

Attachment D - Staff Analysis

STAFF PERSON:	Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS:	May 18, 2022
PROJECT:	ACSA202200001
PROPERTY OWNER:	Peter Pitsiokos
LOCATION:	531 James River Road, Scottsville
TAX MAP/PARCEL:	13600-00-00-02700
MAGISTERIAL DISTRICT:	Scottsville

APPLICANT'S PROPOSAL:

Application to amend the Albemarle County Service Authority Jurisdictional Area (ACSAJA) to authorize water service to an existing structure that contains a barn on the first level and an apartment on the second level ("barn/apartment").

CHARACTER OF THE AREA:

The subject parcel is zoned Rural Areas (RA), contains 68.58 acres, and includes a barn/apartment structure and a cottage, along with a sheep farm. The applicant owns and resides on the adjoining parcel to the south, 9067 Valmont Lane, which contains 24.40 acres, and is currently served by public water. Floodplain is located along the eastern portion of the parcel that abuts the James River. The barn/apartment is located within an identified buffer area for a leaking underground storage tank that is approximately 1,000 feet away from the structure.

Surrounding parcels to the south and west are zoned RA, and are consist of a mix of residential, agricultural, and wooded properties. To the east, the parcel abuts the James River, with Buckingham County across the river. To the north are other RA parcels and the Town of Scottsville, including a property used for industrial purposes.

ZONING AND PLANNING HISTORY:

The ACSAJA designation of "*water service to existing structures*" was established for Parcel ID 13600-00-00-02700 in 1983. Though that parcel has been subdivided, at the time of this designation, existing structures included six houses, a hay barn, two storage buildings, shed, a cattle barn with equipment storage, four harvest storage buildings, a slurry storage building, a feed building, a calf barn, a milking parlor, a gathering shed, and two loafing sheds. However, these structures either no longer still exist, or are now located on adjacent parcels.

The subject barn/apartment was constructed sometime between 2014 and 2017. A permit was issued in 2014 for the barn, classified as a farm building permit. Upon site inspection in 2017, a compliance issue was discovered, as the structure included an unpermitted apartment. To address the issue, the building permit was amended to a single-family dwelling. Following the permit amendment, the applicant did not complete all required inspections, the permit expired, and the structure never received a certificate of occupancy. Furthermore, the owner connected the barn/apartment structure to the existing water line that runs along James River Road.

In 2021, during the County's proactive efforts to bring homestays into compliance, the County discovered not only the barn/apartment listed for homestay rental, but another rental structure on the parcel. That structure, referred to as the cottage, was added to the parcel without a building permit, inspections, or a certificate of occupancy. The cottage structure is served by a well. Upon this discovery, the Building Official visited the parcel to ensure the structures were

vacated of any occupants, then posted against future occupancy. Along with these compliance issues, staff discovered the water line connection, a farm building constructed without a farm building permit, and additions to the applicant's home at 9067 Valmont Lane constructed without building permits.

Since that time, the applicant has been advised of all necessary steps and options to bring the parcel and structures into compliance. Applications for building permits for all structures without a building permit, or additions to other structures, have been submitted. With the building permit application for the barn/apartment, the owner applied to amend the ACSAJA boundary to allow the water service to continue to the structure.

This application has been reviewed the Albemarle County Service Authority (ACSA) If approved, the applicant would need to pay all necessary tap fees, and undergo proper permitting and inspections for the waterline. Also, because the existing meter was used for the additional non-compliant line that serves the barn/apartment, the applicant is being billed by ACSA for the water usage.

COMPREHENSIVE PLAN:

The Community Facilities chapter of the Comprehensive Plan addresses where public water and sewer service is to be provided:

Objective 9: Provide public water and sewer in the Development Areas. Water and sewer services are essential for the County to achieve its growth management goals. Having adequate facilities in the Urban Service Area is also very important if the densities recommended in the Land Use Plan are to be realized. Available water supply and wastewater treatment capacities can limit the ultimate number of connections that can be made to either system. The strategic location and sizing of necessary water storage facilities, water distribution, and wastewater collection lines are more important to the effective use of these capacities for future growth. Providing water with adequate pressure to support necessary fire flows is equally important. Coordination of utilities and land use planning also requires the provision of utilities where they are needed. . . .

Strategy 9a: Continue to provide public water and sewer in jurisdictional areas.

Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries.

Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code §15.2-5111.

The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. **Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger.**

STAFF ANALYSIS

Staff has analyzed the application based on the criteria in Strategy 9a of the Community Facilities chapter of the Comprehensive Plan:

1. Whether the area to be included is adjacent to existing lines

The parcel is adjacent to an existing waterline that serves adjoining parcels. No structures on this parcel were connected to public water until the owner established the unauthorized connection. ACSA water is being consumed in the apartment and to provide water to farm animals on the parcel. If the ACSAJA were amended to allow water service to continue, the applicant would need to pay for tap fees and proper permitting and inspections and to comply with all Building Code requirements. If the ACSAJA amendment is not approved, the applicant would need to comply with ACSA and the Building Code to remove the connection.

2. Whether public health and/or safety is in danger

While the parcel is within a Leaking Underground Storage Tank buffer area, no documentation of contamination has been provided. The parcel has a well that was approved by the health department and serves the existing cottage outside the buffer area. Albemarle County Code § 5-504 does not prohibit wells within the buffer area but additional water testing is required before a building permit can be issued. There appear to be viable options for water service available on the parcel other than connecting to public water. Only in documented cases of a public health or safety issue has the ACSAJA been amended to allow water service outside the Development Areas.

Strategy 9a addresses the fact that public water and sewer systems are a potential catalyst for growth, and that capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception, as the further extension of lines into the Rural Area could strain limited water resources and capacity. Though this parcel is adjacent to lines and already has an unauthorized connection, there is no documented health or safety issue.

RECOMMENDED ACTION:

Based on the staff analysis, staff recommends denial of the proposed amendment to the ACSAJA.

Suggested Motion: I move to adopt the attached resolution to deny ACSA202200001 the for the reasons outlined in the staff report.