

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA 2012-12 Critical Slopes	AGENDA DATE: August 13, 2013
SUBJECT/PROPOSAL/REQUEST: Worksession on proposed amendments to the Critical Slopes regulations.	ACTION: INFORMATION: x
STAFF CONTACT(S): Mr. Fritz, Mr. Brooks, Mrs. Echols	CONSENT AGENDA: ACTION: INFORMATION:
PRESENTER (S): Mr. Fritz	ATTACHMENTS: Yes
LEGAL REVIEW: No	

BACKGROUND:

Critical slopes waivers have been a regular and frequent item considered by the Planning Commission and Board of Supervisors. The majority of those waivers are approved. In order to bring predictability to the development process and reduce review costs to both applicants and the County it is appropriate to evaluate critical slope regulations.

A resolution of intent to amend the critical slopes regulations was approved by Board of Supervisors on April 1, 2009. Staff began work on possible revisions, ultimately holding meetings with the public in December 2009, February 2010 and July 2013.

STRATEGIC PLAN:

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 during meetings with the public, reviewed the Comprehensive Plan and conducted research to determine best planning practices in other localities. Staff also utilized the experience gained by processing a large number of waivers to determine what is most important to the community. Based on the cumulative result of this research staff undertook to map all critical slopes (slopes of 25% or greater) in the Development Areas and categorize those slopes. It is important to point out that staff has only reviewed critical slopes in the Development Areas. Currently all slopes of 25% or greater are considered critical and no change in this designation is proposed. The staff proposal is to recognize that not all slopes of 25% or greater are equal in character.

Some areas should be "Preserved". In "Preserved" areas development would not be permitted with the exception of uses to allow reasonable use of the property and insure that a taking has not occurred. Other areas would be designated as "Managed". In "Managed" areas development would be permitted by right, provided that development standards are met. The designation of the two types of critical slope areas would be included in a new slopes overlay district in the Zoning Ordinance. The attached maps show those areas preliminarily designated as Preserved and Managed. Staff is still receiving comment on these maps and they will likely require some modification prior to any public hearing on the zoning text amendment. The topography used to develop the maps is from the County's topographic database, available on the County's Geographic Information GIS system. The topography is not field run.

Staff has used the GIS level of accuracy to develop the ordinance because it matches the current ordinance regulations. In both the Zoning and Subdivision Ordinances an applicant may use the County topography in the GIS system for the submittal and review of plans. This data is then used to determine if critical slopes are present on the property. In some cases field run topography may show differing areas of critical slopes. Staff experience has been that while differences in field run and County GIS data do occur these differences have been relatively small. Staff used the following criteria in preparing the maps:

The following factors tended to support designation of a slope as Preserved:

- 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.

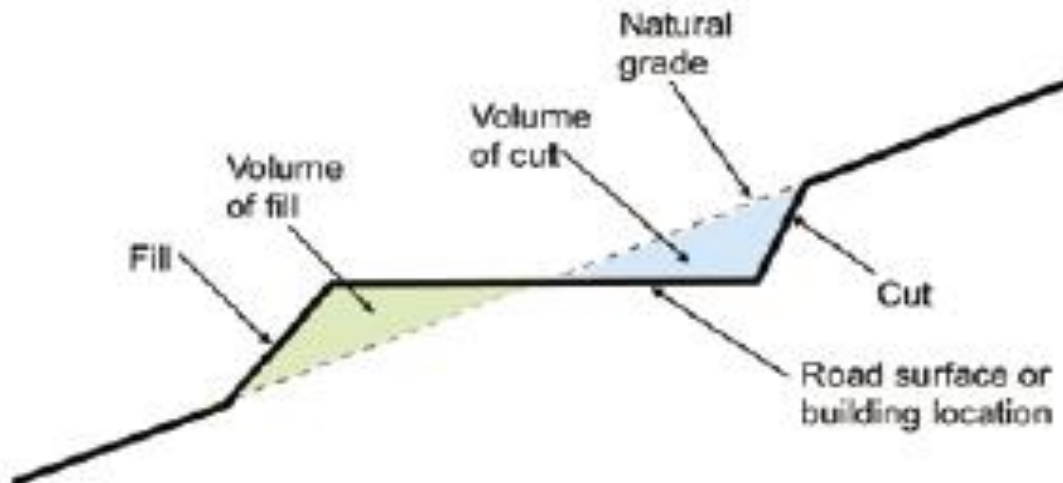
The following factors tended to support designation of a slope as Managed:

- 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.

The slopes shown on the attached maps do not expand or decrease the area of critical slopes regulated. All areas shown as either orange or green on the attached maps are existing critical slopes based on the County GIS. The green areas are proposed "Protected" slopes and the orange areas are proposed "Managed" slopes. No proposal is being made to expand or decrease the acreage of critical slopes regulated.

After mapping the critical slope resources of the development areas, staff considered what the typical impacts are to critical slopes. Slopes are cut and filled to achieve a level surface for roads, parking and buildings. Below are diagrams providing a basic example of what occurs during the development of critical slopes:

EXAMPLE of a CUT and FILL SLOPE



HOW LEVEL BUILDING SITES are CREATED on STEEP SLOPES



As can be seen from the above diagrams the creation of a flat area can result in the creation of slopes steeper than previously existed.

Based on staff research and the comments made at the meetings with the public, staff opinion is that the resulting character of development on critical slopes is important to the community and consistent with best planning practices.

FILL SLOPES BLENDED WITH NATURAL STEEP HILLSIDE

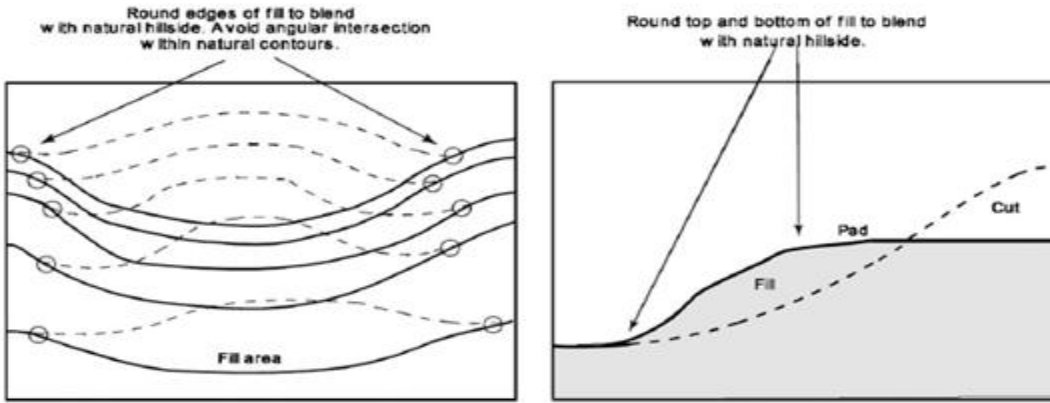
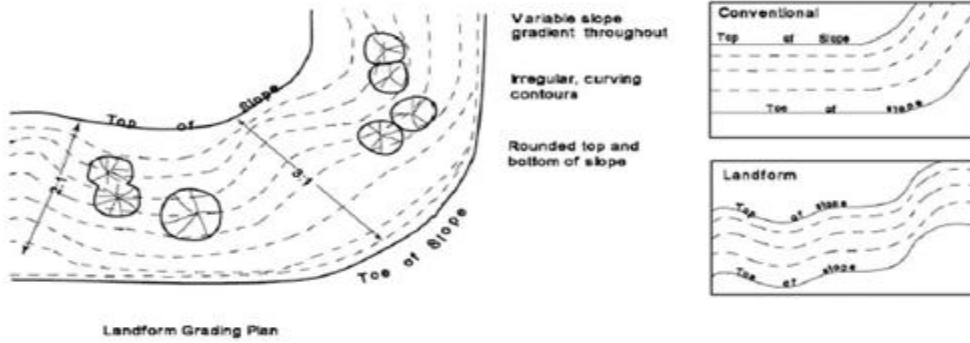
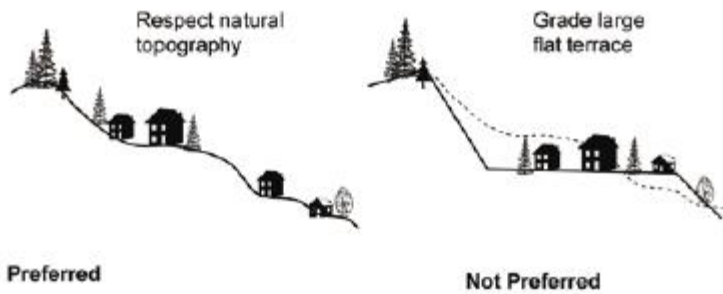
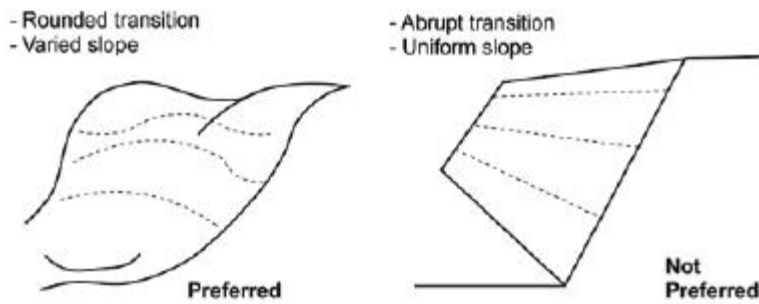
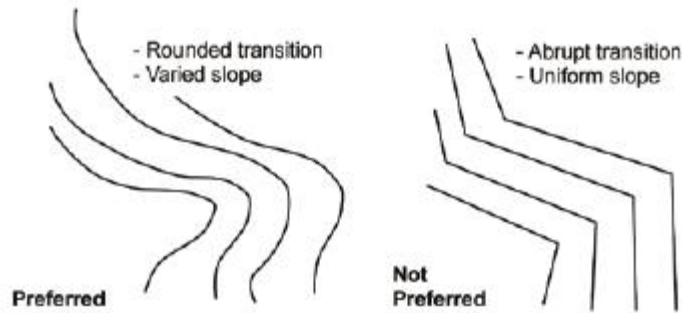


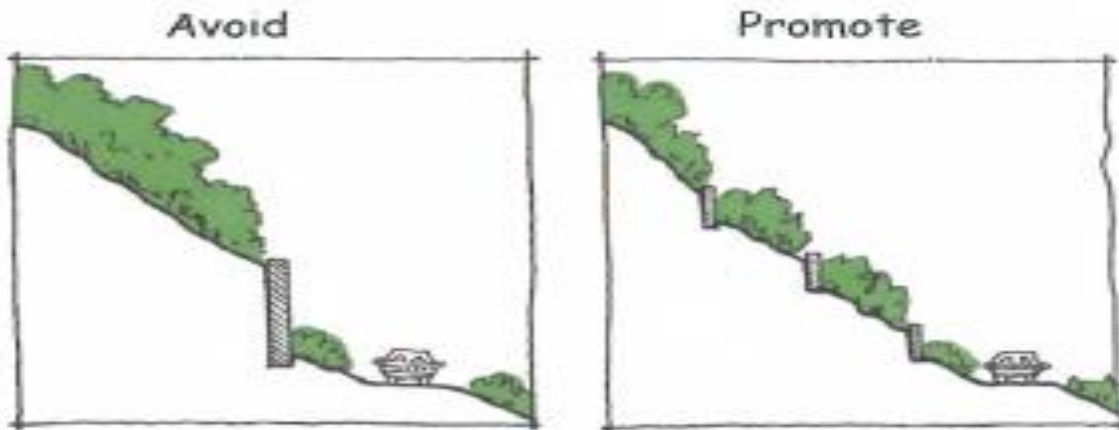
DIAGRAM II-2: LANDFORM GRADED SLOPES



EXAMPLES OF PREFERRED/NOT PREFERRED GRADING TECHNIQUES



EXAMPLES OF RETAINING WALL DESIGNS TO AVOID AND PROMOTE



To achieve the desired grading character the use of development standards should be implemented. By using development standards the disturbance of “Managed” critical slopes can be processed administratively. Developers will know what standards to use and can incorporate those standards into their designing and planning processes at the beginning of the project layout. Neither the developer nor the citizens of the County will have to wonder if the development of a certain area will be permitted or what it will look like. Some areas will not be permitted to be developed while others may be developed with known standards. Staff researched the practices of other localities in an effort to develop standards appropriate for Albemarle County. The attached draft zoning ordinance language is intended to incorporate the best standards of other communities and the desires expressed by the public during public meetings.

It is recognized that certain activities should be permitted in “Protected” areas. These activities potentially include:

- Road Construction.
- Sanitary Water and Sanitary Sewer facilities.
- Stormwater facilities.
- Public Utilities.
- Public and Private recreation, such as trails.
- Accessory uses on previously developed residential lots such as, gardens, sheds, driveways, decks and patios.
- Expansion of an existing structure.
- The establishment of the first dwelling on previously approved residential lots.

These are examples of the general types of activities that may be permitted in “Protected” areas. Some of these uses are included in the proposed ordinance as “by-right” with standards for determining when the use will be permitted and some are included as uses by special use permit.

BUDGET IMPACT:

The establishment of development standards will allow for a more efficient review of projects ultimately reducing staff and Board workload required to review waiver requests. This should have an estimated positive budget impact of between \$25,000 and \$50,000 a year.

RECOMMENDATIONS:

Staff recommends that the Planning Commission review the proposed amendment and provide staff with direction on possible revisions prior to scheduling a public hearing.

ATTACHMENTS:

- Attachment A – [Crozet Slope Maps](#)
- Attachment B – [Neighborhoods 1 and 2 Slope Maps](#)
- Attachment C – [Pantops \(Neighborhood 3\) Slope Maps](#)
- Attachment D – [Neighborhoods 4-7 Slope Maps](#)
- Attachment E – [Hollymead Slope Maps](#)
- Attachment F – [Piney Mountain Slope Maps](#)
- Attachment G – [Rivanna Slope Maps](#)
- Attachment H – [Proposed Ordinance](#)