

May 13, 2021

County of Albemarle  
Community Development  
Attn: Rebecca Ragsdale  
401 McIntire Road  
Charlottesville, VA 22902

RE: Revised Materials Associated with the Application for Special Exception to Disturb Critical Slopes, Section 4.2.5  
Site Name: VPM – Carters Mountain  
1940 Carters Mountain Trail  
Parcel ID: 09100-00-00-018A0  
Existing Case #: SP-88-14

Dear Ms. Ragsdale,

Please find, enclosed, the following revised materials based on the County comments received as part of the Application for Special Exception to disturb critical slopes as part of the process to replace an existing 267' guyed tower with a proposed 260' self-support tower filed on behalf of the applicant, VPM Media Corporation.

I have included the following materials as part of the Application for Special Exception:

- Revised Narrative and Critical Slopes Waiver; and
- Revised Drawings (Electronic).

Thank you in advance for your consideration of this application and please do not hesitate to contact me at (804) 475-8144 or [rfletcher@nbcllc.com](mailto:rfletcher@nbcllc.com) to further discuss any of the building permit application submittal materials. Thank you.

Sincerely,

*Ryan Fletcher*

Ryan Fletcher, Land Use Specialist  
Network Building + Consulting, LLC  
On Behalf of VPM Media Corporation  
120 Eastshore Drive, Suite 300  
Glen Allen, VA 23059

**VPM Media Corporation**  
**SPECIAL EXCEPTION – APPLICANT NARRATIVE AND CRITICAL SLOPES WAIVER**

The subject property identified as Parcel ID: 09100-00-00-018A0 is located off of Carter's Mountain Trail within Albemarle County. It is zoned RA, Rural Areas and a portion of the property is currently occupied by an existing guyed tower and equipment associated with Albemarle County Case # SP-88-14. As part of the initial installation of the guyed tower there was clearing for the installation of the tower, access and required equipment. The land is otherwise vacant and wooded. The proposed self-support tower will utilize the existing open area and will only require a minimal amount of new tree removal associated with the installation of the stabilization measures to include the proposed gambian basket retaining wall and rip-rap slope enforcement.

Site Information and Proposed Disturbance:

Parcel Area: 1,466,230 square feet (33.66 acres)  
Critical Slopes Located Onsite: 1,296,230 square feet (29.76 acres)

Proposed Land Disturbance: 8,550 square feet (0.2 acres)  
Proposed Critical Slopes Disturbance: 8,550 square feet (0.2 acres)

It is important to note, that the critical slopes that are proposed to be disturbed have previously been cleared, graded and stabilized because of the initial installation of the guyed tower, access and required equipment back in the 1980's. During the new disturbance associated with the proposed self-support tower in these areas of critical slopes we will utilize the appropriate measures such as silt fence in accordance with the Virginia Erosion and Sediment Control Handbook. Additionally, we will improve the stability onsite by installing rip-rap slope reinforcement as well as the gambian basket retaining wall as part of the process.

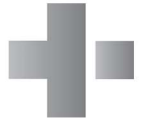
**Sec. 4.2.5 - Modification or waiver.**

Any requirement of [section 4.2.1](#), [4.2.2](#), [4.2.3](#) or [4.2.4](#) may be modified or waived as provided herein:

a. *Modification or waiver by the commission.* The commission may modify or waive any requirement that is not subject to an administrative waiver as provided in subsection (b), as follows:

1. *Request.* A developer or subdivider requesting a modification or waiver shall file a written request in accordance with section 32.3.10(d) of this chapter and identify and state how the request would satisfy one or more of the findings set forth in subsection 4.2.5(a)(3). If the request pertains to a modification or waiver of the prohibition of disturbing slopes of 25 percent or greater (hereinafter, "critical slopes"), the request also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the 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 resources, and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the "public health, safety, and welfare factors") that might otherwise result from the disturbance of critical slopes.

***A Special Exception is being requested per Section 4.2.5a to grade and disturb within critical slopes on behalf of the applicant VPM Media Corporation as they need to replace an existing 267' guyed tower based on its condition. As part of the replacement process the proposed 260' self-support tower must be shifted approximately 59' to the East of the existing guyed tower to accommodate for the new installation. The area in which we're impacting with the proposed***



*tower has been previously disturbed and currently has some ground cover as well as an existing retaining wall. As part of the scope of this project we will be proposing additional rip-rap slope reinforcement as well as a proposed gambian basket retaining wall on the downslope side of the proposed site. Based on the scope of the work we will be improving the overall site condition and further stabilizing the existing slopes with good management practices. Additionally, regarding the existing conditions of this site we believe that we will not be causing any additional concerns regarding the movement/erosion of soil and rock, but instead be providing an improved condition of stabilization through the installation of the rip-rap slope reinforcement and the gambian basket retaining wall.*

2. *Consideration of recommendation; determination by county engineer.* In reviewing a request for a modification or waiver, the commission shall consider the recommendation of the agent as to whether any of the findings set forth in subsection 4.2.5(a)(3) can be made by the commission. If the request pertains to a modification or waiver of the prohibition of disturbing critical slopes, the commission shall consider the determination by the county engineer as to whether the developer or subdivider will address each of the public health, safety and welfare factors so that the disturbance of the critical slopes will not pose a threat to the public drinking water supplies and flood plain areas, and that soil erosion, sedimentation, water pollution and septic disposal issues will be mitigated to the satisfaction of the county engineer. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution that might result from the disturbance of slopes of 25 percent or greater in accordance with the current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17 , Water Protection, of the Code.

*Understood, we do not believe the disturbance will pose a threat to the public drinking water supplies, flood plain areas, lead to soil erosion, sedimentation, water pollution and septic disposal issues. Instead, we believe the additional/proposed rip-rap slope reinforcement as well as the gambian basket retaining wall will further stabilize the site.*

3. *Findings.* The commission may grant a modification or waiver if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and 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;

*The disturbance of critical slopes for this site is minimal and will not adversely impact the public health, safety or welfare.*

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

*A replacement structure is needed at this site. The proposed structure has been sited and placed in a way to minimize impacts and to also utilize the existing conditions of the site. Additionally, by adding the installation of the rip-rap slope reinforcement and the gambian basket retaining wall the site will be improved and further stabilized.*

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

***Prohibiting the disturbance of critical slopes for the proposed replacement structure would greatly impact VPM Media Corporation's ability to serve the public.***

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.

***Granting the modification or waiver would allow VPM Media Corporation to move forward with the much needed replacement of an existing structure that currently serves the public. The proposed structure will ensure that the VPM Media Corporation can continue to serve the public.***

In conclusion as highlighted and detailed above, granting a waiver to disturb the critical slopes is not detrimental to the public health, safety and welfare or a detriment to the environment. The critical slopes in discussion were previously graded and stabilized as part of the initial installation associated with original guyed tower in the 1980's. The proposed plans will provide additional stabilization to this already developed portion of the parcel and will have no adverse impacts to this parcel or surrounding properties. By granting the critical slopes waiver it would allow for this existing guyed tower to be replaced with the self-support tower allowing for the coverage to continue to this area. We thank you for your consideration of our request.