



**County of Albemarle  
Department of Community Development**

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**Memorandum**

**To:** Cameron Langille, Community Development Planning and Zoning Review  
**From:** Frank Pohl, PE, County Engineer, Community Development Engineering Review  
**Date:** November 22, 2021  
**Subject:** SE2021-00036 – S.L. Williamson Replacement Asphalt Plant  
Critical Slopes Waiver Review

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The applicant's critical slope waiver received September 7, 2021 has been reviewed. The engineering analysis of the request follows:

**Description of critical slope area and proposed disturbance:**

The critical slope disturbance is located at the existing S.L. Williamson asphalt plant at 2617 Red Hill Road. This plant has been in operation since 1969 and the subject slopes are manmade and created from

The critical slope to be impacted is manmade as the result of dumping overburden material within the quarry. Disturbance of roughly 1,200 sf is proposed to allow the owner to replace the existing asphalt plant.

| Areas                           | Acres or square feet |
|---------------------------------|----------------------|
| Lease Area                      | 4.4 acres            |
| Critical slopes to be disturbed | 1,200 sf             |

**Exemptions to critical slopes waivers for driveways, roads and utilities without reasonable alternative locations:** The proposed disturbance is not a listed exemption and therefore a waiver is required.

**Compliance with Zoning Ordinance 18-4.2.5(a)(1):**

“rapid and/or large-scale movement of soil and rock”

Staff generally agrees with the applicant's statement that this proposal will not cause or result in rapid and/or large-scale movement of soil and rock.

“excessive stormwater run-off”

This proposal does not change the existing land cover and therefore excessive stormwater run-off is not anticipated to occur.

“siltation of natural and man-made bodies of water”

The area of proposed disturbance is of approximately 1,200 sf is considered as a small disturbance and can safely be protected during construction. The total land disturbance for the site will exceed 10,000 sf and erosion and sediment control measures will be installed to protect the adjacent stream.

“loss of aesthetic resources”

The critical slopes are located within the lease limits of the asphalt plant and are the result of overburden from the rock quarry. These slopes are not considered an aesthetic resource.

“in the event of septic system failure, a greater travel distance of septic effluent”

This site does not include a septic system.

The following are additional factors to be considered by the commission for this application (§18-4.2.5(a)(3)):

The commission may grant a modification or waiver if it finds that the modification or waiver:

- 1) would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties;

**Staff does not find the waiver would be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties.**

- 2) would not be contrary to sound engineering practices; and

**Staff does not find this request to be contrary to sound engineering practices.**

- 3) at least one of the following:

- 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;

**Staff supports this finding. The new asphalt plant should result in less air and noise pollution considering the existing plant is over 50-yrs old and the new technologies available today. Additionally, an existing stockpile and two settling basins within the lease area encroach within the minimum 50-ft stream buffer. This proposal will restore the minimum 50-ft stream buffer and mitigation will be provided to offset the impacts to the outer 50-ft of the buffer, which will improve stream health.**

- b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of [section 4.2](#) to at least an equivalent degree;

**Staff supports this finding. The location of the asphalt plant is restricted within the lease area, which is bound on the west by a stream and the east by the rock quarry. The application proposes to replace the plant with a newer plant within approximately the same location as the existing plant. Alternative locations were not provided but would potentially result in greater impacts to critical slopes or the stream buffer if the alternate location were restricted to the lease area.**

- 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

**Staff supports this finding. Staff believes prohibiting the disturbance of critical slopes would prohibit or unreasonably restrict the owner from**

**replacing the existing asphalt plant. Furthermore, the applicant proposes to extend the onsite retaining wall to stabilize the slope long-term.**

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

**Staff is unable to support this finding. If strict application of the regulations resulted in the asphalt plant needing to be decommissioned, the owner could potentially find another site to serve its clients.**

Based on the review above, engineering staff recommends approval of the Critical Slopes waiver request as submitted.