall include a written description of each structure's construction and materials used, and the number of persons to be housed in the farm worker housing facility.
- c. *Notice of receipt of concept plan to abutting owners.* The zoning administrator shall send notice of the receipt of a concept plan as follows:
 1. *Farm worker housing, Class A, facility.* For each concept plan received for a farm worker housing, Class A, facility, the zoning administrator shall send notice to the owner of each lot abutting the parcel for which a concept plan has been received within ten (10) days after submittal of the concept plan deemed by the zoning administrator to be complete. The notice shall include a copy of the concept plan and shall advise each recipient of the right to submit written comments within ten (10) days of the date of the notice and the right to request planning commission review as provided in section 5.1.44(d). Notice mailed to the abutting owner shall be mailed to the last known address of the owner, and

mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed compliance with this requirement. The failure of an abutting owner to receive the notice required by this section shall not affect the validity of an approved concept plan or zoning compliance clearance.

2. *Farm worker housing, Class B, facility.* For each concept plan received for a farm worker housing, Class B, facility, notice to the owner of each lot abutting the parcel for which a concept plan has been received shall be provided in conjunction with the notice required for the special use permit.

~~d. Request for planning commission review and action on farm worker housing, Class A, facility concept plan.~~ An abutting owner to whom notice for a farm worker housing, Class A, facility concept plan under section 5.1.44(c)(1) and who submitted timely written comments about the concept plan as provided therein may request that the planning commission review and act on the concept plan. The request shall be in writing, state the reasons why the commission should review the concept plan, and be filed with the director of planning within ten (10) days after the date of the notice from the zoning administrator.

~~ed.~~ *Review and action on concept plan.* A concept plan shall be reviewed and acted upon as follows:

1. *Farm worker housing, Class A, facility.* For a farm worker housing, Class A, facility, the concept plan shall be approved by the zoning administrator ~~or the planning commission, as the case may be,~~ before any building permit is issued for the facility. The concept plan shall be approved by the zoning administrator ~~or the commission~~ if it satisfies all applicable requirements of the zoning ordinance and the design is determined to not be a substantial detriment to abutting parcels this chapter. In approving the concept plan, the zoning administrator ~~or the commission~~ may impose reasonable conditions to mitigate impacts on abutting parcels arising from facility. The commission shall give due consideration to the recommendations of the zoning administrator, the director of planning and other officials. In addition, the commission may consider such other evidence as it deems necessary for a proper review of the application.
2. *Farm worker housing, Class B, facility.* For a farm worker housing, Class B, facility, the concept plan shall be reviewed and acted upon in conjunction with the special use permit.

~~fe.~~ *Farm worker housing facilities; permissible structures.* Farm worker housing facilities shall not use motor vehicles or major recreational equipment, as that term is defined in section 4.12.3(b)(1) of this chapter, to provide for sleeping, eating, food preparation, or sanitation (bathing and/or toilets).

~~gf.~~ *Minimum yards.* Notwithstanding any other provision of this chapter, the minimum front yard shall be seventy-five (75) feet. The minimum side and rear yards shall be fifty (50) feet. All yards shall be measured from the farm worker housing structures.

~~hg.~~ *Zoning compliance clearance.* The owner shall obtain a zoning compliance clearance from the zoning administrator as provided in section ~~31.2.3.2~~ 31.5 of this chapter before a farm worker housing facility is occupied, subject to the following additional requirements:

1. The applicant shall apply for a zoning compliance clearance at least thirty (30) days prior to the first expected occupation of the farm worker housing facility. The application shall be submitted to the zoning administrator.
2. The zoning compliance clearance application shall include all of the following information:
 - a. Written approval of the farm worker housing facility as a migrant labor camp under 12 VAC 5-501-10 *et seq.*, the food preparation area, the private water supply, and the ~~septic disposal system~~ onsite sewage system by the Virginia Department of Health.

- b. Approval of the access to the site from a public street by the Virginia Department of Transportation; provided that nothing herein shall be deemed to require that a commercial entrance be constructed unless such an entrance is required by the Virginia Department of Transportation.
 - c. Written approval of the adequacy of the access to the site for emergency vehicles by the fire marshal.
 - d. Written approval of the adequacy of the structures intended for human habitation by the building official.
3. Upon the zoning administrator's determination that all requirements of the zoning ordinance are satisfied, that all conditions of the special use permit authorizing a farm worker housing, Class B, facility, are satisfied, and upon receipt of the approvals and documents required in section 5.1.44(hg)(2), the zoning administrator shall issue a zoning ~~compliance~~ clearance for the facility.
- ih. *Use of farm worker housing facility by workers and their families only.* A farm worker housing facility shall be occupied only by persons employed to work on the farm on which the structures are located for seasonal agriculture work and their immediate families as provided herein. For purposes of this section 5.1.44, the term "immediate families" means the natural or legally defined off-spring, grandchild, grandparent, or parent of the farm worker.
 - ji. *Use of farm worker housing facility when not occupied.* When not occupied by seasonal farm workers, farm worker housing facilities may be used for any use accessory to a primary agriculture use.

(Ord. 06-18(2), 12-13-06)

Article III. District Regulations

Sec. 10.5.2 Where permitted by special use permit

~~10.5.2.1~~ The board of supervisors may ~~authorize the issuance of~~ issue a special use permit for more lots than the total number permitted under sections 10.3.1 and ~~section~~ 10.3.2; provided that no such permit shall be issued for property within the boundaries for the watershed of any public ~~drinking water supply impoundment~~ water supply reservoir, and further provided that no such permit shall be issued to allow more development lots within a proposed rural preservation development than that permitted by right under section 10.3.3.3(b). (Added 11-8-89; Amended 5-5-04 effective 7-1-04)

The board of supervisors shall determine that such division is compatible with the neighborhood as set forth in section ~~31.2.4.1~~ 31.6.1 of this chapter, ~~with reference to~~ consideration of the goals and objectives of the comprehensive plan relating to rural areas including the type of division proposed and, specifically, ~~as to this section only,~~ with reference to consideration of the following: (Amended 11-8-89)

- 1. The size, shape, topography and existing vegetation of the property in relation to its suitability for agricultural or forestal production as evaluated by the United States Department of Agriculture ~~Soil~~ Natural Resources Conservation Service or the Virginia Department of Forestry.
- 2. The actual suitability of the soil for agricultural or forestal production as the same ~~shall be~~ is shown on the most recent published maps of the United States Department of Agriculture ~~Soil~~ Natural Resources Conservation Service or other source deemed of equivalent reliability by the ~~Soil~~ Natural Resources Conservation Service.

3. The historic commercial agricultural or forestal uses of the property since 1950, to the extent that is reasonably available.
4. If located in an agricultural or forestal area, the probable effect of the proposed development on the character of the area. For the purposes of this section, a property shall be deemed to be in an agricultural or forestal area if fifty (50) percent or more of the land within one (1) mile of the border of such property has been in commercial agricultural or forestal use within five (5) years of the date of the application for special use permit. In making this determination, mountain ridges, major streams and other physical barriers which detract from the cohesiveness of an area shall be considered.
5. The relationship of the property in regard to developed rural areas. For the purposes of this section, a property shall be deemed to be located in a developed rural area if fifty (50) percent or more of the land within one (1) mile of the boundary of such property was in parcels of record of five (5) acres or less on the adoption date of this ordinance. In making this determination, mountain ridges, major streams and other physical barriers which detract from the cohesiveness of an area shall be considered.
6. The relationship of the proposed development to existing and proposed population centers, services and employment centers. A property within areas described below shall be deemed in proximity to the area or use described:
 - a. Within one mile roadway distance of the urban area boundary as described in the comprehensive plan; (Amended 11-8-89)
 - b. Within one-half mile roadway distance of a community boundary as described in the comprehensive plan; (Amended 11-8-89)
 - c. Within one-half mile roadway distance of a village as described in the comprehensive plan. (Amended 11-8-89)
7. The probable effect of the proposed development on capital improvements programming in regard to increased provision of services.
8. The traffic generated from the proposed development would not, in the opinion of the Virginia Department of Transportation: (Amended 11-8-89)
 - a. Occasion the need for road improvement;
 - b. Cause a tolerable road to become a nontolerable road;
 - c. Increase traffic on an existing nontolerable road.
- ~~9. With respect to applications for special use permits for land lying wholly or partially within the boundaries for the watershed of any public drinking water impoundment, the following additional factors shall be considered:~~
 - ~~a. The amount and quality of existing vegetative cover as related to filtration of sediment, phosphorous, heavy metals, nitrogen and other substances determined harmful to water quality for human consumption;~~
 - ~~b. The extent to which existing vegetative cover would be removed or disturbed during the construction phase of any development;~~
 - ~~c. The amount of impervious cover which will exist after development;~~
 - ~~d. The proximity of any paved (pervious or impervious) area, structure, or drain field to any perennial or intermittent stream or impoundment; or during the construction phase, the proximity of any disturbed area to any such stream or impoundment;~~

- e. ~~The type and characteristics of soils including suitability for septic fields and erodability; [~~
- f. ~~The percentage and length of all slopes subject to disturbance during construction or upon which any structure, paved area (pervious or impervious) or active recreational area shall exist after development;~~
- g. ~~The estimated duration and timing of the construction phase of any proposed development and extent to which such duration and timing are unpredictable;~~
- h. ~~The degree to which original topography or vegetative cover have been altered in anticipation of filing for any permit hereunder;~~
- i. ~~The extent to which the standards of Chapter 17 et seq. of the Code of Albemarle can only be met through the creation of artificial devices, which devices will:~~
 - 1. ~~Require periodic inspection and/or maintenance;~~
 - 2. ~~Are susceptible to failure or overflow for run-off associated with any one hundred year or more intense storm.~~

(§ 20-10.5.2.1, 12-10-80; 11-8-89; §18-10.5.2.1, Ord. 98-A(1), 8-5-98; Ord. 04-18(1), 5-5-04 effective 7-1-04)

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Mr. Dumler	_____	_____
Ms. Mallek	_____	_____
Mr. Rooker	_____	_____
Mr. Snow	_____	_____
Mr. Thomas	_____	_____

**Attachment 4 –
STA-2012-00001 Water/Sewer – Recommended Revisions to Subdivision Ordinance**

ORDINANCE NO. 12-14()

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE I, GENERAL PROVISIONS, ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, AND ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 14, Subdivision of Land, Article I, General Provisions, Article III, Subdivision Plat Requirements and Documents to be Submitted, and Article IV, On-site Improvements and Design, of the Code of the County of Albemarle, Virginia, are hereby amended and reordained as follows:

By Amending:

Sec. 14-106 Definitions
Sec. 14-309 Soil evaluations

By Amending and Renaming:

Sec. 14-310 Health director approval of individual private wells and/or septic systems
Sec. 14-415 Central water supplies and sewerage systems
Sec. 14-416 Individual private wells and septic systems

Chapter 14. Subdivision of Land

Article I. General Provisions

Sec. 14-106 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

...

Alternative onsite sewage system. The term “alternative onsite sewage system” means a treatment works approved by the Virginia Department of Health that is not a conventional onsite sewage system and does not result in a point source discharge.

...

Conventional onsite sewage system. The term “conventional onsite sewage system” means a treatment works approved by the Virginia Department of Health consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

...

Onsite sewage system. The term “onsite sewage system” means a conventional onsite sewage system or an alternative onsite sewage system.

...

Subsurface drainfield. The term “subsurface drainfield” means a system installed within the soil and designed to accommodate treated sewage from a treatment works.

...

Treatment works. The term "treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

Article III. Subdivision Plat Requirements and Documents to be Submitted

Division 2. Documents and Information to be Submitted with Preliminary or Final Plat

Sec. 14-309 Soil evaluations.

The subdivider shall submit to the agent with each final plat the results of percolation tests or other methods of soil evaluation used to determine the suitability of the soil for ~~septic systems with conventional drain fields, if septic systems~~ subsurface drainfields, if conventional onsite sewage systems are proposed to be used in the development of the subdivision, and the results are requested by the agent. These results shall be forwarded by the agent to the health director.

(9-5-96, 8-28-74; 1988 Code, § 18-23; Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2241(3), 15.2-2262.

Sec. 14-310 Health director approval of individual private wells and/or ~~septic systems onsite sewage systems.~~

If required as a condition of final plat approval, a final plat shall not be approved if individual private wells are proposed for the subdivision until written approval has been received from the health director by the agent. A final plat shall not be approved if ~~septic systems~~ onsite sewage systems are proposed for the subdivision until written approval has been received from the health director by the agent, provided further that if the subdivision will be served by conventional onsite sewage systems as follows:

A. The health director shall determine the suitability of the soil of each lot of the subdivision for which ~~septic systems with a conventional drain field~~ conventional onsite sewage systems will be constructed, and shall submit his opinion to the agent.

B. The health director may require as a condition of his approval of the installation of ~~septic systems~~ conventional onsite sewage systems and, ~~whenever necessary for the satisfactory installation of the septic systems,~~ that individual lots be graded and drained so as to assure the effective removal of surface water from each lot.

C. Special lots shall not be subject to this section unless the special lot is created for a water supply or waste disposal purpose.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 11-14(1), 6-1-11)

State law reference--Va. Code §§ 15.2-2242(2), 15.2-2262.

Article IV. On-Site Improvements and Design

Division 3. Water, Sewers and Other Improvements

Sec. 14-415 Central water supplies and sewerage systems.

A subdivision for which public water and/or sanitary sewerage service is not reasonably available as provided in section 14-414, and which will have twenty-five (25) or more lots of two (2) acres or less,

may be served by a central water supply or central sewerage system, or both, if authorized by the board of supervisors under chapter 16 of the Code, as follows:

~~A. A subdivision whose net average lot size is less than forty thousand (40,000) square feet shall have both a central water system and a central sewerage system. A subdivision whose net average lot size is between forty thousand (40,000) square feet and sixty thousand (60,000) square feet, inclusive, shall have either a central water system or central sewerage system.~~

~~BA.~~ The design and construction of each central water system and central sewerage system required by this section shall be approved by the Virginia Department of Health, or its local office, the Virginia Department of Environmental Quality, and the board of supervisors. Each system shall complement or supplement existing or proposed county utilities to the extent that the agent finds existing public utilities to be inadequate.

~~CB.~~ Neither a central water system nor a central sewerage system shall be required: ~~(i) for a subdivision whose net average lot size is greater than sixty thousand (60,000) square feet; or (ii) if the subdivider establishes to the satisfaction of the county engineer that the soils and parent materials of all of the lots created for the purpose of transfer of ownership are such that waste disposal methods for the entire property are satisfactory to the health director, and that no well pollution can occur from the proposed lot configuration.~~

~~DC.~~ No final plat for a subdivision served by a central water system and/or a central sewerage system shall be approved until the requirements of Chapter 21 of Title 15.2 of the Code of Virginia have been satisfied.

(9-5-96, 8-28-74; 1988 Code, § 18-23; Ord. 98-A(1), 8-5-98, § 14-517; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2241(4).

Sec. 14-416 Individual private wells and ~~septic systems~~ onsite sewage systems.

A subdivision for which public water and/or public sewerage service is not reasonably available as provided in section 14-414, and for which a central water supply and/or a central sewerage system is not authorized under section 14-415, shall be served by individual private wells or ~~septic systems having conventional drainfields~~ onsite sewage systems, or both, and shall meet all requirements of the health department and be approved by the health director.

(§ 18-23 (part), 9-5-96, 8-28-74; § 18-27, 9-5-96, 8-28-74; 1988 Code, §§ 18-23, 18-27; Ord. 98-A(1), 8-5-98, § 14-518; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2241(3).

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Mr. Dumler	_____	_____
Ms. Mallek	_____	_____
Mr. Rooker	_____	_____
Mr. Snow	_____	_____
Mr. Thomas	_____	_____

**Attachment 5 –
CPA-2013-00001 Comprehensive Plan Revision
Planning Commission Comments
Work Session**

The Planning Commission held a work session to set general direction on the following issues:

- Industrial Land Inventory,
- Rural Interchanges,
- Locations for Industrial Uses, and
- Target Industries

Lee Catlin reminded the Commission that the information provided by staff on the interstate interchanges and potential uses at those interchanges was at the request of the Board of Supervisors.

Public comment was taken from the following persons:

- John Savage, CCAC member, read the CCAC petition or resolution of intent in opposition to the Crozet Interchange or any commercial development thereon. The CCAC asked that the Crozet Interchange be taken off the table since the Crozet Master Plan opposed any type of commercial or industrial rezoning at that interchange. It was suggested that staff look at the Greenwood Historic District map since the Crozet Interchange is included in that area and the area should be preserved.
- John Lowry, Chairman of Albemarle County Economic Development, suggested that the discussion is about using the interchanges to further economic growth and businesses in the county to provide jobs to the community. He urged the Commission to provide comments so the Interchange Policy can be rewritten for future business development to create jobs.
- John Chavan, a proponent for the interstate interchanges, particularly the Shadwell Interchange said he wants to provide mini warehouses that will provide jobs. He has a hotel as a neighbor and Route 250 at the Shadwell Interchange generates 30,000 to 50,000 cars per day. Mini warehouses would be a compatible use to that area.
- Mary Rice, resident of White Hall, opposed the Crozet Interchange. She suggested there should be criteria for granting a special use permit, which should answer what is “low”, “minimal”, “small scale” and “minimal impact.” There needs to be specificity.
- Jeff Werner, Piedmont Environmental Council, spoke against changing the interchange designations and said staff’s projections were hand grenade estimates.
- Alan Taylor, with Riverbend Management represented the Siegs, who own property at the Rt. 29 & I-64 Interchange. The Siegs do not wish a change in designation of their land at the interchange to allow industrial use since they want to develop it as a mixed use project. They intend to put together a Neighborhood Model plan which respects the environment, beauty of the area and topography of the area.
- Morgan Butler, Southern Environmental Law Center, spoke against the interchanges since there is a fair amount of vacant land available for industrial. There was no pressing need to go outside of development areas to look for industrial land. Not all industrial uses need industrially zoned land to locate.
- Mary Gallo, Vice Chair of CCAC and Crozet resident, spoke against changes to the Crozet interchange due to concerns from the residents and the schools. Trust would be broken with the county if Crozet Interchange was allowed.
- Neil Williamson, Free Enterprise Forum, said each interchange should be considered individually. He said it is important to keep in mind how jobs are impacted by land use decisions.

The Commission commented on the information provided as follows and asked staff to take these comments into consideration in the continuing work on the Comprehensive Plan.

Comments in general to be addressed after the Board has completed its work from the target industry study:

- Bring back actual acreage and location needs for targets
- If 3 acre parcels are still needed – how many do we have and where are they? Remove parcels of less than 3 acres from the inventory information.
- Bring back information on commercially zoned properties that can accommodate the targets
- Consider the transportation impacts of targets
- Retain the Boulders Road area near NGIC and the properties in Neighborhoods 4 & 5 near the Industrial Service designation as a possibility for future industrial designation if needed.
- Approach owners about consolidation of smaller parcels in designated areas, if there is a need to have larger parcels

Interstate Interchange Policy

- No changes are needed to the Interstate Interchange policy for Rural Areas, including the Crozet interchange which the Commission considered to have been previously decided during the Crozet Master Plan
- Bring back a recommendation for future land use on the south side of the Shadwell interchange including the north side of Rt. 250 to Hunter's Hall Industrial Park
- Benchmark projected needs over time. 20 years may be too far in the future to project employment needs – monitor inventory of land and assess needs every 5 years
- Add language to the text of the Land Use Plan for the urban interchanges, similar to what was done for the Fifth Street Avon project that would allow for industrial rezonings also

Rural Area Uses:

- The uses suggested by staff for rural interchanges would likely be appropriate in other places in the Rural Areas
- Bring back recommendation on size, scale, and constraints needed for the potential rural uses noted in the staff report as well as for mini-warehouses & contractors storage yards

No formal action was taken.

Staff will review the Commission's comments with the Board of Supervisors at the Board's April Comprehensive Plan update work session.